

(4) Water quality impacts associated with runoff from the new impervious surfaces can be and have been minimized through site design considerations or use of best management practices approved by the local jurisdiction to improve water quality; and

(5) The property owner performs on-site mitigation as required by the local jurisdiction to offset potential adverse water quality impacts from the new impervious surfaces, or the property owner pays a fee to the local jurisdiction in lieu of performing the on-site mitigation.

(g) All fees collected by a local jurisdiction under subsection (f)(5) of this section must be used to fund projects that improve water quality within the critical area consistent with the jurisdiction's local Critical Area Protection Program.

(h) A local jurisdiction may grant a variance from the provisions of this section in accordance with regulations adopted by the Commission concerning variances as part of local program development set forth in COMAR 27.01.11 and notification of project applications set forth in COMAR 27.03.01.

8-1808.8.

~~(A) EACH LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL INCLUDE THE FOLLOWING ELEMENTS IN THE JURISDICTION'S LOCAL CRITICAL AREA PROTECTION PROGRAM:~~

~~(1) A PROVISION REQUIRING THE USE OF BIORETENTION AND OTHER NONSTRUCTURAL STORMWATER BEST MANAGEMENT PRACTICES FOR REDEVELOPMENT IN INTENSELY DEVELOPED AREAS WHERE THE COST OF REDEVELOPMENT EXCEEDS 50% OF THE ASSESSED VALUE OF THE PROPERTY, UNLESS THE APPLICANT FOR PROJECT APPROVAL DEMONSTRATES THAT USE OF SUCH MEASURES IS NOT FEASIBLE;~~

~~(1) AS PART OF COMPLIANCE WITH THE STORMWATER MANAGEMENT REQUIREMENTS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS AND TITLE 4, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE, A PROVISION ENCOURAGING THE USE OF BIORETENTION FOR REDEVELOPMENT IN INTENSELY DEVELOPED AREAS;~~

~~(2) A PROVISION REQUIRING AN APPLICANT FOR PROJECT APPROVAL WHO IS NOT SUBJECT TO THE PROVISIONS OF ITEM (1) OF THIS SUBSECTION OR WHO DEMONSTRATES THAT USE OF THE MEASURES SPECIFIED IN ITEM (1) OF THIS SECTION ARE NOT FEASIBLE SHALL COMPLY WITH THE STORMWATER MANAGEMENT PROVISIONS OF TITLE 27 OF THE CODE OF MARYLAND REGULATIONS AND TITLE 4, SUBTITLE 2 OF THE ENVIRONMENT ARTICLE;~~

~~(3) (2) (A) EXCEPT AS PROVIDED IN SUBSECTION (B)(2) OF THIS SECTION, EACH LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA SHALL INCLUDE IN ITS LOCAL CRITICAL AREA PROTECTION PROGRAM PROVISIONS REQUIRING PROPOSED DEVELOPMENT SITES IN INTENSELY DEVELOPED AREAS TO PROVIDE A FOREST OR DEVELOPED WOODLAND COVER OF AT~~