

COUNTY COUNCIL

OF

TALBOT COUNTY

2023 Legislative Session, Legislative Day No.: June 13, 2023

Resolution No.: 343

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

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 24679 YACHT CLUB ROAD AND 24781 YACHT CLUB ROAD, ST. MICHAELS, MARYLAND, SHOWN ON TAX MAP 23 AS PARCEL 98, LOT 1, AND LOT 60, RESPECTIVELY, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: June 13, 2023

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, July 11, 2023 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

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP CERTAIN REAL PROPERTIES LOCATED AT 24679 YACHT CLUB ROAD AND 24781 YACHT CLUB ROAD, ST. MICHAELS, MARYLAND, SHOWN ON TAX MAP 23 AS PARCEL 98, LOT 1, AND LOT 60, RESPECTIVELY, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS

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 which identified the Region II – St. Michaels Sewer Service area; and

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

WHEREAS, on November 15, 2016, the County Council adopted Resolution No. 235, which updated the CWSP to expand the Region II – St. Michaels Sewer Service Area along Yacht Club Road; and

WHEREAS, MDE subsequently approved Resolution No. 235 on April 13, 2017; and

WHEREAS, JD, LLC (the “Owner”) is the owner of certain real properties located at 24679 Yacht Club Road and 24781 Yacht Club Road, St. Michaels, Maryland, shown on Tax Map 23 as Parcel 98, Lot 1, and Lot 60, respectively (respectively, “Property A” and “Property B”; collectively, the “Properties”); and

WHEREAS, the Properties border the Region II – St. Michaels Sewer Service Area; and

WHEREAS, the Properties are zoned Resource Conservation, which establishes one dwelling unit per 20 acres; and

WHEREAS, Property A consists of 6.368± acres and is improved with an 840-square foot dwelling unit; and

WHEREAS, Property B consists of 10.788± acres and is improved with a 1,512-square foot dwelling unit; and

WHEREAS, the Owner has submitted an Application for an Amendment to the CWSP for Change of Priority Status to change the Properties’ sewer classification 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 Properties 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 _____, 2023, 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 Properties as S-1, immediate priority status for sewer service from the Region V WWTP, as shown on the map entitled “CWSP Amendment – JD, LLC – TM 23, P 98, L 1 and TM 23, P 60” attached hereto as Exhibit A and incorporated herein by reference as if fully set forth.

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

SECTION FOUR: The proposed use for the Properties shall be for a single-family residence with an allocation of one (1) EDU of sewer capacity for Property A and one (1) EDU of sewer capacity for Property B. The peak flow sewer allocation to each of the Properties shall be limited to 250 gallons per day per EDU.

SECTION FIVE: Connection to the force main shall not be used to accommodate further subdivision of the Properties as existing when this Resolution is adopted without further amendment of the CWSP duly approved by the County Council.

SECTION SIX: 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 each of the Properties 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. The PWA may provide for recoupment of a portion of the construction costs from other lots served by the force main that may be authorized to connect to it in the future.

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

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

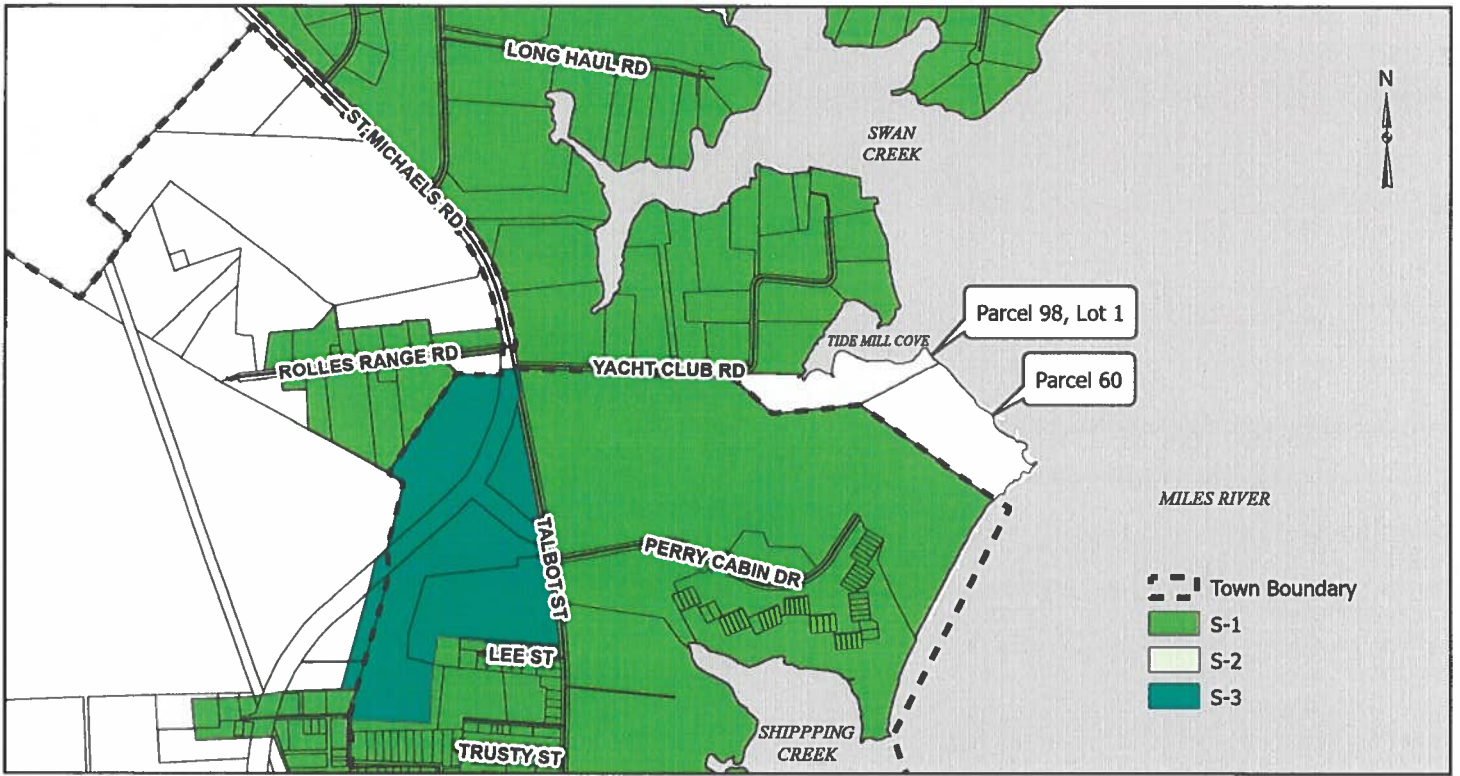
SECTION TEN: The design shall be consistent with the design standards for similar projects in the Region II (St. Michaels) Service Area, shall be subject to review and approval by the County Engineer, and shall include design features, components, and materials as the County Engineer or his designee may reasonably require, including the ability to isolate the connection.

