OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

July 22, 2016

TO: Nancy Floreen, President
Montgomery County Council

FROM: Isiah Leggett, County Executive

SUBJECT: Transmittal of and Recommendations on Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan

Pursuant to the requirements of the Environmental Article, Sections 9-503 through 9-506 and 9-515 through 9-516, of the Annotated Code of Maryland, I am transmitting my recommendations for five proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing these amendments are included in the attached staff report. All five amendments are requests for individual water/sewer service area category changes.

The majority of the recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that these five cases have the potential to generate public testimony and worksession discussions.

Glen Hills Area Cases – WSCCRs 09A-TRV-02, 15-TRV-01A, and 15-TRV-04A

The County Council approved a new sewer service policy for the Glen Hills area under Resolution No. 18-423 on March 8, 2016. The County may now consider applications for sewer service area category change requests within the study area under the new policy. Three of the five requests included in this packet concern sewer category change applications for properties the Glen Hills Study area.

Two of these requests, WSCCRs 09A-TRV-02 (previously deferred) and 15-TRV-01A, both for new residential development on unimproved properties, present cases that do not allow for public sewer service under the new service policy. No existing or approved sewer mains abut either of these properties. As unimproved land, the owners cannot claim a public health problem from an existing, failed septic system. Neither property is part of a current Department of Environmental Protection (DEP) septic survey area. As such, both requests are recommended for denial. If conditions change in the future, the owners may file new requests.

The third Glen Hills area request, WSCCR 15-TRV-04A, does satisfy the abutting mains requirement for public sewer service under the new service policy. The Washington Suburban Sanitary Commission has verified that this property abuts an existing sewer main on Foxden Drive. This request is recommended for approval of sewer category S-1. Consistent with the Water and Sewer Plan's policies, sewer service will be restricted to a single sewer hookup only. A single-family house currently occupies this lot. Future Glen Hills cases involving the abutting mains policy will be recommended for consideration through the DEP's administrative delegation process.

Private Institutional Facility (PIF) Case St. John Neumann Catholic Parish – WSCCR 15-GWC-01A

St. John Neumann Catholic Parish proposes to build a Rectory and office and classroom space on properties located across Warfield Road from the existing sanctuary. Although the sanctuary is located within the planned public sewer envelope, these properties—north of Warfield Road—are outside that envelope. The request, however, does satisfy the provisions of the Water and Sewer Plan's PIF service policy for not-for-profit institutions. In particular, and as required for a new facility under this policy, the planned sewer extension will only abut properties already approved for public sewer service. The request is recommended for approval of category S-3 restricted to a PIF use only. DEP will track the development process for this site to verify continued conformance with the PIF policy.

Property Created Without Subdivision Approval Case – WSCCR 16-OLN-02A

This category change application involves a property deeded off, not subdivided, from an existing parcel. The existing parcel is designated as categories W-1 and S-1, with service restricted to single service connections under the abutting main policy. Water and Sewer Plan category mapping incorrectly carried the existing, restricted W-1 and S-1 categories over to the newly deeded parcel. However, DEP has corrected that error, restoring the new parcel to categories W-6 and S-6. The water and sewer service connections allowed under the abutting mains policy approval were used for a house on the original parcel; another set of connections for a second property was neither anticipated nor allowed. Water and Sewer Plan policies do not allow for additional service connections for properties subdivided from properties with existing service connection restrictions.

The owner of the new parcel has requested category change approvals for public water and sewer service to build a new single-family house. The owner has also initiated a subdivision process to create a building lot from the deeded parcel, zoned RE-2. Public water service is now consistent with the Water and Sewer Plan's general service policies for large lot development and is recommended for approval. Public sewer service at this location is not consistent with Water and Sewer Plan service policies. However, it may be reasonable to allow public sewer service in this unique case if the proposed development could otherwise occur using an onsite septic system and if an existing, nearby sewer main can provide sewer service to the site without the need for a new main extension. The request for category S-1 is recommended for conditional approval pending the results

of septic system testing and pending the feasibility of providing a non-abutting sewer connection to allow service to the property.

Staff from DEP will be available to discuss these and other amendments at work sessions with the Transportation, Infrastructure, Energy, and Environment Committee and with the full Council.

DEP's schedule for the update of the *Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* is to bring the Executive Draft Plan to the Council for consideration in October 2016. DEP will coordinate the update with Council staff as this work proceeds.

IL:as

Attachment

c: Lynn Buhl, Director, Water Management Administration, Maryland Department of the Environment
David Craig, Secretary, Maryland Department of Planning
Casey Anderson, Chair, Montgomery County Planning Board
Carla Reid, General Manager, Washington Suburban Sanitary Commission
Lisa Feldt, Director, Department of Environmental Protection
Diane Schwartz Jones, Director, Department of Permitting Services

Requested Amendments:
Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

County Executive's June 2016 Amendment Transmittal to the County Council

FIVE WATER/SEWER CATEGORY CHANGE REQUESTS

Executive Staff Report
(7/12/16)

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

Proposed Category Map Amendment

County Executive's June 2016 Amendment Transmittal to the County Council

▪ Five Water/Sewer Service Area Category Change Requests
(Including One Previously Deferred Request)

Prepared by
The Department of Environmental Protection
Lisa Feldt, Director
David Lake, Manager, Water and Wastewater Policy Group
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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

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Executive Summary: Proposed Amendments and Recommendation

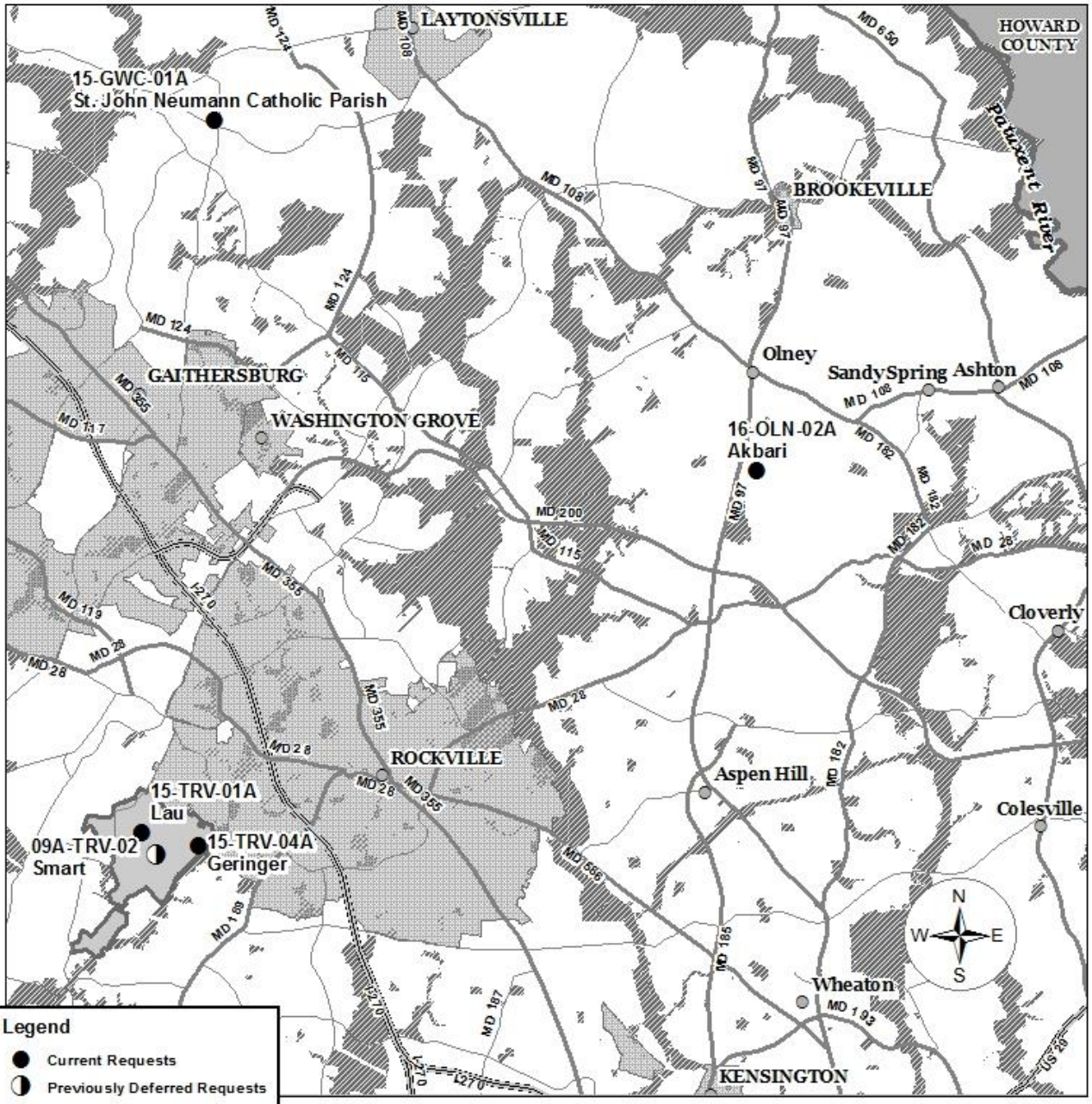
Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	**Requested Category Change**	**Executive Recommendation & Policy Summary**	**Packet Page No.**
WSCCR 15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington (for St. John Neumann Catholic Parish) • 20710 Goshen Rd. & 9001 Warfield Rd., Gaithersburg • Goshen - Woodfield - Cedar Grove P.A. Agriculture & Rural Open Space Pres. MP • RE-2 Zone; 3.99 ac. (total) • Planned Use: support buildings for a place of worship – Rectory, offices, religious education	W-1 (No change) S-6 to **S-3**	**Approve S-3, restricted to use by a private institutional facility (PIF) only.** Properties zoned RE-2 are generally considered as ineligible for public sewer service. However, this site can be considered for sewer service under the Water and Sewer Plan's PIF policy. The user qualifies as a PIF use. The sewer extension needed to provide service will not abut any other properties not otherwise eligible for public sewer service.	Report: **Pgs. 10-11** Maps: **Pgs. 11-12**
16-OLN-02A: Ahmad Akbari • 17131 Old Baltimore Rd., Olney • Olney P.A. Olney MP • RE-2 Zone; 2.00 ac. • Planned Use: one new single-family house	W-6* to **W-1** S-6* to **S-1** *Ineligible to use the abutting mains policy	**Approve W-1. Maintain S-6, with approval for S-3 conditioned on successful septic system testing and the feasibility of providing sewer service without the need for a new sewer main extension.** (Refer to the detailed recommendation on page 13.) Public water service is consistent with large-lot service policies. Public sewer service in the RE-2 Zone is not consistent with either Water and Sewer Plan policies or with master plan recommendations. However, if the proposed development can proceed using an onsite septic system, and if public sewer service can be provided by a non-abutting connection to an existing sewer main, it may be reasonable to allow public sewer service.	Report: **Pgs. 13-15** Plans: **Pgs. 16-17** Maps: **Pgs. 18-19** Background Information.: **Pgs. 20-21**
WSCCR 09A-TRV-02: Roxanne and Ted Smart • 13101 Valley Dr., Rockville • Travilah P.A. Potomac Subregion MP • RE-1 Zone; 1.61 acres Planned use: one new single-family house	W-1 (no change) S-6 to **S-3**	**Deny S-3, maintaining S-6.** The study is completed and the Council has acted on sewer service policy changes. None of the sewer service policy changes, recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.	Report: **Pgs. 22-23** Map: **Pg. 24**

*<u>PREVIOUSLY DEFERRED REQUEST: County Council Action (CR 17-217, 7/19/11)</u>
Defer action on the request for category S-3 pending the results of DEP's work on the Glen Hills sanitary study.

