

FILED

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CIRCUIT COURT
DORCHESTER COUNTYResolution No. 465

A resolution of the County Council of Dorchester County amending the provisions of certain tables of and adopting additional maps for the 2004 Dorchester County Comprehensive Water and Sewer Plan ("Plan") to establish water and sewer service areas for certain properties located at the northwest corner of Routes 50 and 16 (hereinafter, the "Crystal Lake Service Area"), more specifically Parcels 64, 65, 69 and 153 of Tax Map 31 and Parcels 345, 346 and 347 of Tax Map 42. The Crystal Lake Service Area will be served by water and wastewater systems having average daily capacities of 45,500 gallons.

Whereas, State law mandates that all Maryland counties adopt a Comprehensive Water and Sewer Master Plan; and

Whereas, Dorchester County adopted its most current Plan on March 16, 2004; and

Whereas, a request was filed to amend the provisions of tables and maps of the Plan to accommodate the establishment of the Crystal Lake Service Area, as indicated on the following exhibits (collectively, the "Proposed Amendments"), which are attached hereto and incorporated herein:

1. "Table 3-2 (S.H.D.-6) Inventory of Existing Public and/or Private Community and other Multi-Use Water Treatment Facilities",
2. "Table 3-4 (S.H.D-3) Projected Water Demands and Planned Capacity for Existing and/or Planned Public or Private Community Water Systems",
3. "Table 3-5 Immediate, 5 and 10 Year Priorities for Water Development",
4. "Table 4-5 (S.H.D.-9) Projected Sewerage Demands and Planned Capacities for Community and Multi-Use Sewerage Systems",
5. "Table 4-6 (S.H.D.-13) Immediate, 5 and 10 Year Priorities for Sewerage Development",
6. "Water Service Area-Crystal Lake", labeled as "Exhibit 3-I", prepared by The Tech Group, Inc. and dated November 2008, and
7. "Sewer Service Area-Crystal Lake", labeled as "Exhibit 4-J", prepared by The Tech Group, Inc. and dated November 2008; and

Whereas, on June 3, 2009 the Dorchester County Planning Commission certified that the Proposed Amendments are consistent with the Dorchester County Comprehensive Plan and the Planning Commission's Findings of Fact, which are attached as Exhibit A are hereby adopted and incorporated herein; and

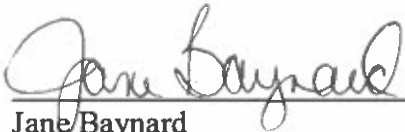
Whereas, the County Council of Dorchester County, having held a public hearing on this matter on June 30, 2009, and having given careful consideration to the matter, voted unanimously to adopt the Proposed Amendments.

Now therefore, the County Council of Dorchester County does hereby amend the Dorchester County 2004 Comprehensive Water and Sewer Plan, as set forth on the attached Proposed Amendments.

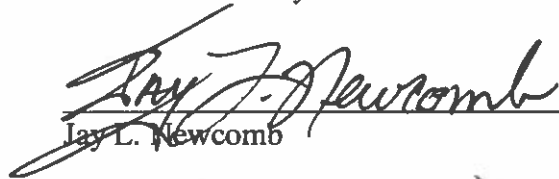
Adopted this 30th day of June, 2009.

Attested by:

The County Council of
Dorchester County



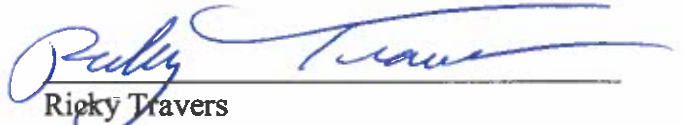
Jane Baynard
County Manager



Jay L. Newcomb



William V. Nichols



Ricky Travers



Rick Price



Effie M. Elzey

TABLE 3-2 (S.H.D.-6)
 INVENTORY OF EXISTING PUBLIC AND/OR PRIVATE COMMUNITY
 AND OTHER MULTI-USE WATER TREATMENT FACILITIES

