COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2013-56

A RESOLUTION concerning

AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWER PLAN

FOR the purpose of adopting amendments to the Charles County Comprehensive Water and Sewer Plan.

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 October 1, 2013 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, by the County Commissioners of Charles County, Maryland that the County Commissioners grant a W5 and S5 map category for amendment request number 2013-1 (Village of Hughesville, described as approximately 619 acres within various parcels on Tax Map 36), as shown on Water and Sewer Plan Maps 4 and 5; and

BE IT FURTHER RESOLVED, that the County Commissioners grant a W5 and S5 map category designation for amendment request number 2013-2 (College of Southern Maryland known as Parcels 16, 124, 359 & 275 on Tax Map 36), as shown on Water and Sewer Plan Map 4; and

BE IT FURTHER RESOLVED, that the County Commissioners grant a W5 and S5 map category for amendment request number 2013-3 (Hughesville Station known as Parcels 126 and 392 on Tax Map 36), as shown on Water and Sewer Plan Map 4; and

BE IT FURTHER RESOLVED, that the County Commissioners grant a W5 and S5 map category for amendment request number 2013-4 (Barns at Hughesville known as part of Parcel 165 on Tax Map 36), as shown on Water and Sewer Plan Map 4; and

BE IT FURTHER RESOLVED, that the County Commissioners grant a W5 map category for amendment request number 2013-5 (West White Plains known as various parcels on Tax Map 23), as shown on Water Plan Map 2; and

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to Chapter 1, ADOPTED IMPLEMENTATION POLICIES to create a new Section, 1.3.13 POLICY ON UTILITY CONNECTION TO ESTABLISHED PETITION PROJECTS to clearly define the County's Policy when adding new properties to a County Water and/or Sewer Petition Project that is still active, as follows:

1.3.13 <u>POLICY ON THE UTILITY CONNECTION TO ESTABLISHED PETITION PROJECTS</u>

AS STATED IN THE GENERAL POLICIES SECTIONS 1.2.3 B) AND 1.2.4 D), IT IS THE COUNTY'S OBJECTIVE TO CONVERT PRIVATELY OWNED WATER AND SEWER SYSTEMS TO PUBLIC OWNERSHIP AND MAINTENANCE. CHAPTER 97, ARTICLE II GRANTS THE AUTHORITY AND ESTABLISHES THE RULES FOR ASSUMING RESPONSIBILITY FOR PRIVATELY OWNED UTILITIES. CLARIFICATION IS NEEDED TO ESTABLISH THE FINANCIAL RESPONSIBILITY OF OWNERS OF UNDEVELOPED OR UNDERDEVELOPED PROPERTY DIRECTLY BENEFITTING FROM THE IMPROVEMENTS ASSOCIATED WITH THE UTILITY EXTENSION AND UPGRADE TO EXISTING FACILITIES SET FORTH IN THE ORDINANCE ESTABLISHING THE ORIGINAL ASSESSMENT. THE RESPONSIBILITIES ARE ESTABLISHED FOR THE VARIOUS CLASSES OF PROPERTY OWNER AS FOLLOWS:

1) **WHEN AN OWNER OF UNDEVELOPED OR UNDERDEVELOPED PROPERTY WAS PARTY TO THE ORIGINAL PETITION AGREEMENT, THEN THE PROPERTY OWNER OR THE OWNERS OF EACH LOT SUBDIVIDED WILL BE SUBJECT TO THE FULL ASSESSMENT AS ESTABLISHED IN THE ORDINANCE THAT PROVIDES FOR THE BENEFIT ASSESSMENT WHEN THE LOTS ARE RECORDED.**

2) **WHEN AN OWNER OF UNDEVELOPED OR UNDERDEVELOPED PROPERTY DIRECTLY BENEFITTING FROM ALL OR A PORTION OF THE IMPROVEMENTS ASSOCIATED WITH A PETITION PROJECT ESTABLISHED UNDER CHAPTER 97 REQUESTS CONNECTION TO THE COUNTY SYSTEM, THE PROPERTY OR THE SUBDIVIDED LOTS WILL BE RESPONSIBLE FOR ALL OR A PORTION OF THE BENEFIT ASSESSMENT ESTABLISHED. UNLESS IT IS DETERMINED BY THE DIRECTOR OF PLANNING AND GROWTH MANAGEMENT THAT THE OWNER OF THE UNDEVELOPED PROPERTY IS DIRECTLY BENEFITTING FROM ONLY A PORTION OF THE IMPROVEMENTS, THEN THE OWNER OR THE SUBSEQUENT OWNERS OF SUBDIVIDED LOTS ARE RESPONSIBLE FOR THE FULL ASSESSMENT FOR THE DURATION OF YEARS ESTABLISHED IN THE ORDINANCE. IF THE PROPERTY IS DETERMINED TO BENEFIT DIRECTLY BY ONLY A**

DISCRETE PORTION OF THE IMPROVEMENTS IN THE ORIGINAL PETITION, THEN THE DIRECTOR OF PLANNING AND GROWTH MANAGEMENT MAY APPORTION THE BENEFIT ASSESSMENT TO THE SUBJECT PROPERTY AND LOTS RESULTING FROM SUBDIVISION IN THE SAME MANNER AS SET FORTH IN CHAPTER 97, ARTICLE II. THE COMMISSIONERS MAY BY ORDINANCE, AS ESTABLISHED IN CHAPTER 97-2 SECTION C, AMEND THE BENEFIT ASSESSMENT LEVIED ON THE ORIGINAL PETITIONERS TO REFLECT THE PAYMENTS TO BE MADE BY THE NEW PETITIONERS. IF SUCH AN AMENDMENT IS MADE, THE INTENT IS TO KEEP THE SAME DURATION OF THE ASSESSMENT PERIOD AS ESTABLISHED IN THE ORIGINAL ORDINANCE.

