

AGENDA ITEM #2C  
October 6, 2009

**Introduction**

**MEMORANDUM**

October 2, 2009

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Introduction:** Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: 09A-PAX-01 (Eglise De Dieu De Silver Spring/Joseph Berluche)

On September 24, 2009 the County Council received a Water and Sewer Plan amendment from the County Executive (transmittal memorandum and Executive Staff report attached beginning on ©C). A draft resolution is attached on ©A-B.

This amendment involves the relocation of an existing church to a 4.55-acre RC-zoned property along Sandy Spring Road in Burtonsville. The subject site is outside the public sewer envelope, but is eligible for consideration under the Water and Sewer Plan's Private Institutional Facilities (PIF) Policy.

The County Executive recommends approval conditioned upon the Planning Board's approval of a preliminary plan that conforms to a concept plan that the Council finds acceptable, especially in terms of impervious area.

A public hearing has been scheduled for November 3, 2009 at 1:30 pm. The Transportation, Infrastructure, Energy and Environment Committee is tentatively scheduled to review the amendment on November 16, 2009 at 9:30 am.

**Attachments**

f:\levchenko\wssc\water and sewer plan\category changes\09 package 2\intro 10 6 09.doc

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 September 24, 2009, the County Council received a recommendation from the County Executive regarding 1 Water and Sewer Plan amendment.
6. Recommendations on this amendment 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 November 3, 2009.

(A)

Resolution No.:

8. The Transportation, Infrastructure, Energy & Environment Committee discussed this amendment on November 16, 2009 and made a recommendation to the Council.
9. The County Council held a worksession on April 14, 2009.

Action

The County Council for Montgomery County, Maryland ~~approves/denies~~ the following amendment 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



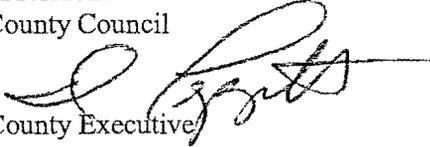
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

September 17, 2009

TO: Phil Andrews, President  
Montgomery County Council

FROM: Isiah Leggett   
Montgomery County Executive

SUBJECT: Transmittal of and Recommendations on Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environmental Article, Sections 9-503 through 9-506 and 9-515 through 9-516, of the Annotated Code of Maryland, I am transmitting my recommendations for a proposed amendment to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing this plan amendment are included in the attached staff report. The proposed amendment is a request for an individual water/sewer service area category change.

The recommendations for this amendment are consistent with the adopted policies and guidelines included in the Water and Sewer Plan. As a private institutional facilities (PIF) case, this amendment does not conform to the Fairland Master Plan's specific sewer service recommendations. However, this example is similar to prior cases where the Council has determined that the Water and Sewer Plan's service policies may supersede master plan service recommendations. A PIF policy-based amendment is usually expected to generate discussion at committee and Council worksessions.

**Application of the Private Institutional Facilities (PIF) Policy**

This case, **WSCCR 09A-PAX-01 (Eglise De Dieu De Silver Spring/Joseph Berluche)**, involves the relocation of an existing church to a 4.55-acre residential property along Sandy Spring Road in Burtonsville. The church owns the property through its pastor and uses the existing house for a church office. A 200-seat sanctuary is planned for the site. The request is recommended for conditional approval of category S-3. Final approval for S-3 would require the Planning Board's approval of a preliminary plan that conforms to a concept plan that the Council finds acceptable, especially in terms of impervious area.

The subject site is outside the proposed public sewer envelope, but the category change request can be considered under the Water and Sewer Plan's PIF policy. The request satisfies the PIF policy's basic requirements:

- The proposed user is a non-profit institution; in this case, a religious use.
- The proposed sewer main extension required will not open up service to other properties outside the sewer envelope.
- The proposed user will build a new sanctuary building on the site; the existing house will be used for offices.
- The site is zoned Rural Cluster (RC), not Rural Density Transfer (RDT).

The circumstances of this request are similar to those the Council has seen in prior PIF cases. The applicant proposes construction of a sanctuary building in an area zoned for lower density, in this case zoned RC. The church facilities are a more intensive use of the property than was intended by the master plan and zoning. The draft development plan shows impervious surfaces at approximately 25 percent of the parcel where M-NCPPC's environmental guidelines call for a maximum of 10 percent. While not a PIF policy requirement, a 25 percent imperviousness limit is a condition the Council has endorsed for prior individual PIF-based category change requests. Examples of this kind of conditional approval for a PIF case include the following:

- Parker Memorial Baptist Church on Norbeck Road (CR 15-1410, 4/25/06)
- First Baptist Church of Wheaton on Emory Church Road (CR 16-500, 4/8/08)

Staff from DEP will be available to discuss this amendment at worksessions with the Transportation, Infrastructure, Energy, and Environment Committee and with the full Council.

IL:as

Attachment

cc: Jay Sakai, Director, Water Management Administration, Maryland Department of the Environment  
Richard Eberhart Hall, Secretary, Maryland Department of Planning  
Royce Hanson, Chairman, Montgomery County Planning Board  
Teresa D. Daniell, Interim General Manager, Washington Suburban Sanitary Commission  
Robert G. Hoyt, Director, Department of Environmental Protection  
Carla Reid, Director, Department of Permitting Services



# Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Proposed Category Map Amendments

## County Executive's July 2009 Amendment Transmittal to the County Council

- 1 New Category Change Request

Prepared by  
The Department of Environmental Protection

Robert G. Hoyt, Director  
David Lake, Manager, Water and Wastewater Policy Group  
Alan Soukup, Senior Planner, Water and Wastewater Policy Group  
Alicia Youmans, Planner III, Water and Wastewater Policy Group

DEP acknowledges and appreciates the assistance of the following  
agencies in the preparation of this amendment packet:

Washington Suburban Sanitary Commission  
Maryland - National Capital Park and Planning Commission  
Montgomery County Department of Permitting Services

