



## MEMORANDUM

DATE: February 15, 2018

TO: Chairwoman Lindey Brown, Vice Chairwoman Leslie Dickinson, Council Liaison Bob King, Bill Butts, Judi Olinger, Patricia Washabaugh, Roxanne Hemphill, Scott Sirchio

FROM: Barney Quinn  
Town Engineer

ISSUE: RECOMMENDATION FOR DIVISION OF ALLOCATION CATEGORIES

### **PURPOSE:**

The Town Engineer, via Staff discussions, is providing a recommendation for the division of allocation categories for an available water capacity of 52,453 gallons per day (gpd) and sewer capacity of 206,212 gpd.

### **BACKGROUND:**

The Town Council approved Resolution 2018-2 at the Town Council meeting on February 5, 2018, which detailed the Town Engineer's recommendation as to the Town's Available Water Capacity Yield of 52,453 gpd and Available Sewer Capacity Yield of 206,212 gpd. This resolution continues the 2016 release of water and sewer capacity, less allocations approved in the past two years, without changing the baseline for method of calculation. These net capacity yields are effective immediately and shall be allocated in accordance with the Town's Water Allocation Ordinance.

For cross reference purposes to see how the Town's water and sewer availability has changed in the past couple of years, copies of the 2016-1 and 2016-2 Resolutions for Available Water Capacity Yield and Available Sewer Capacity Yield are copied. The attached Resolution 2016-3 provides the division of allocation categories as recommended by the Planning Commission and accepted by the Town Council, two years ago. You will also find the latest Water Allocation Calculation Data matrix that shows the 2016 total water capacity yield divided among 12 categories. It lists the projects that have since received at least concept approval and therefore

received portions of those available water allocations. The Office Park Employment District Outside of a Priority Area has since been added for a total of 13 categories.

Additional projects for your consideration and reference are listed below.

| <u>Development Project</u>             | <u>Anticipated Water/Sewer Impact</u> | <u>Category</u>                     |
|--|---------------------------------------|-------------------------------------|
| 1. Greentree                           | 0 gpd                                 | pipeline (via purchase agreement)   |
| 2. Remaining TABP Lots                 | 0 gpd                                 | pipeline                            |
| 3. Existing Residential Lots of Record | 0 gpd                                 | pipeline (individual houses only)   |
| 4. Brittany Manor                      | 19,250 gpd                            | 6 - residential (concept approval)  |
| 5. Wildwood Park VII                   | 7,000 gpd                             | 6 - residential (concept approval)  |
| 6. Sterling Glen – 2 Lots              | 500 gpd                               | 6 – residential (concept approval)  |
| 7. Cedar Brook Relocation              | (tbd) gpd                             | 10 - redevelopment & revitalization |
| 8. Prospect Place                      | 19,950 gpd                            | 1 - priority area                   |
| 9. Prospect Mill                       | 4,200 gpd                             | 1 - priority area                   |
| 10. The Railyard                       | 6,195 gpd                             | 1 - priority area                   |
| 11. Twin Arch Office Center            | 3,500 gpd                             | 9 – industrial use                  |

The emphasis for upcoming, anticipated demands is in the priority area, industrial, and redevelopment and revitalization categories.

**DISCUSSION:**

The next steps are outlined in Section 109-19.4.A. of the Water and Sewer Allocation Ordinance as follows:

*Beginning in 2014 and every two years thereafter, at its regularly scheduled meeting in March, with due notice and after a public hearing, and with due consideration of the Town Engineer’s recommendations as set forth in Section 109-19.2B above, the Town Planning Commission shall make a recommendation to the Town Council as to allocation of the Town’s Available Water Capacity Yield and Available Sewer Capacity Yield among Allocation Categories in accordance with this Section. The Planning Commission’s recommendation shall thereupon be transmitted to the Town Council for consideration at the Town Council’s regularly scheduled meeting in April. The Town Council may either approve, or disapprove or modify the Planning Commission’s recommendation. If the Town Council elects to disapprove the Planning Commission’s recommendation without modifying it, the Town Council may provide to the Planning Commission a written statement of reasons for disapproval and request that the Planning Commission reconsider its allocation recommendation.*

