

**MEMORANDUM**

December 4, 2009

TO: County Council

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

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

**T&E Committee Recommendation:** Defer pending the applicant's submittal and interagency review of a revised concept development plan that reduces impervious surface area closer to the 10 percent maximum recommended by the 1997 Fairland Master Plan and the applicant's coordination of its proposed site development and use plans with local civic, homeowner, and environmental groups (including but not necessarily limited to the West Laurel Civic Assoc. and the Patuxent Watershed Protective Assoc.).

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. The Council held a public hearing on November 3. The Council's Transportation, Infrastructure, Energy and Environment (T&E) Committee discussed the request on November 30.

This amendment involves the relocation of an existing church to a 4.55-acre RC-zoned property along Sandy Spring Road at Riding Stable 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.

**List of Attachments**

Draft Resolution	©A-B
County Executive's Transmittal Letter (dated July 14, 2008)	©C-D
County Executive Staff Report	©E-13
Fairland Master Plan Excerpts	©14-17
Planning Board Memorandum of November 6, 2009	©18-19

### Category Change Process Overview

The County's Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing amendments through the County Executive for transmittal to the Council.

DEP staff coordinates with a number of other departments and agencies and includes comments from Planning Board Staff, WSSC, and Department of Permitting Services (DPS) staff in the Executive Staff Report.

### County Executive Recommendation

The County Executive recommends approval of the category change request conditioned on the Planning Board's approval of a preliminary plan that conforms substantially with the original draft development plan (concept plan) submitted by the church and reviewed by the County Council.

### Planning Board Recommendation

The Planning Board discussed this amendment on March November 5, 2009 and concurred with the Planning Board Staff's recommendation that the category change request be denied (see ©18-19). The Planning Board letter to the Council notes that if the Council chooses to approve the request that any development of the property should adhere as closely as possible to the 10% imperviousness level that the Council approved in the Fairland Master Plan. The Planning Board also recommends that the connection to sewer be done in the least disruptive way and over the shortest distance possible.

### State Approval

All amendments to the County's Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE). Therefore, amendment approvals by the Council are considered preliminary until MDE action.

### Category Change Discussion

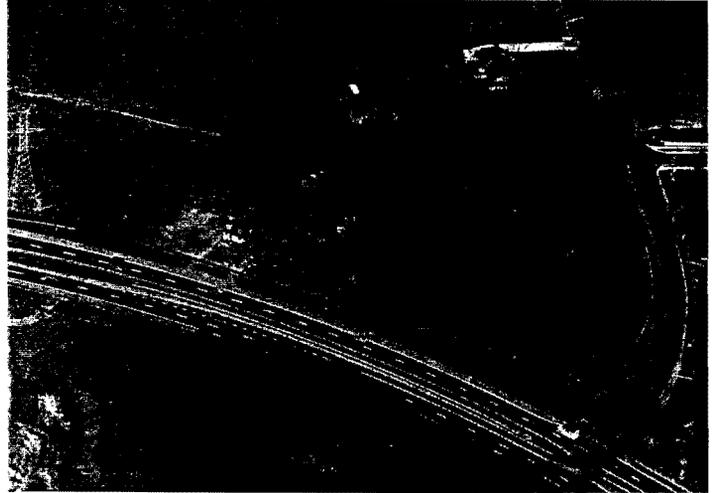
#	Applicant	Number	County Executive	M-NCPPC Staff	Planning Board	CE Staff Report	
						Report	Maps
1	Eglise De Dieu Silver Spring	09A-PAX-01	Conditionally approve S-3, requiring approval of a preliminary plan that conforms to a concept plan that the Council finds acceptable, especially in terms of impervious area.	Deny, Maintain S-6	Deny, Maintain S-6	©1-2	©9

### Request

This amendment involves the relocation of an existing church to a 4.55-acre RC-zoned property north of Sandy Spring Road at Riding Stable Road in Burtonsville. The site has an existing single-family house that would be utilized as church office space. Public water is already available at the site. The applicant is seeking a sewer category change to allow for the extension of sewer to the property.

The concept plan included in the Executive Staff Report (see ©12) assumes a 200 seat church to be housed in a single-story building. The building and parking as presented would result in an imperviousness of approximately 25 percent.

At the T&E Committee worksession, the applicant indicated it intended to revise the original concept plan in order to bring the impervious area closer to the Master Plan's recommended 10% imperviousness level for this property (see Master Plan Recommendations section below). This new plan would likely involve adding a second story to the new building.



### Serving the Property

WSSC has identified three possible main extensions that could serve the site (see ©1-2). Note: The Planning Board recommends that, if the category change is approved, that the shortest and least disruptive option be chosen. The preferred option would appear to be Option 1 (which would be a 305 foot-long non-CIP sized extension from the existing sewer line on Huckburn Court east of the site.

The Executive Staff report notes that an on-site septic system may be a feasible option to serve the proposed development. Additional testing is required and would require approximately one year to complete. It's unclear what the impacts would be of developing on septic since the additional septic testing would be required to address specific soil conditions and where best to locate a septic field and several reserve fields.

In terms of environmental conditions on the site, the property is mostly wooded and eight specimen trees in varying conditions were identified in a forest stand delineation inventory done in March 1999.

