



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

SEP 13 2019

The Honorable Nancy Navarro
County Council President
Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear Council President Navarro:

The Maryland Department of the Environment (MDE) has completed its review of the Amendments **CR 14-1000 and CR 14-1481 (Amendment)** to the 2018 Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. The Amendment was administratively approved on July 2, 2019 by the Director of the Montgomery County Department of Environmental Protection, under authority granted by the Montgomery County Council. The Amendment includes twenty four (24) service category change requests as set forth below:

WSCCR 01A-BEN-01: Pleasants Development Inc.: 5 properties between Frederick Rd. (Rte. 355) and Interstate 270, 1700 feet north of Comus Rd., 17.40 ac. (see attached).

- The request is to change the service category from W-4* to W-3.

WSCCR 02A-BEN-01: Route 355 Business Corridor Group: 19 properties between Frederick Rd. (Rte. 355) and Interstate 270, 1700 feet north of Comus Rd., 86.82 ac. (see attached).

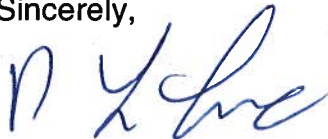
- The request is to change the service category from and W-4* to W-3.

During MDE's review of the Amendment, the Maryland Department of Planning (MDP) advised the Department that the requested amendment changes appear to be inconsistent with the 1994 Clarksburg Master Plan and Hyattstown Special Study Area (1994 Plan). The area was shown in the 1994 Plan as not planned for service, but between 1994 and 2002 it was designated W-4. Although the proposed amendment appears to be inconsistent, MDP has no objections to the change, since it only involves the removal of the W-4* designation (see enclosed comments). MDP recommends that the County address the outdated planning documents for this area and more accurately document the current plans for this part of the county.

MDE has determined that the conditional approval requirements issued in the September 11, 2001 County Council Action are no longer applicable, as the County has since changed the procedures for managing the extension of new water and sewer mains. In accordance with §9-507(a) of the Environment Article, Annotated Code of Maryland, the Department hereby **approves the Amendments CR 14-1000 and CR 14-1481.**

This action completes MDE's review, as required by §9-507 of the Environment Article, Annotated Code of Maryland. If you need further assistance on these matters, please contact Heather Barthel, Acting Deputy Director, at (410) 537-3512, toll-free at (800) 633-6101, or by e-mail at heather.barthel@maryland.gov.

Sincerely,



D. Lee Currey, Director
Water and Science Administration
Enclosure

cc: Adam Ortiz, Director, Montgomery County DEP
Patty Bubar, Deputy Director, Montgomery County DEP
Alan Soukup, Montgomery County DEP
George Dizelos, Environmental Planner, Montgomery County DEP
Charles Boyd, Director, Planning Coordination, MDP
Heather Barthel, Acting Deputy Director, WSA, MDE

**Summary of Amendments CR 14-1000 and CR-14-1481 to the
2018 Montgomery County Water Supply and Sewerage Systems Plan**

Case No.	Applicant	Existing Service Area Categories	Service Area Category Request	Administrative Action	MDE Action
WSSCR 01A-BEN- 01	Pleasants Development Inc. (5 properties between Frederick Rd. (Rte. 355) and Interstate 270, 1700 feet north of Comus Rd., 17.40 ac.)	W-4*	W-3	Approve W-3	Approve W-3
		S-6	S-6 (no change)	Maintain S-6 (no change)	Maintain S-6 (no change)
WSSCR 02A-BEN- 01	Route 355 Business Corridor Group (19 properties between Frederick Rd. (Rte. 355) and Interstate 270, 1700 feet north of Comus Rd., 86.82 ac.)	W-4**	W-3	Approve W-3	Approve W-3
		S-6	S-6 (no change)	Maintain S-6 (no change)	Maintain S-6 (no change)

* Approve W-4, with conditional approval for W-3 upon inclusion of the required capital water transmission main project in the approved WSSC CIP. All water main extension costs must be financed by the applicant (and future applicants); no bond funding supported by general water and sewer rates may be used.

** Approve W-4, with advancement to W-3 conditioned on:

- 1) Confirmation from the applicants that the proposed water extension is financially feasible, and
- 2) Inclusion of the required capital water main project in the WSSC CIP.

WSCCR 01A-BEN-01: Pleasants Development, Inc.