**RECOMMENDATIONS:**

As outlined in the Ordinance the Town Engineer now makes recommendations to the Planning Commission at its February meeting as to a division of the Available Water Capacity Yield of 52,453 gpd among the Allocation Categories set forth in section 109-19.4C as follows:

|   |            |    |       |
|---|------------|----|-------|
| 1. Priority Areas:  | 40,000 gpd | or | 76.2% |
| 2. Special Projects:  | 0 gpd      | or | 0%    |
| 3. Public Facilities:   | 3,000 gpd  | or | 5.7%  |
| 4. Emergency Claims:  | 250 gpd    | or | 0.5%  |
| 5. Entitlement Claims:  | 500 gpd    | or | 1.0%  |
| 6. Non-mixed use residential New Demand<br>Outside of a Priority Area | 0 gpd      | or | 0%    |
| 7. Non-mixed use commercial New Demand<br>Outside of a Priority Area  | 0 gpd      | or | 0%    |
| 8. Mixed use New Demand Outside of a<br>Priority Area                 | 0 gpd      | or | 0%    |
| 9. Industrial use New Demand Outside of a<br>Priority Area            | 3,500 gpd  | or | 6.7%  |
| 10. Redevelopment and Revitalization                                  | 2,367 gpd  | or | 4.5%  |
| 11. Reserve   | 0 gpd      | or | 0%    |
| 12. Expansion of Existing Commercial or<br>Industrial Use             | 2,836 gpd  | or | 5.4%  |
| 13. Office Park Employment District Outside<br>of a Priority Area     | 0 gpd      | or | 0%    |

The Town Engineer also makes a recommendation that the Available Sewer Capacity Yield be distributed equally for the first 52,453 gpd and that the remainder be reserved until additional water capacity is determined.

RECORDED 11/18

THE TOWN OF MOUNT AIRY, MARYLAND

TOWN COUNCIL  
RESOLUTION NO. 2018-2

FOR THE PURPOSE OF ESTABLISHING  
THE TOWN'S AVAILABLE WATER AND SEWER  
CAPACITY YIELD FOR 2018 THROUGH 2019  
PURSUANT TO THE TOWN CODE,  
SECTION 109-19.2A and B AND  
SECTION 91-6B

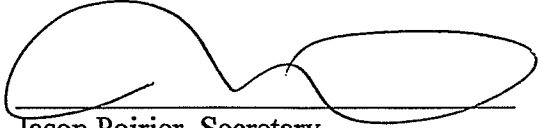
Pursuant to the Town Code, Section 109-19.2A and B and Section 91-6B, be it RESOLVED, by the Town Council:

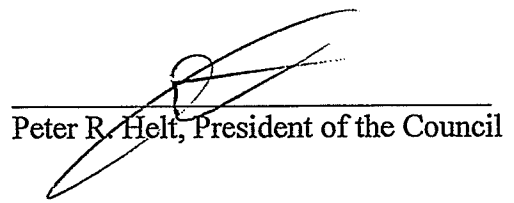
- (1) That the Town will for the period for 2018 through 2019 continue the previous releases of water capacity of 81,000 gpd that started February 1, 2016, of which 28,547 gpd has been allocated, leaving a remainder of 52,453 gpd currently as the Available Water Capacity Yield for 2018 through 2019 which shall be available to be allocated in that time frame in accordance with the Town's Water and Sewer Allocation Ordinance to "New Demand" as defined therein.
- (2) That the Town will for the period for 2018 through 2019 continue the previous releases of sewer capacity of 234,759 gpd that started March 7, 2016, of which 28,547 gpd has been allocated, leaving a remainder of 206,212 gpd currently as the Available Sewer Capacity Yield for 2018 through 2019 which shall be available to be allocated in that time frame in accordance with the Town's Water and Sewer Allocation Ordinance to "New Demand" as defined therein.

ADOPTED:

This 5th day of February, 2018 by a vote of 5 in favor and 0 opposed.

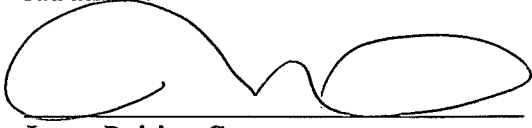
ATTEST:

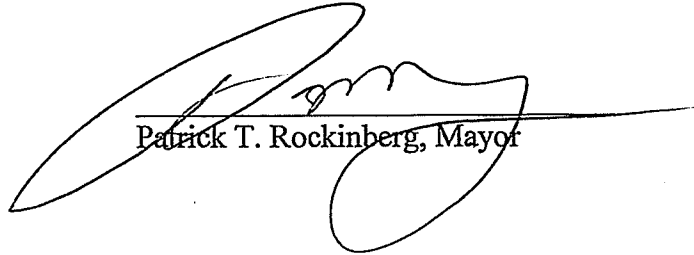
  
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 Jason Poirier, Secretary

  
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 Peter R. Helt, President of the Council

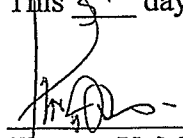
Approved this 5th day of February, 2018.