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
 County Executive's July 2009 Transmittal Packet

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

Plan Amendment No. & Owner Location – Proposed Use	Zoning & Acreage Requested Change(s)	Executive Recommendation & Policy Highlights Summary	Packet Page No.
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**PATUXENT RIVER CONSERVATION PLANNING AREA**

<b>WSSCR 09A-PAX-01</b> Eglise De Dieu De Silver Spring, Joseph Berluche, Pastor 4800 Sandy Spring Rd., Burtonsville Use: proposed house of worship for Eglise De Dieu de Silver Spring (existing single-family house will remain)	RC Zone; 4.55 ac.  (Keep W-1) S-6 to <b>S-3</b>	<b>Conditionally approve S-3; final                      action will require Planning Board                      plan approval. Approval limited to                      this PIF use only.</b> <i>Application is consistent with PIF                      policy requirements.</i>	Report: Pg. 1  Maps: Pg. 9
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**Other Packet Items:**

Water & Sewer Plan Policy Excerpt: Community Service for Private Institutional Facilities ..... Pg. 6  
 Status Update: Category Change Requests Recently Deferred by the County Council..... Pg. 14

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
 County Executive's July 2009 Transmittal Packet

**PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS**

**Private Institutional Facility (PIF) Policy Case**

The following map amendment involves a development proposal from a non-profit group for what the Water and Sewer Plan defines as private institutional facilities (PIFs). The PIF policy creates the *limited opportunity* for exceptions to the Plan's general public service policies. It allows for the provision of water and/or sewer for PIF uses outside the public service envelopes where other residential or commercial development could not normally qualify for such service. The Council's recent practice on PIF cases has been to require that the property owner specify a PIF user for the site, and that the user provide a site-specific development plan for the project in sufficient detail to allow consideration of potential site impacts and impervious surfaces. The Council has restricted approval actions to a specific PIF user, an approval that is not transferable to another PIF user.

**WSSCR 09A-PAX-01: Eglise De Dieu De Silver Spring, Inc.; Joseph Berluce, Pastor (PIF)**

**County Executive's Recommendation:** Maintain S-6, with advancement to S-3 conditioned on Planning Board approval of a preliminary plan that conforms substantially with the draft development plan submitted by the church and reviewed by the County Council. The major conformance issue is impervious area which the draft plan places at approximately 25 percent of the site area. S-3 approval will be restricted to use only by the Eglise De Dieu De Silver Spring. The proposed sewer main extension from Huckburn Ct. complies with the requirements of the PIF policy. The applicant must also connect the existing single-family house/office to public sewer service, if it is retained on the site.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification										
<ul style="list-style-type: none"> <li>• 4800 Sandy Spring Rd., Burtonsville</li> <li>• Parcel P277, Snowdens New Birmingham Manor; dist &amp; acct no.: 05-00267512</li> <li>• Map tile – MD: LS12; WSSC:</li> <li>• Northwest quadrant, corner of Sandy Spring Rd. (MD 198) &amp; Riding Stable Rd.</li> <li>• Fairland Master Plan (1997)</li> <li>• Lower Patuxent River Watershed (MDE Use I)</li> <li>• RC Zone; 4.55 acres</li> <li>• <u>Existing use:</u> single-family house (c. 1948) used as church office - will remain</li> <li>• <u>Proposed use:</u> 200-seat place of worship</li> </ul>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center; border-bottom: 1px solid black;"><u>Existing – Requested Service Area Categories</u></td> </tr> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%;">W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> <tr> <td colspan="2" style="text-align: center; border-bottom: 1px solid black;"><u>Applicants' Explanation</u></td> </tr> <tr> <td colspan="2">"Would like to apply to connect to the WSSC sewer and build a worship facility for 200 people."</td> </tr> </table>	<u>Existing – Requested Service Area Categories</u>		W-1	W-1 (no change)	S-6	S-3	<u>Applicants' Explanation</u>		"Would like to apply to connect to the WSSC sewer and build a worship facility for 200 people."	
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**Agency Review Comments**

**M-NCPPC:** The proposed site is located within the 1997 Fairland Master Plan and is zoned RC north of MD 198. The Fairland Master Plan recommends "community water service only for areas north of MD 198 zoned Rural Cluster (RC) consistent with the Water and Sewer Plan policies regarding water service without sewer. No planned sewer service for areas zoned RC north of MD, except to support special exception uses recommended in this Plan." (p-151)

Under Patuxent Watershed, on page 61, it recommends: "Do not allow uses that result in more than ten percent imperviousness. Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis."