Property Information and Location Property Development	
<ul style="list-style-type: none"> • 5 Properties • Between Frederick Rd. (Rte. 355) and Interstate 270, 1700' north of Comus Rd. • Clarksburg Master Plan (1994) • Little Bennett Creek watershed (MDE Use I) • IM-2.5 Zone: 8.53 ac. • IM-0.25 Zone: 8.87 ac. • Total Area: 17.40 ac. • Existing uses* <p>* See the table (pages 2-4) for property information.</p>	<p>Existing - Requested - Service Area Categories</p> <p>W-4* W-3 S-6 S-6 (no change)</p> <p><i>*W-4 with W-3 conditional (see conditions on page 1.)</i></p> <p>Final Approval Action Change W-4, with W-3 conditional, to W-3.</p>

WSCCR 02A-BEN-01: Route 355 Business Corridor Group.

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> • 19 properties* • Between Frederick Rd. (Rte. 355) and I-270, north of Comus Rd. • Clarksburg Master Plan (1994) • Little Bennett Creek watershed (MDE Use I) • IM-2.5 Zone: 4.74 ac. • NRO-0.75 Zone: 1.08 ac. • IM-0.25 Zone: 63.80 ac. • Total Area: 86.82 ac. • Existing uses* <p>* See the table (pages 2-4) for property information.</p>	<p>W-4* W-3 S-6 S-6 (no change)</p> <p><i>*W-4 with W-3 conditional (see conditions on page 1.)</i></p> <p>Final Approval Action Change W-4, with W-3 conditional, to W-3.</p>

WSCCRs 01A-BEN-01 & 02A-BEN-02: PROPERTY INFORMATION **

WSCCR No. Map Tile	Property Information.	Owner	Zoning - Area	Water/Sewer Categories	
				Existing	Action
Property #1 02A-BEN-01 233NW14	14225 Comus Rd. Parcel N398, PL 10960 Par A Comus – Matthews Add (acct. no. 01614486) SDAT map: EW12 Use: industrial warehouse	Columbia Transfer LLC (formerly, Allied/ Matthew Moving Co.)	IM-2.5 1.41 ac. (61,393 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #2 02A-BEN-01 233NW14	23900 Block, Frederick Rd. Parcel P400, Pleasant Plains (acct. no. 00021833) SDAT map: EW12 Use: industrial vacant	Columbia Transfer LLC (formerly, Allied/ Matthew Moving Co.)	IM-2.5 1.58 ac. (68,825 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #3 02A-BEN-01 233NW14	23920 Frederick Rd. Parcel N345, Plat 18096 Par B, Matthew's Add Comus (acct. no. 02907172) SDAT map: EW12 Use: industrial warehouse	Ralph & J.A. Wright Wright Away Refuse Co.	IM-2.5 1.67 ac. (72,905 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #4 02A-BEN-01 233NW14	23924 Frederick Rd. Parcel N290, Par D Beem (acct no. 03369674) SDAT map: EW12 Use: warehouse	James Gregory Tr. Digging and Rigging	IM-2.5 4.83 ac. (210,450 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #5 02A-BEN-01 233NW14	24000 block, Frederick Rd. Parcel P197, Pleasant Plains (acct. no. 02870995) SDAT map: EW12 Use: industrial vacant	Bryant Family Maryland Prop LLC (formerly, Rentals Unlimited)	IM-2.5 0.05 ac. (1,961 sf)	W-4* S-6	Approve W-3 Maintain S-6

*W-4 with conditional W-3. **Current property information.