### Master Plan Recommendations

The Fairland Master Plan (1997) recommends "In general...no sewer service within the Patuxent watershed for Rural Cluster Zone properties (see ©15).

The subject property is in "Area 26" which includes specific recommendations (see ©14) including:

- 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.

## Water and Sewer Plan Private Institutional Facilities (PIF) Policy

This request is one of many in a long line of “PIF” requests seeking public sewer service to serve an institutional use outside established service envelopes but near enough that service is economically feasible.

The Council has long wrestled with balancing this policy (which allows service for PIF uses in areas not generally intended for public water and/or sewer service) with environmental and community concerns as well as potential future land-use implications.

In November 2005, the Council approved Resolution 12-1234 which revised the PIF policy by precluding the provision of water or sewer service within RDT-zoned properties except to relieve public health problems caused by the failure of on-site systems. The Council considered water and sewer limitations for PIF uses in other large-lot zones (including the RE-2 zone which is the zoning of the property under question here) but ultimately no action was taken. Some Councilmembers supported additional restrictions in these zones while others felt that there should be more flexibility for PIFs in these zones since public water and sewer service in the RDT zone was now greatly restricted. Therefore, the compatibility and environmental concerns often raised regarding PIFs are not specifically identified as criteria in the current PIF Policy.

Within the next few months, the Council is likely to comprehensively review the Water and Sewer Plan (as required by the State on a triennial basis).

The current PIF policy (as amended in November 2005 for the RDT zone restrictions) is attached on ©6-8. Apart from the RDT restrictions mentioned earlier, the PIF Policy requires that a specific PIF use be identified in the application (an approval covers only the PIF identified in order to avoid speculative applications), that any extensions required to serve the proposed PIF use not open up service to properties that would otherwise not be eligible for service, and that the provision of sewer service does not require a WSSC-owned and operated wastewater pumping station just to serve the PIF use. **The Eglise de Dieu Silver Spring request meets these criteria.**

### Community Interest

Prior to the Committee worksession (but subsequent to the transmittal of the Council Staff packet for the November 30 T&E Committee review), the Council received the following written comments from the West Laurel Civic Association:

1. The West Laurel Civic Association opposes the proposed increase in the impervious level to 25%. We endorse the 10% impervious level as outlined in the Fairland Master Plan.
2. The West Laurel Civic Association opposes the proposal to extend the sewer line to a Rural Zone cluster property within the Patuxent watershed. Again this is in keeping with the approved Fairland Master Plan.
3. The West Laurel Civic Association opposes the proposed entrance/exit on Riding Stable Road opposite Huckburn Court for the following reasons:

- a) Location is on a blind curve
- b) Adding additional traffic close to the termination point of the road will create significant traffic backup
- c) An entrance/exit onto Riding Stable Road allows parishioners to take a turn against traffic on Route 198. There has already been a traffic fatality here when parishioners of the Bethany Church turned against traffic. The Fairland development has moved their entrance/egress from this point to avoid this same problem.

Representatives of the group also expressed concern about the lack of advance notification received regarding this request. DEP staff confirmed that the West Laurel Civic Association was notified as part of DEP's regular notification process. DEP utilizes neighborhood association contact information provided by M-NCPPC and will review the contact information with Planning Board staff to ensure the information is up to date.

### **Recommendation**

Given the fact that PIF requests are reviewed by the Council on a case by case basis, Council Staff has identified several points that argue in favor of approval in this instance:

- The property is located adjacent to the sewer envelope and does not require a particularly long extension to serve the property.
- There do not appear to be any unique environmental conditions on the subject property. If developed, there will be some tree loss that the applicant should work to minimize.
- The proposed development could potentially move forward on septic, although additional testing would be required.
- The concept presented to the Council (200 seat church) does not appear out of scale with the surrounding area, especially if the imperviousness can be reduced from the estimated 25% to closer to 10% as the applicant has indicated it will seek to do.

**However, given that neither the Council nor the other reviewing agencies has had an opportunity to review a revised concept plan with an imperviousness closer to the 10% recommended in the Master Plan, Council Staff recommended at the November 30 T&E Committee worksession that the item be brought back to the Committee early next year. This delay will give the applicant time to submit the revised concept plan for review.**

**The Committee also asked the applicant to use the extra time to meet with community groups in the area to discuss the request and to try its best to address community concerns.**

**Based on the above discussion, Council Staff has drafted a resolution (see ©A-B2) for Council action that would defer the request consistent with the Committee discussion noted above.**

#### **Attachments**

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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: Amendment 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.

8. The Transportation, Infrastructure, Energy & Environment Committee discussed this amendment on November 30, 2009 and made a recommendation to the Council.

Action

The County Council for Montgomery County, Maryland approves 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

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

Montgomery County uses water and sewer service area categories 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 September 2009.

