

**PROPOSED COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
COUNTY EXECUTIVE'S TRANSMITTAL PACKET – MAY 2006**

| SUMMARY OF THE COUNTY EXECUTIVE'S RECOMMENDATIONS | | | | |
|---|--|-------------------|---------------------|--|
| Water and Sewer Plan Amendment | Applicant (Owner) | Zoning Acreage | Applicant's Request | Summary of Executive Recommendations |
| WSSCR 06A-BEN-03* | Maurice Gladhill | RDT 41.44 ac. | W-1 | Approve W-1 (for one water hookup only) for the three existing W-6 child lots. Conditional approval for W-1 (one water hookup only) for the existing W-6 outlot/pending child lot. |
| WSSCR 06A-DAM-04 | Daniel Pipher | RE-2C 0.62 ac. | S-1 | Approve S-3 for one sewer hookup for each of the existing two parcels. |
| WSSCR 06A-OLN-01 | Elizabeth Hyde, Thomas Hyde, & Henry Hyde | RNC 46.28 ac. | W-3 & S-3 | Conditional approval for W-3 and S-3 pending subdivision plan approval. |
| WSSCR 06A-TRV-02 | Macris, Hendricks & Glascock (for Kevin Smart) | RE-1 2.28 ac. | S-3 | Deny the sewer category request. |
| WSSCR 06A-TRV-03 | Macris, Hendricks & Glascock (for George Simmons) | RE-1 3.41 ac. | S-3 | Deny the sewer category request. |
| WSSCR 06A-TRV-05 | Ahmad Jamshidi & Guita Vafai | RE-1 1.06 ac. | S-3 | Deny the sewer category request. |
| WSSCR 06A-TRV-06 | Ahmad Jamshidi & Guita Vafai | RE-1 0.92 ac. | S-3 | Deny the sewer category request. |
| WSSCR 06A-TRV-07 | Carole & Donald Dell | RE-2 17.29 ac. | W-3 & S-3 | Approve W-1. Deny the sewer category request. |
| WSSCR 06A-BEN-02* | Clarksburg Church of God (The Rev. Calvin Lilliston) | RDT 2.37 ac. | W-1 | Defer consideration of the water request pending a sanitary survey of the neighborhood. |

* Amendments highlighted in the County Executive's transmittal memorandum

R:\...Water_and_Sewer\Projects\CWSP-AMEND\COUNCIL\packets\2000s\2006may\packet\pckt0506-recommendaiton-summary.doc

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – May 2006: Map Amendment Summary Information Table

| BENNETT & LITTLE BENNETT WATERSHEDS PLANNING AREA | | |
|---|---|---|
| Amendment No./Applicant (Owner) Property Location & Information Proposed/Existing Development | Applicant's Request/Explanation Service Area Categories: Existing Requested | Reviewing Agency Comments (Main extensions are non-CIP sized unless specified.) |
| <p>WSSCR 06A-BEN-03 Maurice Gladhill • 10901-11909 Bethesda Church Rd. – Lots 2-3 & 5, Outlot A, Mountain View Overlook • Map file: 218NW11; FX121 • North side of Bethesda Church Rd. east of Haney Ave. • Damascus Master Plan (2006) • Bennett Creek Watershed (MDE Use I) • RDT Zone; 41.44 ac. total • Existing use: Farm • Proposed use: Small farms (farmettes) on child lots</p> | <p>W-1 & W-6 W-1 S-6 S-6/no change</p> <p>Applicant's Explanation: "This property has obtained satisfactory percolation tests. The ground has Blue Slate rock in it and the wells do not yield."</p> | <p><u>WSSC-Water</u>: Service can be provided from the abutting water main along Bethesda Church Rd.</p> <p><u>DPS-Well & Septic</u>: Our records show Lot 1 was approved for record plat in 1993. Lots 2 and 3 were approved for well and septic use in 2002. 3 outlots were approved at this time and one of the outlots (Lot 5) was approved as lot 5 in 2003 for well and septic use.</p> |
| | <p><u>M-NCPPC Staff</u>: RDT-zoned properties are guided by the <u>Preservation of Agriculture and Rural Open Space Master Plan</u> (AROS, 1980): "Deny public water and sewer services to areas designated for agricultural preservation that utilize the Rural Density Transfer Zone (RDT)," p. 59—emphasis from original. The child lots were approved based on service by wells and septic systems. Because these lots are not currently improved and do not have failing wells, no public health exception applies.</p> <p>The property lies within the <u>Damascus Master Plan</u> area. The 1985 Damascus Master Plan (p. 102) clearly indicates that water lines that were extended before the adoption of the Water and Sewer Plan or to serve health problem areas should not serve intervening parcels (though one connection has been permitted to the applicant under the Abutting Mains policy). An update of the Damascus Master Plan is currently being considered by the County Council. The Planning Board Draft (August 2005) of the Plan does not recommend extending water to RDT-zoned properties, and the Council has not considered adding such a recommendation.</p> <p>While the <u>Comprehensive Water Supply and Sewerage Plan</u> was amended since 1985 to allow connection of water to child lots, these lots were approved and platted with wells and septic systems. The AROS and Damascus Master Plans do not contain provisions or exceptions for water connections to allow new construction within the RDT zone."</p> <p>Recommendation: Retain current W-6 water category; deny request for W-1 category.</p> | |