WSCCRs 01A-BEN-01 & 02A-BEN-02: PROPERTY INFORMATION **

WSCCR No. Map Tile	Property Information.	Owner	Zoning - Area	Water/Sewer Categories	
				Existing	Action
Property #6 02A-BEN-01 233NW14	24000 Frederick Rd. Parcel N200, Par A Beem (acct. no. 00022644) SDAT map: EW12 Use: industrial warehouse	Bryant Family Maryland Prop LLC (formerly, Rentals Unlimited)	IM-2.5 4.74 ac. (206,474 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #7 01A-BEN-01 233NW14	24012 Frederick Rd. Parcel P125, Plat 15556 Par C Beem (acct. no. 02543305) SDAT map: EW12 Use: commercial warehouse/offices	Pleasants Investments Ltd Part	IM-2.5 1.90 ac. (82,620 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #8 01A-BEN-01 233NW14	24024 Frederick Rd. Parcel N093, Par B Beem (acct. no. 01482906) SDAT map: EW12 Use: commercial warehouse/offices	William Pleasants, Jr.	IM-2.5 1.89 ac. (82,543 sf)	W-4*, S-6	Approve W-3 Maintain S-6
Property #9 01A-BEN-01 233NW14	24100 Frederick Rd. Parcel P015, Pleasant Plains (acct. no. 00020133) SDAT map: EW12 Use: industrial vacant	William Pleasants, Jr.	IM-2.5 3.04 ac. (132,422 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #10 01A-BEN-01 234NW14	24100 block, Frederick Rd.; Parcel P987, Pleasant Plains (acct. no. 01596078) SDAT map: EW13 Use: industrial vacant	William Pleasants	IM-2.5 1.70 ac. (74,052 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #11 01A-BEN-01 234NW14	24120 Frederick Rd. Parcel N876, Pleasants Rural Service Property (acct. no. 03402524) SDAT map: EW13 Use: commercial warehouse	Pleasants Excavating Co., Inc.	IM-0.25 8.87 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #12 02A-BEN-01 234NW14	24220 Frederick Rd. Parcel P111, Three Brothers (acct. no. 01596034) SDAT map: EW13 Use: industrial vacant	Forsees LLC (formerly, Charles Fingfeld, Three Brothers Real Estate)	IM-0.25 4.0 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #13 02A-BEN-01 234NW14	24320 Frederick Rd. Parcel P642, Three Brothers (acct. no. 00018298) SDAT map: EW13 Use: industrial	Forsees LLC (formerly, Charles Fingfeld, Three Brothers Real Estate)	IM-0.25 2.12 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #14 02A-BEN-01 234NW14	24400 Frederick Rd. Parcel P600, Three Brothers (acct. no. 00016016) SDAT map: EW13 Use: residential single-family attached	Forsees LLC (formerly, Charles Fingfeld, Three Brothers Real Estate)	IM-0.25 3.46 ac. (150,718 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #15 02A-BEN-01 234NW14	24420 Frederick Rd Parcel P535, Three Brothers (acct. no. 00026471) SDAT map: EW13 Use: industrial	Forsees LLC (formerly, Fingfeld Credit Shelter Tr, Fingfeld Gap Tr., et al)	IM-0.25 6.35 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #16 02A-BEN-01 234NW14	24520 Frederick Rd Parcel P386, Three Brothers (acct. no. 00018972) SDAT map: EW13 Use: commercial retail/offices	Wildcat Yard LLC (formerly, Fingfeld Credit Shelter Tr, Fingfeld Gap Tr., et al)	NRO-0.75 1.08 ac. (46,827) sf	W-4* S-6	Approve W-3 Maintain S-6
Property #17 02A-BEN-01 234NW14	24500 block, Frederick Rd Parcel P375, Res on Wildcat (acct. no. 00015945) SDAT map: EW13 Use: vacant	Wildcat Yard LLC (formerly, Fingfeld Credit Shelter Tr, Fingfeld Gap Tr., et a)	IM-0.25 19.0 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #18 02A-BEN-01 234NW14	24606 Frederick Rd Parcel P275, Res on Wildcat (acct. no. 00015934) SDAT map: EW13 Use: industrial	Wildcat Yard LLC (formerly, Fingfeld Family Partnership)	IM-0.25 5.0 ac.	W-4* S-6	Approve W-3 Maintain S-6

*W-4 with conditional W-3.