**Patuxent Watershed Conservation Planning Area**

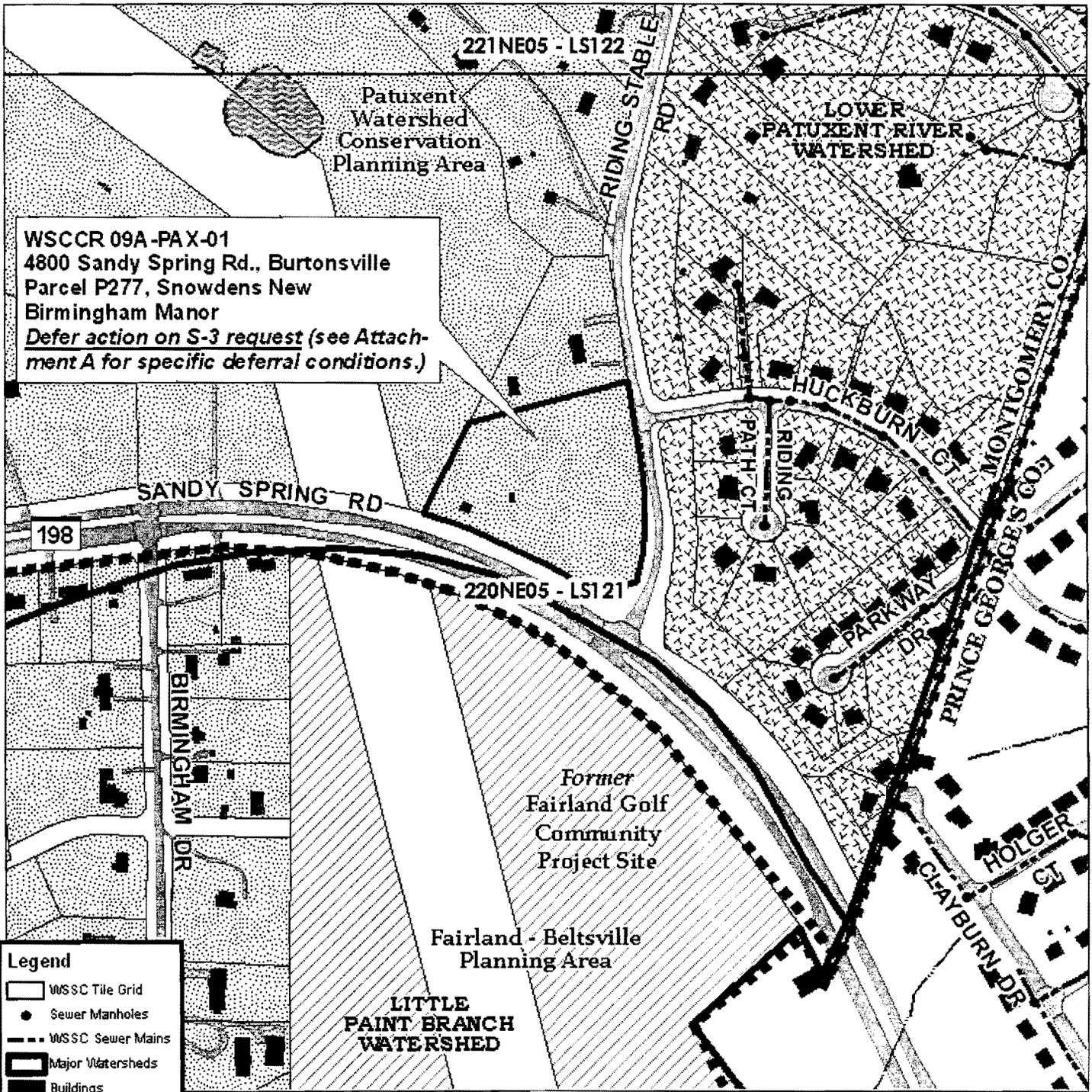
**WSSCR 09A-PAX-01 – Applicant and Private Institutional Facility (PIF) User: Eglise De Dieu De Silver Spring, Inc.; Joseph Berluche, Pastor**

Property Information and Location Property Development	Applicant's Request Draft County Council Action				
<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>	<p><u>Existing – Requested Service Area Categories</u></p> <table border="0"> <tr> <td>W-1</td> <td>W-1 (no change)</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </table> <p><b>T&amp;E-Recommended Action</b></p> <p><b>Defer action on the S-3 request pending:</b></p> <ul style="list-style-type: none"> <li>• The applicant's submittal and interagency review of a revised concept development plan that reduces impervious surface area closer to the 10 percent maximum recommended by the 1997 Fairland Master Plan.</li> <li>• The applicant's coordination of its proposed site development and use plans with local civic, homeowner, and environmental groups (including but not necessarily limited to the West Laurel Civic Assoc. and the Patuxent Watershed Protective Assoc.).</li> </ul>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

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(B1)

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



WSSCR 09A-PAX-01  
4800 Sandy Spring Rd., Burtonsville  
Parcel P277, Snowdens New  
Birmingham Manor  
*Defer action on S-3 request (see Attachment A for specific deferral conditions.)*

**Legend**

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

W N E S

Scale (Feet)

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

**DEP  
Water and Wastewater  
Policy Group**



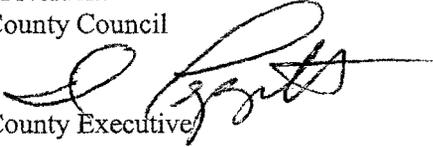
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

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, **WSSCR 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**

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**EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS**

