



January 20, 2006

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Chief *GW*
Countywide Planning Division

Jorge A. Valladares, P.E., Chief *JAV*
Environmental Planning/CWP

FROM: Mary Dolan for the Department of Park and Planning *MD*
(301) 495-4552

SUBJECT: Proposed Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan — AD 2006-1 and January 2006

RECOMMENDATION

Approve as recommended for each case and transmit to the Council and Executive for final action.

DISCUSSION

This staff memorandum contains recommendations for category changes presented in two groups by the Department of Environmental Protection staff on behalf of the Executive.

- Cases going to the County Council for action in February (January 2006 packet)
- Cases going to an Administrative Hearing on January 31, 2006 for Executive action (AD 2006-1 packet)

The Planning Board may request that any case scheduled for administrative hearing and Executive action, be referred for County Council action if there are significant issues.

In all the January 2006 and AD 2006-01 cases, the Park and Planning Staff agrees with the Executive's recommendations.

Discussion

Staff is working with the Department of Environmental Protection Staff to simplify the process for bringing proposed water and sewer category changes to the Planning Board for recommendations. When possible, staff proposes to package items that are scheduled for administrative hearings and County Council consideration at the same time to consolidate the discussion of these items. On occasion, however, the timing of action may require individual cases to come to the Board between packages.

Continuing the streamlining effort, the staff report will only highlight cases where staff recommendations differ from the Executive's recommendation, or where significant comments should be brought to the attention of the Board. Staff's comments on all cases have been incorporated into DEP's packet along with the comments of other agencies. The full packet for County Council action and administrative hearings are attached for your consideration or further comment beyond the staff report.

If any of the items scheduled for administrative hearing raise issues for the Planning Board, the Board may request that those items be referred to the County Council with a recommendation for approval, deferral or denial. If the Board concurs with the Executive's opinion to recommend approval, the cases will be decided subsequent to the administrative hearing on January 31, 2006. Planning staff concurs with the DEP recommendation for approval of the administrative packet (AD-2006-1) with the comments noted.

The County Council will receive the January 2006 packet this week and schedule a public hearing for sometime in February. After the hearing, the Council's Transportation and Environment Committee will discuss the cases and send their recommendations to the County Council.

County Council Packet Issues

Two cases in the Council packet merit further explanation:

- **WSCCR 04A-LSN-01**
Natelli Communities (for Stephen Barmakian)
See circle page 1-10 of the Executive Packet

Zone: R-200

Size: 20.91 acres

Proposed Use: 41-lot residential subdivision

The Planning Board considered this case in October of last year and recommended denial. The Planning Board letter is included in the packet going to the County Council and is attached at circle 6. No additional action is necessary or recommended.

- **WSCCR 04A-PVE-01**
Winchester Homes (for Dennis Schraf, et. al.)
See circle page 15-21 of the Executive Packet

Zone: Town of Poolesville

Size: 101.5 acres

Proposed Use: Residential Property Subdivision within the Town of Poolesville

Since this is within the corporate limits of Poolesville, it is not controlled by a county master plan; however, the configuration of new sewer lines must be examined to assure that adjacent properties in the County's RDT zone are not affected. In addition, this property is in the headwaters of Broad Run, a watershed designated for protection under the County's Legacy Open Space Functional Master Plan. All new sewer lines should be placed to avoid the stream buffer and adjacent contiguous forest.

The County Executive recommends denial of this request due to the information received from the Town of Poolesville that its public water supply and sewer systems are not yet ready to serve this development and no schedule is forthcoming. **Planning staff recommends denial** until it is shown how the service would be provided and what impact can be expected to the Broad Run stream watershed.

- **WSCCR 05A-OLN-02**
Parker Memorial Church
See circle page 47-57 of the Executive Packet

Zone: RC
Size: 8.4 Acres
Proposed Use: Institutional

The 2005 Olney Master Plan does not include this property in its proposed sewer envelope. The applicant is proposing a private institutional facility (PIF). Because no preliminary plan has been filed, the compatibility of the use with adjacent low-density residential areas cannot be determined. The master plan recommends minimizing imperviousness in the Batchellors Forest Tributary and maintaining the existing forest cover to protect the stream quality.

The County Executive recommends deferral of this item until a conceptual plan is received in order to determine the potential imperviousness. A concept plan was received in the interim since DEP prepared their packet showing a layout that removes a large area of forest on the site and proposes about 28-30% imperviousness. This level is considerably higher than residential development at this density would be (8-10%) and even higher than approved by the County Council for the Lutheran Church of St. Andrew or the People's Community Baptist Church (25%). The Zoning Text Amendment (ZTA) proposed by the Planning Board recommended a 20% imperviousness cap for the RC zone. The County Council has asked for more information from the PIF Working Group before taking action on the ZTA. No preliminary plan has been filed for Parker Memorial Church as yet, and may differ from the conceptual plan that we have received (see circle 78).

Planning staff recommends deferral of the case until there is time to study the imperviousness in the context of the rest of the Batchellors Forest East tributary in light of the approved and adopted Olney Master Plan and to recommend an imperviousness cap for the site.

If this item is deferred, it would be included in the spring packet that would come back to the Planning Board for further deliberations, preferably with a preliminary plan submittal that would give additional information regarding the ultimate layout of the site, compliance with the Forest Conservation law and a conceptual stormwater management plan.

Potomac Peripheral Sewer Service Policy

A number of cases in Potomac have recommendations that depend on the peripheral sewer service policy. The Planning staff recommends concurrence with the DEP staff interpretation of that policy with regard to the cases presented in the administrative and the County Council packet. The 2002 Potomac Subregion Master Plan recommends the use of a "peripheral sewer service policy" in evaluating service area change requests for properties located near the edge of that plan's recommended public sewer envelope. In this, the master plan recognized that the existing public sewer service area in the Potomac Subregion has grown on the basis of individual requests, rather than by comprehensive amendments, creating an irregular and sporadic envelope. The new master plan proposes the use of the following criteria in evaluating these requests:

- The subject property should abut or confront the edge of the recommended public sewer envelope; and
- The main extensions needed to serve these properties should avoid streams, stream buffers, and other sensitive environmental features, preferably running within existing or proposed public rights-of-way.

In reviewing the following cases, MCDEP and M-NCPPC staff also considered these additional criteria that they felt were relevant to a comprehensive evaluation:

- The number of additional properties, developed and undeveloped, abutting the proposed sewer main extension;
- The extent to which other front-foot benefit assessment (FFBA) payers would subsidize the main extension costs for those abutting properties not required to pay assessments under WSSC's current policies;
- The extent to which the extension opens up service to other abutting properties not otherwise eligible for public sewer service; and
- The actual need for public sewer service.

Note that under the master plan's peripheral service proposal, the approval of any of these amendments does **not** constitute an expansion of the recommended Potomac Subregion public sewer envelope.

Public Outreach

As part of our effort to improve notification and communication with residents and communities, this proposed action was placed on the Planning Board's agenda two weeks in advance of the item and notices were mailed to the applicants, adjoining and confronting property owners, and to Homeowner's and community organizations near the proposed category change requests. Information has been posted on the DEP web site with links to the Planning Board agenda, and the notifications have included the DEP web site location for further information. Staff has taken calls from those receiving notifications indicating their thanks for the information.

We will continue to coordinate notification with DEP staff to broaden the process and identify the best means of improving outreach to communities.

MD:ss
Attachment