

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 5

Bill No. 18-23

Introduced by Mr. Smith, Chair
(by request of the County Executive)

By the County Council, March 6, 2023

Introduced and first read on March 6, 2023
Public Hearing set for and held on April 3, 2023
Bill Expires June 9, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Planning and Development – Master Plan for Water Supply
2 and Sewerage Systems

3
4 FOR the purpose of amending the Master Plan for Water Supply and Sewerage Systems,
5 2022 to alter certain maps; and generally relating to the Master Plan for Water Supply
6 and Sewerage Systems.

7
8 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
9 That the maps of the Anne Arundel County Master Plan for Water Supply and Sewerage
10 Systems, 2022, as amended (the “Plan”) are hereby amended as follows:

11
12 1. As shown on Exhibit A, attached hereto, on Sewer Map S-3, change the sewer
13 service category on Tax Map 23, Parcel 31, Lot 2 from Future Service to Planned Service.

14
15 2. As shown on Exhibit B, attached hereto, on Water Map W-4, change the water
16 service category on Tax Map 22, that portion of Parcel 73 that is east of Grover Road from
17 No Public Service to Planned Service; and in addition adjust the water service area
18 boundary to remove this portion of the parcel from the Rural Water Pressure Zone and
19 include this portion of the parcel in the Glen Burnie High Water Pressure Zone.

20
21 3. As shown on Exhibit C, attached hereto, on Water Map W-5, change the water
22 service category on Tax Map 38, Parcel 26, Lots 1-3 from No Public Service to Planned
23 Service; and in addition adjust the water service area boundary to remove these lots from
24 the Rural Water Pressure Zone and include these lots in the Herald Harbor Water Pressure
25 Zone.


1 SECTION 2. *And be it further enacted*, That a certified copy of the Plan as amended
2 by this Ordinance shall be permanently kept on file with the Administrative Officer to the
3 County Council and the Office of Planning and Zoning.

4
5 SECTION 3. *And be it further enacted*, That a certified copy of the map amendments
6 to the Plan shall be permanently kept on file with the Administrative Officer to the County
7 Council and the Office of Planning and Zoning.

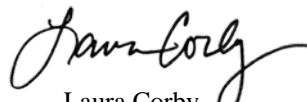
8
9 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
10 from the date it becomes law or upon approval of the Maryland Department of the
11 Environment under the authority granted by § 9-507 of the Environment Article of the State
12 Code, whichever is later. If approved, in whole or in part, after the 45 days the approved
13 provisions of this Ordinance shall take effect on the date the notice is received by the Office
14 of Planning and Zoning. If disapproved, in whole or in part, the disapproved portions of
15 this Ordinance shall be null and void without further action by the County Council. The
16 Office of Planning and Zoning, within 5 days after receiving any notice from the Maryland
17 Department of the Environment, shall forward a copy to the Administrative Officer to the
18 County Council.

READ AND PASSED this 3rd day of April, 2023

By Order:


Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 4th day of April, 2023


Laura Corby
Administrative Officer

APPROVED AND ENACTED this 14th day of April, 2023


Stuart Pittman
County Executive

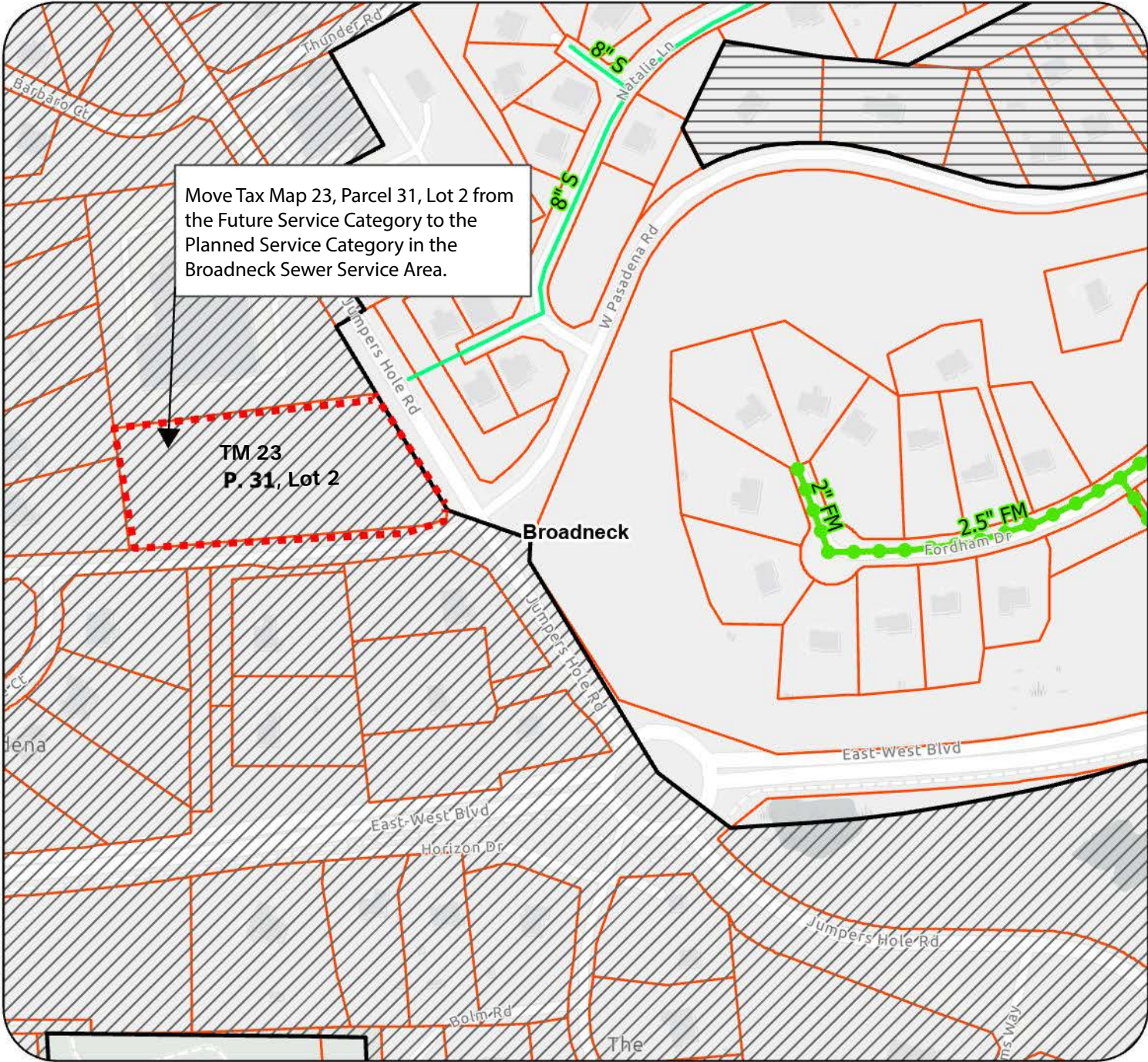
EFFECTIVE DATE: July 24, 2023

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 18-23 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

A handwritten signature in black ink, appearing to read "Laura Corby". The signature is written in a cursive, flowing style.

Laura Corby
Administrative Officer

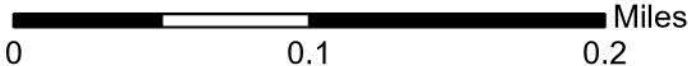
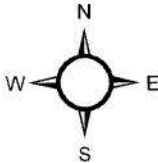
Sewer Map S-3



