TITLE: Summer 2017 Cycle of Water and Sewerage Plan Amendments

REQUEST: Finding of Consistency with the Comprehensive Plan

PROJECT INFORMATION:

WS 17-06 Division of Planning & Permitting
WS 17-07 Monocacy Land Company, LLC
WS 17-08 Division of Planning & Permitting (Urbana District Park)
WS 17-09 Division of Planning & Permitting (Storm property)
WS 17-10 Frederick County Health Department

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Refer to Staff Reports

ATTACHMENTS:
Exhibit 1 Staff Reports
Exhibit 2 Applicants’ Submissions
Frederick County Division of Planning and Permitting
Staff Report

Frederick County
Water and Sewerage Plan Amendments
Planning Commission Review

Summer 2017 Cycle Amendment Requests

WS 17-06: Division of Planning & Permitting
WS 17-07: Monocacy Land Company, LLC
WS 17-08: Division of Planning & Permitting (Urbana District Park)
WS 17-09: Division of Planning & Permitting (Storm property)
WS 17-10: Frederick County Health Department

ISSUE

The Planning Commission is requested to review the amendments for a finding of consistency with the County Comprehensive Plan or a municipal 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 or the appropriate municipal 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 regard 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 County Council 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 County Council.

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 if applicable, Section II (E)(7) 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 about 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 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

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1 See Sec. 1-16-106 of the County Code for additional requirements.
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.
STAFF REPORT
Case # WS-17-06

APPLICANT: Division of Planning and Permitting
REQUEST: Three (3) text amendments to Chapter 1 (Policies and Procedures) of the Water and Sewerage Plan

Description
Chapter 1 of the Water and Sewerage Plan contains the County’s established policies and procedures for the provision of public water and sewer service. Specifically, Section IV of Chapter 1 describes the County’s water and sewer classification system. The first text amendment establishes greater clarity and specificity for the submission, evaluation, and approval of infrastructure Concept Plans that are required for the W-4, S-4 (‘Concept Evaluation Phase’) classification, as shown below, with new, proposed text in red:

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, and be complete and accurate as determined by the Division of Utilities and Solid Waste Management.

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/applicant must identify and propose needed improvements (as determined by DUSWM) to provide adequate capacity. Service can be provided by the developer/applicant
The second text amendment adds a new description of procedures for continuing a Water and Sewerage Plan amendment to Section III, Review and Amendment Procedures. Prior continuances of Plan amendments by the County Council were subject to discussion and negotiation between the Applicant, Staff, and Council during the Council’s public hearing, due to the lack of a formal process for continuing a case. This text amendment clarifies the entire continuance process, including timing for rehearing and reapplication of Water and Sewerage Plan amendments. The proposed text is shown below:

(v) For good cause, the County Council may continue a proposed amendment for further study and information until a date certain as determined by the Council, but in no event longer than six (6) months after the public hearing in which the decision to continue the proposed amendment was made, except where otherwise provided by law. If the County Council takes no action or makes no decision on the proposed amendment within six (6) months of its public hearing, the application shall be deemed null and void, and the applicant must reapply for a Water and Sewerage Plan amendment.

The final text amendment also proposes a change to the Review and Amendment Procedures, Section III, by requiring an application for a Water and Sewerage Plan amendment to meet the criteria of the requested classification at the time of submitting the application. The proposed text amendment is listed below:

(b) Applications for proposed amendments to the County Water and Sewerage Plan and supporting documents, shall be submitted to the Frederick County Community Development Division, Division of Planning and Permitting, 30 North Market Street, Frederick, Maryland, 21701. Applications for proposed amendments must meet the criteria and requirements of the requested classification at time of application.

STAFF RECOMMENDATION:

At its October 8, 2014 public hearing, the Planning Commission made a finding that the entire Water and Sewerage Plan was consistent with the County Comprehensive Plan during the review of the Triennial Update of the Water and Sewerage Plan. Staff recommends the Planning Commission find the text amendment described in case WS 17-06 to be consistent with the County Comprehensive Plan.
WATER & SEWERAGE PLAN AMENDMENTS  
Summer 2017 Cycle  

STAFF REPORT  
Case # WS-17-07  

APPLICANT: Monocacy Land Company, LLC  
LOCATION: South side of Tabler Road at the terminus of Bealls Farm Road.  
(Tax Map 96, Parcel 210. Property ID#07-192959)  

