



**Proposed Amendment to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan:  
Windridge Farm (Courts at Clarksburg/Orchard Run)**

---



Katherine E. Nelson, Planner Coordinator, [Katherine.Nelson@montgomeryplanning.org](mailto:Katherine.Nelson@montgomeryplanning.org) 301-495-4622  
Mary Dolan, Chief, Functional Planning, [Mary.Dolan@montgomeryplanning.org](mailto:Mary.Dolan@montgomeryplanning.org) 301-495-4552  
John Carter, Chief, Area #3, [John.Carter@montgomeryplanning.org](mailto:John.Carter@montgomeryplanning.org) 301-495-4575

**Completed: 04/25/13**

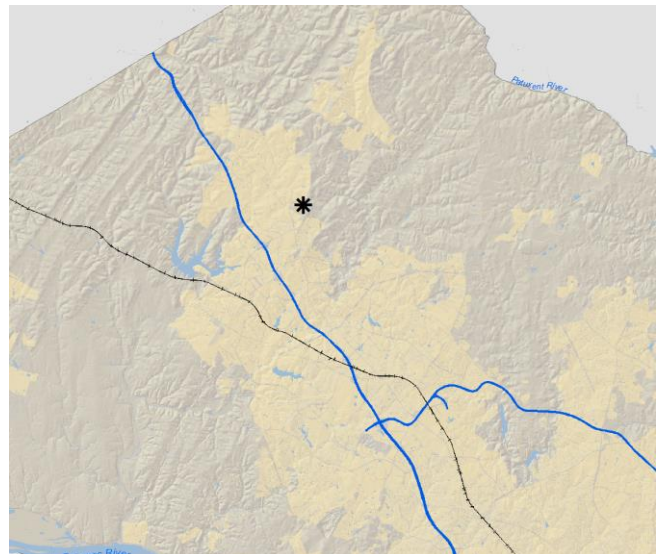
---

**Description**

Council Sewer and Water Category Change Request:

- Referred to the Planning Board for a determination of consistency with relevant master and sector plans with recommendations to the County Council for final action.

The accompanying map shows the existing sewer envelope in tan. The property requesting sewer service with no Private Institution Facility (PIF) is shown as an asterisk. More detailed information on zoning, existing and proposed uses, and recommendations of other agencies are shown in the attached packet from the County Executive.



**Summary**

The Planning Board is required by State law to make a Master Plan determination for consistency on each case. Staff recommends approval of sewer service based on:

- The Planning Board's positive action on the G-881 Butz property rezoning case
- The Hearing Examiner's Report and Recommendation of approval of the same case
- The County Council determination "that the water and sewer action must occur before Council consideration of the rezoning request"

**Sewer Category Recommendation:** Approve S-3 with no PIF restriction subject to the condition that the application to rezone the Butz property to the Planned Retirement Community (PRC) Zone is approved by the County Council.

## **History of the Rezoning Case**

January 4, 2013

The Planning Board sent a letter to the Hearing Examiner recommending approval of the G-881 Butz property rezoning case. (Attachment 1)

March 19, 2013

The County Office of Zoning and Administrative Hearings issued a recommendation to approve the G-881 Butz property rezoning. (Attachment 2, circle 20)

April 9, 2013

The County Council requested that the Planning Board provide a recommendation on the sewer category change request for the Windridge Farm, LLC for Orchard Run also known as the Butz property (09A-CKB-01) prior to their final rezoning decision. (Attachment 3)

## **Analysis**

The subject sewer category change request came before the Planning Board on June 9, 2011. At the applicant's request, the Planning Board and the County Council deferred action on this case pending the outcome of the rezoning case. (Attachment 4).

The zoning case proceeded with positive outcomes from both the Planning Board and the Office of Zoning and Administrative Hearings. At this stage both the Hearing Examiner and Council Legal Staff agreed that "the water and sewer action must occur before Council consideration of the rezoning request, since the availability of sewer to serve the property is essential to the applicant's development concept and zoning approval cannot be conditioned upon another action (in this case, approval of a change in public sewer designation)." (Attachment 2)

Since a category change can be approved with conditions, approval of the category change request will "enable to zoning request to move forward for consideration by the Council."

## **Conclusion**

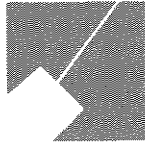
The Planning Board has made a determination that the PRC zone for this property substantially complies with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. The Board also believes that the zone can meet the overall goals and density of the Brink Road Transition Area and provide an appropriate transition from the Germantown Master Plan Area to the Clarksburg Master Plan Area. (Attachment 1)

In light of these conclusions, sewer service to this property is appropriate and in compliance with the associated master plans if the County Council approves PRC zone for this property.

## **Next Steps**

The Planning Board's recommendations will be transmitted to County Council during a public hearing on May 7, 2013. The County Council T&E Committee will subsequently discuss this case before bringing it to the full Council for final decision.

Attachments



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

OFFICE OF THE CHAIR

January 4, 2013

Martin Grossman, Director  
Montgomery County Office of Zoning and Administrative Hearings  
Stella B. Werner Council Office Building  
100 Maryland Avenue, Room 200  
Rockville, Maryland 20850

SUBJECT: Local Map Amendment (LMA) G-881 (Theodore H. Butz, et. al)

Dear Mr. Grossman:

On behalf of the Montgomery County Planning Board, I am pleased to transmit to the Office of Zoning and Administrative Hearing the Planning Board's unanimous decision to recommend that the County Council approve LMA G-881 to rezone a 54.4 acre tract from the current RE-2 Zone to the Planned Retirement Community (PRC) Zone.

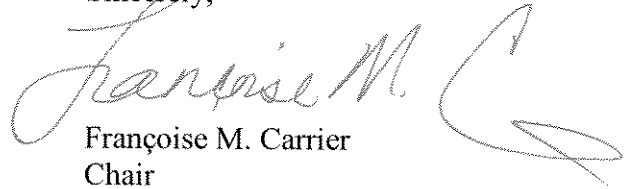
At our regular meeting of December 20, 2012, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed LMA G-881 for the development of a planned retirement community with 140 dwelling units. On a motion of Commissioner Dreyfuss, seconded by Commissioner Presley, the Board unanimously recommended (5-0) that LMA G-881 be approved. The Board, after review of the record, did not support staff's recommendation for denial. The Planning Board concluded that the proposed development did meet the purpose and intent of the Planned Retirement Community Zone. The Planning Board found that the location of the site within a short drive of shopping centers and other amenities, with a community center on site and a park within walking distance, satisfied the requirement in the purpose clause for adequate access to day-to-day and recreational services.

The Planning Board further concluded that the local map amendment application substantially complies with the 1994 *Clarksburg Master Plan and Hyattstown Special Study Area*. The Planning Board believes that proposed rezoning and associated Development Plan meet the overall goals and density of the Brink Road Transition Area and provide an appropriate transition from the Germantown Master Plan Planning Area to the Clarksburg Master Plan Area.

The Board weighed these elements against the density recommendation on the master plan zoning map and considered them more persuasive and a stronger indicator of the master plan's objectives. The Development Plan provides a low density transition which, coupled with the forest buffers and setbacks, provides compatibility with the surrounding community.

The attached report is a true and correct copy of the technical staff report, as revised on the record. We hope this recommendation is helpful to the Hearing Examiner and the District Council.

Sincerely,



Françoise M. Carrier  
Chair

FC/rmk/  
Enclosure


AGENDA ITEM #3K  
April 9, 2013

**Introduction**

**MEMORANDUM**

April 5, 2013

TO: County Council

FROM:  Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Introduction:** Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: Previously Deferred Sewer Category Change Request 09A-CKB-01 (Windridge Farm, LLC for Orchard Run)

On March 25, 2013, the County Council received a letter (see ©4-5) from the attorney representing the applicant in Zoning Application No. G-881, requesting that the Council take action on the applicant's previously deferred Sewer Category Change Request: 09A-CKB-01 (Windridge Farm, LLC for Orchard Run).

This category change request was deferred by the Council on July 19, 2011 (see Resolution 17-217, excerpt attached on ©6-7) pending the outcome of the zoning application. The applicant is seeking a rezoning from RE-2 to PRC (Planned Retirement Community).

The 54.4 acre RE-2 zoned property is located on the northwest corner of the intersection of Ridge Road and Brink Road in Germantown. The property is currently vacant. The applicant is seeking unrestricted sewer service (the property currently has sewer approved for a Private Institutional Facility (PIF) use only) to serve a for-profit retirement community. Unrestricted public water is already approved for the site.