Owner-Operating Agency	Water Source	Type of Treatment	Plant Coordinate Location	Related Plant Capacity (MGD)	Average Production (MGD)	Max. Peak Flow (MGD)	Storage Capacity (MGD)	Planned Expansion & Date	Method of Sludge Disposal
B. Private Community <u>Crystal Lake</u>	<u>1-2 well(s)</u>	<u>TBD based on test well water quality</u>		<u>0.0455</u>	<u>0.0455</u>		<u>0.00225</u>	<u>Construction projected to occur upon approval of requisite permits (2009-10)</u>	

Inserted text is indicated by bold underlining

Proposed Additions to TABLE 3-4 (S.H.D.-3)
 PROJECTED WATER DEMANDS AND PLANNED CAPACITY FOR EXISTING
 AND/OR PLANNED PUBLIC OR PRIVATE COMMUNITY WATER SYSTEMS

WATER SERVICE AREA ***	1990			2000			2010		
	POPULATION		CAPACITY	POPULATION		CAPACITY	POPULATION		CAPACITY
	Total	Served	Unreserved	Total	Served	Unreserved	Total	Served	Unreserved
Linkwood District									
S.D. # 2									
Bonnie Brook									
Bay Country MHP									
Dorchester MHP									
Beaver Run MHP									
Linkwood Landing MHP									
<u>Crystal Lake (commercial)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>0 residents</u>	<u>0 residents</u>	<u>0 residents</u>

							<u>0 residents</u>	<u>0 residents</u>	<u>0 residents</u>
									<u>0.0455</u>
									<u>0.0455</u>

Inserted text is indicated by bold underlining

Proposed Addition to TABLE 3-5
IMMEDIATE, 5 AND 10 YEAR PRIORITIES FOR WATER DEVELOPMENT

Project Name & Description	Location Md. Coord. North/East	Estimated Cost			Projected Years to Completion	Remarks
		Total	Fed. and/or State	Local		
H. Crystal Lake Private on-site water system, including 1-2 wells, storage/equalization tank and treatment (if necessary)						
		<u>N325,720</u>				
		<u>E1,597,120</u>	TBD - Private developer funding	1-4		Initial system construction to occur upon approval of requisite permits (2009-10). Construction may be phased.

Inserted text is indicated by bold underlining

Proposed Addition to TABLE 4-5 (S.H.D.-9)
 PROJECTED SEWERAGE DEMANDS AND PLANNED CAPACITIES FOR COMMUNITY
 AND MULTI-USE SEWERAGE SYSTEMS

