
**ADDRESSING THE IMPACTS OF PRIVATE
INSTITUTIONAL FACILITIES IN THE RDT,
RURAL, RURAL CLUSTER, RE-2, AND RE-1
ZONES**



PRIVATE INSTITUTIONAL FACILITIES (PIF) WORKING GROUP

JUNE 27, 2005

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The Working Group would also like to thank Katherine Nelson, Planner Coordinator, Environmental Planning Unit, of the Maryland-National Park and Planning Commission for her assistance to the Working Group with data and maps.

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Executive Summary

Background

On January 20, 2005 the Transportation and Environment Committee asked Council staff to form an interagency Working Group to review the environmental impacts of Private Institutional Facilities (PIFs) in the RDT (Rural Density Transfer), Rural, Rural Cluster, RE-2, and RE-1 zones and provide recommendations that would balance the needs of PIFs with the County's interest in avoiding and/or minimizing environmental impacts of PIF uses in these zones.

Private Institutional Facilities (PIFs) are defined in the Comprehensive Water Supply and Sewerage Systems Plan (Water and Sewer Plan) as "buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service)." Common categories of PIF uses are: places of worship, private schools, senior housing and day care centers.

The issue of PIFs locating or expanding in low-density zones has come up at the County Council repeatedly in recent years during the Council's review of water and sewer category change requests. Further, within the past few years several PIF water and sewer requests involved properties in the Rural Density Transfer (RDT) zone.

The Working Group met 4 times (the first meeting was on February 25, 2005) and held a public forum on April 13 to solicit comments from interested groups and individuals.

Working Group Scope

As noted above, the Working Group's focus has been on how best to address the environmental impacts of PIFs in certain zones. However, it became clear to the Working Group early on that the group's scope needed to be broadened somewhat in order to better address the PIF issue.

For instance, the possible negative impacts of PIF uses on agriculture in the RDT zone and any possible changes that could affect agricultural uses were raised by the Planning Board as part of the transmittal of its zoning text amendment that would put in place impervious area caps in the RDT and other zones. Agricultural issues also came up both within the Working Group discussions and in the public forum and subsequent correspondence.

In addition, as the PIF Working Group heard at the April 13 public forum and in subsequent written correspondence, the community impacts of large PIF uses are of great concern to people living near these PIFs. While the Working Group was formed to focus on environmental impacts, the Working Group did consider how various options under consideration might affect issues of concern to the community. A more detailed review of community issues (which was beyond the scope and capacity of the Working Group) is needed.

Recommendations

The PIF Working Group believes that PIF uses in the zones in question raise significant environmental concerns, especially in cases where multiple large PIF uses may be clustered in a single drainage area or where PIF uses expand dramatically on existing properties. Changes are needed to better balance the public benefits of the services provided by PIFs with the environmental, agricultural (in the case of the RDT zone), and community impacts that may result.

The PIF Working Group recognizes that this report represents the beginning of a review process rather than the end. Several of the recommendations would require changes to the County's Ten-Year Comprehensive Water Supply and Sewerage Systems Plan and/or passage of a zoning text amendment. If the Council chooses to formally consider these recommendations, specific language for these changes will have to be drafted. Issues will likely be identified during this drafting process that were not taken up by the Working Group.

The Council's review process will provide opportunities for interested groups and individuals to provide input to the Council and will allow for refinements or changes to the Working Group's recommendations as the various policy issues involved are debated and reviewed.

The Working Group's recommendations reflect consensus among the participants. In some cases, one or more participants may have preferred other or additional alternatives but accept the recommendations as the consensus of the group.

It is also important to note that the Working Group recommendations do not necessarily reflect the official position of any of the departments or agencies of the Working Group participants. The recommendations of the Working Group represent the opinions and conclusions of the individuals

Recommendation #1:

Revise the Water and Sewer Plan to prohibit sewer hookups and extensions within the RDT zone to serve PIF uses, except in cases of failed septic systems. If approved, this recommendation would mean:

- **Sewer extensions into the RDT zone to accommodate PIFs would be prohibited.**
- **Single hookups from existing mains (currently allowed under the abutting mains policy) to serve PIFs would also be prohibited.**

Recommendation #2:

The Department of Environmental Protection and Department of Permitting Services should review the Water and Sewer Plan requirements with regard to multi-use sewerage systems (individual, on site sewerage systems with 1500 or more gallons per day peak capacity) and recommend any changes needed to ensure that multi-use

systems are properly planned, built, and maintained and do not adversely affect the environment or public health.

Recommendation #3:

Approve a Zoning Text Amendment to:

- a. **Add impervious area caps in various zones as originally proposed by M-NCPPC staff that would affect new development and expansions of existing development:**
 - i. **15% in the RDT zone (with agricultural uses exempt)**
 - ii. **20% in the Rural, RC, RE-2, and RE-1 zones**
- b. **Grandfather existing developments that exceed these caps, although future expansions would be subject to the cap.**

Recommendation #4:

Future Master Plan revisions should identify areas where PIFs are encouraged and/or discouraged and whether water/sewer should be provided to serve these uses.

I. Background

The County's Comprehensive Ten Year Water Supply and Sewerage Systems Plan (also known as the Water and Sewer Plan) includes a special policy whereby the Council may approve the extension of public water and sewer service to non-profit institutions (referred to in the policy as Private Institutional Facilities or PIFs) in areas that are not otherwise eligible for public service.

During a review of the Water and Sewer Plan in the fall of 2003, the Montgomery County Planning Board requested that the "PIF" policy be modified in order to reduce the potential negative environmental impacts of institutional projects that are approved for public water and/or sewer service via the PIF policy. The Board's concerns were centered on the following:

- 1) The potential negative environmental effects of the development density and impervious surfaces associated with PIF projects which are generally well in excess of those associated with other allowed uses within the RDT, Rural, RC, RE-2, and RE-1 zones; and
- 2) The loss of large tracts of land in the County's valuable Agricultural Reserve (RDT Zone) to uses other than agriculture.

In response to the Planning Board request, the County Council asked the Board to suggest changes to the Montgomery County Zoning Ordinance to address the problems raised. The Council, in its consideration of several recent PIF category change requests, had raised concerns similar to those raised by the Planning Board. M-NCPPC staff subsequently developed, and the Board approved, a zoning text amendment affecting all development in RE-1, RE-2, Rural, Rural Cluster and the RDT zones by limiting the allowed impervious surface on a site to a percentage of the total site area. The Board transmitted the zoning text amendment to the County Council in April 2004. The transmittal is included in Appendix I. It was introduced by the Council in December 2004.

On January 20, 2005 the Council's Transportation and Environment (T&E) Committee asked Council staff to form an interagency Working Group to review the Private Institutional Facilities (PIF) issue with regard to its impact on large lot zones and provide recommendations for changes that would balance the needs of PIFs with the County's interest in avoiding and/or minimizing environmental impacts of PIF uses in these zones.

The Working Group first met on February 25 and held a public forum on April 13 to solicit comments from interested groups and individuals. Testimony and additional correspondence is included in Appendix IV.

This report includes background information as well as a discussion of the alternatives and recommendations that reflect what the Working Group unanimously believes should be implemented by the Council.

II. Working Group Scope and Goals

Scope

The Working Group's focus has been on how best to address the environmental impacts of PIFs in certain zones. However, it became clear to the Working Group early on that the group's scope needed to include other issues in order to better address the PIF issue.

For instance, the possible negative impacts of PIF uses on agriculture in the RDT zone and any possible changes that could affect agricultural uses were raised by the Planning Board as part of the transmittal of its zoning text amendment that would put in place impervious area caps in the RDT and other zones. Agricultural issues also came up both within the Working Group discussions and in the public forum and subsequent correspondence.

According to agricultural assessment records, land dedicated to agricultural use has declined from 128,000 acres in 1980 to 82,350 acres (a drop of nearly 36%) in 2004. While there are many reasons for this decline, any County policies that could exacerbate this trend are of concern to the agricultural community.

In addition, as the PIF Working Group heard at the April 13 public forum and in subsequent written correspondence, the community impacts of large PIF uses are of great concern to people living near these PIFs. While the Working Group was formed to focus on environmental impacts, the Working Group did consider how various options under consideration might affect issues of concern to the community. A more detailed review of community issues (which was beyond the scope and capacity of the Working Group) is needed.

Recommendation Criteria

Based on the Working Group's scope described above, the Working Group established a number of recommendation criteria that would guide the group in its review of various options:

- Avoid or minimize negative environmental impacts (both in the short-term and in the long-term) of new and/or expanded PIF uses within the RDT, Rural, RC, RE-2, and RE-1 zones.
- Support working agriculture (in the RDT zone) and rural character of these areas.
- Provide predictability in the process for PIF applicants and other interested parties.

- Ensure a fair process that is transparent to land owners, neighbors and potential land purchasers.
- Sufficiently target any proposed changes so as to minimize unintended consequences on other individuals, groups, or institutions.
- Make recommendations that are administratively feasible to implement.

III. Public Comment

On April 13, 2005 the Working Group held a public forum and received oral and written testimony from a variety of groups and individuals with varying opinions on the issue. Correspondence has also been received subsequent to the forum. The public forum testimony and much of the written material received is attached in Appendix IV.

Some of the major recurring themes expressed by individuals and groups (both at the forum and in subsequent correspondence) are noted below.

- **Economic and Demographic Issues**
 - The County has a shortage of places of worship as population has grown.
 - Land is so expensive that the only viable approach for many institutions wishing to locate or to expand within the County is to move to outlying rural areas in the County where large enough tracts of land are available and affordable.
 - Religious institutions provide an array of important services to both members of their own organizations and to the public at large and are a critical component of the fabric of the community.
 - The number of institutions seeking to locate in rural zones is small compared to the overall acreage contained in these zones.
 - These institutions tend to cluster in certain areas of the County which are zoned for low density but which could be feasibly served by public sewer.

- **Environmental Impacts**
 - The higher imperviousness levels of PIFs in the RDT and other zones run counter to the intent of these zones and specifically the goals behind the creation of the Agricultural Reserve.
 - Studies show that water quality within a given watershed or sub watershed begins to decline at imperviousness levels of 8%.

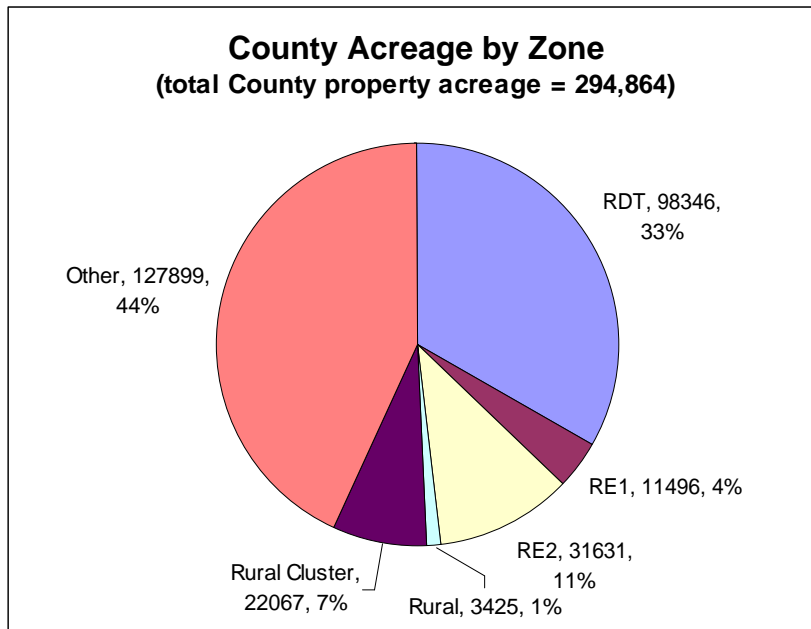
- **Incompatibility with and Loss of Agricultural Uses**
 - Large PIF uses permanently remove areas intended to remain agricultural.

- **Community Impacts**
 - Large PIF uses are incompatible (traffic volumes and intensity of land use, for instance) and out of scale with the surrounding areas in the RDT and other zones.

