



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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TECHNICAL STAFF REPORT

2022 Interim Amendment of the 2015 Master Plan for Water & Sewerage

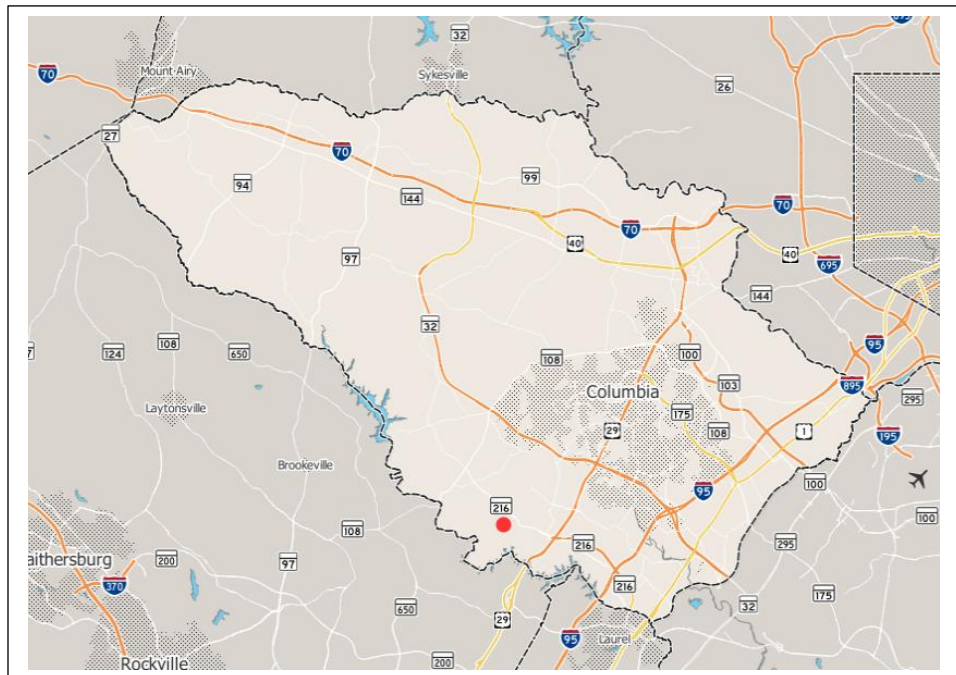
Planning Board Hearing on October 6, 2022

DPZ Planner:

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Description:

This amendment seeks to add the Lyhus Property (see red dot in the locational map below), to the inventories of the existing and planned permit discharges and the existing and proposed multi-use community well and surface water supply in the 2015 Water and Sewer Master Plan found in amended tables 4 and 10A (exhibits A and B). In addition, section 1.4 A has been revised to adhere with Code of Maryland Regulation (COMAR) 26.04.05.01 (exhibit C). Table 4 has been modified to include proposed Multi-Use Community Well and Surface Water Supply and the word “proposed” was therefore added to the title of the table.



Background:

According to Section 22.405, Capital Improvement Master Plans, a “Capital improvement master plan (C.I.M.P.) is a plan adopted by the County Council which indicates the capital improvements for a particular type of County service to be constructed during the next ten years in order to support the housing and employment growth projections of the County's general plan. Capital improvement master plans shall be consistent with the general plan, with one another, and with the requirements of

State law for master plans.” There are C.I.M.Ps for Education, Transportation, Water and Sewer and Solid Waste Disposal. The Master Plan for Water and Sewerage satisfies the requirements for the C.I.M.P. for Water and Sewer and certain requirements under COMAR.

Planning Board Role:

According to Section 22.405(e)1, “The Planning Board shall make its recommendations regarding consistency of the C.I.M.P. [and any C.I.M.P. updates] with the general plan and forward the recommendations to the agency(ies) which prepared the C.I.M.P.”

The Lyhus Property

H&H Rock Companies is seeking to build 29 age-restricted duplexes at 12170 Lime Kiln Road, Fulton, MD 20759. The development will require the construction of a multi-use shared sewerage facility system and multi-use shared water wells, which respectively require a Discharge Permit and Water Appropriation and Use Permit from the Maryland Department of the Environment (MDE). Prior to issuing a permit, the MDE requires all existing and planned multi-use shared sewage facility systems and multi-use shared wells to be inventoried in a jurisdiction’s Water and Sewer Master Plan. The proposed Lyhus facilities need to be added to the County’s 2015 Master Plan to receive a permit.

