

MEMORANDUM

November 21, 2013

TO: County Council

FROM: *KL* Keith Levchenko, Senior Legislative Analyst

SUBJECT: Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Request (Polk property)

Council Staff Recommendation: Concur with the County Executive and the Planning Board to maintain S-6 (deny the category change request)

On October 3, 2013, the County Council received a Water and Sewer Category Change request from the County Executive (transmittal memorandum and the Executive Staff report are attached beginning on ©C). A draft resolution is attached on ©A-B. A public hearing was held on November 12, 2013.

The request (WSSCCR 12-POT-01A (Polk)) involves a 4.07 acre RE-2 zoned property located on Pleasant Hill Drive at the intersection with Belmart Road in Potomac. The applicant is seeking a sewer category change from S-6 to S-1 to allow for the extension of public sewer to accommodate an expansion of the existing house.

List of Attachments

Council Resolution	©A-B
County Executive Staff Report	©C-7
Potomac Master Plan (2002) Excerpt (reproduced within the CE Staff Report)	©3-5
Planning Board Letter of November 8, 2013 with Planning Staff Packet Excerpt	©8-11
Public Hearing Testimony	©12-14
Maryland Department of Planning Letter dated November 8, 2013	©15-17

Category Change Overview

The County's Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing Water and Sewer Plan amendments through the County Executive for transmittal to the Council.

DEP staff coordinates with a number of other departments and agencies and includes comments from Planning staff, WSSC, and Department of Permitting Services (DPS) staff in the Executive Staff Report.

Planning Board Review

The Planning Board discussed these amendments on November 7, 2013 and concurred with Planning staff's recommendation to maintain S-6 (deny the category change request) for the subject property (see letter to Council on ©8-9 and Planning staff packet excerpt on ©10-11).

State Review and Approval

All amendments to the County's Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE). Therefore, amendment approvals by the Council are considered preliminary until MDE action.

The Council received a letter (see ©15-17) from the Maryland Department of Planning (MDP) commenting on this category change request. The Maryland Department of Planning is required to review Water and Sewer Plan amendments and provide its assessment as to whether the request is consistent with the County Comprehensive Plan (i.e., relevant Master Plan). In this case, MDP has noted that it finds the request to be inconsistent with the 2002 Potomac Master Plan. The subject property is outside the sewer envelope and not eligible for consideration via the Master Plan's "Peripheral Sewer Policy" since the property is not at the periphery of the sewer envelope.

Discussion

Both the County Executive and the Planning Board recommend maintaining S-6 (deny the request) because the request is inconsistent with the Potomac Master Plan.

In circumstances where the request is not consistent with Master Plan recommendations, Council Staff reviews the request to see if there are any countervailing policy issues (such as other Water and Sewer Plan policies) or unique circumstances at play in this case. There are no other applicable Water and Sewer Plan policies (such as a failing septic system, an abutting main, etc).

According to Permitting Services staff (see ©1), the property's septic system is sized for a six-bedroom house and is relatively new (completed in 2006). At the public hearing, the applicant's representative testified that the applicant is seeking to expand the existing home in order to accommodate additional family members, and that this expansion cannot be accommodated on the existing system (and presumably, expansion of the septic system is problematic).

However, Council Staff would note that a property owner's interest in expanding a home is not a unique or extenuating circumstance that warrants the Council diverging from Master Plan recommendations regarding the extension of sewer. If the Council were to approve this request (and MDE were to affirm the Council's approval, which is highly unlikely), a broad precedent would be set that would likely lead to many similar sewer extension requests in this and other areas outside the sewer envelope that would all be at odds with Master Plan and Water and Sewer Plan policies.

Council Staff concurs with the Executive and Planning Board to maintain S-6 (deny the category change request).

Attachments

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Amendment to the Comprehensive Water Supply and Sewerage Systems Plan

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 90 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 90 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by the MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On October 3, 2013, the County Council received a recommendation from the County Executive regarding one Water and Sewer Plan amendment.

6. Recommendations on this amendment were solicited from the Maryland-National Capital Park and Planning Commission and Washington Suburban Sanitary Commission Staff.
7. A public hearing was held on November 12, 2013.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments.
9. The Council held a worksession.

Action

The County Council for Montgomery County, Maryland approves the following action on an amendment to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan as shown in the attachments to this resolution.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

**Proposed Amendments:
Montgomery County
Comprehensive Water Supply
and Sewerage Systems Plan**

**County Executive's
September 2013 Amendment Transmittal
to the County Council**

**1 PROPOSED WATER/SEWER
CATEGORY CHANGE REQUEST
&
PREVIOUSLY DEFERRED
REQUESTS UPDATE**

**Montgomery County
Comprehensive Water Supply and
Sewerage Systems Plan
Proposed Category Map Amendments**

**County Executive's September 2013
Amendment Transmittal to the County
Council:**

- **1 Current Category Change Request
&
Previously Deferred Requests Update**

**Prepared by
The Department of Environmental Protection
Robert G. Hoyt, Director
David Lake, Manager, Water and Wastewater Policy Group
Alan Soukup, Senior Planner, Water and Wastewater Policy Group**

**We acknowledge and appreciate the assistance of the following
agencies in the preparation of this amendment packet:**

**Washington Suburban Sanitary Commission
Maryland - National Capital Park and Planning Commission
Montgomery County Department of Permitting Services**

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's September 2013 Transmittal Packet**

Executive Summary: Proposed Amendment And Recommendation

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Executive Recommendation & Policy Summary	Packet Page No.
POTOMAC – CABIN JOHN PLANNING AREA			
WSSCR 12-POT-01A Judith Polk 10800 Pleasant Hill Drive, Potomac RE-2 Zone; 4.07 ac. Use: Proposed addition to the existing single-family house	W-1 (no change) S-6 to S-1	Deny the S-1 request; maintain S-6. The provision of public sewer service is inconsistent with both Water and Sewer Plan service policies and with Potomac Subregion Master Plan recommendations.	Report: Pgs. 1-2 Map: Pg. 6

Additional Packet Items:

Executive Summary	Pg. i
Status of Previously Deferred Requests	Pgs. i-ii
Water/Sewer Service Area Category Information	Pg. iii
Active and Deferred Map Amendment Locator	Pg. iv
2002 Potomac Subregion Master Plan Excerpt: Low-Density Area Sewer Service Recommendations	Pgs. 3-5

Status of Category Change Requests Previously Deferred by the County Council

The Water and Sewer Plan generally intends that a deferred category change request or other Plan amendment should return to the Council for a decision within approximately one year of the deferral action.

