

Worksession

M E M O R A N D U M

September 7, 2022

TO: Transportation and Environment Committee

FROM: Keith Levchenko, Senior Legislative Analyst

SUBJECT: **Worksession:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan – Category Change Request (Mohebbi)

PURPOSE: To discuss and make recommendations on one category change request¹

Category Change Requests and Recommendations

| # | Applicant | Request | CE Recommendation | Planning Board | Council Staff | CE Staff Report | |
|---|------------------------------------|--|--|----------------|--|-----------------|------|
| | | | | | | Text | Maps |
| 1 | WSCCR 21-TRV-03A: David Mohebbi | Requesting public sewer (S-6 to S-3) to serve an existing single-family home | Defer action on this request pending further review of the policy justification. NOTE: The request is not consistent with current Master Plan recommendations and Water and Sewer Plan policies. | Deny | Table pending action on the Ten Year Plan Update | ©9-10 | ©11 |

NOTE: Page numbers refer to the attachment pages of the Council Staff Report.

List of Attachments

- | | <u>©Page</u> |
|--|--------------|
| • Draft Council Resolution | 1-2 |
| • County Executive’s Transmittal Letter (dated January 27, 2022) | 3-4 |
| • County Executive Department of Environmental Protection Staff Report | 5-14 |
| • Planning Board Letter to the Council dated April 5, 2022 | 15 |
| • Planning Department Staff Memorandum | 16-20 |
| • Potomac Subregion Master Plan Excerpt | 21 |
| • Correspondence and Public Hearing Testimony | |
| ○ Information provided by Mr. Mohebbi | 22-24 |
| ○ WMCCA Written Testimony dated May 2, 2022 | 25-26 |

¹ #WaterandSewerPlan and Category Changes

Expected Participants

Department of Environmental Protection

- Steve Shofar, Chief, Intergovernmental Affairs Division, Department of Environmental Protection (DEP)
- Alan Soukup, Senior Planner, Intergovernmental Affairs Division, DEP
- Nasser Kamazani, Senior Engineer, Intergovernmental Affairs Division, DEP
- George Dizelos, Planning Specialist, Intergovernmental Affairs Division, DEP

Planning Board/Planning Department

- Casey Anderson, Chairman, Montgomery County Planning Board
- Robert Kronenberg, Deputy Director, Montgomery County Planning Department
- Patrick Butler, Chief, Upcounty Planning, Montgomery County Planning Department
- Katherine Nelson, Planner Coordinator, Montgomery County Planning Department
- Mark Symborski, Planner III, Montgomery County Planning Department

Background

On January 27, 2022, the County Council received a recommendation from the County Executive on a Water and Sewer Category Change request (Mohebbi). The request and Executive recommendation are summarized in the chart above and in the Executive Summary of the Executive Staff Report (see ©6)

The Planning Board's review of these category changes occurred on March 31, 2022. The Council held a public hearing on April 19, 2022.

Category Change Process Overview

The County's Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing category change amendments. DEP coordinates with staff from the Planning Department, WSSC Water, Department of Permitting Services (DPS) and other departments and agencies as needed and includes department/agency staff comments in its Executive Staff Report.

Amendments that are determined by DEP to be consistent with specific Water and Sewer Plan policies (and for which no concerns are raised by the Planning Department, WSSC Water staff, or County Councilmembers) can be approved by the DEP Director through DEP's administrative delegation process. However, DEP does not administratively deny requests. Any requests recommended for denial go through the formal Council review process. The Council's action on each amendment can include: Approval, Conditional Approval, Deferral, or Denial.

Specific Water and Sewer Plan policies and their applicability in particular cases, tend to drive much of the discussion of category change requests before the Council. The Council can review and modify these policies through consideration of text amendments to the Water and Sewer Plan. These text amendments can be done as separate actions or as part of a comprehensive update process. The most recent comprehensive update was approved by the Council in 2018. In early June, the County Executive transmitted his recommended Comprehensive Update. The T&E Committee is scheduled to discuss this update at the same meeting as this category change request.