**Current property information.

WSCCRs 01A-BEN-01 & 02A-BEN-02: PROPERTY INFORMATION **

WSCCR No. Map Tile	Property Information.	Owner	Zoning - Area	Water/Sewer Categories	
				Existing	Action
Property #19 02A-BEN-01 234NW14	24610 Frederick Rd. Parcel P212, Snow Hill Farm Etc (acct. no. 00029144) SDAT map: EW13 Use: industrial	SLD Landscape LLC (formerly, Phil Oliver, LP Oliver & Sons, Inc.)	IM-0.25 6.86 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #20 02A-BEN-01 234NW14	24620 Frederick Rd Parcel P111, Snow Hill Farm Etc (acct. no. 00016164) SDAT map: EW13 Use: residential single-family	John & Edna DeMint	IM-0.25 11.2 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #21 02A-BEN-01 234NW14	24710 Frederick Rd. Parcel P060, Wildcat & Neds Springs (acct. no. 00030121) SDAT map: EW13 Use: residential single-family	Robb Development LLC (formerly, Gail Waters)	IM-0.25 1.0 ac. (43,560 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #22 02A-BEN-01 234NW14	24716 Frederick Rd. Parcel P005, Wild Cat (acct. no. 00028333) SDAT map EW13 Use: commercial auto service	Maryland Land LLC (formerly, Ernestine Rippeon, Rippeon Garage Property)	IM-0.25 0.92 ac. (40,075 sf)	W-4* S-6	Approve W-3 Maintain S-6
Property #23 02A-BEN-01 234NW14	24700 block, Frederick Rd.; Parcel P052, Wild Cat & Neds Trouble (acct. no. 00028377) SDAT map: EW13 Use: residential vacant	Maryland Land LLC	IM-0.25 3.52 ac.	W-4* S-6	Approve W-3 Maintain S-6
Property #24 02A-BEN-01 235NW14	24700 block, Frederick Rd.; Parcel P977, Wildcat & Neds Trouble (acct. no. 00028344) SDAT map: EX11 Use: residential vacant	Maryland Land LLC	IM-0.25 0.17 ac. (7,425 sf)	W-4* S-6	Approve W-3 Maintain S-6
*W-4 with conditional W-3. **Current property information.					



Maryland DEPARTMENT OF PLANNING

August 22, 2019

Ms. Dinorah Dalmasy, Manager, Integrated Water Planning Program
Maryland Department of the Environment
Water and Science Administration
1800 Washington Boulevard
Baltimore, Maryland 21230

Subject: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan Category
Map Amendments—CR 14-1000 and CR 14-1481

Dear Ms. Dalmasy:

The Maryland Department of Planning (Planning) has reviewed the above-referenced water and sewerage plan amendment pursuant to our mandate to advise the Maryland Department of the Environment (Environment) on local comprehensive plan consistency and other appropriate matters as required by Environment Article Section 9-507 (b)(2). Montgomery County's Department of Environmental Protection (DEP) Director Adam Ortiz has given final approval action for County Council Resolutions CR 14-1000 and CR 14-1481 on July 2, 2019. We offer the following comments for your consideration.

Summary of Amendment

The final approval action on the amendments for CR 14-1000 and CR 14-1481 included two corrective map changes for the 24 properties between Frederick Road (Route 355) and I-270, north of Comus Road. This action amended the water/sewer category maps of 2018-2027 in the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan (WSP) associated with the following cases:

WSSCR 01A-BEN-01: Pleasants Development, Inc. (5 Properties)

The Department of Environmental Protection, under delegated authority by the County Council (Council), has taken final approval action for the five properties associated with Council Resolution CR 14-1000 (9/11/01) to change the water category from W-4 (planned community systems within a 3-6 year period), with W-3 conditional approval to W-3 (planned community systems within 2 year period) without any conditions.

WSSCR 02A-BEN-01: Route 355 Business Corridor Group (19 Properties)

The Department of Environmental Protection, under delegated authority by the Council, has taken final approval action for the 19 properties associated with Council Resolution CR 14-1481 (10/22/02) to change the water category from W-4, with W-3 conditional approval to W-3 without any conditions.

According to the DEP report, the Washington Suburban Sanitary Commission (WSSC) has changed administration of its water and sewer extension programs that existed during the late 1990s and early 2000s. Today, new water main construction is paid for by the applicants seeking public water service and cannot proceed without the applicants' agreement to this condition. In addition, capital-sized mains constructed by service applicants are scheduled in WSSC's capital program budget when applicants are ready to move forward with construction. As a result, the W-3 approval conditions established by the Council in 2001 and 2002 are no longer relevant. Therefore, DEP has removed the conditions associated with the W-3 services category for the 24 properties.