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Council Resolution & Reason for Deferral Status of Deferred Amendment
WSSCR 06A-BEN-03 Maurice Gladhill Bethesda Church Rd., Damascus RDT Zone: 41.44 ac. Use: water service for approved child lots	W-6 to W-1 S-6 (no change)	<u>CR 15-1588 (8/1/06)</u> : Deferred pending recommendations on child lots from the Ad Hoc Agriculture Working Group. <u>Status</u> : Awaiting Council consideration and decision on child-lot policy issues, including a proposed amendment on water service policy to the Water and Sewer Plan. DEP recommends returning this request to the County Council for a decision with the next cycle of amendments in November 2013.
WSSCR 06A-TRY-07 Carole & Donald Dell Stoney Creek Rd. opposite Wetherfield La. RE-2 Zone: 17.29 ac. Use: proposed 8-lot single-family subdivision	W-3 (no change) S-6 to S-3	<u>CR 15-1588 (8/1/06)</u> : Deferred pending the Council's review of the Potomac peripheral sewer service policy in the next update of the Water and Sewer Plan. <u>Status</u> : Awaiting completion of the pending update of the Comprehensive Water and Sewer Plan.
WSSCR 07A-CLO-05 Julian Patton Norwood Rd. at Norbeck Rd. (MD 28) RE-2 Zone: 27 ac. Use: proposed place of worship for the Sts. Constantine and Helen Greek Orthodox Church (on an unimproved site)	W-3 (no change) S-6 to S-1	<u>CR 16-500 (4/8/08)</u> : Deferred for submittal and review of the church's site development plan. <u>Status</u> : The church has proposed to locate on the RE-2C portion of the property, which is already approved for public water and sewer service without restriction. The Planning Board approved the church's preliminary plan (120100240) for the new site on July 29, 2012 (opinion issued Oct. 4, 2010). DEP will contact the church, now the owner of the entire property, and request withdrawal of the deferred category change application.
WSSCR 07A-DAM-08^c Bethel World Outreach Ministries Brink Rd., Germantown RDT Zone: 119.4 ac. Use: proposed house of worship for the owner (existing farm house may remain). ^c Goshen – Woodfield – Cedar Grove Planning Area	W-6 to W-6 ^d S-6 to S-6 ^d ^d multi-use system	<u>CR 16-500 (4/8/08)</u> : Deferred for a development proposal that conforms with RDT Zone requirements for properties with agricultural preservation easements. <u>Status</u> : Awaiting the applicant's submittal of a revised development plan. (Note: Litigation ^e in federal court between the applicant and the County continues over zoning and multi-use sewer system issues. ^e The church's prior suit over denial of public water and sewer service is resolved in favor of the County.

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's September 2013 Transmittal Packet**

Status of Category Change Requests Previously Deferred by the County Council

The Water and Sewer Plan generally intends that a deferred category change request or other Plan amendment should return to the Council for a decision within approximately one year of the deferral action.

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Council Resolution & Reason for Deferral Status of Deferred Plan Amendment
<p>WSCCR 09A-CKB-01 Windridge Farm (for Orchard Run) Ridge Rd. (MD 27) & Brink Rd., Clarksburg RE-2 Zone: 54.37 ac. Use: Proposed senior/retire community for 225 units and community center</p>	<p>W-1 (no change) S-3 (PIF use only) to unrestricted S-3</p>	<p><u>CR 17-217 (7/19/11)</u>: Deferred for a decision on the request for rezoning from RE-2 to PRC. <u>Status</u>: The Council granted conditional approval for removing the PIF restriction from sewer category S-3 on May 7, 2013, under CR 17-742. Final approval of unrestricted sewer category S-3 by DEP required the Council's approval of local zoning amendment G-881, granting the PRC Zone for the project site. The Council granted the request for the PRC Zone for the project site on June 11, 2013, under CR 17-780. DEP will begin work on a final approval action for unrestricted sewer category S-3.</p>
<p>WSCCR 09A-PAX-06 Burtonsville Associates (for New Hope Korean Church) 16100 Block of Old Columbia Pike (former U.S. 29), Burtonsville RC Zone: 9.52 ac. Use: Proposed place of worship with 1,700-seat sanctuary, gym, kitchen, and classrooms</p>	<p>W-6 to W-3 S-6 to S-3</p>	<p><u>CR 17-217 (7/19/11)</u>: Deferred for the applicant's need to:</p> <ul style="list-style-type: none"> • Submit a revised plan more sensitive to recommended impervious limits in the Patuxent watershed • Provide more information of water and sewer extension alignments and their compliance with the PIF policy • Conduct outreach efforts with local homeowner, civic and environmental organizations. <p><u>Status</u>: The applicant has not provided information for any of the preceding deferral requirements. Instead, the applicant has filed a new category change request for this site (WSCCR 13-PAX-04A) in conjunction with three other requests for the Canaan Christian Church. This submittal by the applicant supersedes the deferred request which is now voided. Note that the approved 2012 Burtonsville Crossroads master plan has recommended low density development for this and nearby sites and confirmed Rural Cluster (RC) zoning. The master plan further specifically recommends against the use of public sewer service for these RC-zoned properties.</p>
<p>WSCCRs 09A-TRV-03 & -03 Ted and Roxanne Smart 13000 Block of Valley Drive, Rockville RE-1 Zone: 2.20 ac. Total Use: one new single-family house on each of two existing, unimproved parcels.</p>	<p>W-3 (no change) S-6 to S-3</p>	<p><u>CR 17-217 (7/19/11)</u>: Deferred pending the results of the Glen Hills Area Sanitary Study. <u>Status</u>: The Glen Hills Area Sanitary Study is currently underway. Phase 1 of the study, the evaluation of the existing on-site system conditions of the neighborhood, is complete. Phase 2 of the study, the consideration of wastewater disposal measures for areas with potential limitations for on-site septic system suitability, concluded in June 2013. A report for the Council on the study findings and service recommendations is in preparation. According to DPS Well and Septic Section staff, the applicant has successfully tested one of these two parcels for a deep trench septic system for a new single-family house.</p>

Status of Additional Outstanding Category Change Issues

<p>WSCCR 11A-TRV-01 Christopher and Christina Marshall.....</p>	<p>The Council's approval of category S-1 under CR 17-217 (7/19/11) was disallowed by MDE in October 2011. The Council requested reconsideration of MDE's decision in March 2012 and is awaiting a response.</p>
<p>WSCCR 11A-TRV-06 Glenstone Foundation (Mitchell Rales)</p>	<p>The Council's approval of category S-3 under CR 17-504 (7/24/12) was disallowed in part by MDE, revoking S-3 for Parcels N547, P527, and P600. DEP is preparing a correction action to incorporate this change to the Council's resolution into the Water and Sewer Plan.</p>

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's September 2013 Transmittal Packet

WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

The Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan designates water and sewer service area categories for each property within the county. These service area categories determine a property's eligibility to receive public water and/or sewer service and indicate when the County and the sanitary utility (usually the Washington Suburban Sanitary Commission (WSSC)) should program water and sewerage facilities to serve those properties. (Although the actual provision of public service is often dependent on an applicant's own development schedule.) The Water and Sewer Plan is adopted and amended by the County Council; it is administered by the County Executive through the Department of Environmental Protection (DEP).

