TITLE: Fall 2014 Cycle of Water and Sewerage Plan Amendments

REQUEST: Finding of Consistency

PROJECT INFORMATION:
WS 14-25  LT Ventures, Gas House Pike Real Estate, LLC
WS 14-26  Dryden Investments, LLC
WS 14-27  Oakdale Investments, LLC
WS 14-28  Town of New Market/ Lawrence Wrinn

STAFF: Tim Goodfellow

RECOMMENDATION: Refer to Staff Reports

ATTACHMENTS:
Exhibit 1  Staff Reports
Exhibit 2  Applicants’ Submissions
Frederick County Community Development Division
Staff Report

Frederick County
Water and Sewerage Plan Amendments


Fall 2014 Cycle Amendment Requests

WS 14-25  LT Ventures, Gas House Pike Real Estate, LLC
WS 14-26  Dryden Investments, LLC
WS 14-27  Oakdale Investments, LLC
WS 14-28  Town of New Market/ Lawrence Wrinn

ISSUE

The Planning Commission is requested to review the amendment requests for a finding of consistency with the County Comprehensive Plan.

BACKGROUND

The purpose of the Planning Commission’s review is to determine whether each amendment request is consistent with the County Comprehensive Plan. The Land Use Article of the Annotated Code of Maryland defines consistency with the comprehensive plan as addressing the location, character, and extent of the request. A finding with regards to consistency may reference the comprehensive plan map and the text document, specifically the goals and policies. For properties located within a municipality the municipal comprehensive plan and municipal land use plan designation is referenced.

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the Board of Commissioners in their review.

If the Planning Commission finds a request to be inconsistent with the comprehensive plan then the request is not forwarded to the Board of Commissioners.

RECOMMENDATION

Staff recommendations are noted in the individual case descriptions.
IV. COUNTY WATER AND SEWERAGE PLAN
CLASSIFICATION SYSTEM

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B. Water and Sewerage Plan Classifications:

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev." A “Dev.” designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service:
A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

PS – Planned Service:
A classification assigned during the Comprehensive Planning Process to an area shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within the Community Growth boundary of a community to be served by public water and sewer in the adopted County Comprehensive Plan, within the 11-20 year time period. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
**S-5/W-5 – Mid-Range Plan Phase:**
A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.

b. Have zoning other than Agricultural or Resource Conservation.

c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.

d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.

e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

1) Annexed into a municipal corporation; or
2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
3) Zoned Agricultural, if all the criteria set forth above and in Section II (E)(8) are satisfied; or
4) To provide public water and/or sewer service to Public Service Facilities, if applicable criteria in Section II(E)(8) are satisfied.

**S-4/W-4 – Concept Evaluation Phase:**
A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public
system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

a. The criteria required for the S-5/W-5 classification have been met.

b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5)(E)). All concept plans shall distinguish between County planned and developer provided facilities.

c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner will either wait for public improvements to be programmed or propose how such service can be provided by the developer/applicant.

d. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

**S-3/W-3 – Preliminary Design Phase:**

A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their “3” classification and revert to the “4” classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

a. Criteria required for the S-4/W-4 classification have been complied with.

b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the Adequate Public Facilities Ordinance (APFO) studies.

c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.

d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.

e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining
wells or surface waters. The hydrogeologic study is typically required to appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.

g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This “service to the site” requirement is considered “met” if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.

h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

### S-2/W-2 – Engineering Phase:
This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

a. All criteria required for the S-3/W-3 classification have been complied with.

b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.

c. Location of facilities, i.e. tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.

d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.

### S-1/W-1 – Existing Service:
A classification assigned to properties where publicly-owned community sewer or water systems are existing and are connected to and serving a structure on the property. Properties are assigned this classification by County staff to reflect projects recently

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1 See Sec. 1-16-106 of the County Code for additional requirements.
completed or structures connected to the public water or sewer system. The County Water and Sewerage Plan map will be revised to reflect this status at regular updates.

**Multi-Use Water System:**
A classification assigned during the piecemeal application process to a single parcel or lot utilizing a water supply system having the capacity to supply more than 5,000 gallons of water per day and serves a number of individuals.

**Multi-Use Sewerage System:**
A classification assigned during the piecemeal application process to a single parcel or lot having a maximum discharge or output capacity in excess of 5,000 gallons per day.
APPLICANT: LT Ventures, Gas House Pike Real Estate, LLC

REQUEST: To reclassify 31.4 acres from Planned Service (PS) to W-4/Dev., S-4/Dev. and the depiction of a sewage pump station symbol on the Sewer Map.

