



FREDERICK COUNTY PLANNING COMMISSION

March 14, 2018

TITLE:

**Fall 2017 Cycle of Water
and Sewerage Plan Amendments**

REQUEST:

**Finding of Consistency with the
Comprehensive Plan**

PROJECT INFORMATION:

WS 17-11 Walker House, LLC

WS 17-12 Division of Planning & Permitting (Quynn property)

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

Fall 2017 Cycle Amendment Requests

WS 17-11: Walker House, LLC

WS 17-12: Division of Planning & Permitting (Quynn property)

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 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.¹

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 water per day and serves a number of individuals.

¹ See Sec. 1-16-106 of the County Code for additional requirements.

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.

WATER & SEWERAGE PLAN AMENDMENTS
Fall 2017 Cycle

STAFF REPORT

Case # WS-17-11

APPLICANT: Walker House, LLC

REQUEST: Reclassify Parcel 301, Lot 1 (24 ac.) from No Planned Service (NPS) to W-3/Dev., S-3/Dev.

LOCATION: South side of MD 194, Woodsboro Pike, within the Town of Walkersville (Tax Map 58, Parcel 301, Lot 1. Property ID#26-444330)

Comprehensive Plan — Agriculture (Town of Walkersville Comprehensive Plan)

Zoning — Agricultural (Town of Walkersville)

Development Status — The site contains a late 18th century house (“John Walker Farmhouse”) with two (2) barns and several outbuilding. The 24 acre lot was subdivided from the original 225-acre farm in 2012. The Town of Walkersville has approved the establishment of a wedding venue on the site.

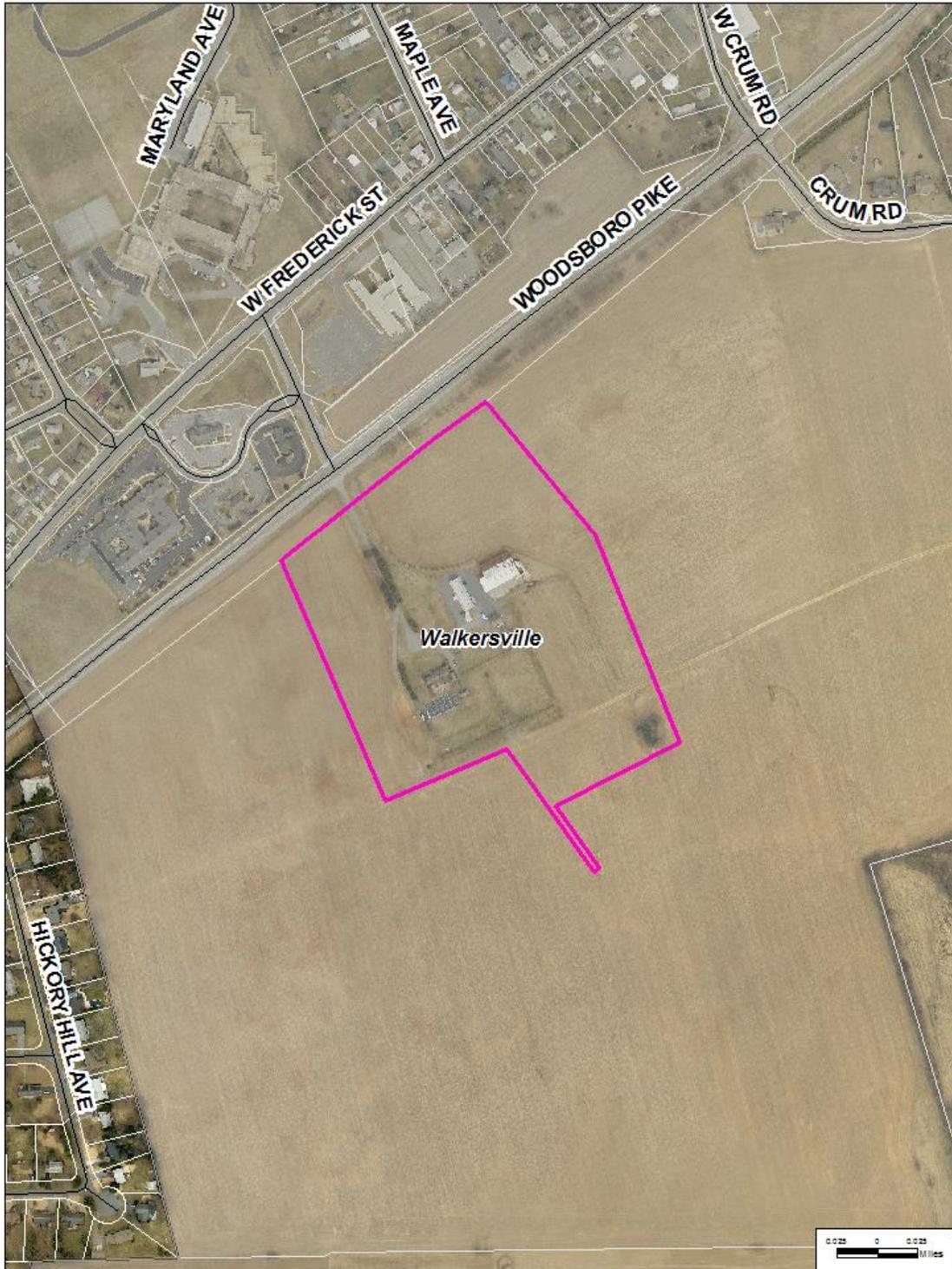
Water & Sewerage Plan Status — Water service to the property will be made through a connection to the existing 12-inch Town water line present in front of the property along Woodsboro Pike. An 8-inch County sewer line is located approximately 400 feet to the northwest of the property, near the intersection of Commerce Drive and Nicodemus Road. The Applicant is responsible for extension of this line to serve the property. The Town of Walkersville has indicated that sufficient water capacity exists to serve the property and use.

