

CHAPTER 399

(House Bill 394)

AN ACT concerning

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

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

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

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

Article – Environment

9–506.

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

(i) The county governing body shall submit the county plan, revision, or amendment to each official planning agency that has jurisdiction in the county, including any comprehensive planning agency with areawide jurisdiction, for

review and comment within a 30–day period for consistency with planning programs for the area; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Progress reports on the development of its county plan; and
- (2) A report of its review conducted at least every 2 years, including any revision or amendment of the county plan that has been adopted.

(c) (1) If the Secretary determines that a county governing body has failed to submit a timely and adequate report of its review of its county plan or any

required revision or amendment of its county plan to the Department, the Secretary shall give the county governing body a written notice of:

- (i) The county's failure to submit a report; or
- (ii) Any specific inadequacy in the county's plan.

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

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

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

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

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

Approved by the Governor, May 8, 2007.