County Executive Recommendation: Lots 2, 3, & 5: Approve W-1; restricted to one water hook-up only. Outlot A: Maintain W-6, with approval of W-1 (for one hookup only) conditioned on the Planning Board's confirmation that the outlot may be recorded as a child lot. Approval is granted under the provisions of the Water and Sewer Plan's Child Lot policy.

Note: Lot 1, not included in this amendment request, is designated as category W-1, with a restriction for one water service hookup only. (Abutting Mains policy.)

Executive Staff Report: We recognize that the Master Plans for Damascus and Agricultural and Rural Open Space Preservation do not specifically recommend the approval of public water service in the RDT Zone, and in fact, generally recommend against the provision of public water service. However, the County Council has included within the Water and Sewer Plan's service policies, an exception for public water service that is intended to support the development of child lots in the rural part of the County. On the subject site, four lots have been created under the child lot provisions (Sec. 59-C-9.74) and one remaining outlot is proposed as a new child lot. Lot 1 (not included in this request) is approved for public water service (W-1) as the residual of the original parcel that qualified for a single water connection under the Abutting Mains policy. We recommend that the other three existing child lots (Lots 2, 3, & 5) be approved for single water hookups under the child lot policy. Outlot A is not yet recorded as a child lot. Therefore, we recommend a conditional approval for this property, with the approval of W-1 dependent on the outlot satisfying the requirements to establish it as a child lot.

WSSC has advised that water service for all of the lots on the subject site may be provided from the abutting water main along Bethesda Church Rd. Public water service was extended into the area in the 1960's and 1970's, prior to the establishment of the Agricultural Reserve. Water service for these properties will not require any additional water main extensions in the area. No other properties will become eligible for public water service as the result of the approval of this category change request.



BENNETT & LITTLE BENNETT WATERSHEDS PLANNING AREA

The provision of public water service does not substantially affect the establishment of these child lots, because they have been recorded on the basis of well and septic service. The applicant is seeking public water service to improve water supply to these properties because of wells in the area that tend toward minimal flows. WSSC generally encourages additional water connections along mains that terminate at a substantial distance from the bulk of the water service area; this serves to improve water service quality to the properties located at or near the ends of these mains.

We also recognize that the Planning Board and the County Council have raised a multitude of concerns with regard to development policies in the Agricultural Reserve, and that the use of the child lot provisions in the RDT Zone is one of those concerns. However, the Council does not have any zoning text amendment before it at this time that would affect the establishment of child lots in the RDT Zone. Existing policies direct us towards the restricted approval of public water service as applied to approved and recorded child lots.

