

RESOLUTION NO. RS-2019-3

**ADOPTION OF TEXT AMENDMENT TO
WATER AND SEWERAGE PLAN
FOR
WASHINGTON COUNTY, MARYLAND
(WS-19-003)**

RECITALS

The Board of County Commissioners of Washington County, Maryland (the "Board"), adopted the 2009 Water and Sewerage Plan for Washington County, Maryland (the "Plan"), on November 9, 2010, as required by Md. Code, Environment Article, Sections 9-501 through 9-521 (all references herein are to the Environment Article).

Pursuant to Section 9-503, the Board may consider revisions or amendments to the Plan when the Board deems it necessary.

The City of Hagerstown ("City"), through the Planning and Code Administration Department, has requested a text amendment to the Washington County Water and Sewerage Plan. The City has proposed additional text for Chapters 2, 3, and 4 of the Plan in the following locations:

Chapter 2 BACKGROUND INFORMATION

Section C Land Use and Growth Management Strategy

Chapter 3 EXISTING AND PLANNED WATER SUPPLY SYSTEMS

Section P Service Area Requirements

Section Q Priority Requirements

Section R Water Service Priority Area Maps

Chapter 4 EXISTING AND PLANNED WASTEWATER SYSTEMS

Section D City of Hagerstown

Section S Service Area Requirements

Section T Priority Classification Requirements

Section U Sewerage Service Priority Maps

The proposed text is intended to include references and information related to the

adoption of the City's most recent Comprehensive Plan, *visionHagerstown2035*. It will elaborate on the City's intentions and abilities to provide public water and sewer services to development in and outside of various designated growth areas around the City. The proposed text describes Hagerstown's growth management strategy and enumerates current policies regarding the provision of service from its water and sewer facilities to development outside the municipal limits and outside of the Medium Range Growth Area.

The Washington County Planning Commission (the "Planning Commission") held a public information meeting on October 7, 2019, to consider the request for amendments to the Plan. There was no public comment received.

The Planning Commission discussed the proposed changes during its regular meeting on November 4, 2019, at which time Staff recommended a few minor changes to the text. These minor changes would serve to further clarify certain language and definitions within the proposed text submitted by the City. The Planning Commission took action at this meeting to recommend to the Board of County Commissioners approval of the proposed text including the minor recommended changes made by Staff. The action of the Planning Commission was based upon a determination that the request is consistent with the goals and policies of the adopted Comprehensive Plan and the adopted Water and Sewerage Plan of Washington County.

The Board has considered the recommendation of the Planning Commission, the Planning staff reports, and any comments received as part of the public proceedings before the Planning Commission and this Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND, that the official Water and Sewerage Plan for Washington County, Maryland, be, and hereby is, amended accordingly, to include the text amendment requested by the City of Hagerstown, as modified by Staff and approved by the Planning Commission in a recommendation dated August 12, 2019. The Director of Planning and Zoning shall cause the Water and Sewerage Plan Map to be amended pursuant to this Resolution and shall cause all applicable GIS data to be amended accordingly.

Adopted and effective this tenth day of December, 2019.

ATTEST:

Krista L. Hart
Krista L. Hart, Clerk

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

By: Jeffrey A. Cline
Jeffrey A. Cline, President

Approved as to form and
and legal sufficiency:

B. Andrew Bright
B. Andrew Bright
Assistant County Attorney

Mail to:
County Attorney's Office
100 W. Washington Street, Suite 1101
Hagerstown, MD 21740

CITY OF HAGERSTOWN REQUESTED AMENDMENT LANGUAGE WITH COUNTY PLANNING STAFF
RECOMMENDED REVISIONS

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Chapter 2, Background Information

C. Land Use & Growth Management Strategy

Please add a new subsection for 'Land Use & Growth Management Strategy of the City of Hagerstown' on 11-38 :

visionHagerstown 2035 is the City of Hagerstown's comprehensive plan and it sets the policies and recommended actions to guide future development, infrastructure, and the physical character of Hagerstown for a 20-year period. Major focus areas of the plan include growth and annexation, wastewater and water resources, revitalization of existing land, revitalization of downtown, transportation, housing and neighborhood revitalization, and environmental resources. The plan meets the legal requirements for local government planning in Maryland pursuant to State enabling legislation and requirements contained in the Land Use Article in the Annotated Code of Maryland. This includes the requirements for a Water Resources Element and a Municipal Growth Element, which provide analyses of projected growth in and around the city and the available public water and wastewater capacity to serve development in and around the city.