IV. Zoning Information

The specific zones at issue in the original zoning text amendment proposed by Park and Planning were: RDT (Rural Development Transfer, 1 unit per 25 acres), Rural (1 unit per 5 acres), RC (Rural Cluster, 1 unit per 5 acres), RE2 (Single-Family Residential, 1 unit per 87,120 square feet), and RE1 (Single-Family Residential, 1 unit per 40,000 square feet). The Working Group chose to focus on these same zones.

Total County acreage equals 317,120 acres, of which 294,864 acres comprise the file of all parcels of land in the county. The 294,864 acres does not include bodies of water and transportation right of ways dedicated to public use. The zones under review by the Working Group consisted of approximately 56% of this total acreage. The largest single zoned area is the RDT zone, which makes up 33% of the acreage. The following chart presents the County's land area with the zones under review broken out. The "other" category includes all portions of the County not otherwise within these zones.



Of the zones under review, there are still approximately 170 properties of 20 acres or greater encompassing a total of over 12,000 acres that are within 4000 feet of sewer lines and could be part of future requests for PIF development on sewer. These and other properties could also be subject to PIF development on large septic systems.

Therefore, any changes affecting these zones will substantially affect

development potential within Montgomery County of PIFs or perhaps other uses, depending on the changes made.

V. Current Regulatory Processes Related to PIFs

Under current development approval requirements, new developments go through a series of review processes. Many of these processes apply to new private institutional facilities as well. These are summarized below in approximate chronological order. For on-site expansions or changes in current uses, the review processes involved will depend on the specifics of the issue.

Consistent with Applicable Zoning

A proposed land use must be consistent with existing zoning.

Although private institutional facilities are defined in the Ten Year Water and Sewer Plan, there is not a single definition for them in the zoning ordinance. Some uses in rural and agricultural zones require special exceptions. A place of worship is a permitted use in all zones in the County. There are many uses considered ancillary to a house of worship (religious schools and day care for example). These ancillary uses are also permitted.

Water and Sewer Plan Amendment

For PIFs seeking to develop on public water and/or sewer, an amendment to the County's Water and Sewer Plan is required unless the property is already in the correct service area categories for public service (W-1 or W-3 and S-1 or S-3). In general, water or sewer service is not assumed to be provided to the zones under discussion (RDT, Rural, Rural Cluster, RE-2, and RE-1). Properties in these zones are generally designated as categories W-6 and S-6, indicating no planned public service within the ten-year scope of the Water and Sewer Plan. However, the PIF policy provides an opportunity for PIFs to be eligible for service. Other Water and Sewer Plan policies, such as the abutting mains policy and health hazard situations, may also permit service to be provided under limited circumstances.

For PIFs seeking to develop using individual on-site on systems (usually wells and septic systems), all wells and septic systems are permitted by the State of Maryland through the County's Department of Permitting Services. The State requires that systems with a peak capacity of 5,000 or more gallons per day be designated as "multi-use systems" and approved in the County's Water and Sewer Plan. In addition, Montgomery County requires the multi-use designation for systems with capacities of 1,500 or more gallons per day. This designation requires amendments to both the Plan's category maps and text.

The Maryland Department of the Environment reviews all amendments to the County's Water and Sewer Plan and may approve or disapprove these actions.

Subdivision Approval

If the property is not a recorded lot, a preliminary plan of subdivision and a record plat will be required. There is an adequate public facilities requirement for the amount and type of

development requested. The land must either be in an area planned for future public sewer service or approved for an on-site system (usually a septic system) to pass the sewer aspect of this test.

As traffic is measured in the weekday peak hour, few PIFs have problems passing the test for transportation adequacy. Access to the site would be established at the time of subdivision. Unless the project is in a special protection area or the Patuxent Watershed, there is no maximum impervious surface limit to the approval. Compliance with the Planning Board's environmental guideline would be expected. Appropriate environmental conservation areas would be established if necessary. The exact location of buildings is not required at the time of subdivision but is useful to get the best stormwater management concept.

Forestation Conservation Ordinance Requirements

Before a subdivision is approved, a property must submit a forest conservation plan for approval. This would designate a minimum on-site forest retention area of at least 20%. If no forests are present, it would be expected that trees would be planted on site. It would not be expected that forest conservation would be a constraint to site development.

Forest conservation plans may also be required for proposed land disturbances of 5,000 square feet or more on lots or parcels which do not have to go through the subdivision process and exceed 40,000 square feet in size. The forest conservation plan must be approved by Planning Board staff prior to issuance of a sediment control permit by the Department of Permitting Services.

Stormwater Management Requirements

Development activities typically reduce the amount of infiltration of rainfall into the soil and increase the amount of runoff leaving the site. This results in less groundwater, which is crucial for maintaining springs, wetland, and base flow of streams. It also results in a greater pollution load in streams and the erosion of stream channels. Stormwater management plans must meet design standards developed by the State of Maryland. These include structural and nonstructural practices for the recharge of groundwater, for the removal of pollutants from runoff from the site, and to control quantities of runoff to minimize stream channel erosion. Please see Section VII of this report for a discussion of the effectiveness of these practices.

In the development process stormwater management concept plans must be approved prior to approval of a preliminary plan or site plan by the Planning Board or prior issuance of a sediment control permit when a preliminary or site plan is not required. Detailed stormwater management design and construction requirements are made part of the sediment control permit for the site.

Building Permit

Building construction must be in compliance with established building codes (structural, architectural, mechanical, and electrical) . As applicable, the building permit process also includes reviews to insure the construction is compliance with zoning codes and approved

preliminary and subdivision plans, Land development permits for sediment control, well construction, and septic systems must be issued prior to building permit issuance.

Sediment Control Permit

In addition to stormwater management requirements, sediment control permits also include structural and nonstructural practices to limit and control sediment generated by grading and other land disturbing activities. Bare and freshly graded soil is very erodible. Without proper treatment and stabilization, runoff from the site carries this sediment into local streams and waterways.

VI. The Water and Sewer Plan and the PIF Policy

Comprehensive Water Supply and Sewerage Systems Plan (Water and Sewer Plan) Background

The function of the Water and Sewer Plan is to ensure the adequate provision water supply and wastewater disposal to meet the County's existing and planned needs in a logical, cost-effective, and environmentally-conscious manner. As noted in the 2003 – 2012 Ten-Year Comprehensive Water Supply and Sewerage Systems Plan text, the purpose of the plan is to:

“...provide an overview of the planning policies, needs, issues and planned infrastructure related to community and individual water and sewerage systems, public health, environmental protection and land-use issues in Montgomery County. It is intended to provide both background information and a planning basis for the evaluation of water supply and sewerage system needs in the County.”

As required by State law, the County Executive prepares and the County Council approves comprehensive updates to the plan every three years. In addition, the Council may approve amendments to the plan (text amendments or category change requests for a property or a group of properties) at any time. The Maryland Department of the Environment may approve or disapprove Council updates and amendments. Under the County Executive, the Plan is administered by the Department of Environmental Protection.

Private Institutional Facilities (PIF) Policy

The Water and Sewer Plan includes both general policies and specific policies for the provision of public water and sewer service. The PIF policy is a specific policy that can supersede other general service policies in the Water and Sewer Plan. Actions taken under the PIF Policy may also conflict with area Master Plans. A current area of contention between Montgomery County and the Maryland Department of the Environment is the discretion the Council has to approve or disapprove category change requests (including PIF requests) that may be inconsistent with area Master Plans.

The Private Institutional Facilities (PIF) policy, as it now establishes the Council's authority for addressing PIFs, first came into being in 1996. The policy was developed in reaction to concerns by Councilmembers that there were no formal guidelines or requirements regarding the approval of requests by private institutional facilities for water and/or sewer service in areas not otherwise assumed to eligible for public service. A discussion of the PIF policy's evolution is included in Appendix 1.

PIFs are defined in the Water and Sewer Plan as “buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).” Historically, most PIF cases have involved religious institutions, but other PIF uses which have required category change

requests are private schools, day care centers, university facilities, hospices, cemeteries and museums.

As a policy that provides the potential for approval of service inconsistent with area Master Plans, the PIF policy has been controversial throughout much of its history. However, it is important to note that the policy itself was developed to provide a level of guidance for PIF applicants, the public, County agencies, and the Council itself for requests that previously came to the Council without such guidelines.

The policy put in place minimum standards that must be met in order for a PIF to be considered eligible for public service. As is assumed today, the Council considers each request on a case-by-case basis. Although the Council has ultimately approved the great majority of PIF requests, Department of Environmental Protection (DEP) staff who administer the Water and Sewer Plan believe the PIF policy has served a valuable role as a gatekeeper, keeping some unsuitable requests from being filed and coming to the Council.

Appendix 1 includes a list of category change actions under the PIF policy. Since 1996, there have been 67 category change requests that have come before the Council involving PIF uses. Several other requests are pending. Many of the properties associated with these actions were zoned RE-2, RC, and RDT. Of the 67 requests, 43 were considered under the PIF policy. Several recent requests were deferred by the Council pending this Working Group report.

The current PIF policy includes the following requirements:

- Defines PIFs as organizations which qualify for federal tax exemption (under IRS rules).
- PIFs locating within the water and sewer envelope may be approved administratively (by DEP).
- For PIFs locating outside the water and sewer envelope, Council consideration is required:
 - Sites abutting a main: eligible for public service only within the PIF policy.
 - Sites requiring extensions
 - For existing PIF uses: Public service may be approved only if the extension does not open up undeveloped land to development contrary to the relevant local area master plan.
 - For new (or relocating) PIF uses: Public service may be approved only if the extension will abut only properties which are otherwise eligible for community service.
 - Main extensions shall be designated “Limited Access.” Exceptions may be made to limited access designation to serve properties with failed septic systems or other PIF uses.
 - The applicant must construct and pay for the main extensions and pump systems required.

- Public service for PIFs will not be approved if a WSSC-owned and operated pumping station would be required to provide service, which would serve only PIF uses.

The current PIF policy does not address cases where PIFs develop using on-site wells and septic systems. However, these cases may also require Water and Sewer Plan amendments for large-capacity or “multi-use” water and sewerage systems, as discussed in Section V of this report.

Other Maryland Jurisdictions

Five Maryland jurisdictions were surveyed to see how they addressed institutional uses in water and sewer planning. The jurisdictions surveyed were:

- Baltimore County
- Frederick County
- Harford County
- Howard County
- Prince George’s County

The full list of questions and responses is included in Appendix III. In summary,

- All of the jurisdictions had similar water and sewer plan review processes to Montgomery County’s. Most had administrative ways to handle non-controversial requests (especially for properties located within existing service areas).
- All of the jurisdictions surveyed, except Frederick County, have a Countywide service envelope that is the primary determinant as to whether a property is eligible for public service. Frederick County has multiple service areas addressing incorporated towns and some unincorporated growth areas. However, as with the single envelopes of the other jurisdictions, public service is not assumed for properties outside these areas.
- Baltimore and Frederick Counties are seeing trends toward more requests for service outside of their service envelopes, probably because of the availability and relative affordability of land compared to land within the service areas. Harford and Prince George’s Counties have not experienced many requests to date.
- All of the Counties surveyed indicated that exceptions approving service outside of established service areas are rare.
- None of the jurisdictions surveyed have a separate policy (such as Montgomery County’s PIF Policy) that would make public service available to PIF uses that would not otherwise be available for other uses. Some PIF uses, such as places of worship, are permitted uses in the rural zones of all of the jurisdictions surveyed, but are not eligible for public service in those zones.

- Prince George's County has a "Public Use Allocation Policy" that provides some accommodation to public facilities that may locate outside the County's service area.
- None of the jurisdictions surveyed had special environmental controls (such as impervious area caps) targeted in the rural zones.

