

COUNTY COUNCIL

OF

TALBOT COUNTY

2006 Legislative Session, Legislative Day No.: March 28, 2006

Resolution No.: 131 *AS AMENDED*

Introduced by: Mr. Carroll, Mr. Foster, Ms. Harrington

A RESOLUTION TO AMEND THE TALBOT COUNTY COMPREHENSIVE WATER & SEWER PLAN, AS ADOPTED BY TALBOT COUNTY RESOLUTION NO. 100, TO EXTEND THE SERVICE AREA OF THE EASTON WATER AND WASTEWATER SYSTEMS TO CERTAIN AREAS THAT INCLUDE TAX MAP 26, PARCEL 186, AS W-1 AND S-1, IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND; PURSUANT TO THE POWER AND AUTHORITY CONTAINED IN THE ENVIRONMENT ARTICLE, TITLE 9, SUBTITLE 5, OF THE ANNOTATED CODE OF MARYLAND (HUNTER'S MILL SUBDIVISION, EASTON, MARYLAND)

By the Council: March 28, 2006

Introduced, read the first time, and ordered posted, with a public hearing scheduled on Tuesday, April 25, 2006 at 2:00 p.m. and Tuesday, May 23, 2006 at 2:30 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 & SEWER PLAN, AS ADOPTED BY TALBOT COUNTY RESOLUTION NO. 100, TO EXTEND THE SERVICE AREA OF THE EASTON WATER AND WASTEWATER SYSTEMS TO CERTAIN AREAS THAT INCLUDE TAX MAP 26, PARCEL 186, AS W-1 AND S-1, IN THE FIRST ELECTION DISTRICT, TALBOT COUNTY, MARYLAND; PURSUANT TO THE POWER AND AUTHORITY CONTAINED IN THE ENVIRONMENT ARTICLE, TITLE 9, SUBTITLE 5, OF THE ANNOTATED CODE OF MARYLAND (HUNTER'S MILL SUBDIVISION, EASTON, MARYLAND)

WHEREAS, the County Council of Talbot County, State of Maryland, by Resolution No. 100 has adopted the October 2002 Report of the Review of the Comprehensive Water and Sewerage Plan (the "Plan"); and

WHEREAS, Shore Lands, LLC, the owners of Parcel 186 on Tax Map 26, in the First Election District, Talbot County, Maryland, have requested to extend the service area of the Easton Water and Wastewater Systems; and

WHEREAS, the documentation to reclassify the Hunter's Mill subdivision on Parcel 186 on Tax Map 26, as prepared by the owners, was reviewed by the Town of Easton; and

WHEREAS, the Hunter's Mill Phases 1 and 2 subdivision shall consist of 91 single detached family dwellings with a projected water demand of 26,163 gallons per day and a projected wastewater flow of 20,930 gallons per day; and

WHEREAS, the Town of Easton, in the First Election District, Talbot County, Maryland, has processed this request to extend the service area and program the water and sewer service designations of the Easton Water and Wastewater Systems; and

WHEREAS, Flow Allocation for sewer service will be made in accordance with the Easton Utilities Service Tariff; and

WHEREAS, Eighteen (18) homes may be allocated sewer service in accordance with the Easton Utilities Service Tariff upon approval of all required plans for subdivision; and

WHEREAS, after January 1, 2007, the new wastewater treatment facility will be complete, and flow for the entire project may be allocated at that time; and

WHEREAS, the Talbot County Council has considered the request, and hereby approves the same, subject to the terms of this Resolution and compliance with applicable design and technical requirements, rules, and regulations of all local, state, and federal authorities; and

WHEREAS, the County has verified that these facilities are within the boundaries of the municipal corporation of the Town of Easton, thus permitting the Easton Water and Wastewater Systems service improvements to be extended to the areas specified in this Resolution;

NOW, THEREFORE, be it resolved by the County Council of Talbot County, Maryland as follows:

Section 1. The County Council is acting pursuant to Title 9, Subtitle 5, of the Environment Article of the Annotated Code of Maryland (Michie Company).

Section 2. The Talbot County Comprehensive Water and Sewerage Plan shall be amended to show Parcel 186 on Tax Map 26 having the water and sewer classification of W-1, S-1, immediate priority status.

Section 3. The proposed subdivision shall follow the Flow Allocation for sewer service in accordance with the Easton Utilities Service Tariffs.

Section 4. The Amendment to include immediate priority for sewer utility extension shall be in accordance with the attached additions and changes and shall be permanently entered into the currently effective Comprehensive Water and Sewerage Plan as part of Chapters 1, 2, and 3.

Section 5. Inclusion of the proposed utility extension, planned for immediate priority in the Talbot County Comprehensive Water and Sewerage Plan, shall record capacity demand increases, as identified herein, on the serving wastewater treatment facilities.

Section 6. Adoption of this amendment, by the County Council of Talbot County, shall authorize the construction of the projects in accordance with and subject to the approval of the Municipal, County, State, and/or Federal agencies, as may be required, effective from the date of adoption.

Be It Further Resolved that this Resolution shall take effect immediately upon its date of passage.

