

Public Hearing

MEMORANDUM

June 14, 2011

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Public Hearing (by the T&E Committee):** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

On April 20, 2011 the County Council received a package of nine Water and Sewer Category Change requests from the County Executive (transmittal memorandum and excerpts from the Executive Staff report are attached beginning on ©C)¹. A draft resolution is attached on ©A-B. The requests are:

- **09A-CKB-01 (Orchard Run, 21901 Ridge Road, Clarksburg)**
Remove “PIF Use Only” restriction
- **10G-CLO-01 (MC Dep’t of General Services, 18529 Brooke Rd., Sandy Spring)**
Requesting category changes (from W-6 & S-6 to W-3 & S-3) for public facility only.
- **09A-PAX-01 (Eglise De Dieu De Silver Spring, 4800 Sandy Spring, Rd., Burtonsville)**
Requesting category change (from S-6 to S-3)
- **09A-PAX-04 (Sunny Varkey, 16301 New Hampshire Ave., Cloverly)**
Requesting category changes (from W-6 & S-6 to W-3 & S-3)
- **09A-PAX-05 (Burtonsville Crossing LLC, 15800 Block, Old Columbia Pike, Burtonsville)**
Requesting category changes (from W-6 & S-6 to W-3 & S-3)
- **09A-PAX-06 (Burtonsville Associates, 16100 Block, Old Columbia Pike, Burtonsville)**
Requesting category changes (from W-6 & S-6 to W-3 & S-3)

(continued on next page)

¹ The complete Executive Staff Report is available for download at:
<http://www.montgomerycountymd.gov/content/council/pdf/reports/ce-pckt-mar2011=final.pdf>

- **09A-TRV-02 & 09A-TRV-03 (Ted & Roxanne Smart, 13000 Block, Valley Dr., Rockville)**
Requesting category change (from S-6 to S-3) for two parcels
- **11A-TRV-01 (Christopher and Christina Marshall, 12805 Spring Dr., Rockville)**
Requesting category change (from S-6 to S-1)

More details regarding the requests (including Washington Suburban Sanitary Commission (WSSC) and initial Planning Board Staff comments as well as County Executive recommendations) are attached beginning on ©C.

The Transportation, Infrastructure, Energy and Environment Committee is scheduled to review this package of requests on June 27 at 2:00 PM.

Attachments

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Resolution No.: _____
Introduced: May 3, 2011
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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 April 20, 2011, the County Council received recommendations from the County Executive regarding 9 Water and Sewer Plan amendments.

6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
7. A public hearing was held on June 16, 2011.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments and made recommendations to the Council.
9. The Council held a worksession.

Action

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

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

(B)



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

April 12, 2011

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2011 APR 20 AM 11:19

TO: Valerie Ervin, 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 nine proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing these amendments are included in the attached staff report. All nine proposed amendments are requests for individual water/sewer service area category changes.

The recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with local area master plan service recommendations. Nevertheless, I expect that the following case will likely generate significant public testimony and worksession discussions.

Ross Boddy Community Center

In this case, **WSSCR 10G-CLO-01 (Montgomery Co. DGS)**, the applicant has requested category changes to allow the extension of public water and sewer service to an existing County community center in Sandy Spring. The County's approved FY 2010 capital budget includes a project for the proposed expansion and renovation of this facility. DPS has determined that the project cannot proceed using the facility's existing septic system; neither can the site support a suitable replacement septic system. The provision of at least public sewer service is needed to implement the approved expansion and renovation of this facility. The extension of public water and sewer service is consistent with the Water and Sewer Plan's public facilities policy; therefore the request for categories W-3 and S-3 is recommended for approval.

The neighborhood around the Ross Boddy Center has long been identified in the Water and Sewer Plan as one having a history of septic system problems. The 1998 Sandy Spring -Ashton Master Plan recommends a study of the neighborhood to determine the appropriate measures needed to address this public health problem. In this matter we will need to solve the usual technical and financial issues in confronting a health problem area such as this. However, the County must also consider the potential long-term effects of providing public utility service to this neighborhood, a historic African-American community in Sandy Spring. The extension of water and sewer service may ultimately be

©

Valerie Ervin
April 12, 2011
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necessary to protect public and environmental health. However, the availability of public service could increase property values, promoting a makeover of the community and the eventual loss of its historic character and population.

