

COUNTY COUNCIL
OF
TALBOT COUNTY

2019 Legislative Session, Legislative Day No.: December 17, 2019

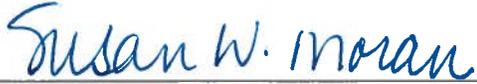
Resolution No.: 282

Introduced by: Mr. Callahan, Mr. Pack

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO RECLASSIFY AND REMAP REAL PROPERTY LOCATED AT 24500 ROLLES RANGE ROAD, ST. MICHAELS, MARYLAND 21663, FURTHER DESCRIBED AS TAX MAP 23, PARCEL 41, FROM UNPROGRAMMED TO "S-1" IMMEDIATE PRIORITY STATUS

By the Council: December 17, 2019

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, February 11, 2020 at 6:30 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 REAL PROPERTY LOCATED AT 24500 ROLLES RANGE ROAD, ST. MICHAELS, MARYLAND 21663, FURTHER DESCRIBED AS TAX MAP 23, PARCEL 41, FROM UNPROGRAMMED TO “S-1” IMMEDIATE PRIORITY STATUS

WHEREAS, Rolles Range Partners, LLC (“**Owner**”), the owner of real property located at 24500 Rolles Range Rd., St. Michaels, Maryland, further described as Tax Map 23, Parcel 41 (the “**Property**”), has requested the Property be connected to public sewer; and,

WHEREAS, the Property is 8.52 acres and is split zoned Rural Conservation and Countryside Preservation. The Property is improved with a seven-bedroom primary residential dwelling unit and three (3) accessory structures, consisting of a garage with a one-bedroom caretaker apartment upstairs, a workshop, and a studio. The primary residential dwelling unit, a portion of the garage, and one of non-residential accessory structures are located in the Critical Area/Rural Conservation zone; and,

WHEREAS, Owner operates a six (6) room bed-and-breakfast in the primary residential dwelling unit at the Property doing business as “The George Brooks House.” The Talbot County Code (“**Code**”) authorizes a bed-and-breakfast as an accessory use with a limit of six (6) guest bedrooms, accommodating no more than 12 guests at any one time, and provided that in the Critical Area, the primary dwelling unit associated with the bed-and-breakfast not be enlarged more than 50% beyond the gross floor area existing as of August 13, 1989, among other requirements, *see* Code § 190-33.3; and,

WHEREAS, the primary residential dwelling unit and the garage with caretaker apartment are served by an on-site sewage disposal system with a sewage disposal area in the Critical Area large enough for at least one replacement of the system. In 2003, Owner completed a lot line revision plat, increasing the acreage of the Property from 1.99 acres to the current 8.52 acres and establishing a second sewage disposal area within the Critical Area, which is not currently utilized; and,

WHEREAS, in May of 2003, the County issued the Owner a Stop Work Order upon learning that Owner was illegally finishing the interior of the two non-residential accessory structures, namely the workshop and studio, for use as overnight guest accommodations. In 2004, Owner installed septic systems for these two structures and began using them as guest accommodations in violation of the issued building permits, the Talbot County zoning ordinance, and the Talbot County Health Department requirements. When the County discovered this two years later, the County issued Owner an abatement order directing Owner to cease the illegal use and to remove the septic systems, drain field, and connecting pipes; and,

WHEREAS, this dispute resulted in litigation between the County and Owner in *Talbot County, Maryland v. Willard F. Workman, et al.*, Case 20-C-08-006473, Circuit Court for Talbot County, Maryland. The Circuit Court granted the County’s Motion for Summary Judgment, and in a Memorandum Opinion and Order dated July 24, 2009, the Court found that Owner had failed to exhaust its administrative remedies in failing to appeal certain administrative decisions

affirming the County's enforcement action, as described above. Owner did not appeal the Court's order. Since starting work on the accessory workshop and studio, Owner has not pursued amendments to the Talbot County zoning ordinance that might authorize use of such accessory structures for guest accommodations, nor that might authorize more than six (6) guest bedrooms for the bed-and-breakfast; and,

