

MEMORANDUM

April 17, 2009

TO: County Council

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Action:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan (February 2, 2009 transmittal)

**April 14, 2009 Council Worksession Results:** The Council concurred with the County Executive on all four requests and with the Planning Board on all but one request (see below). For a complete list of Council decisions, see Attachment A of the draft resolution (©3-4).

- **08A-TRV-01 (Reynaldo & Zorayda Lee-Llacer): Approve (consistent with the Piney Branch Restricted Access Policy of the County's Water and Sewer Plan) the request for a single hookup (which can serve both structures but cannot support subdivision of the property into more than one lot).** The Board of Appeals conditionally approved a special exception for the use of the older of two structures on the property on December 17, 2008. The Council had deferred action pending the outcome of the special exception process. *The Planning Board recommended denial based on its position that providing sewer service to the property would be inconsistent with the Potomac Subregion Master Plan.*

On February 3, 2009 the County Council received a package of 4 Water and Sewer Plan amendments from the County Executive. The Council held a public hearing on March 10. The Planning Board discussed these amendments on March 19. The Transportation, Infrastructure, Energy & Environment (T&E) Committee discussed the amendment package on March 30. The Council held a worksession on April 14. A resolution with tables and maps, reflecting the Council's decisions of April 14, is attached on ©1-8.

Councilmembers should refer to the Council Staff packet for the April 14 meeting (Agenda Item #9) for more details regarding each amendment.

**Council Staff recommends approval of the attached resolution which is consistent with the Council's decisions from its April 14, 2009 worksession.**

Attachment

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Resolution No.  
Introduced:  
Adopted:

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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Subject: Amendments to the Comprehensive Water Supply and Sewerage Systems Plan

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code, requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On, February 3, 2009, the County Council received recommendations from the County Executive regarding 4 Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on March 10, 2009.

8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments on March 30, 2009 and made recommendations to the Council.
9. The County Council held a worksession on April 14, 2009.

Action

The County Council for Montgomery County, Maryland approves the following amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN  
January 2009 Amendment Transmittal: Water/Sewer Category Map Amendments**

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use on-site systems, usually wells and/or septic systems. Categories 1 and 3 identify properties approved for public service. Categories 4 and 5 identify properties that currently should use on-site systems, but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years.

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted via the County Executive to the Council for consideration in January 2009.

**Cloverly - Norwood Planning Area**

**WSSCR 06A-CLO-04: Bryanshire Corp.  
Private Institutional Facility (PIF) User: God Glorified Church of God in Christ**

Property Information and Location Property Development	Applicant's Request County Council Action						
<ul style="list-style-type: none"> <li>• Bryants Nursery Rd.</li> <li>• Parcel P760, Snowdens Manor, Art Amendment (dist.-acct. no.: 05-00252293.)</li> <li>• Map tile - WSSC: 221NE01; MD: JS62</li> <li>• <i>The property is split into two non-contiguous parts. <u>Southern portion</u>: southwest side of Bryants Nursery Rd., west of New Hampshire Ave. (MD 650); <u>Northern portion</u>: west side of New Hampshire Ave. opposite McNeil La.</i></li> <li>• Cloverly Master Plan (1997)</li> <li>• Northwest Branch Watershed (MDE Use IV)</li> <li>• RE-2 Zone; 8.60 ac.</li> <li>• <u>Existing use</u>: unimproved, partially wooded <u>Proposed use</u>: house of worship for God Glorified Church of God in Christ. (All development to be on the southern portion of the site. Northern portion will be preserved as open space.)</li> </ul>	<table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;"><b>Existing - Requested Service Area Categories</b></td> </tr> <tr> <td style="width: 50%;">W-5</td> <td style="width: 50%; text-align: center;"><b>W-1</b></td> </tr> <tr> <td>S-6</td> <td style="text-align: center;"><b>S-3</b></td> </tr> </table> <p><b>County Council Action</b></p> <p><b>Deny the request for W-1 and S-3; maintain W-5 and S-6.</b></p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <i>The applicant <u>may</u> file a new request for this property before April 21, 2010, provided that a new, documented PIF user signs as a co-applicant on the category change request.</i></li> <li>• <i>Any new PIF user is expected to provide documentation of the proposed uses for the project site, including a development plan with sufficient detail to allow County staff to evaluate potential effects from impervious surfaces.</i></li> <li>• <i>Previously deferred under CR 16-237 (7/10/07).</i></li> </ul>	<b>Existing - Requested Service Area Categories</b>		W-5	<b>W-1</b>	S-6	<b>S-3</b>
<b>Existing - Requested Service Area Categories</b>							
W-5	<b>W-1</b>						
S-6	<b>S-3</b>						