North Burtonsville Projects: Burtonsville Crossing Senior Housing and New Hope Korean Church

WSSCCRs 09A-PAX-05 (Burtonsville Crossing) and 09A-PAX-06 (Burtonsville Associates) both request categories W-3 and S-3 to allow the extension of public water and sewer service to properties east of Old Columbia Pike and north of the Burtonsville Crossing Shopping Center. The area, which we refer to as "North Burtonsville," is sandwiched between the relocated U.S. 29 and the old U.S. 29 alignment (now Old Columbia Pike) in the Patuxent River watershed. The area is zoned Rural Cluster (RC), where public water service can be considered on a case-by-case basis. However, the provision of public sewer service is generally inconsistent with this zoning.

The Burtonsville Crossing senior housing project site (09A-PAX-05) is located just north of the shopping center. M-NCPPC staff has determined that the 1997 Fairland Master Plan specifically recommends low-density uses for this property, without providing public sewer service. The size of the proposed project makes it unlikely that it could move forward using public water service and a septic system. Given the specific guidance of the master plan for this site, I have recommended denial of the request for categories W-3 and S-3.

The New Hope Korean Church site (09A-PAX-06) is located on the single property in North Burtonsville for which the master plan does provide an option for the use of public sewer service. The master plan suggests the provision of water and sewer service in support of an appropriate special exception use. A house of worship is an allowed use in the RC Zone, although the size and nature of such a facility is generally more in keeping with a special exception use, especially given the size of the proposed facility, which is proposed to accommodate 1,700 seats. As a result, a significant concern in this case is the amount of impervious surface proposed by the applicant's current concept plan, approximately 40 percent of the site, which is located in the Patuxent River watershed

I find it necessary to recuse myself from providing the Council with a recommendation for this proposed amendment. I own property in the nearby Patuxent Heights neighborhood.

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

HL:as

Attachment

cc: Jay Sakai, Director, Water Management Administration, Maryland Department of the Environment
Richard Eberhart Hall, Secretary, Maryland Department of Planning
Françoise Carrier, Chair, Montgomery County Planning Board
Jerry Johnson, General Manager, Washington Suburban Sanitary Commission
Robert G. Hoyt, Director, Department of Environmental Protection
Jennifer Hughes, Acting Director, Department of Permitting Services

(D)

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

Proposed Category Map Amendments

County Executive's March 2011 Amendment Transmittal to the County Council

- 7 Current Category Change Requests
- 2 Previously Deferred Category Change Requests

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

We acknowledge and appreciate 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

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

| Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use | Requested Change | Executive Recommendation & Policy Summary | Packet Page No. |
|--|---|---|--|
| CLARKSBURG PLANNING AREA | | | |
| WSSCR 09A-CKB-01 Orchard Run 21901 Ridge Rd., Clarksburg RE-2 Zone; 54.35 ac. Use: Senior housing/retirement village; RE-2 to PRC zoning change requested (G-881). | W-1 (no change) Remove "PIF use only" restriction from the existing S-3 | Defer action pending the outcome of the rezoning request for PRC. Consideration of a category change should not precede the pending zoning change request. Ideally, the sewer extension issue should be addressed in concert with the zoning. | Report: Pgs. 1-3 Maps: Pgs. 4-6 |
| CLOVERLY – NORWOOD PLANNING AREA | | | |
| WSSCR 10G-CLO-01 Montgomery Co. MD (Dept. of General Services) 18529 Brooke Rd., Sandy Spring RMH-200 Zone; 8.39 ac. Use: Expansion & renovation of the Ross Boddy Community Center <i>10G-CLO-01 deferred: AD 2010-4 (11/22/10)</i> | W-6 to W-3 S-6 to S-3 | Approve W-3 and S-3; sewer service is restricted to a public facility only. Water and sewer service is consistent with the Water & Sewer Plan's public facilities policy. A health issue also involved with the existing septic system. | Report: Pg. 12-14 Maps: Pgs. 15-17 |
| PATUXENT WATERSHED CONSERVATION PLANNING AREA | | | |
| WSSCR 09A-PAX-01 Eglise De Dieu De Silver Spring, Joseph Berluche, Pastor 4800 Sandy Spring Rd., Burtonsville RC Zone; 4.55 ac. Use: proposed house of worship for Eglise De Dieu de Silver Spring (existing single-family house will remain) <i>09A-PAX-01 consideration tabled (12/8/09)</i> | W-1 (no change) S-6 to S-3 | Conditionally approve S-3; final action will require Planning Board plan approval. Approval limited to this PIF use only. <i>Application is consistent with PIF policy requirements. The applicant has returned with a revised concept plan that reduces</i> | Report: Pgs. 20-22 Maps: Pg. 26 |
| WSSCR 09A-PAX-04 Sunny Varkey 16301 New Hampshire Ave., Cloverly RE-1 & RC Zones; 28.84 acres Use: private school | W-6 to W-3 S-6 to S-3 | Correct Parcel P600 to W-1. Otherwise deny W-3 and S-3; maintain W-6 and S-6. Sewer service is neither consistent with master plan recommendations nor Water and Sewer Plan policies. The proposed use is for-profit and not eligible for consideration under the PIF policy. | Report: Pgs. 40-41 Maps: Pgs. 42-43 |
| WSSCR 09A-PAX-05 Burtonsville Crossing LLC 15800 Block, Old Columbia Pike, Burtonsville RC Zone; 11.14 acres Use: senior housing project | W-6 to W-3 S-6 to S-3 | Deny W-3 and S-3; maintain W-6 and S-6. Sewer service is not consistent with master plan recommendations or Water & Sewer Plan general service policies. The applicant has not indicated that water service alone would allow the project to proceed. | Report: Pgs. 45-46 Maps: Pgs. 49-51 |
| WSSCR 09A-PAX-06 Burtonsville Associates 16100 Block, Old Columbia Pike, Burtonsville RC Zone; 9.52 acres Use: house of worship – New Hope Korean Church to relocate | W-6 to W-3 S-6 to S-3 | <i>The County Executive has recused himself from making a recommendation for this request; he owns property in the nearby Patuxent Heights subdivision.</i> | Report: Pgs. 47-48 Maps: Pgs. 49-51 |
| TRAVILAH PLANNING AREA | | | |
| WSSCR 09A-TRV-02 & -03 Ted & Roxanne Smart 13000 Block, Valley Dr., Rockville RE-1 Zone; 3.81 acres total Use: two single-family houses (one on each of two existing parcels) | (W-3 & W-1: no change) S-6 to S-3 | Deny S-3; maintain S-6. Sewer service is not consistent with master plan recommendations for Glen Hills or with Water & Sewer Plan general service policies. | Report: Pgs. 57-58 Map: Pg. 61 |