Adopted by the County Council November 18, 2003 (CR 15-396)

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.

9. Community Water Service for Child Lots -- Community water service may be provided to support the subdivision of lots for the children of the owners of qualifying properties. Montgomery County's zoning and subdivision regulations make special provisions for the creation of these lots which are generally located in the more rural areas of the county, primarily in the Rural Cluster, Rural and Rural Density Transfer Zones. The size of the lots to be considered for service under this policy is intended to be in the range of those included in the water service for large lot provisions in Section II.D.1.: between 1 and 5 acres. Approval of a service area change to allow community water service must be dependent on Planning Board approval of a preliminary plan for the proposed child lot. In areas zoned RDT, where child lot cases are handled as minor subdivisions without the preparation of a preliminary plan; service area changes will depend on an M-NCPPC notice to DEP that the subdivision plat is ready for Planning Board approval. DEP may act to approve service area changes in these cases through the administrative delegation process, Section V.F.1.f.: Child Lots.

Water service in these cases is generally intended to be provided from abutting water mains, although water main extensions can be considered where those extensions are consistent with the requirements for large lot development, as previously cited. 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.

2) Property/Site Description and Development:

Address See Plat Attached

Property's TAX ID # (please provide, if known) _____

Property/Site Size See Plat Attached Identification (ie, Parcel #) _____

Location/Closest cross-street _____

Current Use Farm Proposed Use Small Farms - Farmettes

Subdivision Plan No. & Status _____

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- 6 Requested Water Category: W- 1 OR No Change Multi-Use Shared

Current Sewer Category: S- 6 Requested Sewer Category: S- 6 OR No Change Multi-Use Shared

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

This property has obtained satisfactory percolation tests. The ground has Blue Slate Rock in it and the wells do not yeild.

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water Sewer

WSSC Tile 238NW11

Tax Map F4121

Plan No. _____

Process COUNCIL?