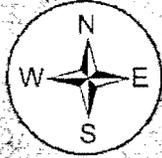
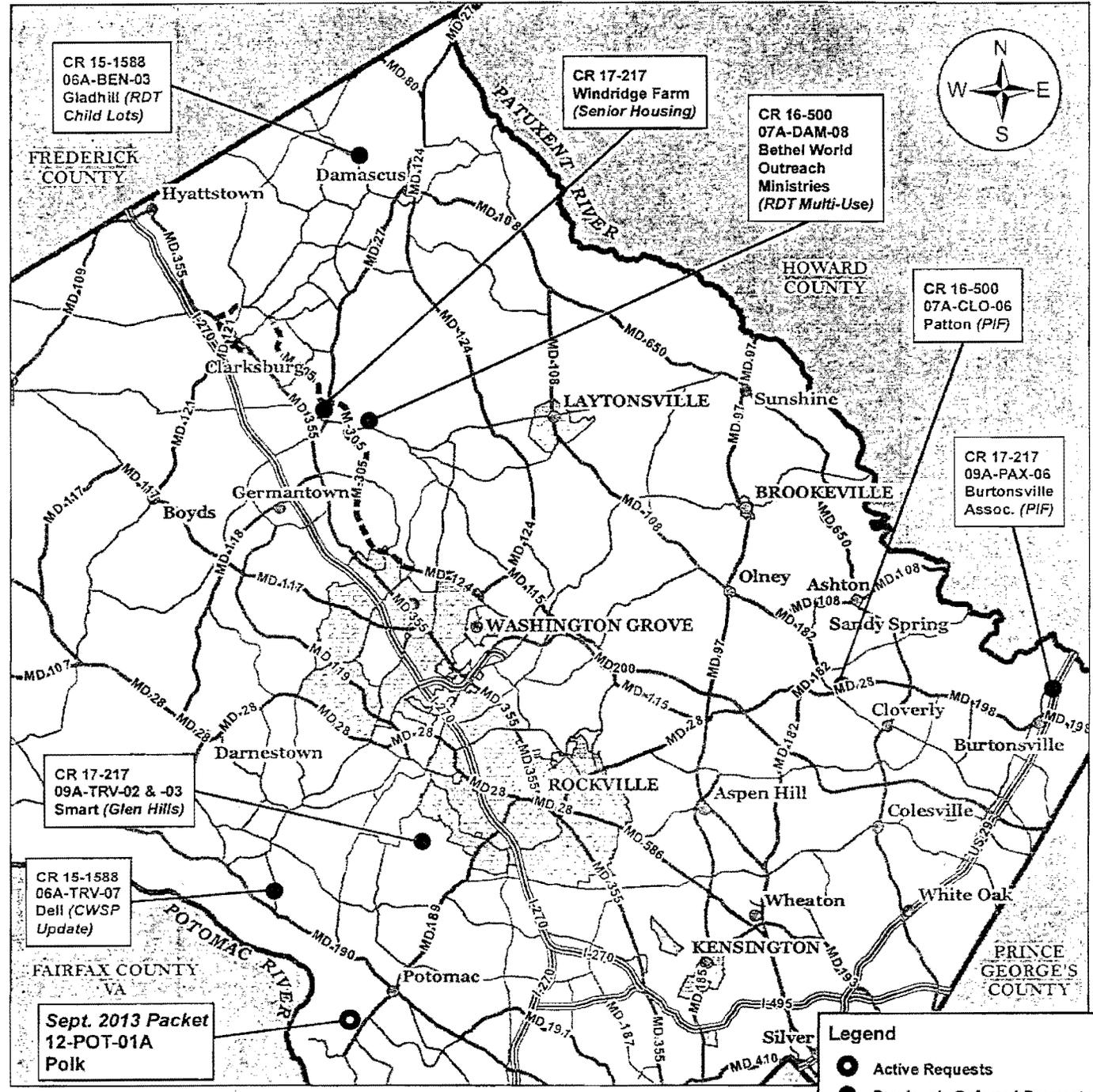
Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. • This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	<i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</i> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolersville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.	

Please note that the County does not necessarily assign water and sewer categories in tandem (i.e. W-3 and S-3, or W-5 and S-5), due to differences in water and sewer service policies or to actual water or sewer service availability. Therefore, it is important to know *both* the water *and* sewer service area categories for a property.

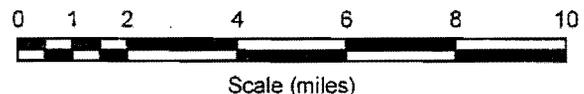
Water and Sewer Plan Map

September 2013 Packet Transmittal: Active & Deferred Amendments Locator



Legend

- Active Requests
- Previously Deferred Requests
- Localities
- Major Roads & Highways
- County Roads
- State Roads & Highways
- == US Highways & Interstates
- Proposed Roads
- ▭ Municipalities



DEP
Water and Wastewater
Policy Group



Montgomery County, Maryland 2013 Comprehensive Water Supply and Sewerage Systems Plan

(9/18/13)

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's September 2013 Transmittal Packet
POTOMAC – CABIN JOHN PLANNING AREA MAP AMENDMENT

WSSCR 12-POT-01A: Pg. 1

WSSCR 12-POT-01A: Judith Polk

County Executive's Recommendation: Deny the request for category S-1; maintain S-6.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> • 10800 Pleasant Hill Dr., Potomac • Lot 17, Block 12, Great Falls Estates (acct. no. 00878740) • Map title: WSSC – 211NW11; MD – FP11 • Northwest corner, intersection of Belmont Rd. & Pleasant Hill Dr. • RE-2 Zone; 4.07 ac. • Potomac – Cabin John Planning Area Potomac Subregion Master Plan (2002) • Potomac River - Great Falls Tributaries Watershed (MDE Use I) • <u>Existing use:</u> single-family house (built 2008) • <u>Proposed use:</u> enlarge the existing house 	<p>W-1 W-1 (no change)</p> <p>S-6 S-1</p> <p><u>Applicant's Explanation</u></p> <p>"We would like to increase size of home and bedroom count. The current septic does not support the expansion of home and sewer service is one lot away."</p>

Executive Staff Report

The applicant has requested a service area change from S-6 to S-1 for the provision of public sewer service to allow for an addition to an existing single-family house. The property is zoned RE-2, and as such is generally intended to use an on-site septic system to satisfy wastewater disposal needs. The use of a septic system is consistent with both Water and Sewer Plan service policies and master plan service recommendations; whereas the provision of public sewer service is inconsistent with both of these plans. No other policy justifications support approval of category S-1 in this case. Staff recommends denial of the request for category S-1, maintaining the existing S-6 category.

