




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

January 11, 2008

TO: Michael J. Knapp, President
Montgomery County Council

FROM: Isiah Leggett 
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 proposed amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. Recommendations and supporting documentation addressing twelve plan amendments are included in the attached staff report. All twelve amendments are requests for water/sewer service area category changes.

The recommendations for each amendment are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and the appropriate master plans or sector plans. Therefore, they generally have little or no controversy with regard to interagency comments and recommendations. However, the following issue will likely generate discussion at upcoming committee and Council worksessions:

Public Service versus Multi-Use System Service in the RDT Zone

This issue involves a request from Bethel World Outreach Ministries (WSCCR 07A-DAM-08) for the approval of "multi-use" water supply and wastewater disposal systems to support the development of a church on its Brink Road property zoned Rural Density Transfer (RDT) near Germantown. I have recommended deferral of this request pending a resolution to the applicant's ongoing litigation against the County concerning this site. The applicant filed suit in the Circuit Court seeking to overturn the Council's denial of a prior request for a category change to allow the provision of public water and sewer service to facilities intended for this property.

The Water and Sewer Plan requires the approval and inclusion of multi-use systems—larger on-site systems with a peak design capacity of 1,500 or more gallons per day—as map and text amendments to the Plan. Commercial, industrial, and institutional uses located in more rural areas, lacking access to public service, constitute the majority of multi-use systems operators in the county.

The Council's action in 2006 to establish a capacity limitation in the Water and Sewer Plan for new multi-use sewerage systems proposed for RDT-zoned properties affects the applicant's intended building site. The Council enacted this limitation with the goal of keeping non-agricultural development in the Agricultural Reserve on a scale compatible with the area's rural character. The applicant apparently intends that the proposed multi-use systems would function only temporarily, presumably until the church receives approval for the provision of public water and sewer service.

The extent of the facilities that the applicant may construct on this site will depend in part on the outcome of the current litigation over the use of public water and sewer service. It will also depend on the application of a recently-approved zoning text amendment (ZTA 07-07) that restricts many previously-allowed land uses, including places of worship, from properties zoned RDT with recorded easements for the sale of transferable development rights.

Under the administrative authority delegated to it by the Council to act on Plan amendments, the Department of Environmental Protection (DEP) does not deny proposed amendments, such as category change requests, or defer them for extended periods. The twelve proposed map amendments that comprise this transmittal did not qualify for action through the administrative delegation process due to:

- The inconsistency of the request with adopted water and sewer service policies and/or master plan recommendations
- The condition of differing policy interpretations and recommendations among the reviewing agencies
- The controversial nature of issues associated with the request
- The provisions of the Water and Sewer Plan that require the County Council's direct consideration of requests that address certain policy issues

DEP conducts four administrative delegation actions each year. Under its last two administrative actions, the department acted to approve a total of thirteen Plan amendments that would have otherwise been transmitted with this packet. As a result, the majority of cases that were in conformance with both the Water and Sewer Plan and area master plans were approved without requiring a full review process by the Council. This helps to ensure a quicker action process for property owners seeking Plan amendments.

Staff from DEP will be available to discuss the amendments included in this transmittal at the Transportation and Environment Committee and full Council worksessions.

IL:as

Attachment

Michael J. Knapp
January 11, 2008
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IL:as

Attachment

cc: Royce Hanson, Chairman, Montgomery County Planning Board
Andrew Brunhart, General Manager, Washington Suburban Sanitary Commission
Carla Joyner, Director, Department of Permitting Services
Catherine Matthews, Director, Upcounty Regional Services Center
Robert G. Hoyt, Director, Department of Environmental Protection
Jay G. Sakai, Director, Water Management Administration, Maryland Department of the Environment
Richard Eberhart Hall, Secretary, Maryland Department of Planning