SECTION ELEVEN: 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.

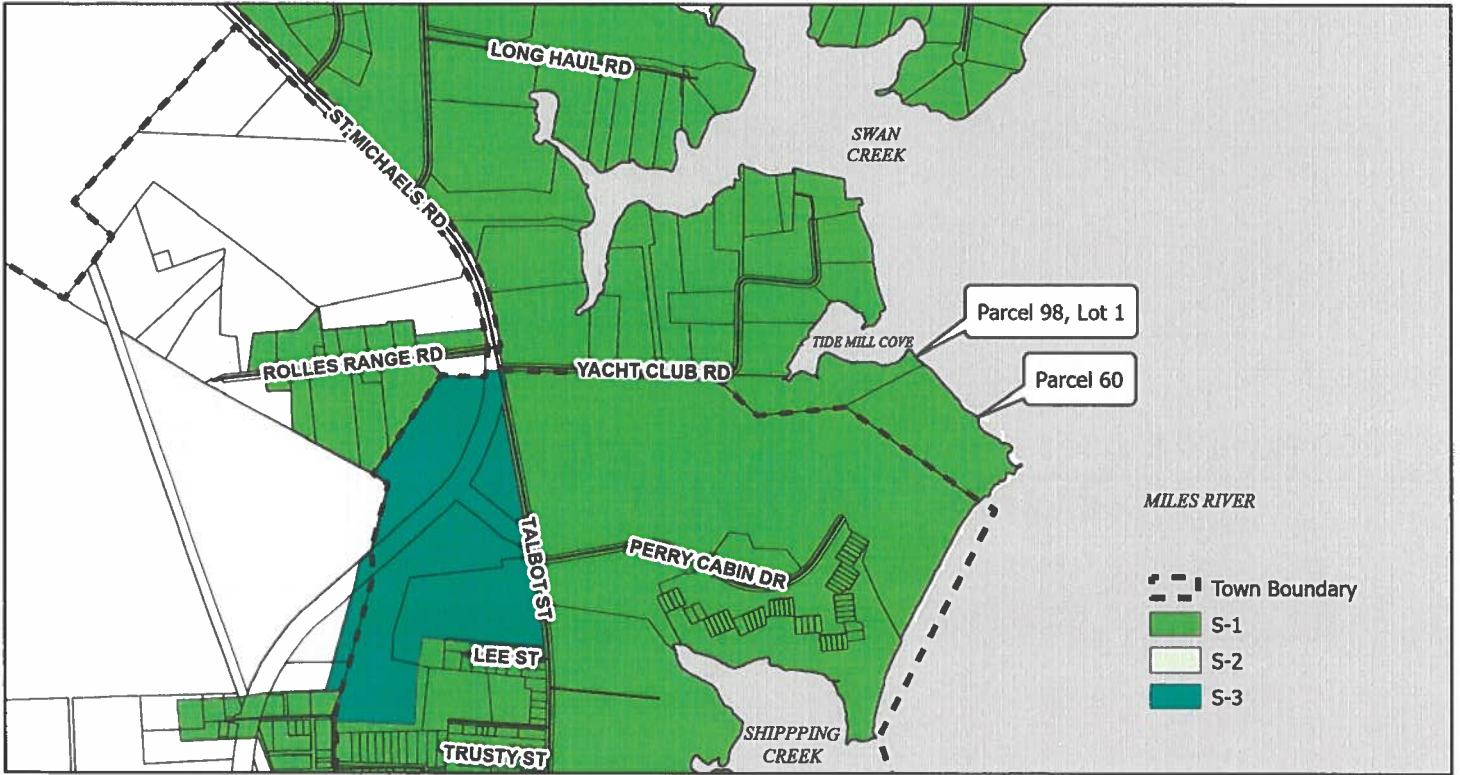
SECTION TWELVE: This Resolution shall not modify, excuse, or supersede any other requirements for ongoing compliance with all applicable federal, State, and local statutes, ordinances, rules, or regulations, including without limitation all conditions and requirements of all permits and approvals necessary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

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

Existing Sewer Service Area / Tax Map 23, Parcel 98, Lot 1 & Parcel 60



Proposed Sewer Service Area / Tax Map 23, Parcel 98, Lot 1 & Parcel 60



Talbot County Public Works
May 17, 2023

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 343 having been published, a public hearing was held on Tuesday, July 11, 2023 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: **July 11, 2023**

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

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

Effective: **July 11, 2023**