

HOUSE BILL 766

M3

3lr2515

By: **Delegates Frush and Vitale**

Introduced and read first time: February 6, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 12, 2013

CHAPTER _____

1 AN ACT concerning

2 **Environment – ~~Landscape Architects and Land Surveyors – Plan~~**
3 **~~Certification~~ Severn River Watershed – Silt and Erosion Control –**
4 **Certification**

5 FOR the purpose of authorizing professional land surveyors and licensed landscape
6 architects to certify silt and erosion control plans in the Severn River
7 Watershed; ~~authorizing professional land surveyors and licensed landscape~~
8 ~~architects to certify certain site plans for certain purposes;~~ and generally
9 relating to certification of silt and erosion control plans ~~and site plans~~ in the
10 Severn River Watershed.

11 BY repealing and reenacting, with amendments,
12 Article – Environment
13 Section 4-308 ~~and 9-206(b)(2)~~
14 Annotated Code of Maryland
15 (2007 Replacement Volume and ~~2010~~ 2012 Supplement)

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

18 **Article – Environment**

19 4-308.

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 (a) Anne Arundel County or the City of Annapolis may issue a grading or
2 building permit within the Severn River Watershed only after the developer submits a
3 plan of development approved by the soil conservation district. If the development
4 plan contains any septic or private sewer facility, the Department of the Environment
5 shall approve it only if the facility will not contribute in any way to pollution of the
6 Severn River. The developer shall submit a certificate from a professional engineer, A
7 **PROFESSIONAL LAND SURVEYOR, OR A LICENSED LANDSCAPE ARCHITECT**
8 stating that the developer's plan to control silt and erosion is adequate to contain the
9 silt and erosion on the property covered by the plan. Also, the developer shall submit
10 another certificate stating that any construction or development will be done according
11 to the plan. A subdivision developer shall obtain approval of the plan at the time of
12 approving and recording of the subdivision plat. In addition to any other penalty
13 provided in this subtitle, if a developer violates his certificate, then every permit
14 issued pursuant to the certificate is void.

15 (b) A State, county, or municipal road, building, or structure may not be
16 constructed, relocated, or enlarged within the Severn River Watershed until plans
17 have been submitted to and approved by the soil conservation district.

18 ~~9-206.~~

19 ~~(b) (2) Subsections (f) through (i) do not apply to an application for~~
20 ~~approval of a residential subdivision under § 9-512(c) of this title if:~~

21 ~~(i) 1. By October 1, 2012, a submission for preliminary plan~~
22 ~~approval is made to a local jurisdiction that includes, at a minimum, the preliminary~~
23 ~~engineering, density, road network, lot layout, and existing features of the proposed~~
24 ~~site development;~~

25 ~~2. By July 1, 2012, in a local jurisdiction that requires a~~
26 ~~soil percolation test before a submission for preliminary approval:~~

27 ~~A. An application for a soil percolation test approval for~~
28 ~~all lots that will be included in the submission for preliminary approval is made to the~~
29 ~~local health department; and~~

30 ~~B. Within 18 months after approval of the soil~~
31 ~~percolation tests for the lots that will be included in the submission for preliminary~~
32 ~~approval, a submission for preliminary approval is made to a local jurisdiction that~~
33 ~~includes, at a minimum, the preliminary engineering, density, road network, lot~~
34 ~~layout, and existing features of the proposed site development; or~~

35 ~~3. By July 1, 2012, in a local jurisdiction that requires a~~
36 ~~soil percolation test before a submission for preliminary approval and the local~~
37 ~~jurisdiction does not accept applications for soil percolation tests year round;~~

1 A. ~~Documentation that a Maryland professional engineer~~
2 ~~[or], A PROFESSIONAL LAND~~ surveyor, ~~OR A LICENSED LANDSCAPE ARCHITECT~~
3 ~~has prepared and certified under seal a site plan in anticipation of an application for~~
4 ~~soil percolation tests;~~

5 B. ~~An application for a soil percolation test approval for~~
6 ~~all lots that will be included in the submission for preliminary approval is made to the~~
7 ~~local health department at the next available soil percolation test season; and~~

8 C. ~~Within 18 months after approval of the soil~~
9 ~~percolation tests for the lots that will be included in the submission for preliminary~~
10 ~~approval, a submission for preliminary approval is made to a local jurisdiction that~~
11 ~~includes, at a minimum, the preliminary engineering, density, road network, lot~~
12 ~~layout, and existing features of the proposed site development; and~~

13 (ii) ~~By October 1, 2016, the preliminary plan is approved.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.