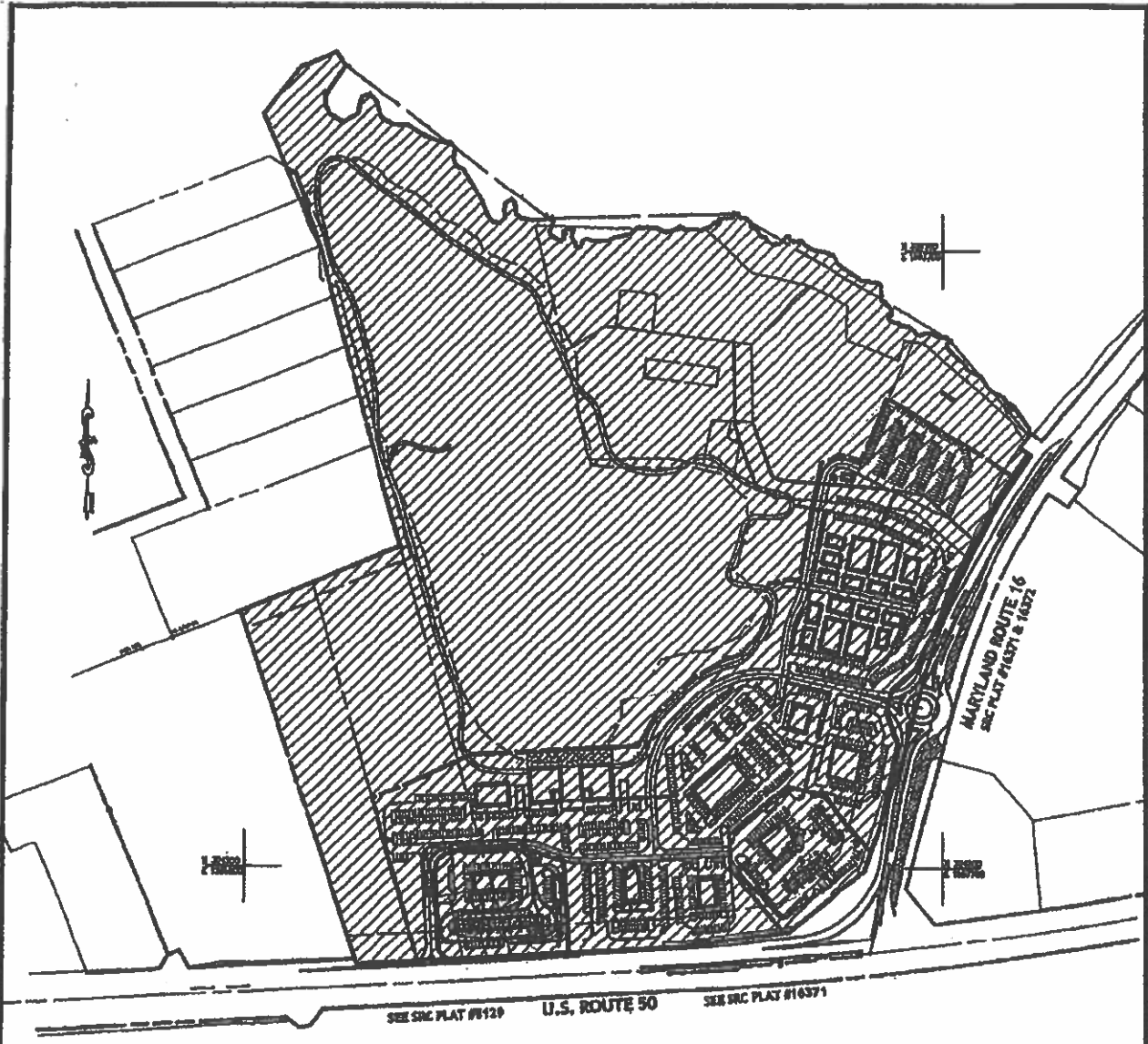
Fig. No.	Sewage Service Area	GPCD gals EDU (*)	1994				2000				2010			
			Population EDU (*)		Capacity (MGD)		Population EDU (*)		Capacity (MGD)		Population EDU (*)		Capacity (MGD)	
			Total	Served	Demand	Planned	Total	Served	Demand	Planned	Total	Served	Demand	Planned
	Christ Rock **	150	150	**	**	13	13	0.0039	0.0081	260	260	0.065	0.065	
	Linkwood Landing MHP Neck District	916	0			958	125			1002	216			
	Church Creek Dist	567	0	**	**	579	305	**	**	593	380	**	**	
	Church Creek Town & Environs	124	0			305	305			380	380			
	Straits Neck Dist	521	0			459	0			404	0			
	Drawbridge District	82	0			70	0			61	0			
	Williamsburg Dist	1026	0			1043	0			1053	0			
	Bucktown District	482	0			453	0			426	0			
	Linkwood District	2591	300			3254	409			3605	483			
	S.D. # 4 Jacktown	300	300	0.38	0.52	409	409	0.42	0.52	483	483	0.5	0.52	
	Hurlock District	3272	1706	0.8	4	2131	2131	0.95	4	2262	2262			
	Madison District	401	0			450	57			506	114			
	Salem District	222	0			202	0			184	0			
	Elliott Island Dist	79	0			69	0			58	0			
	<u>Crystal Lake</u> (commercial uses only)									182	182	0.0455	0.0455	

Inserted text is indicated by bold underlining

Proposed Addition to Table 4-6 (S.H.D.-13)
 IMMEDIATE, 5 AND 10 YEAR PRIORITIES FOR SEWERAGE DEVELOPMENT

Project Name & Description	Location Md. Coord. North/East	County Priority Assigned	Estimated Cost					Project Schedule			
			Total	Eligibility		Other Funding		Prelim Plans	Final Plans	Start Constr	Complete Constr
				Fed.	State	Fed	State				
III. Private B. <u>Crystal Lake</u> <u>Construction of WWTP for approx.</u> <u>182 EDUs w/land application disposal</u>	<u>N325.720</u> <u>E1.597.120</u>	<u>S-1</u>	<u>TBD</u>	Private developer funding for entire project			<u>2009</u>	<u>2009</u>	<u>2009</u>	<u>2011</u>	

Inserted text is indicated by bold underlining



Existing Planned
 N/A  Private Community System
 W-1, Existing to 2 years

**WATER SERVICE AREA
 CRYSTAL LAKE**
 INTX. U.S. RTE. 50 AND MD. RTE. 16
 DORCHESTER COUNTY, MARYLAND

THE TECH GROUP, INC.