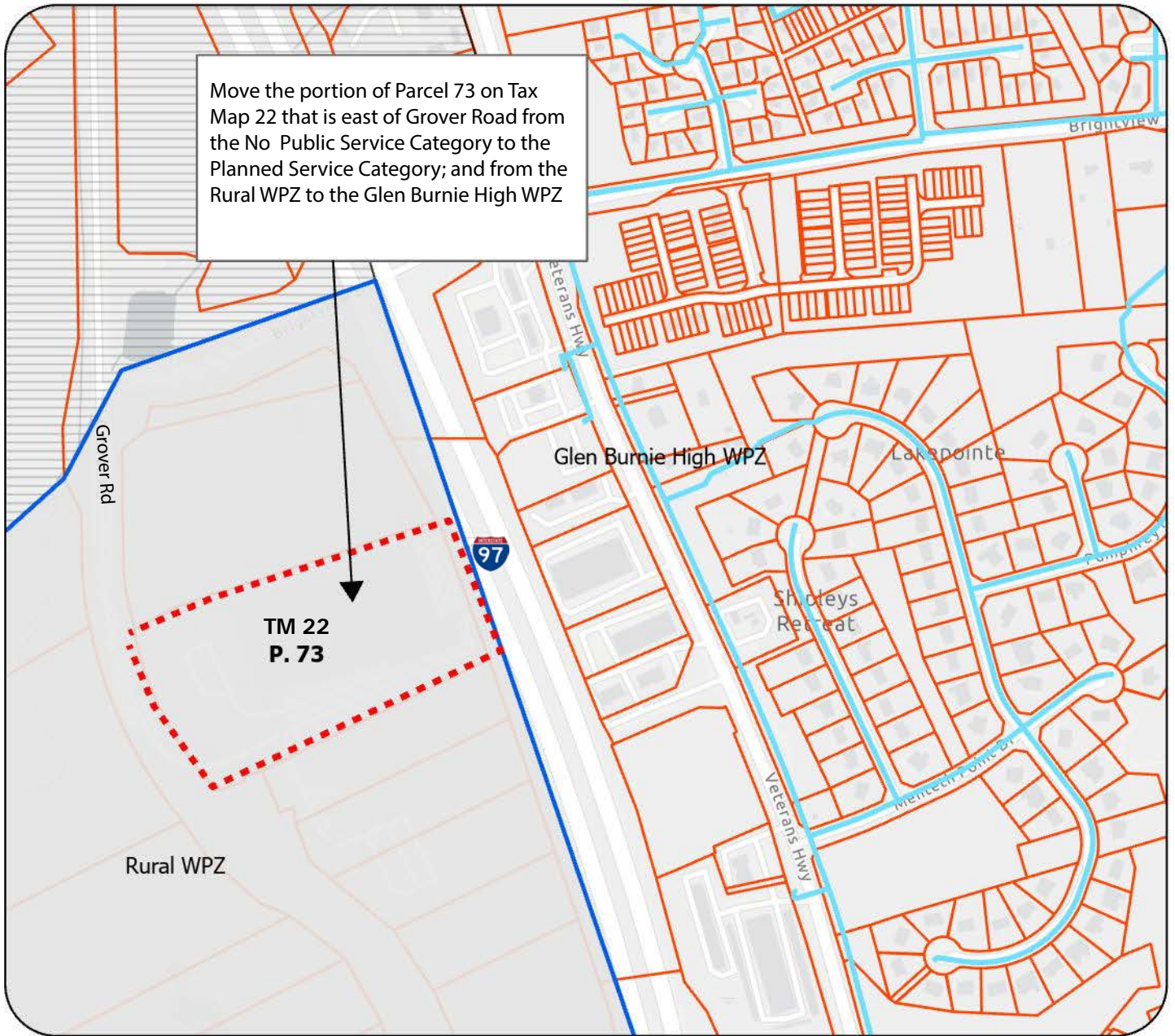
Legend

Sewer Service Categories

-  Existing Service
-  Future Service
-  No Public Service
-  Other
-  Planned Service
-  Sewer Service Category Change

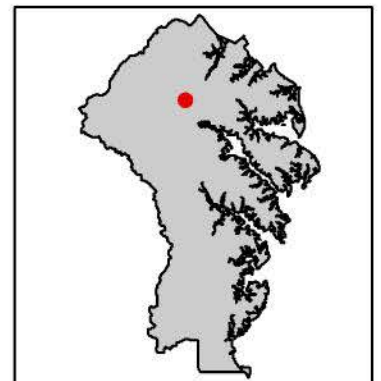
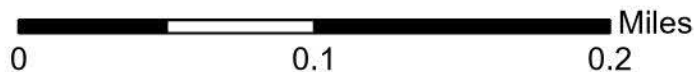
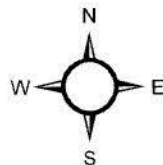


Water Map W-4



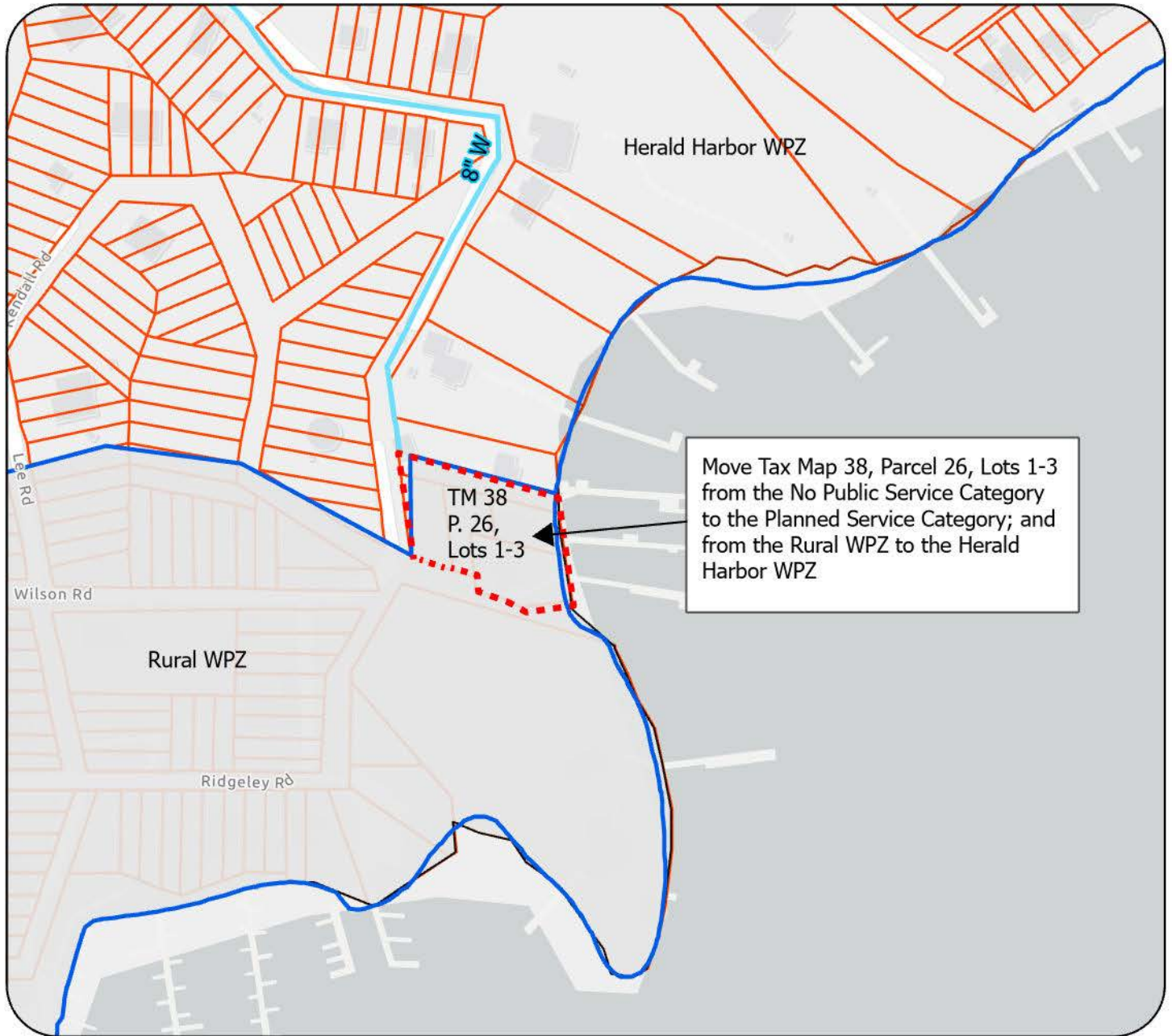
Legend

- Water Pressure Zones
- Water Service Categories
 - Existing - Annapolis
 - Existing Service
 - Future Service
 - No Public Service
 - Other
 - Planned Service
- Water Pressure Zone Change



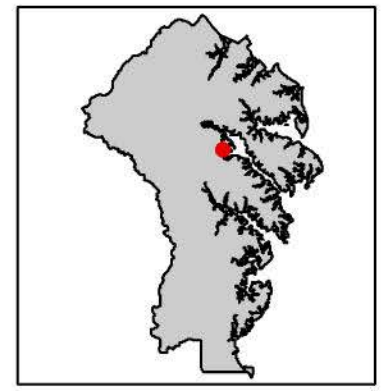
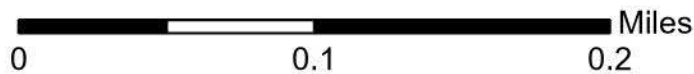
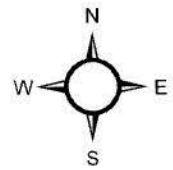
Date Revised: 2/8/23

Water Map W-5



Legend

-  Water Pressure Zones
- Water Service Categories
 -  Existing - Annapolis
 -  Existing Service
 -  Future Service
 -  No Public Service
 -  Other
 -  Planned Service
 -  Water Pressure Zone Change



Date Revised: 2/8/23



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

July 24, 2023

The Honorable Peter Smith
Chairman, Anne Arundel County Council
Arundel Center
44 Calvert Street
Annapolis, MD 21401

Dear Chairman Smith:

The Maryland Department of the Environment (MDE) has completed its review of the **2022 July Semi-Annual Review Cycle (Amendment)** to the 2017 Anne Arundel County Water Supply and Sewerage Systems Master Plan. This Amendment proposes water/sewer category changes for three (3) properties and adjusts the water service area boundary for two (2) of those properties. This Bill No. 18-23 was introduced on March 6, 2023, by the County Council; read and passed on April 3, 2023, and approved and enacted by the County Executive on April 14, 2023, becoming effective on May 29, 2023.

