
By: **Delegates Frush, Beck, Bobo, Ciliberti, Conroy, Dembrow, Faulkner,
Healey, Hubbard, Menes, Moe, Pendergrass, Pitkin, and Turner**
Introduced and read first time: February 13, 1998
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Patuxent Reservoirs Watershed**

3 FOR the purpose of standardizing certain development requirements to protect the
4 water quality of the Patuxent Reservoirs Watershed; identifying certain parcels
5 of land within the Watershed; standardizing certain development requirements
6 for land within the Watershed; defining terms; and generally relating to the
7 Patuxent Reservoirs Watershed.

8 BY adding to
9 Article - Natural Resources
10 Section 8-1501 through 8-1505 to be under the new subtitle "Subtitle 15.
11 Patuxent Reservoirs Watershed"
12 Annotated Code of Maryland
13 (1990 Replacement Volume and 1997 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Natural Resources**

17 **SUBTITLE 15. PATUXENT RESERVOIRS WATERSHED.**

18 8-1501.

19 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (B) "ABSORPTION AREA" MEANS THE LAND SURFACE AREA ESTABLISHED TO
22 RENOVATE THE LIQUID FROM A SEPTIC TANK OR SEWAGE TREATMENT UNIT BY
23 INFILTRATION OF THE LIQUID INTO SOIL AND PERCOLATION THROUGH THE SOIL.

24 (C) "APPROVING AUTHORITY" MEANS THE STATE SECRETARY OF THE
25 ENVIRONMENT OR THE SECRETARY'S DESIGNEE.

1 (D) "DENSITY" MEANS THE NUMBER OF DWELLING UNITS PER UNIT OF LAND
2 AREA, EXCLUDING ACCESSORY DWELLING UNITS THAT ARE INCIDENTAL TO THE
3 USE OF THE PRINCIPAL DWELLING UNIT.

4 (E) "DEVELOPMENT" MEANS THE ACT OF BUILDING STRUCTURES AND
5 INSTALLING SITE IMPROVEMENTS, BOTH PUBLIC AND PRIVATE.

6 (F) "DWELLING UNIT" MEANS ONE OR MORE ROOMS IN A RESIDENTIAL
7 BUILDING OR IN A STRUCTURE, THAT ARE ARRANGED, DESIGNED, USED, OR
8 INTENDED FOR USE BY ONE FAMILY, FOR LIVING AND SLEEPING PURPOSES.

9 (G) "FLOODPLAIN" MEANS:

10 (1) AN AREA DEFINED ON THE ADOPTED AND PUBLISHED OFFICIAL
11 100-YEAR FLOODPLAIN MAP FOR A WATERSHED; OR

12 (2) IF AN OFFICIAL 100-YEAR FLOODPLAIN MAP HAS NOT BEEN
13 ADOPTED AND PUBLISHED:

14 (I) AN AREA THAT WOULD BE INUNDATED BY STORMWATER
15 RUNOFF EQUIVALENT TO THAT WHICH WOULD OCCUR ON THE AVERAGE OF ONCE IN
16 EVERY 100 YEARS AFTER FULL DEVELOPMENT OF A WATERSHED; OR

17 (II) AN AREA DESIGNATED AS FLOODPLAIN SOIL IN THE SOIL
18 SURVEY FOR THE APPROPRIATE COUNTY AS EITHER HAVING A FLOOD HAZARD OR
19 BEING SUSCEPTIBLE TO FLOODING.

20 (H) "GROSS ACRE" MEANS AN ENTIRE AREA WITHIN A DEVELOPMENT
21 PROJECT.

22 (I) "INITIAL ABSORPTION AREA" IS THE COMPONENT OF THE ABSORPTION
23 AREA THAT IS ESTABLISHED TO PROVIDE THE INITIAL ON-SITE DISPOSAL SYSTEM
24 OR TRENCH AFTER THE INITIAL PERMIT IS ISSUED.