**Cloverly - Norwood Planning Area**

**WSSCR 08A-CLO-04: Manoj Maloo & Arihant Briggs Chaney LLC**

Property Information and Location Property Development	Applicant's Request County Council Action						
<ul style="list-style-type: none"> <li>• 1234 Briggs Chaney Rd</li> <li>• Parcels P427 &amp; P322, Bealls Manor (dist.-acct. no. 05-272600 &amp; -00272611)</li> <li>• Map tile – MD: KS11; WSSC: 220NE02</li> <li>• North side of Briggs Chaney Rd. opposite Lear Lane</li> <li>• Cloverly Master Plan (1997)</li> <li>• Paint Branch Watershed (MDE Use III, Mont. Co. SPA)</li> <li>• RE-1 Zone; 12.5 acres</li> <li>• <u>Existing use</u>: vacant, was an equestrian center and residence <u>Proposed use</u>: subdivide in to 8 lots for single-family homes (plan no. 120080430, Eco Estates)</li> </ul>	<table border="1" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;"><b>Existing - Requested Service Area Categories</b></td> </tr> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%; text-align: center;">W-1 (no change)</td> </tr> <tr> <td>S-5</td> <td style="text-align: center;"><b>S-3</b></td> </tr> </table> <p><b>County Council Action</b></p> <p><b>Maintain S-5, with advancement to S-3 conditioned on Planning Board approval of a preliminary plan which DEP and M-NCPPC staff concur demonstrates an environmental benefit from the use of public sewer service over the use of individual septic systems. The applicant or project developer will need to provide this justification as part of the preliminary plan proposal.</b></p>	<b>Existing - Requested Service Area Categories</b>		W-1	W-1 (no change)	S-5	<b>S-3</b>
<b>Existing - Requested Service Area Categories</b>							
W-1	W-1 (no change)						
S-5	<b>S-3</b>						

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN**  
**January 2009 Amendment Transmittal: Water/Sewer Category Map Amendments**

**Olney Planning Area**

**WSSCR 08A-OLN-03: Joseph & Shirley Wang**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> <li>• 21000 Golf Estates Dr</li> <li>• Lot 1, Block A, Golf Estates; dist.-tax acct. no. 01-01981091</li> <li>• Map tile – MD: GV51; WSSC: 229NW07</li> <li>• Northwest side of Golf Estates Dr. at Olney Laytonsville Rd. (MD 108)</li> <li>• Olney Master Plan (2005); Preservation of Agriculture and Rural Open Space (1980)</li> <li>• Hawlings River Watershed (MDE Use IV)</li> <li>• RDT Zone; 2.24 acres</li> <li>• <u>Existing use:</u> Residence <u>Proposed use:</u> Residence (no change)</li> </ul>	<p><b>Existing - Requested Service Area Categories</b></p> <p>W-6      <b>W-1</b>  S-6      S-6 (no change)</p> <p><b>County Council Action</b></p> <p><b>Approve W-3, for one water service connection only.</b></p> <p><i>Notes:</i></p> <ul style="list-style-type: none"> <li>• <b>This action creates a <u>limited</u> exception to the Laytonsville RDT Zone restricted water service policy that applies to two properties only: 21000 and 21001 Golf Estates Drive. At this time only the owners of 21000 Golf Estates Drive (08A-OLN-03) have requested a water service category change.</b></li> <li>• <b>With this action, the Council encourages WSSC to allow a water service connection to be constructed for this property as part of the construction of the Laytonsville water system. Because of the water service prohibition previously affecting this property, the County could not include it along with other abutting properties allowed to apply to WSSC and prepay for a water connection. Allowing the applicants to apply and pay for a connection now, rather than having to wait until after the new mains are constructed, will allow them to pay a substantially lower connection charge; typically \$2,000 now as opposed to \$6,750 later.</b></li> </ul>