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

**PATUXENT RIVER CONSERVATION PLANNING AREA**

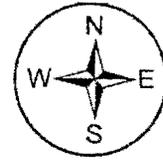
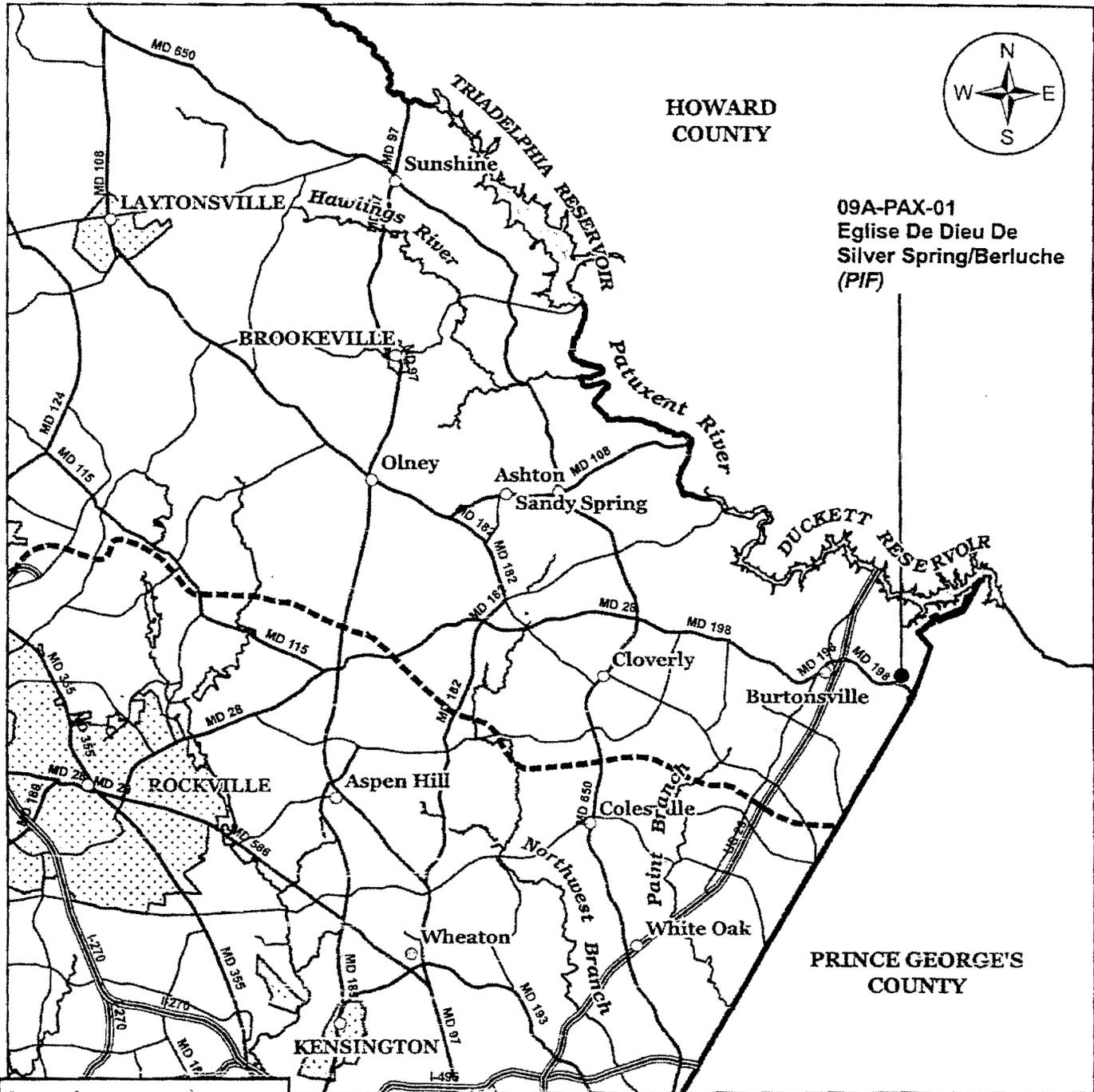
<b>WSSCR 09A-PAX-01</b> Eglise De Dieu De Silver Spring, Joseph Berluche, Pastor 4800 Sandy Spring Rd., Burtonsville Use: proposed house of worship for Eglise De Dieu de Silver Spring (existing single-family house will remain)	RC Zone; 4.55 ac.  (Keep W-1) S-6 to <b>S-3</b>	<b>Conditionally approve S-3; 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

# Water and Sewer Plan Map

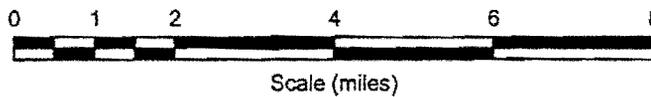
## July 2009 Transmittal: Amendment Locator



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**

**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 Berluche, 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.

<p>Property Information and Location                  Property Development</p> <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>	<p>Applicant's Request:                  Service Area Categories &amp; Justification</p> <hr/> <p>Existing – Requested Service Area Categories</p> <table style="width: 100%; border-collapse: collapse;"> <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> </table> <hr/> <p>Applicants' Explanation</p> <p>"Would like to apply to connect to the WSSC sewer and build a worship facility for 200 people."</p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

**Agency Review Comments**

**M-NCPPC:** The proposed site is located within the 1997 Fairland Master Plan and is zoned RC north of MD 196. 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

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

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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.]*

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**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.

