



Notice of Public Hearing

Proposed Amendment to the St. Mary's County Comprehensive Water and Sewerage Plan for Norris Woods Subdivision

NOTICE IS HEREBY GIVEN that the Commissioners of St. Mary's County will conduct a public hearing in the Public Meeting Room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, Maryland, on Tuesday August 20, 2013 beginning at 10:00 a.m., for the purpose of receiving public testimony in considering an amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP). The amendment to be considered is as follows:

For case #13-200-001, Norris Woods Subdivision: amend service area map IV-42 to change the sewer service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for 21.07 acres described as Tax Map 42, Grid 18, Parcel 79 (also known as 45567 Norris Road) in the 8th Election District in anticipation of providing public sewerage service to a proposed residential major subdivision.

A copy of the proposed amendment is available for viewing at each public library within the County, at the Public Information Office located in the Chesapeake Building at 41770 Baldrige Street, Leonardtown, Maryland, and through links on the St. Mary's County Government web page: www.co.saint-marys.md.us

Jeff Jackman, Senior Planner
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext. 1541

Please publish as a legal notice in the *Enterprise* on August 2, 2013 and August 9, 2013.



PUBLIC HEARING STAFF REPORT

To: Board of County Commissioners
From: Jeffrey Jackman, Senior Planner J.J.
Date: July 30, 2013
Hearing Date: August 20, 2013
Re: **Norris Woods Subdivision CWSP Amendment, Case No. 13-200-001**

Pursuant to provisions of the St. Mary's County Comprehensive Water and Sewerage Plan (the "CWSP"), the Board of County Commissioners will hold a public hearing on August 20, 2013 to consider a request to amend the CWSP as follows:

Proposed: amend service area map IV-42 to change the sewer service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for 21.07 acres described as Tax Map 42, Grid 18, Parcel 79 (also known as 45567 Norris Road) in the 8th Election District in anticipation of providing public sewerage service to a proposed residential major subdivision.

I. DEVELOPMENT DATA:

Owner: D2 Affordable Development LLC
Location: Map 42, Grid 18, Parcel 79 in the 8th Election District
Zoning: Residential Low Density (RL), Lexington Park Development District
Water Service Category: W-1

II. BACKGROUND INFORMATION:

The major subdivision (13-120-001) was reviewed by all Technical Evaluation Committee (TEC) agencies in March, 2013. Principal TEC comments from the St. Mary's County Health Department and the St. Mary's County Metropolitan Commission support the proposed connections to public water and sewer.

III. REQUIREMENTS AND ANALYSIS PURSUANT TO SECTION 1.5.3(D) and 1.5.3(E) OF THE ST. MARY'S COUNTY COMPREHESIVE WATER AND SEWERAGE PLAN

1.5.3(E)(2) A public hearing is scheduled for August 20, 2013; notice is to be advertised in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on August 2, 2013 and August 9, 2013. The property will be posted and adjoining property owners notified by certified mail as required.

1.5.3(D)(2) The Department of Land Use and Growth Management has:

- 1) Consulted every official planning agency having any immediate jurisdiction in the county, including those with multi-county or regional jurisdiction;
- 2) Provided to the Maryland Department of the Environment ("MDE") a statement that the above agencies have been consulted; and
- 3) Provided MDE with prior written notice of the Planning Commission hearing.

1.5.3(D)(3) Staff report, including the analysis required pursuant to §9-506(a)(3) of the Environment Article of the Annotated Code of Maryland:

- 1) Compatibility with the St. Mary's County Comprehensive Plan. §7.6.1.B.iii.a directs that planned sewerage service be provided to planned growth areas. Subject property is in the Lexington Park Development District, a planned growth area as defined by the Comprehensive Plan.
- 2) Planning and zoning issues. The requested connection would serve a proposed residential subdivision of 44 lots. The proposed density is well within the limits of the RL zoning district. Section 70.8.1 of the Comprehensive Zoning Ordinance requires the connection of new development to a public sewer system.
- 3) Population estimates. Approval of the subdivision will require the allocation of 44 EDUs of sewerage capacity. The Marlay-Taylor Water Reclamation Facility/collection system is currently adequate to serve the proposed development.
- 4) Engineering. All construction will be in accordance with the *St. Mary's County Standard Specifications for Water and Sewerage Construction*.
- 5) Economics. The applicant will bear all installation costs involved in connecting the subject development to the existing service line approximately 300 feet distant within the Norris Road right of way.
- 6) State, regional and municipal plans. Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. A copy of the proposed amendment has been submitted to MDE for distribution to appropriate state agencies. Staff anticipates that the proposed amendment will be found to be compatible with applicable state laws and programs.
- 7) Comments received from other agencies in the County. Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and Metropolitan Commission must become part of the record to complete the application. In summary, these agencies support the provision of public sewerage service to the subject property.