**Proposed Amendments:
Montgomery County
Comprehensive Water
Supply and Sewerage
Systems Plan**

**County Executive's January 2008 Amendment
Transmittal to the County Council**

12 PROPOSED WATER AND SEWER PLAN AMENDMENTS



Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

County Executive's January 2008 Amendment Transmittal to the County Council

12 PROPOSED WATER AND SEWER PLAN AMENDMENTS
▪ 12 Current Category Change Requests ▪

Prepared by
The Department of Environmental Protection

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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 JANUARY 2008 TRANSMITTAL PACKET**

Executive Summary: Proposed Amendments and Recommendations

Plan Amendment & Owner Location – Proposed Use	Zoning Acreage	Requested Change(s)	Executive Recommendation & Policy Highlights Summary	Packet Page No.
CLOVERLY – NORWOOD PLANNING AREA				
WSSCR 07A-CLO-05 Julian Patton, <i>et al.</i> 701 Norwood Rd., Layhill – Use: place of worship: Sts. Constantine & Helen Greek Orthodox Church	RE-2 32.7 ac.	(Keep W-3) S-6 to S-3 ^A ^A PIF use only	Defer action pending further review of the church's proposed development plan. <i>Application of the PIF policy in the Cloverly/NW Br. RE-2 Zone; awaiting a site-specific development plan to review.</i>	Report: 1 Map: 12
WSSCR 07A-CLO-07 Schrecengost & Spring Lawn Farm HOA 17518 Country View Way, Ashton – Use: 2 single-family homes (1 existing to remain)	RE-2 4.0 ac.	(Keep W-1) S-1 to S-1 ^B ^B 2 hookups only	Deny the request; maintain S-1 for one sewer hookup only. <i>Multiple hookups under the environmental provision of the abutting mains policy; lack of septic suitability.</i>	Report: 3 Map: 15
WSSCR 07A-CLO-09 Neil & Laura Pullen 1300 Harding La., Cloverly – Use: 3-lot residential subdivision	RE-1 3.67 ac.	(Keep W-1) S-5 to S-1	Defer action pending further review of the applicant's proposed subdivision plans. <i>Sewer service to RE-1-zoned properties in the Upper Paint Branch SPA (Cloverly Master Plan area).</i>	Report: 4 Map: 18
GOSHEN – WOODFIELD – CEDAR GROVE PLANNING AREA				
WSSCR 07A-DAM-08 * Bethel World Outreach Ministries 10715 Brink Rd., Clarksburg – Use: place of worship: Bethel World Outreach Church	RDT 119.37 ac.	W-6 to W-6 ^C S-6 to S-6 ^C ^C for multi-use systems	Defer action pending the outcome of ongoing litigation with the applicant. <i>Multi-use sewerage systems in the RDT Zone; status of the litigation concerning the Council's prior denial of public service.</i>	Report: 21 Map: 24
WSSCR 08A-GWC-01 Kirk Canaday 8300 Block, Warfield Rd., Gaithersburg – Use: 1 new single-family house	RE-2 2.71 ac.	(Keep W-3) S-6 to S-3	Deny the requested change to S-3. <i>Sewer service to areas zoned RE-2; inconsistent with existing plans.</i>	Report: 22 Map: 28
OLNEY PLANNING AREA				
WSSCR 07A-OLN-02 Francis Doherty Estate 3110 Emory Church Rd., Olney – Use: place of worship: First Baptist Church of Wheaton	RNC 15.0 ac.	W-6 to W-1 S-6 to S-1 ^D ^D PIF use only	Defer action on the request for W-3 and S-3 pending development plan review by agencies. <i>Private institutional facilities (PIF) policy; site concept plan under review.</i>	Report: 31 Map: 33
POTOMAC – CABIN JOHN PLANNING AREA				
WSSCR 07A-POT-03 Larry Pingho 10011 Chapel Rd., Potomac – Use: service for the existing single-family house	RE-2 3.50 ac.	(Keep W-1) S-6 to S-3	Deny the requested change to S-3, but flag this neighborhood for a future investigation of septic problems. <i>Potomac Master plan peripheral sewer service recommendation; sewer extension issue.</i>	Report: 37 Map: 41
WSSCR 07A-POT-05 Frank Islam & Debbie Driesman 10621 River Rd. & 10111 Norton Rd., Potomac – Use: redevelopment of 2 existing, adjoining residential properties.	RE-2 4.97 ac.	(Keep W-1) S-6 to S-3	Approve S-3. <i>Potomac Master plan peripheral sewer service recommendation.</i>	Report: 39 Map: 43
TRAVILAH PLANNING AREA				
WSSCR 07A-TRV-08 Mary Davis 13100 Valley Dr., Rockville – Use: public sewer service for the existing house.	RE-1 1.13 ac.	(Keep W-1) S-6 to S-3	Deny the requested change to S-3. <i>Glen Hills health problem; requires illogical sewer main extensions financially infeasible for the applicant.</i>	Report: 48 Map: 54

