



Senate Bill 306

Chesapeake and Atlantic Coastal Bays Critical Area Protection Program - Climate, Equity, and Administrative Provisions

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Education, Energy, and Environment
Committee

Date: January 31, 2024

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS SB 306 WITH AMENDMENTS**. This bill modernizes several aspects of the Critical Area Commission (CAC), bringing it in line with current understandings of best practices, science, climate change, and sea level rise.

Counties remain supportive stakeholders in the broad goal of ensuring that the Chesapeake Bay, a central source of Maryland's economic vitality, remains a healthy and adaptable ecosystem. Since its creation in 1984, the CAC has sought to improve the Bay by providing significant oversight over development of land within 1000 feet of its tidal influence. Development within this 1000-foot area has long been understood to have a sizeable impact on the overall health and welfare of the Bay.

Counties would like to recognize the leadership of the CAC for their strong efforts in coordinating with local jurisdictions to answer questions about this legislation and to find common ground where there may be concerns. MACo offers the following amendments, which seek to add clarity and preserve local flexibility:

- 8-1801.1(E)
 - Add clarifying language regarding how ADUs shall be measured. The current language can be interpreted as ambiguous.
- 8-1808 (3)
 - Insert (III) THE COMMISSION MAY OFFER AN EXTENSION ON THE MAY 1 DEADLINE AT THE DISCRETION OF THE CHAIR.
- 8-1809
 - Strike (H) and replace with, "ON REQUEST OF A LOCAL JURISDICTION, THE COMMISSION SHALL EXTEND THE DEADLINE UNDER

SUBSECTION (G) OF THIS SECTION FOR THAT LOCAL JURISDICTION BY 12 MONTHS.”

- Strike (I)

- 8-1810
 - In (1), strike 1 YEAR and replace with 2 YEARS;
 - In (2), strike all and replace with, AFTER THE EXTENSION GRANTED IN (1) COMMISSION MAY UPDATE A LOCAL PROGRAM.
 - Add “(2)(A) THE COMMISSION SHALL MAKE A GOOD FAITH EFFORT TO NOTIFY A COUNTY THAT ITS LOCAL PROGRAM NEEDS TO BE UPDATED. THE COMMISSION SHALL NOT TAKE ACTION TO UPDATE A LOCAL PROGRAM UNLESS THEY HAVE AT LEAST 4 DOCUMENTED ATTEMPTS AT NOTIFICATION OVER A PERIOD OF 3 YEARS.”

Counties support the intent of SB 306 and ask for the above amendments, which seek to provide clarity and preserve flexibility. MACo urges the Committee to give SB 306 a report of **FAVORABLE WITH AMENDMENTS**.