ATTEST:

  
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 Jason Poirier, Secretary

  
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 Patrick T. Rockinberg, Mayor

Reviewed and approved as to legal sufficiency.  
This 5<sup>th</sup> day of February, 2018.



\_\_\_\_\_  
Thomas V. McCarron, Town Attorney

THE TOWN OF MOUNT AIRY, MARYLAND

TOWN COUNCIL  
RESOLUTION NO. 2016-1

FOR THE PURPOSE OF ESTABLISHING  
THE TOWN'S AVAILABLE WATER AND SEWER  
CAPACITY YIELD FOR 2016 THROUGH 2017  
PURSUANT TO THE TOWN CODE,  
SECTION 109-19.2A and B

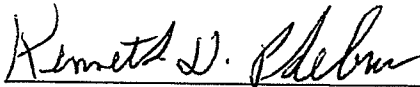
Pursuant to the Town Code, Section 109-19.2A and B, be it RESOLVED, by the Town Council:

- (1) That the Town will for the period 2016 through 2017 replace the previous releases of water capacity and bring the current Available Water Capacity Yield to 81,000 gpd effective immediately through 2017 which shall be available to be allocated in that time frame in accordance with the Town's Water Allocation Ordinance to "New Demand" as defined therein.

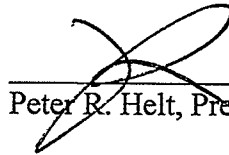
ADOPTED:

This 1st day of February, 2016 by a vote of 4 in favor and 0 opposed.  
(1 abstained)

ATTEST:

  
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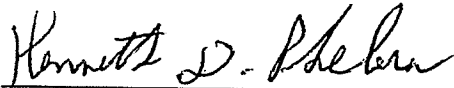
Kenneth D. Phebus, Secretary

  
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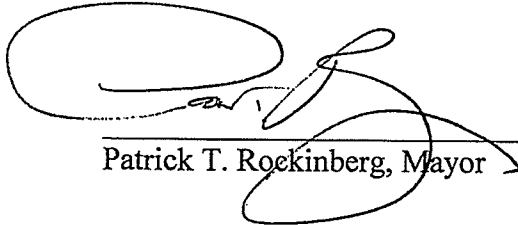
Peter R. Helt, President of the Council

Approved this 1st day of February, 2016.

ATTEST:

  
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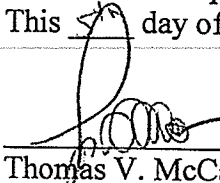
Kenneth D. Phebus, Secretary

  
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Patrick T. Rockinberg, Mayor

Reviewed and approved as to legal sufficiency.

This 1<sup>st</sup> day of February, 2016.

  
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Thomas V. McCarron, Town Attorney

THE TOWN OF MOUNT AIRY, MARYLAND

TOWN COUNCIL  
RESOLUTION NO. 2016-2

FOR THE PURPOSE OF ESTABLISHING  
THE TOWN'S AVAILABLE SEWER  
CAPACITY YIELD FOR 2016 THROUGH 2017  
PURSUANT TO THE TOWN CODE,  
SECTIONS 109-19.2A and B AND  
SECTION 91-6B

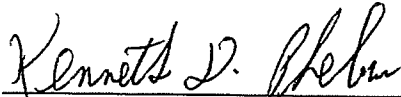
Pursuant to the Town Code, Section 109-19.2A and B and Section 91-6B, be it  
RESOLVED, by the Town Council:

- (1) That the Town's Available Sewer Capacity Yield shall be 234,759 gpd for 2016  
through 2017.

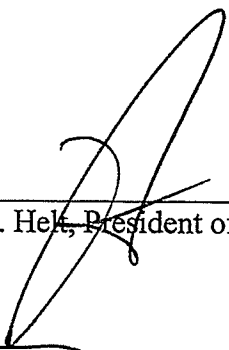
ADOPTED:

This 7th day of March, 2016 by a vote of 4 in favor and 0 opposed.