25 (J) "LOT" MEANS A PART OF A SUBDIVISION OR A PARCEL OF LAND USED AS A
26 BUILDING SITE OR INTENDED TO BE USED AS A BUILDING SITE, WHETHER
27 IMMEDIATE OR FUTURE, THAT WOULD NOT BE FURTHER DIVIDED.

28 (K) "LOT WIDTH" MEANS THE HORIZONTAL DISTANCE BETWEEN THE SIDE
29 LOT LINES MEASURED AT THE FRONT BUILDING RESTRICTION LINE OR FRONT
30 SETBACK LINE.

31 (L) "ON-SITE SEWAGE DISPOSAL SYSTEM" MEANS A SEWAGE TREATMENT
32 UNIT, COLLECTION SYSTEM, DISPOSAL AREA, AND RELATED APPURTENANCES ALL
33 CONTAINED ON THE LOT OR PARCEL IT SERVES OR WITH RESPECT TO THE DISPOSAL
34 AREA ON OTHER LOTS, ONLY IF THE DISPOSAL IS APPROVED IN ACCORDANCE WITH
35 THE REQUIREMENTS OF THE LOCAL JURISDICTION.

1 (M) "PATUXENT RESERVOIR WATERSHED" MEANS THAT AREA OF LAND
2 COMPRISING THE DRAINAGE BASIN FOR THE TRIADELPHIA AND T. HOWARD
3 DUCKETT RESERVOIRS.

4 (N) "PLANNED SERVICE AREA IN HOWARD COUNTY" MEANS THAT AREA
5 DESIGNATED IN HOWARD COUNTY'S MASTER PLAN FOR WATER AND SEWERAGE AS
6 BEING SERVED BY PUBLIC WATER AND SEWER, NOW OR IN THE FUTURE.

7 (O) "RECOVERY ABSORPTION AREA" IS THAT PORTION OF THE ABSORPTION
8 AREA AVAILABLE FOR THE FUTURE ESTABLISHMENT OF ABSORPTION TRENCHES IN
9 THE EVENT THE INITIAL OR OTHER RECOVERY ABSORPTION TRENCHES HAVE
10 FAILED.

11 (P) "RESIDENTIAL DEVELOPMENT" MEANS THE DEVELOPMENT OF LAND FOR
12 THE PURPOSE OF PROVIDING HOUSING FOR INDIVIDUALS AND FAMILIES.

13 (Q) (1) "SUBDIVISION" MEANS THE DIVISION OF A SINGLE TRACT, TRACTS,
14 OR OTHER PARCELS OF LAND, OR A PART OF IT, INTO TWO OR MORE LOTS, FOR THE
15 PURPOSE, WHETHER IMMEDIATE OR FUTURE, OF SALE OR BUILDING DEVELOPMENT.

16 (2) "SUBDIVISION" DOES NOT INCLUDE DIVISION OF LAND FOR
17 AGRICULTURAL PURPOSES INTO PARCELS OF MORE THAN 3 ACRES.

18 (R) "TOTAL ABSORPTION AREA" IS THAT SURFACE AREA THAT IS EQUAL TO
19 THE SUM OF THE INITIAL ABSORPTION AREA AND ALL RECOVERY ABSORPTION
20 AREAS OR A MINIMUM USABLE SURFACE AREA OF 17,000 SQUARE FEET, WHICHEVER
21 IS GREATER.

22 (S) "WATER AND SEWER SERVICE CATEGORIES 1 THROUGH 5 IN
23 MONTGOMERY AND PRINCE GEORGE'S COUNTIES" MEANS AN AREA DESIGNATED IN
24 THE MASTER PLANS FOR WATER AND SEWER FOR MONTGOMERY COUNTY OR PRINCE
25 GEORGE'S COUNTY AS BEING SERVED BY PUBLIC WATER AND SEWER, NOW OR IN
26 THE FUTURE.

27 8-1502.