Bill 18-23: This Bill proposes the following water/sewer category changes and water service area boundary changes:

1. As shown on Exhibit A, attached hereto, on Sewer Map S-3, change the sewer service category on Tax Map 23, Parcel 31, Lot 2 from Future (Areas planned for public water and/or sewer service and where public utilities cannot easily be extended without major public or private expenditures), to Planned Service (Areas planned for public water and/or sewer service). The applicant who submitted this request intends to develop the property into a commercial/warehouse site.
2. As shown on Exhibit B, attached hereto, on Water Map W-4, change the water service category on Tax Map 22, that portion of Parcel 73 that is east of Grover Road from No Public Service to Planned Service; and in addition adjust the water service area boundary to remove this portion of the parcel from the Rural Water Pressure Zone and include this portion of the parcel in the Glen Burnie High Water Pressure Zone. This request is from Anne Arundel County Central Service to extend public water to a Central Services Complex to replace two failing fire protection water tanks that serve the existing county facility. The existing well would be abandoned. It does not appear that any future subdivision of the property is anticipated.
3. As shown on Exhibit C, attached hereto, on Water Map W-5, change the water service category on Tax Map 38, Parcel 26, Lots 1-3 from No Public Service to Planned Service; and in addition, adjust the water service area boundary to remove

The Honorable Peter Smith

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these lots from the Rural Water Pressure Zone and include these lots in the Herald Harbor Water Pressure Zone. The request was submitted by an existing homeowner to access public water instead of existing wells. The property is in the Chesapeake Bay Critical Area and in the Limited Development Area (LDA) overlay zone. It does not appear that any future subdivision of the property is anticipated.

Maryland Department of Planning Findings

The Maryland Department of Planning (MDP) advised MDE that Request 1 (Tax Map 23, Parcel 31, Lot 2) **appears to be consistent** with the Anne Arundel County Plan2040 General Development Plan (GDP).

MDP finds that Amendment Request 2 (Tax Map 22, portion of Parcel 73) **appears to be both inconsistent and consistent** with the GDP. Adjusting the water service category from No Public Service to Planned Service to extend public water to the existing Anne Arundel County Central Services Complex is supportive of goal HC10 on page 60 in the GDP:

“Provide a high-level of emergency medical care, fire protection, police protection, emergency management and an all hazards response to all residents and visitors of the County, including a comprehensive evacuation plan with adequate evacuation shelters.”

As noted in the January 25, 2023, Planning Advisory Board meeting, phasing these tanks out and providing public water to the complex and all its uses was more cost effective than the maintenance of existing tanks over a 50-year period. In addition to functioning as a warehouse for Anne Arundel County Public Schools and Recreation and Parks, the facility houses the Police Special Forces Division, the county Fire Department Operations Support office, Police K9 Training Center, and other essential support services. Extending public water would serve to protect the health, safety, and welfare of the facility and its occupants. Although the facility is located in a Rural and Agricultural Development Policy Area, the property is zoned W1-Industrial Park and was established in 1974. Page 38 of the GDP defines a Rural and Agricultural Development Policy Area as:

“Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.”

This development policy area definition **appears to be inconsistent** with the amendment's proposal to connect the Central Services Complex, which is inside the Rural and Agricultural Development Policy Area, with public water. However, the county's expressed intent to ensure the adequacy of fire suppression services at the facility also leads MDP to a finding of consistency with HC 10, described above. The county should consider addressing this inconsistency the next time the GDP is updated.

MDP finds that Amendment Request 3 (Tax Map 38, Parcel 26, Lots 1-3) **appears to be inconsistent** with the GDP. The properties in question are located outside of targeted growth areas and in the Rural and Agricultural Development Policy Area, which is defined in the GDP on page 38 as:

“Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.”

As noted in the above definition, the intention of this area is to “limit the costly extension of public facilities and services.”

If there are comments or questions regarding MDP’s review, and to resolve any inconsistency findings, MDE encourages the County to contact MDP. See enclosed MDP’s comments and contact information.

MDE Findings and Action

1. **Water Reclamation Facility (WRF) Capacity:** Wastewater treatment for Amendment Request 1 will be provided by the Broadneck WRF, which has a design capacity of 8.0 Million Gallons Per Day (MGD) and an average daily demand of approximately 5.7 MGD (2025 projection) or 71.25% capacity. Projected flows from the amendment [1,518 Gallons Per Day (GPD)] are well within the WRF’s capacity.
2. **Water Treatment Plant Capacity:**
 - a. Water treatment for Amendment Request 2 will be provided by the Dorsey Road Water Treatment Plant (WTP). It has a design capacity of 6.8 MGD (3.5 MGD and 3.3 MGD from the Glen Burnie Low Zone) and an average daily demand of approximately 5.25 MGD (2025 Projection) or 77.21% capacity. Projected flows from the amendment (1,000 GPD) are well within the WTP’s capacity.
 - b. Water treatment for Amendment Request 3 will be provided by the Herald Harbor WTP. It has a design capacity of 0.50 MGD and an average daily demand of approximately 0.14 MGD (2025 Projection) or 28% capacity. Projected flows from the amendment (750 GPD) are well within the WTP’s capacity.
3. Please be advised that based on MDE’s Digital Flood Insurance Rate Maps, portions of the County’s planned service areas identified on the Water and Sewer Maps for Amendment Request 3 - Tax Map 38, Parcel 26, Lots 2 and 3 - 502 and 504 Wilson Road, Crownsville, MD 21032 appear to be located in the 100-year Floodplain Zone AE and Special Flood Hazard Area T. The three properties (including 500 Wilson Road) also have a Sea Level Rise Vulnerability of 0 to 10-foot Inundation. The

properties owners should follow local floodplain ordinances and Federal Emergency Management Agency's guidelines and standards. It is advised that the county consider climate resiliency for these properties, which could include but not limited to the following steps (<https://toolkit.climate.gov/>):

- a. Explore Hazards: Identify climate and non-climate stressors, threats, and hazards and how they could affect assets (people and infrastructure).
- b. Assess vulnerability and risks: Evaluate assets vulnerability and estimate the risk to each asset.
- c. Investigate options: Consider possible solutions for your highest risks, check how others have responded to similar issues, and reduce your list to feasible actions.
- d. Prioritize and plan: Evaluate costs, benefits, and capacity to accomplish each action integrating the highest value actions into a stepwise plan.
- e. Take action: Move forward with your plan and check to see if your actions are increasing your resilience with monitoring.

The County is advised to contact Dave Guignet, State National Flood Insurance Program (NFIP) Coordinator, of MDE's Stormwater, Dam Safety, and Flood Management Program, at (410) 537-3775 for additional information regarding the regulatory requirements for Floodplains and Storm Surges.

The County is advised to contact Matthew C. Rowe, CC-P, Assistant Director of MDE's Water and Science Administration (WSA), at (410) 537-3578 for additional information regarding Climate Change and Resiliency.