ATTEST:

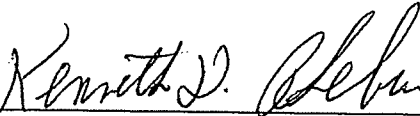


Kenneth D. Phebus, Secretary

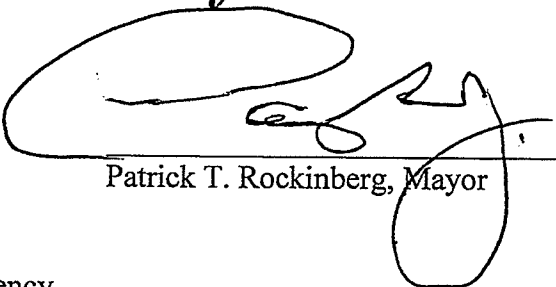
  
Peter R. Helt, President of the Council

Approved this 7th day of March, 2016.

ATTEST:

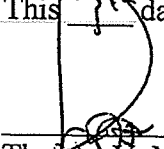


Kenneth D. Phebus, Secretary

  
Patrick T. Rockinberg, Mayor

Reviewed and approved as to legal sufficiency.

This 7<sup>th</sup> day of MARCH, 2016.

  
Thomas V. McCarron, Town Attorney

For:  
Introduction 4/4/16  
Public Hearing N/A  
Adoption 4/4/16

**THE TOWN OF MOUNT AIRY, MARYLAND**

**TOWN COUNCIL  
RESOLUTION NO. 2016-3**

**FOR THE PURPOSE OF ALLOCATION OF  
THE TOWN'S AVAILABLE WATER AND SEWER  
CAPACITY YIELD AMONG ALLOCATION CATEGORIES  
PURSUANT TO THE TOWN CODE, SECTION 109-19.4A  
FOR 2016-2017**

**WHEREAS**, the Town's Water Allocation Ordinance, Sections 109.19-1, *et seq.* took effect on January 1, 2014; and

**WHEREAS**, said ordinance, Section 109-19.2B, states that the method of calculating the Town's "Available Water Capacity Yield" and "Available Sewer Capacity Yield", as those terms are defined in Section 109-19.1, shall be established from time to time by resolution of the Town Council upon recommendation of the Town Engineer and the Town's Water and Sewer Commission and that the method of calculating the Town's Available Capacity Yield shall take into consideration and set aside capacity for existing development to which Town water and sewer service is already supplied, Pipeline Development (as that term is defined in Section 109-19.1), water and sewer system capacity including treatment capacity, pumping capacity, storage, distribution system requirements, power supply, maintenance and operations, system losses, limitations placed on the use of new water resources in source agreements, other obligations of or limitations on the Town to supply water and/or sewer capacity by means of annexation agreement or other contract and a safety factor of 12% required by the Town's Adequate Public Facilities Ordinance ("APFO"), Section 25-6A; and

**WHEREAS**, Section 109-19.2B of the Town Code provides that beginning on January 15, 2014 and every two years thereafter, the Town Engineer shall, with the approval of the Mayor, issue a report to the Town Council making recommendation as to the Town's Available Water Capacity Yield and Available Sewer Capacity Yield, expressed in gallons per day (gpd), and setting forth the manner by which the Available Capacity Yield was derived consistent with the method set forth by resolution of the Town Council pursuant to Subsection A above and shall take account of any new water sources or sewer capacity acquired or made available to the Town. Beginning in 2014 and every two years thereafter, the Town Council shall at its regular meeting in February, with due consideration of the Town Engineer's recommendation, determine the Available Capacity Yield by approving or modifying, as the Town Council deems necessary or appropriate, the Town Engineer's recommendation; and

**WHEREAS**, pursuant to Section 109-19.2B, beginning in 2014, and every two years thereafter, on or before the Planning Commission's regular meeting in February, the Town



Engineer shall prepare a report making recommendations as to a division of the Available Capacity Yield among the Allocation Categories set forth in Section 109-19.4C; and

**WHEREAS**, Section 109-19.4A states that beginning in 2014 and every two years thereafter, at its regularly scheduled meeting in March, with due notice and after a public hearing, and with due consideration of the Town Engineer's recommendations, the Town Planning Commission shall make a recommendation to the Town Council as to allocation of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield among Allocation Categories in accordance with that Section; and