<sup>A</sup> 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.)

R:\Programs\Water\_and\_Sewer\Projects\actions-COUNCIL\packets\2009july\packet-draft\cc2009-05=pax-tbl-berluce-pif.doc

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>WSSCR 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  The Council previously deferred action on this amendment under CR 15-851 (12/14/04).	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>WSSCR 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-6 S-6	W-3 S-3  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.	Maintain W-6 and S-6, with approval of W-3 and S-3 conditioned upon Planning Board
<b>Patuxent Watershed Conservation Planning Area</b>				
<b>WSSCR 05A-PAX-04</b> Steve Saffron (for Howard Wooten, Jr.) • Outlot B (N909), Wooten 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. <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> </ul> <p><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.</p>	<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 <u>Proposed use:</u> one new single-family house</li> </ul> <p><sup>4</sup> The applicant's reported street address, 8333 Warfield Rd., does not yet appear in the State's property tax account records.</p>	<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*</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 - HS563</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. <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> </ul> <p>* Original owner/applicant: Frances Doherty Estate. The church acquired the property on 7/1/07.</p>	<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**

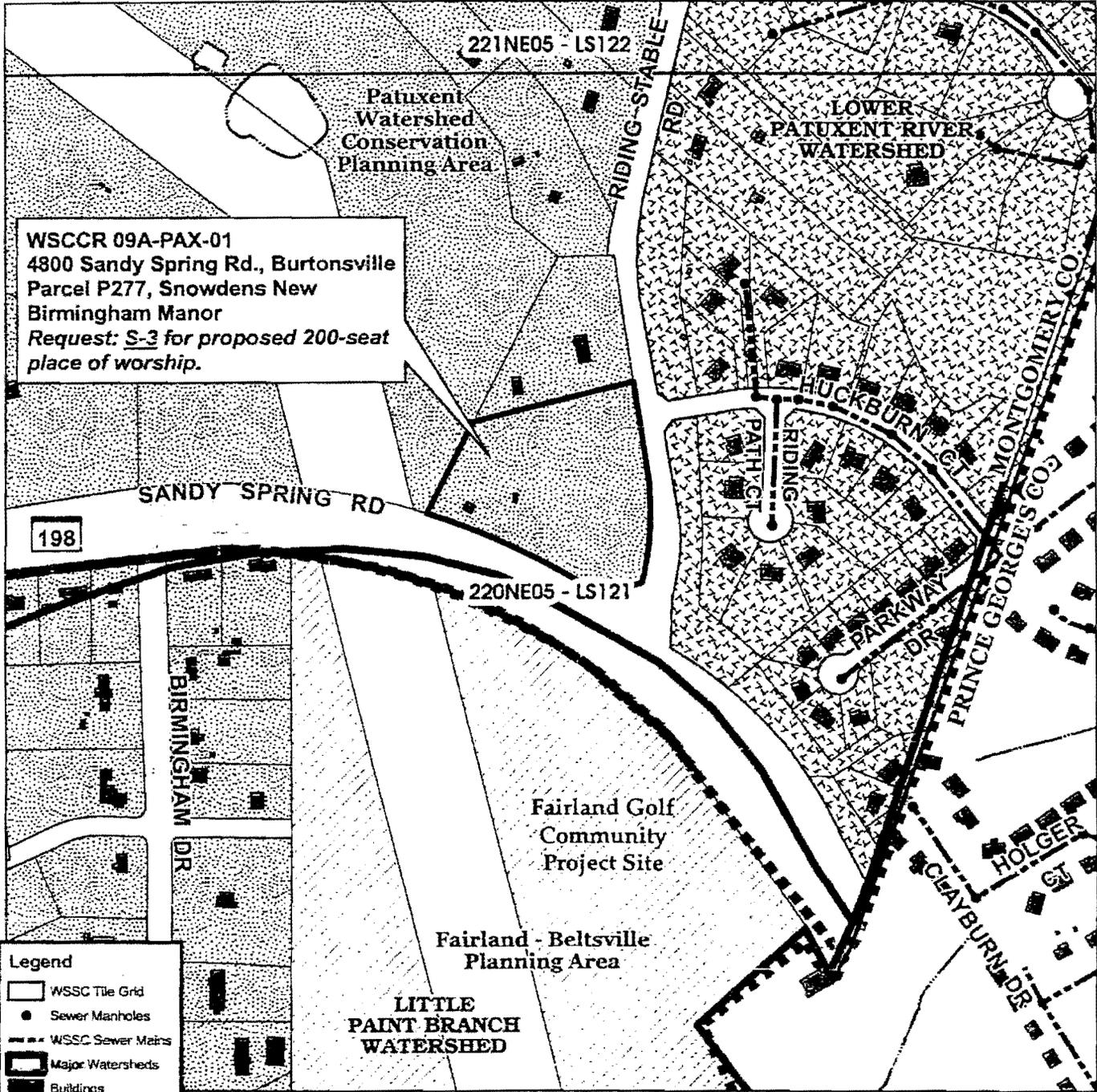
The County needs to recognize that the recommendations from the PIF Working Group represent the first efforts in addressing the community and environmental effects of large commercial and institutional land uses, especially those [[which]] that locate with the rural part of the county. At the least, 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)**



