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14-177. Growth allocation petition procedures.

(a) *Initiation.*

A request for growth allocation petition may be initiated by a petition of the property owner filed with the County Commissioners. All petitions for growth allocation filed by property owners shall be accompanied by the information required in §18-1-297 of the Queen Anne's County Code and a fee prescribed by the County Commissioners.

(b) *Planning Commission – Referral, investigation and recommendation.*

All growth allocation petitions shall be referred to the Planning Commission for investigation and recommendation. The Planning Commission shall first hold a public hearing at which parties of interest and citizens shall have an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county. In addition, the Planning Commission shall post notice of its public hearing on the property for which growth allocation is requested and, to the extent possible based on the best information, notify all property owners immediately contiguous to the property of the hearing date, time and place.

(c) *Planning Commission report and recommendation.*

The Planning Commission shall forward its report and recommendations to the County Commissioners within 60 days of referral, unless an extension of time is granted by the County Commissioners. The recommendations of the Planning Commission shall include discussion of the matters required to be considered by the County Commissioners.

(d) *County Commissioner conceptual approval.*

~~At their regularly scheduled meeting the County Commissioners shall evaluate the growth allocation petition on the basis of the report and recommendations of the Planning Commission and either conceptually approve or disapprove the growth allocation petition.~~

(1) Within 90 days of receiving the report and recommendations of the Planning Commission, the County Commissioners shall hold a public hearing and either conceptually approve or disapprove the proposed growth allocation petition. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days prior to said hearing, notice of same, with date, time and place, shall be published in a newspaper of general circulation in the County.

(2) In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:

(i) The purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;

(ii) The recommendations of the Planning Commission;

(iii) The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, the Comprehensive Plan, Growth Sub-Area Plans; and

(iv) The testimony and other evidence presented at the public hearing.

(e) Critical Area Commission approval.

All growth allocation petitions that receive conceptual approval by the County Commissioners will be forwarded to the Critical Area Commission for review and approval. If the growth allocation petition is approved by the Critical Area Commission, it shall proceed to the County Commission for final approval. **No award of Growth Allocation shall become effective until after the County Commissioners have taken final legislative action on the petition.**

(f) Final approval by the County Commissioners.

~~(1) After receiving notification from the Critical Area Commission that a growth allocation petition has been approved pursuant to the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners shall hold a public hearing on the growth allocation petition which shall not be more than 90 days after notification of approval by the Critical Area Commission. Such hearing shall allow parties of interest and citizens an opportunity to be heard. At least 14 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.~~

~~(2) In addition to other matters pertinent to the growth allocation petition, the County Commissioners shall give specific consideration to the following matters:~~

~~(i) — The purposes set forth in §8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program, the Comprehensive Plan and the Queen Anne's County Code;~~

~~(ii) — The recommendations of the Planning Commission;~~

~~(iii) — The relation of the growth allocation petition to the Queen Anne's County Critical Area Program, the Comprehensive Plan, Growth Sub-Area Plans; and~~

~~(iv) — The testimony and other evidence presented at the public hearing.~~

(1) Within 120 days of receiving notification from the Critical Area Commission that the proposed growth allocation petition has been conditionally approved pursuant to the provisions of §8-1809 of the Natural Resources Article of the Annotated Code of Maryland, the County Commissioners, shall introduce legislation and take final legislative action on the proposed growth allocation.

~~(3)~~ **(2)** If the Planning Commission has recommended approval of a growth allocation petition and the County Commissioners propose to approve a **an award of growth allocation petition** which **substantially** changes or departs from those recommendations, the proposal of the County Commissioners shall be referred to the Planning Commission, in writing, for its further recommendations and to the Critical Area Commission for review and approval **prior to any final legislative action**. If such recommendations are not received by the County Commissioners within 90 days after the proposal has been transmitted to the Planning Commission ~~and accepted by the Critical Area Commission~~, the **County** Commissioners may proceed to take final action without such recommendations.

~~(4) — If the County Commissioners propose to approve a growth allocation petition which is substantially different from the proposed growth allocation petition and the recommendations of the Planning Commission as described in the published notice, a new public hearing shall be held. Notice of such hearing shall include notice of the amended growth allocation petition as proposed by the County Commissioners and any recommendations of the Planning Commission, including those made after any referral required by §14-177(f)(3).~~

(5)(3) A growth allocation petition shall not be effective until after it is approved by the Critical Area Commission and not until 45 days after approval by the County Commissioners.

(g) *Map amendment.*

The Official Critical Area Map(s) will be amended to reflect the new development area designation when the approved growth allocation petition becomes effective.

(h) *Use of approved growth allocation.*

(1) Successful projects granted growth allocation will be submitted for final site plan or preliminary and final subdivision approval as per requirements of the Queen Anne's County Code.

(2) If all construction associated with a nonresidential project which was awarded growth allocation has not been substantially completed within 24 months of site plan approval, then the growth allocation award shall be null and void. If road dedication to the county has not been completed for a residential project within 36 months of final subdivision or site plan approval, then the growth allocation award shall become null and void. Further, the award shall be recaptured by the county unless an extension is granted by the County Commissioners. Extensions cannot be granted for more than one year at any one time.