



June 2, 2011

MEMORANDUM

TO: Montgomery County Planning Board

VIA: John Carter, Chief *JAC*
Area 3 Planning Division

FROM: Katherine Nelson for the Planning Department
(301) 495-4622

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan - March 2011 County Council Group and 2011-1 Administrative Group

RECOMMENDATION

Transmit recommendations to the County Council for final action.
Transmit Administrative Group recommendations to the County Executive for final action.

DISCUSSION

This staff report contains current staff recommendations for category changes requiring action by the County Council and by the County Executive. Comments from other agencies have been incorporated into the Department of Environmental Protection's (DEP) packets (See Attachment 1 and 2).

County Council Cases

09A-CKB-01: Orchard Run (Attachment #1, Circle 1-11)

The applicant has requested deferral of this case pending outcome of rezoning case G-881, RE-2 to PRC. The site is also not included within the plan categories for Recommended Sewer and Water Staging for Clarksburg (MP, pg. 202). The site and immediate vicinity is included among areas with no future service areas anticipated. Land not included in the sewer and water service areas is designated S-6 and W-6 (MP, pg. 201). The master plan states -

- subsequent water and sewer plan amendments should be of a comprehensive area wide nature only and consistent with the master plan staging principles and recommendations
- subsequent amendments should not take place until all of the triggers for each stage of development have been met (MP, pgs. 192 - 199)
- County Council determines that category changes are consistent with policies of the Comprehensive Water Supply Sewerage Systems Plan, and
- The Recommended Sewer and Water Staging for Clarksburg should be used as guidance for future amendments to the existing water and sewer plans

In the description of Service Area A (MP, pgs. 202 - 203) the Little Seneca Trunk sewer is referenced for serving the nearby Newcut Road subarea and a portion of the Brink Road Transition subarea however the subject site is outside of Service Area A. The site and immediate vicinity is in the designated Clarksburg Special Protection Area (MP, pg. 207) and is not included in the four Master Plan implementation areas shown for the Staging of Development (MP, pg. 215).

A water/sewer category change for the previously proposed amendment and use application is not in conformance with the Approved and Adopted 1994 Clarksburg Master Plan. That proposal for the PRC zone was suspended pending further consideration by the Applicant. This category change should be considered as part of the existing rezoning case G-881.

The Department of Parks has commented that the property is located across Brink Road from the Ridge Road Recreational Park. Alternative #1 routes the proposed sewer extension across the park which they strongly oppose. This would greatly disrupt park use during construction and would require a park permit. The route also could affect the existing ice rink pad which has been built pending future development. It would also require cutting approximately 0.27 acres of forest. If the category change is approved, Parks would support Alternative #2 since it would follow the road and would not affect parkland.

Recommendation: Defer action pending re-zoning application

10G-CLO-01: Ross Boddy Community Center (Attachment #1, Circle 12-19)

The 1998 Sandy Spring Ashton Master Plan states that a study should be done to assess the potential for provision of water and sewer service to Chandlee Mill Road/Brooke Road Area. Sewerage disposal and water supply problems were identified as far back as the 1980 Plan and a renewed effort should be made to find funding and strategies to address them. The Planning Department, WSSC, DEP, DPS and HOC need to address this issue as an amendment to the Ten Year Water and Sewer Plan.

Even though this is a public use that should be granted sewer service, this category change request should not be considered in isolation from seeking a comprehensive solution to the problems of the immediate surrounding area. This project has the potential to contribute to solutions for long-standing community water and sewer issues. If this category change request is granted as proposed, this opportunity may be lost.

The Department of Parks agrees with the Planning Department that a comprehensive solution should be developed to resolve the water and sewer problems in the Chandlee Mill Road/Brooke Road Area. Parks opposes the extension of a sewer line to the gravity sewer on the Mess Property. This proposed park will likely be dedicated as parkland when the site is developed in exchange for Rural Neighborhood Cluster (RNC) zone. The proposed sewer extension would fragment approximately 0.8 acres of mature upland and riparian forest, causing edge effect and require tunneling under James Creek. If the category change is approved, Parks would support the alternative sewer extension to connect to the Danshes Project.

