

(4) 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) 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) of this subsection 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. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.

~~(D) (1) THE GROWTH ALLOCATION FOR A LOCAL JURISDICTION BASED ON 5% OF THE TOTAL RESOURCE CONSERVATION AREA IN THE CHESAPEAKE BAY CRITICAL AREA IN A LOCAL JURISDICTION IN THE CHESAPEAKE BAY CRITICAL AREA UNDER SUBSECTION (C)(5) OF THIS SECTION SHALL BE UTILIZED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.~~

~~(2) THE GROWTH ALLOCATION FOR A LOCAL JURISDICTION BASED ON 5% OF THE TOTAL RESOURCE CONSERVATION AREA IN THE ATLANTIC COASTAL BAYS CRITICAL AREA IN A LOCAL JURISDICTION IN THE ATLANTIC COASTAL BAYS CRITICAL AREA UNDER (C)(5) OF THIS SECTION SHALL BE UTILIZED WITHIN THE ATLANTIC COASTAL BAYS CRITICAL AREA.~~

(D) (1) SUBJECT TO THE CONDITIONS UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, IF A JURISDICTION HAS WITHIN ITS TERRITORIAL LIMITS AN AREA THAT IS SUBJECT TO THE CHESAPEAKE BAY CRITICAL AREA PROGRAM AND AN AREA THAT IS SUBJECT TO THE ATLANTIC COASTAL BAYS CRITICAL AREA PROGRAM, THE GROWTH ALLOCATION FOR THAT JURISDICTION MAY BE UTILIZED WITHIN EITHER CRITICAL AREA, AS THE JURISDICTION'S LOCAL PROGRAM CONSIDERS APPROPRIATE.

(2) A LOCAL JURISDICTION'S PROGRAM MAY NOT UTILIZE THE GROWTH ALLOCATION FROM ANOTHER CRITICAL AREA UNLESS THE GROWTH ALLOCATION REMAINING IN EITHER CRITICAL AREA IS INSUFFICIENT TO ALLOW APPROVAL OF A GROWTH ALLOCATION PROPOSAL ASSOCIATED WITH A PROGRAM AMENDMENT FOR WHICH THE LOCAL PROGRAM SEEKS COMMISSION APPROVAL.

(3) A LOCAL JURISDICTION'S PROGRAM MAY NOT TRANSFER MORE THAN 150 ACRES OF GROWTH ALLOCATION TO ANOTHER CRITICAL AREA.

[(d)](E) In calculating the 1-in-20 acre density of development that is permitted on a parcel located within the resource conservation area, a local jurisdiction may permit the area of any private wetlands located on the property to be included, under the following conditions: