

**ST. MARY'S COUNTY GOVERNMENT
DEPARTMENT OF LAND USE
AND GROWTH MANAGEMENT**

*Derick Berlage, Director
Phillip J. Shire, Deputy Director*



BOARD OF COUNTY COMMISSIONERS:
Francis Jack Russell, President
Kenneth R. Dement, Commissioner
Lawrence D. Jarboe, Commissioner
Thomas A. Mattingly, Sr., Commissioner
Daniel H. Raley, Commissioner

Notice of Public Hearing

Proposed Amendment to the St. Mary's County Comprehensive Water and Sewerage Plan for Future Home and Health Care

NOTICE IS HEREBY GIVEN that the St. Mary's County Board of County Commissioners will conduct a public hearing in the Public Meeting Room of the Chesapeake Building, located at 41770 Baldrige Street, Leonardtown, Maryland, on Tuesday March 2, 2010 beginning at 11:30 a.m., for the purpose of receiving public testimony and of considering amendments to the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP). Amendments to be so considered are as follows:

1. For case CWSP #09-200-002, Future Home and Health Care, amend service area maps III-50 and IV-50 to change the water and sewer service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.0 acres described as Tax Map 50, Grid 16, Parcel 22 in the Callaway area of the 2nd Election District in anticipation of providing community water and sewerage service to a proposed 56,844 sq ft residential services facility located on MD Route 5 (Point Lookout Road). The applicant would bear all installation costs involved in connecting the proposed project to existing service lines; however, properties abutting a right of way or easement through which service lines are installed will be subject to certain charges levied by the St. Mary's Metropolitan Commission even though said properties are not the subject of this amendment.

Copies of the proposed amendments are available to the public at each public library within the County, at the Public Information Office located in the Potomac Building at 23115 Leonard Hall Drive, Leonardtown, Maryland, and for viewing or downloading through links on the St. Mary's County Government web page: www.co.saint-marys.md.us

Jeff Jackman, Senior Planner
St. Mary's County Department of Land Use and Growth Management
(301) 475-4200 ext 1541

Please publish as a legal notice in the *Enterprise* on February 10, 2010 and February 17, 2010.

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PUBLIC HEARING STAFF REPORT

To: Board of County Commissioners
From: Jeffrey Jackman, Senior Planner
Date: February 1, 2010
Hearing Date: March 2, 2010

Re: **Future Home and Health Care**, CWSP #09-200-002

Pursuant to provisions of the St. Mary's County Comprehensive Water and Sewerage Plan (the "CWSP"), the Board of County Commissioners will hold a public hearing on March 2, 2010 to consider a request to amend the CWSP as follows:

Proposed: amend service area maps III-50 and IV-50 to change the water and sewer service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.0 acres described as Tax Map 50, Grid 16, Parcel 22 in the 2nd Election District in anticipation of providing community water and sewerage service to a proposed 56,844 sq ft residential services facility located on MD Route 5 (Point Lookout Road) in Callaway.

I. DEVELOPMENT DATA:

Owner: BKM Enterprises, LLC
Location: Map 50, Grid 16, Parcel 22 in the 2nd Election District
Zoning: Village Center Mixed Use (VMX)

II. BACKGROUND INFORMATION:

This major site plan (08-132-017) was reviewed by all Technical Evaluation Committee (TEC) agencies in December, 2008. All TEC comments were addressed by August 14, 2009. The project received Concept Development Plan Approval by the Planning Commission on October 26, 2009.

III. ANALYSIS REQUIRED PURSUANT TO SECTION 1.5.3(D) OF THE ST. MARY'S COUNTY COMPREHESIVE WATER AND SEWERAGE PLAN:

- 1.5.3(D)(1) A public hearing is scheduled for March 2, 2010; notice has been duly advertised in *The Enterprise*, a newspaper of general circulation in St. Mary's County, on February 10 & 17, 2010.
- 1.5.3(D)(2) The Department of Land Use and Growth Management has:
- (a) Consulted every official planning agency having any immediate jurisdiction in the county, including those with multi-county or regional jurisdiction;
 - (b) Provided to the Maryland Department of the Environment ("MDE") a statement that the above agencies have been consulted; and
 - (c) Provided MDE with prior written notice of the hearing.
- 1.5.3(D)(3) Staff report, including the analysis required pursuant to §9-506(a)(3) of the Environment Article of the Annotated Code of Maryland:

- i) Compatibility with the St. Mary's County Comprehensive Plan (citations provided)