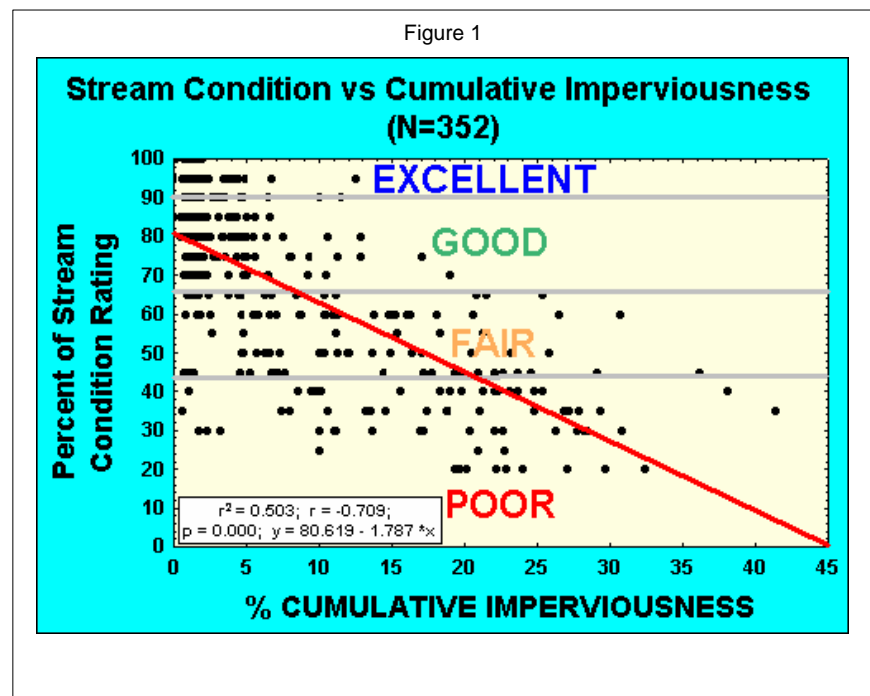
VII. Environmental Issues Associated with PIFs in the RDT, Rural , Rural Cluster, RE-2, RE-1 Zones

Impervious Area

The primary environmental concern of PIF requests in the RDT and other zones under review is that these uses create more impervious area than was envisioned under the current zoning or in that area’s master plan and will negatively affect water quality.

Impervious and highly compacted surfaces covering the landscape affect how much water infiltrates and how much runs off. Recent research (Center for Watershed Protection, 2003) has shown that most stream quality indicators will decline when watershed imperviousness exceeds 10 percent, with severe impairment occurring when imperviousness exceeds 25 percent.

A preliminary regression model developed by the Montgomery County Department of Environmental Protection (Countywide Stream Protection Strategy, 2003 Update), and based exclusively on County stream quality and watershed impervious area data, also predicts that average aquatic insect IBI (index of biotic integrity) scores begin to decline from a “good” category to a “fair” category when imperviousness exceeds 8 percent. When imperviousness exceeds 21 percent, the model predicts that average aquatic insect IBIs decline to the poor category (Figure 1).



As discussed later in this report, one option considered by the Working Group was to require PIF applicants to implement best practices to reduce environmental impacts. This option raises the general question of to what extent the combined effect of modern stormwater controls, stream buffers, and forest reforestation can help mitigate the effects of increasing imperviousness and compacted soil conditions in urban and suburban watersheds.

Some studies (Environmental Resources Management, 2000, Maxted 1999, CWP 2003) have suggested a small but positive effect of stormwater control relative to aquatic insect diversity. This positive effect was seen in the five percent to 20 percent imperviousness range,

but was not detected beyond 30 percent imperviousness. The Center for Watershed Protection Study (CWP 2003) further notes that it would be premature to presume that stormwater management controls are of limited value in maintaining biological diversity in small streams. The other studies were based on outdated stormwater management criteria and therefore are not a fair reflection of current standards. Most stormwater management control structures studied to date were designed to control certain types of storms but were not specifically designed to protect stream habitat or to prevent downstream channel erosion. Forest retention and buffers may also provide benefits that have not been well quantified (CWP 2003). Few studies have actually followed a small watershed from pre-construction through to the build-out of projects to evaluate the cumulative effects of various combinations of stormwater management controls, supporting stream buffers, trees and other stormwater pollutant controls in mitigating watershed development impacts.

Currently, there is a lack of sufficient research results to permit confident assignment of values to account for possibilities that stormwater practices lessen impervious area effects on stream quality. Recognizing this and uncertainties about whether effective and long-term maintenance will accompany these practices, most researchers and many permitting agencies have been reluctant to suggest that higher levels of watershed imperviousness offset with combinations of stormwater management controls, stream buffers, and tree protection may correlate to better stream quality than the body of research currently indicates.

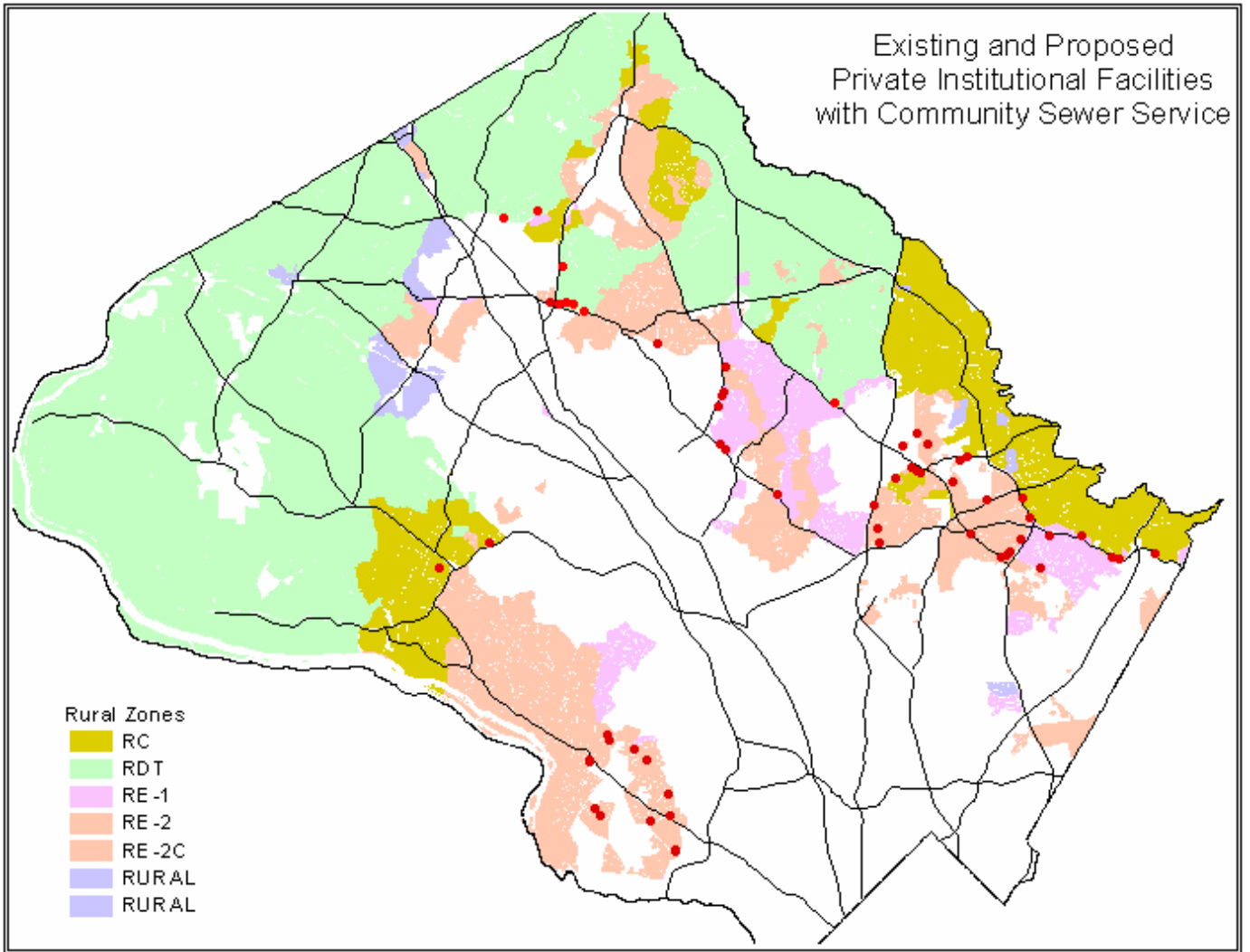
PIF Uses

As noted in the M-NCPPC Staff report (in Appendix III) and reproduced in the table below, average imperviousness levels for existing residential and agricultural developments in the zones under review range from 5 percent in the RDT zone to 11 percent in the RE-1 zone. PIF uses vary greatly in impervious area but, in general, represent much more intense development than non PIF developments. Median impervious area of existing PIFs by zone ranges from 14 percent to 22 percent. Therefore, in zones intended for rural or large lot residential development, large PIF developments can greatly increase imperviousness levels assumed in an area.

Zone	Average % Existing Imperviousness	Median Impervious Area of Existing PIFs
RDT	5%	14%
Rural	6%	None
RC	6%	19%
RE-2	9%	22%
RE-1	11%	21%

Over time, PIF uses have also tended to cluster in areas just outside the existing sewer envelope but close enough to make sewer extensions feasible. The following map provided by M-NCPPC staff illustrates this clustering trend.

Existing and Proposed
Private Institutional Facilities
with Community Sewer Service



VIII. Options for Addressing PIF Issues in Montgomery County

The PIF Working Group discussed the following options as possible ways to address environmental and other impacts of Private Institutional Facilities (PIFs) in RDT, Rural, Rural Cluster, RE-2, and RE-1 zones. While some options may preclude others, many of the options are not mutually exclusive (i.e., one could choose to pursue multiple options).

The options are divided into two categories:

- Zoning Options (those options that would involve changes to the Montgomery County Zoning Ordinance), and
- Water and Sewer Plan options (those options that would involve revisions to the County's Ten-Year Comprehensive Water Supply and Sewerage Systems Plan.)

Note: Master plans also come into play as they are revised, and the Working Group believes specific land use issues (such as encouraging or discouraging institutional uses in certain areas) should be part of the master plan process.

After each option description, a brief summation of the Working Group discussion is noted.

Zoning Options

1. **Prohibition by Use or Size of Use:** Currently certain institutional uses are allowed either by right (such as places of worship) or by special exception (such as day care centers) in the RDT and the other zones under discussion. These uses could be prohibited or restricted in size in these zones. This approach would not distinguish as to whether a property is to be served with well and septic or public water and sewer. This approach also would not distinguish between areas of varying environmental sensitivity, nor does it directly link to the potentially varying environmental impacts of different institutional uses.

The Working Group believes removing PIFs that are permitted uses outright would be overly restrictive and not necessary to meet the Working Group's environmental goals. Impervious area caps are a more direct way to address environmental concerns.

2. **Require a Special Exception for All PIF Uses in Specified Zones:** Many institutional uses require special exceptions to locate in certain zones. Places of worship are permitted uses (without a special exception requirement) in all zones. This approach would require all institutions to go through the special exception process to locate in these zones. A special exception requirement might also be triggered by the size (impervious area, building coverage, building square footage, etc.) of any use.

The Working Group felt that environmental impacts were best addressed more directly through other strategies, such as the PIF Policy or impervious area caps.

However, the Working Group discussed this option at length with regard to the issue of community impacts. The Working Group did not reach a consensus as to whether the special exception process was the most efficient and effective way to address community impacts. There was some recognition that requirements for special exceptions would trigger public notification processes and opportunities for comment which would be an improvement over the more limited notification resources and processes available under the current PIF requirements.

- 3. Require Site Plan Review:** Under this approach, a site plan would be required for developments meeting certain criteria. The criteria could include those developments that will have building coverages that exceed a certain trigger point for each zone. Currently, site plan reviews focus on compatibility issues. However, under this option, environmental and other impacts could be considered as well under new criteria.

The Working Group felt that putting in place a site plan review process for all PIFs would be burdensome to both applicants and the Planning Board. As noted later, site plans will be needed for large PIF developments to identify and verify impervious area coverage assumptions to ensure that impervious area caps are not exceeded.

- 4. Add Impervious Area Caps by Zone:** Building coverage limits currently exist in the Zoning Ordinance. These limits could be modified and new limits could be imposed by zone on total lot coverage as well. Total lot coverage would include all impervious areas, such as parking lots, that are separate from the buildings. All uses (unless specifically exempted such as agricultural uses) would be covered by these caps regardless of whether they receive public water or sewer service. This approach was recommended by the Planning Board in its zoning text amendment transmittal to the Council in April 2004.