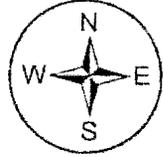
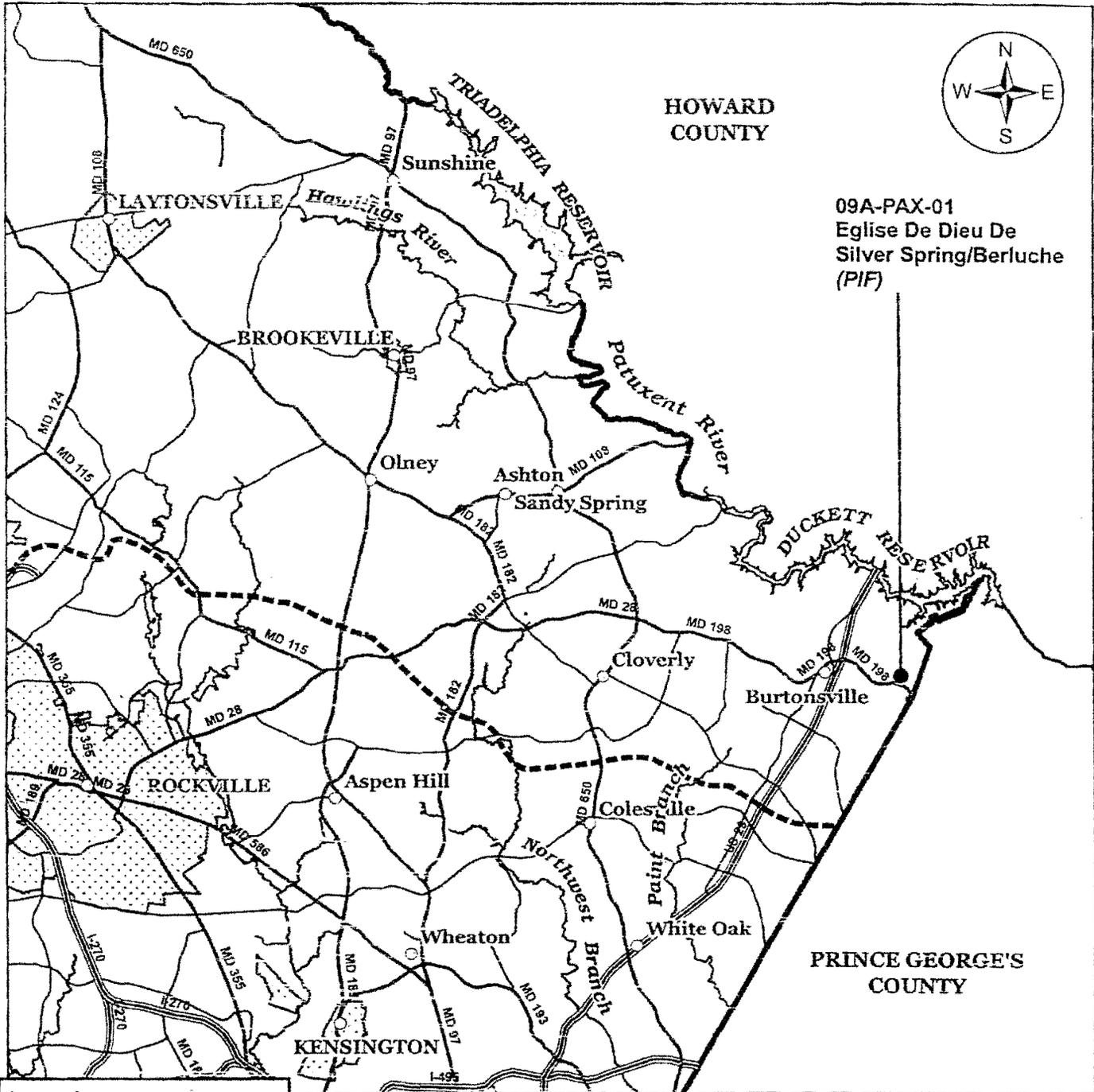
The proposed application is not consistent with the goals and recommendation of the Fairland Master Plan. Deny S-3.

**WSSC Sewer:** WSSC reports that three possible main extensions could provide sewer service to the site:

- Option 1) A 305-foot-long non-CIP-sized sewer extension is required to serve this property. This alignment may require 167 feet of grading to avoid deep sewers. This extension would connect to an existing 8" sewer (contract no.97-1859A along Huckburn Ct.) and would abut approximately two properties

# Water and Sewer Plan Map

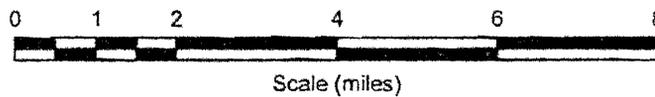
## July 2009 Transmittal: Amendment Locator



09A-PAX-01  
Eglise De Dieu De  
Silver Spring/Berluche  
(PIF)

**Legend**

- Localities
- ▨ Municipalities
- Major Roads & Highways
- County Roads
- State Roads & Highways
- == US Highways & Interstates
- - - Proposed Roads



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



DEP  
Water and Wastewater  
Policy Group

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
 County Executive's July 2009 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

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Under Patuxent Watershed, on page 61, it recommends: "Do not allow uses that result in more than ten percent imperviousness... Do not extend sewer service to RC zoned properties; water service to RC zone considered on a case by case basis."

The proposed application is not consistent with the goals and recommendation of the Fairland Master Plan. Deny S-3.

**WSSC Sewer:** WSSC reports that three possible main extensions could provide sewer service to the site:

- Option 1) A 305-foot-long non-CIP-sized sewer extension is required to serve this property. This alignment may require 167 feet of grading to avoid deep sewers. This extension would connect to an existing 8" sewer (contract no.97-1859A along Huckburn Ct.) and would abut approximately two properties

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
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PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

WSSCC 09A-PAX-01: Eglise De Dieu De Silver Spring, Inc.; Joseph Berlucche, Pastor (PIF)

- in addition to the applicant's property. Rights-of-way would be required. Service would be through the Parkway WWTP.
- Option 2) A 1,300-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to an existing 8" sewer (contract no.94-1129A) along Holger Ct. and would abut approximately eight properties in addition to the applicant's property. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Service would be through the Parkway WWTP.
- Option 3) A 350-foot-long non-CIP-sized sewer extension is required to serve the property. This alignment may require tunneling under state Highway 198 and will be dependent on the construction of Fairland Golf Community Project (DA3232Z02). This extension would connect to a future 8" sewer (contract no. DA3232Z02, Part III). Rights-of-way would be required. Construction of this extension may involve the removal of trees. Service would be through the Paint Branch sewershed to the Blue Plains WWPT.

No capital-size main extensions are required for any of the three proposed options. Interceptor and treatment capacity are adequate for an expected average-daily wastewater flow of 1,152 gallons per day.

**DPS-Well & Septic:** MCDPS (Well & Septic) has no records for the existing structure, built in 1948 as per tax records; and there are no records of any percolation tests. The size of the property would be adequate for an on-site sewage disposal system providing percolation tests would be passing.

