

RE: A RESOLUTION FOR THE PURPOSE OF EXTENDING TIME, UPON EXIGENT CIRCUMSTANCES, FOR CONSIDERATION OF PUBLIC INPUT REGARDING THE CALVERT COUNTY COMPREHENSIVE PLAN

WHEREAS, the Board of County Commissioners of Calvert County, Maryland, with the advice, recommendations, and input of the public and the Calvert County Planning Commission, have, heretofore, adopted the Calvert County Comprehensive Plan, the Dunkirk Master Plan, the Huntingtown Master Plan, the Lusby Town Center Master Plan, the Owings Town Center Master Plan, the Prince Frederick Master Plan, the Solomons Town Center Master Plan and the St. Leonard Town Center Master Plan "...with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs," Maryland Ann. Code, Land Use Article, §3-301(a)(2), to promote the public safety, health, and general welfare of the citizens;

WHEREAS, the Calvert County Planning Commission is required to review the aforesaid *Calvert County Comprehensive Plan* at least every ten (10) years "and, if necessary, revise or amend" said Comprehensive Plan "to include all: (1) the elements required under Subtitle 1 of [Title 3 of the *Land Use Art.*]; and (2) the visions set forth in §1-201 of [the *Land Use Article*]" pursuant to Maryland Ann. Code, Land Use Article, §3-301(a);

WHEREAS, as a result of the aforesaid review, the Calvert County Planning Commission determined that revision and amendment to the existing Comprehensive Plan was necessary and, accordingly, prepared and developed the *Calvert County Comprehensive Plan, December 2018 Draft*;

WHEREAS, on February 26, 2019, following publication of due notice, the Calvert County Planning Commission conducted a public hearing to consider the aforesaid *Calvert County Comprehensive Plan, December 2018 Draft*;

WHEREAS, pursuant to Maryland Ann. Code, Land Use Article, §3-203(c), copies of the aforesaid *Calvert County Comprehensive Plan, December 2018 Draft* were provided to adjoining jurisdictions, State units and local jurisdictions responsible for financing or constructing public improvements necessary for implementation, at least Sixty (60) days prior to the aforesaid public hearing;

WHEREAS, public comment was solicited, received and all persons wishing to be heard expressed their opinions regarding the aforesaid *Calvert County Comprehensive Plan, December 2018 Draft*;

WHEREAS, upon consideration of all staff reports, all agency and local jurisdiction comments, comments of adjoining jurisdictions, comments of State units and public comments, written and oral, the Planning Commission voted to recommend that the *Calvert County Comprehensive Plan, December 2018 Draft* be adopted by the Board of County Commissioners and conveyed its recommendation by resolution; and

WHEREAS, the Planning Commission's Resolution, Certification, and Recommended Calvert County Comprehensive Plan was transmitted to the Board of County Commissioners of

Calvert County, Maryland (the "Board") on April 4, 2019, and received by the Board that same day;

WHEREAS, Md. Ann. Code, Land Use Art., §3-204(c)(4)(i) provides that the recommendation of the Planning Commission is deemed adopted if the Board fails to take action within Ninety (90) days after the date that the Planning Commission certifies an attested copy of the recommended plan to the Board;

WHEREAS, on April 30, 2019, following publication of due notice, the Board of County Commissioners conducted a public hearing to consider the aforesaid *Calvert County Comprehensive Plan, December 2018 Draft*;

WHEREAS, by unanimous vote of the Board, the record of the April 30, 2019 public hearing was left open through midnight, May 6, 2019 to accept further written comments;

WHEREAS, the Board held a work session on May 14, 2019, whereupon public comments comprising the record of the April 30, 2019 public hearing were considered, and the Board's own questions, input and direction were provided for staff to address in a future work session held on June 4, 2019;

WHEREAS, the hours of verbal comments and volumes of written comments that have been submitted by the public to this Board reflect the significant importance of the task at hand, adopting a vision for preservation, land use and housing policies, the provision of utilities and services, the protection of sensitive areas and sensitive populations, and the conservation and management of resources over the next twenty (20) years of Calvert County; and

WHEREAS, the Board finds that the foregoing constitutes exigent circumstances that warrant additional time for the scrutiny of the proposed Comprehensive Plan prior to adoption of a Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, despite best efforts to proceed diligently within the Ninety (90) day period for action prescribed by State law, the importance of the consideration and deliberation of the input of all citizens in the Calvert County Comprehensive Plan warrants exercise of the option to extend the 90-day period set forth at Md. Ann. Code, Land Use Art., §3-204(c)(4)(i) by an additional Sixty (60) days as provided at Md. Ann. Code, Land Use Art., §3-204(c)(4)(ii);

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that exigent circumstances that warrant additional time for the scrutiny of the proposed Comprehensive Plan prior to adoption of a Plan and, therefore, the Board does hereby exercise of the option to extend the Ninety (90) day period set forth at Md. Ann. Code, Land Use Art., §3-204(c)(4)(i) by an additional Sixty (60) days as provided at Md. Ann. Code, Land Use Art., §3-204(c)(4)(ii), providing this Board a total of One Hundred Fifty (150) days from April 4, 2019 to take action upon the Planning Commission's recommendation, which date is September 1, 2019;

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the

Resolution shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Resolution, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Resolution; and

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall take effect upon recordation.

DONE, 4th of June, 2019, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: Commissioners Hutchins, Hance, and Weems
Nay: _____
Absent/Abstain: Commissioners Hart, and McConkey

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF CALVERT COUNTY, MARYLAND**

Karen S. Pelly
Clerk

Thomas E. Hutchins
Thomas E. Hutchins, President

Kelly D. McConkey, Vice-President

Approved for form and legal sufficiency
by:

Earl F. Hance
Earl F. Hance

John B. Norris
John B. Norris, County Attorney

Mike Hart

Steven R. Weems
Steven R. Weems

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Received for Record... June 5, 2019
.....1:24.....o'clock.....P.....M. Same day
Recorded in Liber KPS No. 58
Folio.....223.....**COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.**

Garry P. Smith