The Working Group believes that impervious area caps are a viable and direct way to address water quality issues. The Working Group recommends that impervious area caps be established in the RDT, Rural, RC, RE-2, and the RE-1 zones. For more details, please see the Recommendations section of this report. Depending on the level of caps set by zone, some large PIF developments would be prohibited or would have to be on larger tracts of land to meet the cap requirements. Please see the Park and Planning discussion in Appendix III which reviewed the distribution of impervious area levels for existing PIFs by zone.

- 5. Environmental Overlay Zone:** Under this approach, environmental criteria would be established that would dictate building restrictions and/or limitations across certain environmentally sensitive areas. Areas within the overlay zone could be subject to special requirements such as impervious area caps as discussed in Option #4. As with other zoning-related options, this approach would affect all properties in the overlay zone, thereby possibly hampering the viability of other desired uses allowable within certain zones.

This approach held some appeal in that it could connect development requirements with specific environmental conditions in a given area. However, it would add substantial complexity and administrative burden to the development process in order to achieve goals that could be similarly achieved through other less burdensome ways such as impervious area caps.

Possible Revisions to the Water and Sewer Plan

- 1. Eliminate the PIF Policy:** Institutions would be required to meet some other Water and Sewer Plan criterion (such as abutting water and/or sewer mains, locating within the acknowledged public water and sewer service envelopes, etc.) in order to receive public service.

The Working Group agreed that revisions to the PIF policy are needed to help better balance the benefits of PIFs with other County goals (such as environmental protection and preservation of agriculture). The Working Group did not come to a consensus that the PIF Policy should be eliminated.

- 2. Limit PIF Policy in certain areas of the County:** Under this approach, the PIF Policy would not apply in specifically designated areas. To be approved, water and sewer service requests in those areas would have to be justified by another Water and Sewer Plan policy.

The Working Group supports revising the Water and Sewer Plan to preclude hookups or extensions into the RDT zone, except to address failing septic systems. Since this change does not address large PIF uses that may locate in the RDT on large septic systems (and in fact could encourage more developments on large septic systems) the Working Group also believes a review of Water and Sewer Plan policies with regard to multi-use septic systems (1500 gallons per day) or greater is warranted. These combined recommendations will help ensure that developments in the RDT zone are more consistent with what was originally envisioned in the Agriculture and Rural Open Space (1980) and current zoning.

- 3. Put an impervious area cap requirement (or other building limitations) within the PIF Policy.** This approach would require PIF applicants to meet certain impervious area caps in order to be eligible to receive public water and sewer service. Unlike pursuing this approach in the Zoning Ordinance, property owners who are not seeking public water and sewer would not be subject to these requirements.

The Working Group believes that impervious area caps are more appropriate to include in the Zoning Ordinance.

- 4. Require PIF applicants to implement best practices to reduce environmental impacts:** Currently, the only regulatory review required of all developments is the sediment control permit process. This approach would require the PIF applicant to adopt a higher standard of site design and low impact development controls that could include

rain gardens, green roofs, permeable parking areas, and other “green” building practices.

These practices should be encouraged (and are already required in some cases) and can help a development better minimize its impervious area impacts. However, as noted earlier in this report, current research is inconclusive as to the extent to which best management practices (bmps) such as those mentioned above significantly offset the environmental impacts of greater impervious area in a watershed. In addition, many of these bmps require future maintenance to ensure continued benefits and County inspections and oversight would be required to ensure that bmps were still functioning properly. This may not be an appropriate or reasonably enforceable function under the administration of the Water and Sewer Plan.

- 5. Require Pre-Application Plan Approval:** PIF applicants would be required to submit a pre-application plan for review to M-NCPPC as part of their water/sewer category change application. This plan would then be reviewed by DEP, DPS, Park and Planning, and other County agency staff as part of the PIF review process.

This pre-application plan would help decisionmakers understand what is intended for a site. However, once water and sewer service is approved, the plan might change for a variety of reasons. Therefore it does not provide an assurance that what is seen at the time of approval is what will be built.

IX. Recommendations

The Working Group debated many different options for addressing environmental issues, agricultural issues (in the RDT zone), and community concerns related to PIF uses. The Working Group focused on the impacts of PIFs in general and not any particular PIF use.

Ultimately, the Working Group felt that its primary goal was to maintain “good” water quality in the zones under review. The categorization is important because it has implications for what impervious area goals should be.

The Working Group believes the water quality goals can be achieved without further burdening agricultural uses in the RDT zone. In fact, the recommendations may help to maintain areas in agricultural use. Therefore, the Working Group agreed that any recommendations affecting the RDT zone should include exemptions for agricultural uses.

The Working Group struggled with the issue of community impacts of large PIF uses. As noted in the public hearing testimony and other correspondence received, large PIF uses may create significant community impacts. While the Working Group’s impervious area cap recommendations would likely have an effect of minimizing some of these impacts of future expansions or new developments (as would PIF policy changes recommended below for the RDT zone), the Working Group could not reach a consensus on how to address community impacts. Further study of the issue of community impacts from PIFs is needed.

Another concern that will need to be addressed if any changes are made to either the Zoning Ordinance or the Water and Sewer Plan is grandfathering approved and existing uses. In general, the Working Group supports grandfathering those uses already in place and/or approved by the Council. However, any future or pending requests should be subject to any changes approved by the Council.

These recommendations represent the beginning (not the end) of this process. These recommendations will require a full review by the Council through its zoning text amendment and Water and Sewer Plan amendment processes. These processes include public hearing requirements, so that all parties will have an opportunity to comment further on these issues.

Finally, it is important to note that the Maryland Department of the Environment (MDE) has final authority over a County’s water and sewer policies. Policy changes and/or category change approvals made by the County Council are subject to review by MDE.

Recommendation #1:

Revise the Water and Sewer Plan to prohibit sewer hookups and extensions within the RDT zone to serve PIF uses, except in cases of failed septic systems. If approved, this recommendation would mean:

- **Sewer extensions into the RDT zone to accommodate PIFs would be prohibited**

- **Single hookups from existing sewer mains (currently allowed under the abutting mains policy) to serve PIFs would also be prohibited.**

The Working Group believes that providing sewer extensions in the RDT zone runs counter to the intent of the RDT zone as envisioned in the Preservation of Agriculture and Rural Open Space Master Plan (1980) and counter to the County's working agricultural policies in general. Sewer extensions for PIF uses within the RDT zone allow for denser development than would otherwise be possible and (based on prior history) are likely to spur requests for additional extensions or hookups in the future, further exacerbating the problem.

Recommendation #2:

The Department of Environmental Protection and Department of Permitting Services should review the Water and Sewer Plan requirements with regard to multi-use sewerage systems (individual, on site sewerage systems with 1500 or more gallons per day peak capacity) and recommend any changes needed to ensure that multi-use systems are properly planned, built, and maintained and do not adversely affect the environment or public health.

While prohibiting sewer extensions and hookups in the RDT zone will help control the intensity of development in the RDT zone, it may also have the effect of encouraging more large PIFs to develop on multi-use septic systems. While an impervious area cap may limit how large these PIFs are, the Working Group feels that the issue of multi-use systems requires further review. These systems, if not designed, constructed, or maintained properly, could require future County action to address public health issues.

In general, the Working Group feels strongly that the PIF Policy in the Water and Sewer Plan represents a major exception to policies in area master plans and in the Water and Sewer Plan itself. The recommended changes, both in the PIF Policy and in the Zoning Ordinance (see below), will help ensure that approvals via the PIF Policy are more environmentally sensitive.

Recommendation #3:

Approve a Zoning Text Amendment to:

- b. **Add impervious area caps in various zones as originally proposed by M-NCPPC staff that would affect new development and expansions of existing development:**
 - i. **15% in the RDT zone (with agricultural uses exempt)**
 - ii. **20% in the Rural, RC, RE-2, and RE-1 zones**
- c. **Grandfather existing developments that exceed these caps, although future expansions would be subject to the cap.**

The Working Group reviewed at length the concept of impervious area caps and different ways caps may be implemented. Impervious area caps would directly address water quality concerns. As noted earlier in this report, both national and local research has found that water

quality within watersheds begins to deteriorate (go from good to fair) once total impervious area begins to exceed 8 percent.

Recognizing that the support for working agriculture is a fundamental goal in the RDT zone, agricultural uses are recommended to be exempted from the changes recommended in the RDT zone.

The Working Group discussed the M-NCPPC approach proposed in April 2004 as well as alternative approaches. Creating caps by drainage area, for instance, would be a very direct way to protect water quality and caps could be set at different levels depending on the category of stream affected and the water quality goal. However, administering such a cap would be more burdensome than a per property cap. Also, without a per property cap, the first development in a drainage area could take up all available cap space within a drainage area. Finally, some areas in the affected zones may already be at the designated cap in the drainage area. This approach would effectively preclude any development on some vacant parcels unless exceptions were made (further complicating the issue).

As a result of these discussions, the Working Group believes the M-NCPPC recommended approach is a reasonable and feasible way to enhance the protection of water quality within the zones under review. As noted in the M-NCPPC staff memorandum on this issue, the recommended caps are higher than the 8 percent goal that would otherwise be needed to keep water quality at a good level, since other areas within the RDT zone are assumed to remain below the 8 percent level and can balance out these higher levels in that zone. For the other zones, the Working Group felt that an 8 percent cap was an unreasonably low number given development patterns in place. The Working Group felt that the respective 15% and 20% impervious caps proposed for the rural zones represents a reasonable balancing of the sometimes competing economic development, community, agricultural, and environmental considerations to be accommodated.

The Working Group recognizes that the particular impervious area caps recommended above reflect its attempt to provide the needed level of environmental protection in an equitable way that does not totally preclude PIFs from any zone.

The changes recommended in the Water and Sewer Plan (as well as further study of multi-use systems) and the impervious area caps suggested provide multiple environmental safeguards. The Working Group believes both are needed. However, it is possible to adopt the zoning text amendment without the Water and Sewer Plan changes or vice versa.

Recommendation #4:

Future Master Plan revisions should identify areas where PIFs are encouraged and/or discouraged and whether water/sewer should be provided to serve these uses.

As noted by several church representatives at the April 13 public forum, the County's population has grown dramatically in the last few decades, but land use planning has not accounted for the increased demand for many PIF services (such as churches, day care centers, and private schools). Combined with skyrocketing costs of land, these trends have led PIFs to look further out in the County for sufficiently-sized affordable land.

The Working Group believes that future master plan reviews should include discussion regarding future PIF needs and should identify areas where PIFs should be encouraged or discouraged and whether certain areas should be provided with public water or sewer or by septic systems to serve PIF uses. Absent a conscious planning effort to find areas appropriate for future PIF uses, the problem will only get worse over time.

Since master plans come to the Council one by one, are updated infrequently, and may not specifically address particular lots or sub-areas in master plans, Master plan updates are not a practical way to deal with the issues addressed in Recommendations 1, 2, and 3. Also, although master plans carry great weight with the Council, they are considered advisory in nature, and would not necessarily ensure a consistent approach to the issue over time. Therefore, it is important to have zoning and/or Water and Sewer Plan requirements that fill these gaps.

Appendices

Appendix I – Private Institutional Facilities Policy History

Appendix II – Survey of Other Maryland Jurisdictions

Appendix III – Planning Board Zoning Text Amendment Transmittal Letter (April 2004)

Appendix IV – April 13 Public Forum Testimony and Other Correspondence

Appendix I – Private Institutional Facilities Policy History

A HISTORY OF THE WATER AND SEWER PLAN POLICIES ADDRESSING PRIVATE INSTITUTIONAL FACILITIES (PIFS)

**Compiled by the
Department of Environmental Protection – Water and Wastewater Policy Group
June 2005**

Throughout most of the 30-plus-year history of Montgomery County’s Comprehensive Water Supply and Sewerage Systems Plan, the County has allowed a water/sewer service policy exception of some type for facilities belonging to non-profit institutions. The Plan refers to these as private institutional facilities, or “PIFs.” Although most PIF cases involve religious institutions, they have also addressed uses such as private schools and higher-education, elder-care and hospice facilities.