*[DEP note: At 200 seats, the church would require a septic system design capacity of between 600 and 2,000 gallons per day, depending on its facilities.]*

**Executive Staff Report**

The applicants have requested a category change from S-6 to S-3 in order to allow the extension of public sewer service for a proposed 200-seat church. The site is outside the acknowledged public sewer service envelope, as noted by M-NCPPC staff. However, the request can be considered under the provisions of the Water and Sewer Plan's Private Institutional Facilities (PIF) policy for non-profit uses. The proposed project satisfies the PIF policy requirements for the provision of public sewer service. The draft development plan exhibits impervious limits (approx. 25 percent) that are compatible with other recent PIF cases that have received the Council's support. Approval of category S-3 will:

- Require the Planning Board's approval of subdivision plan in keeping with the draft development plan, especially in terms of impervious area<sup>A</sup>, and
- Become void unless used by this applicant only; no other PIF user may qualify for public sewer service for this site without itself having first applied and then received approval for a sewer category change.

The sewer main extension proposed by the applicant (see WSSC option 1, above) will satisfy the policy requirements for main extensions for new PIF uses. With the exception of the subject property, the extension will abut only properties already approved for public service.

PIF service restrictions adopted for RDT-zoned properties do not apply in this case. The site is zoned RC.

Conformance with the 10 percent impervious limit recommended by M-NCPPC's environmental guidelines for the Patuxent River watershed is always desirable. However, the Council has been willing to accept somewhat higher imperviousness percentages, usually limited to 25 percent, in support of cases involving non-profit uses. The 25-percent imperviousness limit is a guideline only, not a policy requirement of the Water and Sewer Plan. The Council considers PIF requests on a case-by-case basis. Because each case is unique, the Council is not necessarily bound by conditions applied to previous PIF-based service area category change actions.

The property is grandfathered under 2-acre zoning that predates the current RC Zone. At 4.55 acres in size, the parcel is slightly smaller than the minimum size of 5 acres for a lot zoned RC. Provided all of the other usual subdivision issues (setbacks, environmental requirements, water/sewer, access, etc.) are resolved, the property could be recorded as a building lot for a place of worship.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
County Executive's July 2009 Transmittal Packet

PATUXENT WATERSHED CONSERVATION PLANNING AREA MAP AMENDMENTS

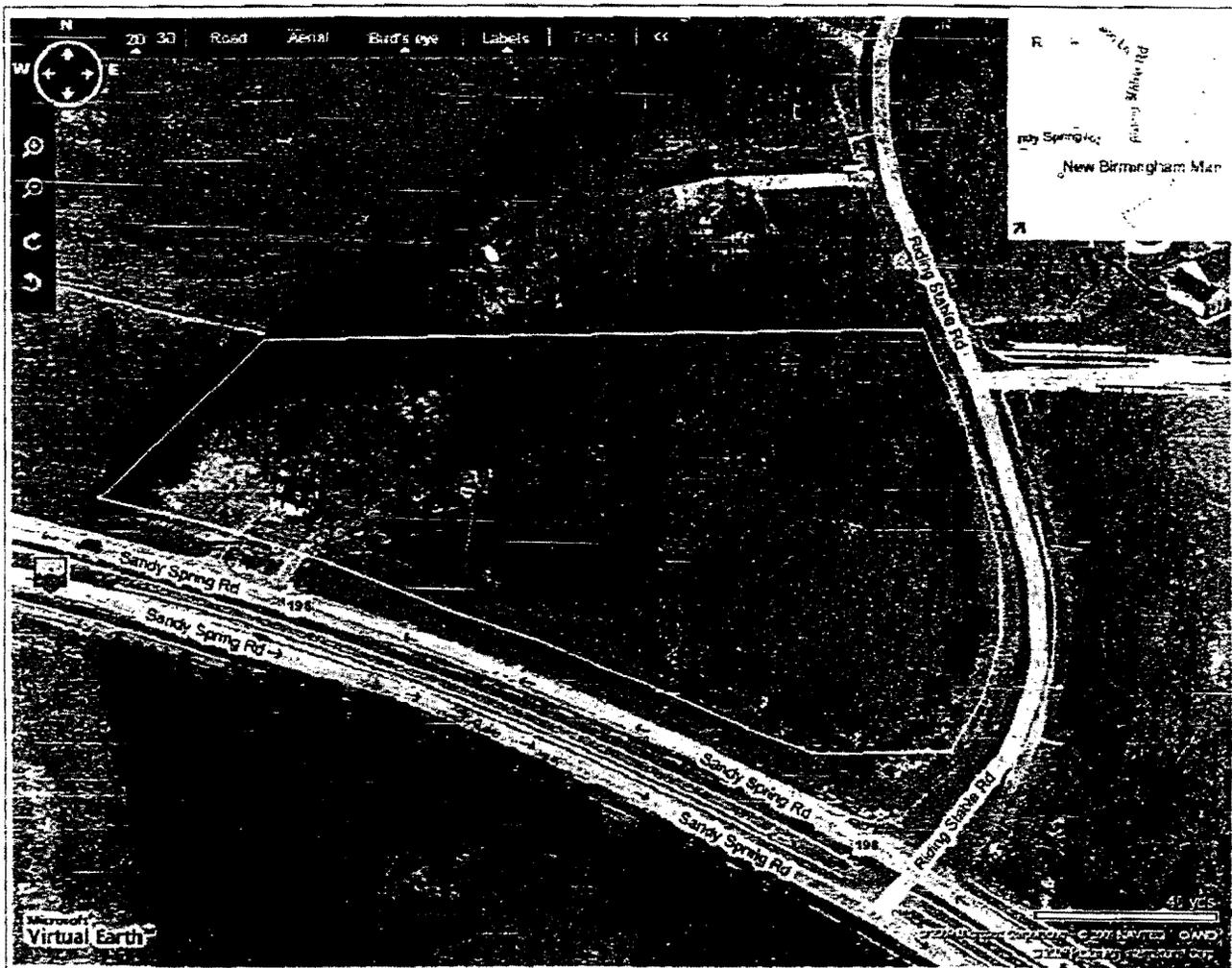
WSSCR 09A-PAX-01: Eglise De Dieu De Silver Spring, Inc.; Joseph Berluce, Pastor (PIF)

DPS has noted that the site has sufficient room for a septic system that could support the church's proposed development. Confirmation for the use of an on-site sewerage system, possible a multi-use septic system, would require testing which would require approximately one year to complete. The site partially is wooded; septic system construction would likely require clearing some wooded areas that might otherwise be conserved.

