COUNTY COUNCIL

OF

TALBOT COUNTY, MARYLAND

2017 Legislative Session, Legislative Day No. : November 28, 2017

Bill No.: 1378

Expiration Date: February 1, 2018

Introduced by: Mr. Callahan, Mr. Pack, Ms. Price, Ms. Williams

A BILL TO AMEND THE COMPREHENSIVE PLAN, TALBOT COUNTY, MARYLAND, ADOPTED JUNE 7, 2016, TO ADD CRITERIA TO DEFINE WHEN PARCELS THAT ARE MAPPED AS TIER IV PURSUANT TO LAND USE ARTICLE §1-508, MARYLAND CODE ANN., ARE ELIGIBLE FOR SEWER SERVICE

By the Council: November 28, 2017

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, December 19, 2017 at 6:30 p.m. at the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order Susan W. Moran

Susan W. Moran, Secretary

A BILL TO AMEND THE COMPREHENSIVE PLAN, TALBOT COUNTY, MARYLAND, ADOPTED JUNE 7, 2016, TO ADD CRITERIA TO DEFINE WHEN PARCELS THAT ARE MAPPED AS TIER IV PURSUANT TO LAND USE CODE §1-508, MARYLAND CODE ANN., ARE ELIGIBLE FOR SEWER SERVICE

WHEREAS, Talbot County adopted a Comprehensive Plan on June 7, 2016 pursuant to Bill 1329 (the "Comprehensive Plan"); and,

WHEREAS, the Comprehensive Plan contains the following policies related to the protection of resources and the extension of sewer service in the County, excerpted from Chapters 2 (Land Use Plan) and Chapter 6 (Natural Resource Conservation):

> **2.7** Sensitive environmental areas shall be protected or mitigated onsite to the greatest extent possible.
>
> . . .
>
> **6.1** The County shall maintain countywide policies for conservation and protection of natural and cultural resources.
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> . . .
>
> **6.14** The County will require properties with failing septic systems to be connected to sewer if that service is available, or, if it is not, the property owner will be encouraged to install a "Best Available Technology (BAT) septic system.
>
> **6.15** The County will work to identify and prioritize for connection to sewer systems, areas of failing, inadequate and substandard septic systems and other non-point source pollution "hot spots", especially in coastal communities and subdivisions but not limited to villages and current PFAs.
>
> **6.16** The County will continue to identify communities and subdivisions where failing, inadequate and substandard septic systems or other public health concerns exist, and work to extend public water and/or sewer service to existing lots of record within Tier III-B and Tier III-C.
>
> . . .
>
> **6.21** The County shall work to provide sewer service to western villages, communities and subdivisions mapped as Tier III-B and III-C for the purpose of protecting the health and safety of its citizens through improvements in water quality. This extension of sewer service is not intended for the purpose of supporting new development outside the boundaries of Tier III-B and III-C.

WHEREAS, Chapter 2 of Comprehensive Plan at page 2-11 also notes that:

> Several village communities experience problems with failing septic systems due to combinations of small lot sizes, poor soil conditions and a high groundwater table.
>
> These villages have been designated as Water Quality Strategy Areas in the Tier Maps, following the policy that connections to existing wastewater treatment

facilities or local shared facilities are the most practical approaches for correcting existing problems without promoting excessive new development. Methods will be pursued through comprehensive sewer and water plans updates to address public health concerns.

WHEREAS, due to poor soil quality in the Western part of the County, and a high groundwater table, many individual on-site sewage disposal systems in the Western part of the County are currently considered failing systems by the County Health Department or substandard due to groundwater penetration; and

WHEREAS, Page 6-13 of the Comprehensive Plan states that connecting the Western villages in the County to wastewater treatment plants "will help achieve the County's water quality improvement and environmental health objectives"; and

WHEREAS, due to these concerns, on September 26, 2017, Council proposed Resolution 250, which creates a new sewer service areas comprised of certain parcels of land in the villages of Bozman and Neavitt, and certain Tier III-C parcels contiguous to the village areas; and