WHEREAS, the primary residential dwelling unit and garage with caretaker apartment will be connected to the Region II Wastewater Treatment Plant located in St. Michaels, which has sufficient treatment capacity to serve these structures, provided that without further amendments to the Comprehensive Water and Sewer Plan, the public sewer connection granted hereby shall be limited to serving the primary residential dwelling unit and garage with caretaker apartment, as currently and lawfully configured, and not any other uses or structures on the Property; and,

WHEREAS, the Talbot County Department of Public Works has processed Owner's request to authorize the extension of sewer service to the Property in accordance with the applicable procedures set forth in the Talbot County Comprehensive Water and Sewer Plan; and,

WHEREAS, in accordance with the requirements of Environment Article § 9-506(a)(1), Md. Ann. Code, the proposed amendment has been submitted to the Talbot County Planning Commission and the Talbot County Public Works Advisory Board for review for consistency with planning programs for the area. Before the County Council may adopt the proposed amendment, the Talbot County Planning Commission must first certify that the amendment is consistent with the 2016 Talbot County Comprehensive Plan.

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: The Talbot County Comprehensive Water and Sewer Plan (the "**Plan**") is amended to reclassify and remap the Property from the current classification of unprogrammed to "S-1" immediate priority status, as shown and described on the *Comprehensive Water and Sewer Plan Worksheet* prepared by the Talbot County Department of Public Works, dated September 6, 2019, and attached hereto as Exhibit "A"; and,

SECTION THREE: Figure 27 of the Plan, "*Talbot County Region 2 – Sewer Service Area, St. Michaels*", is amended to reflect the reclassification and remapping set forth in Section 2, above.

SECTION FOUR: The proposed sewer extension shall be constructed in accordance with the current Region II Sewer Service Policy and design guidelines. Owner shall be responsible for all design and construction costs related to tying a residential pump unit into the County-owned low pressure sewer system via the force main within the road right-of-way.

SECTION FIVE:

A. For the bed-and-breakfast operation, the proposed use of the Property shall be a “motel” under the Region II WWTP billing policy, *see* Talbot County Bill No. 186, which assesses an allocation of one (1) equivalent dwelling unit (“EDU”) per three (3) motel rooms. Therefore, the Property, which operates as a 6-room bed-and-breakfast, shall be allocated two (2) EDUs total for the bed-and-breakfast. Classification as a “motel” for sewer allocation purposes shall not be deemed or interpreted as a change in the zoning designation of the Property.

B. One (1) EDU shall be allocated to and split between the garage caretaker apartment and the seventh bedroom and living space in the primary residential dwelling unit. Pursuant to Talbot County Code § 190-33.3 J., the seventh bedroom and living space must be occupied by the proprietor of the bed-and-breakfast.

C. A total of three (3) EDUs, therefore, shall be allocated to the Property under this Resolution.

D. The peak flow sewer allocation shall be 125 gallons per day (“gpd”) per EDU, or 375 gpd total allocated to the Property under this Resolution.

E. The connection to public sewer and allocation of treatment capacity as described in this Resolution shall be limited to the primary residential dwelling unit and garage with caretaker apartment on the Property, as such dwelling unit and garage are currently and lawfully configured (eight bedrooms total). The sewer connection and allocation granted hereby shall not be expanded to serve other uses or structures on the Property, or additions to existing structures, or additional bedrooms, without further amendment of the Plan approved by resolution of the Talbot County Council.

F. Upon connection to public sewer, Owner shall permanently cease or refrain utilizing any on-site sewage disposal systems existing on the Property or which have been approved for use on the Property. Owner, at Owner’s sole cost and expense, shall be responsible for decommissioning any such systems to the extent deemed necessary and appropriate by the County Engineer and Talbot County Office of Environmental Health.

