

(ii) A portion of urban area to be excluded shall be at least 50% developed and may not be less than 2,640,000 square feet in contiguous area or the entire initial planning area located within the boundaries of a municipality, whichever is less.

(2) A local jurisdiction shall include in any program submitted to the Commission under § 8-1809 of this subtitle a designation of those portions of the Chesapeake Bay Critical Area OR ATLANTIC COASTAL BAYS CRITICAL AREA proposed for exclusion under paragraph (1) of this subsection, together with all factual information and expert opinion supporting its findings under this subsection.

(3) The Commission shall approve a local jurisdiction's designation of portions to be excluded unless the Commission finds, based on stated reasons, that the decision of the local jurisdiction was:

- (i) Not supported by competent and material evidence; or
- (ii) Arbitrary or capricious.

(4) If the Commission develops the program to be applied in a local jurisdiction, the Commission shall exclude areas as appropriate to meet the intent of paragraph (1) of this subsection.

[(c)] (D) The Chesapeake Bay Critical Area shall consist of:

(1) Those areas designated in subsection (a) of this section, except any areas excluded in accordance with subsection [(b)] (C) of this section; and

(2) Additional areas proposed for inclusion by local jurisdictions and approved by the Commission.

(E) THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL CONSIST OF:

(1) THOSE AREAS DESIGNATED IN SUBSECTION (B) OF THIS SECTION, EXCEPT ANY AREAS EXCLUDED IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION; AND

(2) ADDITIONAL AREAS PROPOSED FOR INCLUSION BY LOCAL JURISDICTIONS AND APPROVED BY THE COMMISSION.

8-1808.

(a) (1) It is the intent of this subtitle that each local jurisdiction shall have primary responsibility for developing and implementing a program, subject to review and approval by the Commission.

(2) (I) The Governor shall include in the budget a sum of money to be used for grants to reimburse local jurisdictions for the reasonable costs of developing a program under this section.

(II) Each local jurisdiction shall submit to the Governor by October 31, 1984 a detailed request for funds that are equivalent to the additional costs incurred in developing the program under this section.