WHEREAS, Environment Article § 9-661, Md. Code Ann., and Talbot County Code § 148-4 requires that any property abutting upon a street or right-of-way in which a non-interceptor sewer main is laid, shall be provided with a sewer connection; and

WHEREAS, Resolution 250, as introduced, does not include all properties that abut the sewer line in the identified sewer service areas, as required by State law and the Talbot County Code; and

WHEREAS, some of the properties that abut the sewer line are designated as Tier IV in the Comprehensive Plan; and

WHEREAS, the Comprehensive Plan describes "Tier IV" areas as "Mapped Resource Protection Areas" that are "designated for limited development in the County Comprehensive Plan and Zoning Ordinance" and "identified for preservation under applicable state programs and regulations." See Comprehensive Plan, Chapter 2 (Land Use Plan), at p. 2-23; and

WHEREAS, in order to both comply with State and local law and to adequately address the failing septic systems and environmental concerns from new septic systems in areas of the Western part of the County by providing access to wastewater treatment, it is necessary to establish criteria in which properties that were identified as Tier IV under the Comprehensive Plan shall be considered for sewer service; and

WHEREAS, the Talbot County Planning Officer concurs with this recommendation to amend the Comprehensive Plan;

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, that:

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

SECTION TWO: Upon introduction of this Bill, a public hearing will be scheduled and advertised in a newspaper of general circulation in the County advising the public of the date, time, place, and purpose of the public hearing for receipt and consideration of public comment.

SECTION THREE: The proposed amendment shall be submitted to the Talbot County Planning Commission for an advisory recommendation, in accordance with Talbot County Charter § 404(c).

SECTION FOUR: Upon conclusion of the public hearing(s), closing of the public record, receipt and consideration of recommendations from the Planning Commission, the County Council will consider and act upon the proposed amendment.

SECTION FIVE: the Comprehensive Plan adopted on June 7, 2016, is hereby amended to add the following to Page 2-23, Section VII A (Recent State Law and Amendments), Chapter 2 (Land Use Plan):

KEY

Boldface.....Heading or defined term

Underlining.....Added to plan by Bill

~~Strikethrough~~.....Deleted from plan by Bill

* * * ..... Existing plan unaffected

* * *

Tier IV — Mapped Resource Protection Areas

This tier covers over 113,000 acres, which exceeds 80 percent of the land area in Talbot County and more than 88 percent of the non-municipal land area. This land is designated for limited development in the County Comprehensive Plan and Zoning Ordinance and has been identified for preservation under applicable state programs and regulations.

Subject to available wastewater treatment capacity, Tier IV properties mapped in a new sewer service area may be served by public sewer service if such service is feasible and reasonably practical and the new sewer service area is in an area which has been identified as having environmental or public health concerns associated with substandard or failing septic systems and

1. The parcel abuts the way in which a non-interceptor line is laid, which line is the most direct and feasible, from a financial and engineering standpoint, to serve a Tier III-B or Tier III-C parcel, thus making the parcel eligible for a sewer connection under State or Talbot County law; or

2. The parcel is surrounded by Tier III-B, or Tier III-C within the new sewer service area, and/or surrounded by abutting Tier IV parcels eligible to be included in the sewer service area under 1 above.

* * *

SECTION SIX: AND BE IT FURTHER ENACTED, that the title and a summary of this Bill shall be published once on the first publication date after enactment of the Bill in accordance with County Charter §213 (c). The title is not a substantive part of this Bill. If the Bill is amended, the title may be administratively revised if required to conform the title to the content of the Bill as finally enacted.

SECTION SEVEN: AND BE IT FURTHER ENACTED, that this ordinance shall take effect sixty (60) days from the date of its passage.

[Balance of this page intentionally left blank]

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1373 having been published, a public hearing was held on _____ at 6:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland.

BY THE COUNCIL _____

ENACTED: _____

By Order _____
Susan W. Moran, Secretary

Williams -

Price -

Bartlett -

Pack -

Callahan -

EFFECTIVE DATE: _____