Master Plan DAMASCUS

Planning Area BENNETT & LITTLE BENNETT

Zoning RDT

Zoning Activity NONE

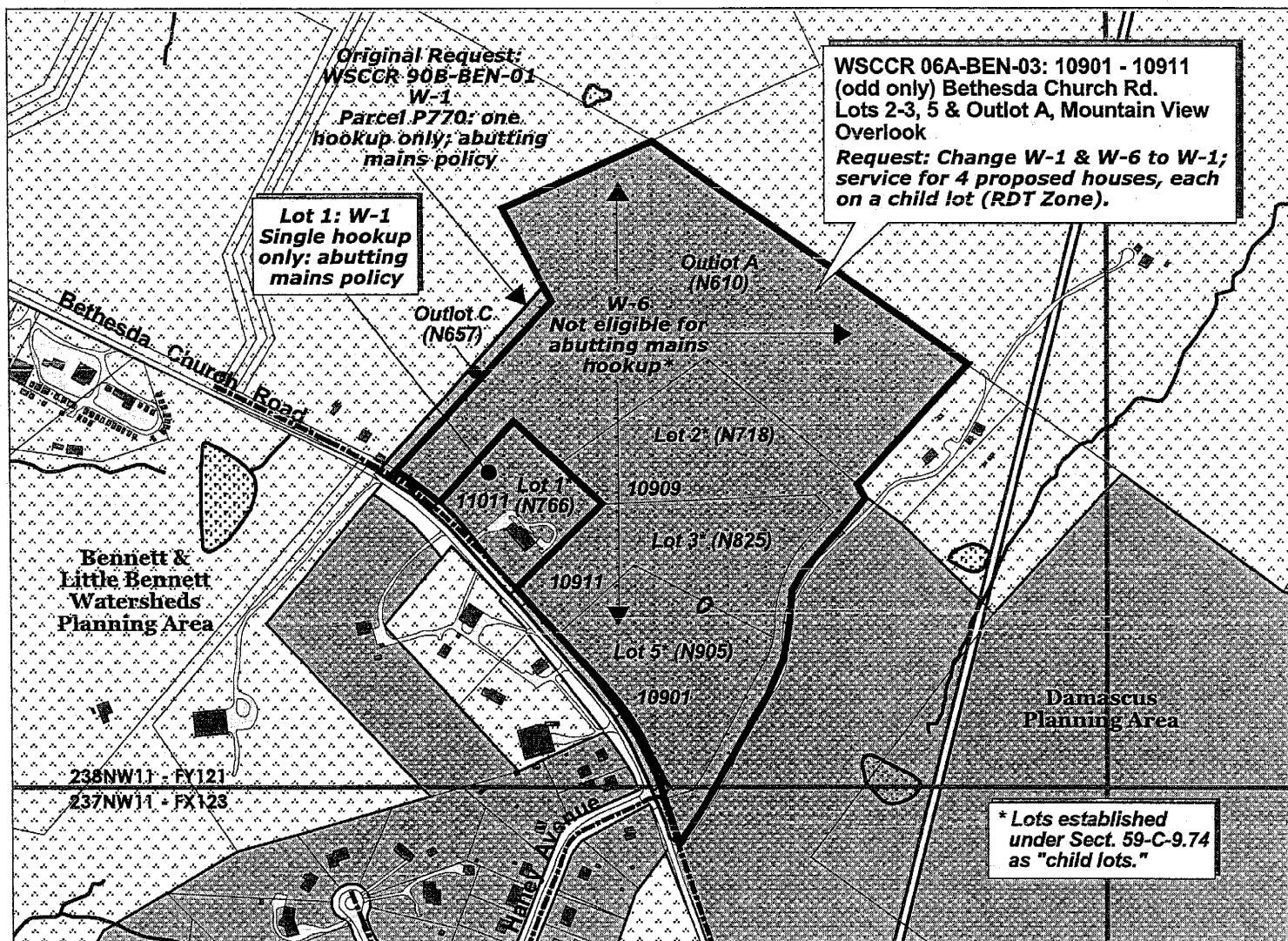
Watershed BENNETT CR.

CSPS Subwatershed _____

State Watershed Use Class _____

GIS File _____

Water Service Area Categories Map WSSCR 06A-BEN-03 (Gladhill)



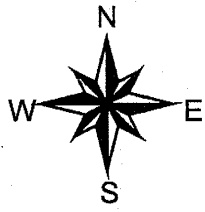
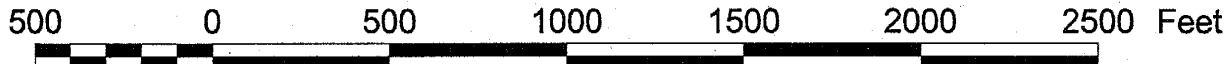
Original Request:
WSSCR 90B-BEN-01
W-1
Parcel P770: one
hookup only; abutting
mains policy

WSSCR 06A-BEN-03: 10901 - 10911
(odd only) Bethesda Church Rd.
Lots 2-3, 5 & Outlot A, Mountain View
Overlook
Request: Change W-1 & W-6 to W-1;
service for 4 proposed houses, each
on a child lot (RDT Zone).

Lot 1: W-1
Single hookup
only; abutting
mains policy

W-6
Not eligible for
abutting mains
hookup*

* Lots established
under Sect. 59-C-9.74
as "child lots."