**WSSCR 09A-PAX-01**  
 4800 Sandy Spring Rd., Burtonsville  
 Parcel P277, Snowdens New  
 Birmingham Manor  
*Request: S-3 for proposed 200-seat  
 place of worship.*

**Legend**

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

0    200    400    800    1,200

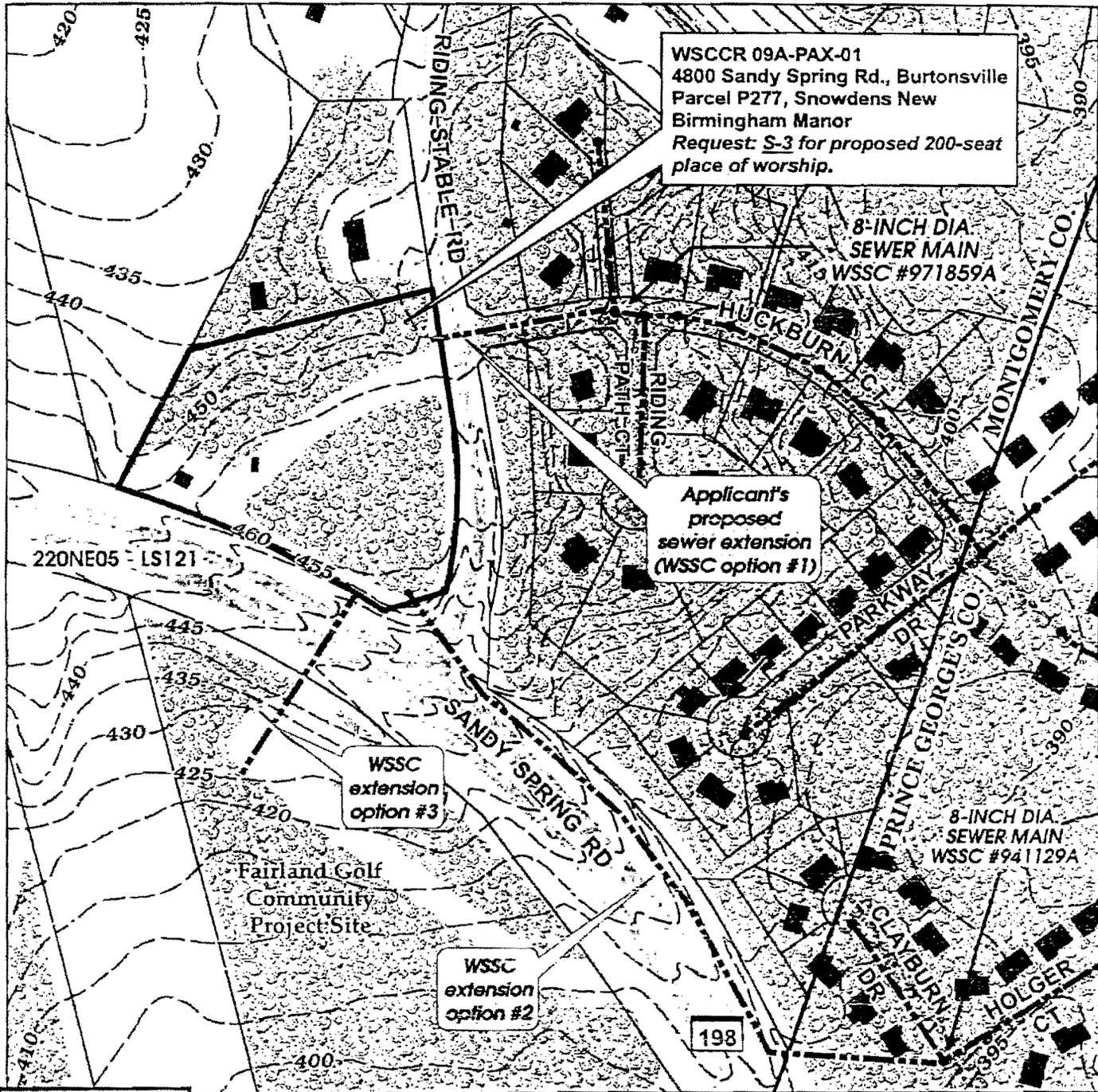
Scale (Feet)

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

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

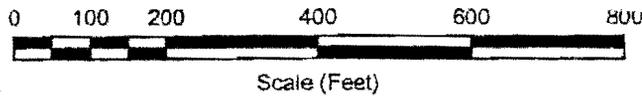
# Sewer Service Area Category Change Request Map

## 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



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



DEP  
 Water and Wastewater  
 Policy Group

Eglise de Dieu de Silver Spring (Joseph Bortuch, 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 Assemble

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 NEOS

Tax Map

Plan No.