St. Mary's Comprehensive Plan, Chapter IV, Section 3:
3.1.1 Establish and maintain public and community facilities to encourage resource conservation and to meet the public health, safety, and welfare needs of residents in an efficient and cost effective manner.
3.1.2.A.i.a supports the extension of sewer service within growth areas.
3.1.2.A.iii Provide planned water service.
- ii) Planning and zoning issues. The proposed connections would serve a future residential services facility which is a permitted use in the VMX zoning district.
- iii) Population estimates. The project proposes connection of a 56,844 square feet 124 bed facility which will utilize water and generate sewage flow in an amount equivalent to 62 dwelling units (i.e., 62 EDUs). The Hunting Quarters water supply system and the Marlay-Taylor wastewater treatment facility/collection system are currently adequate to serve the proposed development.
- iv) Engineering. All construction will be in accordance with the St. Mary's County *Standard Specifications for Water and Sewerage Construction*.
- v) Economics. The applicant will bear all installation costs involved in connecting the subject development to existing service lines. Properties abutting a right of way or easement through which service lines are installed will be subject to certain charges levied by the St. Mary's Metropolitan Commission.
- vi) State, regional and municipal plans. Before an amendment to the CWSP is finalized, it must be reviewed by the state for compatibility with state laws and programs. Staff anticipates that the proposed amendment will be found to be compatible with applicable state laws and programs.
- vii) Comments received from other agencies in the County. Per section 1.5.3(C)(2) of the CWSP, principal Technical Evaluation Committee comments from the Health Department and Metropolitan Commission must become part of the record to complete the application. In summary, these agencies support the provision of community water and sewerage service to the subject property.

IV. RECOMMENDATION OF THE PLANNING COMMISSION:

Following a public hearing on December 14, 2009, and by unanimous vote, the Planning Commission authorized the Chair to sign PC Resolution 09-09 to convey to the Board of County Commissioners its recommendation that the CWSP be amended as requested. A copy of the resolution is included with this report.

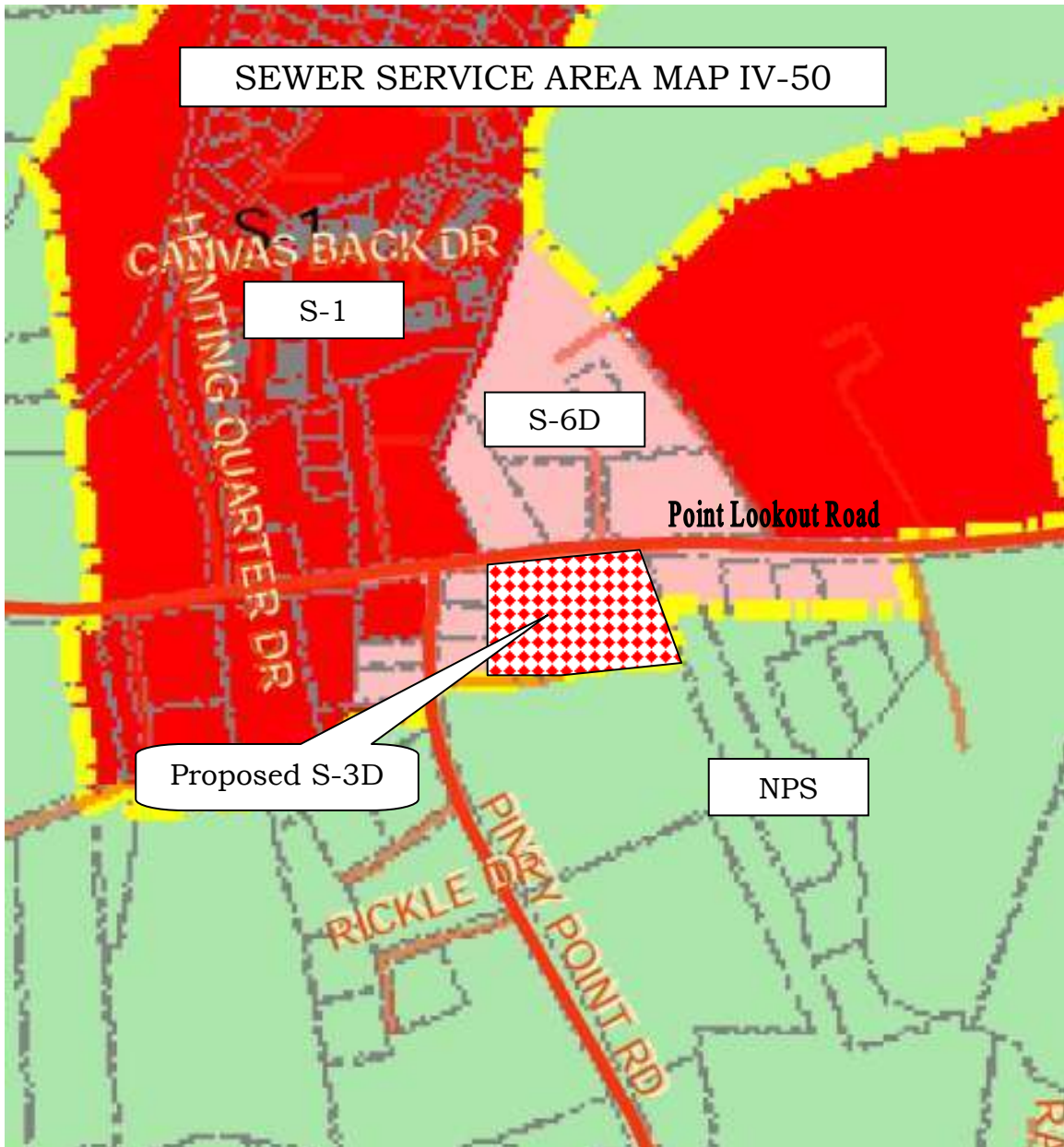
V. ACTION REQUESTED OF BOARD OF COUNTY COMMISSIONERS:

