



November 24, 2004

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
County Wide Planning Division

FROM: Nazir Baig/Katherine Nelson for the Department of Park and Planning
(301) 495 4549

SUBJECT: Water and Sewer Service Area Category Change Requests
Council Delegation for the Amendment to the Water and Sewer Plan.

RECOMMENDATION:

Staff finds that the attached category change requests raise several planning and park operational issues that the Board may wish to discuss and bring to the attention of the County Council. Staff recommends action on the cases as highlighted in this memorandum and transmittal to the Council for final action.

DISCUSSION:

The staff memorandum will follow the format in the Executive Memorandum and attached material. This material contains the water and sewer category change applications under consideration as amendments to the Comprehensive Water Supply and Sewerage Systems Plan. The Executive's Transmittal Memorandum has listed four major policy issues that they anticipate will generate discussion at the T&E Committee work sessions and before the Council.

1. North Damascus –Tune Avenue Neighborhood Sanitary Survey Amendment

This area has chronically failing septic system that requires a comprehensive solution. The recently completed Planning Board Draft of the Damascus Master Plan has highlighted this issue. Staff appreciates the Department of Environmental Protection (DEP) and the Department of Permitting Services (DPS) timely efforts in formulating a comprehensive solution for this neighborhood. We support the concept.

2. Private Institutional Facility Policy Amendments

This set of amendments contain five that request community sewer service under the Private Institutional Facility (PIF) provision. They largely exemplify a trend that impacts long-standing land use and environmental concerns. These trends have resulted in sewer service to large properties outside the sewer envelope and within low-density zones and sensitive watersheds where sewer is normally not permitted. Although these uses are permitted in the zone, the scale of the facilities is in conflict with other important policies making them difficult to recommend for approval. These policies include:

1. RDT zone limitations on sewer service
2. Sensitive watershed restrictions on imperviousness
3. Low-density nature of the rural zones
4. Priority Funding Areas

In recent years, recognizing the tremendous community benefits and services provided by these institutions, the Council has granted increasing numbers of category changes for places of worship, allowing them to grow or relocate. The staff has extensively briefed the Board on the issues associated with the proliferation of these category requests, and at the direction of the Council, the staff prepared - and the Planning Board recommended approving - a Zoning Text Amendment (ZTA) to address these concerns. The ZTA limits imperviousness in the rural zones, while making provisions for these important community uses. The impervious limits would not significantly impact the vast majority of land uses, only those with the greatest impact. As of this date the Council has not taken any action.

The staff is also concerned about the review process for these category change requests. Because we have no development plan it is impossible to comment on the scale of the project, the impact to environmental resources or the alignment of the sewer connection. In reviewing these cases, the Executive generally recommends approval of sewer main extensions subject to acceptability by the WSSC and consistency with the PIF policies. However, a sewer alignment may traverse Park property or other environmentally sensitive areas and may seriously impact park natural resources or recreational facilities. Since the sewer alignment is subject to approval by WSSC we have concerns that WSSC is likely to look at the gravity option through stream valleys as their first choice, which may, be more environmentally damaging. Because of these concerns, the staff recommends that requests under the PIF provision be accompanied by a development plan. We also recommend that the Environmental Planning and Development Review staff be a part of an inter-jurisdictional review group that determines the best sewer alignment in these cases.

3. Sewer Service for High Point Clarksburg

The 1984 Clarksburg Master Plan had set up strict staging triggers to address water quality and the staging of water and sewer facilities. The Master Plan recommended four stages of development: (1) to provide for the orderly and fiscally responsible development of public facilities; (2) to promote the development of a strong community identity; (3) to allow for a staging plan for the implementation and evaluation of the County's water quality review process; and (4) to examine where best management practices (BMPs) can mitigate the impacts of development on Ten Mile Creek watershed.

The Master Plan recommends delaying development in the Ten Mile Creek watershed to provide property owners with the opportunity to pursue voluntary measures to protect water quality in the environmentally fragile Ten Mile Creek watershed.

4. Upper Paint Branch Special Protection Area

This area was designated an SPA with Council action in the Cloverly Master Plan. This was on the basis of a task force recommendation of which DEP was an active member. Paint Branch is a designated Use III stream with a self-sustaining brown trout population and high-quality cold-water habitat. Millions of dollars have been spent in preserving this area for natural trout propagation.

Comments on individual cases are discussed below:

CLARKSBURG MASTER PLAN AREA

WSSCR 03A-CAB-02 Egan's Barbeque/Picnic Facility

The subject property is recommended for Clarksburg Stage 4, the last stage of development. As stated in the Master Plan, the County Council will consider water and sewer category changes that would permit the extension of public facilities to the Ten Mile Creek area, once five staging triggers occur. Several of these triggers, such as, at least 2,000 building permits issued for housing units in the Newcut Road Neighborhood and Town Center District, and eastside BMPs monitored and evaluated, have not occurred. This request is not in conformance with the adopted policies of the Clarksburg Master Plan and Hyattstown Special Study Area and as such we agree with DEP's recommendation of **denial**.