Council Staff suggests that the policy issues noted later regarding this category change request be discussed in the context of that Comprehensive Update review. At that review, the Committee can consider whether to recommend a change in the applicable Water and Sewer Plan Policy or perhaps whether to pursue a limited Master Plan amendment to address this and perhaps other Water and Sewer issues in the Potomac Subregion Master Plan area. **Council Staff recommends that the Committee table this category change request pending that policy review.**

State Approval

All amendments to the County’s Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE) per Section 9-507 of the Environment Article. Therefore, amendment approvals by the Council are considered preliminary until MDE action.

Planning Board Review

The Planning Board reviews all Water and Sewer Plan amendments and transmits formal recommendations to the Council. Per Section 9-506 of the Environmental Article, “The county planning agency shall certify that the plan, revision, or amendment is consistent with the county comprehensive plan...” The Planning Board discussed the current category change request on March 31, 2022 and recommended denial of the request since the request is not consistent with the Potomac Subregion Master Plan nor current Water and Sewer Plan policies. The Planning Board’s letter to the Council is attached on ©15. The Planning Department Staff Memorandum is attached on ©16-20.

Public Hearing and Correspondence

At the public hearing, the applicant noted the problems he has experienced with the septic system over the last couple of years; with multiple replacement of the pumping system and that sewer is available nearby.

The West Montgomery County Citizens Association submitted correspondence (see ©25-26) recommending denial of the request based on current policies and to protect Sandy Branch from higher density and larger scale development.

Discussion

| # | Applicant | Request | CE Recommendation | Planning Board | Council Staff | CE Staff Report | |
|---|------------------------------------|--|--|----------------|--|-----------------|------|
| | | | | | | Text | Maps |
| 1 | WSSCR 21-TRV-03A: David Mohebbi | Requesting public sewer (S-6 to S-3) to serve an existing single-family home | Defer action on this request pending further review of the policy justification. NOTE: The request is not consistent with current Master Plan recommendations and Water and Sewer Plan policies. | Deny | Table pending action on the Ten Year Plan Update | ©9-10 | ©11 |

NOTE: Page numbers refer to the attachment pages of the Council Staff Report.

This request involves a 5.17-acre RE-2 zoned property located on Centurion Way near McCrossin Lane and Travilah Road in Potomac. The applicant is seeking public sewer (S-3) to serve an existing single-family home.²

² As noted earlier, the applicant testified at the public hearing about septic system problems he has experienced. However, at this time, the Department of Permitting Services (DPS) has not confirmed that the applicant’s system has

As shown on the map on ©11, the lot is oddly shaped, with the existing home located immediately north of the Centurion Way cul-de-sac. The existing sand-mound septic system is located on the southern portion of the property (connected by a narrow pipestem to the northern portion of the property) adjacent to the Centurion Way roundabout.

WSSCWater has identified two alternatives for providing sewer to the site:

- A 70 foot low-pressure sewer extension to the end of the roundabout from the end of the current low-pressure sewer on Centurion Way. This extension would only serve the subject property.
- A 900 foot low-pressure sewer extension to the end of the cul-de-sac from the end of the current low-pressure sewer on Centurion Way. This extension would abut four additional properties.

The County's Water and Sewer Plan provides limited exceptions for consideration for service outside the planned sewer envelope. For residential properties, these exceptions include addressing failed septic systems, connecting to an abutting main, and, in the Potomac Subregion Masterplan area, allowing properties on the edge of the planned service area (peripheral sewer policy) to connect under certain conditions.

A main does not abut the property. With regard to the septic system, as noted earlier, the applicant testified at the public hearing about septic system problems he has experienced. However, at this time, the Department of Permitting Services (DPS) has not confirmed that the applicant's system has failed. If the system were determined to have failed, approval of public sewer under the Water and Sewer Plan's "documented public health problem" policy could be considered.

The subject property is adjacent to the planned public sewer envelope. However, the Potomac Subregion Master Plan's Peripheral Sewer Service Policy (see ©12) explicitly excludes properties such as this which are adjacent to and in the vicinity of the Palatine subdivision.