Whether by granting individual exceptions to general service policies, or by establishing formal policies under which they were allowed special service considerations, PIFs have been largely exempt from the community (public) water and sewer service policies applied to most other residential and commercial development. The justification for this special consideration has often been the public benefit from the social service programs and community resources that these institutions bring to their neighborhoods. However, the locating of these facilities, especially in the more rural areas of the county can result in effects on the environment and local communities that draw into question the advisability of making such exceptions. As the Council has enacted various restrictions and requirement to address these issues, the PIF policy has grown longer and more complex.

1973 – 1981: EARLY COUNTY PLANS, PIFS, AND THE SEWER WARS

In these first Water and Sewer Plans developed by the County government, the main focus on private institutional facilities (PIFs) was centered on the issue of sewer moratoria in parts of the county. The lack of actual sewerage transmission and planned treatment capacity resulted in a freeze on most new sewer service connections, and therefore on new sewer-dependent development, within certain sewersheds served by the Washington Suburban Sanitary Commission (WSSC). One of the few exceptions allowed to these moratoria were PIFs. At the time, PIFs were referred to as “public service buildings.” These early plans set up the definition for public service buildings as those eligible for an exemption from Section 501 Title 26 the Federal tax code, which has carried through to the latest Water and Sewer Plans.

1983 – 1993: THE PIF ADMINISTRATIVE POLICY AND EXCEPTIONS TO THE RULES

1983 – 1992 WATER AND SEWER PLAN

Comprehensive Update: Adopted 7/12/83 – CR 10-305

In the early 1980s, with development starting to boom, the County Council sought a way to relieve itself of some of the volume of category change requests it needed to review and act on each year. The County chose to keep tight control over the category change process, addressing each property or project individually, rather than comprehensively by neighborhood or master plan area. Therefore, any site not already approved for public water/sewer service needed to proceed through the category change process with the Council.

The 1983 Plan established an administrative authority, delegated from the County Council to the Director of DEP, to approve water/sewer category changes under specific circumstances. This authority included the earliest formal policy which allows the County, perhaps by implication, to approve the provision of public water and/or sewer service to PIF uses, where such service would not ordinarily be provided. At this time, administrative delegation approvals did not require a public hearing. Note also that at the time that PIFs are referred to as “public service buildings”.

CHAPTER 1 – OBJECTIVES AND POLICIES

III. PLAN OBJECTIVES AND POLICIES

B. Specific Policies

8. Administrative Delegation – The Director of the Department of Environmental Protection is delegated the authority to approve, without public hearing, community water and/or sewerage service under the following circumstances:

b. Public Facilities and Public Service Buildings – Water and sewerage service may be extended to service public facilities and service buildings. However, such extensions generally shall not be used as justification for the connection of intervening or nearby parcels if they would not otherwise be entitled to connect to the system.

1986 – 1995 WATER AND SEWER PLAN

Comprehensive Update: Adopted 11/25/86 – CR 10-2281

The 1986 Plan update significantly expanded the administrative delegation authority, allowing DEP to grant administrative approvals for requests which were identified as consistent with Water and Sewer Plan policies and master plan recommendations. The PIF policy update from the 1986 Plan makes two changes from the 1983 Plan:

- 1) While the policy continues the PIF approval policy under DEP’s administrative delegation process, it now requires an administrative public hearing. This was a general change in the administrative policy, not limited only to PIF cases.
- 2) In subsection b., the policy provides a definition for what qualifies as a PIF (or public service building), which was lacking in the prior Plan. This definition was established much earlier in the Plan in 1973, apparently to define PIFs as allowed exceptions to certain sewer service moratoria existing at the time.

At this time, PIF category changes handled through the administrative process were largely limited to cases located within the acknowledged water and sewer service envelopes. DEP, through the County Executive, usually forwarded projects located on sites outside these envelopes to the County Council for consideration. DEP staff regularly recommended against the approval of category changes for PIFs seeking public service where the sites were located well outside the public service envelopes or which required lengthy main extensions for service. However, a recommendation to deny such a request rarely survived either the Executive's or the Council's review. This resulted in a situation where a PIF was almost guaranteed a category change approval provided the service was technically feasible and the institution could afford to construct the required water and/or sewer main extensions.

CHAPTER 1 – OBJECTIVES AND POLICIES

III. POLICIES AND PROCEDURES FOR WATER AND SEWERAGE SERVICE

C. Additional Policies for Water and Sewerage Service

9. **Administrative Delegation** – The Director of the Department of Environmental Protection is delegated the authority to approve, with public hearing, community water and/or sewerage service under the following circumstances:

b. **Public Facilities and Public Service Buildings** – Water and sewerage service may be extended to service public facilities and service buildings. (Public facilities are defined as government-owned facilities. Public service buildings are defined by County Council Resolution No. 7-1539, December 11, 1973, as “buildings constructed for an organization which is qualified for an exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).”) However, such extensions generally shall not be used as justification for the connection of intervening or nearby parcels if they would not otherwise be entitled to connect to the system.

1986 – 1995 WATER AND SEWER PLAN

Amendment: Adopted: 4/4/93 – CR 13-89

This Plan text amendment restructured much of the DEP administrative delegation process, which was still the home of the PIF policy. However, recent PIF cases approved by the Council had initiated members' concerns about the how they were addressing policy exceptions and exactly how much leeway they could allow in approving these types of cases. Three significant cases, all located outside the public sewer envelope and all of which the Council eventually approved, highlighted these concerns:

- St. Paul's Catholic Church (90A-DAM-02, CR 12-481) on Damascus Rd. (MD 108), which required a half-mile pressure sewer extension to provide service in the eastern Damascus.
- Immanuel's Church (90B-PAX-05, CR 12-1162) on New Hampshire Ave. (MD 650), which, as one service option, had proposed a mile-long pressure sewer extension to provide service in Cloverly. (Service was eventually provided by a much shorter extension to the Hampshire Greens project.)

Ultimately, the Council chose to place a temporary “hold” on the use of the PIF policy for properties located outside the acknowledged public service envelopes, resulting from the County Council’s concerns over:

- 1) How much latitude the Council would grant to PIF users in extending public water and/or sewer service beyond the limits of the public service envelopes, and
- 2) The potential for the main extensions to support PIF uses to open up access to public water and/or sewer service in areas outside the intended public service envelopes.

The Council requested that in the interim DEP work with other County agencies to develop a PIF policy which would address these concerns and provide PIF applicants a reliable policy on which to base their expectations for public water and sewer access. Note also that non-profit uses are now referred to as “private institutional facilities” (PIFs), rather than “public service buildings,” which were sometimes confused with “public facilities.”

CHAPTER 1 – OBJECTIVES AND POLICIES

III. POLICIES AND PROCEDURES FOR WATER AND SEWERAGE SERVICE

D. Additional Policies for Water and Sewerage Service

9. Administrative Delegation – The Director of the Department of Environmental Protection is delegated the authority to approve, with public hearing, community water and/or sewerage service under the following circumstances:

b. Public Facilities and Private Institutional Facilities -- Community water supply and sewerage systems may be extended to serve public facilities. Public facilities are defined as government-owned facilities.

Private institutional facilities are defined by County Council Resolution No. 7-1539, adopted December 11, 1973, as "buildings constructed for an organization which is qualified for an exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service)." A county interagency working group is currently reviewing the county's land use, zoning, subdivision, and water/sewer policies concerning private institutional facilities. Pending the results of this review and any resulting policy recommendations, the following policy shall apply to service area change requests for private institutional facilities filed with DEP after June 15, 1993: requests for community service for sites located in areas not recommended for such service by the general policies of this plan shall be referred to the County Council with a recommendation to defer action. The Director may continue to approve requests involving community or multi-use systems which are consistent with the general policies of this plan under this administrative process. This deferral policy, unless subsequently amended by the County Council, shall continue through calendar year 1995.

However, service extensions for public facilities or private institutional

facilities shall generally not be used as justification for the connection of intervening or nearby properties if they would not otherwise be entitled to connect to the system.

1996 – PRESENT: A PIF POLICY TO ADDRESS THE EXCEPTIONS

1986 – 1995 WATER AND SEWER PLAN

Amendment: Adopted 4/9/96 - CR 13-491

In early 1996, the County Executive recommended an interim PIF policy based on the work of an interagency group assigned to deal with the issue. At this time, the County's Religious Institutions Working Group was in the process of addressing concerns involving community impacts (scale of development, traffic and parking, etc.) resulting from religious facilities. This effort did not directly address the question of public water and sewer service for these facilities.

The Council considered the Executive's recommended policy, subsequently modified it, and finally adopted the policy which follows. One of the major changes from past Water and Sewer Plans was to establish that the County Council directly address PIFs seeking public service on sites located outside the acknowledged public water/sewer service envelopes. These cases were made distinct from those which could generally be handled administratively where the site was located within the public service envelopes. The policy was crafted to limit the potential for opening up public service for other intervening or nearby properties resulting from locating PIFs outside the public service envelopes. Another major change separated the PIF service **policy** from the administrative delegation **process**.

CHAPTER 1 – OBJECTIVES AND POLICIES

III. POLICIES AND PROCEDURES FOR WATER AND SEWER SERVICE

D. Additional Policies for Water and Sewer Service

Revised Administrative Delegation Policy Section

9. Administrative Delegation

d. **Private Institutional Facilities** -- Category changes to allow the provision of community service to private institutional facilities, as defined under Section III.D.15. of this chapter, may be approved under this administrative process provided that the facility site is located within the acknowledged water and/or sewer service envelopes. Category changes for sites located outside the acknowledged service envelopes shall be addressed by the County Council according to the general policies related to private institutional facilities in this Plan.

New General Policy Section

15. **Community Service to Private Institutional Facilities** -- Private institutional facilities are defined by this Water and Sewer Plan as buildings constructed for an organization which is qualified for an exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). Pending the County Council's action on the results of an ongoing study by the Religious Institutions Working Group, the provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following interim policies:

a. For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by MCDEP through the administrative delegation process (see Chapter 1, Section III.D.9.d.). For a specific site, the acknowledged water and sewer service envelopes may differ due to the provisions of the "Water without Sewer" policy included in this Plan (see Chapter 1, Section III.C.7.).

b. For private institutional facilities located outside the acknowledged water and/or sewer envelopes, service area changes may be approved by the Council County according to the following criteria:

i. Existing water and/or sewer mains abut the site, requiring only water/sewer connections and hookups for service, or

ii. Water and/or sewer main extensions are required for service, but the main extensions will abut only properties which are otherwise eligible for community service under the general policies of this Plan, or

iii. Water and/or sewer main extensions are required for service to existing private institutional facilities only, but the service extensions do not threaten to open

undeveloped land to development contrary to the master plan.

Main extensions, where required, shall be designated "Limited Access" consistent with the Limited Access Mains policy (see Chapter 1, Section III.D.12). The Council may require that all main extension costs be paid by the institution seeking the service. Private institutional facilities may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains.

c. For facilities located outside the acknowledged water and/or sewer envelope, service area changes may be denied by the Council County where the facility site does not satisfy any of the preceding criteria for community service. This shall also include cases where main extensions are required (see preceding sections b.ii. and iii.) for private institutional facilities seeking community service for existing residential structures.

1999 – 2008 WATER AND SEWER PLAN

Comprehensive Update: Adopted 12/14/99 - CR 14-377

The recommendations of the Religious Institutions Working Group, which were aimed primarily at the County's zoning ordinance, were ultimately never adopted. The following policy, adopted as part of the 1999 comprehensive update of the Water and Sewer Plan, is largely unchanged from the prior version, except that it in dropped the reference to the working group and deferring requests pending the outcome of its recommendations. In this regard, this policy became the permanent PIF policy in the Plan. Another difference is the policy's location within the text; DEP revised the Chapter 1 structure again to better separate service policies from the processes required for updating and amending the plan.