PUBLIC HEARING

Having been posted and Notice, Time and Place of Hearing, and Title of Resolution No. 131 having been published, public hearings were held on Tuesday, April 25, 2006 at 2:00 p.m. and on Tuesday, May 23, 2006 at 2:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time:

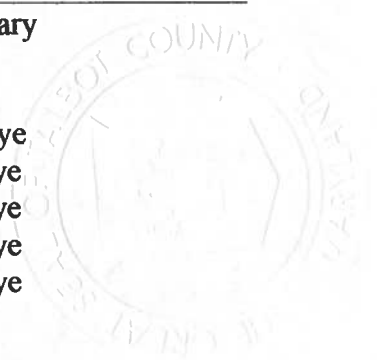
Enacted: **June 27, 2006 * AS AMENDED***

By Order: _____

Susan W. Moran

Secretary

Spence	- Aye
Foster	- Aye
Duncan	- Aye
Harrington	- Aye
Carroll	- Aye



IN THE MATTER OF * BEFORE THE

PENDING RESOLUTION * COUNTY COUNCIL

NO. 131 (AS AMENDED) * OF TALBOT COUNTY

FINDINGS OF FACT

On January 19, 2006 Robert C. Willey, Mayor of the Town of Easton, forwarded a request that the Talbot County Council consider an amendment to the County Comprehensive Water and Sewer Plan to redesignate Parcels 45 and 186 on Tax Map 26 from W-2/S-2 to W-1/S-1. The two parcels were proposed for development by Shore Lands, LLC into 350 detached single family dwellings with a projected water demand of 100,625 gallons per day and wastewater flows of 80,500 gallons per day.

On March 1, 2006 the Talbot County Planning Commission and the Talbot County Public Works Advisory Board reviewed the proposal and both bodies voted unanimously to approve the proposed amendment.

The Talbot County Council introduced Resolution No. 131 on March 28, 2006. It was read the first time, ordered posted and a public hearing scheduled for Tuesday, April 25, 2006 at 2:00 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

Prior to the hearing on Resolution No. 131, the County was

advised that the Easton Town Council had denied a pending rezoning of Parcel 45 which would have zoned Parcel 45 as R-10A.

The result of the denial was to leave Parcel 45 with an A-1 (Agricultural) zoning designation, which zoning according to the Town "does not allow the required 3.5 unit per acre density to qualify as a Priority Funding Area and [the Town] may not be able to serve the area with sewer" (letter of May 12, 2006 from Mayor Willey to Ray Clarke, County Engineer).

The hearing on Resolution No. 131 was conducted on April 25, 2006 and continued to May 23, 2006. Following the hearing the Talbot County Council introduced an amendment to delete Parcel 45 from the requested amendment. By a vote of 3-2 the amendment to Resolution No. 131 was defeated. On June 13, 2006 the County Council reconsidered its vote on the proposed amendment to Resolution No. 131 and by a vote of 4-1 amended the pending Resolution.

Parcels 45 and 186 are undeveloped parcels located within the municipal limits of the Town of Easton. Parcel 186 was annexed by the Town in the late 1990's and was assigned an R-10A (Medium Density Residential) zoning classification. The R-10A district allows a minimum lot size of 10,000 square feet.

Parcel 45 was annexed into the Town of Easton in 2001. The parcel was zoning A-1 (Agricultural) requiring a one acre minimum

lot size. Section 4.01 of the Easton Zoning Ordinance indicates the A-1 zone is designed to serve as a classification for properties for which Town sewer service has not been extended.

In 2003 Parcels 186 and 45 were amended into the County Master Water and Sewer Plan and designated W-2/S-2 which, under the County Plan, indicates an intent to provide service within a three to five year period.

In 2004 the Town of Easton entered into a combination of loans and grants from the State of Maryland for the upgrade and expansion of its sewer treatment facilities. During this process the Town represented that Parcel 45 would ultimately be developed in accordance with Priority Funding Area densities of at least 3.5 dwelling units per acre and provided assurances to the State that the project would be consistent with the State Priority Funding Act. Designation of Parcel 45 as W-1/S-1, given its current zoning designation, would be inconsistent with the State Smart Growth law (State Finance and Procurement Article, Section 5-7B-01 et seq.) and potentially problematic in terms of the Town of Easton's compliance with the Priority Funding Act and its Loan Agreement with the State of Maryland.

Parcel 186, by contrast, is currently zoned for over 4 dwellings per acre. It is adjacent to existing Town sewer and water facilities. The Talbot County Planning Commission has

found that the amendment of this property into a W-1/S-1 designation is consistent with the Talbot County Comprehensive Plan. The property is located in a growth area for the Town of Easton under the Talbot County Comprehensive Plan.

Adequate capacity to serve development of Parcel 186 is or, upon completion of the Town upgrade of its sewer treatment facilities scheduled for January, 2007, will be available to serve the proposed development. The development of Parcel 186 would consist of 91 detached single family dwellings with a projected water demand of 26,163 gallons per day and a projected wastewater flow of 20,930 gallons per day. Approximately eighteen dwelling units could receive capacity under the Easton flow allocation program and the balance of the development could receive capacity from the expanded treatment facilities. The designation of Parcel 186 as W-1/S-1 would provide for the orderly expansion and extension of water and sewer in a manner consistent with both County and Town comprehensive land use plans.

The above Findings of Fact were ADOPTED by the Talbot County Council this 27th day of June, 2006.

BY THE COUNCIL

By Order: Susan W. Moran
Secretary

Foster - Aye
Duncan - Aye
Harrington - Aye
Spence - Aye
Carroll - Aye



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