- i) Conduct a public hearing
- ii) Close the record
- iii) Notify the Maryland Department of the Environment regarding a change in service area categories.

Existing and Proposed Water Service Areas Future Home and Health Care 09-200-002



Existing and Proposed Sewer Service Areas Future Home and Health Care 09-200-002



Future Home and Health Care

RESOLUTION

WHEREAS, BKM Enterprises, LLC (the "Applicant") made application to access community water and sewer service for a proposed 56,844 sq ft residential services facility to be situated on 6.0 acres located on Point Lookout Road in Callaway and described as Tax Map 50, Grid 16, Parcel 22 in the 2nd Election District of St. Mary's County, Maryland (hereinafter the "Property"); and

WHEREAS, this access necessitates amendment to the St. Mary's County Comprehensive Water and Sewerage Plan (hereinafter the "CWSP"); and

WHEREAS, §1.5 of the CWSP sets forth the procedures for amendment; and

WHEREAS, following due notice published in the November 25, 2009 and December 2, 2009 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, the posting of the Property, and written notification to the adjoining property owners, the St. Mary's County Planning Commission (hereinafter the "Planning Commission") conducted a public hearing on December 14, 2009 to consider the Applicant's request; and

WHEREAS, the Planning Commission concludes that the proposed amendments meet the requirements of §9-506(A)(3) of the *Environment Article* of the Maryland Annotated Code based on the following findings:

i) Compatibility with the St. Mary's County Comprehensive Land Use Plan.

The Property is located within the Callaway Village Center and the amendments are supported by the following sections of Chapter IV:

3.1.1 Establish and maintain public and community facilities to encourage resource conservation and to meet the public health, safety, and welfare needs of residents in an efficient and cost effective manner.

3.1.2.A.(i).(a) supports the extension of sewer service within growth areas.

3.1.2.A.(iii) Provide planned water service.

Therefore, this project is consistent with the Comprehensive Plan.

ii) Planning and Zoning Issues.

The proposed connections would serve a future residential services facility which is a permitted use in the Village Center Mixed Use (VMX) zoning district.

iii) Population Estimates.

The proposed development would generate water demand and sewage flows equal to 62 dwelling units (i.e., 62 EDUs). The Hunting Quarters water supply system and the Marlay-Taylor water reclamation facility and collection system are currently adequate to provide this additional service.

iv) Engineering.

All construction will be in accordance with the St. Mary's County Metropolitan Commission's *Standard Specifications for Water and Sewerage Construction*.

v) Economics.

The applicant will bear all installation costs involved in connecting the subject development to existing service lines. Properties abutting a right of way or easement through which service lines are installed will be subject to certain charges levied by the St. Mary's Metropolitan Commission.

Future Home and Health Care

vi) State, Regional, and Municipal Plans.

Before an amendment to the CWSP is finalized, it must be reviewed by the State for compliance with State laws and programs. The proposed amendment is compatible with applicable State laws and programs.

vii) Comments received from other agencies in the County.

Pursuant to Section 1.5.3.C. of the CWSP, principal Technical Evaluation Committee comments from the Health Department and Metropolitan Commission must become part of the record to complete the application. These agencies support the provision of community water and sewerage service to the Property; and

WHEREAS, the Property is eligible for such service pursuant to the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the requested service would promote the public health and safety, and amending the CWSP is necessary and appropriate.


NOW THEREFORE BE IT RESOLVED by the St. Mary's County Planning Commission to recommend to the Board of County Commissioners that the CWSP be amended as follows: amend service area maps III-50 and IV-50 to change the service categories from W-6D and S-6D (service in 6 to 10 years, developer financed) to W-3D and S-3D (service in 3 to 5 years, developer financed) for the Property.

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that the foregoing recitals are hereby incorporated and adopted as if fully set forth.

BE IT FURTHER RESOLVED by the St. Mary's County Planning Commission that this Resolution shall be effective upon its adoption.

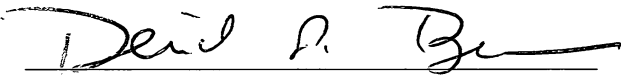
Date of Adoption: 12/14/09

ST. MARY'S COUNTY PLANNING COMMISSION



Stephen T. Reeves, Chair

Attest:



Derick Berlage, Director
Department of Land Use and Growth Management