According to DPS, the existing house is served by a septic system completed in 2006. WSSC reports that a 700-foot main extension along Belmont Rd. could bring public sewer service to the property; all or part of that extension would require a low-pressure sewer main and an on-site grinder pump. That sewer extension would have the potential to offer public sewer service to one other property not otherwise eligible for sewer service. The feasibility of service, however, is not the primary consideration in this case, since public sewer service is not consistent with either the Water and Sewer Plan or the local master plan.

Agency Review Comments

DPS – Well & Septic: Our records indicate a septic reserve area and new septic system were completed in 2006. The system is sized for a 6 bedroom house and is located in the corner of the property highest in elevation. The system requires pumping and the location appears limited due to soil and site features.

M-NCPPC – Planning Dept.: This property is outside and not adjacent to the 2002 Potomac master plan sewer service envelope. The Potomac peripheral sewer service policy "allows for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope." No compelling case, such as a failing septic system, has been presented. Therefore staff recommends denial of S-1.

M-NCPPC – Parks Planning: No apparent park impacts.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's September 2013 Transmittal Packet

POTOMAC – CABIN JOHN PLANNING AREA MAP AMENDMENT

WSSCR 12-POT-01A: Pg. 2

WSSC - Water: (Not applicable, existing category W-1.)

WSSC - Sewer: Basin: Rock Run. This property appears to lie outside of the current Montgomery County sewer service envelope. However, if sewer service were to be extended to the property, a 700-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would consist either entirely of grinder pump & low-pressure sewer, or as a combination of gravity sewer and grinder pump & low-pressure sewer. The sewer extension would connect to an 8-in sewer in Belmart Rd. (contract no. 91-9173A) and would abut about four properties in addition to the applicant's. Be advised that grinder pump & low-pressure sewer systems can generate significant odor problems, depending on various factors for each designed system. A detailed analysis of low-pressure systems is performed during WSSC's Hydraulic Planning Analysis stage. Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor and treatment capacity are adequate.

ADS:ads/

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- **Acquire the Miller & Smith (Pepco) property (258 acres) as conservation park land.**
- **Acquire by dedication significant portions of the Tipton tributary properties in the lower Greenbriar Branch as conservation park land. These properties include the Tipton, Piney Grove, Weihe, and Semmes properties. Priorities include the Greenbriar Branch mainstem riparian areas along with the forested area west of the gas line easement.**
- **Acquire by dedication portions of the Hanson Farm along the border of Muddy Branch Stream Valley Park, including the northern corner where a trail connection is desirable and where the mainstem is close to the property line.**
- **Protect the riparian area along the Turkey Foot tributary of Muddy Branch through acquisition, dedication or conservation easement.**
- **Acquire forested property (parcel 170) adjacent to Muddy Branch Stream Valley Park land at the end of Cervantes Avenue and with access from Esworthy Road.**
- **Acquire property south of Esworthy Road (parcel 121), surrounded by the Muddy Branch Stream Valley Park.**
- **Acquire the surplus school site located inside the bend on Brickyard Road to protect scarce forested land in this densely developed area.**
- **Designate the 97-acre Callithea Farm (Figure 3) bordering Blockhouse Point and the Chesapeake & Ohio Canal National Historical Park as park land that will include a publicly owned horse farm.**
- **Explore designation of part of Gokturk Woods, on Berryville Road in Seneca Village, as a neighborhood conservation area.**

Sewer Service Policies

A critical policy related to water quality is the provision of community sewer service. Providing community sewer service to relieve failed septic systems minimizes groundwater contamination. However, the provision of community sewer service can damage the environment and water resources by facilitating development to the maximum zoning density. Extensions along stream valleys can also create habitat disturbance, threatening species survival, and can adversely affect the natural hydrologic system due to wetland fragmentation. Once sewer lines are in place, their structural integrity may deteriorate over time, resulting in sewage leaks and further disturbance to the ecosystem. This is particularly troublesome where eroding or shifting stream channels expose sewer mains and manholes, leaving them more susceptible to damage.

In general, the County's water and sewer policies allow the provision of sewer service only to those areas zoned for moderate to dense development (i.e., greater than or equal to one unit per 20,000

square feet). However, at the recommendation of the 1980 Master Plan, sewer service has been provided to some areas zoned for one- and two-acre lots, creating both a policy dilemma and, in some cases, environmental damage. Typically, low zoning densities (such as RE-1 and RE-2) are used to protect the natural environment by minimizing development impacts. Low and, in some cases medium, density areas (such as R-200) are dependent on septic suitability, often resulting in actual development yields well below the maximum allowed by zoning. Extending sewer lines into these areas has the potential to allow development density at or near the zoned maximum, to disrupt the environment and to provide rationale for further extensions and greater density. One of the greatest challenges facing the Potomac Subregion and this Master Plan has been to develop compatible land use and sewer service recommendations which protect the Subregion's environmental quality. The section addressing sewerage systems provides detailed recommendations regarding these sewer service issues.

Community sewer service in the Subregion is provided through trunk lines which parallel most of the major tributaries. These trunk mains drain to the Potomac Interceptor, a large sewer line that parallels the Potomac River and conveys sewage to the Blue Plains Treatment Plant in the District of Columbia.

The County's policies on the provision of community sewer service are governed by the *Water and Sewer Plan*, the County's *General Plan*, master plans, the State's Smart Growth policies, and other policy documents. Master plans recommend where sewer service is to be provided, generally in areas of dense development, consistent with *Water and Sewer Plan* policies. The *1980 Potomac Subregion Master Plan* is one of the County's few master plans recommending sewer service for zones such as RE-1 and RE-2, an exception to the general policies for sewer extension. The County Council has asked that as part of the Potomac master plan update, the Planning Board study the effects of sewer service in these areas on land use, infrastructure, the environment, and budget.

