



## FREDERICK COUNTY GOVERNMENT

Jessica Fitzwater  
County Executive

### DIVISION OF PLANNING & PERMITTING

Livable Frederick Planning & Design Office

Deborah A. Carpenter, AICP, Division Director

Kimberly Gaines, Director

**TO:** Water & Sewerage Plan Amendment Applicants

**THROUGH:** Deborah Carpenter, Division Director, Division of Planning & Permitting *DC*

**FROM:** Kimberly Gaines, Director, Livable Frederick Planning & Design Office *KG*

**DATE:** October 29, 2025

**SUBJECT:** Water and Sewerage Plan Amendment Complete Application Policy

This is an update to the previously issued March 3, 2015, memo which set the requirement that an application for a classification or infrastructure amendment would not be accepted unless all criteria are met at the time of application.

There are no substantive changes to this policy. This memo is updating the required documentation for the W-3/S-3 classification since the classification criteria were changed with the adoption of the 2024 Triennial Update (effective April 2025).

Effective with the Fall 2025 application cycle, listed below is the documentation (shown in ***red bold italics***) that will be required at time of submission of a Water and Sewerage Plan amendment application for W-3/S-3. Failure to provide this information will result in a request to resubmit. Applications that are not complete prior to the deadline will be rejected.

#### **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. Properties requesting this classification shall meet the following criteria:

1. Criteria required for the S-4/W-4 classification have been complied with.
2. 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.
3. A preliminary plan of subdivision, or equivalent plan in a municipality, has been approved by the Planning Commission, or equivalent body within a municipality.

***A decision letter documenting at least conditional approval by the Planning Commission.***

- a. If the County provides water and/or wastewater services to a municipality through a water or sewer service agreement, then the preliminary plan of subdivision or equivalent plan must be deemed acceptable by the Division of Water and Sewer Utilities.

***A letter (or e-mail) from the Division of Water and Sewer Utilities. This must be obtained prior to submitting the amendment application.***

4. If there is no preliminary plan of subdivision, and the property is not intended to be subdivided, and the property is a legal lot of record, a site plan (if required), or an equivalent plan in a municipality, has been approved by the Planning Commission, or equivalent body within a municipality.

***A decision letter documenting at least conditional approval of a site plan by the Planning Commission; or if no site plan is required, a letter (or e-mail) from appropriate development review agency stating site plan approval is not required for the proposed use.***

- a. If the County provides water and/or wastewater services to a municipality through a water or sewer service agreement, the site plan (if required) or equivalent plan must be deemed acceptable by the Division of Water and Sewer Utilities.

***A letter (or e-mail) from the Division of Water and Sewer Utilities. This must be obtained prior to submitting the amendment application.***

5. A discharge permit, where appropriate, has been approved by all appropriate State agencies.
6. 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.
7. 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.
8. Off-site water/sewer improvement plans, construction cost proposals, and easements (if applicable) that are needed to provide service to the site must be approved and signed. This criteria is considered met if a water/sewer line abuts the project site within a public right-of-way or a recorded public water/sewer easement.

Within this criteria, "project site" means the entire area included in an approved

preliminary plan or site plan. “Off-site improvement” means a required water/sewer project that is not located within the project site.

- \* *Approved off-site water/sewer improvement plans required to meet “service to the site.”*
- \* *Itemized construction cost proposals for infrastructure required to meet “service to the site.”*
- \* *Any necessary off-site easements must be recorded in the County land records.*

Satisfaction of Items 7 and 8 will create a rebuttable presumption in favor of the applicant that service will be available within 3 years. If a property does not obtain onsite water and sewer improvement plan approval and the Adequate Public Facilities Ordinance (APFO) letter of understanding (LOU) for the project expires, County staff may initiate a piecemeal amendment to recommend reclassification to a “5” or “4.” If there is not an APFO LOU for the project, County staff may initiate a piecemeal amendment to recommend reclassification to a “5” or “4” five years after approval of the reclassification by the Maryland Department of the Environment (MDE). Before initiating a piecemeal amendment, county staff will make a good faith effort to consult the applicant and/or owner of record.