More details regarding the review of the category change request in 2011 (including County Executive, Washington Suburban Sanitary Commission, and Planning Board Staff comments, as well as County Executive recommendations) are attached beginning on ©8.<sup>1</sup>

With regard to Zoning Application No. G-881, the Office of Zoning and Administrative Hearings conducted a public hearing on January 8 and January 14, 2013, and the Hearing Examiner

---

<sup>1</sup> At the time of the first Council review of this category change request, the applicant described the development as including 225 age-restricted units and a community center. The current development concept, as noted in the Hearing Examiner's report, includes 140 age-restricted units.

transmitted his report to the County Council on March 19, 2013 recommending approval (see excerpt on ©20).

Both the Hearing Examiner and Council Legal Staff agree that the water and sewer action must occur before Council consideration of the rezoning request, since the availability of sewer to serve the property is essential to the applicant's development concept and zoning approval cannot be conditioned upon another action (in this case, approval of a change in public sewer designation).

A category change can be approved with conditions (such as a condition that a zoning request is approved) or without conditions. In either case, approval of the category change request will enable the zoning request to move forward for consideration by the Council.

If the Council denies this category change request, then the proposed rezoning would not be in accord with the PRC zone's purpose clause, which requires there be adequate public water and sewer service to serve the property.

Council Staff has drafted a resolution (see ©1-3) that would provide the needed conditional approval for the category change request so the Council can take up the zoning request.

Public hearing and action on the category change request has been scheduled for May 7 at 1:30 PM.

#### Attachments

f:\levchenko\wssc\water and sewer plan\category changes\11 package 1\orchard run review april 2013\intro 4 9 13 orchard-run.doc

Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By: County Council

---

**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 July 19, 2011 the County Council deferred action on Sewer Category Change Request 09A-CKB-01 (Windridge Farm, LLC for Orchard Run) regarding the applicant's request to remove the Private Institutional Facility (PIF) restriction for public sewer on the property. The Council deferred action pending the outcome of Zoning Application No. G-881 for the property.

6. On March 19, 2013 the Hearing Examiner transmitted his recommendation to approve Zoning Application No. G-881, provided that the Council also approves public sewer service category S-3 for the property without a Private Institutional Facilities (PIF) restriction.
7. On March 25, 2013, the County Council received a letter from the applicant for Sewer Category Change Request 09A-CKB-01 (Windridge Farm, LLC for Orchard Run) requesting that the County Council schedule and consider this deferred Sewer Category Change Request simultaneously with consideration of the Hearing Examiner's Report and recommendation on Zoning Application No. G-881.
8. Approval of Category Change Request 09A-CKB-01 (Windridge Farm, LLC for Orchard Run) is needed in order for Zoning Application No. G-881 to be considered by the County Council.
9. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.
10. A public hearing was held on May 7, 2013.

**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



**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN  
April 2013 Review of a deferred Water/Sewer Category Map Amendment**

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. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive 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 present the County Council's action on a water/sewer category map amendment request previously filed with DEP and transmitted by the County Executive to the Council for consideration in March 2011.

**WSCCR 09A-CKB-01: Windridge Farm, LLC (for Orchard Run)**

*Previously deferred by the County Council under Resolution 17-217 (July 19, 2011)*

Property Information and Location Property Development	Applicant's Request: County Council Action						
<ul style="list-style-type: none"> <li>▪ 21901 Ridge Road, Germantown</li> <li>▪ Parcel P429, Brooke Grove; district 02, acct. no. 0030041</li> <li>▪ Map tile: WSSC – 230NW11; MD – FV122</li> <li>▪ Northwest quadrant, intersection of Ridge Rd (Rte. 27) and Brink Rd.</li> <li>▪ RE-2 Zone (PRC Zone proposed; case #G-881); 54.37 acres</li> <li>▪ Clarksburg Planning Area Clarksburg Master Plan (1994)</li> <li>▪ Little Seneca Creek Watershed (MDE use IV, Mont. Co. SPA)</li> <li>▪ <u>Existing use</u>: Vacant</li> <li>▪ <u>Proposed use</u>: Retirement Community for 140 units and a community center (under the proposed PRC Zone)</li> </ul>	<table border="0" style="width: 100%;"> <tr> <td colspan="2" style="text-align: center;"><b>Existing – Requested – Service Area Categories</b></td> </tr> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%;">W-1(No change)</td> </tr> <tr> <td>S-3 (PIF only)</td> <td><b>Remove PIF restriction from S-3</b></td> </tr> </table> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain S-3 for a PIF use only, with advancement to unrestricted S-3 conditioned on County Council approval of the PRC Zone for the site under Zoning Application No. G-881.</b></p>	<b>Existing – Requested – Service Area Categories</b>		W-1	W-1(No change)	S-3 (PIF only)	<b>Remove PIF restriction from S-3</b>
<b>Existing – Requested – Service Area Categories</b>							
W-1	W-1(No change)						
S-3 (PIF only)	<b>Remove PIF restriction from S-3</b>						

Law Offices Of  
MILLER, MILLER & CANBY  
**MM&C**  
CLIENT FOCUSED. RESULTS DRIVEN.

200-B MONROE STREET, ROCKVILLE, MARYLAND 20850 P: 301.762.5212 F: 301.424.9673 WWW.MILLERMILLERCANBY.COM

All attorneys admitted in Maryland and where indicated.

PATRICK C. MCKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER

MAURY S. EPNER (DC)  
JOSEPH P. SUNTUM  
SUSAN W. CARTER  
ROBERT E. GOUGH  
DONNA E. MCBRIDE (DC)  
GLENN M. ANDERSON (FL)

HELEN M. WHELAN (DC, WV)  
MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE-CHO (CA)  
AMY C.H. GRASSO (DC)  
DAMON B. OROBONA (DC)

March 25, 2013

Montgomery County Council  
Stella B. Werner Council Office Bldg.  
100 Maryland Avenue  
Rockville, MD 20850

Re: Sewer Category Change Request,  
Application No. 09A-CKB-01

Dear President Navarro and Members of the County Council:

In June and July, 2011, when the County Council considered the sewer category change request referenced above, review and action on the application was deferred until it could be considered in conjunction with Zoning Application No. G-881, with which it was paired, requesting rezoning to the Planned Retirement Community (PRC) zone for the same property.

The Office of Zoning and Administrative Hearings has conducted a public hearing on Zoning Application No. G-881 and has transmitted its recommendations to the County Council recommending approval of the requested re-zoning. The Hearing Examiner's Report states that the application should "...*be approved* in the amount requested and subject to the specifications and requirements of the revised Development Plan, Exhibit 94(a), *provided the Council also approves Public Sewer Service Category S-3 for the property without a PIF restriction...*" (Emphasis in italics added.)

We are writing on behalf of the Applicant to request that the Council schedule and consider deferred Sewer Category Change Request No. 09A-CKB-01 simultaneously with consideration of the Hearing Examiner's Report and recommendation on Zoning Application No. G-881.

Montgomery County Council  
March 25, 2013  
Page 2

Thank you for your consideration of this request.

Sincerely yours,

MILLER, MILLER & CANBY

**JODY KLINE**

Jody S. Kline

JSK:sj

cc: Mr. Jeff Zyontz  
Mr. Keith Levchenko  
Mr. Richard Thometz  
Mr. Tom Butz  
Mr. Frank Bossong  
Mr. Dusty Rood  
Ms. Jennifer Russel  
Mr. Gary Unterberg

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN  
March 2011 Amendment Transmittal: Water/Sewer Category Map Amendments**

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. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive 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 charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration in March 2011.