General Plan Consistency:

Since the Water and Sewer Master Plan primarily considers infrastructure investments in the public water and sewer system, adding a multi-use shared sewerage facility and multi-use shared water wells outside the Public Service Area to the current inventory has limited impact on General Plan policies and growth projections. The following consistency analysis discusses the proposed multi-use system and the project it will serve; however, the Master Plan Interim amendment is solely related to the sewerage facility and shared water wells.

Growth Projections

The Lyhus age-restricted project proposes 29 duplexes/58 units that will result in nominal residential growth. The project is consistent with PlanHoward 2030’s residential growth projections in the Rural West because higher density age-restricted projects are allowed as a Conditional Use. Further this parcel is included in the County’s housing unit projections given its development potential and the minimal number of units will not impact the job growth projections.

Growth Tiers, Designated Place Type and Zoning

The Lyhus Property is in the County’s Growth Tier III, Low Density Development designated place type, and the RR-DEO (Rural Residential – Density Exchange Option) zoning district. See Designated Place Types Map 6-2 and Map 6-3 Growth Tiers Map below.

The Rural West contains Growth Tiers III and IV. Tier III equates to the Rural Residential (RR) zoning district and Tier IV equates to the Rural Conservation (RC) zoning district. According to the Sustainable Growth and Agricultural Preservation Act of 2012, Growth Tier III areas are not planned for (public) sewer service, not dominated by agricultural or forested land and are planned for large lot development with septic; whereas Growth Tier IV is not planned for (public) sewer service and is dominated by agricultural and forest land planned for resource protection.

As noted on page 34 of PlanHoward 2030 and the Howard County Zoning Regulations, the purpose of the RC zoning district is “to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agricultural will continue as a long term land use and a viable economic activity within the County” and

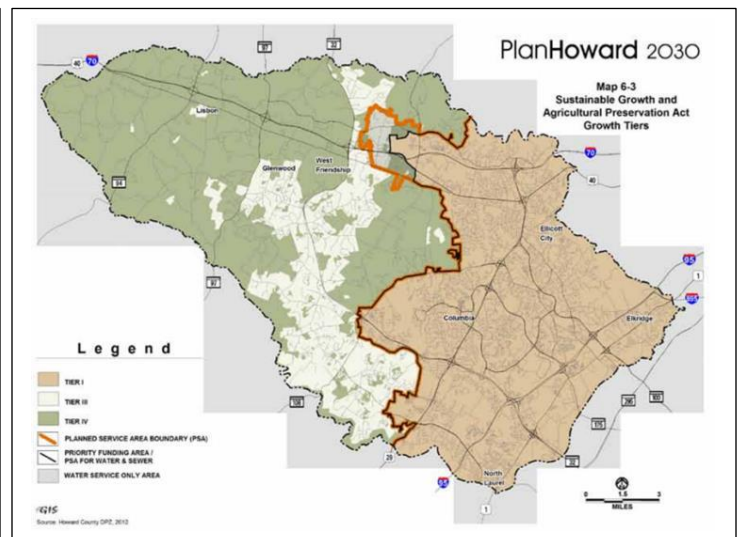
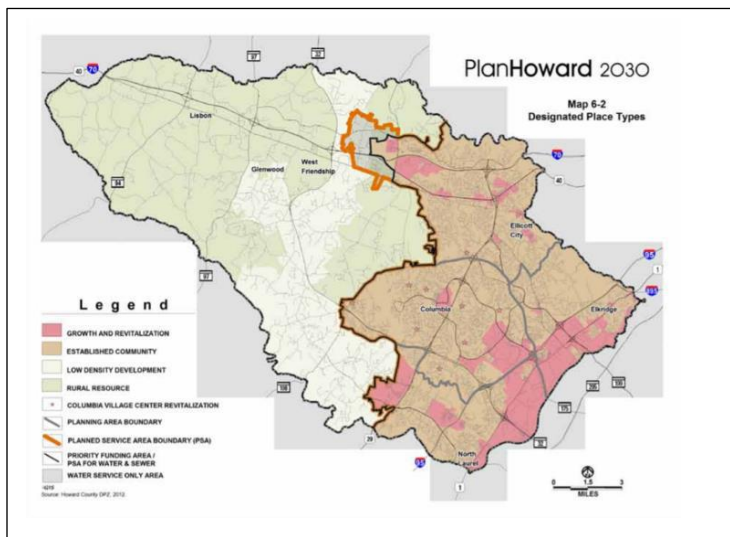
“the purpose of the RR zoning district is to allow low density residential development within a rural environment.” Therefore, the most restrictions on growth are found in the Tier IV where properties are not allowed to subdivide by more than four lots.