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
 COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

| Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use | Requested Change | Executive Recommendation & Policy Summary | Packet Page No. |
|---|-------------------------------|---|---|
| TRAVILAH PLANNING AREA (CONTINUED) | | | |
| WSSCR 11A-TRV-01 Christopher & Christina Marshall 12805 Spring Dr., Rockville RE-1 Zone; 1.03 ac. Use: sewer service for the existing house. | W-1 (no change) S-6 to S-1 | Deny S-1; maintain S-6. Sewer service is not currently consistent with master plan recommendations for Glen Hills and the Piney Branch Watershed or with Water & Sewer Plan general service policies. | Report: Pgs. 65-66 Map: Pg. 69 |

Additional Packet Items:

| | |
|--|------------|
| Water/Sewer Service Area Category Information | Pg. lii |
| Map Amendment Locator | Pg. iv |
| Status Update: Category Change Requests Recently Deferred by the County Council | Pg. v |
| Deferred Map Amendment Locator | Pg. vi |
| Water & Sewer Plan Excerpt (2003): Private Institutional Facilities Policy | Pgs. 23-25 |
| Master Plan Excerpt - Potomac Subregion (2002): Glen Hills Sewer Service Recommendations | Pgs. 59-60 |
| Water & Sewer Plan Excerpt (2003): Piney Branch Restricted Sewer Service Area Policy | Pgs. 67-68 |

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S MARCH 2011 TRANSMITTAL PACKET**

