

[(3)](V) Except as provided in [paragraph (5)] ITEM (VII) of this [subsection] PARAGRAPH, no more than one-half of the expansion allocated in the criteria of the Commission may be located in resource conservation areas;

[(4)](VI) New intensely developed or limited development areas to be located in the resource conservation area shall conform to all criteria of the Commission [for intensely developed or limited development areas] and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with § 8-1809(g) of this subtitle; and

[(5)](VII) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in [paragraphs (1) and (2)] ~~THIS PARAGRAPH OR PARAGRAPH (1) OF THIS SUBSECTION~~ ITEMS (I) AND (II) OF THIS PARAGRAPH within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in [paragraph (3) of this subsection] ~~ITEM (VI)~~ (V) OF THIS PARAGRAPH. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.

(2) THE COMMISSION SHALL ENSURE THAT THE GUIDELINES IN PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN APPLIED IN A MANNER THAT IS CONSISTENT WITH THE PURPOSES, POLICIES, GOALS, AND PROVISIONS OF THIS SUBTITLE, AND ALL CRITERIA OF THE COMMISSION.

8-1809.

(o) (1) For proposed program amendments, a Commission panel shall hold a public hearing in the local jurisdiction, and the Commission shall act on the proposed program amendment within 90 days of the Commission's acceptance of the proposal. If action by the Commission is not taken within 90 days, the proposed program amendment is deemed approved.

(2) THE COMMISSION SHALL DETERMINE IF THE PROPOSED AMENDMENT IS CONSISTENT WITH THE COMMISSION'S PURPOSE PURPOSES, POLICIES, GOALS, ALL CRITERIA, AND AND THE PROVISIONS OF THIS SUBTITLE, AND ALL CRITERIA OF THE COMMISSION.

(3) IN ACCORDANCE WITH THE COMMISSION'S DETERMINATION IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION SHALL:

(I) APPROVE THE PROPOSED PROGRAM AMENDMENT AND NOTIFY THE LOCAL JURISDICTION;

(II) DENY THE PROPOSED PROGRAM AMENDMENT;

(III) APPROVE THE PROPOSED PROGRAM AMENDMENT SUBJECT TO ONE OR MORE CONDITIONS; OR