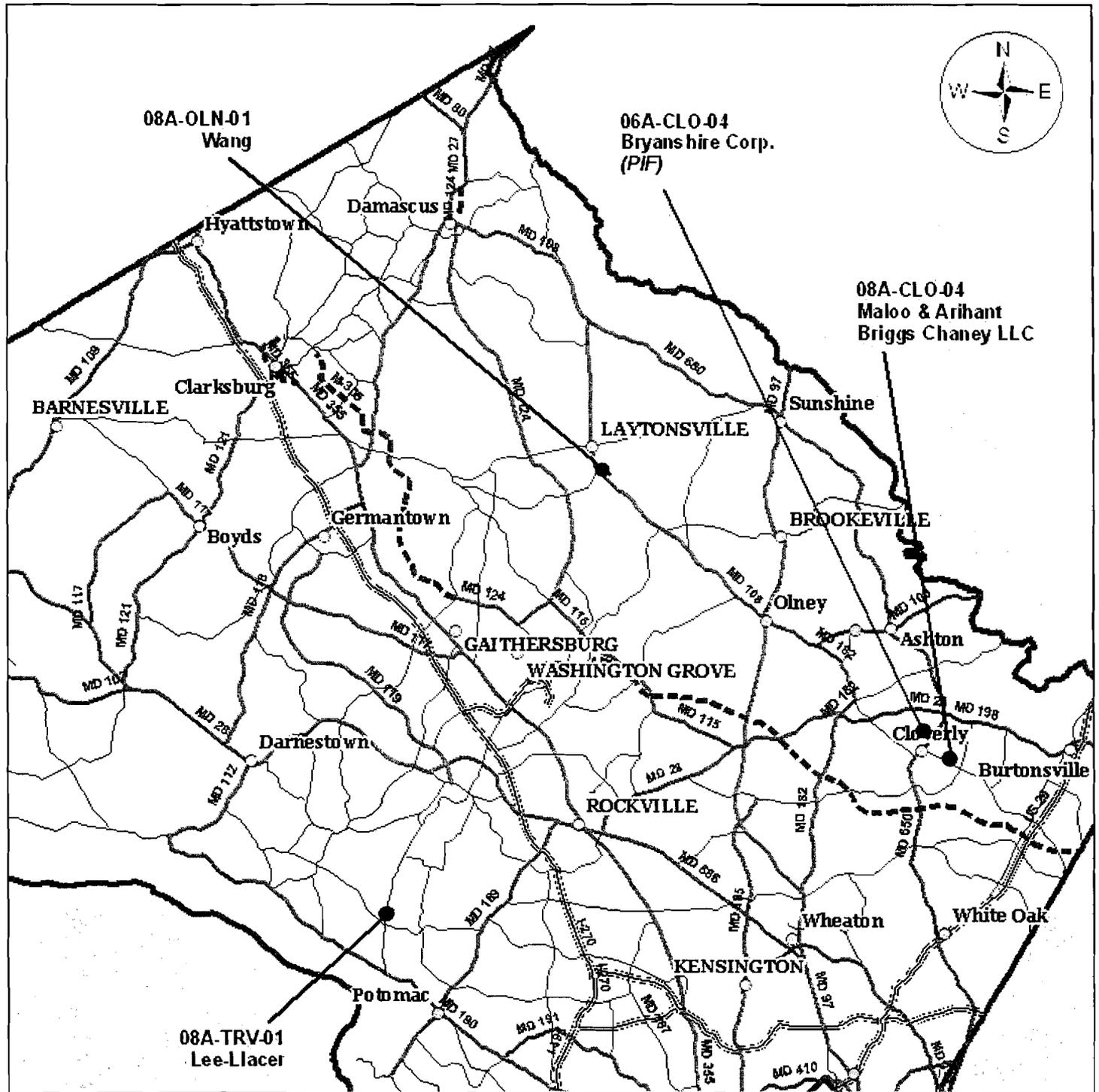
**Travilah Planning Area**

**WSSCR 08A-TRV-01: Reynaldo & Zorayda Lee-Llacer**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> <li>• 12009 Piney Meetinghouse Rd., Potomac</li> <li>• Lot 36, Piney Glen Farm (dist.-acct. no. 10-01814620)</li> <li>• Map tile - WSSC: 215NW11; MD: FQ122</li> <li>• East side of Piney Meetinghouse Rd., south of Greenbriar Preserve Dr.</li> <li>• Potomac Subregion Master Plan (2002)</li> <li>• Watts Branch Watershed (MDE Use I) – Piney Branch subwatershed (Mont. Co. SPA)</li> <li>• RE-2 Zone; 2.54 ac.</li> <li>• <u>Existing use:</u> single-family house (c. 1980) and guest/caregiver's cottage. <u>Proposed use:</u> service for the existing residences; special exception (S-2674) pending for continuance of the guest house.