The existing dwelling(s) (and any other buildings) must connect to the public water and sewer system. The private well(s) 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. The septic system(s) must also be abandoned per Health Department guidelines.

STAFF RECOMMENDATION:

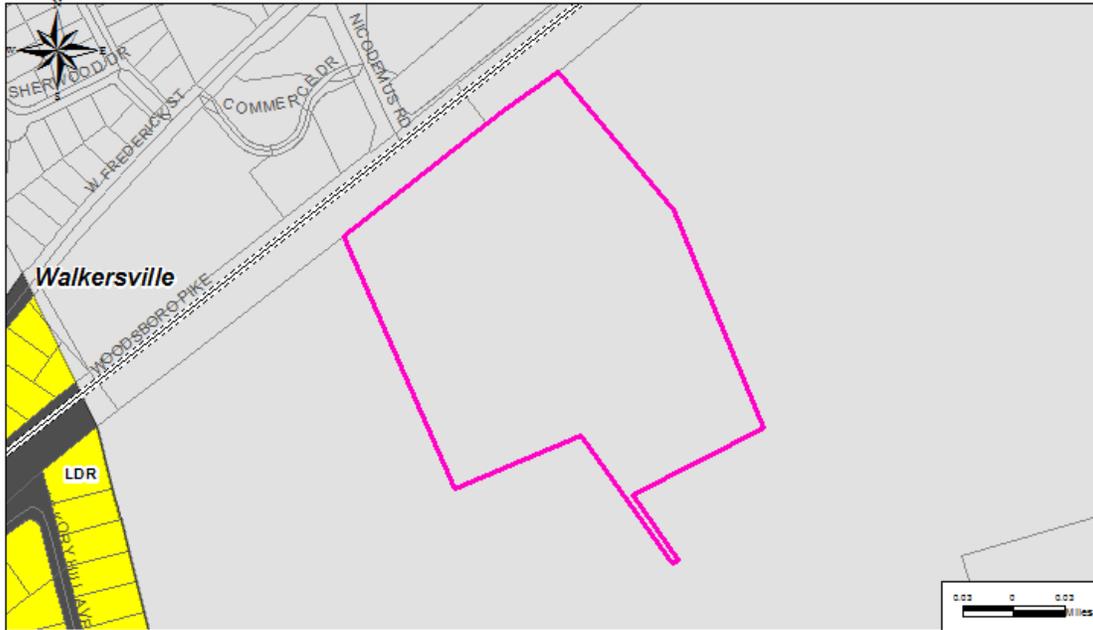
The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of Walkersville Comprehensive Plan.