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

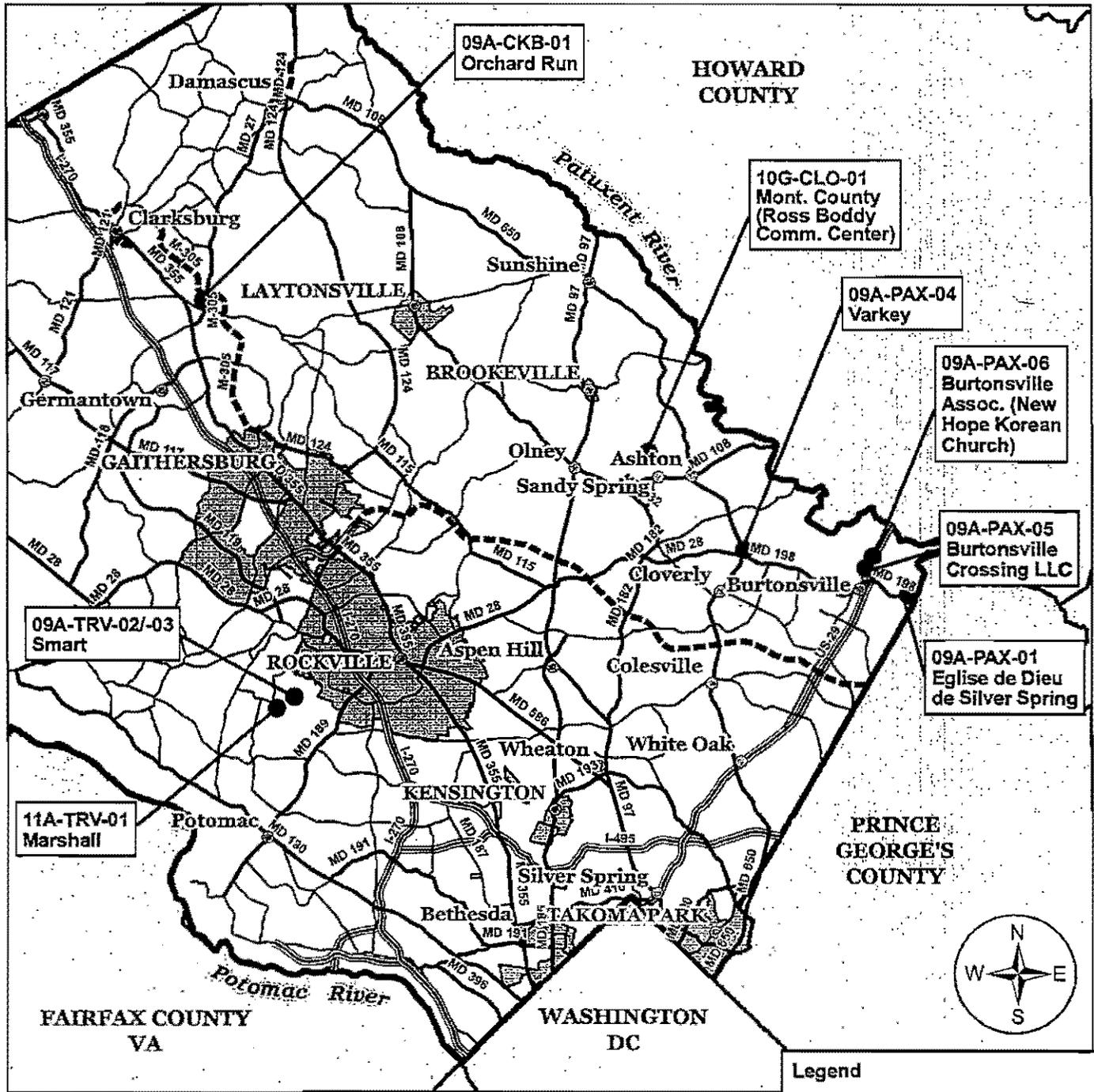
Water and Sewer Service Area Categories Table

| Service Area Categories | Category Definition and General Description | Service Comments |
|-------------------------|---|---|
| W-1 and S-1 | Areas served by community (public) systems which are either existing or under construction. • This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service. | Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability. |
| W-2 and S-2 | <i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</i> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.) | Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville. |
| W-3 and S-3 | Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled. | WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections. |
| W-4 and S-4 | Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided. | Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5. |
| W-5 and S-5 | Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period. | WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems. |
| W-6 and S-6 | Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans. | |

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.

Water and Sewer Plan Map

March 2011 Transmittal: Map Amendment Locator



09A-TRV-02/03
Smart

09A-CKB-01
Orchard Run

10G-CLO-01
Mont. County
(Ross Boddy
Comm. Center)

09A-PAX-04
Varkey

09A-PAX-06
Burtonsville
Assoc. (New
Hope Korean
Church)

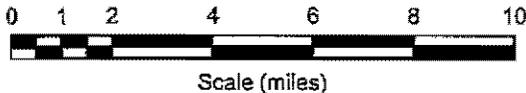
09A-PAX-05
Burtonsville
Crossing LLC

09A-PAX-01
Eglise de Dieu
de Silver Spring

11A-TRV-01
Marshall



DEP
Water and Wastewater
Policy Group



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

Legend

- Map Amendment Request Sites
- ⊙ Localities
- Major Roads & Highways**
- County Roads
- State Roads & Highways
- == US Highways & Interstates
- - - Proposed Roads
- ▨ Municipalities