Executive Summary: Proposed Amendments and Recommendation

Plan Amendment No. & Applicant Location - Zoning - Acreage - Proposed Use	**Requested Category Change**	**Executive Recommendation & Policy Summary**	**Packet Page No.**
WSCCR 15-TRV-01A: Fiona Lau • 9708 Sunset Dr., Rockville • Travilah P.A. Potomac Subregion MP • RE-1 Zone; 0.99 ac. • Planned Use: one new single-family house	W-1 (no change) S-6 to **S-3**	**Deny S-3, maintaining S-6.** None of the sewer service policy changes, recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.	Report: **Pgs. 25-26** Maps: **Pgs. 27-28**
WSCCR 15-TRV-04A: Daniel & Leslie Geringer • 13005 Foxden Dr., Rockville • Travilah P.A. Potomac Subregion MP • RE-1 Zone; 1.47 ac. • Planned use: sewer service for the existing house	W-3 (No change) S-6 to **S-1**	**Approve S-1, restricted to a single sewer hookup only (abutting mains policy).** The sewer service policy changes, recently approved by the County Council for the Glen Hills study area affects the change the availability of sewer service for this property. The lot abuts an existing sewer main and qualifies for a single sewer hookup only under the "abutting mains" policy.	Report: **Pgs. 29-303** Map: **Page 31**

County Council Packet Transmittal: Category Change Amendments Locator
Water and Sewer Plan Map



Legend

- Current Requests
- Previously Deferred Requests
- Localities

Major Roads & Highways

- County Roads
- State Roads & Highways
- US Highways & Interstates
- Glen Hills Study Area
- Municipalities
- Parks

0 1 2 3 4 5

Scale (miles)

Montgomery County, Maryland
2016 Comprehensive Water Supply and Sewerage Systems Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATER & WASTEWATER POLICY GROUP

5/24/16

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. 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 Poolesville.
W-2 and **S-2**	***Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.*** (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	
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.	
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.	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. 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.	
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.	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.

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.

Private Institutional Facilities Policy (Chapter 1, Section II.E.4.)
2003 – 2012 Comprehensive Water Supply and Sewerage Systems Plan Excerpt

Adopted by the County Council November 18, 2003 (CR 15-396)
Revised by the County Council November 29, 2005 (CR 15-1234)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

4. Community Service for Private Institutional Facilities -- This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F.1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned RDT (see subsection iii).

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.

- For new or relocating PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions will abut only properties which are otherwise eligible for community service under the general policies of this plan.

iii. Sites Zoned Rural Density Transfer – To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Rural Density Transfer (RDT) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main. The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision

of community service is a more reasonable alternative to a replacement of the failed on-site system, either by standard or alternative/innovative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

c. Main Extensions for PIF Uses -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. The County and WSSC may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

PIF uses may receive service from limited access water or sewer mains where the Council has specifically approved access to those mains. The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

Under its Systems Extension Permit (SEP) process, WSSC now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. PIF Uses in Existing Residential Structures -- The Council may deny service area category amendments for PIF uses located outside the acknowledged water and/or sewer envelopes where main extensions are required for private institutional facilities seeking community service for existing residential structures. This could result in the extension of community water and/or sewer service for structures which would not otherwise be eligible for such service, and which could return to residential use.

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Introduction

On March 30, 2015, the County Executive transmitted recommendations to the County Council for sewer service policies for the Glen Hills Study Area. The service recommendations were based on the results of the Glen Hills Area Sanitary Study, which was undertaken by the Department of Environmental Protection as recommended in the 2002 Potomac Subregion Master Plan.

The Executive subsequently transmitted a Water and Sewer Plan text amendment to the Council on June 2, 2015. The proposed text amendment converted the March 2015 sewer service policy recommendations into the format of policy language for the Water and Sewer Plan text. It revises existing language addressing the Glen Hills Neighborhoods found in Chapter 1, Section II.E.1., Table 1-T3: Special Master Plan Water and Sewer Service Recommendations.

Introductory language for the text amendment begins below. Table 1-T3 is shown starting at the bottom of page 1/3 through page 3/3; only that part of the table addressing the Glen Hills area is included in the amendment. A reference map of the study area is provided on Attachment B.

CPTA 15-CH1-01T

CHAPTER 1: Objective and Policies

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service - In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

1. Master Plan Recommended Exceptions -- The preceding sections discussing general water and sewer service policies noted that local area master plans may recommend exceptions to those general service policies. In order to implement specific development and land use strategies, a master plan may recommend policies for community water and/or sewer service which can be either less restrictive or more restrictive than this Plan's general service policies. When a master plan makes such a recommendation, it must also include an appropriate justification for the recommended departure from the general policies. DEP staff coordinate closely with M-NCPPC staff with regard to the water and sewer service recommendations developed in local area master plans.

These exceptional recommendations are, of necessity, scattered throughout the County's various local area master plans. The following table is intended to consolidate and summarize these recommendations into convenient format and to make them part of this Plan. For additional information concerning these issues, please refer to the master plans cited below.

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	**Master Plan Service Recommendation & Comments**
Potomac Subregion Master Plan (2002)	
Glen Hills Study Area [Neighborhoods (as defined in the 2002 master plan.)]	[The master plan recommends that only documented public health problems shall be justification for the approval of sewer service area category changes within this area, pending the completion of an area-wide sanitary survey by DPS and DEP.] The 2002 Potomac Subregion Master Plan recommended new community sewer service be limited only to documented public health problems pending the completion of an area-wide sanitary survey by DPS and DEP. With the master plan-requested study completed in 2014, the following service policies apply to the Glen Hills Study Area:

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	**Master Plan Service Recommendation & Comments**

	• Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.
	• Community sewer service can be considered only under the following conditions for:
	  ○ Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.B.5.b. and II.E.2.).
	  ○ Properties included within a specifically designated public health problem area (Sections II.B.5.a. and II.E.2.). The sanitary survey process used to establish these areas is outlined below.
	  ○ Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.E.3.a.)
	  ○ Properties within the study area and within the Piney Branch subwatershed that satisfy the requirements for community sewer service under the Piney Branch restricted sewer service policy (Section II.E.12.b.).
	Applicants shall not use the provision for a single sewer hook-up to support subdivision or resubdivision of these properties into more than one lot.
	
	Glen Hills Sanitary Surveys Overview
	A property owner or a group of owners that have septic system concerns notifies DEP of their interest in having a sanitary survey conducted. Valid concerns for studying a potential health problem area include, but are not limited to[1]:
	• A failed septic system that cannot be addressed by DPS using a conventional replacement system (deep trench, shallow trench, or sand mound).
	• An existing septic system permitted before 1975 and/or installed using septic technology no longer allowed under State and County regulations (seepage pit, dry well, etc.).
	• A known limitation affecting future septic system use, as verified by DPS. For example, properties where DPS has acknowledged that either only one or no future replacement systems are feasible.
	[1] *Unimproved properties, individually, having no septic system suitability do not have sufficient justification to initiate a sanitary survey. However, septic suitability conditions affecting unimproved properties may be considered if they are included in a survey area.*
	
	The following criteria apply to the prioritization of Glen Hills area sanitary surveys by DEP:
	• Higher priority: Properties within or adjacent to

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
Executive's June 2015 Amendment Transmittal: 2003 Water and Sewer Plan Text Amendment

Table 1-T3: Special Master Plan Water and Sewer Service Recommendations	
General Area Affected	**Master Plan Service Recommendation & Comments**
	established Review Areas (RA) from the Glen Hills Study reports, and other properties with documented septic problems. • Lower priority: Properties outside the RAs, except as noted above. Because the 2014 Glen Hills Area Sanitary Study has already generated substantial background information on existing conditions in these neighborhoods, only a brief review of DPS permit records, soil conditions, and regulatory constraints will be needed. This will help to put Glen Hills area sanitary surveys on a faster track than could be accomplished in other areas of the county that lack this existing background information. DEP estimates that sanitary surveys for "higher priority" areas of Glen Hills will take approximately 90 days. DEP, working with DPS and study applicants, will establish the extent of the sanitary survey area. With an established survey area, DPS will conduct property surveys and WSSC will consider main extension needs. DEP will consider the survey results and prepare a recommendation for the County Executive's consideration. A review by the Executive is typically accomplished within two (2) weeks, once he receives DEP's recommendations. The Executive's recommendations will then be transmitted to the County Council. The goal for "higher priority" areas is to complete this process, from an established study area to the CE's transmittal, within three (3) months. (Lower priority area surveys may take longer to complete.) An action to designate a health problem area and approve sewer category S-3 is an amendment to the County's CWSP. Council consideration and action on a Plan amendment typically takes between 2-1/2 and 3 months. Accordingly, this process is expected to take six (6) months from establishing a study area to a final action by the County Council. Owners of properties approved for public sewer service (sewer category S-3) under this process can then apply to WSSC to start the sewer design and construction process. Any owner whose property is included in the Council's designated health problem area may apply to WSSC for public sewer service.

End of CPTA 15-CH1-01T-revised

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WSCCR 15-GWC-01A: Donald Cardinal Wuerl, Catholic Archdiocese of Washington (for St. John Neumann Catholic Parish)

County Executive's Recommendation: **Approve S-3, restricted to use by a private institutional facility only.**

Anticipated Action Path: County Council	
Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 20710 Goshen Rd. & 9001 Warfield Rd., Gaithersburg • Lots 19 & 20, Block A, Goshen Estates (acct. nos. 00012598 & 00012587) • Map tile: WSSC – 228NW09; MD – FU563 • Northeast corner, intersection of Goshen Rd. and Warfield Rd. • RE-2 Zone; 3.99 ac. (total) • Goshen – Woodfield – Cedar Grove Planning Area Preservation of Agriculture and Rural Open Space Master Plan (1980) • Upper Great Seneca Creek Watershed (MDE Use I) • Existing use: two existing single-family houses (Lot 20 built 1963) Proposed use: place of worship – Rectory, church offices & religious education facilities	Existing – **Requested** – Service Area Categories W-1 W-1 (No Change) S-6 **S-1** Applicant's Explanation "Saint John Neumann Church has a worship facility located to the south of the subject properties, at 9000 Warfield Road, they have acquired the subject properties and are planning to redevelop these lots under the land use 'Religious Assembly'. The redevelopment of the property will be done in phases, improvements will include new buildings for a Rectory, Church Offices, Religious Education as well as parking facilities."

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to provide public sewer service for auxiliary buildings (rectory, offices, etc.) for the St. John Neumann Catholic Parish. The site, consisting of two existing lots, is located across Warfield Rd. from the existing church sanctuary. This site is also located outside of the planned public sewer service envelope on land zoned RE-2. M-NCPPC has noted that public sewer service is not recommended in the relevant master plan. Although public sewer service is neither planned nor recommended here, such service can be considered under the "Private Institutional Facilities" (PIF) policy. The church qualifies as a non-profit, PIF use. Two other places of worship located nearby outside the planned sewer service envelope, Gaithersburg Church of the Nazarene and Potomac Charismatic Community, have been approved for public service under the provisions of the PIF policy.

The PIF policy requires that any needed sewer main extensions cannot abut properties not otherwise entitled to public service. The only other properties that would abut the needed main extension are already designated as sewer category S-1. (See the map on page 12.) The site confronts the sewer envelope across Warfield Rd. (see page 11). WSSC has advised that sewer service will require a dedicated low-pressure main extension of up to 900 feet to an existing gravity sewer main at the back (south side) of the church's property, south of Warfield Rd. WSSC policies will require that this main extension be dedicated to the church's use only; no other user will be allowed. Public sewer service will require the use of an on-site grinder pump.