WS 17-11

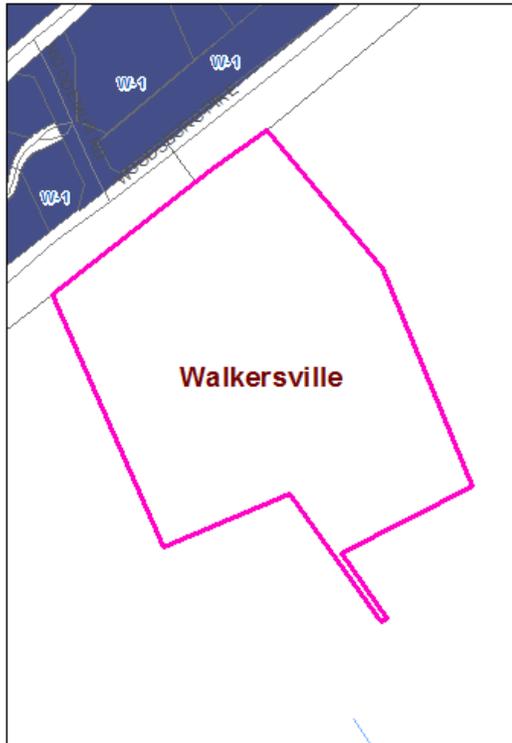


WS 17-11

Comprehensive Plan



Water Plan



Sewerage Plan



STAFF REPORT

Case # WS-17-12

APPLICANT: Division of Planning & Permitting/Quynn & Moody Trust

REQUEST: Reclassify Parcel 375 and 574 (12.5 acres) from S-4 to S-3

LOCATION: South side of Fish Hatchery Road in Lewistown
(Tax Map 40, Parcels 375 and 574. Property ID#20-408723,
20-400919, 20-591530)

Comprehensive Plan — General Commercial

Zoning — General Commercial

Development Status — The subject property contains several parcels; one of the parcels is developed with a warehouse building. A site development plan for an automobile repair facility on Parcel 574 was granted conditional approval by the Planning Commission in April 2017.