Low-Density Areas

In part, the 1980 Potomac Master Plan's intent was to use community sewer service to take maximum advantage of the allowed density in lower-density zones such RE-1 and RE-2 where it was appropriate. Much of the undeveloped area zoned RE-1 and RE-2 was placed in master plan sewer stage IV where the provision of community sewer service was evaluated case-by-case on the basis of logical, economical, and environmentally acceptable service. Twenty years later, a comprehensive evaluation indicates that providing community sewer service to areas zoned for one-and two-acre development, and contrary to smart growth policies, has undermined the environmental emphasis of zoning areas for low-density development, especially where septic suitability is marginal. With increasing demand for homes and recent development and redevelopment trends, especially where sewer service is provided, this exception to the general sewer service policy is no longer effective. Much of the remaining undeveloped RE-1 and RE-2 land is beset by environmental constraints limiting development potential without sewer.

Under the prior master plan, the Subregion has experienced substantial provision of community sewer service to lower-density areas. Because of this, and because the County considered the approvals for much of this service on a case-by-case basis, the current Potomac community sewer

envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service to low-density (RE-1 and RE-2) areas, it does support limited approvals for community sewer service for the low-density areas within the envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public rights-of-way. Main extensions that would disrupt streams and their undisturbed buffer areas should be avoided. Any approvals granted along the currently-established edge should not be cited as justification for expanding the sewer service envelope beyond the limits recommended in this Plan.

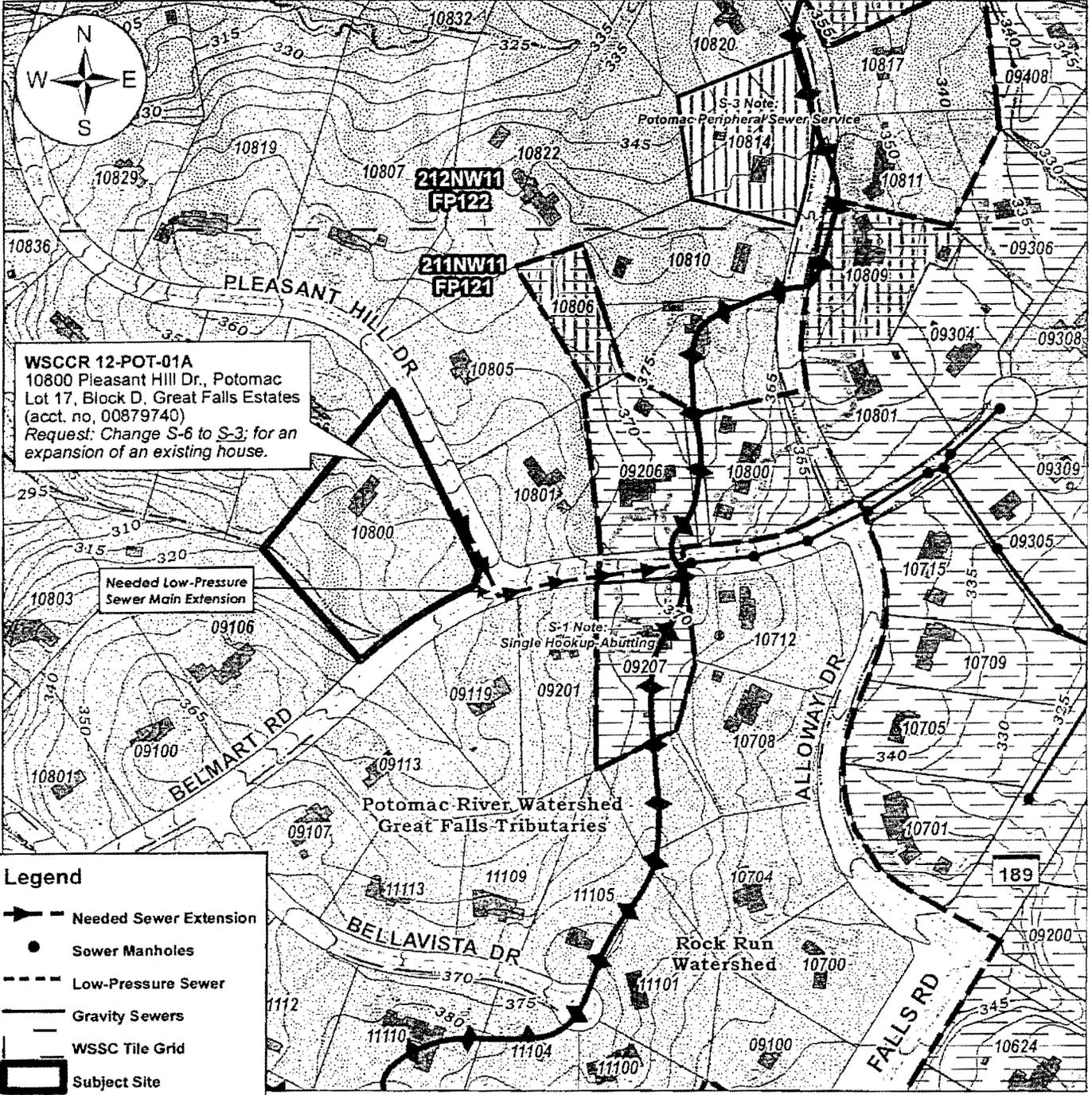
Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with *Water and Sewer Plan* service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service.**
- **Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. (See Foldout Map D.) Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.**
- **Help to protect water quality in the Stoney Creek subwatershed of Watts Branch by requiring that sewer main extensions to serve the few properties approved for community service be located along River and Stoney Creek Roads, rather than along the stream valley.**
- **Deny the provision of community sewer service to the areas zoned R-200 near the intersection of River and Seneca Roads.**

Glen Hills Area

The Glen Hills area consists of several established subdivisions with lots generally at least one acre in size. Most of the lots were established in the 1950's and 60's using septic systems. At that time, septic standards did not include septic buffers, water table testing, multiple depth testing, and the consideration of fractured rock. The Department of Permitting Services (MCDPS) has raised concerns about the periodic septic failures which occur in the neighborhood because subsurface conditions often do not allow for replacement systems which satisfy current septic regulations. This Plan supports a study of the septic failures in Glen Hills to develop the measures necessary to ensure

Sewer Service Area Categories Map: WSCCR 12-POT-01A (Judith Polk)



WSCCR 12-POT-01A
 10800 Pleasant Hill Dr., Potomac
 Lot 17, Block D, Great Falls Estates
 (acct. no. 00879740)
 Request: Change S-6 to S-3; for an
 expansion of an existing house.