^ Two recent examples of PIF cases receiving a category change approval conditioned on preliminary plan approval include:

- Parker Memorial Baptist Church on Norbeck Rd. (CR 15-1410, 4/25/06) – see pg. 4.
- First Baptist Church of Wheaton on Emory Church Rd. (CR 16-500, 4/8/08) – see pg. 5.

In both of the preceding PIF cases, the proposed users provided conceptual development plans to the County Council that showed planned impervious area from building roofs, parking spaces, and driveways.



An aerial view of the subject property from the south; the existing single-family house/church office is at the left.  
(Property lines, shown in white, are approximated.)

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January 2006 Amendment Transmittal

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 in seeking to move their property from one category to another, usually based on anticipated development plans. The following chart presents the County Council's actions on water/sewer category map amendment requests filed with DEP.

Comprehensive Water Supply and Sewerage Systems Plan: Water/Sewer Category Map Amendments

Map Amendment No. Applicant (Owner) Description & Location	Master Plan & Watershed Zoning & Acreage Site Development	Map Amendment Request Service Area Categories		County Council Action (See Attachment B for mapping of all except the denied map amendments.)
		Existing	Requested	
<b>Lower Seneca Basin Watershed Planning Area</b>				
<b>WSSCCR 04A-LSN-01</b> Toll Brothers, Inc. (for Stephen Barmakian) • Parcel P592, Friend in Need • Tax maps EW121/122; WSSC grids 232/233NW14 • Southwest corner, intersection of Schaeffer Rd. and Burdette Rd., opposite South German-town Recreational Park/ Soccerplex	• Preservation of Agriculture and Rural Open Space Master Plan (1980) • Lower Great Seneca Creek Watershed (MDE Use I) • R-200 Zone: 20.91 acres • Existing use: agricultural • Proposed use: 41-lot single-family subdivision  *Note: Natelli Communities had replaced Toll Brothers, Inc. as the applicant.	W-6 S-6	W-3 S-3	No action required; the property owner has withdrawn the request.  Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until Mar. 10, 2007. (See the amendment withdrawal/denial note on page 2.)
<b>Olney Planning Area</b>				
<b>WSSCCR 05A-OLN-02</b> Parker Memorial Baptist Church (for R. Jones Estate) • 1601 Norbeck Rd. – Parcels P905, P907, & P909, Batchellors Forest Etc • Map file: 222NW02; JS123 • North side of Norbeck Rd. (MD 28) west of Layhill Rd. (MD 182)	• Olney Master Plan (2004) • Northwest Branch Watershed (MDE Use IV) • RC Zone: 8.8 ac. • Existing use: existing single-family house and two vacant parcels • Proposed use: house of worship; Plan 7-20060410 *Parker Memorial Baptist Church	W-5 S-6	W-3 S-3	Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned upon Planning Board approval of a preliminary plan that is in conformance with the applicant's pre-application submission (M-NCPPC file no. 7-20060410). Public water and sewer service is restricted to a private institutional use only, specifically, the Parker Memorial Baptist Church.  Note: This action is restricted to the named applicant, Parker Memorial Baptist Church. Should this applicant not proceed to development of the site, any subsequent user, including another private institutional facility, would need to file a new request with the Department of Environmental Protection, Water and Wastewater Policy Group, for service area category changes.
<b>Patuxent Watershed Conservation Planning Area</b>				
<b>WSSCCR 05A-PAX-04</b> Steve Saffron (for Howard Wootten, Jr.) • Outlot B (N909), Wootten Subdivision • Map file: LS122; 221NE05 • North side of Sandy Spring Rd. (MD 198) east of Dino Dr.	• Fairland Master Plan (1997) • Lower Patuxent River Watershed (MDE Use I) • RC Zone: 8.61 ac. • Existing use: farmland (not improved) • Proposed use: one 5-acre lot for a single-family house and a residual outlot	W-6 S-6	W-1 No Change	No action required; the applicant has withdrawn the request.  Note: Consistent with Water and Sewer Plan policies, DEP will not accept a new category change application for this site for one year, or until Feb. 8, 2007. (See the amendment withdrawal/denial note on page 2.)

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN**  
**January 2008 Amendment Transmittal: Water/Sewer Category Map Amendments**

