

**COUNTY COUNCIL
OF
TALBOT COUNTY**

2020 Legislative Session, Legislative Day No.: April 14, 2020

Resolution No.: 283

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Pack

A RESOLUTION TO AMEND TALBOT COUNTY RESOLUTION 235 AND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO AUTHORIZE A SINGLE SEWER CONNECTION AND A SINGLE EQUIVALENT DWELLING UNIT OF WASTEWATER TREATMENT CAPACITY TO EACH BUILDABLE LOT OF LAND CREATED PURSUANT TO A PENDING MAJOR LOT LINE REVISION PLAT TITLED “MAJOR LINE REVISION ON THE LANDS OF MCMILES, LLC IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 24, GRID 24, PARCEL 118, LOTS 43-49”, PREPARED BY LANE ENGINEERING, LLC, AND DATED NOVEMBER 19, 2019

By the Council: April 14, 2020

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, May 26, 2020 at 6:30 p.m. in the Wye Oak Room, Talbot County Community Center, 10028 Ocean Gateway, Easton, Maryland 21601.

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

A RESOLUTION TO AMEND TALBOT COUNTY RESOLUTION 235 AND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO AUTHORIZE A SINGLE SEWER CONNECTION AND A SINGLE EQUIVALENT DWELLING UNIT OF WASTEWATER TREATMENT CAPACITY TO EACH BUILDABLE LOT OF LAND CREATED PURSUANT TO A PENDING MAJOR LOT LINE REVISION PLAT TITLED “MAJOR LINE REVISION ON THE LANDS OF MCMILES, LLC IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 24, GRID 24, PARCEL 118, LOTS 43-49”, PREPARED BY LANE ENGINEERING, LLC, AND DATED NOVEMBER 19, 2019

WHEREAS, McMiles, LLC (“**Owner**”) is the owner of real property located at 27329 Rest Circle, Easton, Maryland 21601, further described as Tax Map 24, Grid 24, Parcel 118, Lots 43-49 (the “**Property**”); and,

WHEREAS, the Property is improved with a single-family dwelling on Lot 44. The other lots are currently unimproved; and,

WHEREAS, Owner has submitted a major line revision plat, currently pending, titled “MAJOR LINE REVISION ON THE LANDS OF MCMILES, LLC IN THE FIRST ELECTION DISTRICT TALBOT COUNTY, MARYLAND TAX MAP 24, GRID 24, PARCEL 118, LOTS 43-49”, prepared by Lane Engineering, LLC, and dated November 19, 2019 (the “**Major Revision Plat**”), which proposes to revise the lines of division between Lots 43-49 and abandon Lots 45 and 49, creating a net of five (5) buildable lots, Lots 43, 44, 46, 47, and 48 (the “**Buildable Lots**”); and,

WHEREAS, the Property was mapped “S-1”, immediate priority service for sewer, pursuant to Talbot County Resolution 235, which allocated two (2) sewer connections to the Property for Lots 43 and 44 and authorized additional connections as follows:

Without an amendment of this Resolution duly approved by the County Council, sewer connections shall be limited to one connection per Tier III-C tax map parcel as identified in Paragraph 3 and the corresponding exhibits, above.

WHEREAS, Resolution 235 only identified two lots for connection because the data supporting the Resolution was drawn directly from the State Department of Assessments and Taxation, which only showed two lots. SDAT subsequently recognized seven (7) lots (Lots 43-49). As discussed above, the Major Revision Plat proposed to abandon two of those lots, resulting in a total of five (5) Buildable Lots; and,

WHEREAS, the Talbot County Health Department cannot finalize processing the Major Revision Plat until it is clear that each newly created lot will receive a sewer connection; and,

WHEREAS, Owner submitted a “REQUEST FOR AN AMENDMENT TO THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN FOR CHANGE OF PRIORITY STATUS” seeking to add three (3) lots for a total of five (5) lots to the sewer service area list established under Resolution 235; 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 Talbot County Resolution 235 and 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 approval of the Major Revision Plat as set forth in Section 5, below, the parcel list attached as Exhibit "A-1" to Resolution 235 is hereby amended to add Tax Map 24, Parcel 118, Lots 46, 47 and -48, as lots authorized to receive sewer connections, in addition to Lots 43 and 44.

SECTION THREE: Subject to approval of the Major Revision Plat as set forth in Section 5, below, the Talbot County Comprehensive Water and Sewer Plan (the "**Plan**") is amended to authorize a single sewer connection to each lot of land described as Tax Map 24, Parcel 118, Lots 43, 44, 46, 47, and 48, as shown on the finally approved version of the Major Revision Plat, and a single equivalent dwelling unit ("**EDU**") of wastewater treatment capacity to each such lot on the terms and conditions herein.

SECTION FOUR: For each EDU allocated pursuant to Section 3, above:

A. 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.

B. The connection to public sewer and allocation of treatment capacity as described in this Resolution shall be limited to serving approved residential uses on each lot.

C. Owner shall pay all duly assessed charges, taxes, assessments, costs, and fees chargeable by the County or Sanitary District related to connecting the Buildable Lots to public sewer and allocating wastewater treatment capacity.

D. 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 Buildable Lots to the public sewer system. The design shall be consistent with reasonable designed standards for similar projects, 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 deputy may reasonably require.

E. 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.

F. No sewer service shall be available to any area beyond the Buildable Lots to be served. No other property, lot, or parcel shall be entitled to service or capacity without further amendment to the Plan duly approved by the County Council.

SECTION FIVE: The sewer connections and wastewater capacity approved pursuant to this Resolution are expressly conditioned upon and subject to approval of the Major Revision Plat by the Talbot County Department of Planning and Zoning and all other reviewing agencies, which approval results in no more than five (5) residential Buildable Lots on the Property.

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 Wye Oak Room, Talbot County Community Center, 10028 Ocean Gateway, Easton, Maryland.

BY THE COUNCIL

Read the second time:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Pack -
Divilio -
Callahan -
Price -
Leshner -

Effective Date: _____