SECTION SIX: The classification of the Property as “S-1”, the sewer connection, and allocation authorized by this Resolution are conditioned upon Owner entering into a recordable Public Works Agreement with Talbot County in a form deemed appropriate by the County to implement this Resolution and the terms and conditions set forth herein, as well as any applicable laws, rules, regulations, decisions, permits, or approvals.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon the date of its passage.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. _____ having been published, a public hearing was held on _____ at _____ 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:

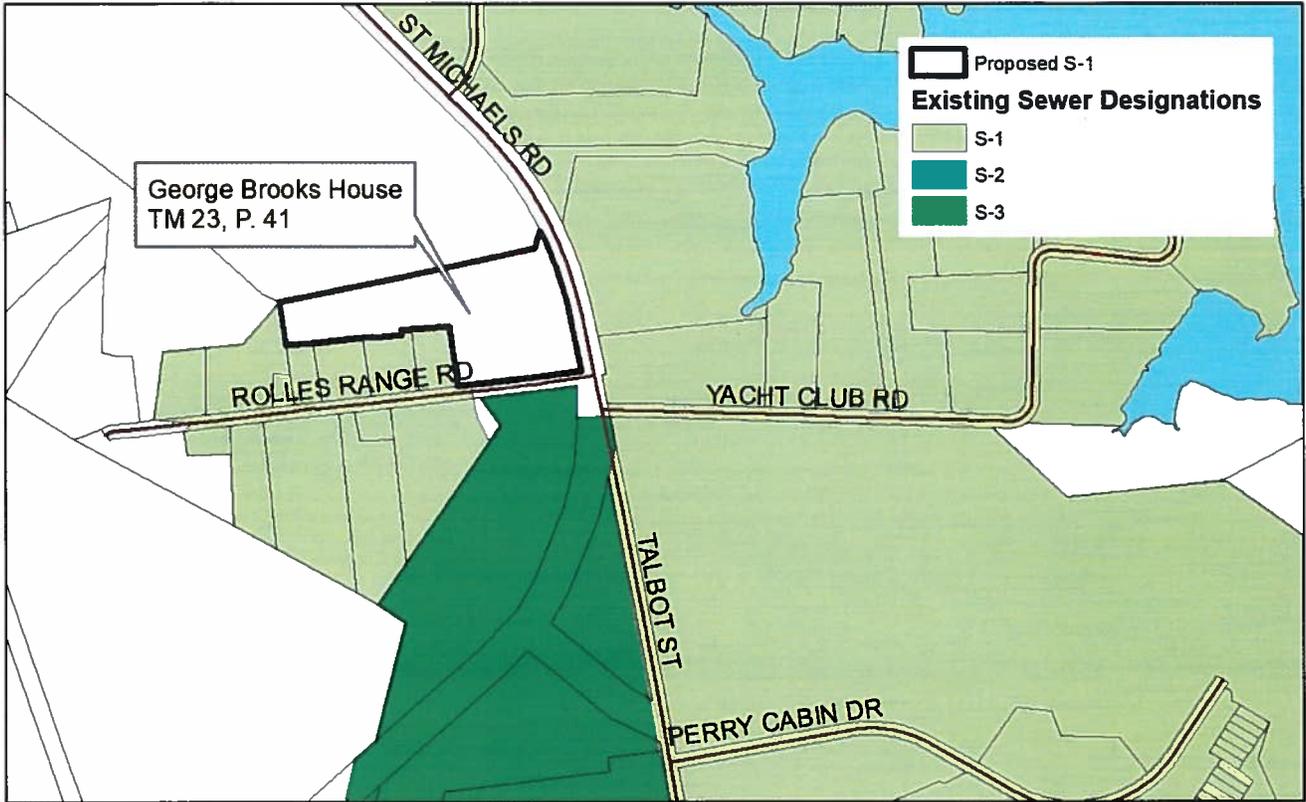
Enacted: _____

By Order: _____
Susan W. Moran, Secretary

- Pack -
- Divilio -
- Callahan -
- Price -
- Leshner -

Effective Date: _____

Existing Sewer Service Area



Proposed Sewer Service Area