The Olney Master Plan, approved and adopted in 2005, recognizes the importance of the Mess Property as a valuable forest resource and identifies a large portion of the property as future parkland. The Olney Master Plan also amends the Legacy Open Space Functional Master Plan to add the Mess Property as a Legacy Open Space property under the Natural Resources Category (Class I), and recommends that the forest be protected through dedication to public parkland when the property develops under the Rural Neighborhood Cluster (RNC) zone. Forest on the Mess Property is important not only as forest habitat, but also as a future vital trail connection as part of the Rachel Carson Greenway (Rachel Carson Greenway Trail Corridor Plan, Page 30), as habitat for forest-interior bird species and for water quality protection as the Mess Property is within a Use IV

watershed and drains to the Washington Suburban Sanitary Commission (WSSC) Triadelphia Reservoir, a major water supply reservoir for the region.

Recommendation: Approve W-3 and S-3

09A-PAX-01 – Eglise De Dieu De Silver Spring (Attachment #1, Circle 20-39)

On November 5, 2009 The Planning Board recommended denial of this category change request with comments. See attachment #3. It is included in this memo to acknowledge its presence in the DEP Packet but requires no further action by the Planning Board.

Recommendation: Deny S-3

09A-PAX-04: Sunny Varkey (Attachment #1, Circle 40-44)

The 1997 Cloverly Master Plan states “The extension of sewer service to residential, institutional, and special exception uses in the RC and RE-2 area is not consistent with this Plan because of potential impacts on the low-density character of both areas and conflicts with the long standing recommendation not to provide sewer service in the Patuxent watershed in order to control water quality in the reservoir. The master plan states that community water service within the Patuxent watershed may be considered on a case-by-case basis consistent with current policies in the *Comprehensive Water Supply and Sewerage Systems Plan*.

Recommendation: Approve W-3 Deny S-3

09A-PAX-05: Burtonville Crossing (Attachment #1, Circle 47-56)

This item was discussed at length by the Planning Board on September 8, 2008 and recommended denial of this application. They felt that this particular category change request was premature since a special exception had neither been granted nor was there one in the final stages of review. They also felt that in retaining the RC zone for this property, the master plan had intended that a special exception use would be compatible with the rural nature of the area, possibly not needing public sewer service at all. See attachment #4

Recommendation: Deny W-3 Deny S-3

09A-PAX-06: Burtonville Associates (Attachment #1, Circle 47-56)

The Fairland Master Plan recommends water and sewer service on a case-by-case basis for this part of Area #34 for special exceptions only, such as elderly housing or day care. (page 71). This church can be developed as a by-right use in the RC zone.

Recommendation: Deny W-3 Deny S-3

09A-TRV-02&03: Ted and Roxanne Smart (Attachment #1, Circle 57-64)

On January 26, 2006, the Planning Board unanimously recommended denial of sewer service for these two vacant lots in the Glen Hills area of Potomac. Two other lots were part of that application and only one of the four was recommended for approval (Parcel 600) for public health reasons due to a failing septic system. The County Council subsequently confirmed this recommendation.

Background on Glen Hills neighborhood

The Glen Hills area consists of several established subdivisions zoned RE-1 with lots generally at least one acre in size. Most of the lots were established in the 1950's and 1960's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the implications of fractured rock. Before the 2002 Potomac Master Plan was initiated, the Department of Permitting Services (MCDPS) raised concerns regarding periodic septic failures which occurred in the neighborhood because subsurface conditions often did not allow for replacement systems which satisfied the current septic regulations.

After vigorous debate, and opposition from local citizens to blanket extension of sewer service, the County Council approved a Master Plan recommendation for an inter-agency study led by MCDEP. The study would comprehensively recommend sewer solutions within the Glen Hills neighborhood rather than addressing them with a piecemeal approach. The Master Plan further stated that the study would include the following elements:

- Delineation and possible reasons for known septic failures.
- Groundwater testing if required.
- Preparation of a logical and systematic plan for providing community sewer service if needed.
- Emphasis on extension of sewer mains within public-right-of-way rather than within stream valleys. (*Pressure sewer to the subject properties would be within public-right-of way, and gravity sewer would be within a stream valley*).
- An evaluation and recommendation of the abutting mains policy for this area.
- Exclusion of properties that are environmentally sensitive and cannot be developed in conformance with established environmental guidelines.

