

## **FACT SHEET – FIRST BAPTIST CHURCH OF WHEATON**

- The First Baptist Church of Wheaton (“Applicant”) bought a 14.4-acre piece of property on Emory Church Road in Olney in 2007 (“Site”) and applied for a sewer category change under the County’s PIF policy for a 500-seat church.
- The 2005 Olney Master Plan recommends against public sewer for the Site. The Applicant, a “private institutional facility” or “PIF,” has publicly testified that it knew the Site was not recommended for public sewer at the time of purchase. (Public water is not an issue.)
- In 2008 a three-member Planning Board voted 2-0 to recommend conditional approval of the sewer category change in the face of a staff recommendation of deferral based on lack of conformance to the master plan. With two of five Boardmembers absent, the remaining Boardmember (a member of the Applicant church) voted “present” to ensure a “quorum.”
- The Council voted to maintain the Site’s current sewer status (septic rather than public sewer) unless the Planning Board approves a preliminary plan that “conforms to the intent of the Olney Master Plan” (something which appears to be legally impossible).
- The County’s PIF policy prohibits the extension of public sewer to a relocating PIF if the sewer main extension will abut any property that is NOT eligible for public sewer.
- The proposed extension would abut at least two properties NOT eligible for public sewer.
- The Council’s action is inexplicable in light of its argument to the Court of Special Appeals that a sewer extension proposed by a mega-church in the Agricultural Reserve *could not* qualify for public sewer because the proposed extension would abut at least one property ineligible for public sewer (an argument accepted by the Court). Bethel World Outreach Church v. Montgomery County, Maryland, et al., 184 Md. App. 572, 967 A.2d 232 (2009).
- Unlike the Bethel Church, which was operating within leased premises when the County denied its sewer category change request, a builder has contracted to buy the Applicant’s current Wheaton site and intends to redevelop it with a 6 story, 245-unit apartment building, a fact highlighted on a County website promoting County efforts to redevelop Wheaton.

See Future Development/Washington Properties link at:

<http://www.montgomerycountymd.gov/mcgtmpl.asp?url=/content/DGS/Dir/OPD/wheaton/wheaton.asp>

- There is no stated justification in the record for the Council’s decision to deviate from the PIF policy standards as applied to the Bethel site and articulated by the County that case.
- The Applicant now seeks Planning Board approval of a 788-seat house of worship and argues that the Site is eligible for public sewer under the PIF policy because the Site (not the extension) abuts properties that ARE eligible for public sewer.
- Individuals and associations who oppose the preliminary and site plan have urged the Board to find that the Site does not qualify for a sewer extension under the plain language of the PIF policy (in addition to multiple master plan conformance, neighborhood compatibility and traffic concerns that fall beyond the PIF policy) and to deny the applications.

Planning Board Public Hearing: September 8, 2011

A copy of the staff report can be viewed at:

[http://www.montgomeryplanningboard.org/agenda/2011/documents/20110908\\_First\\_Baptist.pdf](http://www.montgomeryplanningboard.org/agenda/2011/documents/20110908_First_Baptist.pdf)