Process

Master Plan

Planning Area Damascus & Vicinity

Zoning RC

Zoning Activity

Watershed Lower Patuxent River

CSPS Subwatershed

State Watershed Use Class

GIS File

CCRF Form July 05.doc



WSCCR 09A-PAX-01  
APPLICANT'S CONCEPTUAL BUILDING DESIGN

**GENERAL STEEL**  
50 YEAR WARRANTY  
If you see it here - you'll find it here

*Eglise De Dieu De Silver Spring Inc.*

67' W X 100' L X 12' H 4/12 Pitch

GENERAL STEEL CORPORATION (1800) 406-5186 WWW.GENERAL-STEEL.COM

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## PATUXENT WATERSHED (Figure 26)

The Patuxent watershed comprises the Residential Wedge in Fairland. The land area is approximately 2,400 acres and drains, for the most part, to the Patuxent River and into the T. Howard Duckett Reservoir. To protect the watershed, the area was rezoned in 1981 from Rural Residential to Rural Cluster and no public water or sewer was provided. The Burtonsville commercial area is located at the southern boundary of the watershed. The watershed is bounded by MD 198 on the south and the Howard County line on the north. There are no through roads and few of the internal roads are publicly maintained for the entire length. Most of the area is zoned Rural Cluster and has developed on large lots with private wells and septic facilities. Almost all the roads have a rural character, as do the settings around many of the homes. There are about 285 houses and an average density of .26 units per acre. Parcels designated as Area 26 are zoned Rural Cluster and are large enough to subdivide. Area 18 functions as a transition area between 9,000-square-foot-lot development in Prince George's County and the larger lots (1 acre or more) in Montgomery County. The existing R-150/TDR zoning will result in an abrupt change in development pattern and is counter to the intent to maintain low densities in the Patuxent watershed.

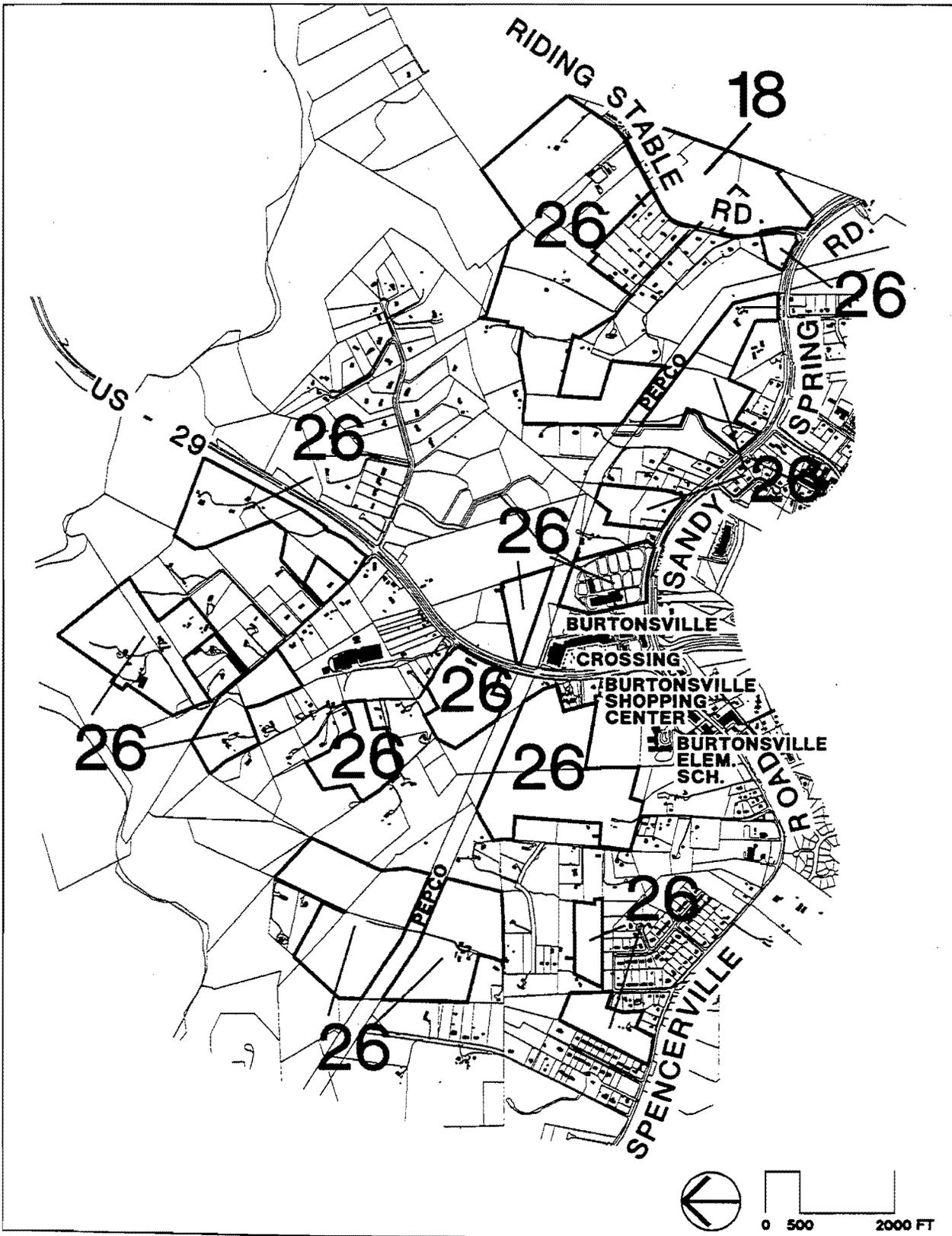
### RECOMMENDATIONS:

**Area 26:** 704 acres, RC, 37 parcels

- Retain RC zoning.
- Locate stormwater facilities outside regulatory stream buffers.
- 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.
- Community water and sewer service for R-200 zone.
- Cluster residential lots away from MD 198 for noise protection.