 ENGINEERS • PLANNERS • SURVEYORS
 GEOTECHNICAL • ENVIRONMENTAL
 MATERIALS CONSULTANTS • FACILITIES

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 Suite 100
 Millersville, Maryland 21108
 Ph. (410) 987-3490
 Fax (410) 987-3457

DESIGNED: P.W.

DATE: NOVEMBER, 2008

DRAWN: D.B.

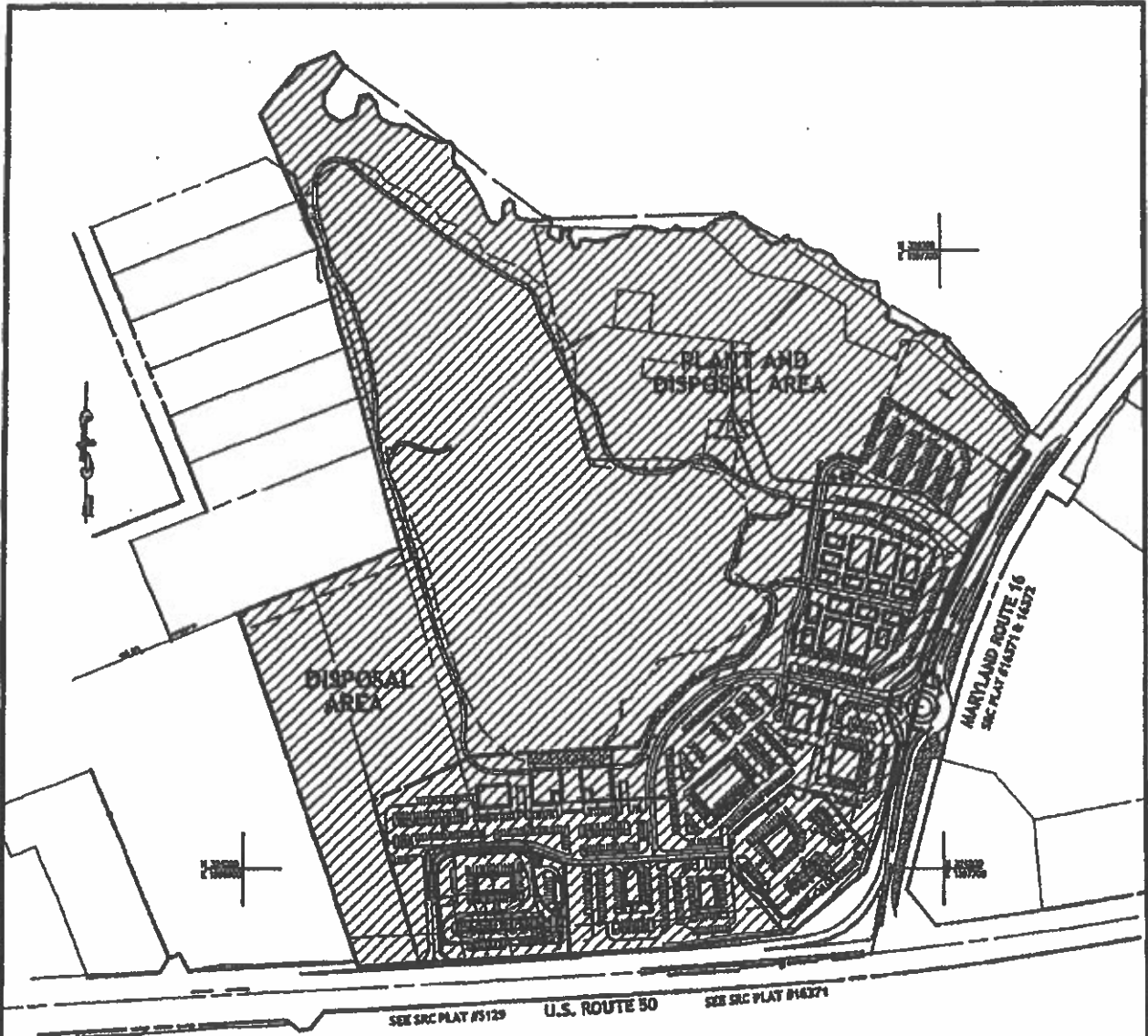
SCALE: 1"=400'

CHECKED: R.T.M.