**WSSCR 09A-CKB-01: Windridge Farm, LLC (for Orchard Run)**

Property Information and Location Property Development	Applicant's Request: County Council Action						
<ul style="list-style-type: none"> <li>• 21901 Ridge Road, Germantown</li> <li>• Parcel P429, Brooke Grove; district 02, acct. no. 0030041</li> <li>• Map tile: WSSC – 230NW11; MD – FV122</li> <li>• Northwest quadrant, intersection of Ridge Rd (Rte. 27) and Brink Rd.</li> <li>• RE-2 Zone (PRC Zone proposed; case #G-881); 54.37 acres</li> <li>• Clarksburg Planning Area Clarksburg Master Plan (1994)</li> <li>• Little Seneca Creek Watershed (MDE use IV, Mont. Co. SPA)</li> <li>• <u>Existing use:</u> Vacant</li> <li>• <u>Proposed use:</u> Retirement Community for 225 units and a community center (under the proposed PRC Zone)<sup>A</sup></li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (No change)</td> </tr> <tr> <td>S-3 (PIF only)</td> <td>S-3 without PIF restriction</td> </tr> </tbody> </table> <p><b>T&amp;E Committee Recommendation</b></p> <p>Defer action on the request for S-3 (without restriction) pending a decision on the PRC zoning request.</p>	Existing –	Requested – Service Area Categories	W-1	W-1 (No change)	S-3 (PIF only)	S-3 without PIF restriction
Existing –	Requested – Service Area Categories						
W-1	W-1 (No change)						
S-3 (PIF only)	S-3 without PIF restriction						

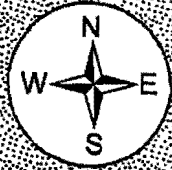
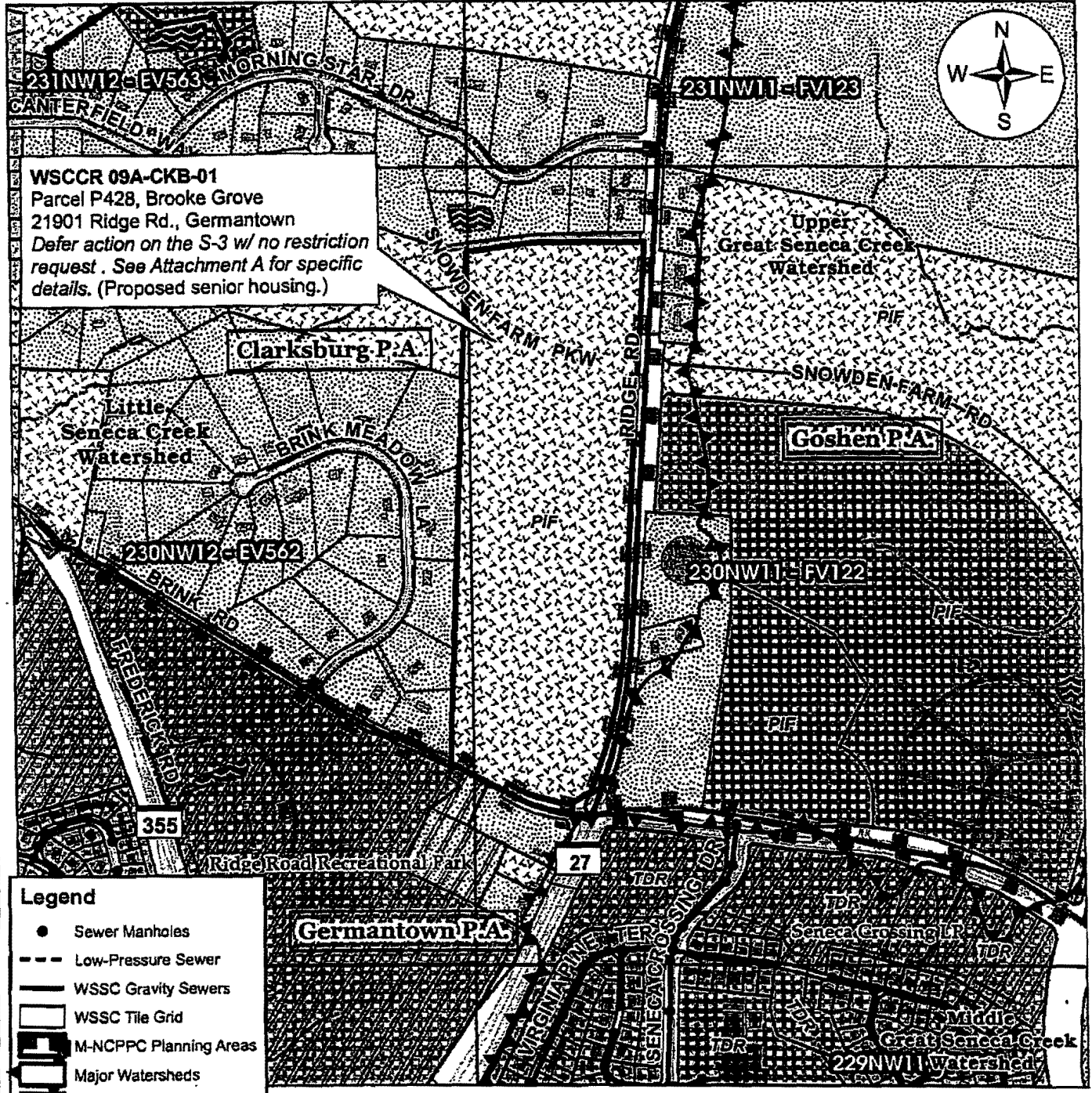
**WSSCR 10G-CLO-01: Montgomery County MD (Dept. of General Services)  
Ross Boddy Community Center**

*Previously deferred from AD 2010-4 at the direction of the Planning Board. (11/22/10)*

Property Information and Location Property Development	Applicant's Request: County Council Action						
<ul style="list-style-type: none"> <li>• 18529 Brooke Rd., Sandy Spring</li> <li>• Property ID: Parcel P571, Lot Near Sandy Spring; district 08, acct. no. 00702047</li> <li>• Map tile: WSSC – 213NW10; MD – JT23</li> <li>• South side of Brooke Rd., west of and opposite Chandlee Mill Rd.</li> <li>• RMH-200 Zone; 8.39 acres</li> <li>• Cloverly – Norwood Planning Area Sandy Spring – Ashton Master Plan (1998)</li> <li>• Hawlings River Watershed (MDE Use IV)</li> <li>• <u>Existing use:</u> Ross Boddy Community Center.</li> <li>• <u>Proposed use:</u> renovation and expansion of the existing community center.</li> </ul>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested – Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-6</td> <td>W-3</td> </tr> <tr> <td>S-6</td> <td>S-3</td> </tr> </tbody> </table> <p><b>T&amp;E Committee Recommendation</b></p> <p>Approve W-3 and S-3, with sewer service restricted to a public facility only.</p> <p><i>Note: DEP, DPS, M-NCPPC, and WSSC will coordinate efforts to find a sewer extension solution for both the Ross Boddy Center and the long-standing septic problems in the established Brooke Road/Chandlee Mill Road health problem area. The agencies will report back to the Council on their progress in October 2011.</i></p>	Existing –	Requested – Service Area Categories	W-6	W-3	S-6	S-3
Existing –	Requested – Service Area Categories						
W-6	W-3						
S-6	S-3						

*Applicants receiving a denial under this action may not apply again until July 19, 2012, unless previously approved by DEP. See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.*

## Sewer Service Area Categories Map: WSSCR 09A-CKB-01 (Windridge Farms - for Orchard Run)



**WSSCR 09A-CKB-01**  
Parcel P428, Brooke Grove  
21901 Ridge Rd., Germantown  
*Defer action on the S-3 w/ no restriction request. See Attachment A for specific details. (Proposed senior housing.)*

**Legend**

- Sewer Manholes
- Low-Pressure Sewer
- WSSC Gravity Sewers
- WSSC Tile Grid
- M-NCPPC Planning Areas
- ▭ Major Watersheds
- ▨ Existing Parkland

**Sewer Categories**

- S-1
- S-3
- S-4
- S-5
- S-6



SCALE (Feet)

Montgomery County, Maryland  
Draft 2010 Comprehensive Water Supply  
and Sewerage Systems Plan



DEP  
Water and Wastewater  
Policy Group

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS  
 County Executive's March 2011 Transmittal Packet

CLARKSBURG PLANNING AREA MAP AMENDMENTS

WSSCC 09A-CKB-01: Pg. 1

WSSCC 09A-CKB-01: Windridge Farm, LLC (for Orchard Run)

**County Executive's Recommendation: Defer action on the request for S-3 (without restriction) pending a decision on the PRC zoning request.**

<p>Property Information and Location                  Property Development</p> <ul style="list-style-type: none"> <li>• 21901 Ridge Road, Germantown</li> <li>• Parcel P429, Brooke Grove</li> <li>• Property ID: 02-0030041</li> <li>• Map tile: WSSC – 230NW11; MD – FV122</li> <li>• Northwest quadrant, intersection of Ridge Rd (Rte. 27) and Brink Rd.</li> <li>• RE-2 Zone (PRC Zone proposed; case #G-881); 54.37 acres</li> <li>• Clarksburg MP (1994)</li> <li>• Little Seneca Creek Watershed (MDE use IV, Mont. Co. SPA)</li> <li>• <u>Existing use:</u> Vacant  <u>Proposed use:</u> Retirement Community for 225 units and a community center (under the proposed PRC Zone)<sup>A</sup></li> </ul>	<p>Applicant's Request:                  Service Area Categories &amp; Justification</p> <p><u>Existing</u> –            <u>Requested</u> – Service Area Categories</p> <p>W-1                      W-1 (No change)                  S-3 (PIF only)      S-3 without PIF restriction</p> <p><u>Applicant's Explanation</u></p> <p>"Request that the PIF Restriction be removed, so that a Planned 225 unit Retirement Community and a Community Center may be built." (Also see the project engineer's letter, pg. <u>8</u>)</p> <p><sup>A</sup> <u>DEP Notes:</u></p> <ul style="list-style-type: none"> <li>• The applicant's proposed senior housing project will not qualify as non-profit institution and therefore cannot use the existing, PIF-restricted S-3 approval.</li> <li>• The applicant is preparing a revised development plan (for the rezoning request) that reduces density on the site and responds to other concerns raised by M-NCPPC. The zoning change process is suspended pending the filing of this revised plan.</li> </ul>
--	--