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S JANUARY 2008 TRANSMITTAL PACKET**

Executive Summary: Proposed Amendments and Recommendations

Plan Amendment & Owner Location – Proposed Use	Zoning Acreage	Requested Change(s)	Executive Recommendation & Policy Highlights Summary	Packet Page No.
WSSCR 07A-TRV-10 Travilah Oak LLC and Han & J.P.C. Jan Potomac Oak Center: 12940-12960 Travilah Rd., Potomac – Use: service to and expansion of existing commercial retail, service and office center	C-1 5.02 ac.	W-6 to W-3 S-6 to S-3	Deny the requested change to W-3 and S-3. <i>Potomac Master plan water and sewer service recommendations; inconsistent with existing plans; illogically long extensions, up to 1 mile.</i>	Report: 49 Map: 58
WSSCR 08A-TRV-01 Reynaldo & Zorayda Lee-Llacer 12009 Piney Meetinghouse Rd., Potomac – Use: public sewer service for a primary residence and a guest house (both existing).	RE-2 2.54 ac.	(Keep W-1) S-6 to S-1	Defer action pending resolution of the special exception case. <i>Abutting mains policy under Piney Br. Sewer access policy; special exception (land-use) questions.</i>	Report: 50 Map: 63
WSSCR 08A-TRV-03 Sprigg & Christina Lynn 11621 Glen Rd., Potomac – Use: expansion of the existing single-family house	RE-2 2.34 ac.	(Keep W-1) S-6 to S-1	Approve the requested change to category S-3. <i>Potomac Master plan peripheral sewer service recommendation; Watts Br. Direct watershed.</i>	Report: 52 Map: 66

* Amendment highlighted in the County Executive's transmittal memorandum

2003 Water & Sewer Plan Excerpts:

PIF Policy pg. 6
 Abutting Mains Policy pg. 9
 Multi-Use Systems pg. 23A
 Piney Branch Restricted
 Access pg. 53A

Issue Background Reports:

PIF Policy pg. 1
 Abutting Mains Policy pg. 2
 Multi-Use System Capacity
 Limits in the RDT Zone pg. 21
 Potomac Peripheral Sewer
 Service pg. 37
 Glen Hills Sewer Service pg. 48
 Piney Branch Sewer Service .. pg. 50

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S JANUARY 2008 TRANSMITTAL PACKET**