Needed Low-Pressure
 Sewer Main Extension

S-1 Note:
 Single Hookup Abutting

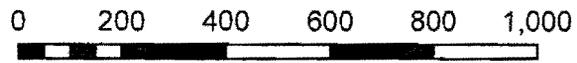
S-3 Note:
 Potomac Peripheral Sewer Service

Legend

- Needed Sewer Extension
- Sewer Manholes
- Low-Pressure Sewer
- Gravity Sewers
- WSSC Tile Grid
- Subject Site
- Topography (5 ft. c.i.)
- Planned Sewer Envelope

Sewer Categories

- S-1
- S-3
- S-6



SCALE (Feet)

Montgomery County, Maryland
 Draft 2013 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group

8/19/13

**WATER/SEWER SERVICE AREA
CATEGORY CHANGE REQUEST
APPLICATION**

WSSCR
Applicant

12-POT-01A
POLK

DEP STAFF USE ONLY

PAGE 1

**COMPREHENSIVE WATER SUPPLY & SEWERAGE SYSTEMS PLAN AMENDMENT
Montgomery County Department of Environmental Protection**

Please refer to the accompanying information and instruction packet for help with completing this application.

PROPERTY INFORMATION

PROPERTY Address 10800 PLEASANT HILL DR, POTOMAC MA 20854

Property Identification 17-D-0011

▲ Lot, Block, Subdivision - or - Parcel No. - See Your County Property Tax Bill

Property Tax Account No. 00878740

▲ See County Property Tax Bill

Current Use RESIDENTIAL

Property/Site Size 4.0700 AC

▲ Acres or Sq. Ft.

Proposed Use RESIDENTIAL

Subdivision Plan No. & Status _____

Property/Site Map: A page-size (8.5"x 11") map, clearly and accurately showing the property/site boundaries must accompany this application. Refer to the instructions packet for more details and resources.

CATEGORY CHANGE REQUEST

Check the boxes below only as appropriate.

Water Category Current: W- 1 Requested: W- 1 No Change Multi-Use^A Shared^A

Sewer Category Current: S- 6 Requested: S- 3 No Change Multi-Use^A Shared^A

Questions about current or requested categories?

Contact DEP-WWPG staff for assistance (see pg. 2).

^A Refer to the instructions for information about the terms "multi-use" and "shared".

Applicant's Reason for this Request (Attach additional pages, cover letters, etc., if necessary):

WE WOULD LIKE TO INCREASE SIZE OF HOME AND BEDROOM COUNT,
THE CURRENT SEPTIC DOES NOT SUPPORT THE EXPANSION
OF HOME AND SEWER SERVICE IS ONE LOT ANNUITY.

DEP STAFF USE ONLY

Received: 10/19/11 Fee: 7250 Paid Receipt Confirmed: _____

Agency Review Group: 2012-02 Process: Admin. Del. County Council

Planning Area: Potomac-Cabin John WSSC Tile: 211N111 Tax Map: FP 11

Master Plan (Date) Potomac Subregion (2002)

Zoning: RE-2 Recent Zoning Activity: none

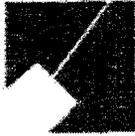
Major Watershed: Potomac River (direct) MDE Watershed Use: I Mont. Co. SPA

Montgomery County Department of Environmental Protection • Water and Wastewater Policy Group

Rockville Center, Suite 120 • 255 Rockville Pike • Rockville, Maryland 20850-4166

Internet: www.montgomerycountymd.gov/waterworks

(7)



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

November 8, 2013

The Honorable Isiah Leggett
County Executive
Montgomery County Government
101 Monroe Street
Rockville, Maryland 20850

The Honorable Nancy Navarro
President
Montgomery County Council
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan*: Sewer Category Change Request 12-POT-01A (Judith Polk Property)

Dear Mr. ~~Leggett~~ ^{Ike} and MS. ~~Navarro~~ ^{Nancy}:

At our regular meeting on Thursday, November 7, 2013, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission considered the above-cited sewer service area category change. On behalf of the Planning Board, I would like to transmit to the County Council and County Executive Office the Planning Board's unanimous recommendation of denial.

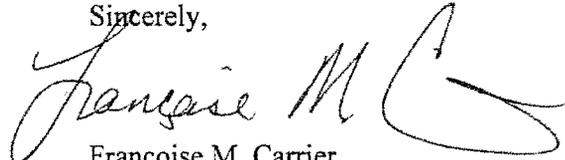
The Planning Board made the determination that providing sewer service to the Polk property is inconsistent with the recommendations of the 2002 Potomac Subregion master plan. These recommendations include excluding the RE-2 zone from further sewer service, and allowing further extensions of sewer service only to those areas in or adjacent to the approved sewer envelope.

Since the Polk property is in the RE-2 zone and not in or near the approved sewer envelope, the Planning Board recommends that the S-6 category for this property be retained and that the request for sewer service (S-1) be denied.

The Honorable Isiah Leggett
The Honorable Nancy Navarro
November 8, 2013
Page Two

We thank you for the opportunity to provide recommendations on this case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Françoise M. Carrier". The signature is written in black ink and is positioned to the left of the typed name.

Françoise M. Carrier
Chair

FC:KN:am

cc Keith Levchenko, Montgomery County Council Staff
David Lake, MCDEP
Alan Soukup, MCDEP
Katherine Nelson, Montgomery County Planning Department
Clara Moise, Montgomery County Chair's Office



**Proposed Amendment to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan:
Polk Property – WSSCR-POT-10A**



Katherine E. Nelson, Planner Coordinator, Katherine.Nelson@montgomeryplanning.org 301-495-4622
Mary Dolan, Chief, Functional Planning, Mary.Dolan@montgomeryplanning.org 301-495-4552

Completed: 10/31/13

Description

Council Sewer and Water Category Change Request:

- Referred to the Planning Board for a determination of consistency with relevant master and sector plans with recommendations to the County Council for final action.

The accompanying map shows the existing sewer envelope in tan. The property requesting sewer service is shown as an asterisk. More detailed information on zoning, existing and proposed uses, and recommendations of other agencies are shown in the attached packet from the County Executive.



Summary

The Planning Board is required by State law to make a Master Plan determination for consistency on each case. Staff recommends denial of sewer service based the Potomac Subregion master plan recommendations. The property is not located in or adjacent to the Potomac sewer envelope.

Sewer Category Recommendation: Deny S-1.