EASTERN MONTGOMERY COUNTY MASTER PLAN AREA

WSSCR 03A-CLO06 Pulte Home Corp.

The property is recommended in the Cloverly Master Plan for park acquisition as part of the SPA program for Upper Paint Branch. A housing project is bound to generate more non-point source pollution than a park project. Staff does not agree with the Executive recommendation and recommends **denial** of the applicant's request.

WSSCR 03A-CLO10 Bryanshire Corp.

The Cloverly Master Plan does not recommend community water or sewer service for residential and institutional properties in the RE-2 zone. Staff agrees with the Executive recommendation of **denial** for the requested Water and Sewer Category request.

DAMASCUS MASTER PLAN AREA

WSSCR 03A-DAM-04 Tune Avenue Neighborhood

The staff supports the Executive recommendation to **approve** water and sewer service to this neighborhood, with two editorial comments:

1. Public" Sewer should be revised to say "Community" Sewer
2. The future community sewer lines should be clearly designated as limited access in the Comprehensive Water Supply and Sewerage Systems Plan.

GOSHEN- WOODFIELD PLANNING AREA

WSSCR 04A GWC-01 Seneca Creek Community Church

WSSCR01A-GWCO2 TWS Land Barrons, LLP

WSSCR-01A GWWC 03 Bethel World Outreach

There are three PIF requests in this planning area but land use configurations are not known for all of them. Staff has three basic concerns:

- The level of imperviousness and associated water quality impact that will likely result from a cluster of these uses within the headwaters of Wildcat Branch, a Use III stream.
- The basic objectives of the Master Plan for the Preservation of Agricultural and Rural Open Space and its recommendation against sewer in the RDT zone.
- The potential community and traffic impacts.

More specific concerns are outlined below:

The Seneca Creek Community Church is a 107-acre parcel located primarily within the Wildcat Branch subwatershed of Great Seneca Creek. Approximately 16 acres of steep slopes and stream valley along the northwest property boundary are designated for park acquisition and will link with the Great Seneca Stream Valley Park. Approximately 35% of the site is forested with the remainder in cultivation. The site is also home to an undesignated historic farmstead that staff recommends for preservation.

The TWS Land Barrons request is a 23-acre site also located within the Wildcat subwatershed of Great Seneca Creek. More than half the site is forested including a 1½-acre forested wetland. The remainder of the property is currently being cultivated.

The Bethel World Outreach request is located on a 120-acre site located primarily within the Upper Great Seneca Creek watershed with only four acres located in Wildcat Branch and eight acres in Middle Great Seneca Creek. These two watersheds are designated Use I with good to excellent water quality. The site has approximately 17 acres of stream valleys and sensitive areas and more than half the site is forested. The remainder of the site is being cultivated.

Because we have no development plan to review, these three requests have not been analyzed for impacts and no alternative analysis for sewer alignments has been performed. However staff does have concern about placing a cluster of this type of intensive uses in the headwaters of Wildcat Branch subwatershed. This excellent quality Use III stream was designated a Special Protection Area in the Clarksburg Master Plan where Mid-County Highway with its high level of imperviousness was planned. No such designation was thought necessary within the Agriculture Reserve portion of the subwatershed, which includes these requests, since the RDT zone normally achieves less than 5% imperviousness. Stream conditions in one section of the subwatershed have already gone from excellent to fair where a previously approved PIF has recently been constructed. Adding three others to this same area is bound to have cumulative negative effects on Wildcat Branch, which is otherwise protected by the SPA.

DEP has recommended two of these cases (WSSCR 04A-GWC-01 Seneca Creek Community Church and WSSCR 01A GWC-02 Bethel World Outreach) to advance W-3 S-3 conditioned on finding sewer extensions that are acceptable to WSSC and consistent with water and sewer plan PIF policy. W-3 and S-3 would be restricted to institutional uses only. They have recommended

denial of WSCCR01A-GWCO2 TWS Land Barrons, LLP.

Because of significant conflict with existing policies staff recommends **denial** of these three requests. The clustering of PIFs in close proximity to each other will be at variance with the rural character contemplated by the Approved and Adopted Master Plan for the Preservation of Agricultural and Rural Open Space. If they are recommended for approval, the staff recommends that:

1. A condition be added that the sewer category may not be utilized by any alternate use unless specifically approved by the Council; and
2. M-NCPPC Environmental Planning and Development Review staff be given the opportunity to ensure that environmentally sensitive sewer alignments are factored into the decision process.
3. Planning staff has the opportunity to review these cases in more detail prior to issuance of a building permit.

GERMANTOWN MASTER PLAN AREA

WSCCR 04ALSN-01 Toll Brothers, Inc.

