

# HOUSE BILL 394

L2, M3

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By: **St. Mary's County Delegation**

Introduced and read first time: February 2, 2007

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County – Review of County Plans – Water Supply Systems and**  
3 **Designees**

4 FOR the purpose of providing that, in St. Mary's County, approval of a new water  
5 supply system or the expansion of an existing water supply system requires the  
6 adoption, revision, or amendment to a county plan containing the water supply  
7 system to be subject to a certain review; authorizing a designee of the County  
8 Commissioners to consider certain amendments to a county plan under certain  
9 circumstances; expanding certain requirements for approval of county plans to  
10 include approval of plans for new water supply systems or the expansion of  
11 existing water supply systems; authorizing the Planning Commission to  
12 delegate the responsibility for certain public hearings to county staff; and  
13 generally relating to the review of county plans in St. Mary's County.

14 BY repealing and reenacting, with amendments,  
15 Article – Environment  
16 Section 9–506  
17 Annotated Code of Maryland  
18 (1996 Replacement Volume and 2006 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Environment**

22 9–506.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection,  
2 before a county governing body may adopt a county plan or a revision or amendment  
3 to the county plan:

4 (i) The county governing body shall submit the county plan,  
5 revision, or amendment to each official planning agency that has jurisdiction in the  
6 county, including any comprehensive planning agency with areawide jurisdiction, for  
7 review and comment within a 30-day period for consistency with planning programs  
8 for the area; and

9 (ii) The county planning agency shall certify that the plan,  
10 revision, or amendment is consistent with the county comprehensive plan prepared  
11 under Article 66B, § 3.05; Article 25A, § 5(X); or Article 25B, § 13 of the Code.

12 (2) In Montgomery County and Prince George's County, the review  
13 and comments of the Maryland-National Capital Park and Planning Commission in  
14 accordance with § 9-516 of this subtitle constitute full compliance with the  
15 requirement for review by an official planning agency under this subsection.

16 (3) (i) This paragraph applies only in St. Mary's County.

17 (ii) A new public sewerage system or an expansion of an existing  
18 public sewerage system, **OR A NEW WATER SUPPLY SYSTEM OR AN EXPANSION OF**  
19 **AN EXISTING WATER SUPPLY SYSTEM**, may not be allowed in St. Mary's County  
20 unless the adoption, revision, or amendment to the county plan containing the public  
21 sewerage system **OR WATER SUPPLY SYSTEM:**

22 1. Is reviewed by the St. Mary's County Planning  
23 Commission in conformity with the provisions of this paragraph; and

24 2. Is approved by the Board of County Commissioners  
25 **OR, SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE**  
26 **COMMISSIONERS' DESIGNEE.**

27 (iii) **1.** The County Commissioners **OR THE**  
28 **COMMISSIONERS' DESIGNEE** may not approve the adoption, revision, or amendment  
29 of the county plan that contains a new public sewerage system or an expansion of an  
30 existing public sewerage system, **OR A NEW WATER SUPPLY SYSTEM OR AN**  
31 **EXPANSION OF AN EXISTING WATER SUPPLY SYSTEM**, until the Planning  
32 Commission:

1 [1.] A. Conducts a complete review of the county plan;  
2 and

3 [2.] B. Holds, **OR ARRANGES TO BE HELD**, at least  
4 one public hearing on the county plan.

5 **2. THE PLANNING COMMISSION MAY DELEGATE THE**  
6 **RESPONSIBILITY OF HOLDING A PUBLIC HEARING UNDER THIS SUBPARAGRAPH**  
7 **TO COUNTY STAFF AS DIRECTED BY THE COUNTY COMMISSIONERS.**

8 (iv) In its review and recommendation to the County  
9 Commissioners **OR THE COMMISSIONERS' DESIGNEE**, the St. Mary's County  
10 Planning Commission shall consider and make specific findings of fact with respect to  
11 the following objectives and policies of the county plan that contains a new public  
12 sewerage system or an expansion of an existing public sewerage system, **OR A NEW**  
13 **WATER SUPPLY SYSTEM OR AN EXPANSION OF AN EXISTING WATER SUPPLY**  
14 **SYSTEM:**

- 15 1. Compatibility with the Comprehensive Land Use  
16 Plan;
- 17 2. Planning and zoning issues;
- 18 3. Population estimates;
- 19 4. Engineering;
- 20 5. Economics;
- 21 6. State, regional, and municipal plans; and
- 22 7. Comments received from other agencies in the county.

23 **(v) THE COUNTY COMMISSIONERS MAY ONLY APPOINT A**  
24 **DESIGNEE UNDER THIS SUBSECTION FOR PURPOSES OF CONSIDERING**  
25 **AMENDMENTS TO THE COUNTY PLAN CONTAINING A PUBLIC SEWERAGE SYSTEM**  
26 **OR WATER SUPPLY SYSTEM IN GROWTH AREAS SHOWN ON AN ADOPTED**  
27 **COMPREHENSIVE LAND USE PLAN.**

28 (b) Each county governing body shall submit to the Department:

1           (1)     Progress reports on the development of its county plan; and

2           (2)     A report of its review conducted at least every 2 years, including  
3 any revision or amendment of the county plan that has been adopted.

4           (c)     (1)     If the Secretary determines that a county governing body has  
5 failed to submit a timely and adequate report of its review of its county plan or any  
6 required revision or amendment of its county plan to the Department, the Secretary  
7 shall give the county governing body a written notice of:

8                     (i)     The county's failure to submit a report; or

9                     (ii)    Any specific inadequacy in the county's plan.

10           (2)     If within 90 days of this notice a county does not submit its report  
11 or an adequate revision or amendment of its plan to the Department, the Secretary:

12                     (i)     May not issue any permit to install or alter a water supply  
13 system, sewerage system, or solid waste disposal system in that county under § 9-204  
14 of this title;

15                     (ii)    Shall give the county notice of its right to administrative  
16 review by the Secretary under this subsection; and

17                     (iii)   Shall give the county notice of its right to appeal the  
18 Secretary's decision to the Board of Review.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2007.