Pending development of a policy from the Glen Hills study, the Master Plan recommended restricting further sewer extensions in Glen Hills to those needed to relieve well documented public health problems resulting from failed septic systems. (The subject properties are vacant, so this does not apply). Since 2002, the Planning Board and County Council have consistently followed this recommendation and denied applications absent any public health issue.

For various reasons, mainly budgetary, the Glen Hills Study has been annually deferred. However, on May 26, 2011, the Montgomery County Council unanimously approved an operating budget for Fiscal Year 2012, and approved \$350,000 for a sanitary study of the Glen Hills area to document existing septic issues and to identify potential next steps.

On June 1, 2011, the applicant met planning staff and presented a persuasive case, based on his research of Well and Septic Division paper files spanning several decades, of the potential existence of a public health problem for Glen Hills exceeding that for the 13 lots in Lakewood Estates designated as having a public health problem in April 2006 under Council Resolution No.15-1410. **(Lakewood Estates is the subdivision immediately to the north of Glen Hills).**

If the Glen Hills study confirms the applicant's research, staff believes some sewer extensions will be warranted. However, given that the Glen Hills study has now been funded by the County Council, and that the public health issue does not apply to the subject vacant lots, staff has little option but to recommend denial of this category change request, pending completion of the study. **To do otherwise would be inconsistent, premature, and set an undesirable precedent.**

Recommendation: Deny S-3

11A-TRV-01: Christopher and Christina Marshall (Attachment #1, Circle 65-70)

The 2002 Potomac Subregion Master Plan specifically recommends an inter-agency study to comprehensively address and recommend sewer solutions within the Glen Hills neighborhood. The only exception within the Piney Branch watershed is for failing systems that are considered public health problems. There is no documented health problem with this property. Pending completion of the Glen Hills study, staff recommends denial of this category change request.

Recommendation: Deny S-3

Administrative Delegation Cases

11A-CLO-02: Odd Fellows Lodge (Attachment #2 Pages 3-6)

The 1998 Sandy Spring-Ashton Master Plan recommends water and sewer service for this property, which is included in the Sandy Spring/Ashton Rural Village Overlay Zone.

Recommendation: Approve W-1

WSSCR 11A-OLN-01: Sonia Danshes (Attachment #2 Pages 7-12)

This property is recommended for the RNC Zone in the 2005 Olney Master Plan. The Plan assumed that this property could not be served by gravity and therefore recommended it for standard method development at 0.2 units to the acre. The applicant proposes to concentrate development close to Georgia Avenue and will preserve stream valleys in the headwaters of Northwest Branch. The use—assisted living and Alzheimer’s care—is allowed by special exception in the zone.

Recommendation: Approve W-1 and S-3 conditioned on Planning Board approval of a preliminary plan that uses the optional cluster development method.

WSSCR 11G-TRV-02 Lakewood Estates (Attachment #2 Pages 13-16)

The 2002 Potomac Subregion Master Plan supports sewer service to these properties.

Recommendation: Approve S-1

WSSCR 11A-POT-04 Weissman (Attachment #2 Pages 16-22)

The 2002 Potomac Subregion Master Plan supports sewer service to this property

Recommendation: Approve S-1.

WSSCR 11A-TRV-03 Rickman Travilah LLC (Attachment #2 Pages 23-27)

The Great Seneca Science Corridor rezoned this property as CR. It is therefore eligible for sewer service. This site is within the Piney Branch Special Protection Area and subject to further development requirements.

Recommendation: Approve S-1 conditioned on the applicant providing DEP a recorded covenant that applies the Piney Branch Sewer Agreement Recommendations.

NEXT STEPS

The Planning Board’s recommendations will be transmitted to County Council during a public hearing on June 16, 2011. The County Council T&E Committee will discuss these cases on June 27, 2011. Board comments on the administrative cases will be transmitted to the County Executive for further action.

Attachments