

COUNTY COUNCIL

OF

TALBOT COUNTY

2021 Legislative Session, Legislative Day No.: June 22, 2021

Resolution No.: 304

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN TO REVISE CHAPTER THREE – AMENDMENT PROCEDURES

By the Council: June 22, 2021

Introduced, read the first time, and ordered posted, with Public Hearing scheduled on Tuesday, August 10, 2021 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 REVISE CHAPTER THREE – AMENDMENT PROCEDURES

WHEREAS, Chapter Three (Amendment Procedures) of the Talbot County Comprehensive Water and Sewer Plan (the “CWSP”) sets forth the procedures for amendments to the CWSP; and

WHEREAS, the County Council of Talbot County (the “County Council”) adopted Resolution No. 125 on May 10, 2005 for the purpose of amending Chapter Three of the CWSP to allow sixty (60) calendar days for the Talbot County Department of Public Works (“DPW”) to prepare and forward documents regarding proposed CWSP amendments to the Talbot County Planning Commission (the “Planning Commission”) and the Talbot County Public Works Advisory Board (the “PWAB”) for review and providing recommendations to the County Council prior to a public hearing and County Council vote; and

WHEREAS, pursuant to Chapter Three of the CWSP as amended pursuant to Resolution No. 125, applications for CWSP amendments shall be received for introduction by resolution of the County Council on the last convening legislative day of December, March, June, and September; and

WHEREAS, current advertising and Maryland Open Meetings Act requirements do not allow sufficient time between the date of the County Council’s introduction by resolution of a proposed CWSP amendment and the agenda publication deadline for the next upcoming Planning Commission meeting; and

WHEREAS, amending the date of introduction by resolution of proposed CWSP amendments to the first legislative Tuesday of December, March, June, and September would provide sufficient time for DPW to prepare and forward documents regarding the same to the Planning Commission and the PWAB and meet the publication deadline for the next upcoming Planning Commission meeting on the first Wednesday of the following month.

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: Adoption of this amendment by the County Council of Talbot County shall authorize the Department of Public Works to replace Chapter Three (Amendment Procedures) of the Talbot County Comprehensive Water and Sewer Plan, pages 1 through 4, with the revised section of the same title dated June 22, 2021, pages 1 through 4, effective from the date of adoption.

BE IT FURTHER RESOLVED, that this Resolution shall apply to all amendments proposed after _____, 2021 and shall take effect immediately upon the date of its adoption.

**COMPREHENSIVE WATER AND SEWER PLAN
TALBOT COUNTY, MARYLAND**

RESOLUTION NO. ____

ATTACHMENT

THE FOLLOWING CHANGES ADOPTED AS RESOLUTION NO. ____, ARE ATTACHED HEREIN, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER THREE (AMENDMENT PROCEDURES) OF THE TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN

1. The section of Chapter Three of the Talbot County Comprehensive Water and Sewer Plan identified as Chapter Three – Amendment Procedures, pages 1 through 4, dated June 22, 2021, shall be incorporated into the Talbot County Comprehensive Water and Sewer Plan.

2. Revised Forms:
 - a. Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status

 - b. Additions Proposed to Table No. 17 – Water Form

 - c. Additions Proposed to Table No. 27 – Sewer Form

 - d. Project Description - Unit Schedule

CHAPTER THREE AMENDMENT PROCEDURES

I. PROCEDURES (Changes also include new Sections and Section changes)

All applications shall be received by Talbot County at least sixty (60) calendar days prior to the date of introduction to avoid deferment to the next amendment period. Applications shall include completion of the Request for Amendment schedules and forms, included herein, a cover letter or email forwarding the request, and any available information adding or clarifying information pertinent to the project. Applications for amendment of the priority classification of water and sewer service and planning areas, for extension or installation of water and/or sewer utilities, shall be submitted to the Controlling Authority of the publicly-owned treatment works for processing prior to being received for introduction by resolution of the County Council on the first convening legislative day of December, March, June or September.

In the unincorporated areas of Talbot County, all applications for amendment of the priority classification of water and/or sewer service and planning areas, for extension or installation of water and/or sewer utilities shall be submitted to the Controlling Authority, the Talbot County Department of Public Works, for processing. All applications for amendment priority classification of sewer service and planning areas, for extension or installation of sanitary sewer utilities within the incorporated limits of the Town of St. Michaels shall also be submitted to the Controlling Authority, the Department of Public Works, for processing.

In the incorporated municipalities of Easton, Oxford, and Trappe, applications for amendment of the priority classifications of water and sewer service and planning areas, for extension or installation of water and sewer utilities, shall be submitted to the Controlling Authority, either the Town Office or the Department of Public Works for the incorporated Town, for processing. In the incorporated municipality of St. Michaels, applications for amendment of the priority classifications of water service and planning areas, for extension and installation of water utilities, shall be submitted to the Controlling Authority, the Town of St. Michaels, for processing. The Towns shall submit to the Talbot County Department of Public Works applications for amendment of the priority classifications of water and/or sewer service and planning areas, for extension or installation of water and/or sewer utilities at least sixty (60) calendar days prior to the date of introduction, to avoid deferment to the next amendment period.