MAP LEGEND

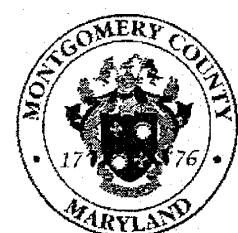
- Property
- WSSC Map Grid
- Water Mains
- Buildings
- Roads - Parking
- Watersheds
- Streams
- Ponds - Lakes
- M-NCPPC Planning Areas

Water Service Area Categories

- W-1
- W-3
- W-4
- W-5
- W-6
- WSSCR 90B-BEN-01

June 2003 Update
Service Area Categories Map

Montgomery County, Maryland
Comprehensive Water Supply
and Sewerage Systems Plan



Water & Wastewater Policy Group
2/10/06 -- GIS Project File:
o:\wwteam\ccrs-pas\bennett\2003ccrs\06a-ben-03=gladhill=w.apr

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Transmittal Packet – May 2006: Map Amendment Summary Information Table

| DAMASCUS PLANNING AREA | | |
|--|--|--|
| Amendment No./Applicant (Owner) Property Location & Information Proposed/Existing Development | Applicant's Request/Explanation Service Area Categories: Existing Requested | Reviewing Agency Comments (Main extensions are non-CIP sized unless specified.) |
| <p>WSSCR 06A-DAM-04 Daniel Pipher • 25815 Woodfield Rd. – Parcels P412* & P413, Hutchcrafts Range • Map tile: FX342; 236NE10 • East side of Woodfield Rd. (MD 124) south of Bethesda Church Rd. • Damascus Master Plan (2006) • Upper Great Seneca Creek Watershed (MDE Use I) • RE-2C Zone; 0.62 ac. total • Existing use: one single-family house and one vacant parcel • Proposed use: two single-family houses (existing house to remain)</p> | <p>W-1 W-1/no change S-6 S-1</p> <p>Applicant's Explanation (summarized – see the complete letter at circle pgs. 10-11): "Current conditions prevent the development of Parcel P413, which was created in 1945. Septic service for this small lot is not feasible, and it is designated as S-6, although sewer is available across the street.</p> <p>We request that DEP approve the request through the administrative process. The justification is a</p> | <p><u>WSSC-Sewer</u>: Service will require a 150-foot main extension from an existing 8" main located directly across Woodfield Rd. (#84-6034A). The extension would abut one additional property and would require rights-of-way.</p> <p><u>DPS-Well & Septic</u>: Prior to 1963, lots could be recorded without percolation tests. This property [the vacant parcel, P412] has no record of septic testing, and never been approved for a septic system by this office.</p> <p><u>M-NCPPC Staff</u>: This RE-2C zoned parcel lies within the Damascus Master Plan area in a primarily residential neighborhood of one- and two-acre densities. The parcel does not appear to meet the minimum lot size of the existing RE-2C zone, nor of the previous 1987, 1982, or 1955 zoning. If this parcel was created by deed prior to June 1, 1958, and has not changed in size or configuration, it may be developable for one single family residence. The current and original deed for consideration under this provision must be submitted to verify the 1945 date stated in the application.</p> <p>Recommend approval of S-1 if parcel was created before 1958.</p> <p><i>DEP note: M-NCPPC's review refers only to Parcel P412.</i></p> |
| <p>policy that allows public service for properties initially created based on on-site systems, but which now cannot develop due to changes in on-site system regulations. The lot previously had septic approval by virtue of its existence, as does our adjoining home and other homes developed at the same time. However, at that time septic approval was automatic, so there can be no record of the approval. DEP cannot require a document that cannot exist. We meet the requirement.</p> <p>For the last 19 years, Mont. Co. has valued the lot as buildable, collecting higher property taxes. In its current state, this is a disaster for us: we've been inflated taxes and vastly overpaid for the lot. Delay or denial of S-1 will prevent us from building and cause huge losses:</p> <ul style="list-style-type: none"> • Total loss of property value and our initial investment • Loss of inflated property taxes over 19 years • Loss of investment returns for overpayment of lot and of property taxes for 19 years <p>We have already lost a recent building transaction. This is an unneeded hardship. Please change the classification to S-1 through DEP without further delay."</p> <p><i>* DEP note: The applicant revised this request in April 2006 to include Parcel P412, which was not part of the original application.</i></p> | | |

County Executive Recommendation: Approve S-3, for one sewer hookup only for each of the two existing parcels.