4. Wetland and Waterways Protection Program (WWPP) Comments
 - a. Early coordination with WWPP during planning stages for the project is strongly encouraged to avoid or minimize adverse impacts from regulated activities. If there are activities proposed for new sewer or water projects in regulated resources, the County is encouraged to contact WWPP.
 - b. The plan mentions new extensions for water and sewer lines, storage facilities, and/or treatment plants. Where practicable, locations of the utility lines and facilities should support protection measures from future development in wetlands, waterways, or floodplains, as well as avoiding and minimizing impacts from the line, treatment facility, and supporting utility infrastructure. Suggested for consideration include:
 - i. a prohibition on new subdivision lots in wetlands;
 - ii. avoidance and minimization requirements;
 - iii. site plan considerations over multiple parcels that provide for contiguous
 - iv. wetland and stream corridors to be maintained, with minimum fragmentation

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Page 5

- v. from roads, buildings, or other structures; and
 - vi. location of new or replacement lines in existing utility or road rights-of-way.
- c. Compensatory mitigation may be required for permanent wetland losses, including conversion of forested wetlands to other wetland types and permanent access roads, and other structures.

Please see enclosed WWPP comments and contact information.

5. Please note there is an updated Water Resources Element (WRE) guidance, which can be found at the following link:
<https://planning.maryland.gov/Pages/OurWork/envr-planning/water-resources-mg/2022/2022-guidance-update.aspx>.
- The 2022 guidance includes best practices for protecting receiving waters and for integrating climate change and equity considerations into local water resource planning. By updating the WRE, a required element of local comprehensive plans, jurisdictions will identify recommendations and strategies necessary for ensuring community resilience and sustainability, which can inform and be informed by, project and policy needs for county water and sewer plan updates.

In accordance with §9-507(a) of the Environmental Article, Annotated Code of Maryland, **MDE hereby approves the 2022 July Semi-Annual Review Cycle Amendment** to the 2017 Anne Arundel County Water Supply and Sewerage Systems Master Plan. See enclosed water and sewer map changes below.

This action completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance, please contact Heather Barthel, Deputy Director, at (410) 537-3512, toll-free at (800) 633-6101, or by e-mail at heather.barthel@maryland.gov.

Sincerely,



D. Lee Currey, Director
Water and Science Administration

Enclosure

cc: Jenny Jarkowski, Planning and Zoning Officer, Office of Planning and Zoning (OPZ), Anne Arundel County
Christina Pompa, Deputy Planning and Zoning Officer, Planning Division, OPZ, Anne

The Honorable Peter Smith

Page 6

Arundel County

Cindy Carrier, Planning Administrator, Long Range Planning Section, Planning Division, OPZ, Anne Arundel County

Charles Boyd, Director, Planning Coordination, MDP

Heather Barthel, Deputy Director, WSA, MDE

Dave Guignet, State NFIP Coordinator, Stormwater, Dam Safety, and Flood Management Program, WSA, MDE

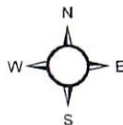
Matthew C. Rowe, CC-P, Assistant Director, WSA, MDE

Sewer Map S-3

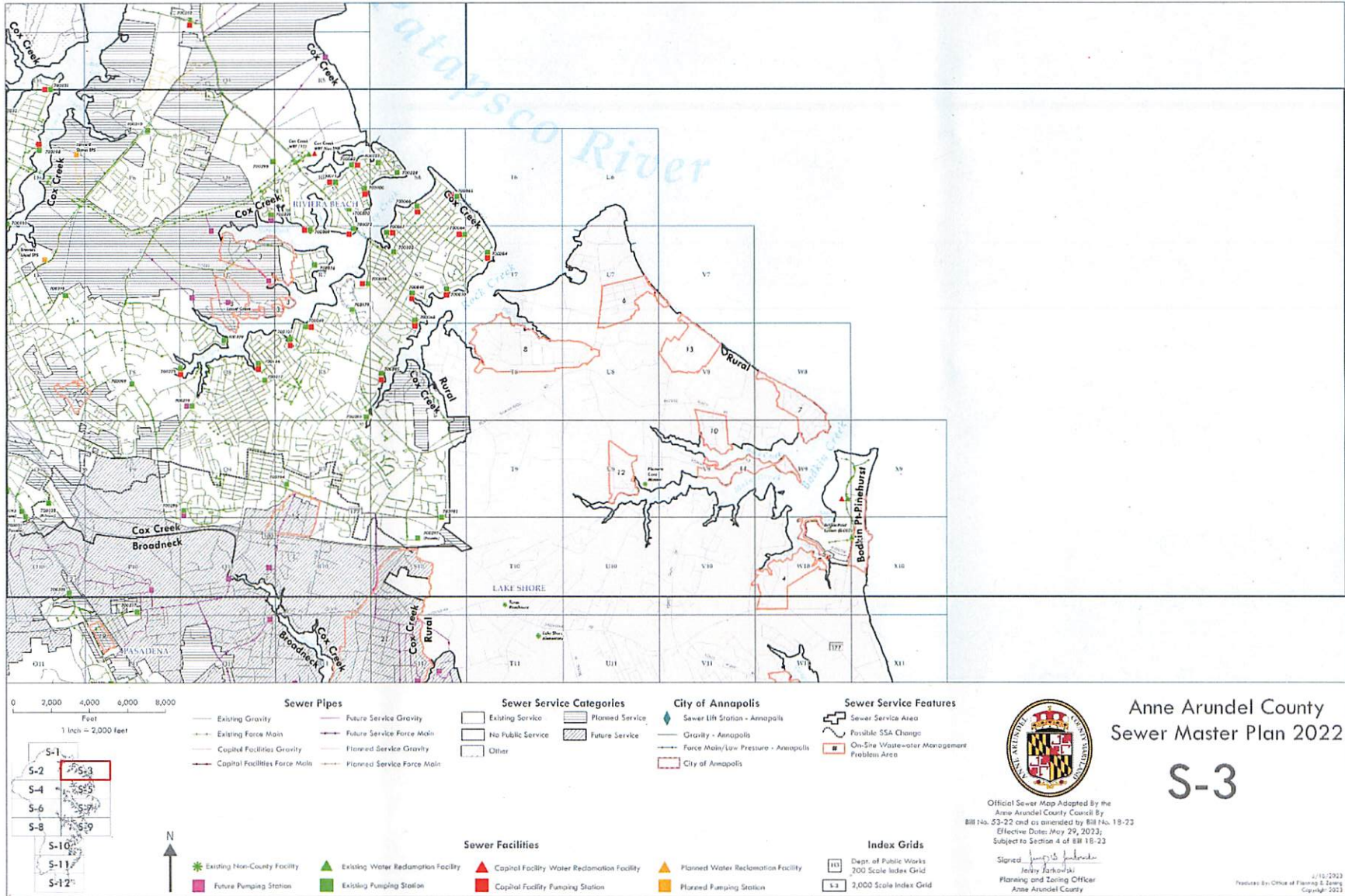


Legend

- Sewer Service Categories
- Existing Service
 - Future Service
 - No Public Service
 - Other
 - Planned Service
 - Sewer Service Category Change



Date Revised: 2/8/23



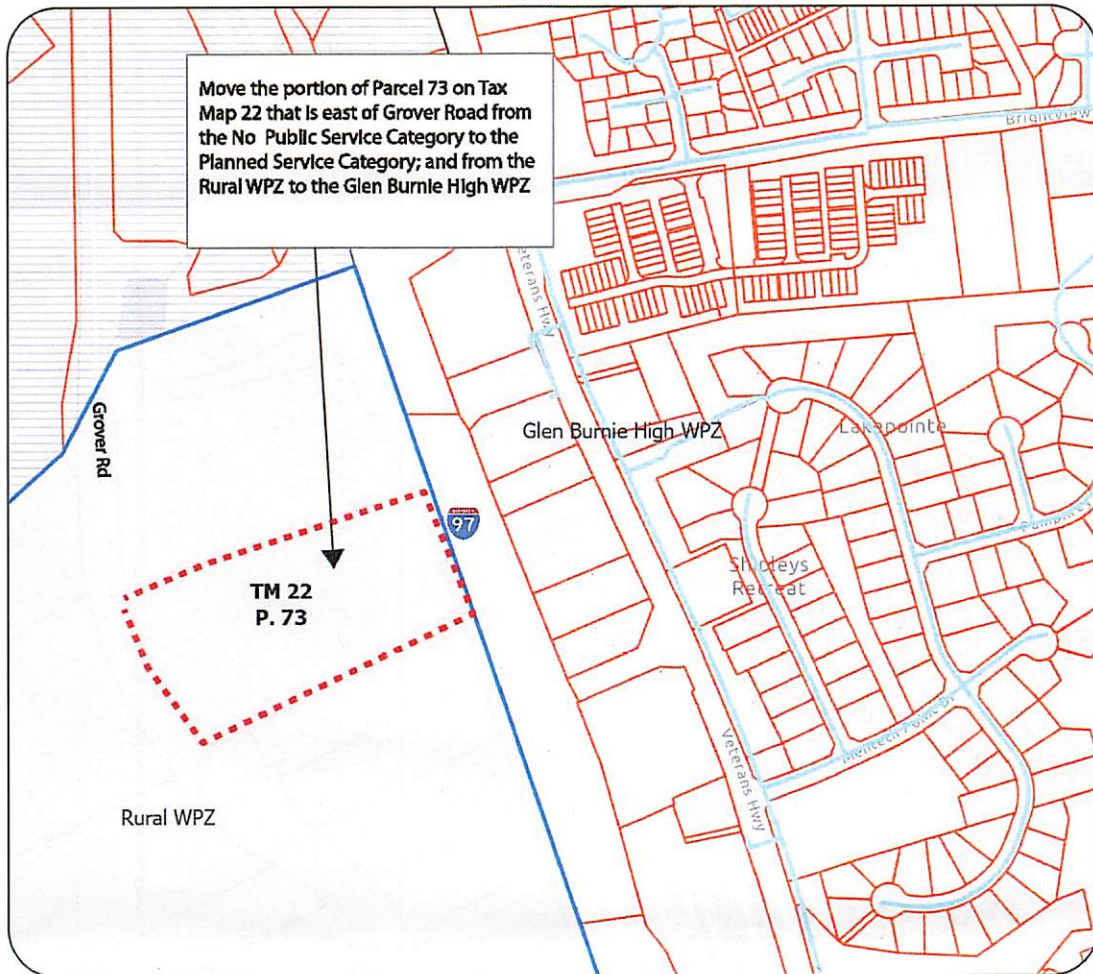
Anne Arundel County
Sewer Master Plan 2022