The Growth Management and Land Use Element of the City's comprehensive plan sets forth the policies to guide future residential and non-residential development, annexation, and redevelopment of vacant and underutilized areas in the City of Hagerstown. This element contains the future land use plan for the city and its growth area, which includes 10 different land use policy classifications. These land use classifications are implemented through the City's Land Management Code and a comprehensive rezoning process for the city following plan adoption. The goals of this element of the plan are to:

1. Channel future growth in a way that strengthens the City's role as the provider of urban services to the Hagerstown Urban Growth Area, and as the economic, cultural, and institutional center of Washington County;
2. Enlarge the city's corporate boundaries in order to become a stronger city, increase economic development, deliver urban services in an efficient manner, and promote fiscal stability;
3. Physically integrate the proposed growth area with existing developed areas of the city;
4. Re-use and revitalize vacant and underutilized land, to support economic development and neighborhood enhancement goals;
5. Re-align the Medium Range Growth Area (MRGA) to include areas where growth is more likely to occur and to de-emphasize areas where growth is not likely to happen within the 20 year life of the plan.

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As required by State law for municipalities, the City's comprehensive plan defines a growth boundary around the city which is prioritized for growth based on the ability to provide public

water and wastewater to serve new development. The plan identifies the City of Hagerstown as the number one priority for service to ensure redevelopment and infill development in the city has sufficient utility capacity available to serve new customers. The provision of City water service outside the corporate limits of the city is contingent upon location in the City's growth area, unless an exception is granted for outside that area, and upon annexation or granting of a pre-annexation agreement on the property as required by the City's Annexation Policy. The City's comprehensive plan in 2008 established a two-tier growth area - a Medium Range Growth Area (MRGA) and a Long Range Growth Area (LRGA). visionHagerstown 2035 re-established this growth tier system and made some adjustments to the MRGA boundary based on current growth demands.

The MRGA and the city are the City's planned area of service for its water and wastewater resources for the 20 year life of the plan. The analysis of growth and available capacity to serve growth in the plan has determined that there is adequate capacity to meet the projected growth demands in the city and the MRGA for the 20 year life of the plan. There is not sufficient capacity currently for full build out of the MRGA, however. The boundaries of the LRGA mirror the County's 2002 Urban Growth Area boundary. Because of these capacity limitations, City water and wastewater service is not planned for the area between the MRGA and LRGA boundaries before 2035, unless an exception is provided by the City Utilities Director or the Mayor and City Council through the City's Water and Wastewater Policy. Any City water lines located outside the LRGA are considered restricted and new service shall may not be permitted, except for health and safety reasons.

The City developed a Water and Wastewater Policy in 2004 to address those exceptions which the City Utilities Director and the Mayor and City Council may consider for service requests outside the growth area. Subsequent amendments tied this policy to the MRGA and added additional exceptions consistent with comprehensive plan goals. The policy implements the City's comprehensive plan direction that service outside the MRGA may be considered for employment centers in support of City and County economic development and other goals and policies in the City plan. The City's Water and Wastewater Policy acknowledges that water commitments may have been made previously outside the MRGA and those commitments will be honored. In addition, existing lots of record for residential development which were platted along streets containing public water or wastewater lines before the adoption of this policy have the legitimate expectation of eventual service, and so requests for water for single-family and two-family homes in this circumstance will be honored through an exemption in this policy. The policy also provides conditions for certain exceptions for public health and safety reasons, such as 1) a property with a failing or condemned well or septic system, and 2) existing or proposed lots for single-family and two-family development along streets containing water or wastewater lines in the GWUDI area near Hagerstown where the Health Department will not approve new wells has indicated concern for issuing permits for new wells. (GWUDI is an acronym which stands for groundwater under the direct influence of surface water and indicates potential for contamination of groundwater by surface water. The policy sets a cap on the number of lots that may be approved for the GWUDI exception per year. Other possible

