



March 5, 2024

Mr. Andrew Friedson, President
Montgomery County Council
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

RE: PUBLIC HEARING - Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Request WSCCR 17-OLN-02A (Iglesia De Cristo Mi-El Maryland, Inc.) Council Agenda Item No. 6

Dear President Friedson and Council Members:

On behalf of my client Iglesia De Cristo Mi-El Maryland, Inc. ("Church"), we ask that the Council endorse the recommendations of the County Executive and Planning Board to approve the requested Water/Sewer category change application, and to reject (or modify) the County Executive's recommendation that impervious coverage in the Northwest Branch be capped at 25%, as there is no regulatory or master plan basis to justify this limitation.

I. Summary

The 7.17-acre property spans two watersheds (1) the Northwest Branch – which has no impervious limitation; and (2) the Hawlings River, which has a 10% impervious coverage cap. The Church project meets the 10% Hawlings River impervious cap in the Hawlings River drainage area.

The project anticipates a 47% impervious cap within the Northwest Branch, which has no limitation on impervious coverage, and 35.3% imperviousness averaged across the entire site.

The County Executive has recommended a 25% cap within the Northwest Branch. This limits impervious coverage across the site to 19.4%.

The practical effect of this recommendation is far more stringent than has been imposed on similar properties, and is not justified under the County's regulations or standards. As confirmed in the County Executive's transmittal memo: "The County lacks clearly established standard for imperviousness for PIF cases, except where one is established as by a regulation, or recommended in the master plan. Neither applies in this part of the Northwest Branch." (County Executive Transmittal page 39, emphasis added.)

Moreover, two of the three examples provided to support this recommendation are from projects that are subject to these regulatory limitations, and so do not provide an equitable comparison to this project.

II. Background

The Church began as a small group of bible studies with 8 adults in February 2000, and became an established Church in 2004 with 80 adults plus children. The Church currently has a

membership of approximately 700 adults plus children and youth members. At its current location, the Church holds two services (9:00 am and 11:30 am) in a location that has capacity for 530 chairs, and five classrooms each with a capacity for 20 children.

The Church has designed a house of worship that would seat 700 members, which would accommodate the current membership during worship and classroom teachings, and at the same time allow for future growth through the addition, if needed, of a second service. It also will retain an existing home for use as a parsonage.

The application, first filed in 2017, was deferred in light of a changed regulation that required submission of a “concept plan” in conjunction with the WSSCR application. The Church went one step further, seeking preliminary plan review, which allowed for more detailed analysis of the site and the project (e.g., preliminary review of stormwater management, environmental features, forest conservation and road dedication requirements) to ensure that the project under Council review was realistic and feasible.

The preliminary plan analysis confirms that aside from the 10% impervious cap associated with the Hawlings River drainage area, the site has no meaningful environmental features: it has no forest, no stream buffers or steep slopes.

The proposal retains 60% of the site in open space, and will afforest (*i.e.*, plant trees on unforested land)) 1.2 acres of the site. The County Executive’s confirms that “any new forest planting on the property will be a benefit to the environment . . . [and] the proposed afforestation area is within the Hawlings River watershed where water quality is extremely important due to being upstream from the region’s water supply . . .” (County Executive Transmittal page 41.)

III. “Precedent” Cases Cited Do Not Provide Support for 25% Impervious Cap Recommendation

Based on the fact that there is no regulatory or master plan standard that imposes an impervious coverage limitation within the Northwest Branch portion of the property, the imposition of a 25% impervious cap is arbitrary. This recommendation relies on three projects to support this position, none offering compelling authority.

The first two projects referenced as support for limiting the proposed imperviousness coverage we limited based on Council-adopted Master Plan impervious cap recommendations contained in the 1997 Cloverly Master Plan, governing a different subwatershed:

1. November 29, 2005 approval of WSSCR 04A-CLO-06 (Peoples Community Baptist Church (expansion) at 31 Norwood Rd; and
2. July 25, 2012 approval of WSSCR 11A-CLO-01 (Shri Mangal Mandir Temple (expansion) at 17040 New Hampshire Avenue.

These two “precedents” are located in a different sub-watershed and are subject to Council-adopted master plan recommendations limiting impervious coverage. In contrast, there are no governing standards regulating the subject property.

3. The third example provided is property subject to the 1994 Clarksburg MP (1994), and was approved in July 21, 2015 (14-GWC-02A), DC Metro Sai Samsthan (new facility) at 23501 Ridge Rd. This third “precedent,” a 33-acre site, is located outside of the Northwest

Branch, was approved nearly 10 years ago, and the 20% cap was based on a concept plan provided by the applicant which included a house of worship, a day care center and extensive parking. This case does not offer any meaningful basis to impose a 25% impervious cap in this case.

In summary, the examples offered are materially different from the case now under consideration and do not provide any legal justification to limit the imperviousness cap on the subject property.

IV. Conclusion

A. The Church asks that the Council approve the WSCCR as submitted:

1. A 10% impervious cap within the Hawlings River watershed; and
2. A 47% impervious cap within the Northwest Branch watershed.

This results in a site-wide impervious coverage of approximately 33%.

B. ALTERNATIVELY, the Church would proffer the following alternative approach:

Approve the WSCCR with the following modifications:

1. A 10% cap within the Hawlings River watershed; and
2. A 42% impervious cap within the Northwest Branch watershed.

This results in a site-wide impervious coverage of approximately 30% and reduces impervious coverage within the Northwest Branch by approximately .4 acres. The 30% site-wide coverage is only modestly above the 24 – 25% impervious coverage limitation imposed on the two properties regulated by the Olney Master Plan recommendation limiting impervious coverage in a different Northwest Branch subwatershed to 15% and which were allowed to exceed that limitation by 10%.

Reducing impervious coverage in this manner necessarily will reduce the size of the proposed Church, and still allow for a feasible project for the Church's present and future needs.

Respectfully Submitted,

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