S-3

Official Sewer Map Adopted By the Anne Arundel County Council By Bill No. 53-22 and as amended by Bill No. 18-23 Effective Date: May 29, 2023; Subject to Section 4 of Bill 18-23

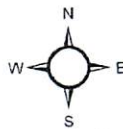
Signed: *Jeremy Zarowski*
Jeremy Zarowski
Planning and Zoning Officer
Anne Arundel County

Water Map W-4

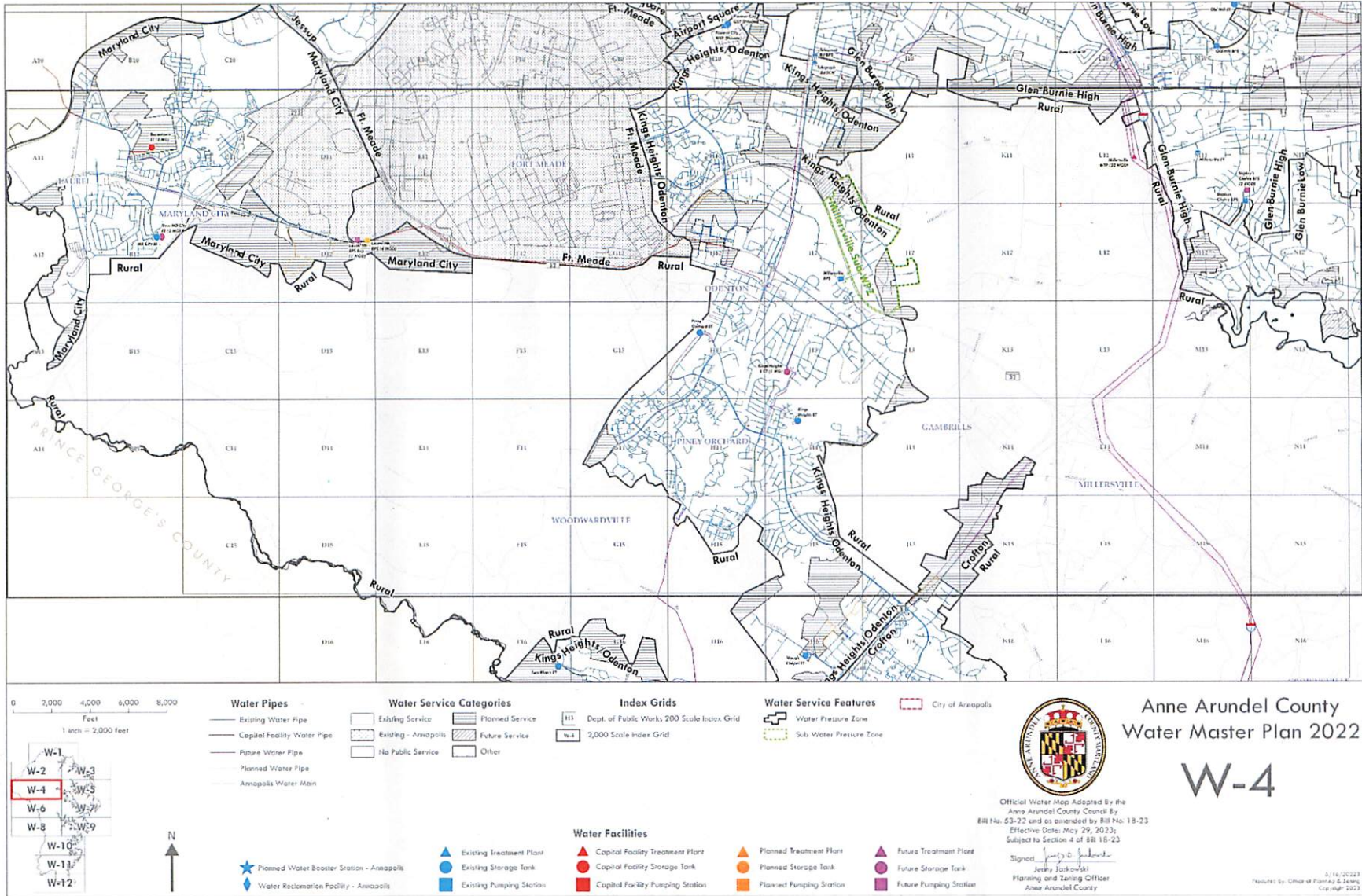


Legend

- Water Pressure Zones
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Date Revised: 2/8/23