Agency Review Comments

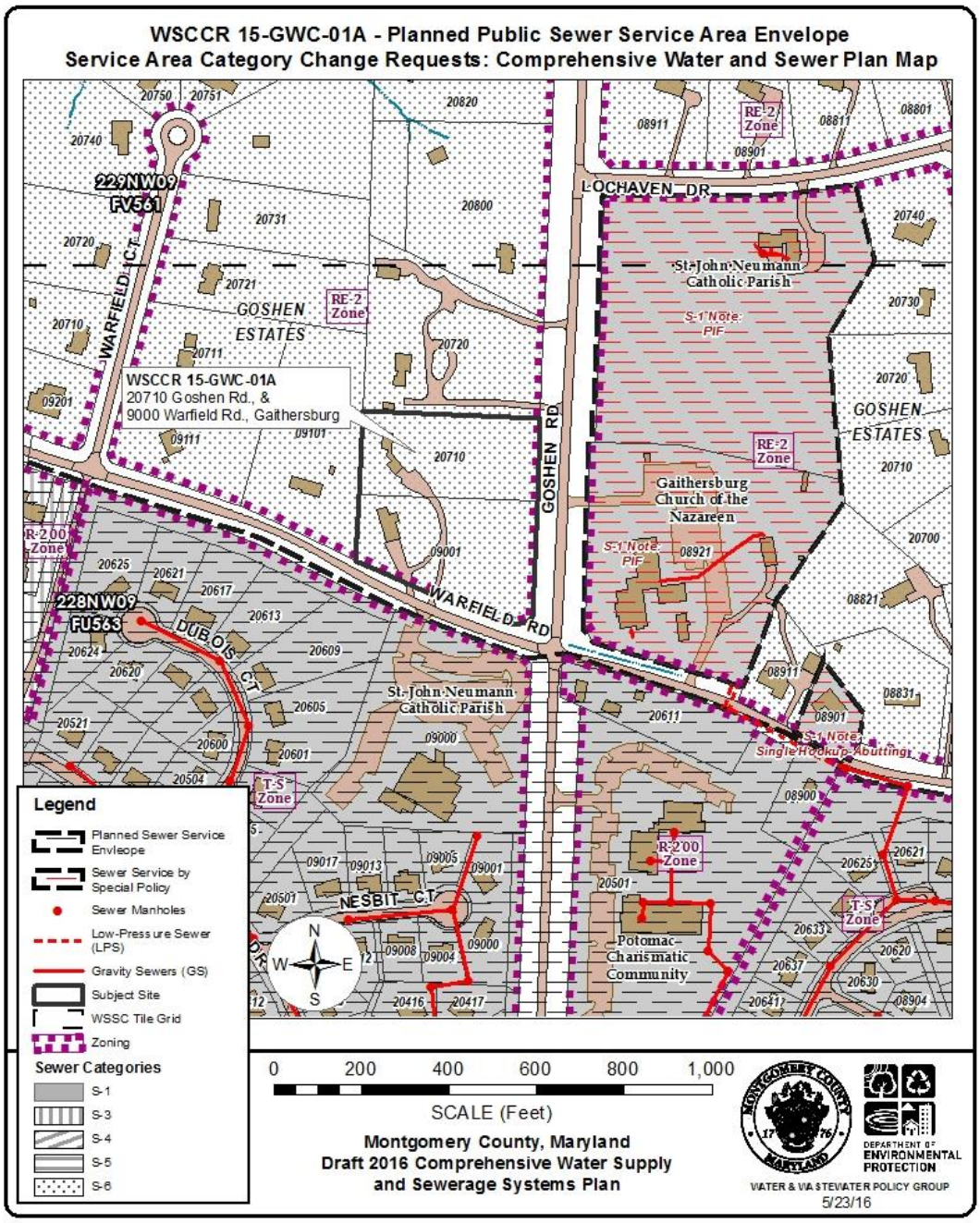
DPS: No comments.

M-NCPPC – Planning Dept.: The 1980 *Master Plan for Preservation of Agricultural and Rural Open Space* does not support public sewer for this area. Recommendation: Deny S-1

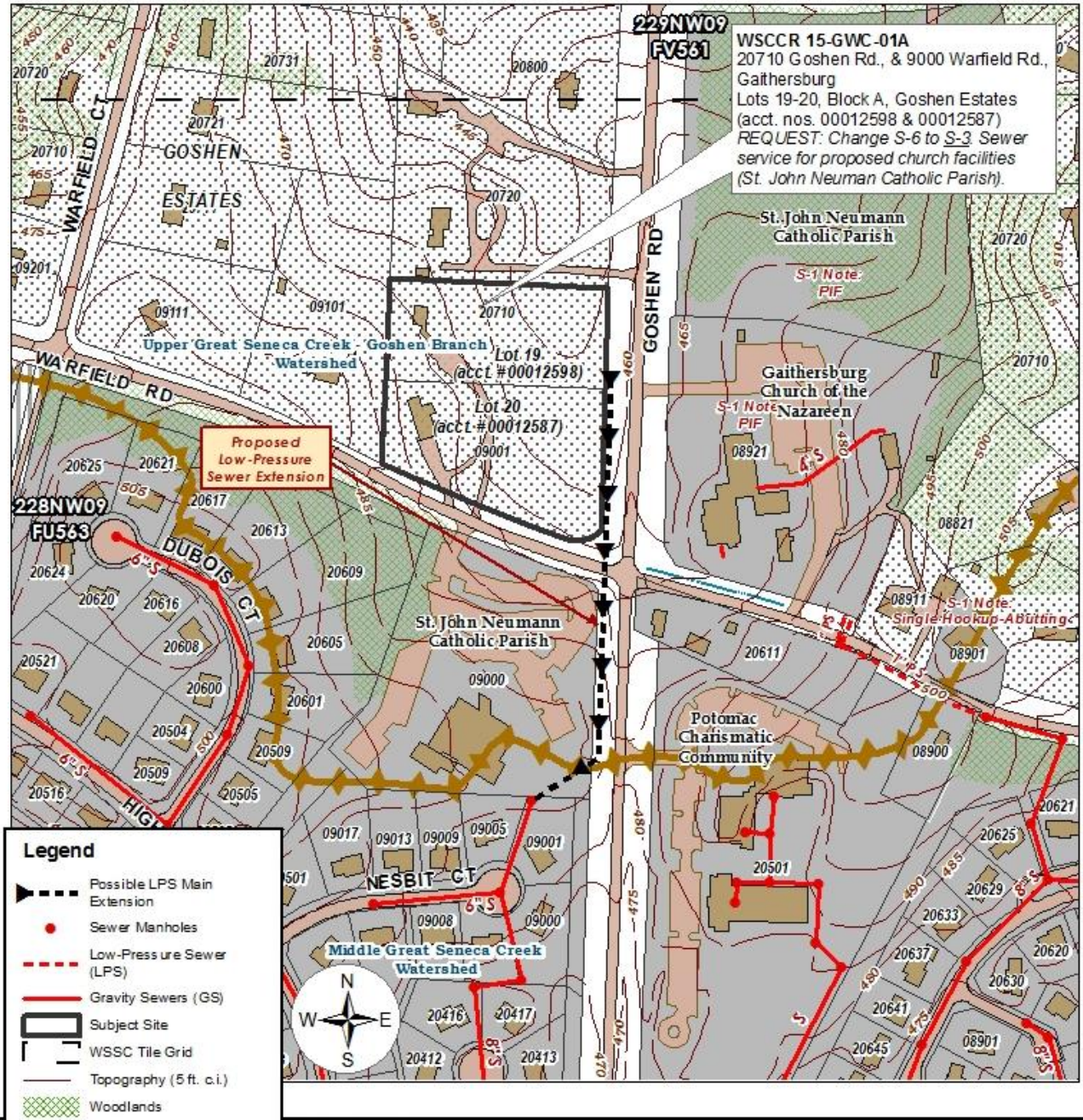
M-NCPPC – Parks Planning: No park impacts.

WSSC - Water: *(Not requested)*

WSSC - Sewer: Basin: Seneca Creek. An "on-site" wastewater pumping facility and 900-foot-long pressure sewer is required to serve the property. The system would need to be built as a dedicated system, and could only provide service to the Applicant. The pressure-sewer would connect to an existing gravity sewer (contract 78-3901B) just south of the St John Neumann property located on the southwest corner of the Goshen and Warfield RD intersection. An easement may be required, depending on property ownership. Construction of the pressure sewer line may involve the removal of trees. Because of the limited information provided with respect to the size of the proposed eldercare-assisted-living facility and other facilities, more information cannot be provided at this time concerning the size and scope of the "on-site" wastewater pumping facility & pressure-sewer extension. Average wastewater flow from the proposed development: 2,000 GPD (approximate). Program-sized sewer mains are <u>not required</u> to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.



WSCCR 15-GWC-01A (Cardinal Donald Wuerl for St. John Neumann Cathlolic Parish)
Service Area Category Change Requests: Comprehensive Water and Sewer Plan Map



WSCCR 16-OLN-02A: Ahmad Akbari

County Executive's Recommendation: **Approve W-1. Maintain S-6, with a final approval action for S-3 conditioned on the following:**

- **Confirmation to DEP from DPS that septic system testing results for the property will allow for construction of the applicant's proposed single-family house.**
- **Confirmation to DEP from WSSC and M-NCPPC that public sewer service can be provided via a non-abutting sewer connection to the existing main located at 17141 Old Baltimore Rd.**

The applicant's inability to satisfy these requirements will result in a final action that denies this request.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 17131 Old Baltimore Rd., Olney • Parcel P361, Charles & Benjamin (acct. no. 03316277) • Map tile: WSSC – 223NW03; MD – HT51 • South side of Old Baltimore Rd., east of and opposite Menden Farm Dr. • RE-2 Zone; (2.00 acres) • Olney Planning Area Olney Master Plan (2005) • Northwest Branch Watershed (MDE Use IV) • Existing use: vacant, wooded Proposed use: one new single-family house; plan no. 120150210 "Akbari Residence"	Existing – **Requested** – Service Area Categories W-6* **W-1** S-6* **S-1** **Ineligible for service under the abutting mains policy.* Applicant's Explanation "I thought I had public water and sewer connections but found out from DEP that I don't. We are going through subdivision process and we went far in that route, really need this category change."

Executive Staff Report

The applicants have requested a change from water and sewer categories W-6 and S-6 to W-1 and S-1 for the purpose of constructing a single-family house. This existing property, Parcel P631, also needs to be established as a building lot through the subdivision process. The subdivision plan (see page 17), currently based on the use of public water and sewer service, cannot proceed to the Planning Board until the service area category change issues are addressed. The designation of this property as categories W-6 and S-6 has a complicated background owing to category change actions dating back to 1984. A background summary starts on page 20.

Approval of category W-1 for the use of public water service for this property is recommended. Category W-1 is consistent with Water and Sewer Plan policies for service to large-lot areas, such as this, zoned RE-2. An existing 12"-diameter water main abuts the property along Old Baltimore Rd. However, it is not clear whether the approval of category W-1 for public water service, without the provision of public sewer service, will allow the construction of the proposed single-family house.

Public sewer service for an RE-2-zoned property is not consistent with the County's general sewer service policies. Neither does any special service policy (abutting mains, health problem, etc.) apply in this case. Under the existing S-6 sewer category, this project would need to have the proposed house served by an onsite septic system. However, the ability of this property to support a septic system for a single-family house is not known at this time since the property has not been tested and therefore is not approved for development.

Despite the existing service policies, it may be reasonable to consider the approval of public sewer service for this property under the following conditions:

- The proposed development can otherwise occur using a septic system.
- Public sewer service can be provided without the need for a new sewer main extension by providing a non-abutting sewer connection to the existing main at 17141 Old Baltimore Rd. This will require the

concurrence of DEP, WSSC (non-abutting connection approval), and M-NCPPC (preliminary plan review).