Analysis

12-POT-01A: Judith Polk

This property is outside and not adjacent to the 2002 Potomac master plan sewer service envelope. (circle 6 of the attachment) The Potomac peripheral sewer service policy "allows for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope." (circle 5 of the attachment) No compelling case, such as a failing septic system, has been presented. Therefore, staff recommends denial of S-1.

The executive staff recommendation is as follows (circle 1 of the attachment):

Executive Staff Report

The applicant has requested a service area change from S-6 to S-1 for the provision of public sewer service to allow for an addition to an existing single-family house. The property is zoned RE-2, and as such is generally intended to use an on-site septic system to satisfy wastewater disposal needs. The use of a septic system is consistent with both Water and Sewer Plan service policies and master plan service recommendations; whereas the provision of public sewer service is inconsistent with both of these plans. No other policy justifications support approval of category S-1 in this case. Staff recommends denial of the request for category S-1, maintaining the existing S-6 category.

According to DPS, the existing house is served by a septic system completed in 2006. WSSC reports that a 700-foot main extension along Belmart Rd. could bring public sewer service to the property; all or part of that extension would require a low-pressure sewer main and an on-site grinder pump. That sewer extension would have the potential to offer public sewer service to one other property not otherwise eligible for sewer service. The feasibility of service, however, is not the primary consideration in this case, since public sewer service is not consistent with either the Water and Sewer Plan or the local master plan.

Recommendation

Sewer service to this property is not consistent with the master plan and should not be granted.

Next Steps

The Planning Board's recommendations will be transmitted to County Council during a public hearing on November 12, 2013. The County Council T&E Committee will subsequently discuss this case before bringing it to the full Council for final decision.

Attachment

IN SUPPORT OF WSCCR 12-POT-01A: JUDITH POLK
POTOMAC – CABIN JOHN PLANNING AREA

To: Montgomery County Council President Nancy Navarro

From: Judith Polk-Sebring, Applicant 10800 Pleasant Hill Drive, Potomac, MD

Represented By: Kareem Abdus-Salaam, Managing Member Structures Unlimited, LLC, and 11703 Silvercreek Court, Suite 101 Bowie, MD

Good Morning Madame President [Nancy Navarro] & Members of the County Council

My name is Kareem Abdus-Salaam. I am the Managing Member of Structures Unlimited, LLC. a real estate development company located at 11703 Silvercreek Court in Bowie, MD. I am here today to humbly request that you support and approve my client, Judith Polk-Sebring's, request, to change her current sewer service from a septic system to public sewer system or in agency speak from a S-6 to S-1.

Background:

By way of reference, my client filed the Category Change Request in writing two years ago on October 14, 2011, in response to an urgent situation she and her family was facing. The required fees were paid at that time [you have the form in your packet encircled as page 7]. You can see from the form the stated reason for the change, which in summary was to expand their existing home so that she can provide for her aging parent's, who are now 89 and 90 years old, an environment for them to "age in place". That was why this request was so urgent two (2) years ago.

Mr. Sebring & Ms. Polk-Sebring could not get their request heard before this body last year prompting them to delay the expansion of their home thus forcing them to make unanticipated and alternate plans to address their situation. Currently, the Sebring's have other family members currently using the other bedrooms.

After contacting the Management at the Department of Environmental Protection (DEP) in September 2013, we were finally able to get confirmation that Ms. Polk-Sebring's application was now on track to be heard this year.

**IN SUPPORT OF WSCCR 12-POT-01A: JUDITH POLK
POTOMAC – CABIN JOHN PLANNING AREA**

PAGE TWO

Discussion

The *DEP* asserts that the sewer connection would not be consistent with the 1980 Master plan or the recent 2002 Potomac Master Plan sewer service for areas zoned RE-1 or RE-2; and *MNCPPC* recommended denial only because “no compelling case, such as a failing septic system, has been presented. However, *DPS* provided an identification of the existing septic system and stated, “the location appears limited due to soil and site features”, a point we agree with. Finally, *WSSC* [on page 2 in your package] provides a fuller analysis of the situation and stipulates how the service, if approved by this body, could be connected to my client’s property to the existing 8-inch sewer main that is located approximately 611 feet from their home on Belmart Road (contract no. 91-9173A).