**Executive Staff Report:** The applicant has proposed the construction of a 225-unit retirement community which will require rezoning of the property from RE-2 to PRC. The project as proposed will need public water and sewer service. The site is currently designated as categories W-1 and S-3; however, the S-3 has a restriction for a private institutional facility (PIF) use only, which this for-profit project cannot use. The applicant is seeking the removal of the PIF-use only restriction for category S-3. The unrestricted provision of public sewer service to this site under the existing RE-2 zoning is not consistent with either the master plan's recommendations or the Water and Sewer Plan's general service policies. The Water and Sewer Plan does call for the deferral of category change requests where a zoning change request is pending. A deferral of the category change request at this time will prevent the appearance of prejudice in the zoning case the Council will consider later.

The applicant has proposed using a wastewater pumping station (WWPS) and force main to direct sewage flows from the site north into gravity sewer mains proposed for the Clarksburg Village project. (Upon completion, these facilities would be dedicated to WSSC for operation and maintenance.) WSSC has proposed three alternative gravity sewer extensions from the site, one of which would depend on the construction of the proposed Tapestry WWPS and force main. The M-NCPPC Parks Department opposes WSSC's option no. 1 which would require an easement and construction across Ridge Road Recreational Park. WSSC has confirmed that adequate system capacity exists for these alternatives. Because the requested zoning change to PRC proposes development density that will require public sewer service, the sewer extension issue should be considered as part of the zoning decision.

**Agency Review Comments**

**M-NCPPC – Area 3 Planning Team:** The subject 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).

The site is also not included within the plan categories for Recommended Sewer and Water Staging for Clarksburg (MP, pg. 202). The site and the immediate vicinity is included among the areas with no future service



**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
**County Executive's March 2011 Transmittal Packet**  
**CLARKSBURG PLANNING AREA MAP AMENDMENTS**

WSSCC 09A-CKB-01: Pg. 2

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 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 and 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.

A water/sewer category change for the pending amendment and use application, as currently proposed, is not in conformance with the Approved and Adopted 1994 Clarksburg Master Plan. The category change request is premature if the zone has not been changed.

M-NCPPC – Parks Planning: The subject property for the proposed category change 09A-CKB-01 is located across Brink Rd. from the Ridge Road Recreational Park. Alternative proposal #1 cites a possible sewer extension crossing the park to an existing main at Frederick Rd. Alternative #1 would also require disruption of Parks operations and require a Park Permit for construction. Alternative #2 would connect to an existing line to the east at Brink Road and Seneca Crossing Drive and have no park impacts. Given the potential impact to the park site for Alternative #1, the Department strongly supports Alternative #2 which would totally avoid impacts to the park and rejects Alternative #1.

WSSC – Sewer: Three potential alignments can serve this property:

1. An approximately 1500-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to (contract no. 99-2434A) and would abut approximately four properties in addition to the applicant's. *Supplemental comments (2/24/11):* Requires grading on some areas of the northeast side for the outfall sewer to carry the flow to southeast side for Alignment #1. This alignment connects to existing sewers not a proposed one.
2. An approximately 774-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to (contract no. 01-2975A) and would abut approximately three properties in addition to the applicant's. This extension drains to Wexford WWPS. Currently, there are no capacity constraints at the station. Rights-of-way would be required. Construction of this extension may involve the removal of trees. *Supplemental comments (2/24/11):* In addition to grading on the northeast side, this requires extensive grading on the southwest side of the property to reach alignment # 2. This alignment connects to existing sewers not a proposed one.
3. *Supplemental comments (2/24/11):* An approximately 3500-foot-long non-CIP-sized gravity sewer extension is required to serve the property. All flows from the property can drain to the northwest side of the property; then the flow is conveyed through a gravity sewer to either the proposed sewer (contract no. DA 3993Z04) or another proposed sewer (contract no. AW/AS4748Z08) whichever comes first. A WWPS is already planned for the area (contract no. DA3993Z04), the Tapestry Property, and can serve the applicant's property. Some grading is needed. Rights-of-way would be required. Construction of this extension may involve the removal of trees. *DEP Note: This extension would traverse as many as ten properties in addition to the applicant's, most zoned RE-2. The alignment would follow a tributary of Little Seneca Creek. Construction would likely affect the stream and stream buffers. WSSC proposed this alignment in response to the applicant's proposal for a WWPS and force main that would direct flows north along (proposed) Snowden Farm Parkway into the sewerage system to be built for the Clarksburg Village project.*

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
**County Executive's March 2011 Transmittal Packet**

**CLARKSBURG PLANNING AREA MAP AMENDMENTS**

WSSCC 09A-CKB-01: Pg. 3

*Supplemental comments (2/24/11):* WSSC is opposed to the Rodgers Consulting [applicant's] option. The option proposes a pumping station that is in an area where a WWPS is already planned. The applicant shows flow pumping to an area where there is a dry sewer under contract 96-9302 not connected to anything and also a **proposed sewer** under DA4321Z09. This means that WSSC would have to maintain a second WWPS just for this property in addition to the one for Tapestry located in same and nearby service area.

Average Wastewater Flow from the proposed development: 96,293 GPD. Interceptor and treatment capacity are adequate.

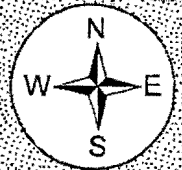
DPS – Well & Septic: No comment.

ADS:ads/

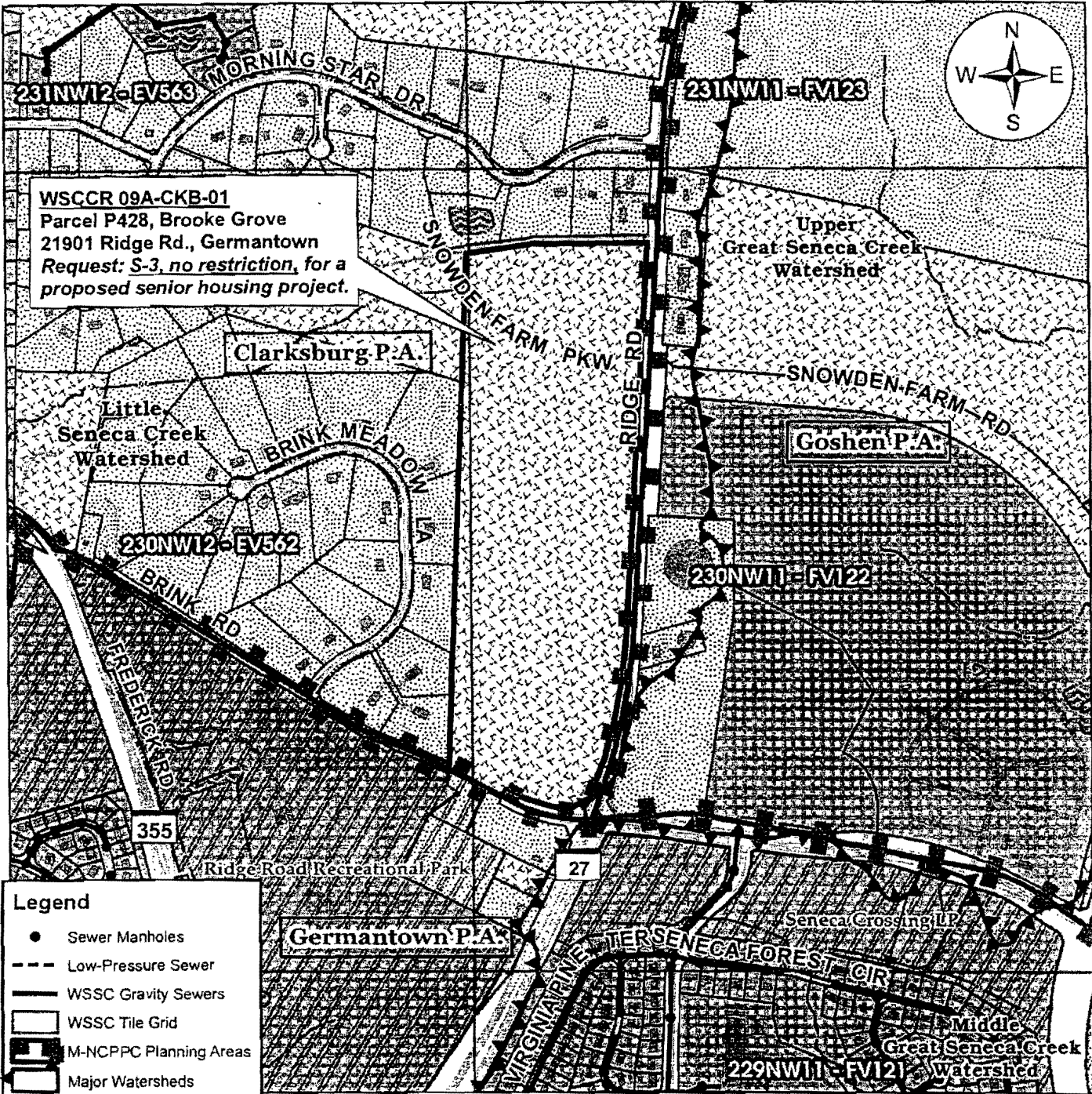
R:\Programs\Water\_and\_Sewer\Projects\actions-COUNCIL\packets\2011jan\ce-pckt\draft-review\draft-staff-rpt=09a-ckb-01=final-draft.doc



