



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

May 27, 2010

**REQUEST:** City Council Bill #10-0495 /Metropolitan District of Baltimore County – Extension 153

For the purpose of consenting to and approving a petition to extend the Metropolitan District of Baltimore County to a certain tract of land; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Ervin McDaniel

**PETITIONER:** Baltimore County Department of Public Works

**OWNER:** Powers Homes and Cherry Hill, LLC.

#### **SITE / GENERAL AREA**

Site Conditions: This area is located in Baltimore County, in the vicinity of West Cherry Hill Court, east of Franklin Boulevard and south of the Northwest Expressway (I-795). This site to be developed comprises 11.211 acres.

General Area: The site is located in the 4C4 District of Baltimore County and is zone OR 1 – Office and Residential

#### **HISTORY**

Baltimore City and Baltimore and Carroll Counties signed the first Watershed Protection Agreement in 1979. After intensive inter-jurisdictional efforts for improvement a second agreement was implemented in 1984. On November 16, 1990 the Reservoir Watershed Protection Subcommittee adopted the 1990 Declaration of Reaffirmation of the Reservoir Watershed Management Agreement.

#### **CONFORMITY TO PLANS**

- This site is within the Baltimore County Growth Area.
- This water extension conforms to the 1989-2000 Baltimore County Land Use Master Plan.
- This water extension conforms to Baltimore County's 1990 - 2000 Water Supply and Sewerage Plan.

## **ANALYSIS**

This request is by Powers Homes and Cherry Hill, LLC for the future development of the 11.211 acre site.

The Planning Department staff reviews each request to confirm that the extension is in compliance with the Baltimore County Land Use Master Plan and zoning. This site is within Baltimore County's growth area (Priority Funding Area, the Urban Rural Demarcation Line, and the Water and Sewer Master Plan) and is not within the City reservoirs' watersheds. As such, the extension will not negatively impact the watersheds adjacent to the City's reservoirs.

This area is contiguous to, but outside of the jurisdiction of the Metropolitan District. These tracts are intended for urban development pursuant to the Baltimore County Land Use Master Plan, Zoning and the Baltimore County Master Water Supply and Sewerage Plan.

The Metropolitan District Act (1924), jointly supported by Baltimore City and Baltimore County before State Legislature, defined geographic limits within Baltimore county whereby the City would develop a water system and supply water to the County, at cost. The Act further allowed for expansion of the District provided 3/5 of the property owners in an area contiguous to the District request an exception. The Act places no limits on the expansions. The city's responsibility to supply water to District Extensions was upheld in the Maryland Court of Appeals decision in *Dinneen v. Rider*, 152 Md. 343 (1927). The Court states the City is "... directed to make installation of water supply service pipes to be connected to its water mains, whenever and wherever requested..."

Staff has notified the Directors of Department of Public Works for Baltimore City and County, the Director of Planning Baltimore County and the property owners concerning City Council Bill #10-0495 Metropolitan District of Baltimore County – Extension 153.

**Thomas J. Stosur**  
**Director**