</li> </ul>	<p><b>Existing - Requested Service Area Categories</b></p> <p>W-6      <b>W-3</b>  S-6      <b>S-3</b></p> <p><b>County Council Action</b></p> <p><b>Approve S-1, for one sewer hookup only. This single service hookup may serve both structures on the site. This approval must not support resubdivision of this property into more than one lot.</b></p> <p><i>Note: Previously deferred under CR 16-500 (4/8/08).</i></p>



## Water and Sewer Plan Map January 2009 Transmittal: Amendment Locator



**Legend**

- Localities
- Major Roads & Highways
- County Roads
- State Rds & Hwys
- US Highways & Interstates
- - - Proposed Roads



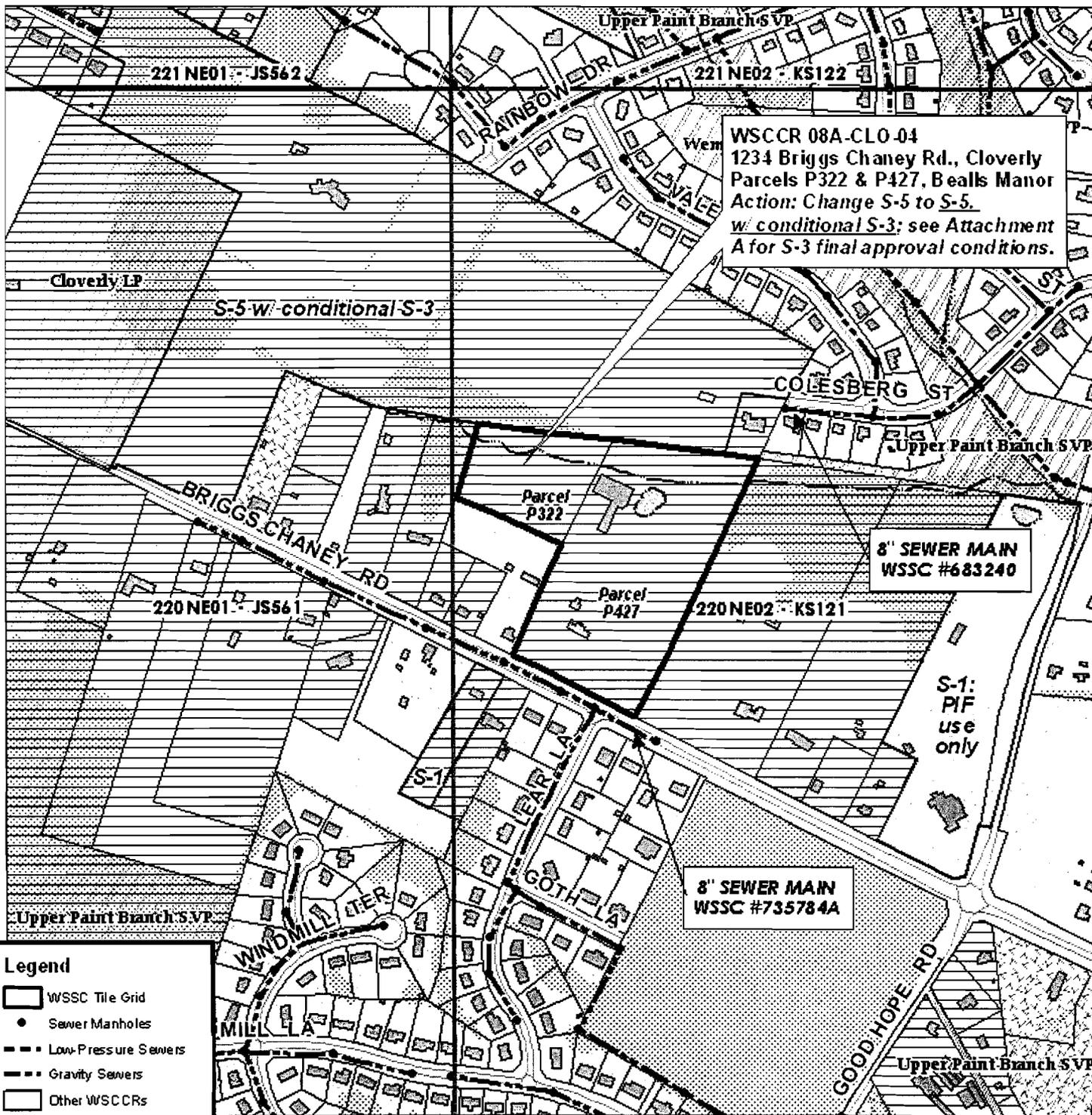
**Montgomery County, Maryland  
2003 Comprehensive Water Supply  
and Sewerage Systems Plan**