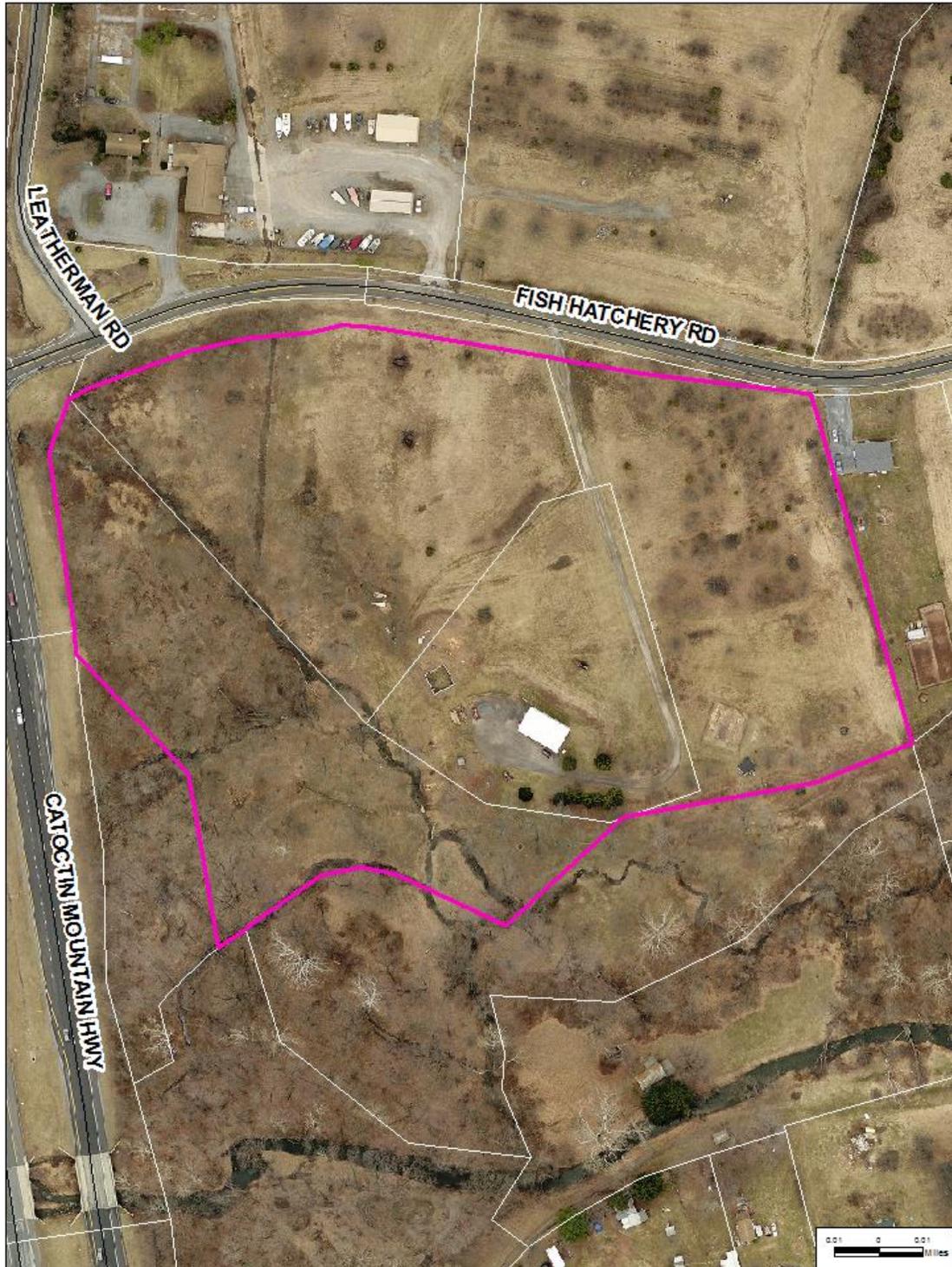
Water & Sewerage Plan Status — The subject property is included in the Lewistown Sewer Service Area, established through Water and Sewerage Plan Amendment Case WS 15-13. This amendment was designed to address the public health and environmental issues associated with the large number of failed or failing on-site sewage disposal systems (septic systems) in the community. Case WS 15-13 also included details about the planned upgrade and expansion of the County’s existing Lewistown wastewater treatment plant, the future construction of sewer lines, and the reclassification of properties within the service area to facilitate connection to the public system.