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to Chapter 4 THE SEWER PLAN by adding a new Section 4.6 PLANNED SEWAGE TREATMENT SYSTEMS to describe the addition of the Village of Hughesville as a planned sewage treatment system, as follows:

Chapter 4 The Sewer Plan

4.6 PLANNED SEWAGE TREATMENT SYSTEMS

4.6.1 <u>HUGHESVILLE</u>

THE VILLAGE OF HUGHESVILLE IS LOCATED ALONG THE SOUTH SIDE OF MD RT. 5, AND INCLUDES THE CROSSROADS WITH MD RT. 231. BASED UPON THE 2007 ADOPTION OF THE HUGHESVILLE VILLAGE REVITALIZATION PLAN, A VITAL PART OF THE IMPLEMENTATION STRATEGY IS TO PROVIDE NEEDED INFRASTRUCTURE, INCLUDING PUBLIC WATER AND SEWER. THE PROVISION OF THIS INFRASTRCTURE WILL SUPPORT CURRENT ECONOMIC DEVELOPMENT INITIATIVES AS WELL AS PROVIDE AN ENVIRONMENTALLY SOUND REDUCTION OF SEPTIC SYSTEMS WITHIN THE VILLAGE. HUGHESVILLE CONTAINS APPROXIMATELY 138 RESIDENTIAL PARCELS AND 92 COMMERCIAL/INDUSTRIAL PARCELS. THE VILLAGE IS CURRENTLY SERVED BY INDIVIDUAL SEPTIC SYSTEMS AND THE PRIVATELY-OWNED AND OPERATED HUGHESVILLE SANITARY COMMISSION WHICH PROVIDES WASTEWATER SERVICE TO TWELVE (12) COMMERCIAL LOTS ALONG MARYLAND BUSINESS ROUTE 5. THE ABSORPTION FIELD UTILIZED BY THE HUGHESVILLE SANITARY COMMISSION IS OPERATING AT APPROXIMATELY 90% OF THE TOTAL CAPACITY AND DOES NOT HAVE THE ABILITY TO SERVE ADDITIONAL PROPERTIES. BASED ON THE REVITALIZATION PLAN AND LIMITATION OF LOCAL PRIVATE SEWAGE SYSTEMS, CHARLES COUNTY HAS FUNDED THE DEVELOPMENT OF A PUBLIC WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM WITHIN THE CAPITAL PROGRAM,

CONSISTENT WITH THE REVITALIZATION PLAN. THE LIMITS OF THE SEWER SERVICE AREA WILL BE CONSISTENT WITH THE PRIORITY FUNDING AREA (PFA) DESIGNATION FOR THE VILLAGE OF HUGHESVILLE.

BE IT FURTHER RESOLVED, that the County Commissioners adopt a text amendment to Chapter 3 THE WATER PLAN by adding a new Section 3.6 PLANNED WATER SYSTEMS to describe the addition of JENKINS LANE and WEST WHITE PLAINS as planned water systems, as follows:

Chapter 3 The Water Plan

3.6 PLANNED WATER SYSTEMS

3.6.1 <u>JENKINS LANE</u>

THE JENKINS LANE WATER COMPANY PETITIONED CHARLES COUNTY GOVERNMENT TO REPLACE THEIR FAILING PRVATE WATER SYSTEM AND ASSUME OWNERSHIP, OPERATIONS AND MAINTENANCNE IN 2010. THE COUNTY HAS COMPLETED DESIGN OF THE NEW WATER SYSTEM AND PLANS TO BEGIN CONSTRUCTION IN EARLY 2014 THROUGH THE LOCAL CAPITAL PROGRAM. JENKINS LANE IS CURRENTLY SERVED BY A TEMPORARY CONNECTION TO THE COUNTY WATER LINE DUE TO A SYSTEM FAILURE THAT OCCURRED IN 2011. JENKINS LANE RECEIVED A PRIORITY FUNDING AREA EXEMPTION FROM THE STATE BOARD OF PUBLIC WORKS IN 2012, AND IS ELIGIBLE FOR STATE GRANT FUNDS.

3.6.2 <u>WEST WHITE PLAINS</u>

THE WEST WHITE PLAINS WATER SYSTEM IS A PRIVATE COMMUNITY WATER SYSTEM THAT SERVES 16 HOMES. DUE TO THE AGE OF THE WATER SYSTEM AND LIMITED FUNDING TO REPLACE THE FAILING INFRASTRUCTURE, A SERIES OF WATER LINE AND PRODUCTION WELL FAILURES HAVE EXHAUSTED THE COMMUNITY RESOURCES. THE COMMUNITY RESIDENTS, WHO ARE ALSO THE SYSTEM OPERATORS, HAVE APPLIED FOR STATE GRANT FUNDS TO HAVE THE COUNTY PUBLIC WATER SYSTEM INTER-CONNECTED TO THE COMMUNITY WATER SYSTEM AND REPLACE THE EXISTING DISTRIBUTION LINES. IT WAS DETERMINED THAT THE COUNTY WILL APPLY FOR A PRIORITY FUNDING AREA EXPANSION OR EXEMPTION FROM THE STATE IN ORDER TO MAKE THE WATER SYSTEM ELIGIBLE FOR STATE GRANT FUNDS.

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

BE IT 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.

Adopted this 1st day of October, 2013.

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