According to the Executive Staff Report (see ©9), the Master Plan's policy exclusion for areas around the Palatine subdivision "was based on WSSCWater's evaluation that the low-pressure sewerage (LPS) system serving the Palatine subdivision could not accept any additional sewer service connections." Recent improvements have been made to parts of the LPS system and WSSCWater now notes that some additional capacity may be available to properties "at the periphery of the Palatine LPS system."

DEP staff have noted that there are 31 properties around the Paltine subdivision which are adjacent to or confront the planned sewer envelope which would be eligible for approval if the Peripheral Sewer Service Policy exclusion for the Palatine subdivision were removed. Of these, 22 properties would have direct access via public rights of way. However, most of the 31 properties

failed. If the system was determined to have failed, approval of public sewer under the Water and Sewer Plan's "documented public health problem" policy could be considered.

would require long low-pressure sewer (LPS) extensions (between 1,400 and 5,200 feet).³ If these sewer extensions were ultimately built, an additional 36 properties could also be eligible for approval via the abutting mains policy.

The Executive recommends deferral of the request pending a re-evaluation of the technical limitations of the Palatine LPS system.

Council Staff recommends that the Potomac Peripheral Sewer Service Policy exclusion for this area be discussed as part of the Comprehensive Update to the Ten-Year Plan and that this category change request be revisited after that review. As noted earlier, the Committee can consider whether to recommend a change in the Water and Sewer Plan or perhaps whether to pursue a limited Master Plan amendment to address this and other Water and Sewer issues in the Potomac Subregion Master Plan area.

Attachments

³ Applicants seeking public water/sewer service are required to pay the extension costs

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: County Council

SUBJECT: Ten-Year Comprehensive Water Supply and Sewerage Systems Plan, 2022-2031

Background

1. Section 9-501 et seq. of the Health-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 on a triennial basis comprehensively review its Plan.
2. 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.
3. The County Council has from time to time amended the Plan.
4. On June 2, 2022, the County Executive submitted the Recommended Montgomery County 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan.
5. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission staff, and affected municipalities.
6. A public hearing was held.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The County Executive's Recommended Montgomery County 2022-2031 Comprehensive Water Supply and Sewerage Systems Plan is approved with the following changes, as shown in the attachments to this resolution.

This is a correct copy of Council action.

Judy Rupp
Clerk of the Council




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

January 27, 2022

TO: Gabe Albornoz, President
Montgomery County Council

FROM: Marc Elrich, 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 Environment 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 one proposed amendment to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing this amendment are included in the attached staff report. The amendment is a request for an individual water/sewer service area category change.

My recommendation for this amendment is 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. The request is summarized below.

WSSCR 21-TRV-03A (David Mohebbi)

The applicant has proposed the provision of public sewer service for an existing residential lot along Centurion Way in Potomac, Maryland. The approval of public sewer service for the property requested is not consistent with Water and Sewer Plan sewer service policies or with 2002 Potomac Subregion Master Plan recommendations. This location is outside of the planned public sewer envelope in the Palatine of Potomac subdivision. The Potomac peripheral sewer service policy can allow for the consideration of public sewer service for some properties at the edge of the planned sewer envelope. However, properties at the edge of the Palatine subdivision are excluded from qualifying under this policy.

The Palatine area exclusion in this policy was based largely on the sewer capacity limitations in the low-pressure sewerage system serving the subdivision. Yet WSSC Water's evaluation of this Transmittal of and Recommendations on Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan request indicates that recent improvements to the

January 27, 2022
Page 2 of 2

Palatine sewerage system may have relieved that constraint, at least in the vicinity of this property. Therefore, I have recommended deferral of this request while DEP researches this issue with WSSC Water and M-NCPPC to determine whether a revision to the current policy restriction should be considered.

Staff from the Department of Environmental Protection, Intergovernmental Affairs Division, will be available for and participate in upcoming committee and full Council work sessions.