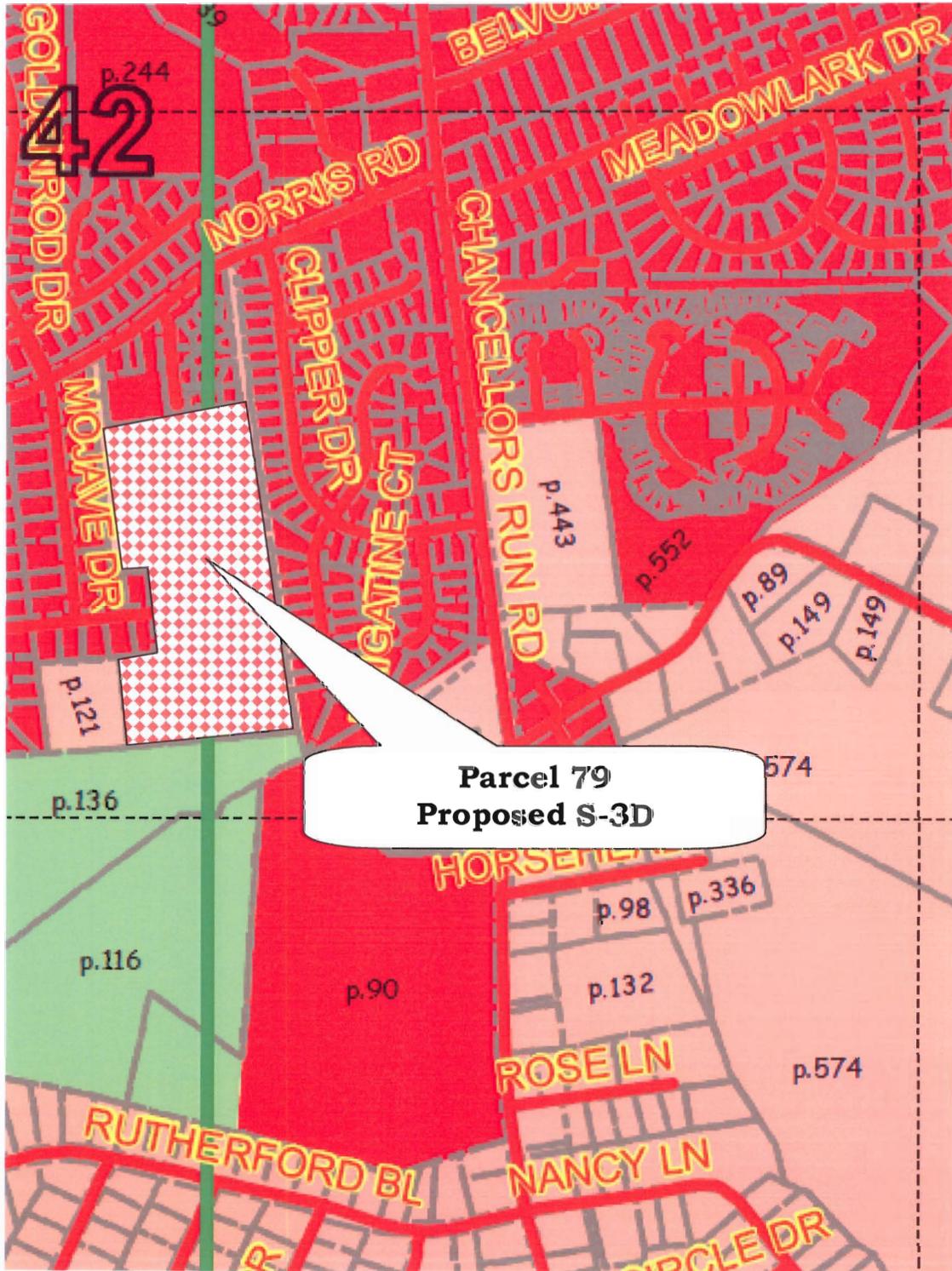
IV. RECOMMENDATION OF THE PLANNING COMMISSION:

Following a public hearing on June 24, 2013, by a 7-0 vote, the Planning Commission authorized the Chair to sign PC Resolution 13-02 to convey to the Board of County Commissioners its recommendation that the CWSP be amended as requested. A copy of the Planning Commission resolution is attached to this report.

V. ACTION REQUESTED OF THE BOARD OF COUNTY COMMISSIONERS

- 1) Conduct a public hearing
- 2) Close the record
- 3) Notify the Maryland Department of the Environment regarding this amendment to the CWSP

SEWER SERVICE AREA MAP IV-42



RESOLUTION

WHEREAS, D-2 Affordable Development, LLC (the "Applicant") made application to access community sewer service for a proposed residential subdivision on 21.07 acres described as Tax Map 42, Grid 18, Parcel 79 (also known as 45567 Norris Road) in the 8th Election District of St. Mary's County, Maryland (hereinafter the "Property"); and

WHEREAS, this access necessitates amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (hereinafter the "CWSP"); and

WHEREAS, §1.5 of the CWSP sets forth the procedures for amendment; and

WHEREAS, following due notice published in the June 7, 2013 and June 14, 2013 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, the posting of the Property, and written notification to the adjoining property owners, the St. Mary's County Planning Commission (hereinafter the "Planning Commission") conducted a public hearing on June 24, 2013 to consider the Applicant's request; and

WHEREAS, the Planning Commission concludes that the proposed amendments meet the requirements of §9-506(A)(3) of the *Environment Article* of the Maryland Annotated Code based on the following findings:

i) Compatibility with the St. Mary's County Comprehensive Land Use Plan.