<b>Goshen – Woodfield – Cedar Grove Planning Area</b>							
Property Information and Location Property Development	Applicant's Request County Council Action						
<b>WSSCR 07A-DAM-08: Bethel World Outreach Ministries</b>							
<ul style="list-style-type: none"> <li>• 10725 Brink Rd., Clarksburg</li> <li>• Parcel P999, Thomas Hog Pasture Case (dist.-acct. #02-00028903)</li> <li>• Map tile – MD: FV122; WSSC: 230NW11</li> <li>• North side of Brink Rd., opposite Glendevon Ct.</li> <li>• Preservation of Agriculture and Rural Open Space Master Plan (1980)</li> <li>• Middle &amp; Upper Great Seneca Creek Watersheds (MDE Uses I &amp; III<sup>3</sup>)</li> <li>• RDT Zone; 119.37 ac.</li> <li>• <u>Existing use:</u> farm.</li> <li>• <u>Proposed use:</u> 800-seat place of worship; Bethel World Outreach Church, relocating from downtown Silver Spring; plan no. 7-20070240 "Bethel World Outreach Center".</li> <li><sup>3</sup> A 10.3-acre portion of the northwest corner of the site lies within the Wildcat Branch subwatershed (MDE Use III) of Upper Great Seneca Creek.</li> </ul>	<table border="1"> <thead> <tr> <th>Existing</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-6 w/multi-use water system approval</td> </tr> <tr> <td>S-6</td> <td>S-6 w/multi-use sewerage system approval</td> </tr> </tbody> </table> <p><b>County Council Action</b></p> <p>Defer action on the request for multi-use water and sewer system approval, pending the applicant's submittal of a proposed use that is consistent with ZTA 07-07.</p> <p><i>Note: The Council intends that deferred amendments reach a resolution of the cited issues and return for further Council consideration within approximately one year.</i></p>	Existing	Requested – Service Area Categories	W-6	W-6 w/multi-use water system approval	S-6	S-6 w/multi-use sewerage system approval
Existing	Requested – Service Area Categories						
W-6	W-6 w/multi-use water system approval						
S-6	S-6 w/multi-use sewerage system approval						
<b>WSSCR 08A-GWC-01: Kirk Canaday</b>							
<ul style="list-style-type: none"> <li>• 8300 Block <sup>4</sup>, Warfield Rd., Gaithersburg</li> <li>• Parcel P554, Williams Range Near Goshen (dist.-acct. #01-00010841)</li> <li>• Map tile – MD: GU123; WSSC: 228NW08</li> <li>• North side of Warfield Rd., west of Doubleland Rd.</li> <li>• Preservation of Agriculture and Rural Open Space Master Plan (1980)</li> <li>• Middle Great Seneca Creek Watersheds (MDE Use I)</li> <li>• RE-2 Zone; 2.71 ac.</li> <li>• <u>Existing use:</u> vacant</li> <li>• <u>Proposed use:</u> one new single-family house</li> <li><sup>4</sup> The applicant's reported street address, 8333 Warfield Rd., does not yet appear in the State's property tax account records.</li> </ul>	<table border="1"> <thead> <tr> <th>Existing</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-3</td> <td>W-3 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </tbody> </table> <p><b>County Council Action</b></p> <p>Deny the request for category S-3; maintain S-6. DEP and DPS need to consider a sewer sanitary survey for this area to determine the extent of septic problems.</p> <p><i>Note: The applicant may not file a new request for this property before April 8, 2009, without prior approval from DEP.</i></p>	Existing	Requested – Service Area Categories	W-3	W-3 (no change)	S-6	S-3
Existing	Requested – Service Area Categories						
W-3	W-3 (no change)						
S-6	S-3						

<b>Olney Planning Area</b>							
Property Information and Location Property Development	Applicant's Request County Council Action						
<b>WSSCR 07A-OLN-02: The First Baptist Church of Wheaton<sup>*</sup></b>							
<ul style="list-style-type: none"> <li>• 3110 Emory Church Rd., Olney</li> <li>• Parcel P077, Chas &amp; William (dist./acct. #08-00705848)</li> <li>• Map tile: WSSC - 223NW03; MD - HS553</li> <li>• North side of Emory Church Rd., west of Norbrook Dr.</li> <li>• Olney Master Plan (2005)</li> <li>• Northwest Branch Watershed (MDE Use IV)</li> <li>• RNC Zone; 15.0 ac.</li> <li>• <u>Existing use:</u> single-family residence.</li> <li>• <u>Proposed use:</u> place of worship (500-seat sanctuary, fellowship hall, classrooms, offices); First Baptist Church of Wheaton, relocating from its existing site on Georgia Ave. in Wheaton</li> <li><sup>*</sup> Original owner/applicant: Frances Doherty Estate. The church acquired the property on 7/1/07.</li> </ul>	<table border="1"> <thead> <tr> <th>Existing –</th> <th>Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-1</td> </tr> <tr> <td>S-6</td> <td>S-1</td> </tr> </tbody> </table> <p><b>County Council Action</b></p> <p>Maintain W-6 and S-6, with advancement to W-3 and S-3 conditioned on the Planning Board's approval of a preliminary plan that conforms to the intent of the Olney Master Plan.</p> <p><i>Note: In its review of the applicant's preliminary plan, the Planning Board is asked to ensure that potential road improvements (such as to Emory Road) are minimized as are any deleterious environmental impacts (such as reductions in ground water quality).</i></p>	Existing –	Requested – Service Area Categories	W-6	W-1	S-6	S-1
Existing –	Requested – Service Area Categories						
W-6	W-1						
S-6	S-1						

County Council Actions: Adopted November 18, 2003 (CR 15-396)  
Revised November 29, 2005 (CR 15-1234)

## II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

**E. Special Policies for Water and Sewer Service** – In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

**4. Community Service for Private Institutional Facilities** – This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

**a. Facilities Located Within the Community Service Envelopes** – For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

**b. Facilities Located Outside the Community Service Envelopes** – For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

**i. Sites Abutting Existing Water and/or Sewer Mains** – For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned RDT (see subsection iii).

**ii. Sites Requiring New Water and/or Sewer Mains Extensions** – For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

**iii. Sites Zoned Rural Density Transfer** – To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Rural Density Transfer (RDT) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main. The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site system, either by standard or alternative/innovative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

c. **Main Extensions for PIF Uses** – Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. **PIF Uses in Existing Residential Structures** – The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

e. **PIF Policy Directions** – The Council originally adopted a Water and Sewer Plan service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognized as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.
- The policy has facilitated the siting of PIF uses on properties where the institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.
- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural reserve areas.

- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy can not address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

An interagency PIF policy working group has reviewed the PIF policy and other County regulations and ordinances, with particular attention to the preceding issues. The PIF policy as amended in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are a policy preventing publicly-funded support for community service to PIF uses where WSSC pumping facilities would be required, and a prohibition against providing community service to PIF uses in the Rural Density Transfer (RDT) Zone. In addition, the working group has recommended to the County Council impervious area limits for most land uses in lower-density rural and rural estate zones to help limit the environmental impacts often associated with institutional development within these zones.