**WHEREAS**, Section 109-19.4A further states that the Planning Commission's recommendation shall thereupon be transmitted to the Town Council for consideration at the Town Council's regularly scheduled meeting in April and that the Town Council may either approve, disapprove or modify the Planning Commission's recommendation, and further that if the Town Council elects to disapprove the Planning Commission's recommendation without modifying it, the Town Council may provide to the Planning Commission a written statement of reasons for disapproval and request that the Planning Commission reconsider its allocation recommendation; and

**WHEREAS**, the Town Council, by Town Council Resolution 2016-1, approved on February 1, 2016, set the Town's Available Water Capacity Yield, and approved on March 7, 2016 Resolution 2016-2 setting the Available Sewer Capacity Yield, for 2016-2017 upon receipt and consideration of recommendations from the Town's Water and Sewer Commission and the Town Engineer; and

**WHEREAS**, the Town Planning Commission, by resolution approved on March 28, 2016 after a public hearing, voted to approve the Town Engineer's recommendations as to the division of the Town's Available Water Capacity and Sewer Capacity Yields, which are attached hereto and made a part hereof, and transmitted same to the Town Council for consideration at its regularly scheduled meeting on April 4, 2016.

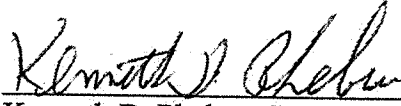
**NOW**, therefore, having duly considered the recommendations of the Town's Planning Commission, be it **RESOLVED**, by the Town Council:

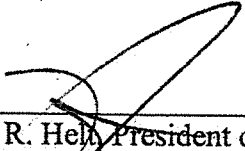
- (1) That the Town Planning Commission and the Town Engineer's recommendations as to the division of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield be and are hereby approved; and
- (2) That the Town's Available Water Capacity and Sewer Capacity Yields shall be divided among the Allocation Categories described in Section 109.19.4C as set forth in Exhibit A attached hereto and made a part hereof.

ADOPTED:

This 4th day of April, 2016 by a vote of 5 in favor and 0 opposed.

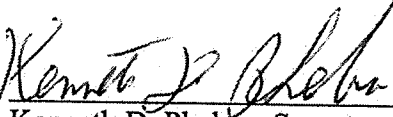
ATTEST:

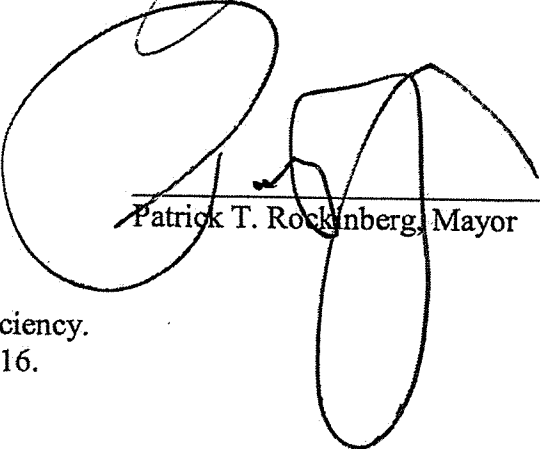
  
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Kenneth D. Phebus, Secretary

  
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Peter R. Hely, President of the Council

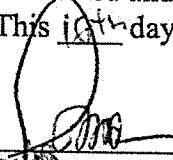
Approved this 4th day of April, 2016.

ATTEST:

  
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Kenneth D. Phebus, Secretary

  
\_\_\_\_\_  
Patrick T. Rockenberg, Mayor

Reviewed and approved as to legal sufficiency.  
This 4<sup>th</sup> day of APRIL, 2016.

  
\_\_\_\_\_  
Thomas V. McCarron, Town Attorney

B1738113.DOCX



MEMORANDUM

**TO:** Mayor Patrick T. Rockinberg, Council President Helt, Council Secretary Phebus, Councilman King, Councilman Poirier, and Councilman Strong

**FROM:** Heather L. Smith  
Community Planning Administrator

**RE:** RECOMMENDATION FOR DIVISION OF ALLOCATION CATEGORIES

**DISCUSSION:**

Pursuant to Town Code Section 109-19.4.A. of the Water and Sewer Allocation Ordinance, the Town Planning Commission shall make a recommendation to the Town Council as to the division of the Town's available water capacity yield among allocation categories.

Pursuant to Town Code Section 109-19.2B, the Town Engineer prepared such a report making recommendations as to the division of available capacity yield among the allocation categories set forth in Town Code Section 109-19.4C. In a memorandum dated February 18, 2016 (attached), said recommendations were presented to the Planning Commission at their regularly scheduled meeting held on February 29, 2016 at which time a public hearing on the recommended allocations was scheduled for Monday, March 28, 2016.