Comprehensive Plan — Low Density Residential within the Urbana Community Growth Area.  
Zoning — Planned Unit Development (PUD)  
Development Status — Final preliminary plan/site plan approval was obtained for this property in 2016 for development of 92 townhome lots in the section known as Boxwood within the Villages of Urbana PUD.  
Water & Sewerage Plan Status — An existing 8-inch public water line is present south of the property within the adjacent Section 22-A of the Villages of Urbana, and will be extended to serve the property. Public sewer service will be provided via the 12-inch Tabler Run Sewer Interceptor, a recently approved portion of the public sewer infrastructure system for portions of the Villages of Urbana.  

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.
STAFF REPORT
Case # WS-17-08

APPLICANT: Division of Planning and Permitting

REQUEST: To reclassify Parcel 249 (95.2 ac.) from S-4/Dev. to S-3/Dev.

LOCATION: Northeast side of MD 35, Urbana Pike, at Tabler Road.
(Tax Map 96, Parcel 249. Property ID# 07-242085)

Comprehensive Plan — Parkland/Open Space on the Comprehensive Plan, and located within the Urbana Community.

Zoning — Agricultural

Development Status — A 95-acre lot (“Outlot A”) was recorded in 2004 for development of the Urbana District Park, which contains multiple athletic fields, playgrounds, trails, and pavilions.

Water & Sewerage Plan Status — A service connection to the Park is included in the design of the Tabler Run Sewer Interceptor, which will be constructed on a portion of the Urbana District Park. Individual lateral connections from the Interceptor to the buildings and restrooms will be the responsibility of the Division of Parks and Recreation. The public sewer connection will eliminate the use of effluent holding tanks for the Park, which were approved as an interim use by the Maryland Department of the Environment when the Park was initially developed. Urbana District Park is connected to the public water supply.

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.
STAFF REPORT

Case # WS-17-09

APPLICANT: Division of Planning and Permitting (Storm property)

REQUEST: To reclassify Parcel 70 (0.75 ac.) from W-5/Dev. to W-3/Dev.

LOCATION: Ncrth side of Old National Pike, 580 feet west of Mussetter Road
(Tax Map 79, Parcel 70. Property ID#09-260455)

Comprehensive Plan — Low Density Residential within the Linganore Community Growth Area.

Zoning — R-1 Residential

Development Status — The property is developed with a residential dwelling, constructed in 1962, according the Maryland Department of Assessments and Taxation.

Water & Sewerage Plan Status — The Frederick County Health Department issued a letter to the County’s Division of Utilities and Solid Waste Management (DUSWM) indicating the private well on the property is contaminated. The property owner will connect the house to the existing 12-inch public water line present in the Old National Pike right-of-way.

The private wells on the property 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 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.
STAFF REPORT

Case # WS-17-10

APPLICANT: Frederick County Health Department

REQUEST: A text amendment to Chapter 4 (Sewerage Systems) of the Water and Sewerage Plan

Description
The Health Department conducted a sanitary survey of the Town of Burkittsville in 2016 that identified issues with some private wells and individual on-site sewage disposal systems (septic systems). In order to be eligible for future State funding or grants to address these public health concerns, the State of Maryland requires a listing of known problems areas to be in the County Water and Sewerage Plan.

Staff has updated Table 4.09 (Septic Problem Areas) in Chapter 4 of the Plan with information on Burkittsville, plus added dwelling unit and population data for other communities and subdivisions where there wasn’t any data.

STAFF RECOMMENDATION:
At its October 8, 2014 public hearing, the Planning Commission made a finding that the entire Water and Sewerage Plan was consistent with the County Comprehensive Plan during the review of the Triennial Update of the Water and Sewerage Plan. Staff recommends the Planning Commission find the text amendment described in case WS 17-10 to be consistent with the Comprehensive Plan.
II. **SEPTIC PROBLEM AREAS**

The following Table 4.09 lists various subdivisions and communities that have been identified as having problems with existing septic systems. Some of the problems may only be anecdotal in nature and some have been documented by surveys conducted by the Health Department. In some cases the septic failures may also be causing water contamination issues.