# Sewer Service Area Categories Map: WSSCR 09A-CKB-01 (Windridge Farms - for Orchard Run)



**WSSCR 09A-CKB-01**  
Parcel P428, Brooke Grove  
21901 Ridge Rd., Germantown  
Request: S-3, no restriction, for a  
proposed senior housing project.

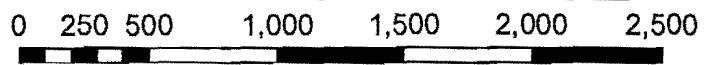


**Legend**

- Sewer Manholes
- Low-Pressure Sewer
- WSSC Gravity Sewers
- ▭ WSSC Tile Grid
- ▭ M-NCPPC Planning Areas
- ▭ Major Watersheds
- ▨ Existing Parkland

**Sewer Categories**

- ▨ S-1
- ▨ S-3
- ▨ S-4
- ▨ S-5
- ▨ S-6



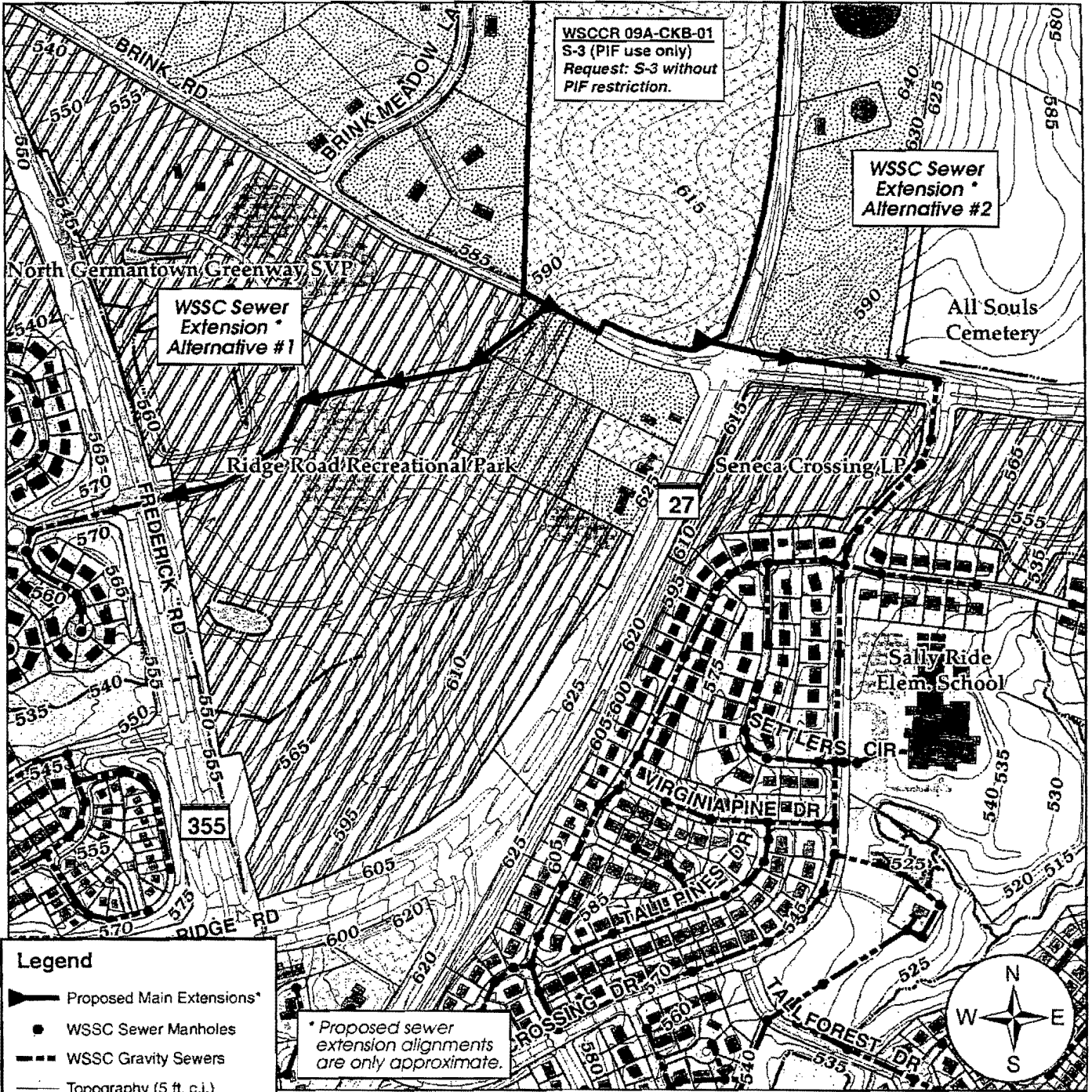
SCALE (Feet)

Montgomery County, Maryland  
Draft 2010 Comprehensive Water Supply  
and Sewerage Systems Plan



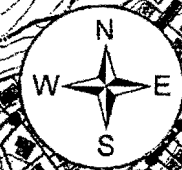
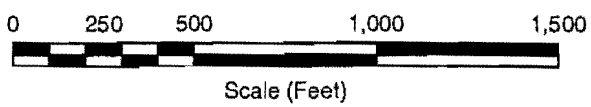
DEP  
Water and Wastewater  
Policy Group

**Water and Sewer Plan Category Change Request Map  
WSSCR 09A-CKB-01: Sewer Extension Alternatives - South**

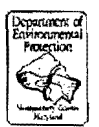


- Legend**
- Proposed Main Extensions\*
  - WSSC Sewer Manholes
  - WSSC Gravity Sewers
  - Topography (5 ft. c.i.)
  - WSSCR Subject Site
  - Parking Areas
  - Existing Parkland
- Sewer Categories**
- S-1
  - S-3
  - S-6

\* Proposed sewer extension alignments are only approximate.

