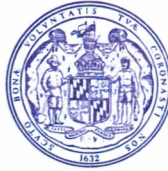


Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 4, 2009

Honorable Joan Carter Conway, Chair
Senate Education, Health and Environmental Affairs Committee
2 West, Miller Senate Building
Annapolis, Maryland 21401

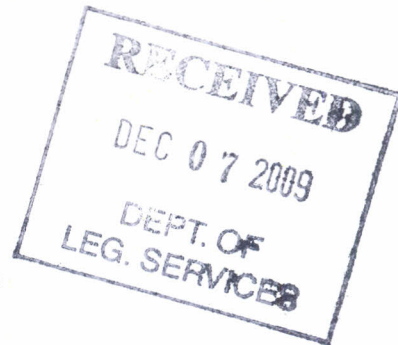
Honorable Maggie L. McIntosh, Chair
House Environmental Matters Committee
251 Lowe House Office Building
Annapolis, Maryland 21401

Honorable Roy Dyson, Senate Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
102 James Senate Office Building
Annapolis, Maryland 21401

Honorable Barbara Frush, House Co-Chair
Joint Committee on the Chesapeake and Atlantic
Coastal Bays Critical Area
207 Lowe House Office Building
Annapolis, Maryland 21401

Dear Senator Conway, Delegate McIntosh, Senator Dyson and Delegate Frush:

House Bill 1345 and Senate Bill 795, which became effective on June 1, 2004, were entitled *Chesapeake and Atlantic Coastal Bays Critical Area – Dwelling Units*. The bills define the term *dwelling unit* as it applies to the Critical Area, and require the 64 local Critical Area jurisdictions, including 16 counties, Baltimore City and 47 municipalities, to include all dwelling units within the calculation of residential density in the Resource Conservation Area. This density is limited to one dwelling unit per 20 acres.



November 4, 2009

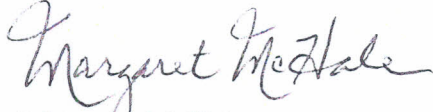
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The bills further provide for an exception to the density limit. The exception permits, at the local jurisdiction's discretion, one additional dwelling unit per lot or parcel in addition to the primary dwelling if the additional dwelling meets certain criteria for size, location, and waste disposal. Under § 8-1808.1(e)(3) of the Natural Resources Article, local jurisdictions are required to maintain records of additional dwelling units permitted under the exception and to report this information to the Critical Area Commission on a quarterly basis. The Commission is, in turn, required to report annually on the construction of these additional dwelling units, and this letter is filed in compliance with that requirement.

Charles, Kent, Talbot and Worcester Counties are the only jurisdictions that have opted to amend their local Critical Area Programs to allow for an additional dwelling unit in the Resource Conservation Area. Since November 1, 2008, the beginning of the current reporting period, no jurisdiction has approved dwelling units under this exception.

The Critical Area Commission greatly appreciates the support of your Committees and looks forward to working with you during this legislative session. If you have questions about the program or need additional information, please contact me at (410) 260-3460 or Ren Serey, the Commission's Executive Director, at (410) 260-3462.

Sincerely,



Margaret McHale
Chair

cc: Honorable Thomas V. Mike Miller
Honorable Michael E. Busch
Karl S. Aro, Department of Legislative Services