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

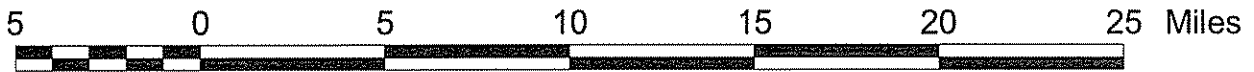
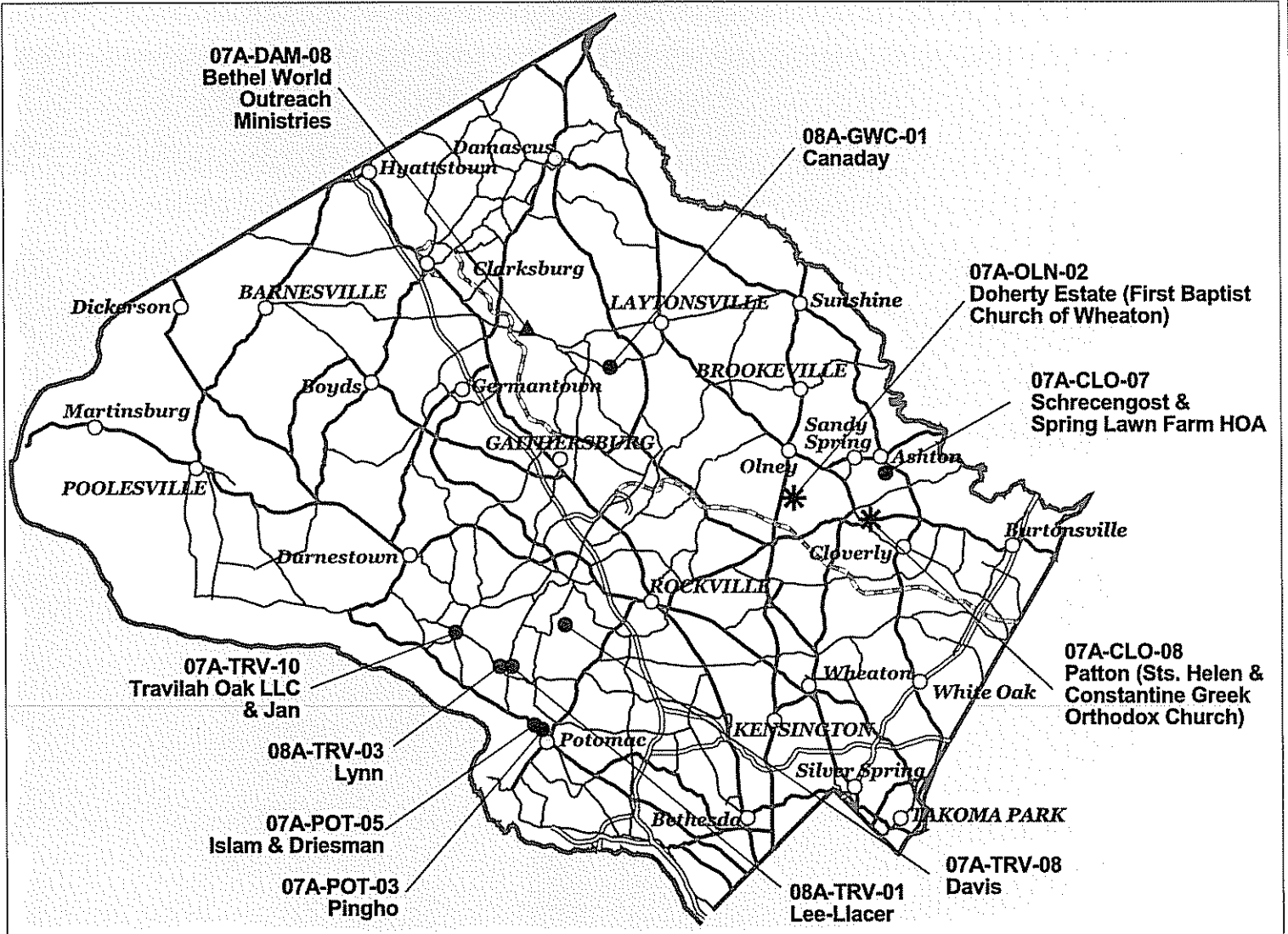
The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the 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.	

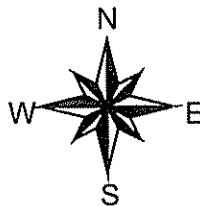
Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service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

Water/Sewer Map Amendment Locator County Executive's January 2008 Transmittal



MAP LEGEND

- Proposed Map Amendments
- * Proposed PIF Map Amendments
- ▲ Proposed Multi-Use System Amendments
- Localities
- County Roads
- State Roads
- US & Interstate Highways
- Proposed Highways



Montgomery County, Maryland
2003 - 2012
Comprehensive Water Supply
and Sewerage Systems Plan