The applicant's earliest opportunity to start the septic testing process will be in late winter or early spring of 2017 with the next cycle of water table testing conducted by DPS. Successful water table testing results will allow the applicant to then conduct percolation testing. Avoiding new sewer main construction in this RE-2-zoned area reduces the possibility of additional development density. WSSC will need to approve the use of a non-abutting sewer connection for this project. M-NCPPC will need to concur with the feasibility of an offsite sewer hookup across 17133 Old Baltimore Rd. through the subdivision process for the proposed building lot. If septic testing is successful, and if a non-abutting sewer connection can be provided, then approval of sewer category S-1 should move forward. If the testing is not successful, or if the non-abutting sewer connection is not feasible, then the request for S-1 should be denied since sewer service approval would promote development that otherwise could not occur.

M-NCPPC Planning staff oppose the provision of public sewer service, arguing that:

- It is not consistent with the master plan or the RE-2 zoning.
- The creation of two parcels by deed does not create a legal subdivision because the purpose was to create a property intended for development, not agricultural uses.
- The master plan's failure to recognize the creation of the second parcel outside the legal subdivision process does not justify allowing public service.

WSSC and DEP identified three alternatives for providing sewer service to the property. WSSC has not expressed a preference for any of these alternatives.

- The applicant has proposed to use an existing sewer hookup easement crossing the adjacent property at 17141 Old Baltimore Rd.to reach an existing sewer main, WSSC's second alternative. (The recorded easement is shown on page 16.) This type of arrangement was used previously to provide sewer service to 17133 Old Baltimore Rd. The Water and Sewer Plan's "abutting mains" policy no longer allows the use of an easement to reach an existing main. M-NCPPC staff oppose this option due the potential impact of sewer construction high priority forest and the 125-foot buffer of a headwater stream.

- WSSC's sewer extension alternative involves a new 900-foot sewer main east along Old Baltimore Rd. and Covered Wagon Way to connect with an existing 8-inch sewer in Covered Wagon Way (contract no. 82-5352A). The extension would abut as many as four additional properties, all designated a sewer category S-1. On-site pumping would be required on the applicant's property to reach the proposed gravity sewer in Old Baltimore Rd.

Agency Review Comments

DPS: To date no septic testing has been undertaken for this property.

M-NCPPC – Area 3 Planning:
This RE-2-zoned, forested property is located in the Southeast Quadrant of the Olney Master Plan area and within the headwaters of Northwest Branch. As a single 4.0-acre un-platted property in the 1980's this parcel had a single-family house on it that was granted a single sewer hookup under the abutting mains policy. The property owner subsequently divided the property by deed into two separate 2.0 acre parcels: one with the existing home, the other unimproved. The new owner of the unimproved parcel now seeks preliminary plan approval to create a buildable lot from the unimproved 2.0-acre parcel. Under the category change process, the owner seeks a sewer service connection across a neighboring property via an easement that passes through high priority forest and the 125-foot stream buffer of a headwater stream.

Under strict interpretation of the Ten-Year Water Supply and Sewerage Systems Plan this property is not eligible for sewer service due to the low density RE-2 zone and the fact that there is no sewer main abutting this parcel. The 2005 Olney Master Plan directed that "community sewer service in the planning area generally [be extended] in conformance with Water and Sewer Plan service policies. This generally will exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of existing sewer mains." The plan further elaborates that, "In lower density wedge areas, sewer is generally provided only

where cluster zoning categories or affordable housing are specifically recommended in the master plan and the developer proposes cluster development."

The original 4.0-acre parcel was shown to be within the sewer service envelope of the Master Plan because a single sewer hookup had already been extended to the parcel and the home that was built on the parcel. The division of that 4.0-acre parcel into two smaller properties was not recognized by the 2006 Olney Master Plan which continued to show the entire 4.0 acres within the recommended envelope with the existing single hookup. The failure of the Master Plan to recognize the illegal subdivision of the property by deed should not be used to justify an additional extension of sewer service to the vacant parcel.

Clarifying, follow up commentary from M-NCPPC Area 3 Planning:
The phrase "illegal subdivision" is a term used by the Planning Department that could be more accurately described as: *a division, by deed only, of land not intended to remain exclusively in agricultural use (See exceptions to platting 50-9(a)(1*)). The division of land by deed for any other purpose than to reconfigure land that will remain in agricultural use is in conflict with Section 50-7 and 50-8 of the Subdivision Regulations.

It is Planning Staffs' opinion that the division of the original 4.0-acre parcel into two, ± 2.0 acre parcels was done so that the resulting parcels were configured in such a way that they would meet zoning and subdivision requirements. Subsequent to this division by deed, the vacant parcel was sold, or is the subject of a sale to a Mr. Akbari, and that Mr. Akbari now seeks to develop the vacant 2.0-acre parcel. Mr. Akbari understands that he must record a plat for the parcel through the subdivision process prior to issuance of a building permit. Planning Staff is currently reviewing said subdivision application and, aside from the water and sewer discussion, there are other issues with the ability of the subject property to meet all zoning and subdivision requirements, notwithstanding the best intentions and efforts of the former property owner who divided the property by deed. The property must also have adequate water supply and sanitary facilities, hence the application for category change.

So to conclude … the division of the 4.0-acre parcel *by deed alone* was not a legal subdivision of land for purposes of development. It does not appear to have been done for the express reason of dividing agricultural land, rather, it is reasonable to conclude that it was an attempt to create a vacant parcel with the intent to sell and develop it in the future.

M-NCPPC – Parks Planning: No park impacts.

WSSC-Water: Water pressure zone: *(not provided)*. A 12-inch water line in Old Baltimore Rd. abuts the property (contract no. 82-5352A). Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC-Sewer: There are 2 alternatives that could potentially be employed to extend sewer service to the Applicant's property.**

- For the 1st alternative, a 900-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would connect to an existing 8-inch sewer in Covered Wagon Way (contract no. 82-5352A) and extend to the west along Covered Wagon Way and Old Baltimore Rd. The extension would abut approximately 4 properties in addition to the applicant's. On-site pumping would be required from the Applicant's property up to the proposed gravity sewer in Old Baltimore Rd.
- For the 2nd alternative, as proposed by the Applicant, and subject to approval by Montgomery County, a non-abutting sewer house connection could possibly be used for service to the subject property. The sewer house connection would extend from the Applicant's property through an easement across 17141 Old Baltimore Rd. and connect to the existing sewer built under contract 84-6278A. In the event that a gravity sewer connection cannot be employed, then the Applicant would be required to use an on-site wastewater pumping system. The Applicant would be required to apply to WSSC for a non-abutting sewer house connection. Because of the county sewer service policy currently in effect, the Applicant would need to obtain approval from Montgomery County in order to receive service via this alignment.

***Only if this category change request application is approved.*

For both alternatives: Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

Recorded Sewer Hookup Easement for 17131 Old Baltimore Rd. Across 17141 Old Baltimore Rd.

MONTGOMERY COUNTY CIRCUIT COURT (Land Records) LEK 48680, p. 0343, MSA_CE63_48637. Date available 05/28/2014. Printed 02/23/2016.