Consistency with the Comprehensive Plan

Chapter 1, Section V.E.2., "Conditionally Approved Amendments," of the 2018-2027 Montgomery County Water and Sewerage Systems Plan states,

"A conditional action grants tentative approval [of] a proposed amendment to the Plan. The condition(s) shall be clearly stated in the action amending the plan. An actual or final approval of the amendment will require that the conditions for final approval either be satisfied or be made moot. It is incumbent upon the applicant to notify DEP and document that the condition(s) for final approval has been satisfied. The DEP Director shall then grant final approval of the amendment in accordance with the original action and notify the applicant and all appropriate agencies of the change to the Plan." (Page 1-75)

WSSCR 01A-BEN-01: Pleasants Development, Inc. (5 Properties)

The Montgomery County Council acted to conditionally approve service area category change request, 01A-BEN-01 (Pleasants Development, Inc.) under Council Resolution no. (CR) 14-1000 on September 11, 2001. Under this action, the Council placed the following conditions for final approval of water category W-3 for the request:

"Approve W-4, with conditional approval for W-3 upon inclusion of the required capital water transmission main project in the approved WSSC CIP [Capital Improvements Program]. All water main extension costs must be financed by the applicant (and future applicants); no bond funding supported by general water and sewer rates may be used."

WSSCR 02A-BEN-01: Route 355 Business Corridor Group (19 Properties)

Similarly, the Council acted to conditionally approve service area category change request, 02A-BEN-01 under CR 14-1481 on October 22, 2002. Under this action, the Council placed the following conditions for final approval of water category W-3,

*"Approve W-4, with advancement to W-3 conditioned on:
1) confirmation from the applicants that the proposed water extension is financially feasible, and
2) inclusion of the required capital water main project in the WSSC CIP."*

According to DEP's report, fulfillment of the conditions for these two Council actions has occurred as a result of various actions, including WSP amendments associated with the Ten Mile Creek Area Limited Amendment (2014). The provision of public water service to all the properties included in this final approval action will require a water main extension of approximately 8,600 feet. WSSC has advised that part of this extension, south of Camus Road, will require a capital-sized main. WSSC further advises that water service for this area will require creation of a new, lower water pressure zone dependent on the adjacent 836-A zone, including system pressure reducing and relief valves. Capital-sized mains

constructed by service applicants are scheduled in WSSC's capital program budget when applicants are ready to move forward with construction. Therefore, the prior conditions of approval are moot.

The subject area of the two amendments (CR 14-1000 and CR 14-1481) is planned for light industrial and rural services in the *1994 Clarksburg Master Plan and Hyattstown Special Study Area (1994 Plan)*, more specifically identified as the "Southern Portion of Hyattstown Transition Area" shown in Figure 33 on page 85 of the 1994 Plan. This area is not covered in the subsequent 2014 Ten Mile Creek Area Limited Amendment to the 1994 Plan, and therefore is only addressed in the 1994 Plan. In the 1994 Plan, this area was shown to not be planned for water or sewer service. Nevertheless, sometime between 1994 and 2001/02 the area was designated W-4 – planned for future water service. At this point, it appears the service area change is **inconsistent** with the 1994 Plan, but additional information may exist that is not available to Planning to make a better determination. Since this service area change is only to remove the noted conditional approval, Planning has no objections. It is apparent that countless land use decisions have been made since 1994 that affected the planning of water service in this area that have not been reflected in the County's master plan document. It is recommended that the County address the outdated planning documents for this area and more accurately document the current plans for this part of the county.

Priority Funding Area Review

Pursuant to the State Finance and Procurement Article, Section 5-7B-02, local jurisdictions are eligible to receive State financial assistance if the project is located in a Priority Funding Area (PFA).

WSSCR 01A-BEN-01: (5 Properties) is mostly located outside of the County's locally designated PFA. All but 24100 Frederick Avenue are located outside of the County's PFA


WSSCR 02A-BEN-01: (19 Properties) is mostly located outside of the County's locally designated PFA. Six properties, 23920 to 24024 Frederick Avenue and 14225 Comus Road are located inside the County's PFA; all other properties in this amendment are outside of the County's PFA

Growth Tier Map Review

The growth tier map review is not applicable to these two amendments, as they only apply to water service – not sewer service.

If you have any questions concerning these comments please call Chuck Boyd at 410-767-1401, or Sylvia Mosser at 410-767-4487.

Sincerely,



Charles W. Boyd, AICP
Director of Planning Coordination

cc: Robin Pellicano; Nicholai Francis-Lau; and Steve Alfaro, Environment
Jason Dubow; Joe Griffiths; and Sylvia Mosser, Planning
Tony Redman, DNR
Dwight Dotterer, MDA