CHAPTER 1 – OBJECTIVES AND POLICIES

IV. POLICIES AND PROCEDURES FOR WATER AND SEWERAGE SERVICE

C. Policies for Water and Sewer Service

7. Community Service for Private Institutional Facilities -- Private institutional facilities are defined by this Water and Sewer Plan as buildings constructed for an organization which is qualified for an exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.d.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the "General Policies for Community Water Service" policy included in this plan (Section III.C.1.).

b. For existing or proposed facilities located outside the acknowledged water and/or sewer envelopes, service area changes may be approved by the Council County according to the following criteria:

i. Existing water and/or sewer mains abut the site, requiring only water/sewer connections and hookups for service, or

ii. Water and/or sewer main extensions are required for service, but the main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan, or

c. For existing facilities only located outside the acknowledged water and/or sewer envelopes, service area changes may be approved by the Council County where water and/or sewer main extensions are required for service, but the service extensions do not threaten to open undeveloped land to development contrary to the master plan.

d. Main extensions, where required, shall be designated "Limited Access" consistent with the Limited Access Mains policy (see Section VII.A.2). The Council may require that all main extension costs be paid by the institution seeking the service. These facilities may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

e. For facilities located outside the acknowledged water and/or sewer envelope, service area changes may be denied by the County Council where the facility site does not satisfy any of the preceding criteria for community service. This shall also include cases where main extensions are required (see preceding Sections 7.b.ii. and 7.c.) for private institutional facilities seeking community service for existing residential structures.

2003 – 2012 WATER AND SEWER PLAN

Comprehensive Update: Adopted 11/18/03 - CR 15-396

By 2001, with five years of experience in implementing the PIF policy, DEP, M-NCPPC, and the County Council were raising concerns about the policy's effects on the environment (especially with regard to imperviousness), on rural communities and agricultural lands, and on how potential sites were promoted for speculative PIF development. An interagency working group (DEP, M-NCPPC, DPS, Planning Implementation, and Council staff) examined these issues. Their input helped to craft the PIF policy recommended in the Executive's draft update of the 2003 Water and Sewer Plan, which included the following:

- A restriction against serving new PIF uses in the RDT Zone, proposed as an interim measure pending a broader review of the policy and land use issues involved;

- A restriction against the use of new WSSC-owned and operated wastewater pumping stations to support only PIF uses in areas located outside the public sewer envelope;
- A requirement that PIF cases for sites which abutted existing water and/or sewer mains be addressed by the Council, resolving a policy inconsistency in the 1999 update of the Plan;
- A requirement that the existing or proposed PIF user function as the category change request applicant, aimed at reducing the speculative nature of some requests.

The Planning Board went further with its recommendations concerning the Plan update, asking the Council to ban all public water and sewer service in the RDT Zone, and to allow only residential buildings to use the allowed single water and/or sewer connections for properties which abut and predate an existing main under the Plan’s “abutting mains” policy. .Ultimately, the Council decided to continue to allow consideration of public water and sewer service for PIFs in the RDT Zone on a case-by-case basis, and accepted the Executive’s recommendations on cases involving properties abutting existing mains.

However, probably the most significant discussions in the adopted PIF policy were the following, which were intended to address the future direction of the policy and the ongoing debate about how the County addresses PIF-type land uses (see Subsection e. PIF Policy Directions, below):

- The identification of the accumulated concerns with regard to the PIF policy;
- An acknowledgement that not all of these issues could necessarily be addressed through changes to or elimination of the PIF policy; and
- An acknowledgement that an examination of other County policies and regulations may procedures, such as the Zoning and Subdivisions Ordinances and master plans, may be necessary to address these policy concerns.

CHAPTER 1 – OBJECTIVES AND POLICIES

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization which qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer

envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use.

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

c. Main Extensions for PIF Uses -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that

all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. PIF Uses in Existing Residential Structures -- The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

e. PIF Policy Directions -- The Council originally adopted a Water and Sewer Plan service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognized as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.
- The policy has facilitated the siting of PIF uses on properties where the

institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.

- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural preserve areas.
- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy can not address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

DEP, other County agency, and County Council staff representatives have begun a review of the PIF policy, with particular attention to the preceding issues. The PIF policy adopted in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are restrictions preventing public support for community service to PIF uses where WSSC pumping facilities would be required, and policies requiring private institutions to act as the applicants for PIF-based service area change requests (see subsection c., above.) However, further interagency work on the impact of PIF uses is needed not only in the context of the Water and Sewer Plan, but also in other County plans and policies.

Water and Sewer Plan Recommendation

The County cannot address all of the issues affecting private institutional uses only within the context of the Water and Sewer Plan. Addressing these issues will involve considering changes to other aspects of the County's land use planning, zoning and water quality protection processes. The County will likely need to address these institutional uses in the context of its master plans, zoning and subdivision ordinances, and water quality regulations. M-NCPPC staff and the Planning Board are urged to pursue options for establishing imperviousness limits for institutional facilities locating in rural and rural estate zones.

CHAPTER 1 – OBJECTIVES AND POLICIES

V. PROCEDURES FOR ADOPTING AND AMENDING THE WATER AND SEWER PLAN

D. Filing Individual Service Area Category Change Requests

2. Application Requirements for PIF Category Change Requests -- In cases involving service area category amendments for private institutional facilities (PIFs – see Section II.C.4.), the institution seeking to use the property must act as the category change applicant. If a site is proposed for two or more PIF uses, then at least one of the proposed institutions must act as the applicant. PIF applicants need to include a confirmation of their tax-exempt status as part of their category change request.

2003 – 2012 WATER AND SEWER PLAN

2005 Interagency PIF Working Group

The report to which this history is attached represents the work to date of the PIF Working Group established at the direction of the Council in 2005. This group has begun the process of addressing the policy concerns raised in the PIF policy from the 2003 Plan update. Their recommendations could result in changes to the PIF policy, depending on the direction the Council wishes to take with these issues.

Another concern that has risen recently is the State’s involvement with the Water and Sewer Plan. The Department of the Environment (MDE) reviews and is required to approve the County’s Water and Sewer Plan and its amendments, including category changes. Based on guidance from the Department of Planning (MDP), MDE has recently questioned the County’s practice of allowing public water and sewer service for sites located outside the public service envelopes recommended by the County’s local area master plans. The Council’s prerogative to grant such approvals, based on Water and Sewer Plan policies, is an integral part of the PIF policy. The outcome of discussions between the County and the State on this issue may have a significant and lasting effect on the PIF policy.

SUMMARY OF PRIVATE INSTITUTIONAL FACILITY (NON-PROFIT) CATEGORY CHANGE CASES CONSIDERED SINCE ADOPTION OF THE “CURRENT” PIF POLICY

CATEGORY CHANGE REQUESTS INVOLVING PIFS SINCE 1996

Note: Category change requests shown in bold type were considered under the PIF policy requirements. Other requests were addressed through other policies such as public health problems, multi-use systems, and consistent with existing plans.

WSSCR No. - PIF User	Zone - Request	Action - Disposition -Comments
92A-CLO-03: Wheaton Independent Baptist Church – Ednor Rd., Cloverly	RE-2 W-3, S-3	CR 13-692: W-3 & S-3 (PIF only); site within public water envelope. (Renamed Hampshire View Baptist)
94B-CLO-06: Sandy Spring Museum – Olney Sandy Spring Rd., Sandy Spring	RC W-1, S-1	CR 13-455; W-1, S-1 approved; consistent with master plan
94B-DAM-02: Lutheran Church of the Redeemer – Ridge Rd. (MD 27), Damascus	RE-2C S-1	CR 13-491; S-1 (for PIF use only) approved

CATEGORY CHANGE REQUESTS INVOLVING PIFS SINCE 1996

Note: Category change requests shown in bold type were considered under the PIF policy requirements. Other requests were addressed through other policies such as public health problems, multi-use systems, and consistent with existing plans.

WSSCR No. - PIF User	Zone - Request	Action - Disposition -Comments
95A-CLO-05: Se Me Hahn Presbyterian Church – New Hampshire Ave. (MD 650), Cloverly	RE-2 W-1, S-1	CR 13-491; W-1, S-1 (sewer for PIF use only) approved
95A-PAX-01: Cedar Ridge Community Church – Spencerville Rd. (MD 198), Spencerville	RE-1, RC W-3, S-3	CR 13-491; W-3, S-3 conditionally approved for RE-1; W-3 conditionally approved for RC.
95A-PAX-03: Bethany Community Church – Riding Stable Rd, Burtonsville	RC W-1, S-1	CR 13-491: W-1, S-1 (sewer for PIF use only) approved.
95A-URC-01: Korean United Methodist Church – Muncaster Mill Rd. (MD 115), Derwood	RE-1 W-3, S-3	CR 13-491: <i>W-3, S-3 denied.</i>
95B-GMT-01: Germantown Baptist Church – Germantown Rd. (MD 118), Germantown	R-200 W-3, S-3	CR 13-491: Defer pending SW Germantown sewer study
		CR 13-1179: W-3, S-3 approved; within public w/s envelopes.
95B-PAX-03: Willard Marlow/PIF use not proposed – Spencerville Rd. (MD 198), Spencerville	RE-1, RC W-3, S-3	CR 13-491; W-3, S-3 conditionally approved for RE-1; W-3 conditionally approved for RC. Site now being considered for private school.
95B-URC-01: Friends Meeting School – Woodfield Rd. (MD 124), Gaithersburg	RE-2 S-3	CR 13-491: Deferred for special exception, then withdrawn.
96A-BEN-01: Cedarbrook Community Church – Piedmont Rd., Clarksburg	RDT W-1 multi-use	AD 97-1: W-1 (multi-use) approved.
96A-CLO-01: Ashton United Methodist Church – New Hampshire Ave. (MD 650), Ashton	RE-2 S-3	CR 13-692: Deferred pending financial study.
96A-GBG-02: Johns Hopkins University – Great Seneca Hwy., Gaithersburg	R-200 W-3, S-3	AD 96-4: W-1 & S-1 approved; site within public service envelopes.
96A-PAX-04: Resurrection Baptist Church – Sandy Spring Rd.. (MD 198), Burtonsville	RC W-1, S-3	CR 13-830: Deferred pending further PIF study. See 99A-PAX-01, below.
96A-URC-01: Church of the Redeemer – Woodfield Rd. (MD 124), Woodfield	RE-2 W-3, S-3	CR 13-830: W-1 and S-3 (PIF only) approved.
97A-BEN-02: Cedarbrook Community Church – Piedmont Rd., Clarksburg	RDT W-3, S-3	CR 13-1419: W-3 & S-3 (both PIF only) approved; abuts w/s mains.
97A-CKB-02: Greenridge Baptist Church – Frederick Rd. (MD 355), Clarksburg	R-200 W-1, S-3	CR 13-1038: W-1, S-3 (sewer for PIF use only) approved. PIF restriction removed during subsequent general map amendment.
97A-DNT-03: Circle School – Germantown Rd. (MD 118), Darnestown (relocating)	RC W-1 multi-use	AD 98-1: W-1 (multi-use only) conditionally approved; project never proceeded to completion.

CATEGORY CHANGE REQUESTS INVOLVING PIFS SINCE 1996

Note: Category change requests shown in bold type were considered under the PIF policy requirements. Other requests were addressed through other policies such as public health problems, multi-use systems, and consistent with existing plans.