48680 343

SCHEDULE B

15' WIDE SANITARY SEWER EASEMENT

FROM

MARY BETH WIGGER & WALTER H. MCCLURE

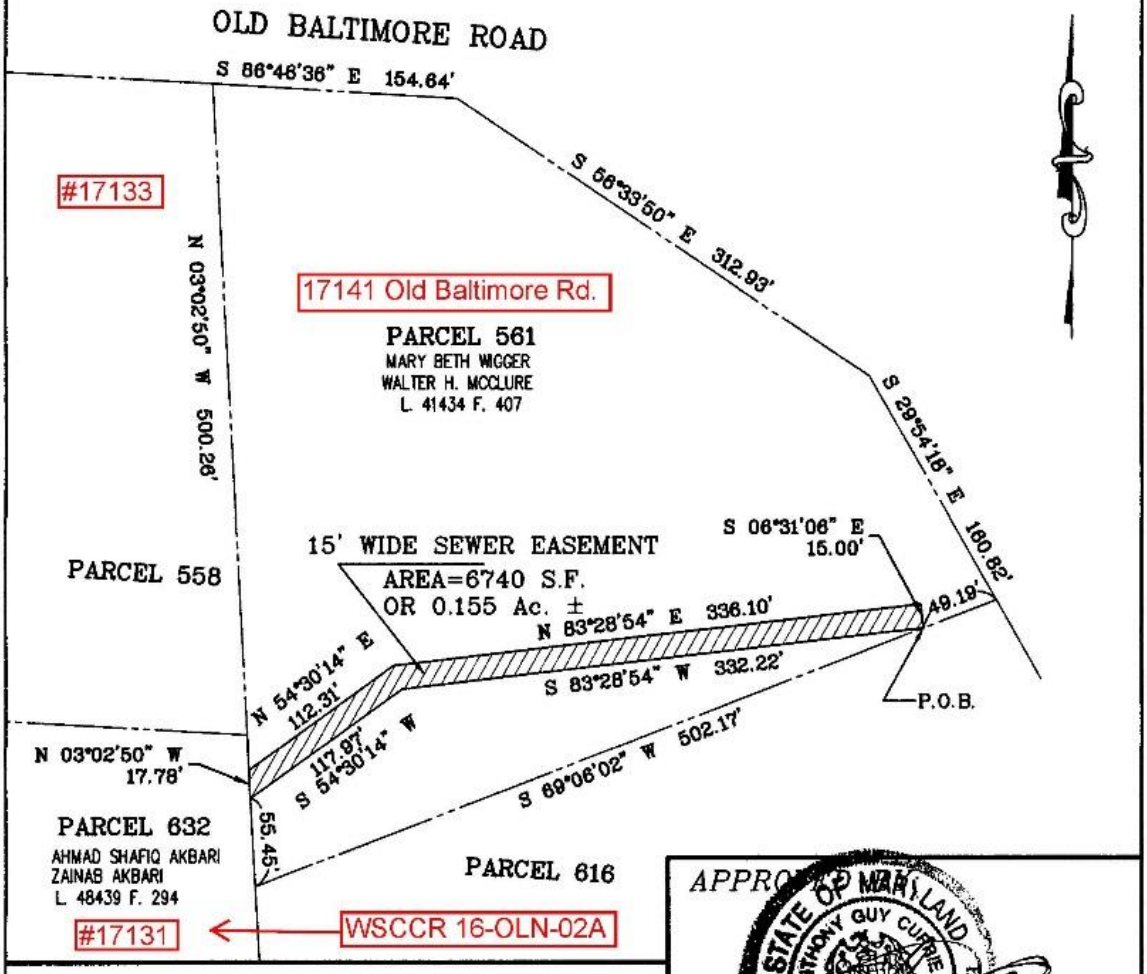
TO

AHMAD SHAFIQ AKBARI & ZAINAB AKBARI

LIBER 41434 FOLIO 407

8th ELECTION DISTRICT, MONTGOMERY COUNTY, MARYLAND

Scale: 1"=100' DATE: 3-31-2014



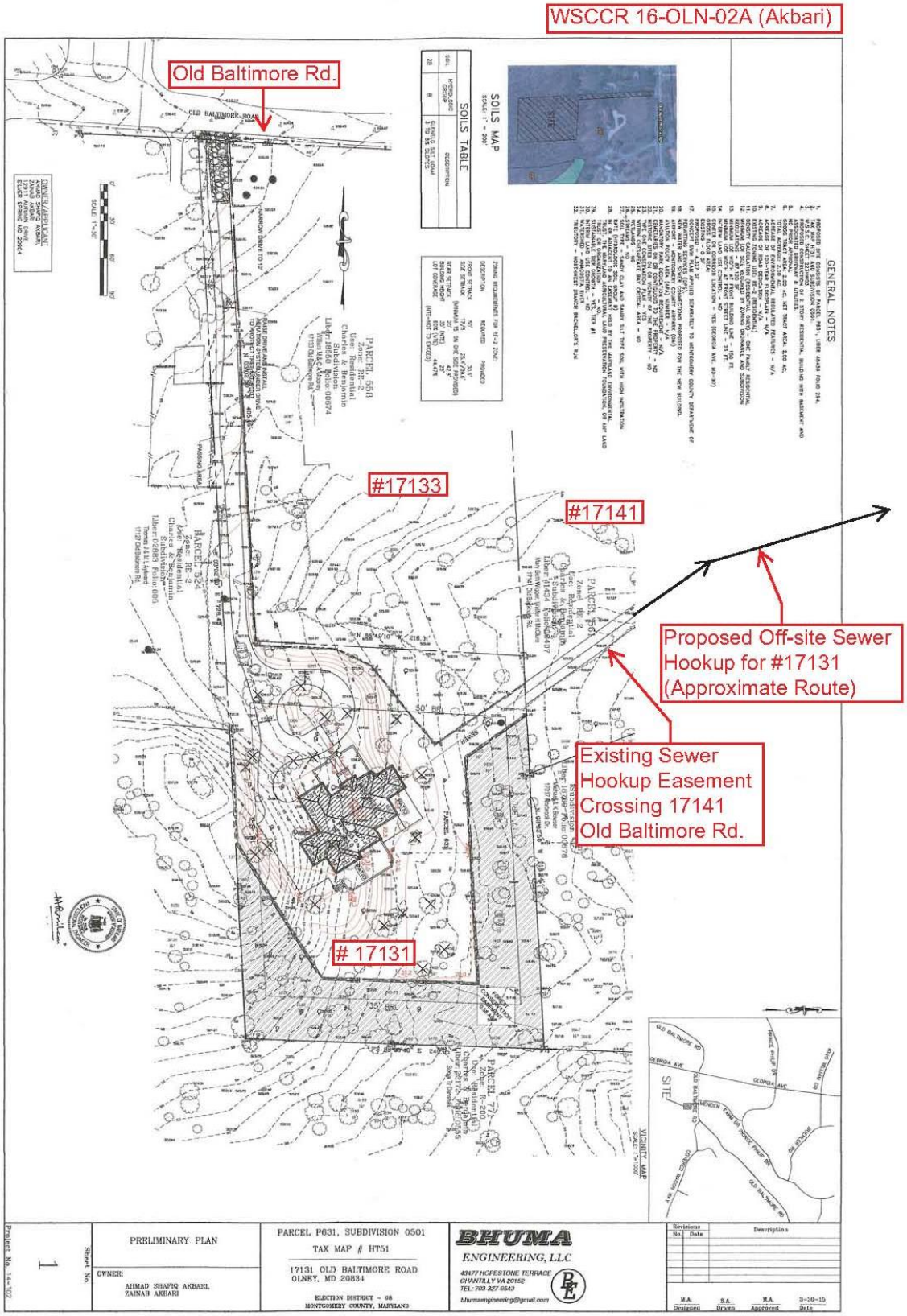
APPROVED

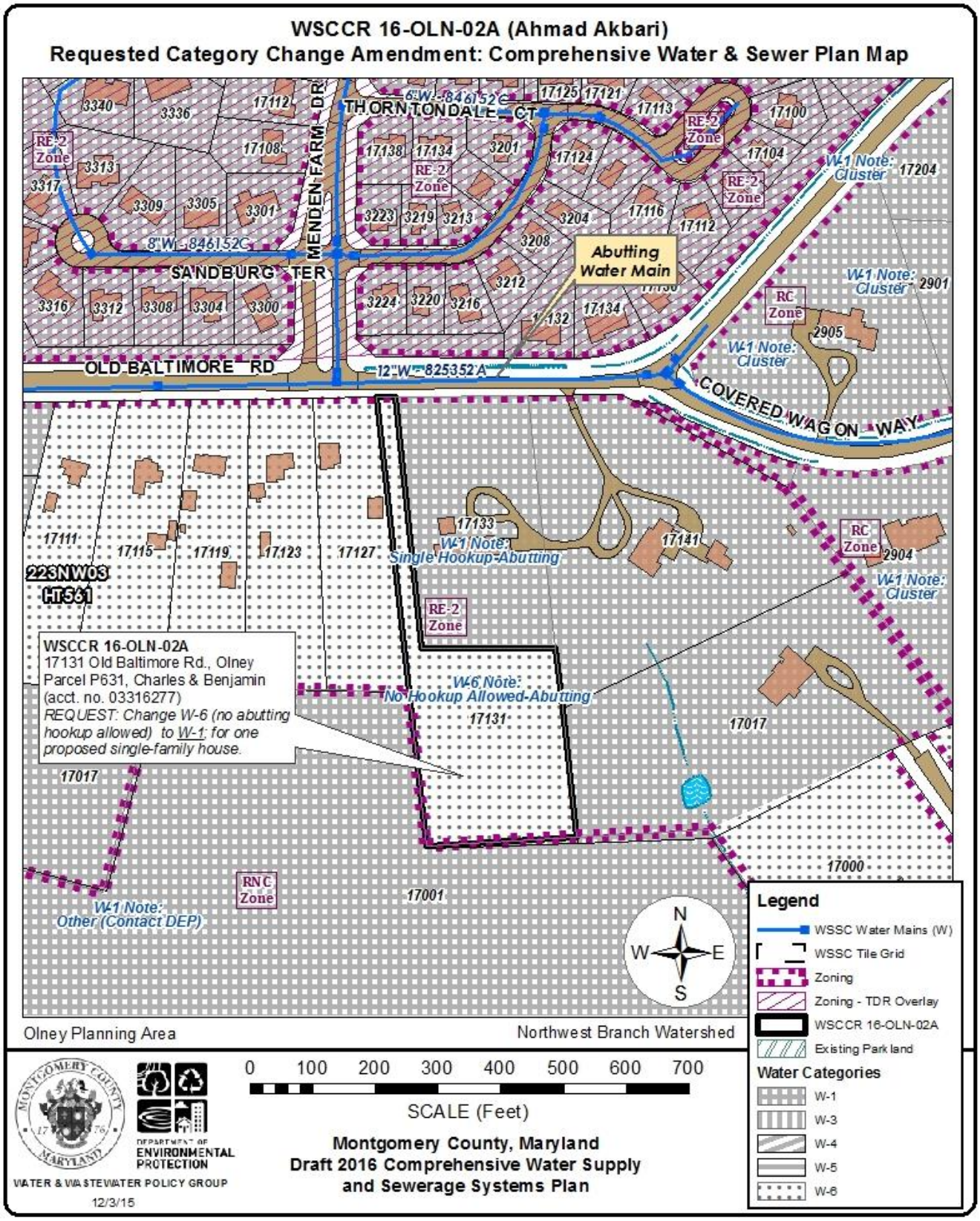
STATE OF MARYLAND
ANTHONY GUY CURRIE
No. 580
PROPERTY LINE SURVEYOR

KRIS CONSULTANTS, LLC

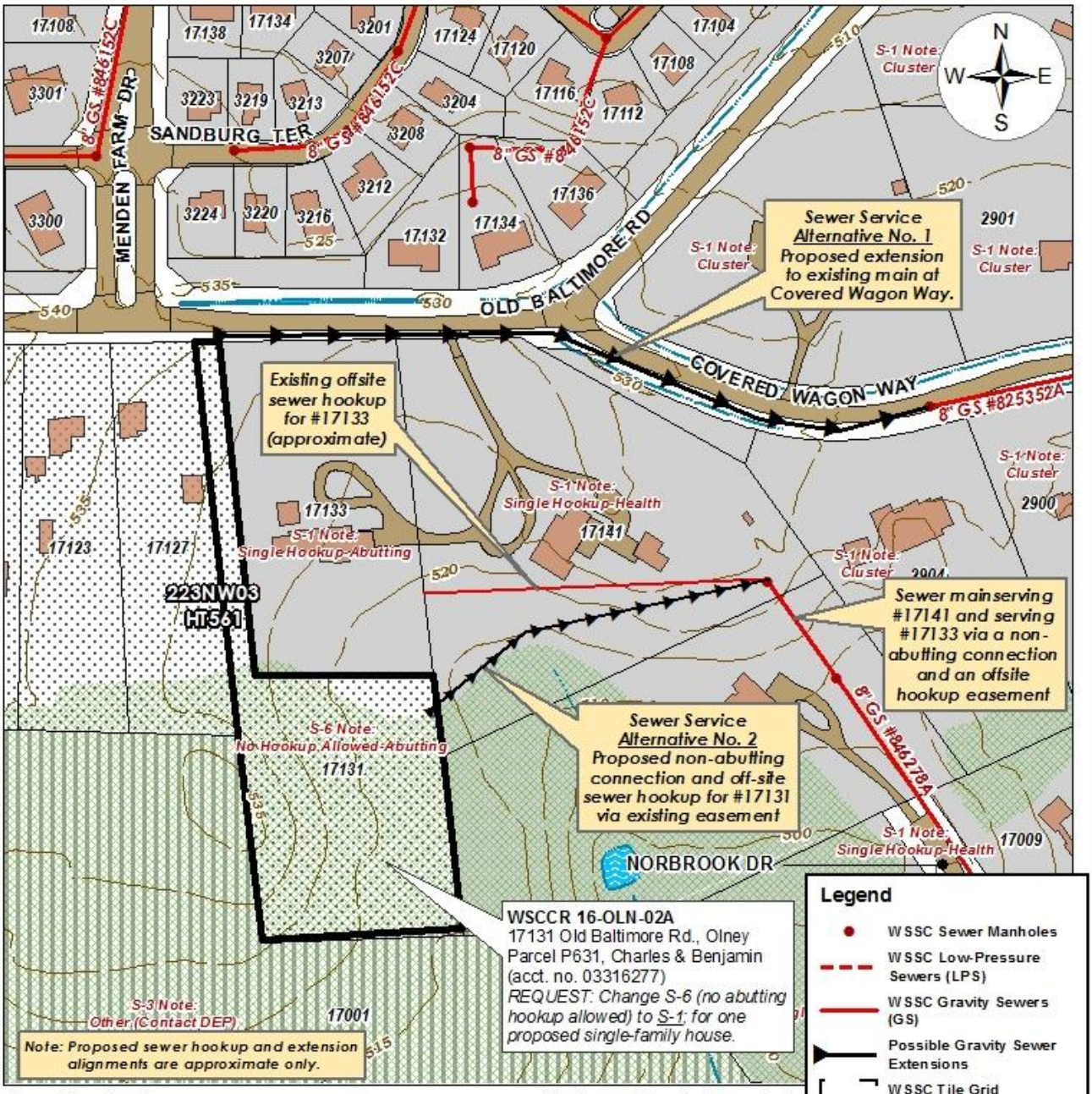
301 PIPING ROCK DRIVE, SILVER SPRING, MD. 20905
TEL: (301) 439-1891 FAX: (301) 439-5636
EMAIL: KRISCONSULTANT1@VERIZON.NET

Applicant's Preliminary Plan: 120150210 "Akbari Residence"