The preceding policies focus on community water and sewer service for institutional uses. The working group also recognized that a prohibition on community service in the RDT Zone could result in an increase in PIF project proposals using multi-use on-site systems. The County needs to ensure that these on-site systems can provide long-term, sustainable service for their users in order to avoid the need to provide community service to relieve on-site system failures (see Section III.B.2.).

#### **Water and Sewer Plan Recommendation**

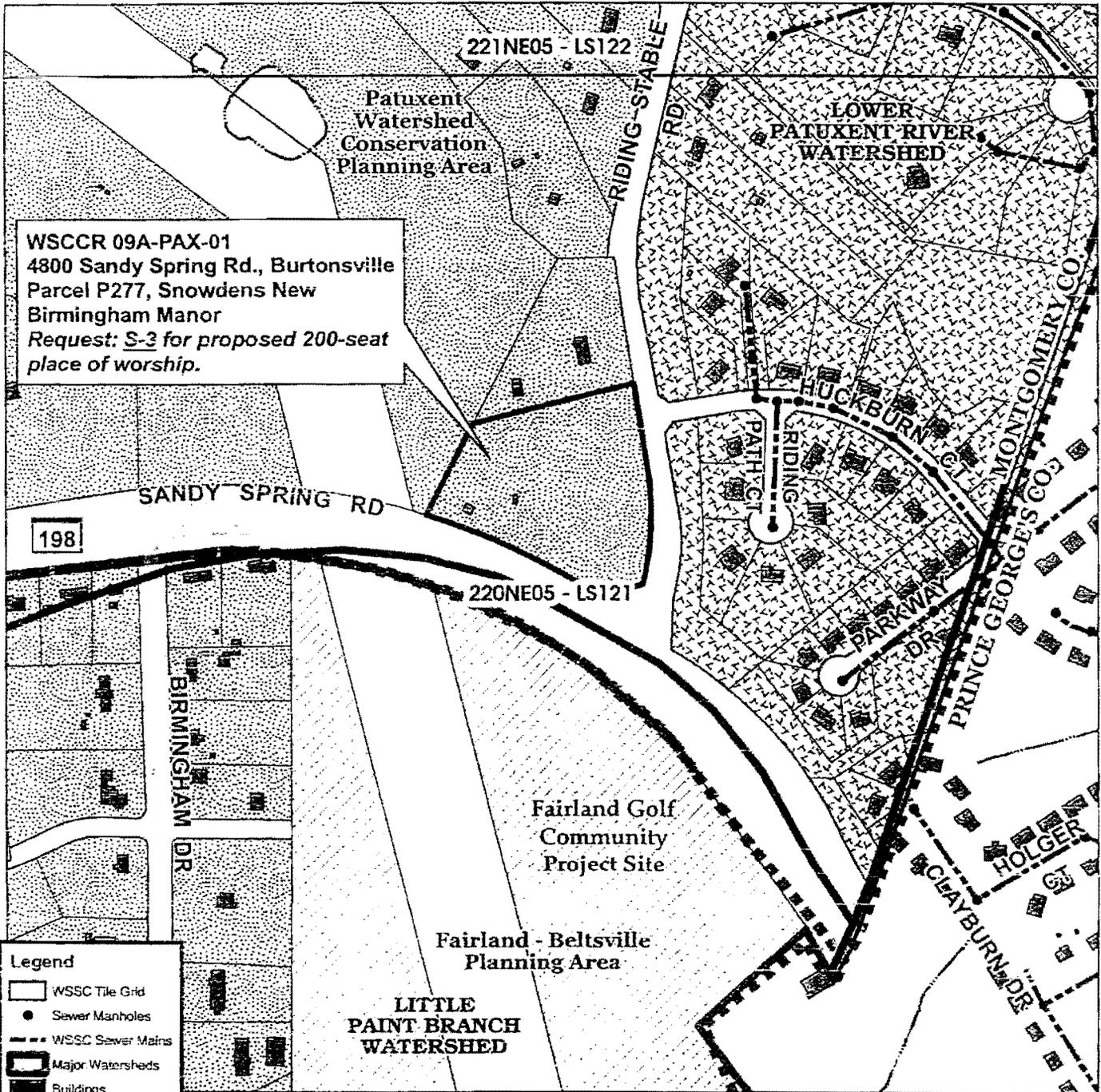
The County needs to recognize that the recommendations from the PIF Working Group represent the first efforts in addressing the community and environmental effects of large commercial and institutional land uses, especially those [[which]] that locate with the rural part of the county. At the least, the working group will need to follow up periodically to consider 1) the effectiveness of these recommendations, 2) public and development industry concerns with regard to the County's policies, and 3) the need for additional or alternative actions.

## **V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN**

### **D. Filing Individual Service Area Category Change Requests**

**2. Application Requirements for PIF Category Change Requests** – In cases involving service area category amendments for private institutional facilities (PIFs – see Section II.C.4.), the institution seeking to use the property must act as the category change applicant. If a site is proposed for two or more PIF uses, then at least one of the proposed institutions must act as the applicant. PIF applicants need to include a confirmation of their tax-exempt status as part of their category change request.