**Area 18:** 55 acres, R-150/TDR, 9 parcels

- Rezone from R-150/TDR to RE-1 to create a transition between the approved 9,000-square-foot-lot subdivision at the County line and the large lots on the west side of Riding Stable Road.
- Extend community water and sewer service.



15

## COMMUNITY WATER AND SEWER

The T. Howard Duckett (or Rocky Gorge) Reservoir was created by WSSC on the Patuxent River to provide a source of drinking water for the bicounty area. Protection of the reservoir's water quality was a goal in the 1981 Plan and continues to be a goal in this Plan. Currently, community water and sewer service is generally available in the Little Paint Branch and Paint Branch watersheds. Most development in the Patuxent watershed is served by private septic and well systems.

In 1980, the *Functional Master Plan for the Preservation of Agriculture and Rural Open Space* recommended Rural Cluster zoning for the lower Patuxent. Extension of community water and sewer was recommended only where logical and economically feasible or where connection into existing transmission lines (Northwest Branch, Paint Branch, and Little Paint Branch) was possible.

The 1981 Eastern Montgomery County Master Plan confirmed the Rural Cluster zoning in the lower Patuxent watershed and recommended no planned service for community water and sewer north of Spencerville Road.

There are no publicly owned or operated pumping stations or force mains in the Fairland Planning Area. A relief sewer project will eventually be needed in the lower Paint Branch (south of US 29 to Prince George's County). Reduction of the development potential in the headwaters will not offset the need for this relief. The timing, location, and design of this project would be recommended by the WSSC to the County Council based on the results of a facility plan. The facility planning process will be monitored by a policy review group consisting of staff from the County Executive, County Council, M-NCPPC, and the WSSC.

**OBJECTIVE: Provide appropriate community sewer and water facilities with minimal impacts to the area's natural resources.**

### RECOMMENDATION:

- Construct community water and sewer service extensions in an environmentally sensitive manner. When feasible, water and sewer lines should be located outside stream buffers, especially wooded stream buffers. Where extensions or major improvements are deemed too damaging, alternatives such as pump-overs and force mains should be considered in the Anacostia basin.

**OBJECTIVE: Reinforce land use management policies in the Patuxent watershed and preserve the high water quality.**

### RECOMMENDATIONS:

- Reconfirm the 1981 Plan's policy of extending sewer service to properties that can tie into existing gravity systems; pumping stations are discouraged and should be used as a last resort in the Patuxent watershed.
- Individual properties recommended for sewer service in the Patuxent watershed outside of the gravity sewer envelope can be considered for service using grinder pumps and pressure sewers to avoid major capital facilities.
- In general, reconfirm the policy of no sewer service within the Patuxent watershed for Rural Cluster Zone properties.

- Maintain the low-density rural land use policy and zoning within the lower Patuxent watershed even if extension of sewer service is extended via gravity. Zoning should correspond to existing patterns of development and the potential extension of water and sewer service. In the Patuxent, areas zoned RE-1 and R-200 should have access to community water and sewer; RC should have access to community water only.
- Sewer service to properties zoned RE-1 is recommended if service can be provided via gravity to existing lines in the Patuxent or other watersheds.
- Make community sewer available to commercially zoned properties that can connect to the Anacostia sewerage system.

ENV & ENERGY



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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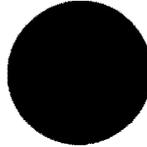
**OFFICE OF THE CHAIRMAN**

November 6, 2009

052477

The Honorable Isiah Leggett  
County Executive  
Montgomery County Government  
101 Monroe Street  
Rockville, Maryland 20850

The Honorable Phil Andrews  
President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850



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COUNCIL

**RE: July 2009 County Council Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*  
WSSCR 09A-PAX-01: Eglise De Dieu Silver Spring**

Dear Mr. Leggett and Mr. Andrews:

On Thursday, November 5, 2009, the Montgomery County Planning Board considered the water and sewer service area category change application cited above.

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 198, except to support special exception uses recommended in this Plan."

The Plan further recommends within the Patuxent River watershed: "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 Planning Board recommends denial of sewer service to this property based on inconsistency with the Fairland Master Plan. It should retain the S-6 category.

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Honorable Isiah Leggett  
Honorable Phil Andrews  
November 6, 2009  
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However, if the County Council decides to grant the S-3 category to this property under the Private Institutional Facility policy, any development should adhere as closely as possible to the 10% impervious level that the Council approved in the Fairland Master Plan. Further, the connection to existing sewer infrastructure should be the least disruptive over the shortest distance possible.

We thank you for the opportunity to provide recommendations on this case.

Sincerely,



Royce Hanson  
Chairman

RH:KN:ss

cc Keith Levchenko, Montgomery County Council  
David Lake, MCDEP  
Alan Soukup, MCDEP  
Katherine Nelson, M-NCPPC Environmental Planning  
Clara Moise, M-NCPPC Chairman's Office