

COUNTY COUNCIL

OF

TALBOT COUNTY

2025 Legislative Session, Legislative Day No.: June 10, 2025

Resolution No.: 378 *AS AMENDED*

Introduced by: Mr. Callahan, Ms. Mielke, Mr. Stepp

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP A 16.993± ACRE PORTION OF CERTAIN REAL PROPERTY LOCATED ON KEMP ROAD, EASTON, MARYLAND, SHOWN ON TAX MAP 24 AS PARCEL 41 FROM “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS, PURSUANT TO AN APPLICATION FILED BY BACK NINE, LLC

By the Council: June 10, 2025

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By order:



Susan W. Moran, Secretary



Boldface.....Heading or defined term

Double Underlining.....Added to Resolution by amendment

~~Double Strikethrough~~.....Deleted from Resolution by amendment

* * *Existing Resolution unaffected

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP A 16.993± ACRE PORTION OF CERTAIN REAL PROPERTY LOCATED ON KEMP ROAD, EASTON, MARYLAND, SHOWN ON TAX MAP 24 AS PARCEL 41 FROM “UNPROGRAMMED” TO “S-1” IMMEDIATE PRIORITY STATUS, PURSUANT TO AN APPLICATION FILED BY BACK NINE, LLC

WHEREAS, on October 22, 2002, the County Council of Talbot County (the “County Council”) adopted Resolution No. 100, which updated the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) through the 2002 Report of the Review; and

WHEREAS, the Maryland Department of the Environment (“MDE”) approved Resolution No. 100 on February 20, 2003; and

WHEREAS, Back Nine, LLC (the “Owner”) is the owner of certain real property located on Kemp Road, Easton, Maryland, shown on Tax Map 24 as Parcel 41 ~~(the “Property”); and~~ consisting of 43.583± acres; and

~~**WHEREAS**, the entire Property consists of 16.993± acres; and~~

WHEREAS, the Owner has submitted an Application for an Amendment to the CWSP for Change of Priority Status to change the sewer classification of a 16.993 ± acre portion (the “Property”) of the foregoing property from “Unprogrammed” to “S-1 – Immediate Priority Status”; and

WHEREAS, the County Engineer has evaluated and confirmed the feasibility of extending public sewer to the Property and requested that the Talbot County Office of Law prepare this amendment to the CWSP to facilitate extension of public sewer thereto; and

WHEREAS, in accordance with the requirements of Md. Code Ann., Envir. § 9-506(a)(1)(i), the proposed CWSP amendment set forth herein has been submitted to the Talbot County Planning Commission (the “Planning Commission”), as well as the Talbot County Public Works Advisory Board, for review for consistency with planning programs for the area; and

WHEREAS, on September 3, 2025, the Planning Commission certified that the proposed CWSP amendment set forth herein is consistent with the Comprehensive Plan as required by Md. Code Ann., Envir. § 9-506(a)(1)(ii).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that the Talbot County Comprehensive Water and Sewer Plan shall be and is hereby amended as follows:

SECTION ONE: The above recitals are hereby incorporated as if fully set forth herein.

SECTION TWO: Subject to the terms and conditions herein, the CWSP is amended to reclassify and remap the Property from “Unprogrammed” to “S-1” Immediate Priority Status, as shown on the map attached hereto as Exhibit A and incorporated herein by reference as if fully set forth.

SECTION THREE: Sewer service for the Property shall be from the Region II Wastewater Treatment Plant. The proposed sewer extension shall be designed and constructed in accordance with the current Region II Service Policy and design guidelines.

SECTION FOUR: The Property is hereby granted an allocation of one (1) equivalent dwelling unit (“EDU”) of sewer capacity. The peak flow allocation to the Property shall be limited to two hundred fifty (250) gallons per day per EDU.

SECTION FIVE: The Owner shall be responsible for contracting and paying for all required permits, easements, construction work, and all benefit and connection charges in accordance with a Public Works Agreement (a “PWA”) approved by the County. The PWA for the Property shall run with and bind the Property served and shall be filed among the Land Records of Talbot County, Maryland within sixty (60) days from the date of approval of the building permit.

SECTION SIX: The Owner shall be responsible for paying a connection fee as defined for the Region II Wastewater System before commencing construction to connect the Property to the force main. Such connections shall be subject to periodic charges, tariffs, and policies as may be adopted from time to time.

SECTION SEVEN: The Owner shall be solely responsible for all costs incurred for design, engineering, construction, inspection, and testing that may be reasonably required, as determined by the County Engineer, to connect the Property to the force main, including, without limitation, any material, pumps, saddles, or other equipment, and for all costs incurred for ongoing maintenance and repair.

SECTION EIGHT: No water or sewer service shall be available to any area beyond the existing Property to be served. No other properties, lots, or parcels, including any future reconfiguration or recombination of the Property, shall be entitled to service or capacity, unless and until the CWSP is amended to permit such service.

SECTION NINE: The design shall be consistent with the design standards for similar projects in the Region II Service Area, shall be subject to review and approval by the County

Engineer, and shall include design features, components, and materials as the County Engineer or their designee may reasonably require, including the ability to isolate the connection.

SECTION TEN: The Owner shall be solely responsible for all remediation, mitigation, damages, charges, fines, penalties, or other costs imposed, levied, or assessed at any time by any federal, State, or local enforcement agency for any environmental damage or violation of law caused by or resulting from the Owner's connection to the force main. The Owner shall indemnify and hold the County harmless from and against all such claims, actions, suits, damages, losses, or expenses, of any kind, nature, or description whatsoever.

SECTION ELEVEN: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary for connection to the force main.

SECTION TWELVE: This Resolution shall take effect immediately upon the date of its adoption.

Existing Sewer Service Area
Back Nine, LLC, Remaining Lands
Part of Tax Map 24, Parcel 41



Proposed Sewer Service Area
Back Nine, LLC, Remaining Lands
Part of Tax Map 24, Parcel 41



PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 378 having been published, a public hearing was held on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Adopted: September 9, 2025 *AS AMENDED*

By Order: Susan W. Moran
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye
Leshner	-	Aye
Mielke	-	Nay
Haythe	-	Aye

Effective: September 9, 2025