JOB# 507025

EXHIBIT 3-1

508043/DWG/SHEETS/NS/WATER-EXHIBIT



Existing	Planned
N/A	Private Community System
N/A	Sewage Treatment Plant
	S-1, Existing to 2 years

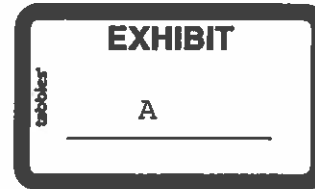
**SEWER SERVICE AREA
CRYSTAL LAKE**
INTX. U.S. RTE. 50 AND MD. RTE. 16
DORCHESTER COUNTY, MARYLAND

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DESIGNED: P.W.	DATE: NOVEMBER, 2008
DRAWN: D.B.	SCALE: 1"=400'
CHECKED: R.T.M.	JOB# 507025

EXHIBIT 4-J



THE DORCHESTER COUNTY PLANNING COMMISSION

FINDINGS OF FACT

**In RE: Dorchester County Comprehensive Water & Sewer Plan Amendment
Crystal Lake, LLC**

Applicant: Crystal Lake, LLC (Miles & Stockbridge, P.C.)

Requested Change: The applicant and owner Crystal Lake, LLC (Miles & Stockbridge, P.C.) is requesting water and sewer plan map and text amendments to the county Comprehensive Water & Sewer Plan. The applicant is proposing the addition of a new water service area as shown on map exhibit 3-I and identified as a W-1, existing to 2 years service timeframe. The applicant is also proposing the addition of a new sewer service area as shown on map exhibit 4-J and identified as an S-1, existing to 2 years service timeframe. The text and chart amendments describe the proposed developments community or multiple-use single ownership water and sewer facilities. Projected average daily water flows and projected average daily wastewater discharges are also given.

Area affected: The area affected is within unincorporated Dorchester County and is identified as Tax Map 31, Grid 23, Parcels 64, 65, 69 & 153, and Tax Map 42, Grid 5, Parcels 345, 346, & 347. The site contains approximately 78.24 acres of land and was formally used as a sand and gravel operation. The actual pit or excavation site is now filled with water and the surface area encompasses approximately 16.39 acres. A portion of the property approximately 57.69 acres is within the Chesapeake Bay Critical Area in a Limited Development Area (LDA). The property is located approximately 2-3 miles east of the municipal boundary of the City of Cambridge.

Planning Commission Findings: After considering the submitted text and map amendment for the proposed commercial development which is planned to be served by a privately owned multi-user water distribution system, and a privately owned multi-user wastewater system, we make the following findings relative to the application before us:

1. At the public hearing the Planning Commission heard from staff of the Office of Planning & Zoning. The planning staff gave the Commission details on the application and background information on the reason why the text amendment was requested. The Planning Commission finds that the proposed commercial development is planned to be served by a private multi-user water distribution system with up to two wells, storage tank, and as needed a water treatment system.

The Planning Commission also finds that the proposed privately owned wastewater system will provide tertiary treatment of discharged effluent by land application. From the staff report the Planning Commission finds that each system will have projected average daily flows of approximately 45,500-50,000 gallons.