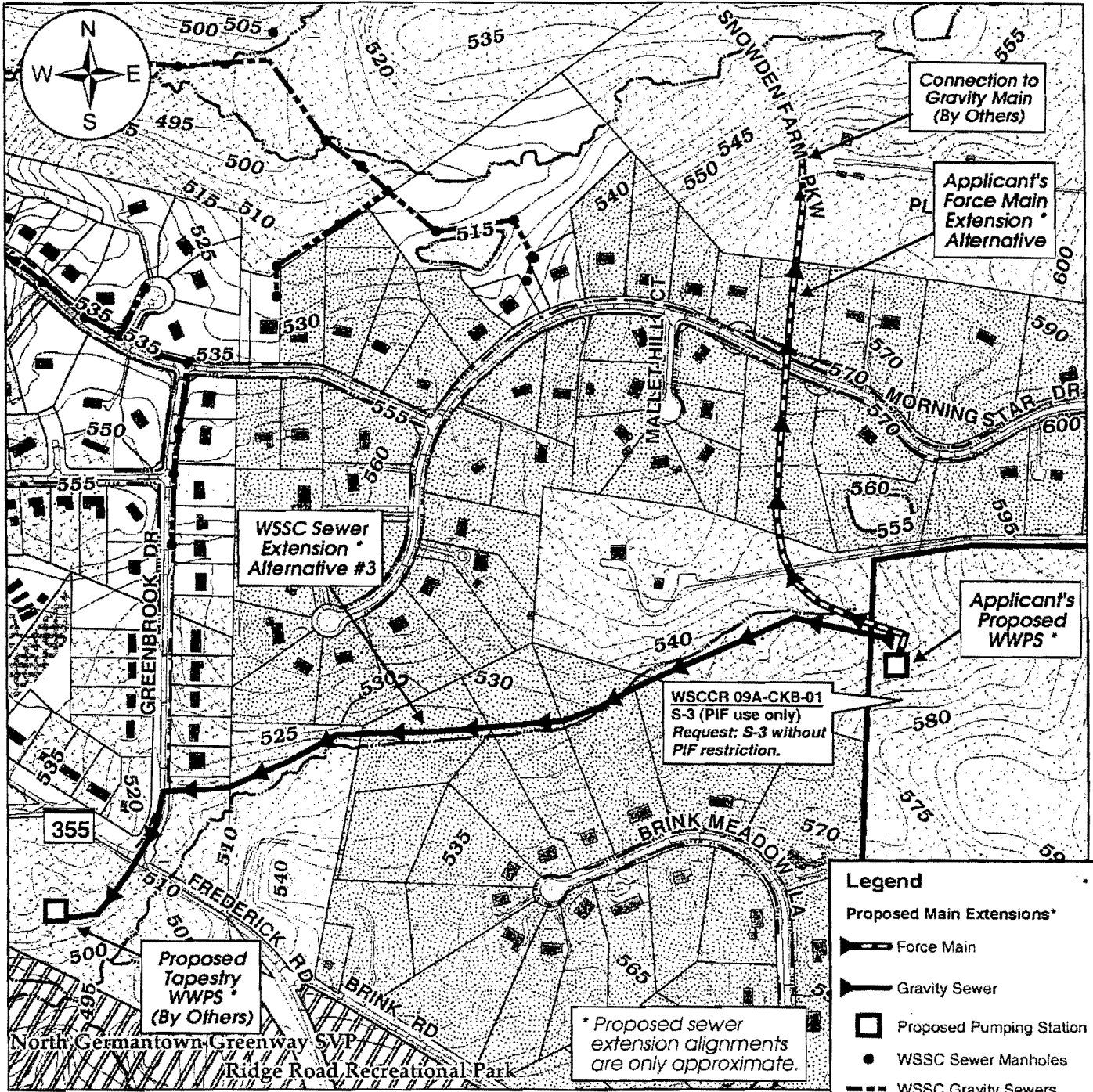


**Montgomery County, Maryland  
2003 Comprehensive Water Supply  
and Sewerage Systems Plan**



DEP  
**Water and Wastewater  
Policy Group**

**Water and Sewer Plan Category Change Request Map  
WSSCR 09A-CKB-01: Sewer Extension Alternatives - North**



**Legend**

**Proposed Main Extensions\***

- Force Main
- Gravity Sewer

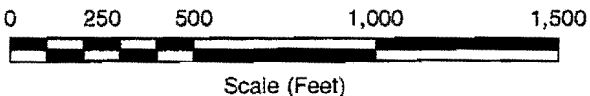
Proposed Pumping Station

- WSSC Sewer Manholes
- WSSC Gravity Sewers
- Topography (5 ft. c.i.)
- WSSCR Subject Site
- Existing Parkland

**Sewer Categories**

- S-1
- S-3
- S-6

\* Proposed sewer extension alignments are only approximate.



**DEP**  
Water and Wastewater  
Policy Group

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

WSSCR 09A-CKB-01  
ORCHARD RUN

2) Property/Site Description and Development:

Address 21901 Ridge Road, Germantown, MD 20876  
Property's TAX ID # (please provide, if known) 02-00030041  
Property/Site Size 54.35 Acres Identification (ie, Parcel #) P429  
Location/Closest cross-street Brink Road and Ridge Road; MD Rte 27  
Current Use RE-2 Proposed Use PRC  
Subdivision Plan No. & Status Rezoning Case G881 : Pending

(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](http://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-1 Requested Water Category: W-\_\_ OR No Change  Multi-Use  Shared   
Current Sewer Category: S-3 Requested Sewer Category: S-3 OR No Change  Multi-Use  Shared   
(PIF)

4) Reason for request; state current use of site and intended change in usage, if any:

Request that the Sewer Category S-3, Private Institutional Facility restriction be removed to serve the 225-unit Planned Retirement Community and one (1) Community Center

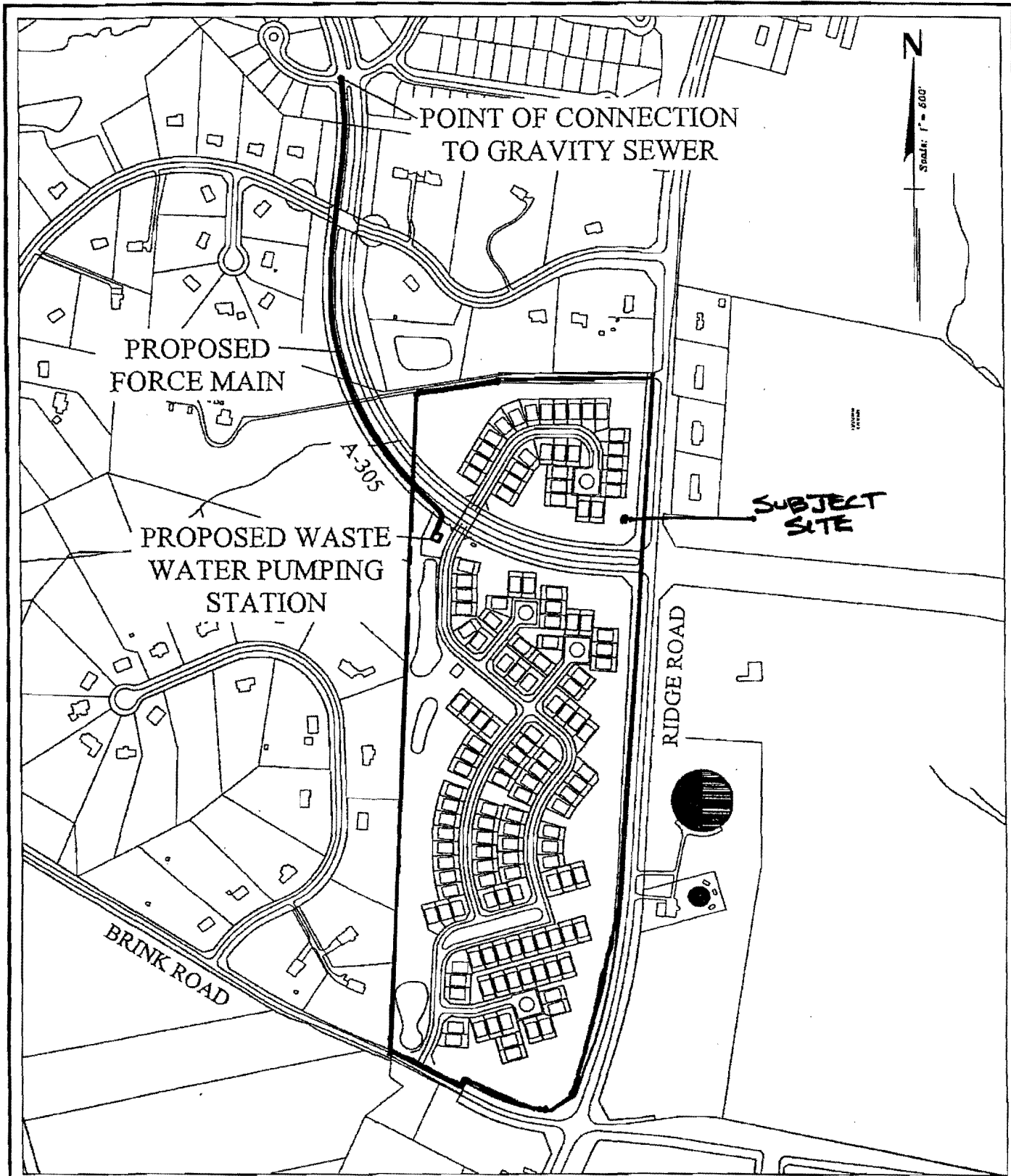
(ALSO SEE ATTACHED LETTER)

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: \_\_\_\_\_ Email OR \_\_\_\_\_ US Mail  
Water | Sewer 3 w/ PIF attached (was d'd under CR14-819 case# 00A-CKB-0  
WSSC Tile 230NW11  
Tax Map FV122  
Plan No.  
Process  
Master Plan Clarksburg  
Planning Area Clarksburg  
Zoning RE-2  
Zoning Activity currently rezoning from RE-2 to PRC (planned retirement community)  
Watershed Little Seneca Creek  
CSPS Subwatershed  
State Watershed Use Class  
GIS File  
CCRFFormJuly05.doc