The subject property resides within the preservation of Agriculture and Rural Open Space Master Plan (1980). In previous evaluation of this property, the County Council has denied the request for water and sewer category change as being inconsistent with master plan recommendations. While the four properties could be served with a wastewater pumping station and a minimum of 2000 feet of force main, this may be traversing South Germantown Regional Park. Alternate alignments and associated park impacts are not known. Boundary changes to the Germantown Master Plan are not foreseen to include the subject properties. Staff agrees with the Executive recommendation of **denial**.

OLNEY MASTER PLAN AREA

WSCCR 03A-OLN -03 Washington Christian School Society (Gandel Property)

This property is located in the southeast area of the Olney Master Plan. The current Master Plan for Olney, the 1980 Plan, recommends sewer service for properties in the southeast area of the Plan if they are rezoned to the RC Zone. Currently, the Olney Master Plan is being revised and the County Council is reviewing the Planning Board Draft.

This Planning Board discussed the potential use of this property by the Washington Christian Academy during its review of the Staff Draft of the Olney Master Plan. Although the draft Master Plan states that the preferred option for this site would be preservation in its entirety if possible, it acknowledges the potential use of the site by Washington Christian Academy. In that case, extension of community sewer to this property would be consistent with the current and proposed draft Olney Master Plan, if no new sewer extension will be placed in the stream valley connecting this property to the existing sewer system in Northwest Branch. In order to avoid gravity flow along Bachelors Forest Tributary the Executive is recommending W-3, S-3 for PIF use only by a pressure system along the Batchelors Forest Road right-of-way and across Georgia Avenue. Staff assumes the construction and operation cost of the pumping station will be borne by the

applicant. Based on the master plan comments and recommendation, staff recommends **approval** of community sewer service for this property for a private educational institution.

WSSCR 03A-OLN-4 Kaz Brothers

Under the existing 1980 Master Plan, the property would not be eligible for sewer for the purpose of subdivision without first rezoning to LDRC Zone. The proposed Planning Board Draft of the Olney Master Plan recommends RNC zone for this and the adjoining properties, which means that these properties would be eligible for community sewer service only if they assemble to create a minimum 10 acre parcel. Community Planning staff agrees with the executive staff that the decision on this property should be **deferred** until after the approval of the Olney Master Plan by the County Council.

PATUXENT WATERSHED CONSERVATION PLANNING AREA

WSSCR 03A-PAX-02 Spencerville Seventh Day Adventist Church

The applicant requests W-1 and S-3 under the provision of PIF policy. No development plans are available to evaluate the water quality impacts in the Patuxent watershed. The WSSC estimates construction would involve removing trees, temporary disturbance to a golf course and crossing of state highway. The provision of sewer service is not consistent with master plan policy. Historically, community water and sewer have been denied in the Patuxent watershed to preserve high water quality in the reservoir. Staff recommends **denial** for sewer service (S-6) but approval for existing water service (W-1).

WSSCR 03A PAX-03 Furman

The recommendation of water and sewer service is inconsistent with the 1997 Fairland Master Plan. Much of the church property is within the Patuxent Primary Management Area (PMA). Potential imperviousness area limitations as per PMA guidelines will be inconsistent with large-scale development. No development plans are available to evaluate environmental impacts. Staff agrees with the executive staff and recommends **denial** of this request.

WSSCR 03A-PAX-04 Elderhome, Inc.

The site is within the Patuxent watershed and is being bisected by the new MD29 right-of-way. Staff has not seen the proposed Special Exception for the senior housing project. WSSC recommends serving these two applications with a centralized pumping station to increase reliability. Staff agrees with the executive staff and recommends **denial** of the application until all these issues are resolved.

POTOMAC SUBREGION

Glen Hills Area Cases

WSSCR 03A –TRV-04 through- 08 Groid and Gallagher

The 2002 approved and adopted master plan specifically recommends an inter-agency study to comprehensively address and recommend sewer solutions for County Council approval. Pending completion of this study, staff agrees with the executive recommendation of **denial** for these category change requests. The staff recommends that DEP initiate the study as soon as possible.

WSSCR 03 A –TRV- 05 Williams

This is an existing single-family home in the Glen Hills Sewer Policy Area. Staff agrees with the executive staff in recommending **deferral** of the request until completion of the Glen Hills Study.

WSSCR 03A-TRV-14 Annand Verma

This property is also with in the Glenn Hills Area. This property is being served by an aging on site system. Staff concurs with the executive recommendation to **defer** the request until completion of Glen Hills study. Staff recommends that DEP initiate the study as soon as possible.

WSSCR 03A-TRV-15 Robert Prass

The applicant qualifies for two sewer connections under the abutting mains policy since both properties have frontage along Piney Meetinghouse Road. However, future subdivision of these properties is not possible under the current provisions of the Piney Branch Restricted Sewer Access Policy. Staff agrees with the executive recommendation to **approve one sewer hookup only for each of the two existing lots.**