**Sewer Service Area Categories Map**  
**WSSCR 09A-PAX-01 (Eglise De Dieu De Silver Spring/Joseph Berluche)**



**Legend**

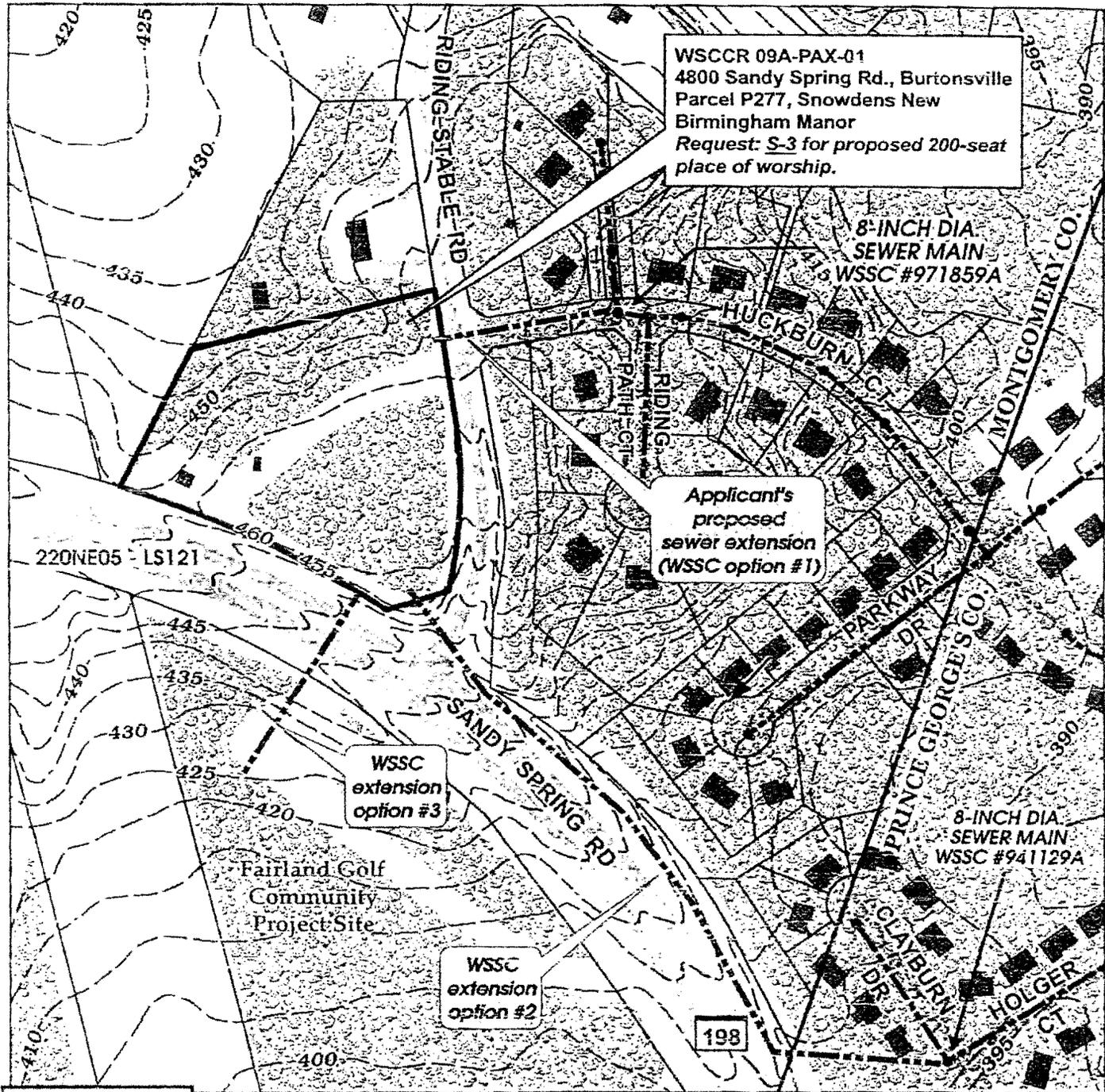
- WSSC Tile Grid
- Sewer Manholes
- WSSC Sewer Mains
- Major Watersheds
- Buildings
- Roads
- Planning Areas
- Sewer Categories**
- S-1
- S-3
- S-4
- S-5
- S-6

Scale (Feet)

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

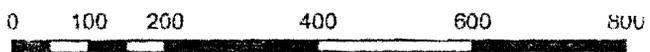
**DEP**  
**Water and Wastewater**  
**Policy Group**

## Sewer Service Area Category Change Request Map WSSCR 09A-PAX-01: Sewer Service Extension Options



**Legend**

- WSSC Tile Grid
- Sewer Manholes
- WSSC Sewer Mains
- Topography (5 ft. c.i.)
- Buildings
- Roads
- Woodlands



Scale (Feet)

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



**DEP**  
 Water and Wastewater  
 Policy Group

Eglise de Dieu de Silver Spring (Joseph Berluch, pastor)

2) Property/Site Description and Development:

Address 4800 Sandy Spring Rd, Spencerville, MD 20868

Property's TAX ID # (please provide, if known) 05-00267512

Property/Site Size 4.55 ACRE Identification (ie, Parcel #) P-P277 MAP L521

Location/Closest cross-street Route 198 + Riding Stable

Current Use Church Office Proposed Use New worship Assembly

Subdivision Plan No. & Status \_\_\_\_\_

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W-\_\_ Requested Water Category: W-\_\_ OR No Change  Multi-Use  Shared

Current Sewer Category: S-\_\_ Requested Sewer Category: S-\_\_ OR No Change  Multi-Use  Shared

4) Reason for request; state current use of site and intended change in usage, if any:

Would like to apply to connect to the WSSC Sewer and then build a worship facility for 200 people.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: \_\_\_\_\_ Email OR \_\_\_\_\_ US Mail

Water  Sewer

WSSC Tile 220 NE05

Tax Map \_\_\_\_\_

Plan No. \_\_\_\_\_

Process \_\_\_\_\_

Master Plan \_\_\_\_\_

Planning Area Damascus and Vicinity

Zoning RC

Zoning Activity \_\_\_\_\_

Watershed Lower Potomac River

CSPS Subwatershed \_\_\_\_\_

State Watershed Use Class \_\_\_\_\_

GIS File \_\_\_\_\_