28 (A) IN THIS SUBTITLE "MONTGOMERY COUNTY" AND "PRINCE GEORGE'S
29 COUNTY" SHALL INCLUDE THE IRRESPECTIVE PORTIONS OF THE
30 MARYLAND-WASHINGTON REGIONAL DISTRICT ESTABLISHED BY ARTICLE 28 OF THE
31 CODE.

32 (B) IT IS THE INTENT OF THIS SUBTITLE TO PROTECT THE WATER QUALITY OF
33 THE TRIADELPHIA AND T. HOWARD DUCKETT RESERVOIRS AND THE WATER SUPPLY
34 THESE RESERVOIRS PROVIDE TO THE PEOPLE OF MONTGOMERY, PRINCE GEORGE'S,
35 AND HOWARD COUNTIES BY STANDARDIZING THE MINIMUM REQUIREMENTS FOR
36 NEW RESIDENTIAL DEVELOPMENT IN THE PATUXENT RESERVOIR WATERSHED.

37 (C) THIS SUBTITLE SUPPLEMENTS ANY OTHER EXPRESS POWERS CONFERRED
38 BY STATUTE, LOCAL LAW, OR REGULATION ON THE DEPARTMENT OF THE
39 ENVIRONMENT.

1 (D) IF THIS SUBTITLE CONFLICTS WITH STATE OR LOCAL LAWS AND
2 REGULATIONS, THE MORE RESTRICTIVE LAW OR REGULATION SHALL PREVAIL.

3 8-1503.

4 (A) PARCELS OF LAND LOCATED WHOLLY OR PARTIALLY WITHIN THE
5 PATUXENT RESERVOIR WATERSHED AND ZONED AS OF JANUARY 1, 1998 AS
6 "AGRICULTURAL RESERVE (RURAL DENSITY TRANSFER ZONE)" AND "RURAL CLUSTER
7 ZONE" IN MONTGOMERY COUNTY, "RR (RURAL RESIDENTIAL)" AND "RC (RURAL
8 CONSERVATION)" IN HOWARD COUNTY, AND "OPEN SPACE" IN PRINCE GEORGE'S
9 COUNTY SHALL BE CONSIDERED "PROTECTED PARCELS".

10 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
11 DEVELOPMENT STANDARDS ESTABLISHED UNDER § 8-1504 OF THIS SUBTITLE SHALL
12 APPLY TO THE RESIDENTIAL DEVELOPMENT OF ALL PROTECTED PARCELS.

13 (2) THE DEVELOPMENT STANDARDS MAY NOT APPLY TO:

14 (I) RESIDENTIAL DWELLING UNITS FOR WHICH A BUILDING
15 PERMIT WAS VALIDLY ISSUED ON OR BEFORE JANUARY 14, 1998; OR

16 (II) LOTS SUBDIVIDED BY PLAT OR DEED BEFORE JANUARY 14, 1998
17 THAT DO NOT MEET THE MAXIMUM RESIDENTIAL DENSITY OR MINIMUM LOT SIZE
18 REQUIREMENTS ESTABLISHED UNDER § 8-1504(A) OF THIS SUBTITLE.

19 8-1504.

20 (A) A LOCAL JURISDICTION, OR A STATE AGENCY OR ITS DESIGNEE
21 RESPONSIBLE FOR APPROVING ANY PLAN OR PERMIT NECESSARY FOR NEW
22 RESIDENTIAL DEVELOPMENT MAY NOT APPROVE A PLAN OR ISSUE ANY PERMIT FOR
23 DEVELOPMENT ON A PROTECTED PARCEL UNLESS THE PROPOSED DEVELOPMENT
24 MEETS THE STANDARDS SET FORTH IN THIS SECTION.