LOCATION: Southwest corner of Gas House Pike and Linganore Road
(Tax Map 68, Parcel 11, 174, 175, 176. Property ID#13-297347, 13-307229, 13-307245, 13-307237)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Linganore Community Growth Area.

Zoning — PUD

Development Status — The subject properties, identified as Westridge North, were rezoned to PUD in October 2014 (Ordinance 14-17-672) as an amendment to the 2013 Linganore PUD Phase I approval (Ordinance #13-14-642, July 11, 2013). Future residential development in Westridge North will utilize the density approved for the adjacent Westridge section within the Linganore PUD, so Westridge and Westridge North together have Phase I approval for a maximum of 400 residential units.

Water & Sewerage Plan Status — Public water service will be extended westward to the site from the nearby Woodridge Village within the Linganore PUD. The applicant states that sewage conveyance will occur via gravity flow from Westridge North to a proposed pump station on the adjacent Westridge North parcel, with eventual gravity flow to the Linganore Interceptor and the Ballenger- McKinney Waste Water Treatment Plant.

STAFF RECOMMENDATION:
The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan for Case WS-14-25.
APPLICANT: Dryden Investments, LLC

REQUEST: To reclassify 19.5 acres from Planned Service (PS) to W-4/Dev., S-4/Dev.

LOCATION: South side of Old National Pike at Eaglehead Drive
(Tax Map 79, Parcel 34. Property ID#13-260250)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Linganore Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — The subject property was rezoned to PUD in October 2014 (Ordinance 14-17-672) as an amendment to the 2013 Linganore PUD Phase I approval (Ordinance #13-14-642, July 11, 2013). The approved Phase I Concept Plan for this property indicates future commercial and institutional uses, and is referenced as the southern extension of the Linganore Town Center.

Water & Sewerage Plan Status — An existing 12-inch water line will be extended westward from the vicinity of the Greenvue PUD near Mussetter Road. The concept for sewage provision includes connection to the sewer line within the Linganore Town Center on Eaglehead Drive, north of the subject property.

STAFF RECOMMENDATION:
The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS-14-26.
STAFF REPORT

Case # WS-14-27

APPLICANT: Oakdale Investments, LLC


LOCATION: South side of Gas House Pike at Woodridge Road
(Tax Map 68, Parcel 36, Property ID#27-519121. Tax Map 79, part of Parcel 146 and 162, Property ID#27-516246, 27-589368)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Linganore Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — The properties received conditional Phase II Preliminary Plan approval from the Planning Commission on October 8, 2014 for development of 150 single-family lots. The project is Woodridge V, which is the final portion of the larger Woodridge Village within the Lake Linganore PUD.

Water & Sewerage Plan Status — An 8-inch water line and 8-inch sewer line will be extended northward from the adjacent Woodridge IV section to serve the subject properties.

STAFF RECOMMENDATION:
The subject property is located within a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan for Case WS 14-27.
STAFF REPORT

Case # WS-14-28

APPLICANT: The Town of New Market/Lawrence Wrinn

REQUEST: To reclassify 0.69 acres from W-5/Dev. to W-3/Dev.

LOCATION: 163 Wicomico Court in the Town of New Market
(Tax Map 801, Parcel 3900, Lot 44. Property ID#09-264825)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the Town of New Market Comprehensive Plan.

Zoning — R-1 Residential (Town Zoning)

Development Status — The property is developed with a single-family residential dwelling.

Water & Sewerage Plan Status — The County and the Town of New Market executed a Water Service Area Agreement (WSAA) in April 2003. This agreement, and all of its subsequent revisions, identifies the County as the sole provider of water and sewer service to the Town of New Market and contains an allocation schedule for providing water taps to the Town for the Town to allocate to existing County sewer customers.

The property has existing public sewer service and currently uses an individual well. No improvement plans will be needed to connect to the existing water line along Wicomico Court that was constructed by the County in 2009. The applicant will be required to connect to the public water system within 120 days of approval of the W-3 designation per Section IX.C of the Frederick County Water and Sewer Rules and Regulations.

At time of connection to the public water supply, the private well must be physically disconnected from the interior plumbing for the potable water supply and, per State regulations under COMAR 26.04.04.11, the well must be subsequently abandoned and sealed by or under the supervision of a master well driller licensed by the State or a representative of the Frederick County Health Department.

STAFF RECOMMENDATION:
The subject property is located within a municipality, a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of New Market Comprehensive Plan for Case WS 14-28.