



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

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

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

**Royal Farms
5095 Indian Head Hwy & 4025 Lower Wharf Road
Application Number: 2024-B17**

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I. Applicant & Project Information:

- a. Project Name: Royal Farms
 - i. Applicant: Two Farms, LLC
 - ii. Engineer: Atwell, LLC (Annaliese Luttrell)
- b. Project Number: 2024-B17
- c. Subject Property: The Project encompasses Tax Map 11, Parcels 342 and 293.
- d. Land Use & Zoning Category: The subject properties are zoned Community Commercial (CC) and are located inside of the Development District and the Priority Funding Area. The properties are located within Septic Tier 1 (served by public sewer) 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 sewer category from S-5E 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. The request includes two (2) contiguous properties.

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 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. As the subject application is requesting a sewer service category amendment, an explanation of each sewer service category is provided below in b.

a. Water Supply: Priority Classification System

Staff Comment: The subject parcels' current water service category of "W-5E", which permits individual wells, is adequate for the proposed use and an amendment is not required or proposed.

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-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 from S-5E to S-3.

Per Section 6.4 of the Water and Sewer Ordinance, to develop on public water and/or 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 changes in sewer category from S-5E to S-3 have 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.