WSCCR 16-OLN-02A (Ahmad Akbari)
Requested Category Change Amendment: Comprehensive Water & Sewer Plan Map
THORNTONDALE CT
MENDEN FARM DR
SANDBURG TER
OLD BALTIMORE RD
COVERED WAGON WAY
6"W-846152C
8"W-846152C
12"W-825352A
Abutting Water Main
W-1 Note: Cluster
W-1 Note: Single Hookup-Abutting
W-6 Note: No Hookup Allowed-Abutting
W-1 Note: Other (Contact DEP)
RE-2 Zone
RC Zone
RNC Zone
223NW03
HT561
WSCCR 16-OLN-02A
17131 Old Baltimore Rd., Olney
Parcel P631, Charles & Benjamin
(acct. no. 03316277)
REQUEST: Change W-6 (no abutting hookup allowed) to W-1; for one proposed single-family house.
Olney Planning Area
Northwest Branch Watershed
Legend
WSSC Water Mains (W)
WSSC Tile Grid
Zoning
Zoning - TDR Overlay
WSCCR 16-OLN-02A
Existing Parkland
Water Categories
W-1
W-3
W-4
W-5
W-6
0 100 200 300 400 500 600 700
SCALE (Feet)
Montgomery County, Maryland
Draft 2016 Comprehensive Water Supply and Sewerage Systems Plan
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER & WASTEWATER POLICY GROUP
12/3/15

WSCCR 16-OLN-02A (Ahmad Akbari)
Requested Category Change Amendment: Comprehensive Water & Sewer Plan Map



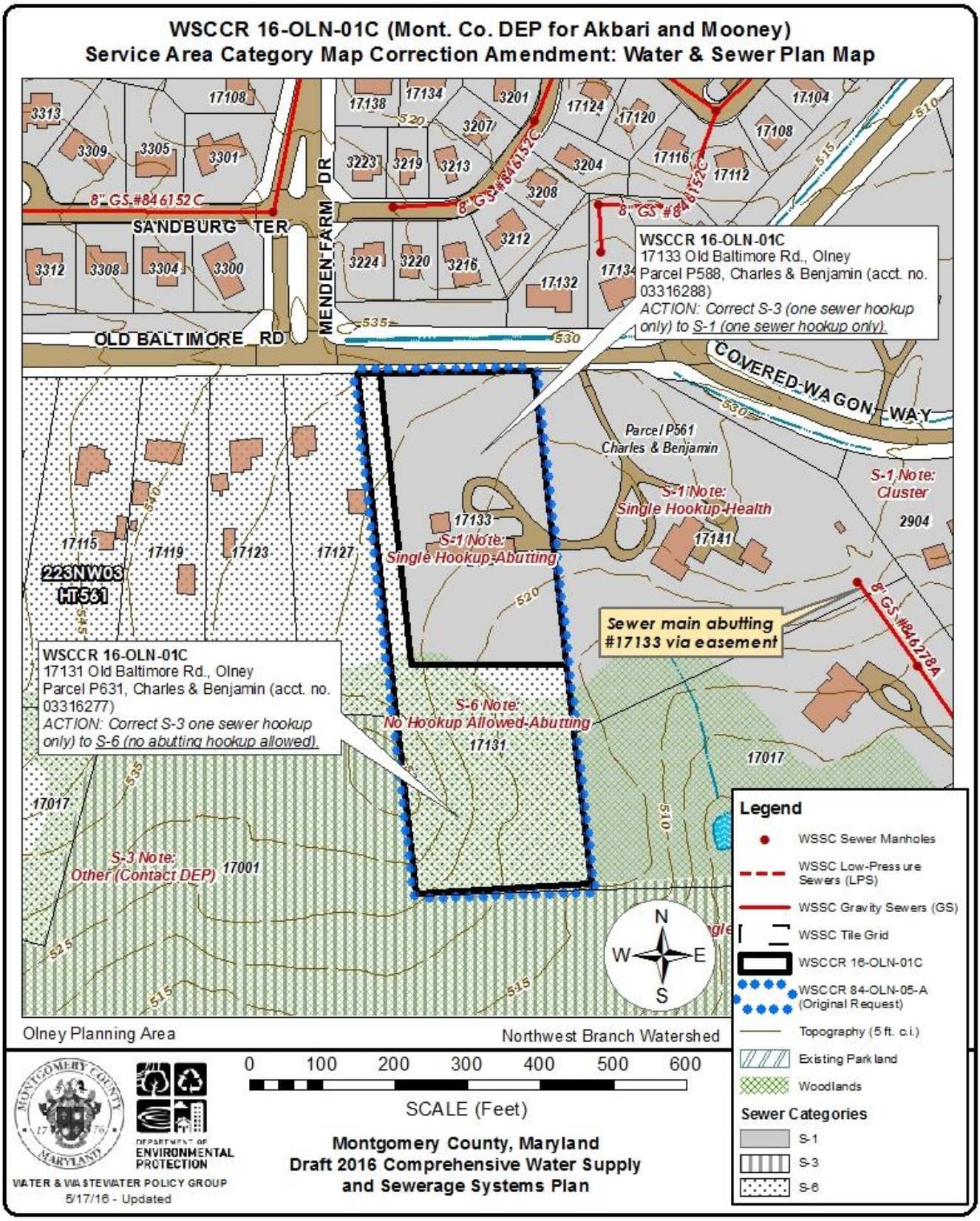
Property and Water/Sewer Category Background

The following provides background context for this water and sewer category change request and why it is now before the County Council. (Refer to the map provided on page 21.)

- The subject property at 17131 Old Baltimore Rd. and the adjacent parcel at 17133 Old Baltimore Rd. existed as a single, 4-acre parcel (P612) designated as service area categories W-1/W-6 and S-6 in 1984.
- The then-owner of Parcel P612 sought a category change request (WSCCR 84-OLN-05-A) for categories W-1 and S-3; for which DEP granted a restricted approval for W-3 and S-3 on July 6, 1984. The administrative approval action was taken citing the "abutting mains" policy. Approval under the abutting mains policy required that the approved W-3 and S-3 categories be restricted to single water and sewer hookups only. (Note that in 1984 the abutting mains policy allowed for hookups to water and sewer mains via an established easement across an intervening property; this is not allowed under the current policy.)
- The owner subsequently built a house on the original parcel in 1987 at 17133 Old Baltimore Rd. A 12" water main (WSSC no. 825352A) fronted that property along Old Baltimore Rd. A sewer hookup was built through an easement across 17141 Old Baltimore Rd. where an 8" sewer main (WSSC #846276A) had been extended to relieve a failed septic system.
- In 2000, original Parcel P612 was deeded into two 2-acre parcels:
    - Improved Parcel P558 at 17133 Old Baltimore Rd, with the existing house built in 1987 connected to public water and sewer service.
    - Unimproved Parcel P631 at 17131 Old Baltimore Rd.

  Because the two parcels were established by deed, the resulting two properties were neither evaluated nor established as building lots through the County's subdivision process.
- The applicant purchased Parcel P631 in March 2014 with the intent of building a single-family residence. In May 2014, the owner of 17141 Old Baltimore Rd. granted a sewer hookup easement to the applicant, allowing access to the existing 8" sewer main (WSSC #846276A) on the property.
- The construction of a house on Parcel P631 requires formal subdivision and recordation of the property as a building lot. The applicant filed a preliminary subdivision plan with M-NCPPC in June 2015, no. 120150210 "Akbari Residence". That preliminary plan proposed the use of public water and sewer service for the new house. However, the Parcel P631 had no approved hookup rights for water or sewer service, as they were used for Parcel P558 to serve the existing house.
- At that time, DEP was not aware that Parcels P558 and P631 had been deeded from Parcel P612. A category mapping error showed Parcel P631 as water and sewer categories W-1 and S-3 leftover from the approval granted for Parcel P612.
- DEP's October 2015 review of preliminary plan no. 120150210 for the Development Review Committee revealed the category mapping error cited above. On November 3, 2015, DEP issued a correction action that placed Parcel P631 in categories W-6 and S-6. Both categories carry a note that service hookups are not allowed under the abutting mains policy. Anticipating DEP's correction action, the applicant filed this category change request seeking approval for categories W-1 and S-1 in October 2015.

Sewer Category Corrections Approved by DEP (November 3, 2015)



Request #3

PREVIOUSLY DEFERRED CATEGORY CHANGE REQUEST*

WSCCR 09A-TRV-02: Ted and Roxanne Smart

County Executive's Recommendation: **Deny S-3, maintaining S-6.**

Property Information and Location Property Development	Applicant's Request County Council Action
▪ 13101 Valley Dr., Rockville ▪ Parcel P592, Discover & Younger Brothers; acct no. 00047883 ▪ Map tile – MD: FR51; WSSC: 217NW09 ▪ Southeast corner, intersection of Valley Dr. and Cleveland Dr. ▪ Travilah Planning Area Potomac Subregion Master Plan (2002) ▪ Watts Branch Watershed (MDE Use I) ▪ RE-1 Zone; 1.61 acres ▪ Existing use: unimproved, wooded Proposed use: one new single-family house the existing parcel.	Existing - **Requested** Service Area Categories W-1 W-1 (no change) S-6 **S-3** Applicants Explanation "The parcels are exempt from subdivision and public sewer (pressure) is located in Cleveland Dr. Conventional percolation test results have not been successful." ***County Council Action (CR 17-217, 7/19/11)** **Defer action on the request for category S-3 pending the results of DEP's work on the Glen Hills sanitary study.**

Executive Staff Report – Deferral Update (May 2016)

The applicant has requested a sewer category change from S-6 to S-3 for an unimproved parcel in the vicinity of North Glen Hills. The applicant wants to use public sewer service to build a single-family house on the property. According to DPS, the property is not suited for an onsite septic system due to failed percolation testing.

Changes in sewer service policy adopted by the County Council for the Glen Hills Study Area, in March 2016 under resolution no. 18-423 (see page 7), do not provide an immediate opportunity for the consideration of public sewer service for this lot, as:

- No house currently occupies the property, so service cannot be provided because of a failing septic system. (The absence of satisfactory septic testing on an unimproved lot does not constitute a public health problem.)
- No existing or planned sewer main currently abuts or will abut this property, so service cannot be provided under the "abutting mains" policy.
- The property is unimproved. The owner cannot initiate a request for a septic system survey for this and nearby properties. (However, DEP could include this property—if appropriate—in a future survey request filed by a qualifying owner.)

The approved sewer service policies for the Glen Hills area currently do not support the provision of public sewer service to this property. It is appropriate to deny this request.

Agency Review Comments *(From original 2010 review process for WSCCRs 09A-TRV-02 & -03)*

DPS – Well & Septic: These properties have failed percolation testing and are unsuitable for an onsite waste disposal system.

M-NCPPC – Environmental Planning (now Area 3 Planning Team)**: The 2002 Potomac Subregion Master Plan approved and adopted master plan specifically recommends an interagency study to comprehensively address and recommend sewer solutions for the Glen Hills area. Pending completion of this study, staff recommends denial of these category change requests. Deny S-3.