WSSCR No. - PIF User	Zone - Request	Action - Disposition -Comments
97A-FAL-01: Montgomery Chinese Christian Church – Sandy Spring Rd. (MD 198), Burtonsville	R-200 S-3	AD 98-1: S-1 approved; site within public sewer service envelope.
97A-OLN-04: St. Andrew Kim Korean Catholic Church – Baltimore Rd., Olney	RC W-3, S-3	CR 13-1419: W-1 & S-1 (both PIF only) approved.
97A-PAX-03: Tri-County Baptist Church – Laytonsville Rd. (MD 108), Damascus	RDT W-3 multi-use	AD 98-1: W-1 (multi-use) conditionally approved.
97A-PAX-04: Noel Korean Baptist Church – Sandy Spring Rd. (MD 198), Burtonsville	RC W-1, S-1	CR 13-1179: W-1 & S-1 (both PIF only) approved.
97A-URC-02: Islamic Center of Maryland, Inc. – Woodfield Rd. (MD 124), Gaithersburg	RE-2 W-3, S-3	CR 13-1038: W-3 and S-3 (PIF only) approved.
98A-CKB-03: Lakewood Church – Frederick Rd. (MD 355), Clarksburg	R-200 S-3	CR 14-334: Deferred; related to Clarksburg staging. Approved later as part of a general map amendment.
98A-CLO-02: Yeshiva School of Washington – Norwood Rd., Cloverly	RE-2 W-3, S-3	CR 13-1419: Withdrawn during the Council’s review.
98A-DNT-02: Armenian Youth Center of Washington – Darnestown Rd. (MD 28), Darnestown	RC S-3 multi-use	CR 14-334: S-1 (multi-use) conditionally approved.
98A-GMT-02: U.S. Zen Institute – Liberty Mill Rd. (old MD 118), Germantown	R-200 W-3, S-3	AD 98-2: W-1 & S-3 approved; site within public w/s service envelopes.
98A-OLN-08: Washington Waldorf School – Emory Lane, Olney	RE-2/LDRC W-1, S-1	Withdrawn.
98A-URC-01: Interdenominational Church of God – Woodfield Rd. (MD 124), Gaithersburg	RE-2 S-3	CR 13-1419: S-3 (PIF only) approved.
99A-BEN-03: Garden of Remembrance Memorial Park – Comus Rd., Clarksburg	RDT; W-1 multi-use, S-1 multi-use	AD 2000-1: W-1 & S-1 (both multi-use) conditionally approved.
99A-GWC-02: Roman Catholic Archdiocese of Washington – Brink Rd., Germantown	RDT W-1, S-1	CR 14-451: W-3 and S-3 (both PIF only) approved.
99A-OLN-02: Olney Boys & Girls Club – Olney Laytonsville Rd. (MD 108), Olney	RC?? W-3 & S-3	CR 14-451: W-3 and S-3 (both PIF only) approved.
99A-OLN-03: Olney Boys & Girls Club -- Olney Laytonsville Rd. (MD 108), Olney	RC-RDT?? W-1 multi-use S-1 multi-use	Withdrawn. (Public service approved, as above.)
99A-PAX-01: Trinity International Church of God – Sandy Spring Rd. (MD 198), Burtonsville	RC W-3, S-3	CR 14-334: W-1 and S-3 (PIF only) approved.
99A-PAX-04: Resurrection Baptist Church – New Hampshire Ave. (MD 650), Cloverly	RC S-6 multi-use	AD 2000-1: S-6 (multi-use) conditionally approved.
99A-URC-03: Beth Messiah Congregation – Muncaster Mill Rd. (MD 115), Derwood	RE-2 S-1	CR 14-632: S-1 (PIF only) conditionally approved; final

CATEGORY CHANGE REQUESTS INVOLVING PIFS SINCE 1996

Note: Category change requests shown in bold type were considered under the PIF policy requirements. Other requests were addressed through other policies such as public health problems, multi-use systems, and consistent with existing plans.

WSSCR No. - PIF User	Zone - Request	Action - Disposition -Comments
		pending.
00A-CKB-02: Christian Life Community & other possible PIF – Ridge Rd. (MD 27, Germantown)	RE-2 W-3, S-3	CR 14-819; W-3, S-3 (sewer for PIF use only) approved.
00A-CLO-01: Victory Housing/Hampshire Village – Norwood Rd., Cloverly	RE-2 W-1, S-1	CR 14-632: Deferred, then withdrawn; project relocated to site w/in sewer envelope.
00A-CLO-04: Little Sisters of the Holy Family – Olney Sandy Spring Rd. (MD 108), Ashton	RC S-1	AD 2000-8: S-1 (one hookup only) approved; abutting mains case.
00A-DAM-07: National Senior Housing Corp. – Howard Chapel Rd., Damascus	RE-2 (PD-5) W-3, S-3	CR 14-819; W-3 approved; sewer deferred pending rezoning.
00A-DNT-01: Shaare Torah, Inc. – Darnestown Rd. (MD 28), Darnestown	RE-2 S-3	CR 14-632: S-3 (PIF only) approved.
00A-GWC-01: St. George Coptic Orthodox Church – Warfield Rd., Goshen	RE-2 S-3	CR 14-632: S-3 (PIF only) approved.
00A-OLN-02: Christ Fellowship Church – Olney Laytonsville Rd. (MD 108), Olney	RDT W-3, S-3	CR 14-819: W-3 (PIF only) approved, <i>S-3 denied.</i>
00A-PAX-02 – Tri-County Baptist Church – Laytonsville Rd. (MD 108), Damascus	RDT S-6 multi-use	AD 2001-2: S-6 (multi-use) approved.
01A-CLO-07: Lethbridge/PIF user not specified – Ednor Rd., Cloverly	RE-2 W-3, S-3	CR 14-1481: Withdrawn; mixed PIF & residential uses proposed.
01A-DNT-02: National Seniors Housing Corp. – Darnestown Rd. (MD 28), Darnestown	R-200 W-3, S-3	AD 2002-1: W-1, S-1 approved; site within public w/s service envelopes.
01A-GWC-02: TWS Land Barons/PIF user not specified – Ridge Rd. (MD 27), Clarksburg)	RDT W-3, S-3	CR 14-: Deferred for PIF/CWSP update. CR 15-851: Deferred for current PIF study.
01A-GWC-03: Farm Devel. Coop./4 PIF users not specified – Brink Rd., Germantown	RDT W-3, S-3	CR 14-: Deferred for PIF/CWSP update. (4-lot “worshiplex”.) CR 14-: Deferred for current PIF study.
01A-OLN-02: Faith Presbyterian Church – Old Baltimore Rd., Olney	RE-2 W-3 multi-use	AD 2001-5: W-3 (interim multi-use) approved.
01A-OLN-03: Our Lady of Good Counsel High School – Batchellors Forest Rd., Olney	RE-2/RC W-3, S-3	CR 14-1153: W-3 and S-3 (both PIF only) approved.
01A-PAX-03: Capital Treasure Buddhist Society – Spencerville Rd. (MD 198), Spencerville	RE-1 W-1, S-3	AD 2002-1: W-1 approved, S-3 conditionally approved.
02A-BEN-03: Or Chadash Partners – Kings Valley Rd., Damascus	RDT W-1, S-1	CR 14-1481: S-1 approved for one hookup only.
02A-BEN-04: Terrabrook Clarksburg/PIF	RDT	CR 15-397: W-1, S-1 approved

CATEGORY CHANGE REQUESTS INVOLVING PIFS SINCE 1996

Note: Category change requests shown in bold type were considered under the PIF policy requirements. Other requests were addressed through other policies such as public health problems, multi-use systems, and consistent with existing plans.

WSCCR No. - PIF User	Zone - Request	Action - Disposition -Comments
user not specified – Piedmont Rd., Clarksburg	W-3 & S-3	(single w/s hookups only); no PIF use approved.
02A-CLO-17: Sharp Street United Methodist Church – Ashton Rd. (MD 108), Ashton	RC W-1 & S-3	CR 15-397: W-1 approved, S-3 denied; no health problem found.
02A-GMT-01: Church of the Savior, Dayspring Farm – Brink Rd., Germantown	RDT; W-1 multi-use & S-1 multi-use	Pending/administrative: identification of existing multi-use systems only.
02A-POT-06: St. Luke Eastern Serbian Orthodox Church	RE-2 S-3	CR 13-397: S-3 approved, Potomac peripheral sewer service policy.
03A-CLO-02: Christ Fellowship Church -- New Hampshire Ave. (MD 650), Cloverly	RE-2 S-1	Withdrawn.
03A-CLO-03: Lutheran Church of St. Andrew – Norwood Rd., Cloverly	RE-2 W-1, S-1	CR 15-851: W-1 approved, S-1 (PIF only) approved w/ conditions.
03A-OLN-03: Washington Christian School – Batchellors Forest Rd., Olney	RE-2 W-3, S-3	CR 15-851: W-1 approved, S-1 (PIF only) approved.
03A-PAX-02: Spencerville Seventh Day Adventist Church -- New Hampshire Ave. (MD 650), Cloverly	RC S-3	CR 15-851: Deferred for current PIF study.
03A-PAX-03: Ron Furman/PIF user not specified – Columbia Pk. (US 29 relocated), Burtonsville	RC W-3, S-3	CR 15-851: Deferred for current PIF study.
03A-PAX-04 – Elderhome, Inc. – Columbia Pk (US 29), Burtonsville	RC W-3, S-3	CR 15-851: Deferred for current PIF study.
04A-CLO-06: People’s Community Baptist Church – Norwood Rd., Cloverly	RE-2 W-1, S-1	Pending/Council: expansion of existing church
04A-FAL-04: New Hope SDA Church – McKnew Rd., Burtonsville	R-200 S-3	Pending/administrative: site w/in public sewer envelope – health case.
04A-GWC-01: Seneca Creek Community Church – Brink Rd., Germantown	RDT W-3, S-3	CR 15-851: Deferred for current PIF study.
05A-BEN-02: Christian Life Center – Frederick Rd. (MD 355), Hyattstown	RE-2 W-3, S-3	Pending/Council:
05A-OLN-01: Derwood Bible Church – Laytonsville Rd. (MD 108), Laytonsville	RDT; W-1 multi-use, S-1 multi-use	Pending/Council
05A-OLN-02: Parker Memorial Baptist Church – Norbeck Rd. (MD 28), Olney	RC W-1, S-1	Pending/Council
05A-URC-01: Church of the Redeemer – Woodfield Rd., Goshen	RE-2 W-1, S-1	Pending/Council

Appendix II – Survey of Other Maryland Jurisdictions

Five Maryland jurisdictions were surveyed to see how they deal with institutional uses with regard to zoning and water and sewer planning. The jurisdictions surveyed were:

- Baltimore County
- Frederick County
- Harford County
- Howard County
- Prince George’s County

1. What process does your jurisdiction use to approve public water and sewer service to specific properties?

Baltimore County: Petitions for service are dealt with in an annual amendment process, although the Council can approve requests at any time. Requests are assembled by the Department of Public Works which, along with the Planning Department and Environmental Department makes recommendations to the County Executive. The County Executive transmits recommendations to the Council.

Frederick County: Currently, amendment requests are batched into two cycles a year. The Board of County Commissioners (BOCC) is considering doing four cycles per year due to concerns about making applicants wait so long between cycles. The requests must meet development review criteria to move from one water/sewer category to the next. Requests are heard by the Planning Commission for consistency with the Comprehensive Plan, and then by the BOCC on the merits. The properties are posted for each of these public hearings, which are advertised.

Harford County: Amendments to the plan are done twice per year. The Department of Public Works reviews requests from applicants. The Director of the Department of Public Works forwards the requests and its recommendations to the Council for public hearing and action.

Howard County: Amendments to the plan are done as needed. The Department of Public Works reviews requests from applicants and can approve certain non-controversial requests within the “Metropolitan District” (water and sewer envelope). Other requests must go to the County Council.

Prince George’s County: Amendment packages for requests for service are done three times per year. The Department of Environmental Resources reviews requests on behalf of the County Executive. The County Executive forwards his recommendations to the Council. Park and Planning provides its recommendations to the Council as well.

2. Do you have an established water and sewer “envelope” and if so, do your approval processes vary based on whether a request for service is in the envelope or outside the envelope?

Baltimore County: Yes. The County has an “Urban/Rural Demarcation Line” (URDL) defined by zoning. Public water and sewer is generally assumed inside the line and not assumed outside the line. The Council has made some exceptions (to serve failing systems for instance) and there are pressures to approve service on the edges of the line.

Frederick County: No contiguous "envelope" the way some Counties have. We have twelve incorporated towns and some unincorporated growth areas which have Growth Limit Lines established through the County Comprehensive Plan and their Master Plans. These establish the Future Water & Sewer Service Areas. Outside of those, there is No Planned Service. No difference in process, except that there is no service out there to connect to, and only Multi-use systems would occur outside the Future WS Service Areas.

