

(V) IF THE LOCAL JURISDICTION FINDS THAT THE ACTIVITY OR STRUCTURE FOR WHICH A VARIANCE IS REQUESTED COMMENCED WITHOUT PERMITS OR APPROVALS AND:

1. DOES NOT MEET EACH OF THE VARIANCE CRITERIA UNDER THIS SUBSECTION, THE LOCAL JURISDICTION SHALL DENY THE REQUESTED VARIANCE AND ORDER REMOVAL OR RELOCATION OF ANY STRUCTURE AND RESTORATION OF THE AFFECTED RESOURCES; OR

2. DOES MEET EACH OF THE VARIANCE CRITERIA UNDER THIS SUBSECTION, THE LOCAL JURISDICTION MAY GRANT ~~PROPOSED~~ APPROVAL TO THE REQUESTED VARIANCE.

~~(VI) 1. WITHIN 10 WORKING DAYS AFTER ISSUANCE OF A PROPOSED APPROVAL OF A VARIANCE UNDER SUBPARAGRAPH (V)2 OF THIS PARAGRAPH, THE LOCAL JURISDICTION SHALL SUBMIT THE PROPOSED APPROVAL TO THE COMMISSION FOR THE COMMISSION'S REVIEW AND FINAL APPROVAL.~~

~~2. THE COMMISSION SHALL REVIEW AND ISSUE A FINAL DECISION ON A PROPOSED LOCAL APPROVAL IN ACCORDANCE WITH PROCEDURES ESTABLISHED IN REGULATIONS ADOPTED BY THE COMMISSION.~~

[(5)] (7) This subsection does not apply to building permits or activities that comply with a buffer exemption plan or buffer management plan of a local jurisdiction which has been approved by the Commission.

[(6)] (8) Notwithstanding any provision of a local law or ordinance, or the lack of a provision in a local law or ordinance, all of the provisions of this subsection shall apply to, and shall be applied by, a local jurisdiction in the consideration, processing, and decision on an application for a variance.

(e) (1) The Commission shall adopt by regulation on or before December 1, 1985 criteria for program development and approval, which are necessary or appropriate to achieve the standards stated in subsection (b) of this section. Prior to developing its criteria and also prior to adopting its criteria, the Commission shall hold at least 6 regional public hearings, 1 in each of the following areas:

- (i) Harford, Cecil, and Kent counties;
- (ii) Queen Anne's, Talbot, and Caroline counties;
- (iii) Dorchester, Somerset, and Wicomico counties;