Anne Arundel County
Water Master Plan 2022
W-4

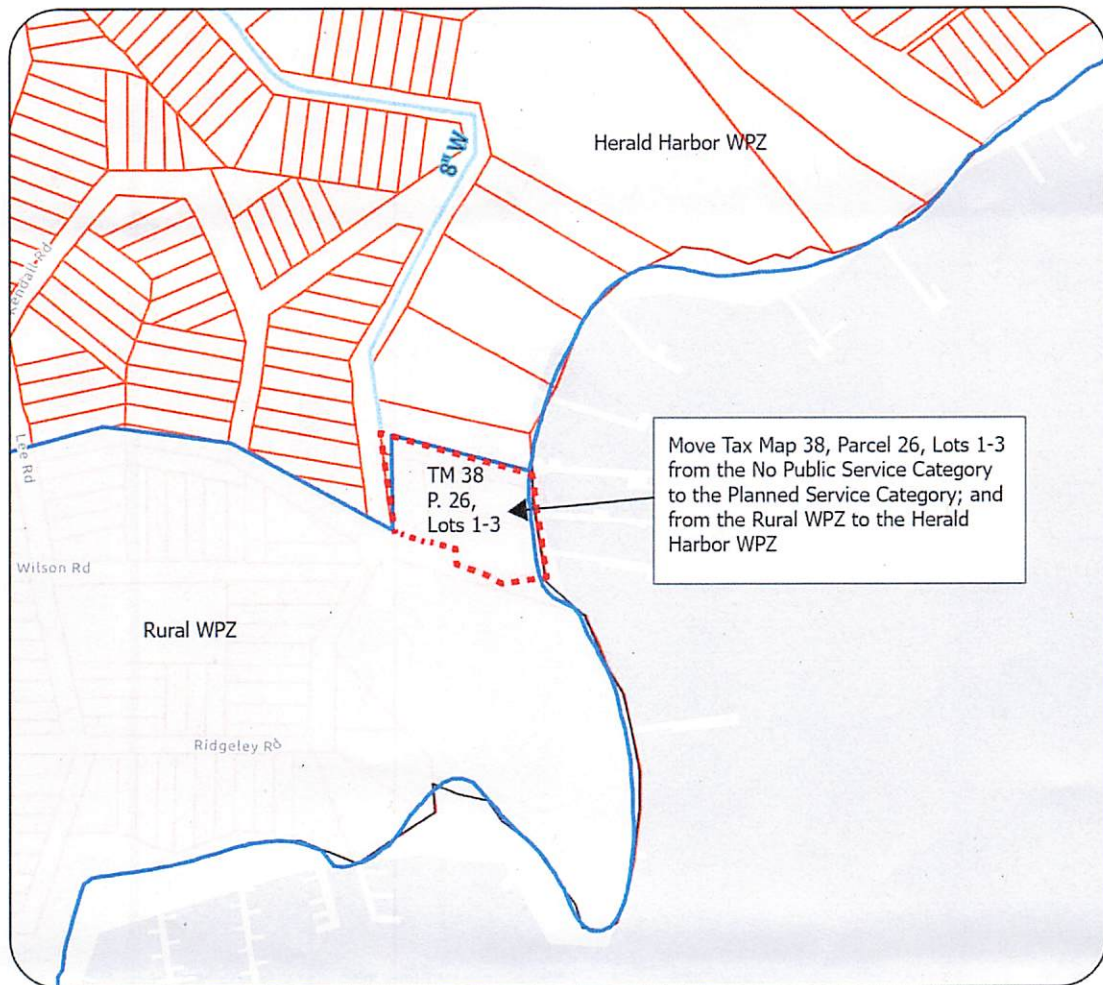


Official Water Map Adopted by the Anne Arundel County Council by Resolution No. 53-22 and as amended by Resolution No. 18-23 Effective Date: May 29, 2023; Subject to Section 4 of Resolution No. 15-23

Signed: *[Signature]*
Jeffrey Jankowski
Planning and Zoning Officer
Anne Arundel County

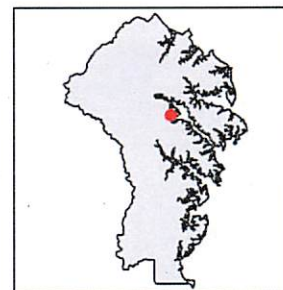
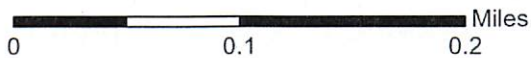
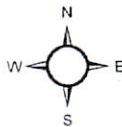
3/16/2023
Revised by: Office of Planning & Zoning
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Water Map W-5

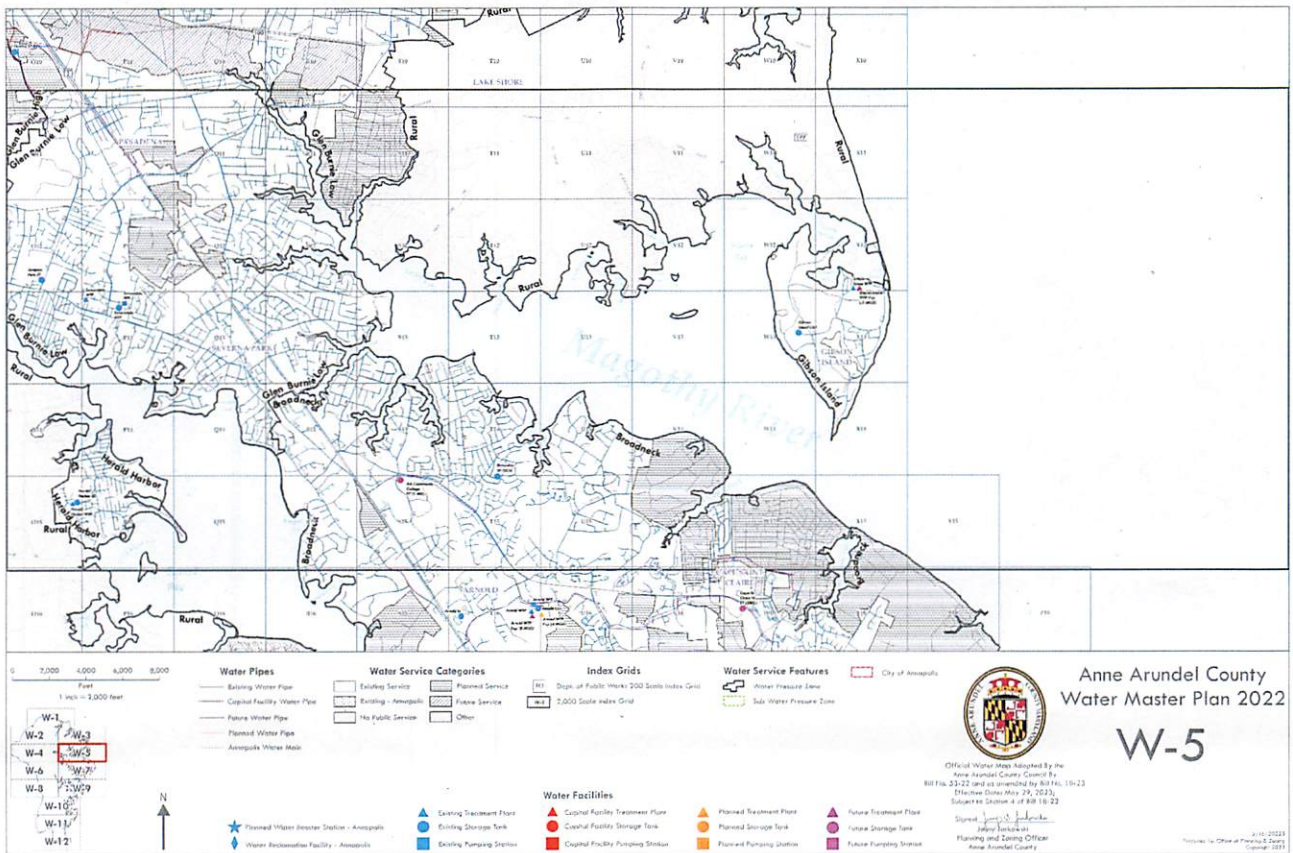


Legend

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- Planned Service
- Water Pressure Zone Change



Date Revised: 2/8/23



DATE: July 5, 2023

TO: Steve Alfaro, Watershed Protection, Restoration, and Planning Program

FR: Denise Clearwater, Wetlands and Waterways Protection Program

RE: Water and Sewer Plan Amendment – Anne Arundel County Master Plan for Water Supply and Sewerage Systems and July 2023 semi-annual proposed amendments

Wetlands provide important socio-economic benefits and ecosystem services such as storing and conveying flood waters, recharging groundwater, improving water quality by filtering and storing nutrients, and providing shoreline protection and critical habitat for a multitude of plant and animal species. The Maryland Department of the Environment's Wetlands and Waterways Program protects Maryland wetlands and waterways from loss and degradation. This protection is achieved through the regulation of the draining, dredging and filling of tidal and nontidal wetlands, the nontidal wetland buffer and waterways, including the nontidal 100-year floodplain through a permitting or authorization process implemented in close coordination with the federal government (specifically, the Army Corps of Engineers).

Persons proposing activities in tidal wetlands, nontidal wetlands and their 25- or 100-foot buffers, or nontidal waterways and their 100-year floodplain must submit a Joint Permit Application and supporting information to the Wetlands and Waterways Program. Early coordination with the Program is encouraged to discuss regulatory requirements and minimization of adverse impacts to the regulated resources.

Contact: Wetlands and Waterways Program Office (410) 537-3837

Regulatory Services Section / Application Processing (410) 537-3752

Tidal Wetlands. Activities in tidal wetlands to construct or reconstruct structures, or to dredge or fill a State or private tidal wetland, shall obtain a license from the Board of Public Works or a permit from Maryland Department of the Environment. The construction, reconstruction, alteration, or addition to any conduit, cable, pipeline, intake or discharge pipe, trestle, or other similar device, structure, or apparatus, over, on, in, or under tidal wetlands or waters of the State requires an applicant to submit a Joint Permit Application and supporting information to MDE's Wetlands and Waterways Program. The Program will review the application and supporting information to make a determination which will be provided in a Report and Recommendation to the Board for their use in making a decision to grant or deny a license for proposed work over, on, in, or under **State tidal wetlands.** The Program will review the application and supporting information to make a determination to issue or deny a permit for proposed work over, on, in, or under **private tidal wetlands.**

A person submitting a Joint Permit Application to obtain a license or permit shall be the riparian landowner of upland adjoining the affected area of State or private tidal wetlands, an agent of the riparian landowner, the State, any unit of the State, a public service company, a municipality, or a political subdivision.

