

HOUSE BILL 394

L2, M3

71r1800

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

Introduced and read first time: February 2, 2007

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 16, 2007

CHAPTER _____

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)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Environment**

4 9–506.

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

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

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

16 (2) In Montgomery County and Prince George’s County, the review
17 and comments of the Maryland–National Capital Park and Planning Commission in
18 accordance with § 9–516 of this subtitle constitute full compliance with the
19 requirement for review by an official planning agency under this subsection.

20 (3) (i) This paragraph applies only in St. Mary’s County.

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

26 1. Is reviewed by the St. Mary’s County Planning
27 Commission in conformity with the provisions of this paragraph; and

28 2. Is approved by the Board of County Commissioners
29 **OR, SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, THE**
30 **COMMISSIONERS’ DESIGNEE.**

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

7 [1.] **A.** Conducts a complete review of the county plan;
 8 and

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

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

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

- 21 1. Compatibility with the Comprehensive Land Use
 22 Plan;
- 23 2. Planning and zoning issues;
- 24 3. Population estimates;
- 25 4. Engineering;
- 26 5. Economics;
- 27 6. State, regional, and municipal plans; and
- 28 7. Comments received from other agencies in the county.

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

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

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

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

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

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

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

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

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

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

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

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