



**Charles County
Board of County Commissioners
Meeting of December 3, 2024**

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

**Water & Sewer Service Category Amendments
2024 Fall Cycle**

**Administrative Amendments for Mapping Corrections
Application Numbers: 2024-B1 – 2024-B13**

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I. Application Information:

- a. Background: Staff has identified several properties that were inadvertently miscategorized during previous comprehensive category map amendments. Each of the properties subject to this request has been analyzed, and the appropriate service categories have been determined and reflected within this request where amendments are required.
- b. Owner and Property Information: This request includes thirteen (13) individual applications. They have been designated 2024-B1 – 2024-B13. Owner and location details for each request are provided in Attachment A.
- c. Amendments to the Service Areas: This request is contingent upon the adoption of Bill 2024-15, which updates the Water Service Areas and Sewer Service Areas.

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 La Plata, and the Director of Environmental Health for the Charles County Health Department.

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

III. 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:

a. 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-6 (WCD) Outside Designated Service Areas – No Planned Service within the Watershed Conservation District**. This category is assigned to all properties outside municipalities and outside designated water service areas, but within the Watershed Conservation District. These areas were mapped to generally coincide with the Tier 4 Area Designations. Since the WCD was previously part of the Development District or Deferred Development District, it is recognized that water infrastructure exists in the W-6 (WCD) or may be needed to serve existing or planned adjacent development in the Planned 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-5 (WCD) Water Service Areas within the WCD**. This category is assigned to portions of the WCD that are surrounded or bounded on 3 sides by W1 or W3 categories and are determined to be readily serviceable. It may also apply to identified problem areas designated "E" that are determined to be readily serviceable. Any connection to a public system would require evaluation by the affected agencies and approval of a Category W-3 by the County Commissioners and MDE.
- **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 reclassification 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.

b. 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-6(WCD) Outside Designated Service Areas – No Planned Service within the Watershed Conservation District.** This category is assigned to all properties outside municipalities and outside designated sewer service areas, but within the Watershed Conservation District. These areas were mapped to generally coincide with the Tier 4 Area Designations. Since the WCD was previously part of the Development District or Deferred Development District, it is recognized that sewer infrastructure exists in the S-6 (WCD) or may be needed to serve existing or planned adjacent development in the Planned Sewer Service areas.
- **S-5 Future Planned Service.** 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-5 (WCD) Sewer Service Areas within the WCD.** This category is assigned to portions of the WCD that are surrounded or bounded on 3 sides by S-1 or S-3 categories and are determined to be readily serviceable. It may also apply to identified problem areas designated "E" that are determined to be readily serviceable. Any connection to a public system would require evaluation by the affected agencies and approval of a Category S-3 by the County Commissioners and MDE.
- **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.

The following sub-categories further refine the priority classification system. These may be applied to specified categories, and include:

- 1) **Conditional (COND)** - Service is conditional on Commissioner-enumerated conditions only. The County Commissioners or County staff may require that additional support materials be submitted to justify this sub-category. Failure by the applicant, or his successors, to meet these conditions reverts the priority classification to its original category. This sub-category may be applied to a "W3" or "S-3" categories only.
- 2) **Require Evaluation (E)** - Identifies areas which are identified to be evaluated by the Charles County Department of Health. These areas may be prone to failing well and septic systems and should be investigated throughout the planning period to determine the extent of the failing conditions. This sub-category may be applied to the "W-6", "S-6", "W-5", "S-5", "W-3", or "S-3" categories.

IV. Application Analysis:

The location, owner information, and requested service category changes are detailed in Attachment A for each application.

- a. **2024-B1:** This property is located east of Piney Church Road off MD 488 and is zoned Planned Unit Development (PUD). The current service categories are W6/S6. Staff has reviewed the property and determined the changes made during a previous comprehensive mapping amendment was a mistake, and the appropriate service categories are W5/S5.
- b. **2024-B2 – 2024-B3:** These two (2) properties are located within the Avon Crest Subdivision in Pomfret. The plat recorded at Book 31, Page 190 in the Charles County Land Records notes that these two properties are to be served by the public water system. Both properties have frontage along the existing water line serving the development. The current category is W6, which does not permit connection. Staff has reviewed the properties and has determined the appropriate water service

category for both properties is W3.

- c. **2024-B4:** This property is located in Waldorf and is currently connected to both the public water system and the public sewer system. Staff has reviewed the property and determined the appropriate service categories are W1/S1.
- d. **2024-B5:** This property is located in Indian Head. It is currently categorized W6(WCD) and is within Tier 1 on the “Sustainable Growth and Agricultural Preservation Act Tier Area Designations Map”. There is an existing water line along the frontage of the property. Staff has reviewed the property and determined the appropriate water service category is W3.
- e. **2024-B6:** This property is located on Piney Church Road between Saint Pauls Drive and Renner Road in Waldorf. The current service categories are W6/S6. Staff has reviewed the property and determined that the changes made during a previous comprehensive mapping amendment was a mistake, and the appropriate service categories are W5/S5.
- f. **2024-B7 – 2024-B13:** These seven (7) properties are located along Strauss Avenue and Hawthorne Road in Indian Head. Each of these properties is developed and is currently categorized S5E and is within Tier 1 on the “Sustainable Growth and Agricultural Preservation Act Tier Area Designations Map”. Sewer service has been provided along Strauss Avenue and Hawthorne Road, and each of these properties has frontage along this line. Staff reviewed the changes made during a previous comprehensive mapping amendment and has determined that it was a mistake to not categorize them to at least an S3.
 - 2024-B7 is currently connected to the public sewer system; therefore, the requested category change is to an S1. The requested category change for the other six (6) properties is S3.

V. Conclusion & Recommendation:

Staff has concluded that all properties subject to applications 2024-B1 – 2024-B13 were inadvertently miscategorized during previous comprehensive mapping amendments and has found that the requests have met the criteria for priority re-classification established in the Comprehensive Water and Sewer Plan described above.

Staff recommends approval, subject to the following Condition of Approval:

1. The Category Amendments designated as 2024-B1 – 2024-B13 will not become effective until the effective date of Bill 2024-15.

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

VI. Appendices: Attached.