WISCCR 09A-CRB-01  
 APPLICANT'S PLAN

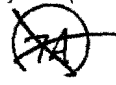


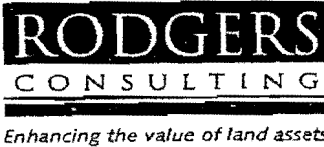
THE COURTS AT  
 CLARKSBURG  
 FORCE MAIN EXHIBIT

**RODGERS**  
 CONSULTING  
 Knowledge • Creativity • Enduring Values

19847 Century Boulevard  
 Suite 220  
 Germantown, Maryland 20874  
 P: 301.948.4700 (MARI)  
 F: 301.253.6609 (FREDERICK)  
 www.rodgers.com

	BY	DATE	SCALE: 1" = 500'
BASE DATA			JOB No.
DESIGNED			DATE: FEB., 2011
DRAWN			
REVIEWED			
RELEASE FOR			SHEET No.
BY		DATE	1 OF 1





August 4, 2009

Ms. Alicia Youmans  
Environmental Planner  
Montgomery County Department of Environmental Protection  
Water and Wastewater Policy Group  
255 Rockville Pike, Suite 120  
Rockville, Maryland 20850

Re: Orchard Run  
Rezoning Case Number G-881  
Sewer Restriction Release Request  
RCI Project No.: 825-B2

Dear Ms. Youmans:

On behalf of our client, Orchard Run c/o Windridge Farm, LLC, we are submitting the Sewer Category Change Request Application to remove the S-3 Private Institutional Facility (PIF) restriction. The property is located at the northeast corner of Brink Road and Ridge Road/ Maryland Route 27. The property is known as Parcel P429 (54.35 Acres) within the Maryland State Tax Assessment records. The current Water and Sewer Categories for this project are W-1 and S-3 with the sewer restriction of a PIF. Our client is currently in the process of rezoning the property from Residential 2 Acre (RE-2) to a Planned Retirement Community (PRC). We are requesting that the PIF restriction be removed from the S-3 Sewer Category.

The Montgomery County Council adopted the Water and Sewer Category on March 27, 2001 (Resolution #14-819) from W-6, S-6 to W-1, and S-3 with the PIF sewer restriction. Several advisory notes were included in reference to sewer access and capacity: 1) The sewer extension alternative crossing the M-NCP&PC park site south of Brink Road will require coordination with and approval from the M-NCP&PC. 2) Only the proposed sewer extensions to Milestone and Seneca Crossing appear to be viable extension options at this time. The MCDEP will require that the sewer extension chosen satisfies the provisions of the Water and Sewer Plan PIF Policy. 3) The site would be served by the Seneca Creek Wastewater Treatment Plant sewerage system, where WSSC projects that transmission and treatment capacity will be inadequate. Service may become dependent on one or more of the following projects being in service: the Crystal Rock Wastewater Pumping Station (S-84.50), the Crystal Rock Wastewater Pumping Station Force Main (S-84.51/52), and the Seneca Creek Wastewater Treatment Plant Expansion (S-53.18).

Since 2001, all of the Capital Improvement Projects (CIP) have been completed and the advisory notes no longer apply. The proposed development will serve a maximum of 225 (Age

~~2~~

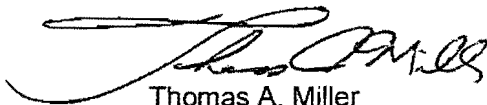
Orchard Run, Rezoning Case Number G-881  
Sewer Restriction Release Request  
RCI Project No.: 825-B2  
August 4, 2009

50+ Restricted) Units and Community Facilities. The entire site will be served by a Gravity Sewer system to a Proposed Wastewater Pumping Station and a Proposed Force Main. The Proposed Force Main will transition back to a Gravity Sewer system near the intersection of Brink Road and Ridge Road/Maryland Route 27 prior to connecting to an off-site Existing Sewer Main near the intersection of Seneca Crossing Drive and Brink Road.

To facilitate the review of the Sewer Category Change Request Application, we have provided one copy of the Rezoning Report, one copy of Resolution #14-819, one copy of the Water and Sewer Concept Plan, one copy of the State Tax Assessment Office Tax Identification Map (showing the location of the site), one copy of the Montgomery County Tax Map, and the original Water and Sewer Category Change Request Application Form. Per our meeting with Alan Soukup on July 30, 2009, there is no fee since this will be a Senior Adult Community. This application will be tracked with the PRC Zoning Application and subject to approval once the Montgomery County Council acts on the zoning.

Should you have any questions or need additional information, please feel free to call me at (240) 912-2173.

Sincerely,  
Rodgers Consulting, Inc.

  
Thomas A. Miller  
Project Manager/Associate

Enclosures

- cc: Renee Miller – M-NCP&PC
- Alan Soukup - MCDEP
- Tom Butz -- Windridge Farm, LLC
- Jody Kline – Miller, Miller and Canby
- Gary Unterberg – RCI





LAW OFFICES  
**MILLER, MILLER & CANBY**

CHARTERED

PATRICK C. McKEEVER (DC)  
JAMES L. THOMPSON (DC)  
LEWIS R. SCHUMANN  
JODY S. KLINE  
ELLEN S. WALKER  
MAURY S. EPNER (DC)  
JOSEPH P. SUNTUM

200-B MONROE STREET  
ROCKVILLE, MARYLAND 20850  
(301) 762-5212  
FAX (301) 424-9673  
WWW.MILLERMILLERCANBY.COM

SUSAN W. CARTER  
ROBERT E. GOUGH  
DONNA E. McBRIDE (DC)  
GLENN M. ANDERSON (FL)  
MICHAEL G. CAMPBELL (DC, VA)  
SOO LEE CHO (CA)  
AMY C. GRASSO

*\* All attorneys admitted in Maryland and where indicated*

JSKLINE@MMCANBY.COM

November 1, 2010

RECEIVED

NOV 04 2010

Environmental  
Protection

Mr. Alan Soukup  
Montgomery County Department of  
Environmental Protection  
255 Rockville Pike, Suite 120  
Rockville, MD 20850

RE: Category Change Request 09A-CKB-01,  
Application of "Orchard Run" c/o Windridge Farm, LLC;  
(Zoning Application No. G-881)

Dear Mr. Soukup:

I am pleased to provide you with the following status report on Zoning Application No. G-881 and its relationship with Sewer Category Change Request 09A-CKB-01.

Zoning Application No. G-881, filed with Montgomery County in early March, 2009, sought Planned Retirement Community (PRC) zoning for 54.34 acres of land currently zoned RE-2. The application sought zoning approval to develop a community of active seniors for up to 225 dwelling units.

As I mentioned during our brief telephone conversation last week, after filing the application, numerous and substantial discussions occurred between the Applicant, its representatives and Staff of M-NCPPC. As a result of a meeting conducted with Staff on October 22<sup>nd</sup>, the Applicant is revisiting its original proposal and intends to revise the application, and reduce the number of proposed dwelling units, with the goal of securing Staff support for the rezoning application.

The Applicant has already embarked on revision of its plans. I expect that such revision would take four to six weeks.





Upon submission of revised plans to the Office of Zoning and Administrative Hearings and to Maryland-National Capital Park & Planning Commission, a public hearing will be scheduled approximately four and a half months after the date of the submission. As I believe you know, the public hearing conducted by the Hearing Examiner results in publication of a Hearing Examiner's Report and Recommendation within forty-five days after the public hearing. The County Council then will consider and act on the application within sixty days (although this action normally occurs within a month of the publication of the Hearing Examiner's Report). Accordingly, today, we are approximately eight months away from Zoning Application No. G-881 being reviewed and acted on by the County Council.

Notwithstanding this lengthy zoning review about to occur, we ask that Sewer Category Change Request 09A-CKB-01 remain open and under consideration by your office. One of the critical issues in the review of Zoning Application No. G-881 is its conformance with the staging and implementation mechanisms of the Comprehensive Water Supply and Sewer Systems Plan as they relate to the 1994 Clarksburg Master Plan. Unfortunately, at the present time, the master plan does not identify the subject property for future sewer service. Indeed, your office, in a transmittal dated September 23, 2009, noted that the application to change sewer from S-3 with a PIF limitation to an unrestricted sewer service classification is not consistent with either water and sewer plan policies or recommendations.

After last Friday's meeting with Staff, we are optimistic that revisions to the zoning application will address Staff's reservations with the original proposal for the "Orchard Run" development. However, if Category Change Request 09-CKB-01 does not remain pending, we are concerned that there will be a "chicken and egg" situation in the review of the zoning application. That is, without some indication that the sewer category change request is pending and could be acted on by the County Council reasonably contemporaneously with the approval of amended Zoning Application No. G-881, Staff at M-NCPPC may find it difficult to advance the rezoning application with a positive recommendation.