Contact: Tidal Wetlands Division (410) 537-3571

Nontidal Wetlands. MDE regulates the following activities in nontidal wetlands and their 25-foot or expanded 100-foot buffers: (i) Removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind; (ii) Changing existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics; (iii) Disturbance of the water level or water table by drainage, impoundment, or other means; (iv) Dumping, discharging of material, or filling with material, including the driving of piles, and placing of obstructions; (v) Grading or removal of material that would alter existing topography, and (vi) Destruction or removal of plant life that would alter the character of a nontidal wetland.

Contact: Nontidal Wetlands Division (410) 537-3837

Nontidal Waterways and 100-year Floodplain. MDE regulates construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction or any change of the course, current, or cross section of a stream or body of water within the State including any changes to the 100-year frequency floodplain of free-flowing waters.

Contact: Waterway Construction Division (410) 537-3837

Dam Safety Permits Division (410) 537-3552

Climate Change Resiliency and Flooding. In addition, consideration of measures to address climate change are highly encouraged. This may include designing stormwater management facilities to treat storm events beyond generating more than 1" of runoff in 24 hours, and instead treat more frequent, higher intensity, shorter duration events. Roads crossings over waters may need to be designed to different standards to pass storm flows without infrastructure damage or discharges to aquatic life. Retention or re-establishment of forests is also highly desirable.

The County or applicant is advised to contact Dave Guignet, State NFIP Coordinator, of MDE's Stormwater, Dam Safety, and Flood Management Program, at (410) 537-3775 for additional information regarding the regulatory requirements for Floodplains and Storm Surges.

The County or applicant is advised to contact Matthew C. Rowe, CC-P, Assistant Director of MDE's Water and Science Administration, at (410) 537-3578 for additional information regarding Climate Change and Resiliency

I have reviewed the proposed amendment for the Wetlands and Waterways Program and have the following comments:

- 1) There are mapped/wetlands hydric soils or streams and 100-year floodplains in the vicinity of the property. The applicant is encouraged to consult with the Wetlands and Waterways Program to verify the presence of wetlands, their buffers, stream and its 100-year floodplain in relation to any activities which are planned for the property. Activities in these water resources may be subject to regulatory requirements from the MDE's Wetlands and Waterways Program.

- 2) Early coordination with the Wetlands and Waterways Program for new major or replacement lines is recommended in advance of submitting applications and to discuss any new requirements related to restoration of wetlands after temporary impacts.
- 3) Early coordination with the Program during planning stages for the project is strongly encouraged to avoid or minimize adverse impacts from regulated activities. If there are activities proposed for new sewer or water projects in regulated resources, the County is encouraged to contact the Wetlands and Waterways Program.
- 4) The plan mentions new extensions for water and sewer lines, storage facilities, and/or treatment plants. Where practicable, locations of the utility lines and facilities should support protection measures from future development in wetlands, waterways, or floodplains, as well as avoiding and minimizing impacts from the line, treatment facility, and supporting utility infrastructure. Suggested for consideration include:
 - a) a prohibition on new subdivision lots in wetlands;
 - b) avoidance and minimization requirements;
 - c) site plan considerations over multiple parcels that provide for contiguous wetland and stream corridors to be maintained, with minimum fragmentation from roads, buildings, or other structures; and
 - d) location of new or replacement lines in existing utility or road rights-of-way.
- 5) Compensatory mitigation may be required for permanent wetland losses, including conversion of forested wetlands to other wetland types and permanent access roads, and other structures.
- 6) Wetland estimates in the county should use estimates from the National Wetlands Inventory and DNR Wetlands layers. Sensitive resources may be preliminarily identified using the Watershed Resources Registry at:
<https://watershedresourcesregistry.org/states/maryland.html>.
- 7) An evaluation of the site and its vicinity using the Watershed Resources Registry shows the presence of sensitive resources. These may include: sensitive species project review areas, Targeted Ecological Areas, Biodiversity Conservation Network, Nontidal Wetlands of Special State Concern, Tier II watershed, Stronghold Watershed, and/or Forest Interior Species. Contact MDE or the Maryland Department of Natural Resources for recommendations or requirements to avoid or minimize adverse impacts to these resources.
- 8) There may be wetland or waterway impacts associated with the project. Impacts will be reviewed by MDE during application review. Pre-application meetings

are also available to discuss avoidance, minimization, and restoration after temporary impacts.

- 9) The Wetlands and Waterways Program (Program) encourages a site design which avoids, or if avoidance is not practicable, minimization of impacts from activities in regulated stream or wetland resources. The Program also supports the cluster design recommended by the County for this project to conserve remaining forest land on site and avoid and minimize activities in the stream or potential wetlands.
- 10) The plan/project includes activities in Tier II watershed(s). Tier II streams are high-quality waters that require, under regulation, additional consideration to protect their water quality. Water quality and their associated aquatic resources in Tier II streams require healthy contributing watersheds and riparian areas, including adjacent floodplains and wetlands. Tier II waters may also be associated with other sensitive species and nontidal wetlands of special State concern.

All possible considerations should be implemented to protect high-quality waters and their associated wetlands and floodplains from activities which may result in water quality degradation. This primarily consists of rigorous watershed planning, with consideration of the extra provisions necessary to protect high-quality waters; site design, and construction practices; and compensatory offsets for adverse impacts.

- 11) No comments
- 12) Additional specific comments

It is unclear if comments are being requested for the overall master plan. The Wetlands and waterways Protection Program has marked the items above for consideration and future implementation of water and sewer projects.



Maryland DEPARTMENT OF PLANNING

July 7, 2023

Ms. Dinorah Dalmasy, Manager, Integrated Water Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

RE: Adopted—Anne Arundel County July 2022 Review Cycle Water and Sewer Plan Amendment

Dear Ms. Dalmasy:

The Maryland Department of Planning (MDP) has reviewed the referenced adopted Anne Arundel County July 2022 Review Cycle Water and Sewer Plan (WSP) amendment pursuant to our mandate to advise the Maryland Department of the Environment (MDE) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2).

MDP previously reviewed the draft version of this amendment and transmitted preliminary comments to MDE in a letter dated March 31, 2023. The amendment was adopted by County Council Bill 18-23 on April 3, 2023, and approved and enacted by the County Executive on April 14, 2023, with an effective date of May 29, 2023. The adopted action did not change from the previously reviewed draft amendment, and MDP's review of this action is not substantially different from that previously submitted to MDE.

Below is MDP's review of the adopted plan, including responses provided by Anne Arundel County in a letter dated June 1, 2023, from Planning and Zoning Officer Jenny Jarkowski to D. Lee Currey, Director of the Water and Science Administration, regarding MDP's preliminary comments on the draft plan. MDP has provided relevant comments from our review of the draft plan, as applicable, and has indicated in bold the county's responses to our preliminary comments on the draft plan. MDP's Priority Funding Area and Growth Tier Map review is similar to those included in our March 31, 2023, review of the draft version of this amendment.

Summary of Amendments

The approved WSP amendment proposes changes on three different properties. These changes are from three amendment requests occurring within the county's semi-annual amendment review cycle for July 2022.

Amendment 1—Tax Map 23, Parcel 31, Lot 2—8732 Jumpers Hole Rd, Millersville

The first amendment request is to change the sewer service category from Future Service to Planned Service in the Broadneck Sewer Service Area. The applicant who submitted this request intends to develop the property into a commercial/warehouse site.

Amendment 2—Tax Map 22, Parcel 73—8307 Grover Road

The second amendment request is to change the water service category from No Public Service to Planned Service, and to adjust the water pressure zone (WPZ) boundary to remove this portion of the parcel from the Rural WPZ and include the existing complex in the Glen Burnie High WPZ. This amendment request is from Anne Arundel County Central Service to extend public water to a Central Services Complex to replace two failing fire protection water tanks that serve the existing county facility. The existing well would be abandoned. It does not appear that any future subdivision of the property is anticipated.

Amendment 3—Tax Map 38, Parcel 26, Lots 1-3—500, 502 & 504 Wilson Road, Crownsville

The third amendment request is to change the water service category from No Public Service to Planned Service and to adjust the WPZ boundary to remove those lots from the Rural WPZ and include these lots in the Herald WPZ. The amendment request was submitted by an existing homeowner to access public water instead of existing wells. The property is in the Chesapeake Bay Critical Area and in the Limited Development Area (LDA) overlay zone. It does not appear that any future subdivision of the property is anticipated.

Comprehensive Plan Consistency

Amendment Request 1:

MDP finds Amendment Request 1 **appears to be consistent** with the Anne Arundel County Plan2040 General Development Plan (GDP).