ME:as

Enclosure

cc: Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment
Robert McCord, Secretary, Maryland Department of Planning
Casey Anderson, Chair, Montgomery County Planning Board
Carla Reid, General Manager, Washington Suburban Sanitary Commission
Adriana Hochberg, Acting Director, Department of Environmental Protection
Mitra Pedoeem, Director, Department of Permitting Services

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan

County Executive's October 2021 Amendment Transmittal to the County Council

One Service Area Category Change Request

**Prepared by
The Department of Environmental Protection
Adriana Hochberg, Acting Director
Steve Shofar, Chief, Intergovernmental Affairs Division
Alan Soukup, Senior Planner, IGAD, Water Supply & Wastewater Unit
George Dizelos, Planner III, IGAD, Water Supply & Wastewater Unit**

**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**

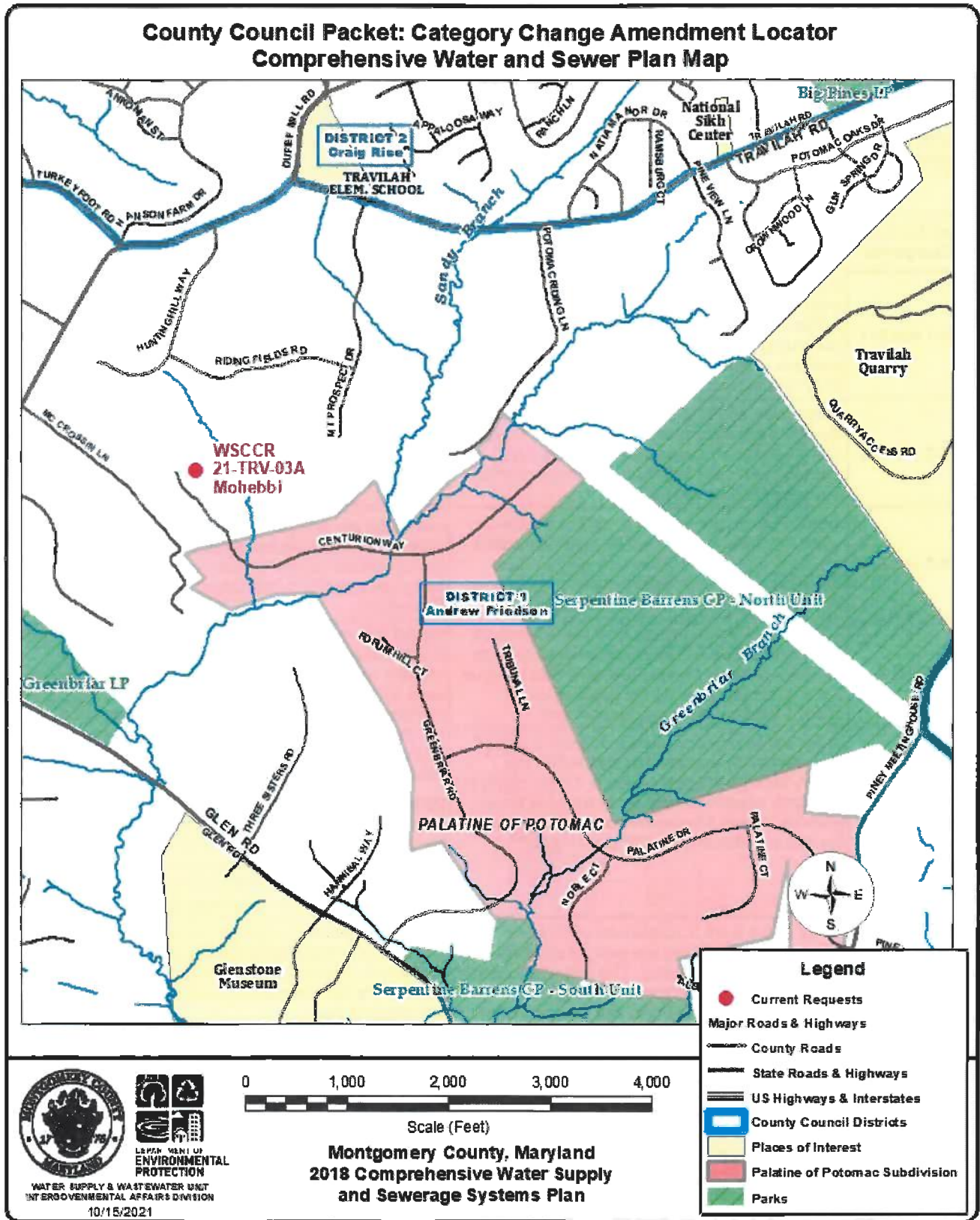
Packet Table of Contents

| | |
|---|------------|
| Executive Summary | Pg. 1 |
| Category Change Amendment Locator Maps | Pg. 2 |
| Water/Sewer Service Area Category Information | Pg. 3 |
| Category Change Requests | Pgs. 4 - 6 |
| Water and Sewer Plan Policy Excerpts: | |
| • Potomac Area RE-1 and RE-2-Zoned Properties (Appendix C, Section II.M): | Pgs. 7 - 9 |

Executive Summary: Proposed Amendments and Recommendation

| Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use | Requested Category Change | Summary of Executive Recommendations & Policy Discussions | Packet Page No. |
|--|--|--|---|
| [1] WSCCR 21-TRV-03A: David Mohebbi | | | |
| <ul style="list-style-type: none"> • 11905 Centurion Way, Potomac • RE-2 Zone; 5.17 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • <u>Proposed use</u>: sewer service for the existing single-family house. | <ul style="list-style-type: none"> W-1 (no change) S-6 to S-3 | Sewer service is inconsistent with master plan recommendations and with Water and Sewer Plan general sewer service policies. However, the policy justification on which this is based may require reconsideration. Defer action on this request for category S-3. | Report: Pgs. 4-5 Maps: Pg. 6 |

See Executive Staff Reports for the recommendation and full policy discussion for each requested amendment.



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. <ul style="list-style-type: none"> 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 | 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.) | 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-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. <ul style="list-style-type: none"> 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.

