

HOUSE BILL 687

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CF 0lr3152

By: **Delegate G. Clagett**

Introduced and read first time: February 4, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Municipalities – Water and Sewer Classifications**

3 FOR the purpose of prohibiting a new sewerage or water supply system, an extension
4 of an existing sewerage or water supply system, or a revision or amendment to a
5 county sewer or water plan in Frederick County unless the system is certified
6 by the county planning agency as consistent with certain plans and a
7 municipality is not affected, or the municipal planning agency of an affected
8 municipality reviews the proposed system and makes a certain certification; and
9 generally relating to sewerage and water supply systems in Frederick County.

10 BY repealing and reenacting, with amendments,

11 Article – Environment

12 Section 9–506(a)

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2009 Supplement)

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

17 **Article – Environment**

18 9–506.

19 (a) (1) Except as provided in paragraphs (2) [and (3)], **(3)**, AND **(4)** of this
20 subsection, before a county governing body may adopt a county plan or a revision or
21 amendment to the county plan:

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

11 (ii) A new public sewerage system or an expansion of an existing
12 public sewerage system, or a new water supply system or an expansion of an existing
13 water supply system, may not be allowed in St. Mary’s County unless the adoption,
14 revision, or amendment to the county plan containing the public sewerage system or
15 water supply system:

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

18 2. Is approved by the Board of County Commissioners
19 or, subject to subparagraph (v) of this paragraph, the Commissioners’ designee.

20 (iii) 1. The County Commissioners or the Commissioners’
21 designee may not approve the adoption, revision, or amendment of the county plan
22 that contains a new public sewerage system or an expansion of an existing public
23 sewerage system, or a new water supply system or an expansion of an existing water
24 supply system, until the Planning Commission:

25 A. Conducts a complete review of the county plan; and

26 B. Holds, or arranges to be held, at least one public
27 hearing on the county plan.

28 2. The Planning Commission may delegate the
29 responsibility of holding a public hearing under this subparagraph to county staff as
30 directed by the County Commissioners.

31 (iv) In its review and recommendation to the County
32 Commissioners or the Commissioners’ designee, the St. Mary’s County Planning
33 Commission shall consider and make specific findings of fact with respect to the
34 following objectives and policies of the county plan that contains a new public
35 sewerage system or an expansion of an existing public sewerage system, or a new
36 water supply system or an expansion of an existing water supply system:

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

9 (v) The County Commissioners may only appoint a designee
 10 under this subsection for purposes of considering amendments to the county plan
 11 containing a public sewerage system or water supply system in growth areas shown on
 12 an adopted Comprehensive Land Use Plan.

13 **(4) (I) THIS PARAGRAPH APPLIES ONLY IN FREDERICK**
 14 **COUNTY.**

15 **(II) A NEW PUBLIC SEWERAGE SYSTEM, AN EXPANSION OF**
 16 **AN EXISTING PUBLIC SEWERAGE SYSTEM, OR A REVISION OR AMENDMENT TO A**
 17 **COUNTY SEWER PLAN MAY NOT BE APPROVED IN FREDERICK COUNTY UNLESS**
 18 **THE ADOPTION, REVISION, OR AMENDMENT TO THE COUNTY PLAN CONTAINING**
 19 **THE PUBLIC SEWERAGE SYSTEM:**

20 **1. A. IS CERTIFIED BY THE COUNTY PLANNING**
 21 **AGENCY AS CONSISTENT WITH THE COUNTY COMPREHENSIVE PLAN; AND**

22 **B. DOES NOT AFFECT A MUNICIPALITY; OR**

23 **2. A. IS REVIEWED BY THE MUNICIPAL PLANNING**
 24 **AGENCY OF ANY AFFECTED MUNICIPALITY; AND**

25 **B. IS CERTIFIED BY THE MUNICIPAL PLANNING**
 26 **AGENCY OF ANY AFFECTED MUNICIPALITY AS CONSISTENT WITH THE**
 27 **MUNICIPAL COMPREHENSIVE PLAN.**

28 **(III) A NEW WATER SUPPLY SYSTEM, AN EXPANSION OF AN**
 29 **EXISTING WATER SUPPLY SYSTEM, OR A REVISION OR AMENDMENT TO A**
 30 **COUNTY WATER PLAN MAY NOT BE APPROVED IN FREDERICK COUNTY UNLESS**

1 THE ADOPTION, REVISION, OR AMENDMENT TO THE COUNTY PLAN CONTAINING
2 THE WATER SUPPLY SYSTEM:

3 1. A. IF CERTIFIED BY THE COUNTY PLANNING
4 AGENCY AS CONSISTENT WITH THE COUNTY COMPREHENSIVE PLAN; AND

5 B. DOES NOT AFFECT A MUNICIPALITY; OR

6 2. A. IS REVIEWED BY THE MUNICIPAL PLANNING
7 AGENCY OF ANY AFFECTED MUNICIPALITY; AND

8 B. IS CERTIFIED BY THE MUNICIPAL PLANNING
9 AGENCY OF ANY AFFECTED MUNICIPALITY AS CONSISTENT WITH THE
10 MUNICIPAL COMPREHENSIVE PLAN.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.