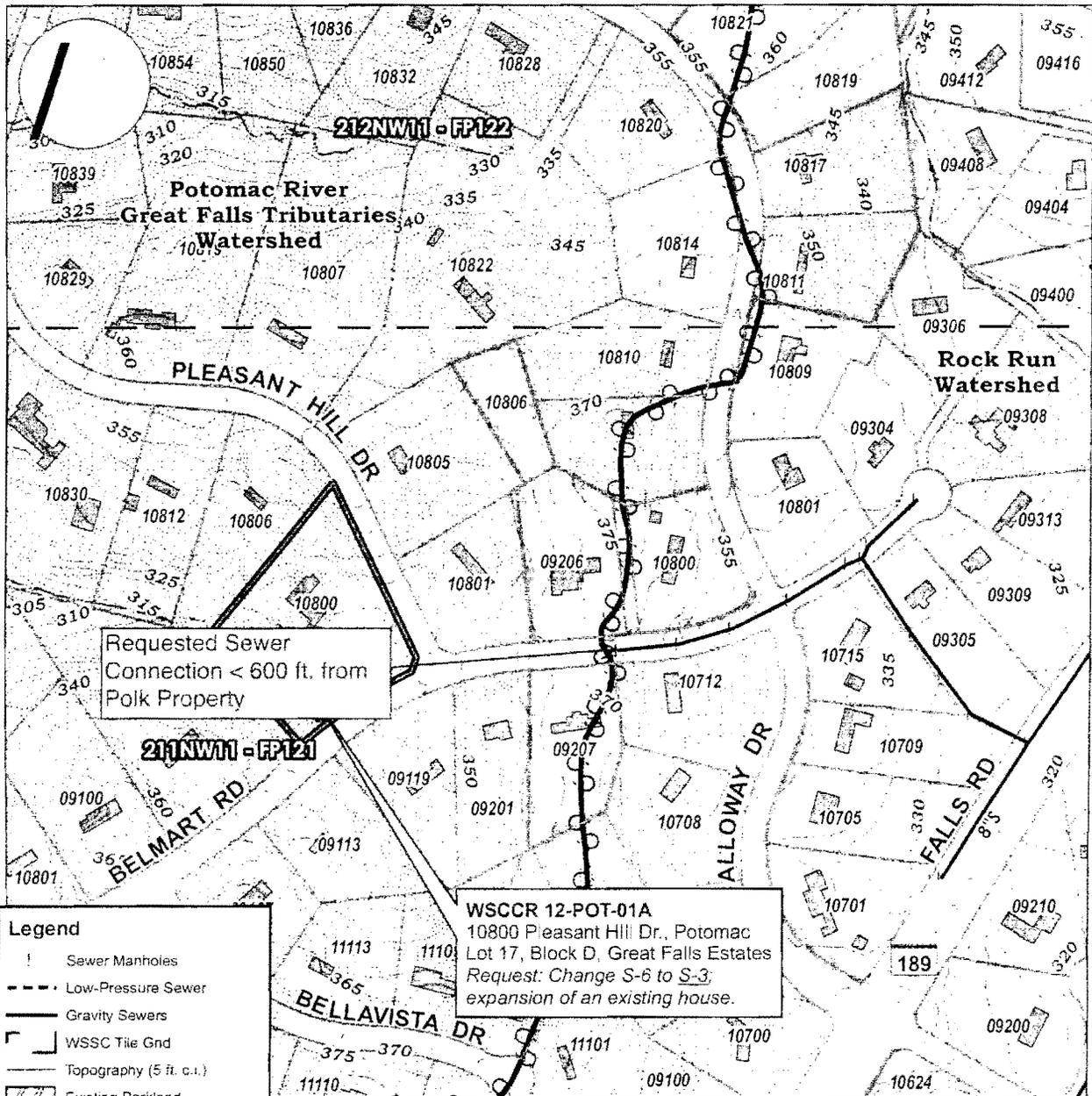
Request

The Applicant’s house is one lot away from the available of public sewer connection (see attached Map). We believe that the 2002 Master Plan clearly allows for community sewer service within low density (RE-1 and RE-2) areas. The focus of this limited service and expansion can be applied to 10800 Pleasant Hill Drive, as there have been several situations that have established a precedent in this regard.

In addition, approving the change request from S-6 to S-1 would not harm any of the Sub region’s concern for environmental quality and **would not** disturb any buffer areas. Finally, your affirmative action here will allow my client to begin the process to expand her home and welcome her Mother and Father to be cared for in a wholesome environment.

Thank you for your time and consideration to this request and we are available to address any questions you may have now or in subcommittee.

Sewer Service Area Categories Map: WSCCR 12-POT-01A (Judith Polk)

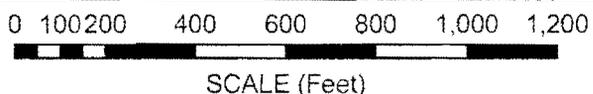


Legend

- Sewer Manholes
- Low-Pressure Sewer
- Gravity Sewers
- WSSC Tile Gnd
- Topography (5 ft. c.i.)
- Existing Parkland
- Master Plan Sewer Envelope

Sewer Categories

- S-1
- S-3
- S-4
- S-5
- S-6



Montgomery County, Maryland
 Draft 2011 Comprehensive Water Supply
 and Sewerage Systems Plan



DEP
 Water and Wastewater
 Policy Group



Maryland Department of Planning

Sustainable _____ Attainable

November 8, 2013

Ms. Nancy Navarro
President
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Subject: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Proposed Amendment WSCCR 12-POT-01A

Dear Ms. Navarro:

The Office of the County Executive provided the Maryland Department of Planning with a copy of WSCCR 12-POT-01A, a proposed amendment to the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. We reviewed this proposed amendment pursuant to the Code of Maryland regulations 26.03.01.03 and as required by the Environmental Article Section 9-507 (b) (2).

Summary of Proposed Amendment:

The applicant requests a service area change from S-6 to S-1 for the provision of public sewer service to allow for an addition to an existing single family house. The property is zoned RE-2.

Consistency with the County Comprehensive Plan:

The parcel subject to this amendment is located in the 2002 Potomac Subregion Master Plan planning area. The Master Plan provides the following perspective concerning the extension of community sewerage in Low Density Areas on page 22:

“Although this Master Plan generally recommends against the continued provision of community sewer service to low density (RE-1 and RE-2) areas, it does support limited approvals for community sewer service for the low-density areas within the

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Richard Eberhart Hall, AICP, Secretary
Amanda Stakem Conn, Esq., Deputy Secretary

envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing or proposed mains and on properties which can be served by sewer extensions within public-right of way.”

In addition, the Master Plan provides the following recommendations for community sewer service on page 22:

“Sewer Service Recommendations

- Provide community sewer service in the Subregion generally in conformance with W&S Plan policies. This will generally exclude areas zoned for low density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service.
- Allow for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. Exclude from this peripheral service policy properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, and all properties within the Piney Branch Subwatershed, the Darnestown Triangle, and the Glen Hills Area (until completion of the study described on page 24, which will evaluate whether this exclusion should continue in the future). Emphasize the construction of sewer extensions, if needed, along roads rather than through stream valleys.”

We find that the proposed amendment is not consistent with the 2002 Potomac Subregion Master Plan for the following reasons:

1. The land subject to this amendment is located outside of the sewer envelope.
2. The Master Plan allows for the limited provision of community sewer service for areas zoned RE-1 and RE-2 within and at the periphery of the proposed sewer service envelope. We note that the parcel subject to this amendment is not at the periphery of the sewer service envelope.

In addition we find that the proposed amendment is not consistent with General Policies for Community Sewer Service found on page 1-17 of the Montgomery County Comprehensive Water Supply and Sewerage Systems Plan. These policies include the following: “Areas zoned for lower-density residential development (RE-1, RE-2, etc.) are also intended to be served by individual systems.”

Priority Funding Area Consistency:

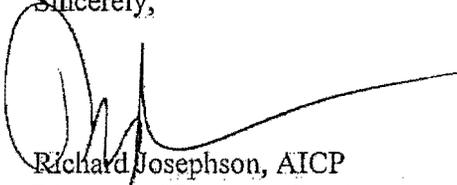
Pursuant to the State Finance and Procurement Article §5-7B-02 local jurisdictions are eligible to receive State financial assistance if the project is located in a Priority Funding Area (PFA). We note that the land subject to this proposed amendment is located outside of the County Priority Funding Area.

Sustainable Growth and Agricultural Preservation Act:

The proposed sewer amendment is within an area currently designated as Tier III within the Montgomery County adopted growth tier map. If the amendment is approved by the County and the Maryland Department of Environment, the County would need to amend the growth tier map.

If you have any questions concerning these comments please call La Verné Gray at 410-767-4574.

Sincerely,



Richard Josephson, AICP
Director of Planning Services

cc: Amanda Conn, Deputy Secretary MDP
Jenny B. King, Chief of Staff MDP
Jason Dubow, MDP
Steve Allan, MDP
Janice Outen, Maryland Department of the Environment