Request [1]

WSSCR 21-TRV-03A: David Mohebbi

County Executive's Recommendation: Defer a decision on this request for category S-3, pending a reconsideration by DEP, WSSC Water, and M-NCPPC of the Palatine area sewer service restriction under the Potomac peripheral sewer service policy.

| <p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 11905 Centurion Way, Potomac • Lot 3, Parcel N188, Sutton's Addition to Palatine (acct. no. 03639933) • Map tile: WSSC – 217NW12; MD –ER51 • East side of Centurion Way, 2,050 feet from the intersection with Greenbriar Rd. • RE-2 Zone; 5.17 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Single-family home <u>Proposed use:</u> Single-family home to remain | <p>Applicant's Request: Service Area Categories & Justification</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing –</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested –</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (no change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"This property is unique and it's land is divided in two sections. One is where the house is located, and the other land is where the sand mound septic field is located. During 2019 WSSC ran a sewer line all the way down Centurion to the front of our neighbor's house at 11832 Centurion, which is very close to the section of our land where our septic mound is. We applied to WSSC to have our property connect to that line. They are processing our application and they have asked us to apply to Montgomery County for a category change so they can move forward. WSSC will run the line the short distance to the edge of our land and our plumbing contractor will run the lines inside the property and install the required grinder and pumps. My wife and I would really appreciate your help in this matter."</p> | Existing – | Requested – | Service Area Categories | W-1 | W-1 (no change) | | S-6 | S-3 | |
|---|---|-------------------------|-------------|-------------------------|-----|-----------------|--|-----|-----|--|
| Existing – | Requested – | Service Area Categories | | | | | | | | |
| W-1 | W-1 (no change) | | | | | | | | | |
| S-6 | S-3 | | | | | | | | | |

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to allow for the provision of public sewer service for an existing single-family house. The lot totals 5.17 acres in size and is zoned RE-2. The configuration of the lot is unusual. It consists of two areas connected by a flag stem; one area is the for the house and the other is for the sand mound septic system (see the map on page 6).

