Sewer Service Area & Lot Consolidation

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Queen Anne’s County Department of Public Works
The first Bay Bridge was constructed in 1952
Immediate many subdivisions were recorded on existing farms creating thousands of lots
In 1952 a one page subdivision plat recorded in Land Records created hundreds of lots
64 years later……..
South Kent Island (SKI) Service Area
The Dilemma

- 1518 homes in 9 communities on septic systems
  - Poor soils
  - High water table
  - Small lot sizes
- Over 1600 vacant lots within the 9 communities
- The cost of the project to homeowners
- The amount of possible infill development
The Impasse

- Smart Growth allows for extension of Public Sewer to fix failing septic systems but not new growth on vacant lots.

- Attorney General opined that a vacant lot is permitted to connect to a sewer service line that runs in front of the property.
The Path Forward

- Fix the problem
- Make it affordable by seeking Bay Restoration Funds
- Limit infill to the maximum extent permitted by law
- Create a plan working with MDE & MDP
- Present the plan to the Smart Growth Coordinating Committee
Legally Limit Infill Development

- Comprehensive Water and Sewerage Plan
  - Identify the areas of concern
  - Reserve capacity to address the areas of concern
  - Deliberately limit the service area

- Zoning Ordinance
  - Require merger of vacant lots in common ownership in the zoning district
Define Service Area

- Denied access transmission line
- Design a public sewer system around the location of existing homes
- Only include streets with homes in the service area
- Only extend sewer service to the last home on the street
- Look for environmental exclusions such as very low topography and wetlands
Queen Anne Colony and Kentmorr
Sewerage Public Health Areas of Concern

LEGEND
- S1: Current Sewer Service
- S2: 1 to 3 years (13 - 17)
- S3: 4 to 10 years (18 to 23)
- S6: No Sewer Service
- Public Health Concern

Building Footprint
Proposed Sewer Access Units

Scale: 1 = 200 ft
Queen Anne Colony and Kentmorr
Sewerage Public Health Areas of Concern
Purpose of the Merger Ordinance

- Implement the existing Neighborhood Conservation (NC) zoning in place since 1987 to the extent possible
- Reduce the number of substandard lots that can be built on when sewer service is extended
- Manage development arising from sewer extension to the SKI communities by requiring the merger of lots in common ownership
- Comply with the Legal guidance of the Attorneys General opinion
Lots in the NC – Zoning District not served by public sewer

The NC Districts are intended to preserve the character, density, and scale of existing residential neighborhoods.

The NC Districts allow for in-fill development to be compatible with the surrounding area.

NC Districts are designated for existing residential developments

Applies to non-conforming lots

Merger takes precedent over non-conforming regulations in the County code when pertinent
Main Points of the Ordinance

- Requires merger of lots in common ownership to meet current zoning requirements to the extent possible
- Applies to both vacant lots and improved properties
- May not leave nonconforming lots adjacent to lots in same ownership
- County could implement the merger requirements if necessary
- The administrative subdivision process is a simple process and not intended to add cost to property owners
- Requirement for disclosure of lots subject to merger
- Retroactive to date of introduction to limit potential to undermine the intent of the bill
SKI Legislation Example

1. All lots are 8000-ft².
2. Zoning is NC-20 (20,000-ft² minimum).

Pre-Legislation

<table>
<thead>
<tr>
<th>80-ft</th>
<th>100-ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>Owner 1</td>
</tr>
<tr>
<td>Lot 2</td>
<td>Owner 1</td>
</tr>
<tr>
<td>Lot 3</td>
<td>Owner 1</td>
</tr>
<tr>
<td>Lot 4</td>
<td>Owner 2</td>
</tr>
<tr>
<td>Lot 5</td>
<td>Owner 2</td>
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<tr>
<td>Lot 6</td>
<td>Owner 3</td>
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<tr>
<td>Lot 7</td>
<td>Owner 4</td>
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</tbody>
</table>

Existing Home

Post-Legislation

<table>
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<tr>
<th>80-ft</th>
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<tbody>
<tr>
<td>Lot 1</td>
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</tr>
<tr>
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<td>Owner 3</td>
</tr>
<tr>
<td>Lot 6</td>
<td>Owner 4</td>
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</tbody>
</table>

Existing Home

Owner 1 - In accordance with section 18:1-19 G (3), Lot 3 must be merged with Lots 1 & 2.

Owner 2 - In accordance with section 18:1-19 G (5), Lot 5 must be merged with Lot 4. Still non-conforming but buildable.

Owner 3 & 4 - In accordance with section 18:1-19 G (2), Lots 6 & 7 are buildable as is but still non-conforming.
Lot Consolidation Plan

- Map it out
- Establish the number of infill lots in the service area
- Establish the number of lots after merger
- Identify nonresidential uses
- Seek approval for Bay Restoration Funds
Result

QAC Reduced 1600 vacant lots to a maximum of 632 lots
Anticipate that 520-560 new homes are actually constructed
Plan is established firmly in law and public policy documents
Legally defensible in court
Questions?

We are all working together to improve the Chesapeake Bay
Local Actions

- 1989 Revoked approved perc tests / deny new
- 1990’s Limit permits for additions and accessory structures
- 2004 - Reservation of 500,000 gpd of sewer allocation in CWSP for failing septic systems
- 2012 - Holding Tank Policy by Health Department
- 2014 - Amend service area to limit infill
- 2014 - Lot consolidation ordinance adopted
Growth Factor

- Growth and cost
- Limit growth
- AG opinion
- Smart Growth laws
- Exemptions
- New WIP initiatives
- Need vacant lots to help pay
- Balance