For the reasons set forth above, we ask that your office retain Sewer Category Change Request 09A-CKB-01 as an open application in light of the Applicant's desire to reactivate, revise and re-submit its zoning application. Of course, we would be pleased to provide you with regular reports or updates on the amended rezoning application so that you can verify that the rezoning application is moving forward in the manner described above.

Please contact me if there is any further information which you need in order to accommodate this request by the Applicant.

Sincerely yours,

MILLER, MILLER & CANBY

Jody Kline

Jody S. Kline

JSK/dlt



### C. Conclusion

Based on the foregoing analysis, and after a thorough review of the entire record, I reach the following conclusions:

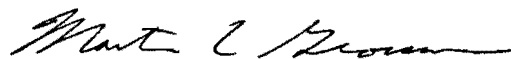
1. The proposed development satisfies the intent, purpose and standards of the P-R-C Zone (provided that the Council also approves public sewer service for the property without a PIF restriction), and meets the requirements set forth in Section 59-D-1.61 of the Zoning Ordinance;
2. The application proposes a development that would be compatible with development in the surrounding area; and
3. The requested reclassification to the P-R-C Zone has been shown to be in the public interest.

### V. RECOMMENDATION

I, therefore, recommend that Zoning Application No. G-881, requesting reclassification from the RE-2 Zone to the P-R-C Zone of approximately 54.34909 acres of land described as Parcel P429 on Maryland Tax Map FV 122 (a/k/a, the "Butz Property" or the "Water Tank Farm Property"), and located at 21901 Ridge Road, Germantown, Maryland, in the 2<sup>nd</sup> Election District, be approved in the amount requested and subject to the specifications and requirements of the revised Development Plan, Exhibit 94(a), provided that the Council also approves public sewer service category S-3 for the property without a PIF restriction and that Applicants submit to the Hearing Examiner for certification a reproducible original and three copies of the Development Plan approved by the District Council within 10 days of approval, as required under Code §59-D-1.64.

Dated: March 19, 2013

Respectfully submitted,



Martin L. Grossman  
Hearing Examiner



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

April 9, 2013

Françoise Carrier, Chair  
Montgomery County Planning Board  
8787 Georgia Avenue  
Silver Spring, MD 20910

Jerry N. Johnson, General Manager/CEO  
Washington Suburban Sanitary Commission (WSSC)  
14501 Sweitzer Lane  
Laurel, MD 20707-5902

Dear Ms. Carrier and Mr. Johnson:

On March 25, 2013, the County Council received a letter from the attorney representing the applicant in Zoning Application No. G-881, requesting that the Council take action on the applicant's previously deferred Sewer Category Change Request: 09A-CKB-01 (Windridge Farm, LLC for Orchard Run).

**A public hearing and action on this category change request has been scheduled for May 7, 2013 at 1:30 pm.**

The 54.4 acre RE-2 zoned property is located on the northwest corner of the intersection of Ridge Road and Brink Road in Germantown. The property is currently vacant. The applicant is seeking unrestricted sewer service (the property currently has sewer approved for a Private Institutional Facility (PIF) use only) to serve a for-profit retirement community. Unrestricted public water is already approved for the site.

This category change request was previously deferred by the Council on July 19, 2011 pending the outcome of the zoning application. The applicant is seeking a rezoning from RE-2 to PRC (Planned Retirement Community).

More details regarding the review of the category change request in 2011 (including prior County Executive, Washington Suburban Sanitary Commission, and Planning Board Staff comments, as well as County Executive recommendations) are included as part of the Council Staff introduction packet of April 9, 2013 available at:  
[http://montgomerycountymd.granicus.com/MetaViewer.php?meta\\_id=48149&view=&showpdf=1](http://montgomerycountymd.granicus.com/MetaViewer.php?meta_id=48149&view=&showpdf=1).

With regard to Zoning Application No. G-881, the Office of Zoning and Administrative Hearings conducted a public hearing on January 8 and January 14, 2013, and the Hearing Examiner transmitted his report to the County Council on March 19, 2013 recommending approval.

Both the Hearing Examiner and Council Legal Staff agree that the water and sewer action must occur before Council consideration of the rezoning request, since the availability of sewer to serve the property is essential to the applicant's development concept and zoning approval cannot be conditioned upon another action (in this case, approval of a change in public sewer designation).

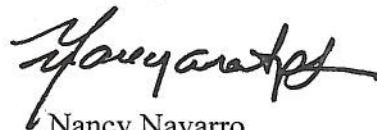
A category change can be approved with conditions (such as a condition that a zoning request is approved) or without conditions. In either case, approval of the category change request will enable the zoning request to move forward for consideration by the Council.

If the Council denies this category change request, then the proposed rezoning would not be in accord with the PRC zone's purpose clause, which requires there be adequate public water and sewer service to serve the property.

Your staffs previously provided comments to Department of Environmental Protection staff when the Category Change request was first considered by the Council. These comments are included as attachments in the Council Staff introduction packet of April 9, 2013. Any additional comments you may have should be forwarded to the County Council as soon as possible. In the case of the Montgomery County Planning Board, the Council expects that the Planning Board will provide a formal recommendation to the Council.

If you have any questions, please contact Keith Levchenko of the Council Staff by phone at (240) 777-7944 or by email at [keith.levchenko@montgomerycountymd.gov](mailto:keith.levchenko@montgomerycountymd.gov).

Sincerely,



Nancy Navarro  
Council President

cc: Richard E. Hall, Secretary, Maryland Department of Planning  
Jay G. Sakai, Director, Water Management Administration, Maryland Department of the Environment

Enclosure  
NN:kml



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

**OFFICE OF THE CHAIRMAN**

June 15, 2011

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

The Honorable Valerie Ervin  
President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, Maryland 20850

**RE: March 2011 County Council Amendments to the *Comprehensive Water Supply and Sewerage Systems Plan***

Dear Mr. Leggett and Ms. Ervin:

On Thursday, June 9, 2011, the Montgomery County Planning Board considered the above cited water and sewer service area category changes. Our recommendations were as follows:

**09A-CKB-01: Orchard Run**

The applicant has requested deferral of this case pending outcome of rezoning case G-881, RE-2 to PRC.

Recommendation: Defer action pending re-zoning application

**10G-CLO-01: Ross Boddy Community Center**

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.

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 should contribute to solutions for long-standing community water and sewer issues.

The Planning Board would also caution that the extension of sewer using the James Creek sewer alignment would pass through proposed parkland and fragment a valuable forest resource on Legacy Open Space property, making it a less desirable option.

Recommendation: Approve W-3 and S-3

**09A-PAX-01: Eglise De Dieu De Silver Spring**

On November 5, 2009, the Planning Board recommended denial of this category change request with comments (see attachment). The Board voted to retain this recommendation, although a minority on the Board felt that the extension of sewer service to this property seemed reasonable.

Recommendation: Deny S-3

**09A-PAX-04: Sunny Varkey**

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: Burtonsville Crossing**

An application similar to this one in this general area was discussed at length by the Planning Board on September 8, 2008, with a recommendation of denial. They felt that a category change request was premature since the proposed 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, the Fairland master plan had intended that land uses would be compatible with the rural nature of the area, possibly not needing public sewer service. See attachment #4.

On June 9, 2011, the Planning Board confirmed that the Fairland master plan recommends against sewer service to this property. The Board also discussed the need to address the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.

Recommendation: Deny W-3, Deny S-3

**09A-PAX-06: Burtonsville Associates**

The Fairland Master Plan recommends water and sewer service on a case-by-case basis for this part of Area #34 for approved special exceptions only, such as elderly housing or day care. A church may be developed as a by-right use in the RC zone, however, environmental constraints and compatibility issues will need to be addressed. The Board also discussed the need to address the future development potential of the area of Burtonsville bounded by old and new MD 29 and by the Pepco power line to the south in a comprehensive way.

Recommendation: Deny W-3, Deny S-3

**09A-TRV-02&03: Ted and Roxanne Smart**

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. On June 9, 2011, the Planning Board confirmed the previous recommendation.

Recommendation: Deny S-3

**11A-TRV-01: Christopher and Christina Marshall**

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, the Planning Board recommends denial of this category change request.

Recommendation: Deny S-3

The Honorable Isiah Leggett  
The Honorable Valerie Ervin  
June 15, 2011  
Page 4 of 4

We thank you for the opportunity to provide recommendations in this matter.

Sincerely,

A handwritten signature in black ink, reading "Françoise M. Carrier". The signature is written in a cursive style with a long horizontal flourish at the end.

Françoise M. Carrier  
Chair

FC:KN:rb

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