Neither the sewer service recommendations in the 2002 Potomac Subregion Master Plan nor the sewer service policies in the 2018 Water and Sewer Plan support the provision of public sewer service for this RE-2-zoned property. Although the site is adjacent to the planned public sewer envelope, the envelope in this area is for the Palatine of Potomac subdivision. The Potomac peripheral sewer service policy does not apply to those properties around the Palatine subdivision (see pages 7 – 9).

This restriction was based on WSSC Water's evaluation that the low-pressure sewerage (LPS) system serving the Palatine subdivision could not accept any additional sewer service connections. The LPS system was carefully designed and balanced for the number of homes in the subdivision, each with a grinder pump feeding into the system, and the lengths and diameter of the low-pressure pipes.

Recently, however, improvements were made to parts of the Palatine LPS system, including increasing the diameter of some low-pressure mains. WSSC Water's report on this request indicates that some additional capacity may be available to properties at the periphery of the Palatine LPS system, such as the subject property. DEP proposes to research the technical issues with WSSC Water and, if a revision to the peripheral sewer is warranted, coordinate sewer service recommendations from the master plan with M-NCPPC.

Executive staff find that this request for category S-3 is currently inconsistent with both Water and Sewer Plan service policies and with master plan recommendations. The request is recommended for deferral pending a re-evaluation of the technical limitations of the Palatine LPS system upon which a restriction to the Potomac peripheral sewer service policy is based.

Agency Review Comments

DPS – Well & Septic

This property has a permitted septic system for 5 bedrooms and an approved septic reserve area for the use of sand mound systems.

M-NCPPC – Planning Dept.

This 5.17-acre existing house lot was built using public water service and a sand mound septic system. The entire RE-2-zoned Sutton Property Subdivision (120060710) was built using this method. The water and sewer plan generally excludes this and other low density zones from access to the public sewer system. In addition, although part of the proposed lot is adjacent to the Palatine subdivision which was built using a pressure sewer system, the 2002 Potomac Subregion Master Plan excludes this part of the sewer envelope from the peripheral service policy which, in other locations, allows limited extensions.

This property is not eligible for access to public sewer service.

M-NCPPC – Parks Planning

No park impacts.

WSSC – Water: *(not requested)*

WSSC – Sewer:

Basin: Watts Branch

There are two alternatives for sewer service to this property:

