

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2012-61

WHEREAS, the County Commissioners of Charles County, Maryland, by authority of Title 9, Subtitle 5, Environment Article, Annotated Code of Maryland, are directed to adopt and submit to the Maryland Department of the Environment a report of the review of the Comprehensive Plan for the provision of both adequate water supply systems and sewer systems throughout the County to include all towns, municipal corporations, and sanitary districts within Charles County, the said water and sewer plan to be consistent with land use master planning in Charles County; and

WHEREAS, by Resolution dated December 15, 2006, the County Commissioners of Charles County, Maryland, adopted an updated Comprehensive Water and Sewer Plan for Charles County and said report and Comprehensive Water and Sewer Plan have been approved by the Maryland Department of the Environment; and

WHEREAS, the County Commissioners of Charles County, Maryland, held a public hearing on July 12, 2012, and a subsequent Work Session, to consider proposed amendments to the Charles County Comprehensive Water and Sewer Plan; and

WHEREAS, after serious deliberation and study the County Commissioners of Charles County, Maryland, are of the opinion that it is in the best interest of the citizens of Charles County that the Comprehensive Water and Sewer Plan be amended.

NOW THEREFORE, BE IT RESOLVED, this 24th day of July 2012,
by the County Commissioners of Charles County, Maryland that the County Commissioners

grant a W3 and S3 map category for amendment request number 2012-1A (Guilford Development, described as 22.72 acres of Parcel 49 on Tax Map 24), as shown on Water and Sewer Plan Map 1 with the following conditions:

1. The Applicant must size the onsite and offsite sewer infrastructure improvements to accommodate the properties within the service area and provide the requisite sewer studies to demonstrate that the proposed flows from the project combined with the committed sewer allocations for other projects can be accommodated by the existing capacity of the receiving sewerage system. Any necessary improvements to the receiving sewerage system identified by the study will need to be made prior to the connection of the project.
2. The Applicant must size the onsite and offsite water infrastructure improvements to accommodate the properties within the service area and provide the requisite water flow studies to demonstrate that the proposed water demand from the project combined with the committed water allocations for other projects can be accommodated by the existing capacity. Any necessary improvements to the water supply system identified by the study will need to be made prior to the connection of the project.
3. Water and sewer allocations must be granted prior to the approval of subdivision plats.

BE IT FURTHER RESOLVED, that the County Commissioners grant a S6 map category with a “Non-County Facility” designation for amendment request number 2012-2A (Melwood Horticultural Training Center known as Parcel 20 on Tax Map 52), as shown on Water and Sewer Plan Map 3.

BE IT FURTHER RESOLVED, that the County Commissioners grant a S3 map category for amendment request number 2012-3A (National Guard Armory known as Parcels 190 and 252 on Tax Map 32), as shown on Water and Sewer Plan Map 3 with the designated denial of access to adjacent properties that will front the sewer line.

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to Chapter 4 THE SEWER PLAN by adding the proposed groundwater discharge permit for the Melwood Training Center septic system to Appendix 4A as shown below.

Appendix 4A: Summary of Existing and Planned NPDES Permit Discharges.

Name of Facility	Community	Appl./ Permit Number	Permits/Revisions Processing Status	Status Date	NPDES Number	Ground or Surface
Melwood Training Center	Nanjemoy	16-DP-3549	Being Processed		Pending	G

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to Chapter 1 PLANNING FRAMEWORK as follows to provide flexibility for exceptions to the denial of access areas outside of the designated water and sewer areas under certain compelling circumstances.

CHAPTER 1 PLANNING FRAMEWORK

1.4.1 PRIORITY CLASSIFICATION SYSTEM

Water Supply: Priority Classification System

W-6: Outside Designated Service Areas - No Planned Service. This category is assigned to all properties outside municipalities and outside designated water service areas. The establishment of a new water service area or expansion of an existing service area requires amendments to both the Charles County Comprehensive Plan and the Comprehensive Water and Sewer Plan. In cases where, by necessity of efficiency and effectiveness of the operating systems, water mains are located outside the designated service area and the County’s designated development district, a “denial of access area” will be established along water mains located outside service areas and depicted on the water category maps. No property shall be permitted to connect to the water main within the denial of access area. **THE COMMISSIONERS MAY MAKE AN EXCEPTION FOR THE LOCATION OF PUBLICLY OWNED, INSTITUTIONAL FACILITIES, THAT BY PUBLIC NECESSITY AND THE NATURE OF THE USE, ARE MOST APPROPRIATELY LOCATED OUTSIDE THE PLANNED WATER SERVICE AREA. THE COMMISSIONERS MAY ALSO MAKE AN EXCEPTION FOR THE CONNECTION OF EXISTING HOUSES OR COMMERCIAL STRUCTURES THAT HAVE BEEN IDENTIFIED BY THE COUNTY HEALTH DEPARTMENT AS A FAILING WELL AND WHERE NO REASONABLE ALTERNATIVE CAN BE APPROVED.**

Sewer Service: Priority Classification System

S-6: Outside Designated Service Areas - No Planned Service. A category assigned to all properties outside municipalities and outside designated sewer service areas. The establishment of new sewer service areas to serve new development in these areas is not consistent with the Comprehensive Plan. In cases where, by necessity of efficiency and effectiveness of the operating systems, sewer mains are located outside the designated service area and the County's designated development district, a "denial of access area" will be established along sewer mains located outside service areas and depicted on the sewer category maps. No property shall be permitted to connect to the sewer main within the denial of access area. **THE COMMISSIONERS MAY MAKE AN EXCEPTION FOR THE LOCATION OF PUBLICLY OWNED INSTITUTIONAL FACILITIES, THAT BY PUBLIC NECESSITY AND THE NATURE OF THE USE, ARE MOST APPROPRIATELY LOCATED OUTSIDE THE PLANNED SEWER SERVICE AREA. THE COMMISSIONERS MAY ALSO MAKE AN EXCEPTION FOR THE CONNECTION OF EXISTING HOUSES OR COMMERCIAL STRUCTURES THAT HAVE BEEN IDENTIFIED BY THE COUNTY HEALTH DEPARTMENT AS A FAILING SEPTIC SYSTEM AND WHERE NO REASONABLE ALTERNATIVE CAN BE APPROVED.**

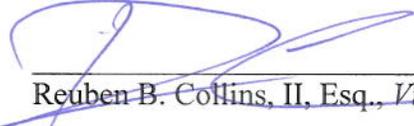
BE IT FURTHER RESOLVED, that said plan, with amendments, replaces and supersedes all previous plans, and it is FURTHER RESOLVED that said amendments shall be submitted to the Maryland Department of the Environment for review.

IT IS FURTHER RESOLVED, that if any clause or section contained within this Resolution is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining clauses or sections enumerated within this Resolution.

FINALLY, IT IS RESOLVED, that this Resolution shall take effect on the 24th day
of July, 2012.

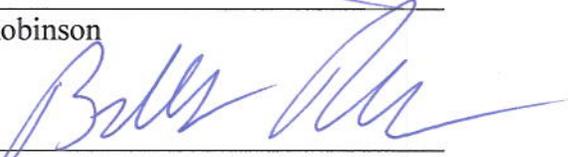
COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND


Candice Quinn Kelly, *President*


Reuben B. Collins, II, Esq., *Vice President*


Debra M. Davis, Esq.


Ken Robinson


Bobby Rucci


ATTEST: Denise Ferguson, Clerk