The available remaining capacity of a wastewater treatment facility is equal to the permitted flow as defined on the State Discharge Permit for the facility less the most recent two (2) year average of reported flow rates. When the available remaining capacity is equal to or less than five (5) percent of the permitted flow, the controlling authority must certify that the wastewater treatment system has enough capacity to serve the area being reclassified as part of the amendment application to immediate priority status for sewer (S-1). As part of the certification, the controlling authority shall provide a summary of wastewater flows previously allocated to existing lots and/or subdivisions within the sewer service areas and proposed subdivisions having immediate priority status for sewer service.

II. REVIEW PROCESS

Amendment applications will be reviewed by the local Planning and Zoning, Public Works, and Health Departments and the Maryland Department of the Environment for compatibility with use and planning policies and facility permit restrictions in effect. Sanitary construction permits and public works agreements for facility extension and/or installation will not be issued or executed without an enacted Comprehensive Water and Sewer Plan amendment process for the requested scope of new service.

III. DENIAL OF AN APPLICATION (added by Resolution 77)

Following the denial of an application either in whole or in part, no application for that property shall be accepted for filing within two (2) years from the date of the decision. After the two (2) year period, the applicant may choose to submit an application consistent with the procedures of the Comprehensive Water and Sewer Plan in effect at the time of reapplication.

IV. AMENDMENT SCHEDULE

A schedule of effective amendments to the Comprehensive Water and Sewer Plan is maintained herein. All changes shall be forwarded to the Maryland Department of the Environment for updating of their copies of the Talbot County Comprehensive Water and Sewer Plan.

V. APPLICATION AND FORMS

- 1. Request for an Amendment to the Talbot County Comprehensive Water and Sewer Plan for Change of Priority Status**
- 2. Additions Proposed to Table No. 17 – Water Form**
- 3. Additions Proposed to Table No. 27 – Sewer Form**
- 4. Project Description - Unit Schedule**



**REQUEST FOR AN AMENDMENT
TO THE
TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN
FOR
CHANGE OF PRIORITY STATUS**

SEND TO: Talbot County Department of Public Works, 215 Bay Street, Suite 6, Easton, Maryland 21601: Telephone: 410-770-8170

PROPERTY OWNER:		LAST	FIRST
MAILING ADDRESS:			
TELEPHONE NUMBER:			
APPLICANT (If other than Owner):		LAST	FIRST
MAILING ADDRESS:			
TELEPHONE NUMBER:			
PROPERTY INFORMATION			
PROJECT NAME:			
PROJECT LOCATION:			
NATURE OF PROJECT:			
ZONING:	ACREAGE:		ELECTION DISTRICT:
TAX MAP:	PARCEL:		LOT:
REQUEST CHANGE FROM:	W-		TO: W-
REQUEST CHANGE FROM:	S-		TO: S-
NAME OF SEWERAGE SYSTEM TO SERVE PROJECT:			
NAME OF WATER SYSTEM TO SERVE PROJECT:			
PROCEDURAL REQUIREMENTS			
<p>Applications for amendment of the priority classifications of water and/or sewer service and planning areas, for extension or installation of water and/or sewer utilities, shall be received for the introduction by Resolution of the County Council on the first legislative day of December, March, June, or September. Applications must be received at least sixty (60) calendar days prior to the date of introduction to avoid deferment to the next amendment period.</p> <p>Sanitary construction permits and public works agreements for facility extensions and/or installations will not be issued or extended without an enacted Comprehensive Water and Sewer Plan Resolution for the requested scope of new services.</p>			
DOCUMENTS TO BE COMPLETED AND SUBMITTED WITH THIS REQUEST (THIS LIST OF DOCUMENTS SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING)			
Cover letter or email requesting amendment		Capital Project list, if necessary	
Completion of Project Description		Environmental impact analysis and/or studies, if available	
Completed Additions Proposed to Table No. 17		Hydrogeological evaluations, if available	
Completed Additions Proposed to Table No. 27		Completed engineering plans and data tabulations, if available	
Site Plan		Service area delineation	
FOR DEPARTMENT USE ONLY			
DEPARTMENT OF PUBLIC WORKS APPROVAL:			DATE:
RESOLUTION NUMBER OR FILE:			
DATE RECEIVED:		DATE ENACTED:	

PROJECT DESCRIPTION

Type and Number of Housing/Building Units to be Served:

Estimated Population or Population Equivalent:

Total Projected Sewage Flow: _____ (gpd)

Total Projected Water Flow: _____ (gpd)

Attach the Following:

1. A 2000-foot to one inch map showing the outline of the property to be served or provide aerial photograph from Talbot County GIS System.
2. A letter of certification of authorization for extension of utilities from the Controlling Authority that owns the water and/or sewer facilities and a statement that capacity is available.

Applicant's Signature

Date

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 Tuesday, _____, 2021 at 6:30 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:

Enacted: _____

By Order: _____
Susan W. Moran, Secretary

Callahan -

Divilio -

Leshner -

Price -

Pack -

Effective Date: _____