On March 28, 2016, after due notice and after a public hearing was held, the Planning Commission motioned to forward the recommended allocations as presented in the Town Engineer's report to the Town Council for consideration at the Town Council's regularly scheduled meeting in April.

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**ACTION NEEDED:**

Pursuant to Town Code Section 109-19.4, the Town Council may either approve, disapprove, or modify the Planning Commission's recommendation. If the Town Council elects to disapprove the Planning Commission's recommendation without modifying it, the Town Council may provide to the Planning Commission a written statement of reasons for disapproval and request that the Planning Commission reconsider its allocation recommendation.

The Town Engineer will be available to speak to the attached recommendations at the Town Council Meeting scheduled on April 4, 2016.



## MEMORANDUM

DATE: February 18, 2016

TO: Chairman Bill Butts, Councilman Liaison Bob King, Vice Chairwoman Lindey Brown, Tony Falletta, Leslie Dickinson, Patricia Washabaugh, Judi Olinger, Roxanne Hemphill (Alt.)

FROM: Barney Quinn  
Town Engineer

ISSUE: RECOMMENDATION FOR DIVISION OF ALLOCATION CATEGORIES

### **PURPOSE:**

The Town Engineer, via Staff discussions, is providing a recommendation for the division of allocation categories for an available water capacity of 81,000 gallons per day (gpd) and sewer capacity of 234,759 gpd.

### **BACKGROUND:**

The Town Council approved Resolution 2016-1 at the Town Council meeting on February 1, 2016, which detailed the Town Engineer's and Water & Sewer Commission's recommendations as to the Town's Available Water Capacity Yield and Available Sewer Capacity Yield. This resolution replaced the previous releases of water capacity and brought the current Available Water Capacity Yield to 81,000 gpd effective immediately through 2017 to be allocated in accordance with the Town's Water Allocation Ordinance. This resolution also provided that the Town's Available Sewer Capacity Yield shall be 234,759 gpd.

### **DISCUSSION:**

The next steps are outlined in Section 109-19.4.A. of the Water and Sewer Allocation Ordinance as follows:

*Beginning in 2014 and every two years thereafter, at its regularly scheduled meeting in March, with due notice and after a public hearing, and with due consideration of the Town Engineer's recommendations as set forth in Section 109-19.2B above, the Town Planning Commission shall make a recommendation to the Town Council as to allocation of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield among Allocation Categories in accordance with this Section. The Planning Commission's recommendation shall thereupon be transmitted to the Town Council for consideration at the Town Council's regularly scheduled meeting in April. The Town Council may either approve, disapprove, or modify the Planning Commission's recommendation. If the Town Council elects to disapprove the Planning Commission's recommendation without modifying it, the Town Council may provide to the Planning*

*Commission a written statement of reasons for disapproval and request that the planning commission reconsider its allocation recommendation.*

**RECOMMENDATIONS:**

As outlined in the Ordinance the Town Engineer now makes recommendations to the Planning Commission at its February meeting as to a division of the Available Water Capacity Yield of 81,000 gpd among the Allocation Categories set forth in section 109-19.4C as follows:

|   |            |
|---|------------|
| 1. Priority Areas:  | 40,000 gpd |
| 2. Special Projects:  | 0 gpd      |
| 3. Public Facilities:   | 3,000 gpd  |
| 4. Emergency Claims:  | 500 gpd    |
| 5. Entitlement Claims:  | 500 gpd    |
| 6. Non-mixed use residential New Demand<br>Outside of a Priority Area | 30,000 gpd |
| 7. Non-mixed use commercial New Demand<br>Outside of a Priority Area  | 0 gpd      |
| 8. Mixed use New Demand Outside of a<br>Priority Area                 | 0 gpd      |
| 9. Industrial use New Demand Outside of a<br>Priority Area            | 0 gpd      |
| 10. Redevelopment and Revitalization                                  | 4,000 gpd  |
| 11. Reserve   | 0 gpd      |
| 12. Expansion of Existing Commercial or<br>Industrial Use             | 3,000 gpd  |

The Town Engineer also makes a recommendation that the Available Sewer Capacity Yield be distributed equally for the first 81,000 gpd and that the remainder be reserved until additional water capacity is determined.