Harford County: Yes. Exceptions to provide service outside the envelope require legislation and are rare.

Howard County: Yes. It is called the “Metropolitan District.” Within the envelope, service is provided assuming the request is consistent with existing plans or is needed to address public health problems. Outside the district, properties that have on-site system failures and are within 1 lot of a main can get a single-hookup. Requests beyond this must go through a County Council process to formally extend the Metropolitan District boundary. This occurs rarely (although a Church in Clarksville was approved in this manner).

Prince George’s County: Yes. It's based on topography, major roads, and zoning. We do not approve category changes to public systems outside the envelope (one exception). We encourage the use of shared facilities outside the envelope (shared facilities must be operated by a public entity -often MES - and must have enhanced nitrogen removal)

3. What determines whether a parcel is served by public water and sewer or not? How do your master plans, zoning ordinance, Water and Sewer Plan, and/or any other documents relate to one another and/or affect category change reviews and approvals?

Baltimore County: The zoning of a property is the primary determinant of whether a property gets service. The URDL is based on the zoning patterns in the County. Master Plans are considered advisory documents but are consistent with the URDL designation.

Frederick County: The Comprehensive Plan. See the requirements for classification change in Chapter 1 attached. Gross shorthand: Comp Plan delineates a Future Service Area, staff assigns "5"; applicant gets appropriate zoning, preliminary engineering comes up with a concept of how he will extend service from where it ends now, to where he wants it, BOCC approves "4"; applicant does engineering, gets development review like a Site Plan or Subdivision Plan, refines Improvement Plans, passes APFO, BOCC approves "3"; applicant may then purchase taps and apply for building permits.

Harford County: The Water and Sewer Service Area boundary (envelope) is the key factor. If a parcel is not located within the envelope, it may not be served by public water and sewer.

Howard County: The Metropolitan District boundary is the key factor. The zoning, area master plans, and Water and Sewer Plan are closely coordinated to ensure consistency across all plans.

Prince George's County: The 2002 General Plan adopted our Sewer Envelope as the boundary for the Rural Tier. All land in the rural tier is zoned for 2-acre or 5-acre parcels. The Water and Sewer Planning staff participates in the preparation of the Master Plans, and assures consistency with the two. We have started acknowledging that there are two types of Master Plans: Area Master Plans (zoning, land use etc for a subregion of the County) and Functional Master Plans (Water and Sewer, Solid Waste, Transportation, Housing, Green Infrastructure etc.) Using this terminology, has helped us do better coordination. Also all category changes and Water and Sewer Plan amendments are sent for M-NCPPC referral.

- 4. Are you seeing many applications for service outside or on the edge of your “envelope” especially by institutions (for instance churches, schools, day care centers). If so, why (i.e. cheaper land, larger lots available)?**

Baltimore County: There has been a trend toward more requests for service outside the URDL in recent years. There also appears to be a trend toward larger, more regional size church developments both within the URDL and outside. Cheaper land and larger lots are probably a major reason churches locate outside the URDL. There have also been a number of requests to extend service to address failing on-site septic systems or wells.

Frederick County: Yes, we have seen churches and other institutions looking for cheaper land and more acreage that is available outside service areas. We don't have trouble with day care, in particular, but with nursing homes and private schools and their variations. Part of the "problem" arises because these uses are permitted in the Agricultural/Rural zoning, so zoning is not forcing them to look inside the "envelope" to begin with. These proposed buildings need to be sprinklered which is sometimes an expensive ordeal on a well supply. Also, other services like fire, ambulance, distance to hospital, public transportation, may not be readily available in the rural areas. The uses occur in various sizes and intensities. Small churches, small schools, small nursing homes generally are not a problem in rural areas. Mega versions of any of these uses are a problem. We had a consultant draft a zoning ordinance several years ago that distinguished between intensities of these uses and specified things like what classification of road it could be located on, etc. depending on size, but that ordinance was rejected for other reasons.

Harford County: Occasionally we get inquiries; (for example a soccer facility and some churches). However, public water and sewer has not been allowed out of concern that it would set a precedent for others to ask.

Howard County: Occasionally, although the reluctance of the Council to extend the Metropolitan boundary probably keeps the requests down as well. Institutions, such as churches, are looking to expand and often must leave properties within the Metropolitan boundary to do so. However, they must utilize on-site systems on these new rural parcels.

Prince George's County: One application to adjust the envelope boundary and approve a category change took place in 2003. Another residential category change was approved adjacent to a subdivision left in category 3 outside the envelope. The envelope boundary was not changed for that case. We haven't seen many applications outside the envelope.

5. How are requests for service for institutional uses addressed? Are there special policies to address these issues in your Water and Sewer Plan or elsewhere?

Baltimore County: Institutional requests are treated like commercial properties. There are no special policies dealing with institutional uses. Institutional uses outside the URDL build on multi-use systems and are constrained by what on-site systems can support.

Frederick County: No special policies. Outside the service areas, institutions may apply for permission to build multi-use (large) systems. In this case, they must deal with MDE for appropriation permits and discharge permits. Other than those, private community plants (shared systems that serve multiple lots) are not permitted. Frederick County has encountered problems including bankruptcy and lack of maintenance, and had to take some of these systems over in the past.

Harford County: There are no special policies in the Water and Sewer Plan dealing with institutional uses.

Howard County: There are no special policies in place to address institutional uses.

Prince George's County: The Water and Sewer Plan has no special provisions for private institutional uses (such as churches or private schools). But we do have a "Public Use Allocation Policy" that states that any public entity (local, State, or Federal) must apply for the Public Use Allocation in addition to the category requirements. In some cases, public facilities may be approved for public service in areas not otherwise intended to be served.

6. What kind of environmental controls do you have in place in your rural zones (1 acre lots or greater) to mitigate the added density possible with water and sewer service?

Baltimore County: Except in Chesapeake Bay Critical Areas, there are no special environmental controls in place by zone. Stormwater management, stream valley buffers, reforestation issues, and well and septic suitability are limitations on what can be built on a site.

Frederick County: Our Agricultural zone allows lots as small as one acre if you can get it to perc, but each parcel (farm) is only permitted three off-conveyances from the remainder, one time. Those lots have no further subdivision rights. In general, water & sewer service is not considered appropriate nor permitted in the Agricultural zone. Ditto Resource Conservation zone, except there the minimum lot size is 5 acres. There is no limit on the number of lots which can be created, except you usually can't build new roads to serve the subdivision, there is a limit on "tiers" of lots, you can't subdivide if you don't have fee simple access to a road,

and you can't build in a floodplain. Septics are not permitted on slopes over 25%, so that somewhat protects the mountain areas.

Because our growth areas are separated from each other and often from the water source or sewage treatment plant, we devised a "Denied Access" designation for the transmission lines that cross the Agricultural/Conservation zones. The "denied access" stops when it gets to the growth area boundary. There are very few exceptions to denied access: a health problem with an existing structure, for instance. Major assaults have been mounted to this concept from time to time. Most requests for amendments to add exceptions have been successfully denied, because they are not consistent with the Comprehensive Plan growth areas, either. In addition, allowing access to the lines via an exception, could result in the planned capacity not being available later for the growth area it was based on.

Harford County: From a zoning perspective, most institutional uses are permitted by right or special exception in all but the most intense industrial zoning districts. There are specific minimum parcel/lot size requirements for all these uses, however the size is generally unrelated to whether there are public facilities available or they will be utilizing private well and septic. Other environmental constraints (such as wetlands, streams, wet soil) may preclude development in certain areas, however that is applicable for all uses. Private utilities and shared systems are prohibited so rural zone development must develop on "on-site" systems.

Howard County: Not an issue, since areas outside the Metropolitan Boundary are not served. Therefore, institutions are limited by on-site issues (such as septic suitability, stream valleys, stormwater management requirements, forestation requirements, etc.). Clustering of housing is done on occasion in rural zones on "shared systems." These have proven to be problematic in terms of maintenance, which is the responsibility of the Department of Public Works (although paid for by the beneficiaries).

Prince George's County: There are no special environmental controls but the General Plan sets good goals and policies in the Rural Tier. We are also in the process of updating our Water and Sewer Plan and some issues along the edge of the sewer envelope (abutting mains exceptions for instance, may be clarified).

7. Are places of worship (or other uses) allowed in all zones (including rural zones)? If so, is a special exception required? What restrictions (if any) currently exist with regard to places of worship wishing to locate in rural zones?

Baltimore County: Places of worship are permitted in all zones and are treated as commercial projects in terms of development review. The restrictions that apply in the rural zones for places of worship are the same for all facilities and include: well and septic suitability, stormwater management, stream valley buffers, reforestation, etc...

Frederick County: Places of worship are allowed in all zones with Site Plan approval. If they are in a Future service area, they have to go through the WS Plan amendment process, the same as any other applicant if they want service, or if they are in Category 5, can use well

and septic until service becomes available. If they are outside a future service area, they may go through the WS Plan process for permission to build a Multi-use water and/or sewage treatment system, or they can build on well and septic. The expense of a multi-use plant (or the lack of an appropriate stream) probably keeps them from asking for those very often. It is usually the school or camp that asks for those. We have plenty of churches on wells and septic systems in our rural areas.

Harford County: Places of worship are permitted by right in every zoning district except Light Industrial (LI) and General Industrial (GI). There is no mechanism to permit those uses in the LI and GI in the Harford County Code. In the rural areas (AG and RR zoned), institutional uses must be on parcels/lots of more than 2 acres.

Howard County: Places of worship are permitted uses but require special exceptions in many zones (including rural zones). Water and sewer is not provided to places of worship or any other institutional use (such as public schools for instance) outside the Metropolitan District.

Prince George's County: Places of worship are permitted by right in every zone but must develop with on-site systems if outside the envelope.

8. Does your jurisdiction use impervious area caps or any other environmental requirements to minimize the environmental impacts of development in certain zones?

Baltimore County: No, except for some restrictions in the Chesapeake Bay Critical Areas and controls mentioned before (such as stormwater management, stream valley buffers, etc...).

Frederick County: We do not have impervious area caps. The Forest Resource Ordinance (FRO) helps by requiring some portion of the site to be planted. It is our practice to require FRO plantings on-site for the most part. We also require on-site stormwater management, which equates to a certain amount of open space, too, unless they put it underground. Our floodplain regulations are stricter than the State's, and we legislatively defined wetlands as having to comply with those floodplain regulations too. We included historic floodplains with only slightly less strict regulations. Other than that, we just have environmentally friendly design guidelines which we try to encourage. Some of them our Planning Commission will insist on--like planting islands in parking lots.

Harford County: There are no impervious area caps in the rural zones. Impervious area in rural zones is dictated by the ability to provide stormwater quantity and quality management. However, in the business and commercial zones, there are maximum impervious area caps of 80 to 85 percent.

Howard County: No.

Prince George's County: We do not have impervious area caps in the rural zones or other unique requirements in the rural zones.

Appendix III – Planning Board Zoning Text Amendment Transmittal Letter (April 2004)

An April 22, 2004 memorandum from Planning Board Chairman Derick P. Berlage to then Council President Steven A. Silverman is attached (©1-19). This memorandum transmitted a proposed zoning text amendment pertaining to total impervious surface in large lot residential and agricultural zones.

Appendix IV - April 13 Public Forum Testimony and Other Correspondence

The Working Group held a public forum on April 13, 2005 in the 3rd Floor Hearing Room of the Council Office Building. The forum was well-attended and 30 people spoke. The list of speakers is attached as is written testimony provided by the speakers. In addition, written correspondence was received before and after the forum and is attached.

A large volume of correspondence was received regarding plans by the Derwood Bible Church to build a 1500 seat church with other facilities on an RDT-zoned site near the Town of Laytonsville. A sampling of these letters has been included.

The Public Forum cover document (©1-5) was provided to interested groups and individuals prior to the public forum as a way to explain the purpose of the Working Group and the options being considered. A speakers list is attached on ©6 with the written testimony received immediately following (©7-55). Correspondence received subsequent to the Public Forum is attached beginning on ©56.