St. Mary's Comprehensive Plan (effective 4/6/10), Chapter VII:

7.6.1.B.iii.a Provide planned sewerage service and extend new sewerage service in a deliberate and orderly manner to planned growth areas.

Therefore, this proposal is consistent with the Comprehensive Plan.

ii) Planning and Zoning Issues.

The proposed connection would serve a residential subdivision which is a permitted use in the Residential Low Density zoning district. Section 70.8.1 of the Comprehensive Zoning Ordinance requires the connection of new development to a public sewer system.

iii) Population Estimates.

The subdivision will require the allocation of 44 EDUs of sewerage capacity. The Marlay-Taylor Water Reclamation Facility and collection system are currently adequate to serve the proposed development.

iv) Engineering.

All construction will be in accordance with the St. Mary's County Metropolitan Commission's *Standard Specifications for Water and Sewerage Construction*.

v) Economics.

The applicant will bear all installation costs involved in connecting the subject development to existing service.

vi) State, Regional, and Municipal Plans.

Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. The proposed amendments are consistent with applicable state laws and programs.

vii) Comments received from other agencies in the County.

Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and the Metropolitan Commission must become part of the record to complete the application. These agencies support the provision of community sewerage service to the property; and

WHEREAS, the Planning Commission finds that the requested service would promote the public health and safety, and amending the CWSP is necessary and appropriate.

NOW THEREFORE BE IT RESOLVED by the St. Mary's County Planning Commission to recommend to the Board of County Commissioners that the CWSP be amended as follows: amend service area map IV-42 to change the service category from S-6D (service in 6 to 10 years, developer financed) to S-3D (service in 3 to 5 years, developer financed) for the Property.

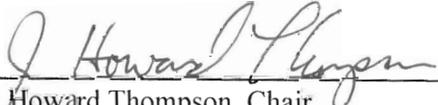
BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

Date of Adoption: June 24, 2013

Ayes: 7 Nays: 0 Abstain: 0

ST. MARY'S COUNTY PLANNING COMMISSION



J. Howard Thompson, Chair

Attest:



Phillip J. Shire, Director
Department of Land Use and Growth Management

**Subject: Comprehensive Water and Sewerage
Plan: Amendment re: Norris Woods
Subdivision, CWSP No. 13-200-001**

RESOLUTION

**TO AMEND THE ST. MARY’S COUNTY COMPREHENSIVE WATER AND
SEWERAGE PLAN RE: NORRIS WOODS SUBDIVISION, CWSP NO. 13-200-001**

WHEREAS, D2 Affordable Development LLC, made application to access community sewer service for a proposed residential subdivision on 21.07 acres located at 45567 Norris Road and designated as Tax Map 42, Grid 18, Parcel 79 in the 8th Election District of St. Mary’s County, Maryland; and

WHEREAS, pursuant to §9-506 of the *Environment Article* of the *Annotated Code of Maryland*, the St. Mary’s County Planning Commission has reviewed the amendment of the Plan proposed for adoption and, on June 24, 2013, made recommendations to the Board of County Commissioners; and

WHEREAS, in accordance with §9-503(d)(2) of the *Environment Article* of the *Annotated Code of Maryland*, a notice of a public hearing was advertised on _____, 2013, and _____, 2013, in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on _____, 2013, to receive public comment and consider adoption of the amendment of the Plan; and

WHEREAS, the Commissioners of St. Mary's County, Maryland, find that it is in the best interest of the health, safety, and welfare of the citizens of St. Mary's County to adopt the amendment of the Plan,

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of St. Mary’s County, pursuant to §9-503 of the *Environment Article* of the *Annotated Code of Maryland*, that the St. Mary’s County Comprehensive Water and Sewerage Plan is amended as follows:

21.07 acres at 45567 Norris Road, designated as Tax Map 42, Grid 18, Parcel 79 and as Sewer Service Map 42, Grid 18, Parcel 79 is designated as Sewer Category S-3D.

BE IT FURTHER RESOLVED, by the Commissioners of St. Mary’s County, that the foregoing amendment of the St. Mary’s County Comprehensive Water and Sewerage Plan be submitted to the Maryland Department of the Environment; and

BE IT FURTHER RESOLVED, by the Commissioners of St. Mary’s County that this Resolution shall be effective upon the date written below.

Those voting Aye: _____

Those voting Nay: _____

**Subject: Comprehensive Water and Sewerage
Plan: Amendment re: Norris Woods
Subdivision, CWSP No. 13-200-001**

Those Abstaining: _____

Date of Adoption: _____

Effective Date: _____

ATTEST:

COMMISSIONERS OF ST. MARY’S COUNTY

Rebecca B. Bridgett
County Administrator

Francis Jack Russell, President

Lawrence D. Jarboe, Commissioner

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

Cynthia L. Jones, Commissioner

George R. Sparling
County Attorney

Todd B. Morgan, Commissioner

Daniel L. Morris, Commissioner