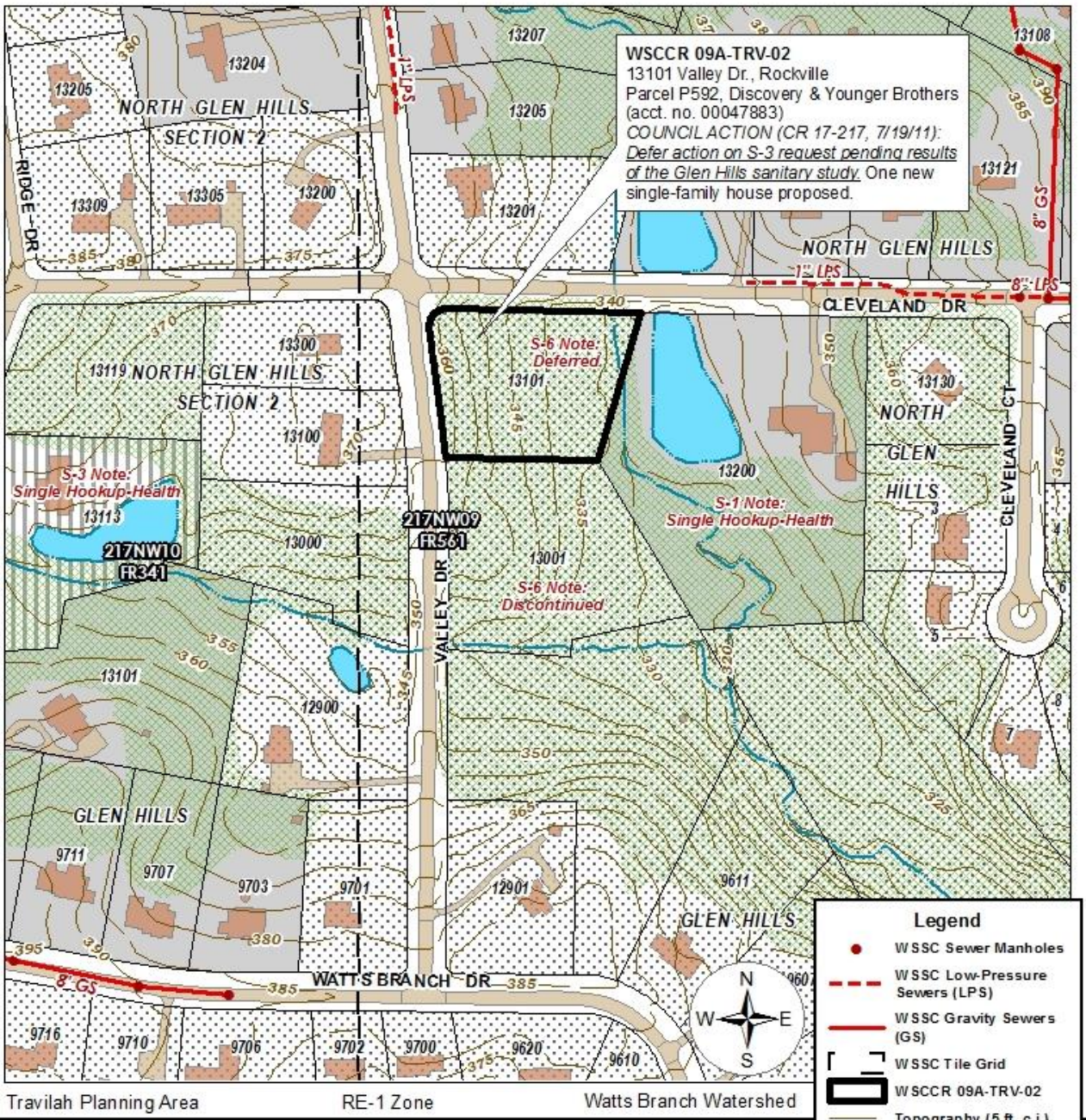
***DEP note: M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.*

WSSC - Sewer: An 1,800-foot-long, non-CIP-sized, sewer extension is required to serve the properties.*** This extension would connect to the 8-inch sewer in Overlea Dr. (contract no. 83-5793A) and would abut approximately 9 properties in addition to the applicant's. Rights-of-way would be required. Construction of this extension may involve the removal of trees. Expected flow: 600 gpd; interceptor and treatment capacity are adequate.

DEP Note: The applicants proposed an alternate sewer extension which would require an 800-foot low-pressure main extension to an existing 1-1/4-inch pressure sewer along Cleveland Dr. The extension would abut 6 properties in addition to the applicants'. However, WSSC reports that, "An extension to the pressure sewer in Cleveland Dr. would not be approved because there is a feasible gravity alternative.***

****Deferral update (May 2016)* – *A gravity sewer extension, as previously proposed by WSSC, would not be an environmentally acceptable means for providing public sewer service.*

WSCCR 09A-TRV-02 (Roxanne and Ted Smart) -- *Deferred*
Requested Service Area Category Map Amendment: Water & Sewer Plan Map



WSCCR 15-TRV-01A: Fiona Lau

County Executive's Recommendation: **Deny S-3, maintaining S-6.**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 9708 Sunset Dr. - Rockville • Lot 1, Block 9, North Glen Hills Section 2 (acct. no. 00077300) • Map tile: WSSC – 217NW10; MD – FR41 • Southeast corner, intersection of Sunset Dr. and Ridge Dr. • RE-1 Zone; 43,108 sq.ft. (0.99 acres) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • Existing use: vacant, wooded Proposed use: sewer service for a new single-family house	Existing – **Requested** – Service Area Categories W-1 W-1 (No Change) S-6 **S-3** Applicant's Explanation "I intend to build a single family house on this land as my primary residence. Per Glen Hills Area Study Report, this land is covered in the study area, and is technically feasible to be connected to main sewer system."

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 for an existing, unimproved lot in North Glen Hills. The applicant wants to build a single-family house on the property using public sewer service. According to DPS, repeated testing has proven the lot as unsuited for an onsite septic system. The applicant's statement above, that the lot "… is technically feasible to be connected to [the] main sewer system." is not accurate. WSSC has advised that no existing sewer mains are available to serve this property; a hydraulic planning analysis would be needed for extending public sewer service.

Changes in sewer service policy adopted by the County Council for the Glen Hills Study Area, in March 2016 under resolution no. 18-423 (see page 7), do not provide an immediate opportunity for the consideration of public sewer service for this lot, as:

- No house currently occupies the property, so service cannot be provided because of a failing septic system. (The absence of satisfactory septic testing on an unimproved lot does not constitute a public health problem.)
- No existing or planned sewer main currently abuts or will abut this property, so service cannot be provided under the "abutting mains" policy.
- The property is unimproved. The owner cannot initiate a request for a septic system survey for this and nearby properties. (However, DEP could include this property—if appropriate—in a future survey request filed by a qualifying owner.)

The approved sewer service policies for the Glen Hills area currently do not support the provision of public sewer service to this property. It is appropriate to deny this request.

Agency Review Comments

DPS: Soils testing completed in 1959, 2004 & 2006 has precluded all options for an onsite sewage disposal system to serve this property. DPS currently considers this lot unbuildable until the time of a public sewer connection.

M-NCPPC – Planning Dept.*: This proposal is not consistent with sewer service recommendations of the Potomac Subregion Master Plan (2002) as follows:

> '… Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures." ([master plan] page 24)

Water and Sewer Category Recommendation: Deny until completion of Glen Hills study as per Master Plan unless public health problem is documented.

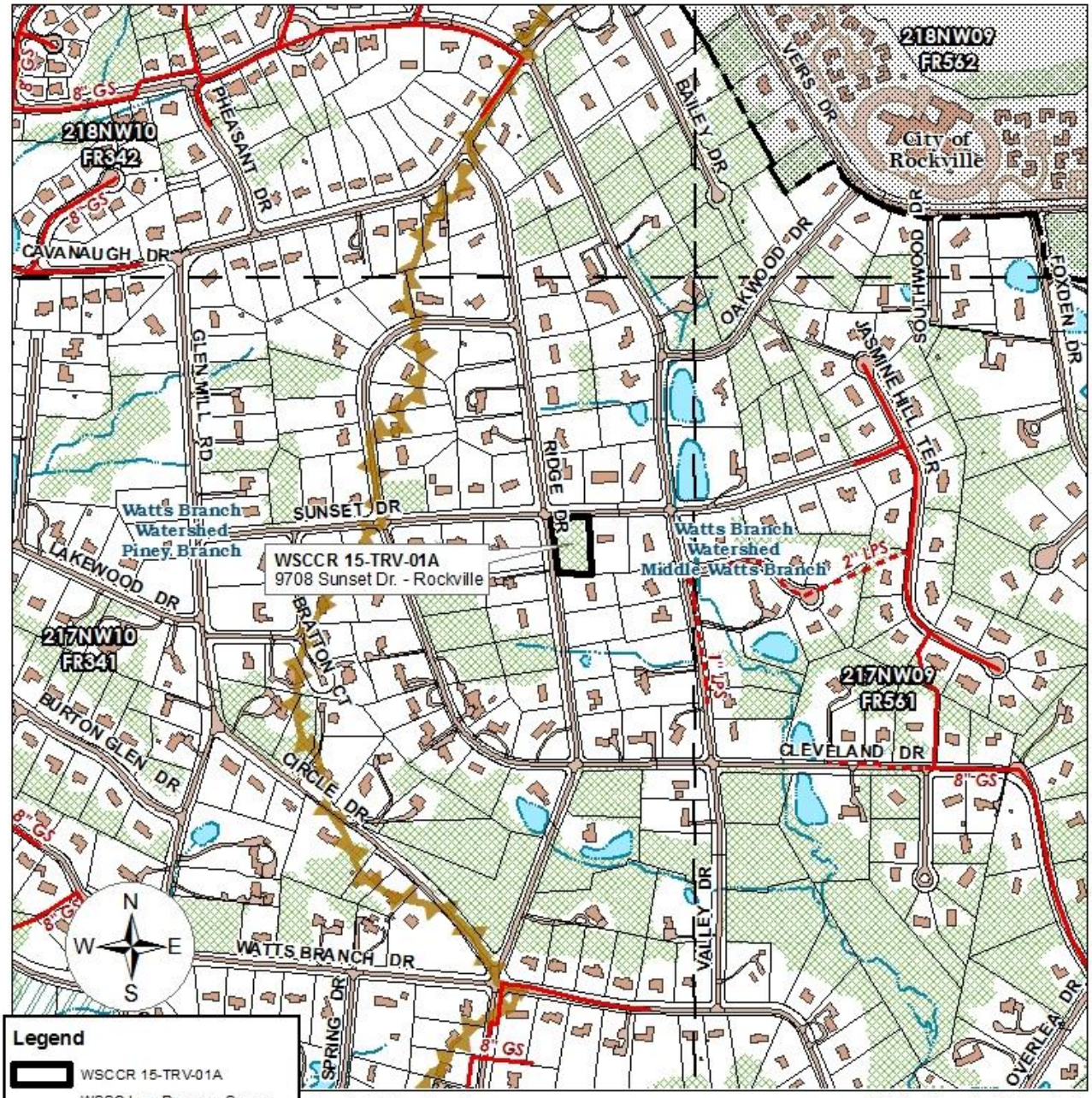
**DEP note: M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.*