Executive Staff Report: The provision of public sewer service to these properties is consistent with the recommendations of the 2006 Damascus Master Plan and therefore with Water and Sewer Plan policies. As part of the development of the Master Plan, DEP recommended the provision of public sewer service to clusters of properties due to anticipated public health problems resulting from the existing septic systems. DEP chose these neighborhoods due to the relatively small size of the properties, the probable age of the septic systems, and their proximity to the recommended public sewer envelope. These two properties are included in one such neighborhood, located along Woodfield Rd. opposite areas already served by public sewer. We therefore recommend the approval of category S-3 for these two properties. Consistent with the provision of public service in a health-problem area, sewer service is restricted to one hookup only for each property.

WSSC has advised that service will require a 150' main extension from an existing main located in the townhouse neighborhood across Woodfield Rd. Part of this main extension was previously authorized for service to the adjacent property at 25829 Woodfield Rd. in order to relieve the failing septic system at that location.

DEP Staff Use: CCR#: WSCCR 06A-DAM-04
Received Date: 1/17/06 Fee Paid: \$20

MONTGOMERY COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
255 Rockville Pike, Suite 120, Rockville, Maryland 20850-4166
alan.soukup@montgomerycountymd.gov
shelley.janashek@montgomerycountymd.gov
240-777 7716/7735 ; FAX: 240-777 7765

WATER/SEWER SERVICE AREA CATEGORY CHANGE REQUEST
Proposed amendment to the Montgomery County Ten-Year Water Supply
and Sewerage Systems Plan.

Please read the accompanying information and instruction sheet, which contains a fees-chart. The fee is non-refundable. The application and appropriate fee must be submitted together.

1) Property Owner:

Name Pipher

Mailing Address 25815 Woodfield Rd., Damascus, MD 20872

PROPERTY Address: (if same as above, leave blank):

Email* [REDACTED]
Phone [REDACTED]
FAX [REDACTED]

If you would like an engineer or attorney advised of the status of this request, please list name, company name, job title, address, and Email* address here:

**Please provide an Email address for all parties: Email is our standard method of communication and notification. If you don't have access to Email, please provide complete mailing address and weekday phone number.*

Applicant's Authorization:

I am the:

- Property Owner**
- Owner's Authorized Representative***

Signature [Handwritten Signature]
Title* _____

Date 1-16-06

* If signing as owner's representative, you must state on the Title line the legal capacity in which you are acting, e.g., as attorney-in-fact or trustee, or as president or partner of a corporation, partnership, or LLC. Please note, a contract purchaser may not file a category change application.

2) Property/Site Description and Development:

Address _____
Property's TAX ID # (please provide, if known) Acct # 00930850
Property/Site Size _____ Identification (ie, Parcel #) P413
Location/Closest cross-street Valley Park Drive
Current Use Planning to build Proposed Use Residential Building
Subdivision Plan No. & Status P413

(Note: Please attach an 8.5"x 11" copy of the state tax map with the property(ies) highlighted; this map is available at www.dat.state.md.us; click on "Real Property Data Search" and proceed from that point. If you don't have access to the Internet, and/or don't have some of the information requested above, please note that you request that DEP provide this information.)

3) Water and Sewer Service Area Categories (if you don't know, we will verify for you):

Current Water Category: W- 1 Requested Water Category: W - OR (No Change) Multi-Use Shared
Current Sewer Category: S- 6 Requested Sewer Category: S - 1 OR No Change Multi-Use Shared

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

We need the S-1 to Build -

Note: Continue on a separate page, if necessary

DEP Staff Use Only

Receipt Acknowledged: _____ Email OR _____ US Mail

Water Sewer
WSSC Tile 236NW10
Tax Map FX343
Plan No. -
Process COUNCIL
Master Plan DAMASCUS (1985) - UPDATE IN PROGRESS (JAN. 2006)
Planning Area DAMASCUS
Zoning RE-2C
Zoning Activity NONE
Watershed GR. SENECA CR. UPPER
CSPS Subwatershed _____
State Watershed Use Class _____
GIS File _____