25 (B) THE AREA STANDARDS FOR DEVELOPMENT ON A PROTECTED PARCEL ARE
26 THE FOLLOWING:

27 (1) THE RESIDENTIAL DENSITY OF THE PROPOSED DEVELOPMENT IS NO
28 GREATER THAN ONE DWELLING UNIT PER 5 GROSS ACRES;

29 (2) THE MINIMUM SIZE OF LOTS IN THE DEVELOPMENT IS NO LESS
30 THAN 40,000 SQUARE FEET;

31 (3) LOTS LOCATED WITHIN 2,500 FEET OF THE NORMAL WATER LEVEL
32 OF EITHER THE TRIADELPHIA OR T. HOWARD DUCKETT RESERVOIR OR THE SECTION
33 OF THE PATUXENT RIVER BETWEEN THESE TWO RESERVOIRS OR WITHIN A
34 5,000-FOOT RADIUS OF THE WATER INTAKE FOR THESE RESERVOIRS, SHALL HAVE
35 AN AREA OF NOT LESS THAN 2 ACRES WITH A MINIMUM WIDTH OF 175 FEET;

1 (4) EACH LOT USING AN ON-SITE SEWAGE DISPOSAL SYSTEM HAS A
2 MINIMUM USABLE AREA FOR ITS TOTAL ABSORPTION FIELD OF 17,000 SQUARE FEET
3 FOR EACH 500 GALLONS OF PROJECTED FLOW PER DAY;

4 (5) (I) EACH LOT USING AN ON-SITE SEWAGE DISPOSAL SYSTEM HAS
5 SUFFICIENT AREA FOR AN INITIAL ABSORPTION AREA AND AT LEAST THREE
6 RECOVERY ABSORPTION AREAS, UNLESS THE LOT IS IN THE WATER AND SEWER
7 SERVICE CATEGORIES 1 THROUGH 5 IN MONTGOMERY AND PRINCE GEORGE'S
8 COUNTIES OR IN THE PLANNED SERVICE AREA WITHIN HOWARD COUNTY; OR

9 (II) IF THE LOT IS LOCATED IN WATER AND SEWER SERVICE
10 CATEGORIES 1 THROUGH 5 IN MONTGOMERY AND PRINCE GEORGE'S COUNTIES OR
11 IN THE PLANNED SERVICE AREA WITHIN HOWARD COUNTY, IT SHALL HAVE
12 SUFFICIENT AREA FOR AN INITIAL ABSORPTION AREA AND AT LEAST TWO
13 RECOVERY AREAS; AND

14 (6) EACH LOT OUTSIDE THE WATER AND SEWER SERVICE CATEGORIES 1
15 THROUGH 5 IN MONTGOMERY AND PRINCE GEORGE'S COUNTIES OR THE PLANNED
16 SERVICE AREA IN HOWARD COUNTY HAS SUFFICIENT AREA FOR A PRIMARY WELL
17 AND TWO ALTERNATIVE WELL SITES.

18 (C) THE SEWAGE DISPOSAL SYSTEM STANDARDS FOR A PROTECTED PARCEL
19 USING AN ON-SITE SEWAGE DISPOSAL SYSTEM ARE THE FOLLOWING:

20 (1) THE SEWAGE DISPOSAL SYSTEM FOR EACH LOT IS LOCATED MORE
21 THAN 300 FEET, MEASURED HORIZONTALLY, OF THE NORMAL HIGH WATER LEVEL OF
22 THE TRIADELPHIA AND T. HOWARD DUCKETT RESERVOIRS, AND IS MORE THAN 200
23 FEET, MEASURED HORIZONTALLY, FROM THE BANKS OF ANY STREAM THAT FEEDS
24 THESE RESERVOIRS, EXCEPT THAT THESE LIMITATIONS DO NOT APPLY TO AREAS
25 BELOW THE T. HOWARD DUCKETT DAM.

