



**Charles County
Board of County Commissioners
Meeting of October 24, 2023**

**Department of Planning and Growth
Management Staff Report**

**Water & Sewer Service Category Amendment
2023 Spring Cycle**

**10885 & 10897 DeMarr Road
Application Number: 2023-A1**

Prepared by Ben Yeckley, Planner III

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I. Applicant & Project Information:

- a. Project Name: DeMarr Park Partnership
 - i. Applicant: BHT Properties Group
 - ii. Engineer: Lorenzi, Dodds, & Gunnill
- b. Project Number: 2023-A1
- c. Subject Property: The Project encompasses Tax Map: 24, Parcel: 19/124
- d. Land Use & Zoning Category: The subject property is zoned Light Industrial (IG) and is located inside of the Development District and the Priority Funding Area. The property is also located within Tier 2 (planned for sewer service) on the “Sustainable Growth and Agricultural Preservation Act Tier Area Designations Map” most recently updated on July 12, 2016.
- e. General Description of Request: The Applicant is requesting changes to their water category from W-5 to W-3, and sewer category from S-5 to S-3, in accordance with the Review and Amendment Procedures described in Section 1.4.2 of the Charles County Comprehensive Water and Sewer Plan.

II. Review and Amendment Procedures:

As described in Section 1.4.2 of the Charles County Comprehensive Water and Sewer Plan, the County Commissioners will consider amendments to priority classification, text, and maps of the adopted Comprehensive Water and Sewer Plan and may do so on a semi-annual amendment cycle. A public hearing before the Charles County Commissioners will be held to provide an opportunity for the public to comment on the proposed amendments. Local jurisdictions shall be given at least two weeks' notice of the public hearing, to afford them the opportunity to provide comments on the proposed amendments. To that end, the public notice for the subject hearing has been provided to planning agencies for Calvert County, Prince George's County, St. Mary's County, the Towns of Indian Head and LaPlata, and the Director of Environmental Health for the Charles County Health Department.

Requests for service category amendment must meet the criteria for priority re-classification established in the Comprehensive Water and Sewer Plan and described below.

Water & Sewer Category Classification System:

As described in the Charles County Comprehensive Water and Sewer Plan, Section 1.4.1, the County Commissioners have established a priority classification system in accordance with State law. The priority system is designed to show a rational and timely means to obtain such facilities, while maintaining the integrity of both the County Comprehensive Water and Sewer Plan and the County Comprehensive Land Use Plan. The priority system is designed to show need and

intent of the County, its municipalities, and the development community for establishing or extending public, community, or multi-use water and sewer systems. The County Commissioners of Charles County separate their water and sewer priority classification system as there are fundamental differences in the interpretation of these categories, which affects their implementation. Each category change requires an amendment to the Comprehensive Water and Sewer Plan, as approved by the Charles County Commissioners, except for the change from Category 3 to Category 1. The change from Category 3 to Category 1 will be completed administratively by the Charles County Department of Planning and Growth Management as properties receive an approved Utility Permit and Use and Occupancy Permit. Please see below for the explanation of each water and sewer category:

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.
- **W-5 Water Service Areas or Interconnection Zones**. This category is assigned to all properties within designated water service areas or water interconnection zones, unless properties have attained a "W-3" or "W-1" category. Properties within water supply zones may be required to interconnect infrastructure systems in order to assure that adequate contingency water supply, storage and fire suppression capabilities exist. Lots in minor subdivisions or new residential construction on existing lots may be served by individual wells where public water is more than 500 feet away.
- **W-3 Planned Service**. Properties where improvements to, or construction of, new community water supply systems are planned or are under design. All subdivisions and new construction with this designation must be served by public/central water systems. A service category amendment to "W-3" shall precede the approval of preliminary plans of subdivision and site plans utilizing public water supply and sewer services by the Planning Commission. Properties desiring such a re-classification shall submit an application for amendment to the County Department of Planning and Growth Management. Replacement wells are permitted for properties more than 500 feet from existing distribution lines within an area designated as "W-3" or "W-1". A "W-3" does not require further application, as elevation to a "W-1" is contingent upon developer action or infrastructure status.
- **W-1 Existing Service**. Properties served by community or multi-use systems which are either existing or under construction. No private wells are permitted.

Staff Comment: The applicant's request meets the criteria for priority re-classification to W-3.

Sewer Service: Priority Classification System

- **S-6 Outside Designated Service Areas – No Planned Service.** This category is assigned to all properties outside municipalities and outside designated sewer service areas.
- **S-5 Sewer Service Areas or Interconnection Zones.** This category applies to properties located within a designated sewer service area. It is the intention of the County Commissioners to ultimately provide sewer service to areas with said designations.
- **S-3 Planned Service.** Properties where improvements to, or construction of, new community or sewer systems are planned or under design. A service category amendment request for "S-3" may be concurrent with the submission of preliminary plans of subdivision and site plans utilizing public sewer services by the Planning Commission. Properties desiring an "S-3" reclassification shall submit an application for amendment to the County Department of Planning and Growth Management. A preliminary subdivision plan or site plan may be submitted and processed by staff, but not approved by the Charles County Planning Commission, until a "S-3" category is granted by the Commissioners. However, the approval of a Priority "3" classification does not obligate the County to approval of the preliminary subdivision plan or site plan by the Planning Commission; failure by the Planning Commission to approve a preliminary plan of subdivision or site plan constitutes a reversion of the "S-3" category to its original category. A "S-3" category does not require further application, as elevation to "S-1" is contingent on developer action or infrastructure status.
- **S-1 Existing Service.** Properties served by centralized sewer systems which are either existing or under construction.

Staff Comment: The applicant's request meets the criteria for priority re-classification to S-3.

Per Section 6.4 of the Water and Sewer Ordinance, in order to develop on public water and sewer, an allocation must be obtained. Areas available for allocation shall be designated by at least a "W-3" category for water service and a "S-3" category for sewer service as shown in the Comprehensive Water and Sewerage Plan, and its accompanying maps.

III. Conclusion & Recommendation:

The Applicant's proposed change in water category from W-5 to W-3 and sewer category from S-5 to S-3 has met the criteria for priority re-classification established in the Comprehensive Water and Sewer Plan described above, and staff recommends approval.

Following the decision of the County Commissioners, the amendment shall be sent to the Maryland Department of the Environment for its review and final approval.

IV. Appendices: Attached.