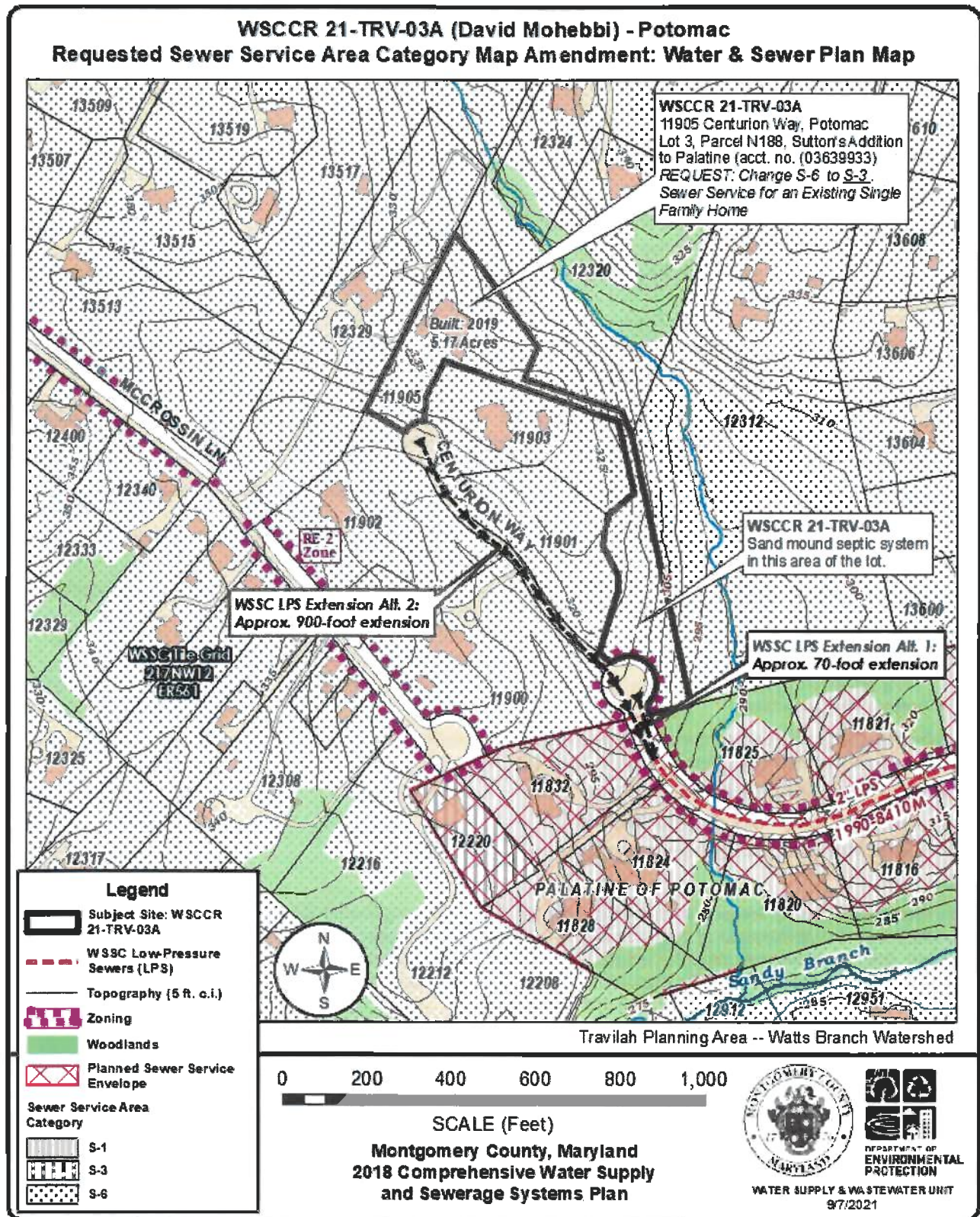
- The first alternative would be to build approximately 70 feet of low-pressure sewer extension to the end of the roundabout from the end of the ex. 2.5 -inch diameter LPS in Centurion Way (contract no.16-6162A). This option would only connect the applicant's property.
- The second alternative would be to build approximately 900 feet of low-pressure sewer extension to the end of the cul-de sac from the end of the ex. 2.5 - inch diameter LPS in Centurion Way (contract no. 16-6162A). This would connect the 5 lots including the applicant's property.

Pumping within the new subdivision may be required. Easements might be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley.

Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3).

Downstream system upgrade might be required.

Interceptor capacity is adequate. Treatment capacity is adequate.

