

**RESOLUTION OF THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND**

**RESOLUTION NO. 23-33**

**RE: SUMMER 2023 WATER AND SEWER AMENDMENTS – CASE WS-23-13**

Applicant: Libertytown Development Company, LLC

**RECITALS**

Pursuant to the authority contained in §9-503 of the Environment Article of the Maryland Code, the governing body of Frederick County, Maryland, has the authority to approve or deny amendments to the Frederick County Water and Sewerage Plan (“W/S Plan”) after a duly advertised public hearing.

Case WS-23-13 proposes the reclassification of 14.706 acres of land on Tax Map 51, Parcel 38, property ID #08-223866, located at 8930 Jones Road, from W-5/Dev, S-5/Dev to W-4/Dev, S-4/Dev. The property is designated Low-Density Residential and is currently zoned R3, Low-Density Residential. The property is located within the Libertytown Community Growth Area.

The W-4, S-4 classification is assigned to properties designated residential, commercial, or industrial, or in general, a category other than Agricultural or Rural or Natural Resource on the County Comprehensive Plan, and where improvements to, or construction of, publicly owned community sewerage or water systems are planned within a 4–6-year time period.

The applicant has proposed that water and sewer service will be supplied through connections to new public 8" water and 8" sewer lines that will be installed during construction of a future roadway, Mill Creek Drive, to the south of the property. Water and sewer capacity for this property will be provided through upgrades to the Libertytown (West) System associated with the Mill Creek Subdivision. Reclassifying this property to facilitate connection to public water is a requirement of the MDE Water Appropriation Permit for the Libertytown System and a Right of Entry Agreement between the County, the developer of Mill Creek (Libertytown Development Company), and the property owners, Rustin & Victoria Gallagher. As a condition of connection, any existing septic systems on the property must be properly abandoned, and any known wells must be properly abandoned and sealed by a licensed well driller.

The County Council of Frederick County, Maryland, held a duly advertised public hearing on the proposed W/S Plan amendment on December 19, 2023, at which time the public had the opportunity to comment.

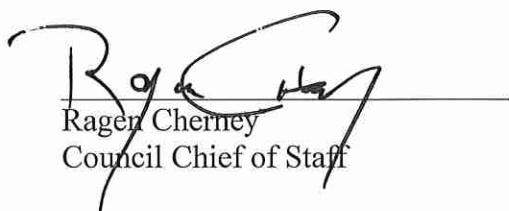
**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND** that the following W/S Plan amendment requested in Case WS-23-13 is

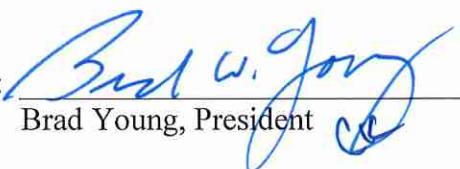
necessary and hereby approved: the reclassification of 14.706 acres of land on Tax Map 51, Parcel 38, property ID #08-223866, located at 8930 Jones Road, from W-5/Dev, S-5/Dev to W-4/Dev, S-4/Dev.

The undersigned hereby certifies that the amendment described in this Resolution was approved and adopted (by a vote of 7-0) on December 19, 2023.

ATTEST:

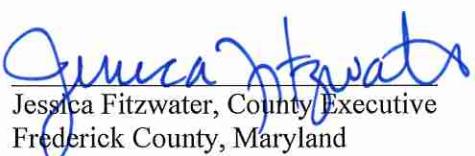
COUNTY COUNCIL OF  
FREDERICK COUNTY, MARYLAND

  
Ragen Cherney  
Council Chief of Staff

By:   
Brad Young, President

Received by the County Executive on January 2, 2024

COUNTY EXECUTIVE ACTION:  Approved  Vetoed  No Action

  
Jessica Fitzwater, County Executive  
Frederick County, Maryland

1/3/24  
Date