2. The Planning Commission heard from planning staff and finds that the current county Comprehensive Plan identifies the subject property as, a county "Development District", and is shown as such on the Land Use Concept Plan (Figure 2-1). One of the Comprehensive Plan goals for Development Districts is to "allow for and encourage rural-residential, affordable and move-up housing in selected rural areas, without overburdening roads and schools" (page 2-8). The Planning Commission finds that while the "Development District (Areas)" section in the Land Use Chapter of the Comprehensive Plan encourages residential development, it has no absolute prohibition on commercial development. The Planning Commission finds that the subject property has a B-2, General Business zoning district designation which has been in effect since the last Comprehensive Rezoning in 1998-99. Prior to this zoning the property carried a B-3, General Business zoning which was placed on the property as a result of an approved rezoning request in 1984. Therefore the Planning Commission also finds that the property's business zoning was in effect prior to (pre-date) the current 1996 Comprehensive Plan.
3. The Planning Commission was made aware by staff and finds that under the Land Use Section (pages 2-5 & 2-6) of the Comprehensive Plan growth is encouraged within the existing City and Towns themselves with water and sewer such as the City of Cambridge. In fact, directing growth to the towns is said to be "essential to the success of other Comprehensive Plan goals including preservation of rural areas, and providing government services efficiently and at minimum cost". The Planning Commission finds that the subject site will not be connected to public utilities and thus will not be served by municipal water and sewer. In fact the current County Comprehensive Water & Sewer Plan identifies the subject property as a parcel with no planned service.
4. The Planning Commission learned from planning staff testimony and finds that the goal of the "Business, Retail and Service Uses" section of the Comprehensive Plan (page 3-19) is to: Accommodate business, retail and service uses in appropriate locations in the County. Furthermore, the policy of this Comprehensive Plan is to limit strip development and encourage business uses to locate in the incorporated towns. Therefore, as stated in the Comprehensive Plan: "Further expansion of business zoning along Route 50 should be discouraged" (page 3-20). While the applicant's preliminary site plan is not a component of the water & sewer plan amendment request, the Planning Commission has reviewed the site plan at a prior hearing and finds that the proposed entrance to the site with its limited access points and interior road network is not considered strip development.

5. The Planning Commission heard the applicant's attorneys Mr. McAllister and Mr. Showalter (Miles & Stockbridge, P.C.) who testified in favor of the text amendment request. The Planning Commission also heard from the applicant Mr. Pascal (Crystal Lake, LLC) as well as other members of his support team, Bob DiAiso (Tech Group Engineering), John Smith (Apex Water & Sewer Design), who spoke in favor of the request. Mr. McAllister reminded the Planning Commission of their prior preliminary approval (July 2008) of a commercial site plan for the property. He further discussed the development history of the property (subject site of the water & sewer plan amendment) and the past and current zoning of the land. The Planning Commission finds that the subject site is zoned RR, Rural Residential and B-2, General Business.
6. The Planning Commission heard from Mr. Showalter who informed them of their responsibility to evaluate the amendment approval in light of the overall policies and objectives set forth in the Comprehensive Plan, as well as the uses permitted by existing Dorchester County zoning. Mr. Showalter stated that the proposed amendment is consistent with the general policies and objectives of the Comprehensive Plan. He further explained that the amendment is consistent with the land use recommendations for the geographic area where the property is located, as well as specific policy recommendations concerning matters such as economic development, transportation and site design. The Planning Commission finds that the amendment request was supported by the testimony given.
7. The Planning Commission finds that there was no one present at the public hearing from the audience who spoke against the amendment request, and therefore there was no public comment of opposition to the amendment.
8. Review agency comment letters were received from the Dorchester County Department of Public Works, Sanitary District, and Health Department. The Planning Commission finds that each of those agencies had no comment or no objection to the water & sewer plan amendment request. The Health Department recommended that a water & sewer system of this size and type should be owned and operated by a public entity. They also stated that it has yet to be determined if sufficient capacity exists on site to support the sewage disposal needs of this proposal. The Planning Commission finds that further evaluation of the site (wet season) will be required.
9. The Planning Commission finds based upon the relevant information submitted and the testimony given at the Comprehensive Water & Sewer Plan amendment public hearing, and the prior related Crystal Lake commercial site plan approval hearing (preliminary approval), as well as the documented historic use of the associated property and the long-standing commercial zoning, that the Comprehensive Water & Sewer Plan text and map amendment request as presented and reviewed is consistent with the current 1996 Dorchester County Comprehensive Plan.

Chairman Loeffler asked for a motion on the text amendment to forward a favorable recommendation to the County Council. Commission member Mr. Lewis made that motion which was seconded by Mr. Dockins. A unanimous vote was cast (6-0) to send a favorable recommendation to the County Council.

Respectfully submitted,



Joy Loeffler, Chairman
Dorchester County Planning Commission