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

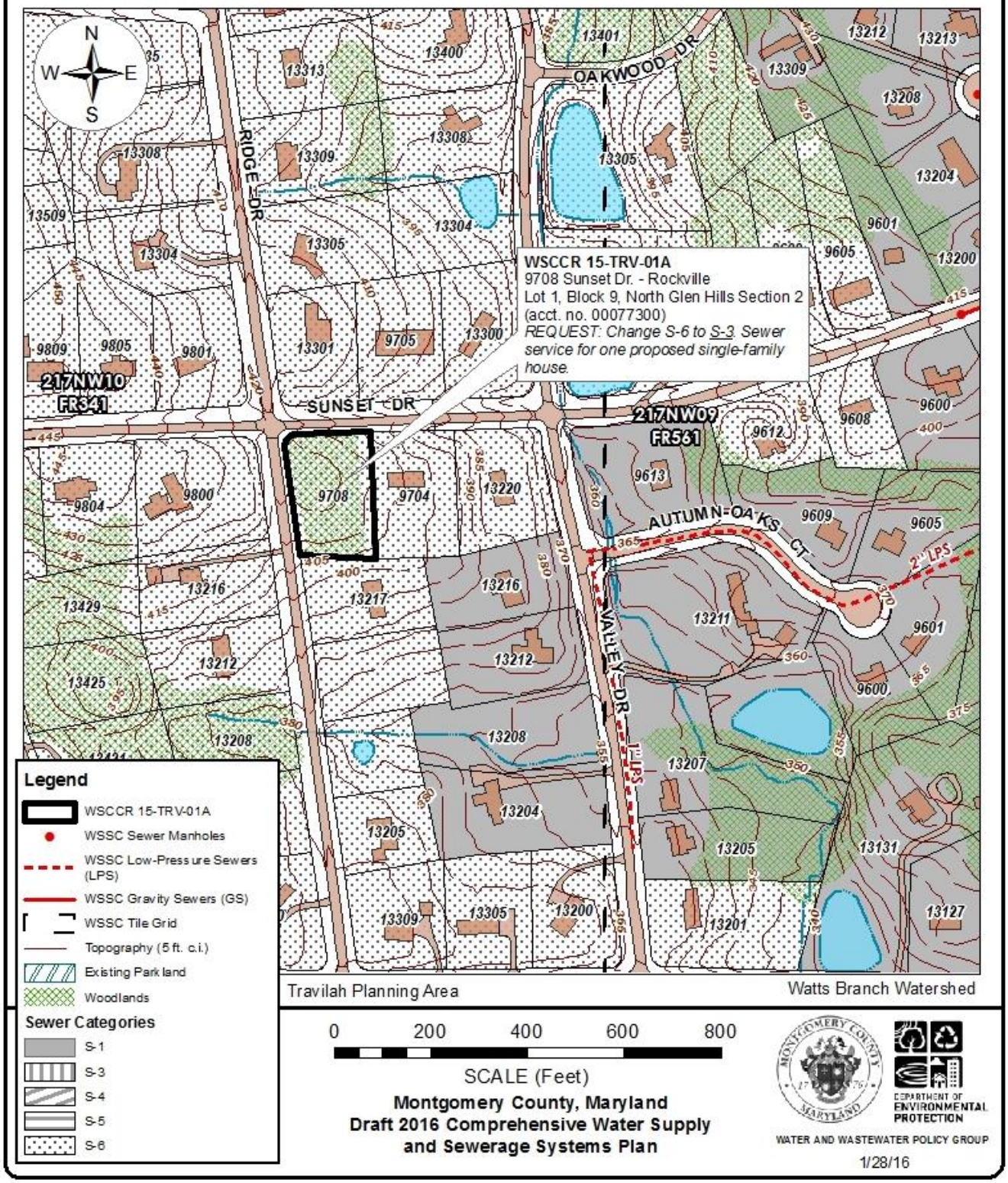
WSSC - Water: *(Not requested)*

WSSC - Sewer: Basin: Watts Branch (16). No gravity sewer is available to serve this property. Be advised that this property is in the Glen Hills Sewer Planning area. WSSC currently does not have facilities in the immediate vicinity to serve this site. An alignment for a mainline extension has not been evaluated by WSSC for service to this site. Should the service category change, a hydraulic planning study would be required to determine how to provide service. Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSCCR 15-TRV-01A (Fiona Lau) - Area-Wide View
Sewer Category Change Request: Comprehensive Water and Sewer Plan Map



WSCCR 15-TRV-01A (Fiona Lau)
Sewer Category Change Request: Comprehensive Water and Sewer Plan Map



WSCCR 15-TRV-04A: Daniel and Leslie Geringer

County Executive's Recommendation: **Approve category S-1, restricted to a single sewer hookup only, under the "abutting mains" policy.**

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
• 13005 Foxden Dr. - Rockville • Lot 14, Block C, Potomac Highlands (acct. no. 00088347) • Map tile: WSSC – 217NW09; MD – FR51 • North side of Foxden Dr. at cul-de-sac east of Overlea Dr. • RE-1 Zone; 64,033 sq. ft. (1.47 acres) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • Existing use: one single-family house (built 1960) Proposed use: sewer service for the existing house	Existing – **Requested** – Service Area Categories W-3 W-3 (No Change) S-6 **S-1** Applicant's Explanation "We purchased our home in July 2014. The home was listed as septic approved for 4 bedrooms. We called DPS Well and Septic and were told by Heidi Scott that the original home was built in 1960, and septic approved for 3 bedrooms, not 4 (see attached document 1). "After further investigation, Heidi said if the 4th bedroom was added prior to 2013, a one-bedroom addition exception is grandfathered without a septic upgrade. The 4th bedroom was added in 1986 (see attached document 2). Document 2 was provided to us by the sellers when we closed in July 2014.

"Prior to settlement, we had the septic system emptied and inspected, which it passed. The prior owners only had two occupants. Since we are a family of five (two adults and three children), we knew we were going to stress the 60-year-old septic much more than the previous owners. On August 5, 2014, we were granted a conditional approval from WSSC for the connection (see attached document 3); conditionally based on a S6 to S1 category change.

"This past winter was our first winter in our new home. During the coldest days, we noticed an awful sewage odor in our basement. During periods of very cold weather, a possible cause could be frozen leach fields. We called Heidi Scott from DPS Well and Septic. Heidi said our system is 60 years old, originally meant for a 3-bedroom house (not 4), and as a family of 5, we're putting a much greater strain on the system than the prior owners. Heidi also thought it could be an early sign of a failing system, and recommended a sewer connection if possible. We are submitting this application for a sewer category change from S6 to S1 to meet the requirement for a sewer connection specified in WSSC's conditional approval letter (attached document 3)."

Executive Staff Report

The applicants have requested a sewer category change from S-6 to S-1 to provide public sewer service to their existing house. They have raised concerns about the condition of the 60-year-old septic system currently serving the property. WSSC's review of this request confirms the feasibility of providing public service from the abutting gravity sewer in the Foxden Dr. cul-de-sac without the need for a main extension.

The County Council's recent action for the Glen Hills Study Area, under resolution no. 18-423 (see page 7), allows the use of the Water and Sewer Plan's "abutting mains" policy for qualifying properties in the study area. The applicant's property was established by plat no. 2952 on Nov. 5, 1951; permit records show that the house was built in 1960. With the abutting sewer main (WSSC no. 672840A) installed in 1968, this lot qualifies for a single sewer hookup under this policy.

Agency Review Comments

DPS: Given the age of the septic; and the proximity of the sewer system- DPS supports this change.

M-NCPPC – Planning Dept.*: This proposal is not consistent with sewer service recommendations of the Potomac Subregion Master Plan (2002) as follows:

> '… Until a policy is developed, restrict further sewer service extensions in Glen Hills to properties with documented public health problems resulting from septic system failures." ([master plan] page 24)

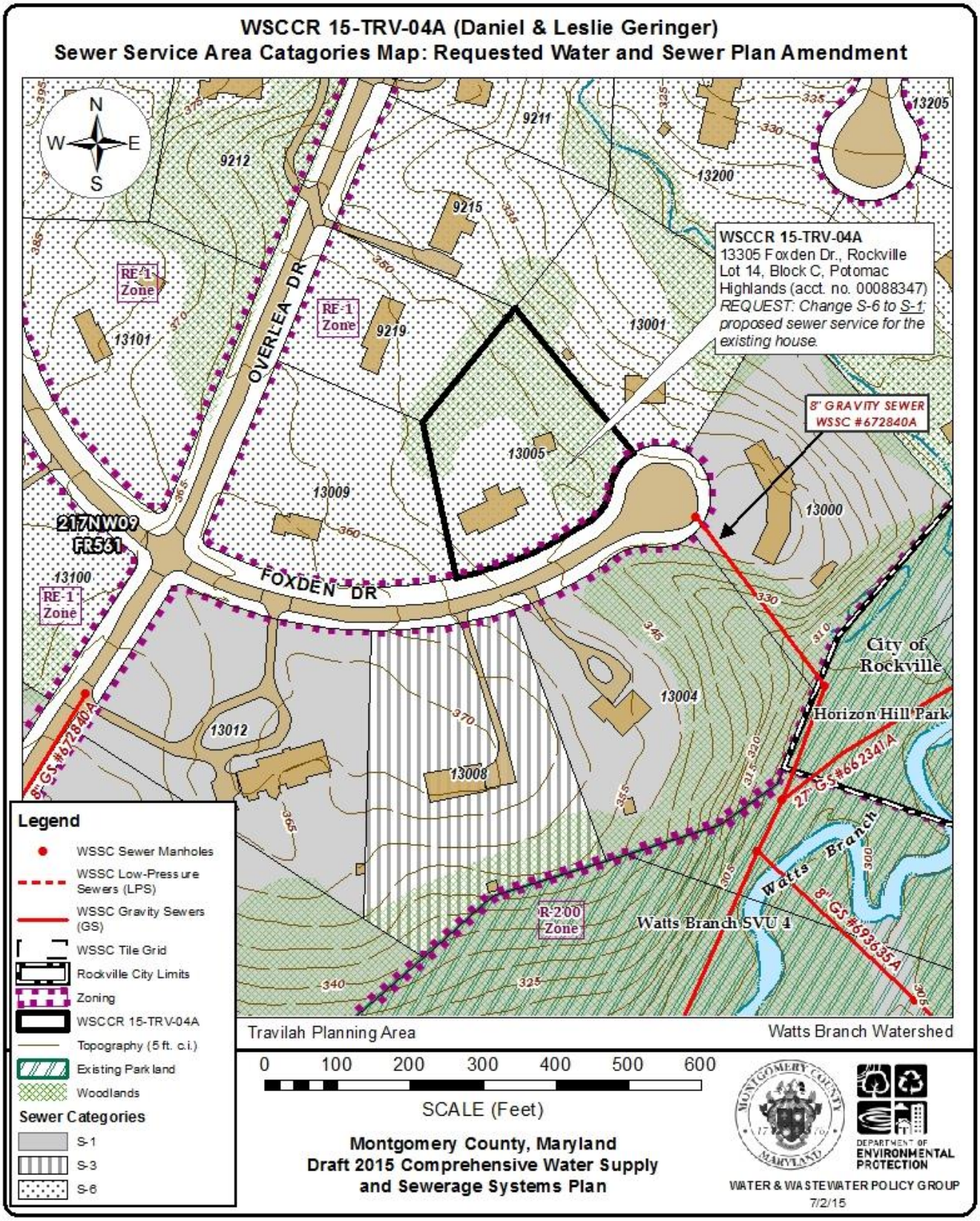
Water and Sewer Category Recommendation: Deny until completion of Glen Hills study as per Master Plan unless public health problem is documented.

**DEP note: M-NCPPC Planning comments were provided prior to the Council's action under CR 18-423.*

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

WSSC - Water: *(Not requested)*

WSSC - Sewer: Basin: Watts Branch. An 8-inch sewer line abuts the property in the Foxden Drive cul-de-sac (contract no.67-2840A). Be advised that this property is in the Glen Hills Sewer Planning area. Average wastewater flow from the proposed development: 300 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.


WSCCR 15-TRV-04A (Daniel & Leslie Geringer)
Sewer Service Area Catagories Map: Requested Water and Sewer Plan Amendment
N
W
E
S
WSCCR 15-TRV-04A
13305 Foxden Dr., Rockville
Lot 14, Block C, Potomac Highlands (acct. no. 00088347)
REQUEST: Change S-6 to S-1; proposed sewer service for the existing house.
8" GRAVITY SEWER WSSC #672840A
OVERLEA DR
FOXDEN DR
RE-1 Zone
R-200 Zone
217NW09
FR561
City of Rockville
Horizon Hill Park
Watts Branch
Watts Branch SVU 4
8" GS #672840A
27" GS #662341A
8" GS #693635A
9211
9212
9215
9219
13205
13200
13101
13001
13005
13009
13000
13100
13004
13012
13008
Legend
WSSC Sewer Manholes
WSSC Low-Pressure Sewers (LPS)
WSSC Gravity Sewers (GS)
WSSC Tile Grid
Rockville City Limits
Zoning
WSCCR 15-TRV-04A
Topography (5 ft. c.i.)
Existing Parkland
Woodlands
Sewer Categories
S-1
S-3
S-6
Travilah Planning Area
Watts Branch Watershed
0 100 200 300 400 500 600
SCALE (Feet)
Montgomery County, Maryland
Draft 2015 Comprehensive Water Supply and Sewerage Systems Plan
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER & WASTEWATER POLICY GROUP
7/2/15