**DEP  
Water and Wastewater  
Policy Group**

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## Sewer Service Area Categories Map WSSCR 08A-CLO-04 (Manoj Maloo & Arihant Briggs Chaney LLC)

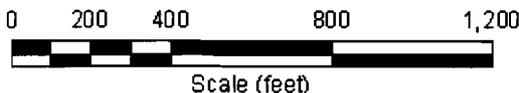
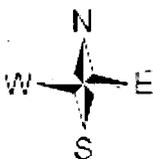


**Legend**

- WSSC Tile Grid
- Sewer Manholes
- Low-Pressure Sewers
- Gravity Sewers
- Other WSSCRs
- Woodlands
- Parks
- Sewer Categories**
- S-1
- S-3
- S-4
- S-5
- S-6

Cloverly - Norwood Planning Area

Paint Br. Watershed



**Montgomery County, Maryland**  
2003 Comprehensive Water Supply  
and Sewerage Systems Plan



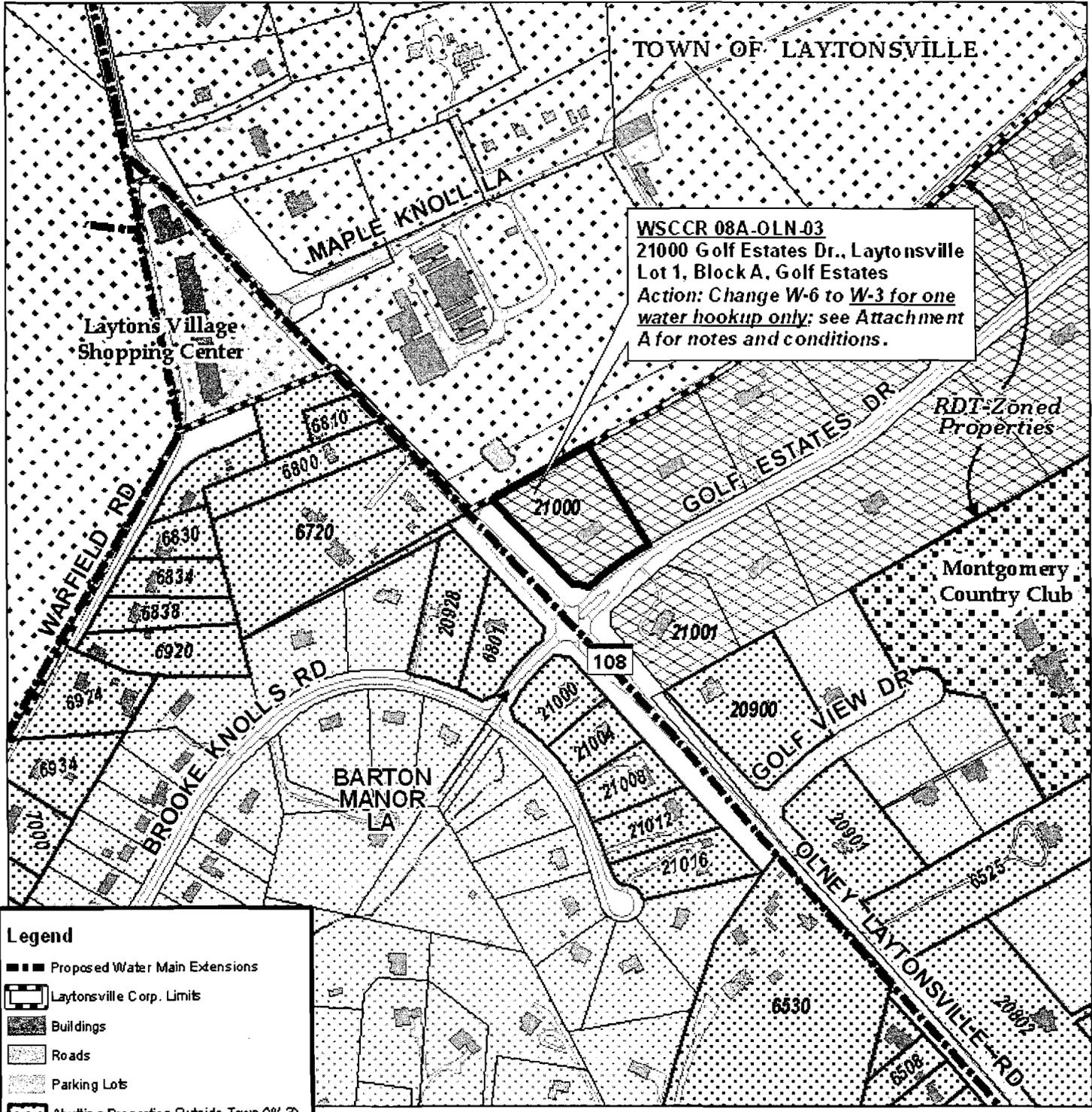
DEP  
Water and Wastewater  
Policy Group

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## Water Service Area Catagories Map WSSCR 08A-OLN-03 (Joseph & Shirley Wang)

TOWN OF LAYTONSVILLE

**WSSCR 08A-OLN-03**  
 21000 Golf Estates Dr., Laytonsville  
 Lot 1, Block A, Golf Estates  
 Action: Change W-6 to W-3 for one  
 water hookup only; see Attachment  
 A for notes and conditions.



**Legend**

- Proposed Water Main Extensions
- Laytonsville Corp. Limits
- Buildings
- Roads
- Parking Lots
- Abutting Properties Outside Town (W-3)

**Water Categories**

- W-1
- W-3
- W-5
- W-6
- W-6: No Future Service (RDT Zone)
- W-6: Multi-use syst. Approved