**Table 4.09 Septic Problem Areas**

<table>
<thead>
<tr>
<th>Subdivision/Community</th>
<th>Problem Description</th>
<th>Existing Dwelling Units</th>
<th>Population</th>
<th>Sewage Treatment Demand</th>
<th>Possible Remedy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bartonville</td>
<td>Failing individual septic systems</td>
<td>100</td>
<td>270</td>
<td>25,000 gpd</td>
<td>Is in a planned sewer service area</td>
</tr>
<tr>
<td>Braddock Heights</td>
<td>Failing individual septic systems</td>
<td></td>
<td>735</td>
<td></td>
<td>Undetermined</td>
</tr>
<tr>
<td>Broadview Acres</td>
<td>Failing individual septic systems</td>
<td>48</td>
<td>140 130</td>
<td>12,000 gpd</td>
<td>Connect to Frederick City or County system</td>
</tr>
<tr>
<td>Buckeystown</td>
<td>Failing individual septic systems; Businesses w/ holding tanks</td>
<td></td>
<td></td>
<td></td>
<td>Is in a planned sewer service area</td>
</tr>
<tr>
<td>Burkittsville</td>
<td>Non-conforming septic systems; Use of holding tanks; Well contamination</td>
<td>69</td>
<td>187</td>
<td>17,250 gpd</td>
<td>Undetermined</td>
</tr>
<tr>
<td>Crestview Estates</td>
<td>Part of subdivision on septic w/ problems</td>
<td>54</td>
<td>146</td>
<td>13,500 gpd</td>
<td>Has an existing system but without capacity for 54 lots still on septic</td>
</tr>
<tr>
<td>Lewistown</td>
<td>Failing individual septic systems</td>
<td>90</td>
<td>155</td>
<td>22,500 gpd</td>
<td>Public sewer service area established in 2015</td>
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<tr>
<td>Lockwood Heights/Pete Wiles Estates</td>
<td>Failing individual septic systems</td>
<td>60</td>
<td>162</td>
<td>15,000 gpd</td>
<td>Undetermined</td>
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<td>Lori Lane/Willis Acres</td>
<td>Failing individual septic systems</td>
<td>35</td>
<td>95</td>
<td>8,750 gpd</td>
<td>Connect to Crestview system</td>
</tr>
<tr>
<td>Mountain View/Orchard Road area</td>
<td>Failing individual septic systems</td>
<td>4</td>
<td>150 11</td>
<td>1,000 gpd</td>
<td>Connect to Emmitsburg systems Majority of lots already connected to public sewer system in Emmitsburg</td>
</tr>
<tr>
<td>Mt. Pleasant</td>
<td>Failing individual septic systems</td>
<td>30</td>
<td>81</td>
<td>7,500 gpd</td>
<td>Undetermined</td>
</tr>
<tr>
<td>New London</td>
<td>Failing individual septic systems</td>
<td>10</td>
<td>35</td>
<td>2,500 gpd</td>
<td>Undetermined</td>
</tr>
<tr>
<td>Old Mill Bottom Rd.</td>
<td>Failing individual septic systems</td>
<td>20</td>
<td>54</td>
<td>5,000 gpd</td>
<td>Within the Mill Bottom system service area Possible connection to Mt. Airy municipal sewer system</td>
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<tr>
<td>Rangers Woods</td>
<td>Failing individual septic systems</td>
<td>25</td>
<td>100</td>
<td>6,250 gpd</td>
<td>Connect to Urbana service area</td>
</tr>
</tbody>
</table>

Frederick County Water & Sewerage Plan – Adopted Plan – July 18, 2016
<table>
<thead>
<tr>
<th>Subdivision/Community</th>
<th>Problem Description</th>
<th>Existing Dwelling Units</th>
<th>Population</th>
<th>Sewage Treatment Demand</th>
<th>Possible Remedy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riffle Road area</td>
<td>Failing individual septic</td>
<td>40-10</td>
<td>27</td>
<td>40,000 2,500 gpd</td>
<td>Undetermined</td>
</tr>
<tr>
<td>Rock Hall</td>
<td>Failing individual septic</td>
<td>13</td>
<td>55</td>
<td>3,250 gpd</td>
<td>Connect to Point of Rocks system</td>
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<tr>
<td>Rosemont</td>
<td>Failing individual septic</td>
<td>100</td>
<td>320</td>
<td>25,000 gpd</td>
<td>Connect to Brunswick system</td>
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<tr>
<td>Sabillasville</td>
<td>Failing individual septic</td>
<td></td>
<td>125</td>
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<td>Undetermined</td>
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