26 (2) THE TOTAL ABSORPTION AREA FOR EACH LOT IS OUTSIDE OF THE
27 FLOODPLAIN AND IS:

28 (I) AT LEAST 100 FEET REMOVED FROM ANY WELL;

29 (II) AT LEAST 20 FEET REMOVED FROM ANY BUILDING; AND

30 (III) AT LEAST 5 FEET REMOVED FROM ANY LOT LINE, EXCEPT
31 WHERE EASEMENTS ARE RECORDED, IN WHICH CASE THE DISTANCE MUST BE 5
32 FEET FROM THE EASEMENT.

33 (3) WHERE ADVERSE PHYSICAL CONDITIONS ARE ENCOUNTERED, SUCH
34 AS SLOPES IN EXCESS OF 25% (MEASURED HORIZONTALLY FROM SEWER LINE
35 INVERT TO SLOPE), RAVINES, DRAINAGE AREAS AND WATERCOURSES, FLOODPLAIN
36 SOILS, AND GULLIES AND ROCK OUTCROPS, A MINIMUM DISTANCE OF 25 FEET IS
37 MAINTAINED BETWEEN THE ADVERSE AREAS AND THE TOTAL ABSORPTION AREA.

38 (D) THE WELL STANDARDS FOR A PROTECTED PARCEL SERVED BY A PRIVATE
39 WELL ARE THE FOLLOWING:

1 (1) EACH LOT HAS A PRIMARY WELL SITE AND TWO ALTERNATIVE WELL
2 SITES, WITH EACH WELL SITE SEPARATED BY A MINIMUM OF 50 FEET.

3 (2) THE PRIMARY AND ALTERNATIVE WELL SITES FOR EACH LOT HAVE A
4 CIRCULAR AREA WITH A RADIUS OF 100 FEET AROUND EACH WELL SITE DENOTING
5 CLEAR SPACE WHERE NO SEWAGE SYSTEM CAN BE LOCATED.

6 (3) THE 100-FOOT RADIUS FROM EACH WELL SITE ON EACH LOT DOES
7 NOT OVERLAP THE SUBDIVISION BOUNDARY BY MORE THAN 5 FEET, EXCEPT THAT
8 SUCH OVERLAP SHALL BE ALLOWED IF THE OWNER OF THE PROPERTY
9 ENCROACHED UPON, CONVEYS BY EASEMENT OR COVENANT RECORDED IN THE
10 LAND RECORDS OF THE COUNTY WHERE THE LOT IS LOCATED, SUCH RIGHT OF
11 ENCROACHMENT.

12 (4) THE PRIMARY AND ALTERNATIVE WELL SITES FOR EACH LOT ARE
13 LOCATED UPGRADABLE FROM ANY ON-SITE SEWAGE DISPOSAL SYSTEM, UNLESS A
14 STUDY OF THE HYDROGEOLOGIC CONDITIONS DEMONSTRATES THAT THE
15 GROUNDWATER QUALITY DOWNGRADE WOULD NOT BE ADVERSELY AFFECTED BY
16 GROUND DISPOSAL OF SEWAGE.

17 8-1505.

18 (A) RESIDENTIAL DEVELOPMENT RIGHTS SHALL NOT BE TRANSFERRED
19 FROM A PROTECTED PARCEL TO OTHER PARCELS UNLESS THE TRANSFER
20 CONFORMS WITH LOCAL LAW AND IS AT A RATE OF NOT MORE THAN ONE DWELLING
21 UNIT PER 25 GROSS ACRES.

22 (B) THIS SUBTITLE SHALL NOT PREVENT THE RECLASSIFICATION OF A
23 PROTECTED PARCEL TO A NONPROTECTED ZONING CLASSIFICATION, IF THE
24 RECLASSIFICATION IS DONE IN ACCORDANCE WITH THE LAWS OF THE LOCAL
25 JURISDICTION WHERE THE PARCEL IS LOCATED AND WITH THE STATE. THE
26 ENACTMENT OF THIS SUBTITLE SHALL NOT BE CONSIDERED AN EVENT THAT HAS
27 RELEVANCE TO A PROPOSED RECLASSIFICATION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 1998.