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exceptions are for system improvements, affordable

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housing developments, facilities for an essential public service, and vital economic development projects in targeted areas for industrial and non-retail economic development.

The entirety of the City's Comprehensive Plan, Water and Wastewater Policy, and Annexation Policy may be viewed on the Planning and Zoning page of the City web site at www.hagerstownmd.org.

Chapter 3, Existing and Planned Water Supply Systems

P. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on 111-31:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

3. Restricted Service Areas

Please insert at the end of the sentence in the first paragraph on 111-32:

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider.

Please add a footnote at the end of the above modified sentence on 111-32:

Any existing or future City of Hagerstown water lines extending outside the Hagerstown LRGA shall be considered restricted and no additional connections will be permitted, except for health and safety reasons as outlined in the City of Hagerstown Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

Q. Priority Classification Requirements

1. W-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 12' to sub-section 'a' on 111-33:

The adequacy or availability of community water service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on 111-33:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. W-3 Priority (Programmed Service)

Please modify sub-section 'b' on 111-34:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

R. Water Service Priority Area Maps

Please add a new paragraph three on 111-35:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city, Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater

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Policy. The City's growth area map and service policy may be viewed on the City's web site: www.hagerstownmd.org.

Chapter 4, Existing and Planned Wastewater Systems

D. City of Hagerstown

Please modify the second to last sentence of the first paragraph on IV-12-13:

City wastewater collection and treatment service is also provided to industrial, commercial, residential and institutional customers in certain areas within the Consolidated General Service Agreement area of Washington County.

Please add a new paragraph two on IV-13:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy .

S. Service Area Requirements

1. Urban and Town Growth Area Service Areas

Please add a new paragraph at the end of this section on IV-40 :

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy .

3. Restricted Use Service Areas

Please insert at the end of the sentence in the first paragraph on IV-41:

The use of the facilities within these service areas is limited to the following conditions, provided the service request is consistent with the policies and plans of the service provider.

Please add a footnote at the end of the above modified sentence on IV-41:

Any existing or future City of Hagerstown water or wastewater lines extending outside the Hagerstown IRGA shall be considered restricted, and no additional connections will be permitted, except for health and safety reasons as outlined in the City of Hagerstown Water & Wastewater Policy. Requests for services in this circumstance shall be reviewed on a case-by-case basis by the City for compliance with the City Water & Wastewater Policy.

T. Priority Classification Requirements

1. S-1 Priority (Existing Service or Under Construction)

Please modify 'footnote 17' to sub-section 'a' on IV-42:

The adequacy or availability of community sewerage service to a particular parcel of land is a judgment which must be made in each case through consultation among the responsible agencies, including the service provider, and cannot be made on the basis of this Plan alone. The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy.

Please modify sub-section 'b' on IV-42:

Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

2. S-3 Priority (Programmed Service)

Please modify sub-section 'b' on IV-43:

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Extensions of existing community water systems shall be permitted and encouraged, provided the service request is consistent with the policies and plans of the service provider.

U. Sewerage Service Priority Area Maps

Please add a new paragraph three on IV-44:

The City of Hagerstown's Comprehensive Plan established a two tiered growth area around the city. Medium Range Growth Area and Long Range Growth Area. Areas within the MRGA are planned for service. Areas outside the MRGA are not planned for City water or wastewater service before 2035, unless an exemption is granted by the Mayor and City Council through the City's Water & Wastewater Policy. The City's growth area map and service policy may be viewed on the City's web site: www.hagerstownmd.org.