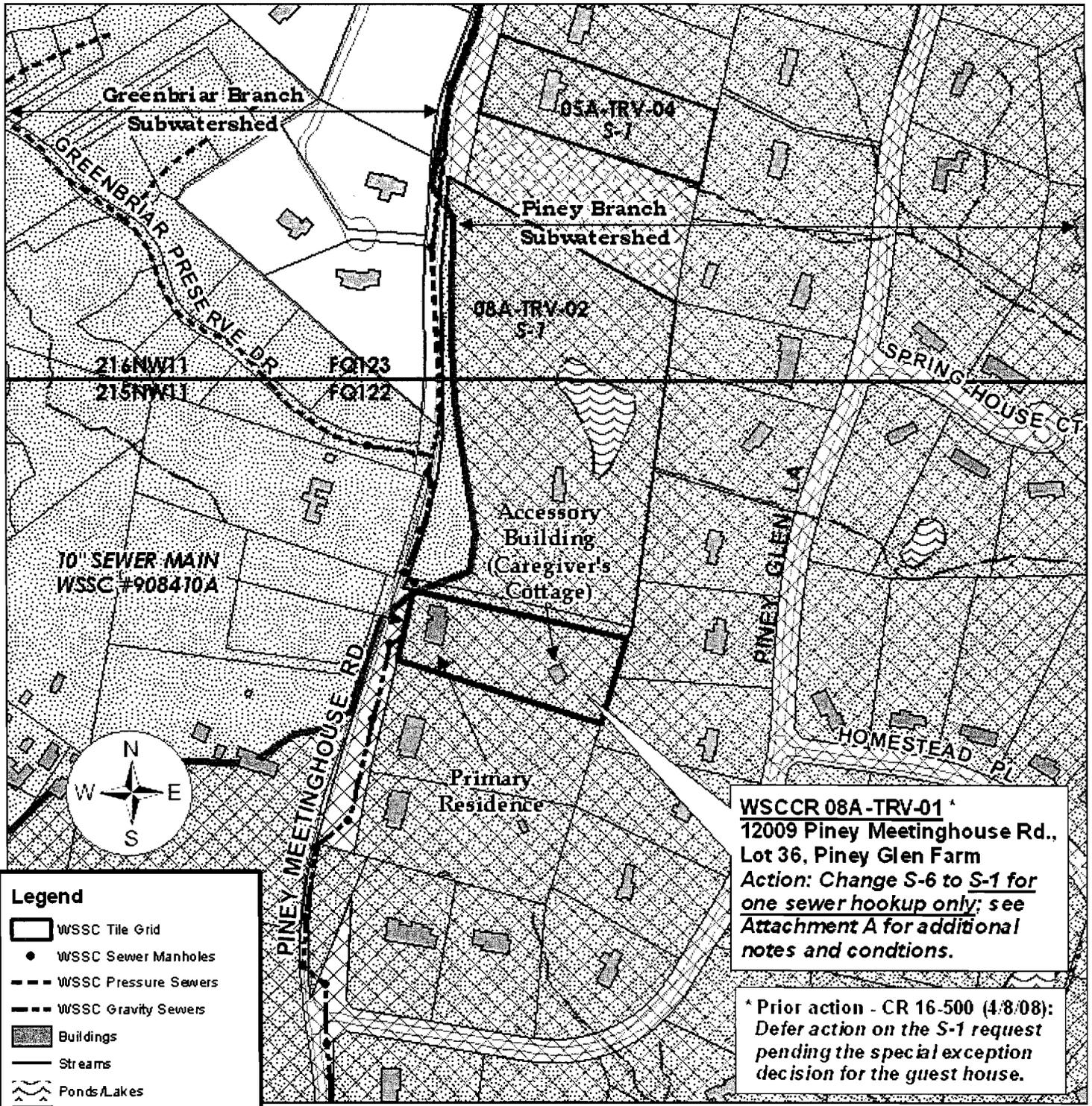
0    200    400    800    1,200

Scale (feet)

**Montgomery County, Maryland**  
 2003 Comprehensive Water Supply  
 and Sewerage Systems Plan

DEP  
Water and Wastewater  
Policy Group

## Service Area Category Change Request Map WSSCR 08A-TRV-01 (Reynaldo & Zorayda Lee-Llacer)



**WSSCR 08A-TRV-01** \*  
 12009 Piney Meetinghouse Rd.,  
 Lot 36, Piney Glen Farm  
 Action: Change S-6 to S-1 for  
 one sewer hookup only; see  
 Attachment A for additional  
 notes and condions.

\* Prior action - CR 16-500 (4/8/08);  
 Defer action on the S-1 request  
 pending the special exception  
 decision for the guest house.

**Legend**

- WSSC Tile Grid
- WSSC Sewer Manholes
- WSSC Pressure Sewers
- WSSC Gravity Sewers
- Buildings
- Streams
- Ponds/Lakes
- Piney Branch Subwatershed

**Sewer Categories**

- S-1
- S-3
- S-4
- S-5
- S-6

Travilah Planning Area
Watts Branch Watershed



Scale (Feet)

**Montgomery County, Maryland  
 2003 Comprehensive Water Supply  
 and Sewerage Systems Plan**



DEP  
 Water and Wastewater  
 Policy Group