The GDP's definition of the Neighborhood Preservation Policy Area, in which the parcel is located, appears to support serving the site with public water and sewer. Page 38 of the GDP describes this policy area as:

“Existing residential communities and natural areas (may include local commercial and industrial uses) that are not intended for substantial growth or land use change but may have specific areas targeted for revitalization. Development is limited to infill, the addition of accessory dwelling units, and redevelopment that must be compatible with the existing neighborhood character. Public infrastructure exists but may need capacity improvements.”

While that definition does not clearly state that new public infrastructure, such as water and sewer, should be extended to new development in the Neighborhood Preservation Policy Area, the statement that such infrastructure exists in the area, along with the infill development nature of the project, would seem to support the provision of sewer as requested in this amendment. The property is zoned W1 Industrial Park and would support the proposed commercial/warehouse development.

Amendment Request 2:

MDP finds Amendment Request 2 **appears to be both inconsistent and consistent** with the GDP.

Adjusting the water service category from No Public Service to Planned Service to extend public water to the existing Anne Arundel County Central Services Complex is supportive of goal HC10 on page 60 in the GDP:

“Provide a high-level of emergency medical care, fire protection, police protection, emergency management and an all hazards response to all residents and visitors of the County, including a comprehensive evacuation plan with adequate evacuation shelters.”

As noted in the January 25, 2023, Planning Advisory Board meeting, phasing these tanks out and providing public water to the complex and all its uses was more cost effective than the maintenance of existing tanks over a 50-year period. In addition to functioning as a warehouse for Anne Arundel County Public Schools and Recreation and Parks, the facility houses the Police Special Forces Division, the county Fire Department Operations Support office, Police K9 Training Center, and other essential support services. Extending public water would serve to protect the health, safety, and welfare of the facility and its occupants.

Although the facility is located in a Rural and Agricultural Development Policy Area, the property is zoned W1-Industrial Park and was established in 1974. Page 38 of the GDP defines a Rural and Agricultural Development Policy Area as:

“Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.”

This development policy area definition appears to be **inconsistent** with the amendment’s proposal to connect the Central Services Complex, which is inside the Rural and Agricultural Development Policy Area, with public water. However, the county’s expressed intent to ensure the adequacy of fire suppression services at the facility also leads MDP to a finding of consistent with HC 10, described above. The county should consider addressing this inconsistency the next time the GDP is updated.

Amendment Request 3:

MDP finds Amendment Request 3 **appears to be inconsistent** with the GDP. The properties in question are located outside of targeted growth areas and in the Rural and Agricultural Development Policy Area, which is defined in the GDP on page 38 as:

“Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.”

As noted in the above definition, the intention of this area is to “limit the costly extension of public facilities and services.”

To assist in determining consistency for this amendment, MDP contacted Desirae Williams, Planner, Long Range Planning at Anne Arundel County’s Office of Planning and Zoning to better understand the county’s approach. In an email response to Sarah Diehl, dated March 16, 2023, the county noted the following:

“The properties that are part of the 502 Wilson Road amendment are located in the No Public Service Area for water service, but border areas with public water service. Extension of water service to these properties are intended to serve existing homes that are currently served by wells. There are many areas in the County that are located in the Rural and Agricultural Development Policy Area but are either already served by public water or are planned for public water service. The majority of the Herald Harbor area to the north of 502 Wilson Road is currently served by public water but is located in the Rural and Agricultural DPA due to the area being served by private septic systems. We consider the change from No Public Service (for water service) to be consistent with the definition for the Rural and Agricultural DPA. This would not be true for sewer service.”

The county's suggestion that the Rural and Agricultural DPA allows for the extension of water services does not seem to be consistent with the definition on page 38 of the GDP quoted above. Further, the Plan2040: Background (Volume II) contains the Water Resource Element that notes the following:

“The area of the County not planned for public water service is categorized as ‘No Public Service’ and is served by private wells.”

This is the same language as contained on page 195 of the 2009 GDP. MDP recommends that the county consider revising the text in Plan2040 to reflect the reasoning provided by staff that water service in a “No Public Service” area would be consistent with the definition of the Rural and Agricultural DPA. The properties are proximate to existing water lines, but MDP cannot find GDP consistency for this amendment based on the adopted plan text and encourages the county to consider revising the text in Plan2040 or providing further justification which MDP staff was not able to find in Plan2040 on why connecting a residential property in the Rural and Agricultural DPA, and which is in the No Public Service Area for water, is consistent with the GDP.

The county responded with the following comments in a letter dated June 1, 2023, from Jenny Jarkowski, Anne Arundel County, to Director Currey, MDE:

“While there are many areas in the County that are both served by private wells and are in the Rural and Agricultural Development Policy Area, there are also some areas that are located in the Rural and Agricultural Development Policy Area that are either currently served by public water or are planned for public water service. In other words, the No Public Service category for water does not align perfectly with the Rural and Agricultural Development Policy Area. Historically, this is how the County has developed. Because the public sewer service envelope and water service envelope do not align, Plan2040 intentionally revised the definition of the 2009 General Development Plan Rural Policy Area to reflect that this policy area is indicative of areas that are served by septic systems and not both septic systems and water systems. The 2009 General Development Plan definition of Rural Policy states:

This area is characterized by rural residential land use and limited local commercial uses. Residential uses are primarily single-family homes, and clustering is encouraged in residential subdivisions in order to preserve the rural character by retaining large expanses of open space. Preservation of agricultural uses and rural economy uses is also encouraged. It is also located within the Rural Sewer Service Area and is served by private septic and well systems.

The Plan2040 Rural and Agricultural Development Policy Area definition is:

Communities that are characterized by large-lot residential areas, farms and very limited commercial and industrial areas outside of the Priority Funding Area (PFA) and are served by private septic systems. Development is limited to protect the rural and agricultural heritage and economy and limit the costly extension of public facilities and services.

Because these properties front or are adjacent to public water service, the property owner is willing to pay for the extension, capacity is available to serve the properties and connection to public water will not change the rural character of the area, the County does not find that this amendment is inconsistent with the Rural and Agricultural Development Policy Area.”

While understanding the county's response to our March 31, 2023, review letter comments, and acknowledging the modified policy area language of Plan2040 in comparison to the 2009 GDP, MDP maintains the previous **inconsistent** finding for Amendment 3. The county should consider revising the text in Plan2040 to reflect the reasoning provided by staff that water service in a “No Public Service” area

would be consistent with the definition of the Rural and Agricultural DPA. The properties are proximate to existing water lines, but MDP cannot find GDP consistency for this amendment based on the adopted plan text and encourages the county to consider revising the text in Plan2040. Plan2040 text revisions might include adding language permitting water service connections for Rural and Agricultural DPA properties fronting or adjacent to existing lines or an amendment to the policy area definition that specifies “public facilities” as those for sewer extensions. MDP notes that the ramifications of water service to properties that have frontage on and or adjacency to existing water mains and are funded through private ownership may raise issues of equity and could impact drinking water capacity. A larger study may need to be conducted to evaluate impacts.

Priority Funding Area Review Comments

Pursuant to the State Finance and Procurement Article, Section 5-7B-02, local jurisdictions are eligible to receive state financial assistance if the project is in a Priority Funding Area (PFA). PFA status of the proposed amendments is noted below:

- Amendment Request 1: Tax Map 23, Parcel 31, Lot 2: PFA
- Amendment Request 2: Tax Map 22, Parcel 73: PFA
- Amendment Request 3: Tax Map 38, Parcel 26: Outside of a PFA

Growth Tier Map Review

Only Amendment Request 1 (Tax Map 23, Parcel 31, Lot 2) involves a change to sewer service designation. However, the property is zoned W1 – Industrial Park and would not necessitate any changes to the Growth Tier Map, as the Septics Law only applies to new residential development.

The remaining two amendment requests only impact the Anne Arundel County public water service; therefore, they would not necessitate any changes to the Growth Tier Map.

If you have any questions regarding this review, please contact Sarah Diehl, Southern Maryland Regional Planner, at Sarah.Diehl@maryland.gov.

Sincerely,



Charles W. Boyd, AICP
Director, Planning Coordination

cc: Robin Pellicano; Nicholai Francis-Lau; and Steve Alfaro, Maryland Department of the Environment
Tony Redman, Maryland Department of Natural Resources
Dwight Dotterer, Maryland Department of Agriculture
Jason Dubow; Joseph Griffiths; Susan Llareus; Sarah Diehl; Sylvia Mosser; and Cassandra Malloy,
Maryland Department of Planning