

Adopted by the County Council November 18, 2003 (CR 15-396)

## **II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE**

**E. Special Policies for Water and Sewer Service** -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

**3. Community Service for Properties Abutting Existing Mains** -- Under specific and limited circumstances, community water and or sewer service may be provided to properties which abut an existing or approved water and/or sewer main. The provision of community service requires that the property, or a structure on the property, must have been established prior to the extension of the abutting main. A residence, business, or institution (church, school, etc.) qualifies as an existing structure; a barn, garage, or other type of outbuilding does not qualify. The provisions of this policy do not include community service for private institutional facilities (PIFs), which must be addressed through the PIF policy (see Section II.E.4.).

Community service must be technically feasible from the abutting main. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy.

This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this Plan. Under this policy, the provision of community service is allowed under the following circumstances:

**a. Single Hookups Only** -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or approved water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land shall not invalidate this allowed single hookup. Neither shall an exchange of land between adjacent, qualifying properties invalidate this allowed hookup, provided the overall number of qualifying lots and therefore allowed hookups remains the same. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

DEP may direct WSSC to provide an allowed single, residential water and/or sewer hookup upon 1) staff confirmation that the property qualifies for service under this policy, and 2) DEP's receipt a category change request for the property. Only in such cases may DEP approve service from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

**b. Single Hookups for Residual Properties** -- The allowed single-hookup may be assigned to an existing or proposed remainder or residual of a property provided that the following conditions are satisfied:

i. the original property would have qualified for a single hookup under Section II.E.3.a. above, and the residual site still abuts the existing main; and

ii. that the allowed hookup has not been used elsewhere on the property; community service provided elsewhere on the subject property consistent with both Water and Sewer Plan policies and master plan recommendations shall not be considered to have used this one allowed hookup.

DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains) provided that:

- all of the residual properties involved are still under common ownership, or

- none of the other residual properties from the original abutting property could qualify under this policy for the allowed hookup because they do not abut the subject water or sewer main.

In cases where the property receiving water and/or sewer hookup is part of a pending subdivision plan, DEP will condition the final category change approval on approval of the subdivision plan which specifies the lot receiving the allowed water and/or sewer hookup. DEP shall refer cases where the residual qualifying properties are under different ownership to the County Council. DEP shall make every reasonable attempt to notify the owners of those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

**c. Single Hookups for Combined Properties** ■ A single allowed water and/or sewer service hookup for a qualifying property may be also applied to additional contiguous, commonly-owned properties if those properties are subdivided into a single qualifying property. Only one single water and/or sewer hookup for the entirety of the combined properties shall be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. DEP will condition the final category change approval on approval of the subdivision plan combining the properties. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

**d. Multiple Sewer Hookups** -- In order to protect and preserve sensitive environmental features on the site (*e.g.* stands of trees/forest, wetlands, etc.) that would be potentially harmed by the installation of septic systems, while also limiting the effects of sewer-supported development, community sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- i. The site would qualify for a single sewer hookup under section 3.a. above;
- ii. The site contains sensitive environmental features that DEP, in consultation with M-NCPPC, determines would be preserved to a greater extent by the provision of community sewer service rather than the construction of septic systems;
- iii. The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- iv. That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.2.). The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

**e. Abutting Mains Land Use Policy Issues** – M-NCPPC staff and the Planning Board have raised concerns about the land use implications of the abutting mains policy, which can allow for the development of a property which would not have otherwise occurred without the provision of community service, especially community sewer service. Of particular concern are commercial and institutional uses which may have substantially more imperviousness than a single residential use. In this regard, the Board has recommended restrictions for this policy, including wastewater flow restrictions, with the intent that they function within this Plan as controls over commercial and institutional land uses. However, this is at odds with efforts initiated by DEP over the past decade, and approved by the County Council, to remove land use control functions from the abutting mains policy, preferring to allow that control to occur more appropriately in the County's zoning and subdivision regulations.

**Water and Sewer Plan Recommendation**

The Council recommends that M-NCPPC and County agency staff pursue appropriate land use restrictions, such as imperviousness limits, in the zoning ordinance and/or subdivision regulations, rather than use wastewater flow or other restrictions in the abutting mains policy as a means of controlling land use.