The DEO overlay zoning designation makes this property eligible to receive density/development rights from RC-DEO zoned properties in the Rural West. Presently, the Howard County Zoning Regulations define DEO as having the following purpose: “the DEO District allows residential density in the RC and RR Districts to be exchanged between parcels. Density exchanges in the District should result in large parcels being preserved in perpetuity, while residential development is directed toward parcels which are able to absorb the additional dwellings.”

Since this property is in Tier III with RR zoning and the DEO overlay district, the amendment is consistent with the Growth Tiers, RR and DEO policies in PlanHoward 2030.

Water and Sewer Capacity

The Lyhus Property is outside the Planned Service Area Boundary (PSA) for water and sewer and will therefore, have no impact on public water or sewer capacity. According to the 2015 Water and Sewer Master Plan, parcels in the No Planned Service Area will not be provided with public water or sewerage facilities as their associated population densities and land uses can be accommodated by private individual and small grouped systems. Shared Sewage Disposal Facilities and Multi-User Sewerage Systems, to the extent provided in the Howard County Code, may be used in the No Planned Service Area. Generally, properties designated in the General Plan as Rural Conservation (RC) or Rural Residential (RR) are assigned to the “No Planned Service Area”.



Septic Systems

PlanHoward 2030 does not discuss multi-use sewerage systems specifically. However, it discusses the importance of reducing pollutants in the Chesapeake Bay through various measures that will reduce the amounts of phosphorus, nitrogen and sediment that flow into the Bay. It states that these pollutants can be reduced by upgrading waste water treatment plans, treating stormwater, upgrading existing septic systems and reducing pollutants on agricultural land by utilizing Best Management Practices (BMPs). (page 17-18)

As this multi-use sewerage system will be a new system, it will need to be approved by Maryland Department of the Environment (MDE) and the Howard County Department of Health (HCHD) who will ensure that the system design will include nitrogen-reducing technologies which will make this system generally consistent with PlanHoward 2030 Policy 3.2, "Reduce pollution loads to surface and groundwater;" however the construction of new septic systems are regulated by MDE and HCHD, not the General Plan.

Regarding the proposed well water system, there are no policies in the PlanHoward 2030 that guide decisions related to water well systems or wells in general.

Other General Plan Policies

According to PlanHoward 2030, "housing experts state that within the next 20 years, over 60% of new housing demand will be for multifamily dwelling units. Some of this demand shift reflects the increasing ratio of smaller households including seniors, singles, and single parents." (pg. 126) And, "nearly 20% of Howard County residents will be over the age of 65 by 2030....The County's housing stock should support the aging population will need to promote diverse senior housing for those that wish to downsize to more easily maintained units as they age." (pg. 130). To provide this housing typology and development on a single lot outside the Planned Service Area, the proposed multi-use shared sewerage facility system and multi-use shared water wells are needed to service the households.

Therefore, this project is supported by Policy 9.4, "expand housing options to accommodate the County's senior population who prefer to age in place and people with special needs."

Other Changes to the Master Plan

Section 1.4 A of the Master Plan for Water and Sewer has been revised to adhere with Code of Maryland Regulation (COMAR) 26.04.05.01 (exhibit C). There are no policies in the General Plan that guide decisions related to this definitional change.

Planning Board

Recommendation:

The Planning Board should provide a recommendation(s) to the Department of Public Works regarding consistency of the Interim Amendment to the 2015 Master Plan for Water and Sewerage with the policies in PlanHoward 2030.

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Amy Gowan, Director	Date
Department of Planning and Zoning	

Exhibits

A. Amended Table 4, Inventory of Existing and Proposed Multi-Use Community Well and Surface Water Supply dated October 2022

B. Amended Table 10A, Summary of Existing and Planned Permit Discharges, dated October 2022

C. Amended definition in Chapter 1, No Planned Service Area section, 1.4.A. Shared Sewage Disposal Facility section, in the 2015 Water and Sewer Master Plan (WSMP)