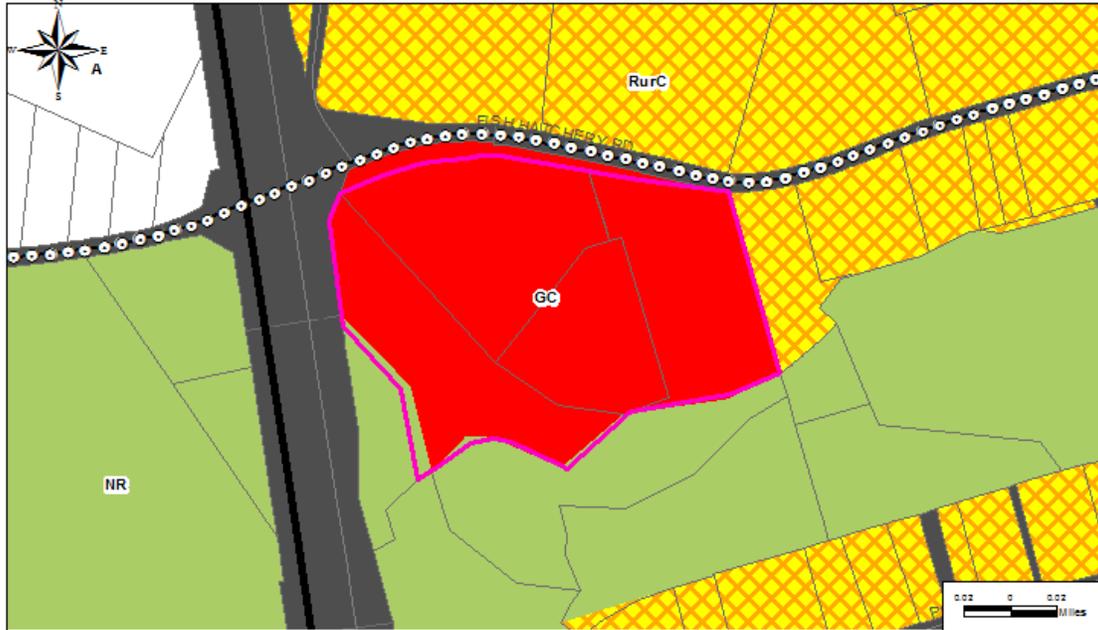
In addition to the Lewistown Sewer Service Area requirements, a related MOU for the design and construction of the necessary force main and sewage pumping systems required along Fish Hatchery Road in order to provide sewer service to the subject property was signed by the County and the owner of the subject property on November 17, 2015. This agreement also stipulates that Frederick County would initiate a Water and Sewerage Plan amendment for a sewer reclassification for the subject property. Improvement plans for the low pressure sewer line and associated pumping infrastructure along Fish Hatchery Road have been approved by the Division of Utilities and Solid Waste Management.

STAFF RECOMMENDATION:

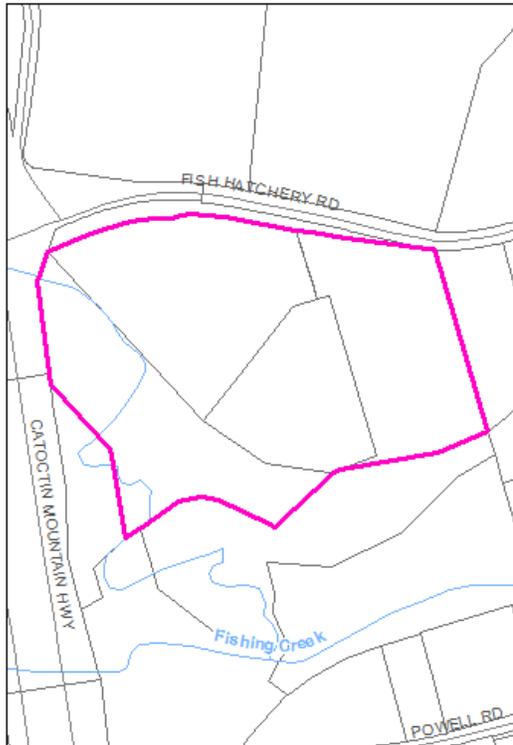
The property is located within a planned sewer service area. Staff recommends the Planning Commission makes a finding of consistency with the Comprehensive Plan for the request made in Case WS 17-12.

WS 17-12





Water Plan



Sewerage Plan