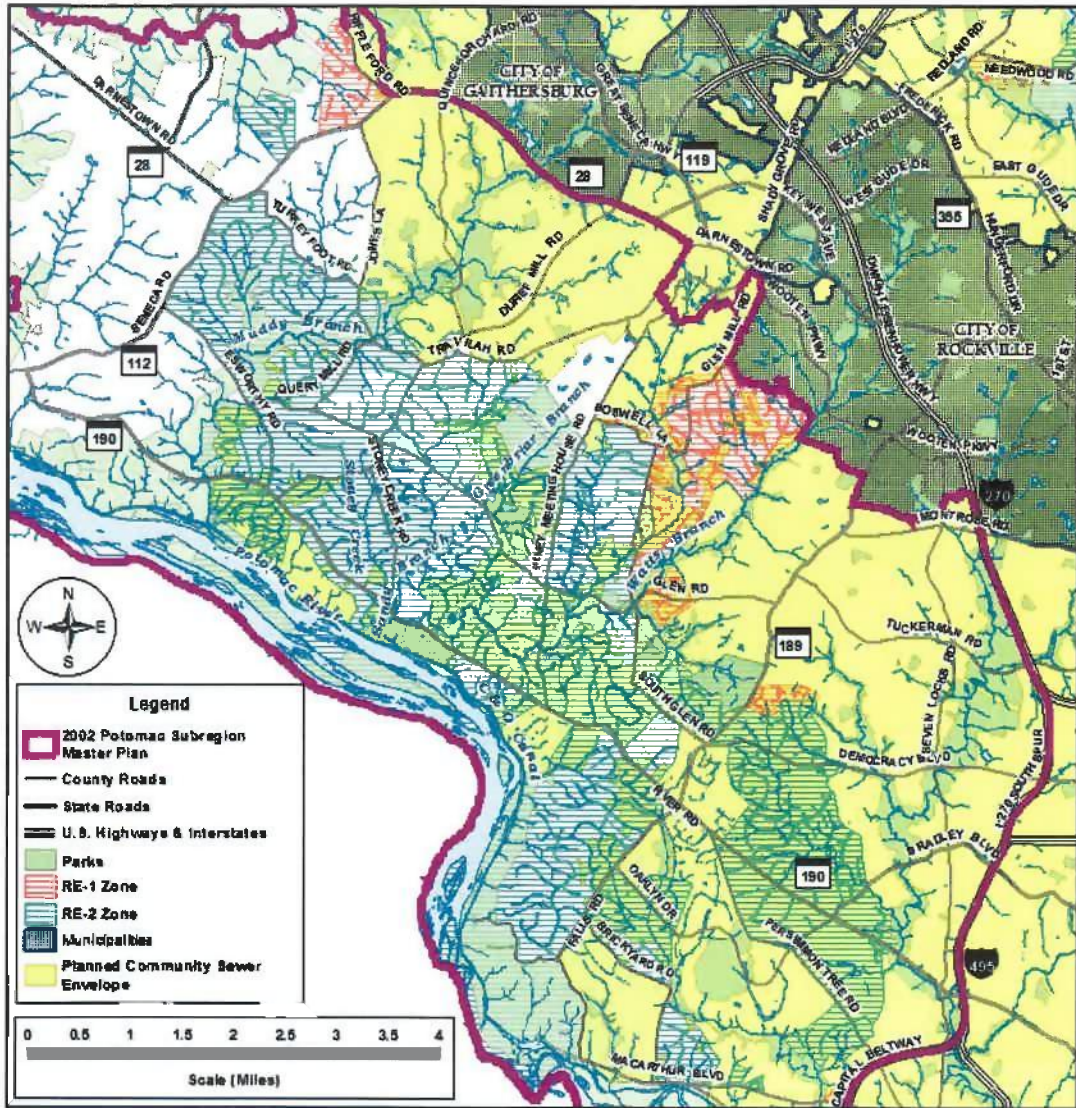


Packet Appendix: Related 2018 Water and Sewer Plan Service Policies

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| <p>Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties</p> <p>County Council Actions: Adopted October 2, 2018 (CR 15-396)</p> <p>II. SPECIFIC SERVICE AREAS</p> <p>The following sections identify and explain the areas in the county where exceptional water and/or sewer service policies apply.</p> <p>II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES</p> <p>Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan</p> <p><u>Subject Area:</u> Properties zoned RE-1 or RE-2-at the edge or “periphery” of the master plan’s recommended community sewer service envelope</p> <p><u>Service Recommendation & Comments:</u> The master plan’s recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan’s general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be <i>considered</i> for community sewer service on a case-by-case basis. In such cases:</p> <ul style="list-style-type: none">• The property under consideration must abut or confront another property within the master plan’s designated sewer service envelope.• The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas. <p>In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.</p> <ul style="list-style-type: none">• Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.• The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions <p>Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):</p> <ul style="list-style-type: none">• The Piney Branch subwatershed• The Palatine of Potomac neighborhood• The Greenbriar Estates neighborhoods. <p>The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Brach watershed.</p> |
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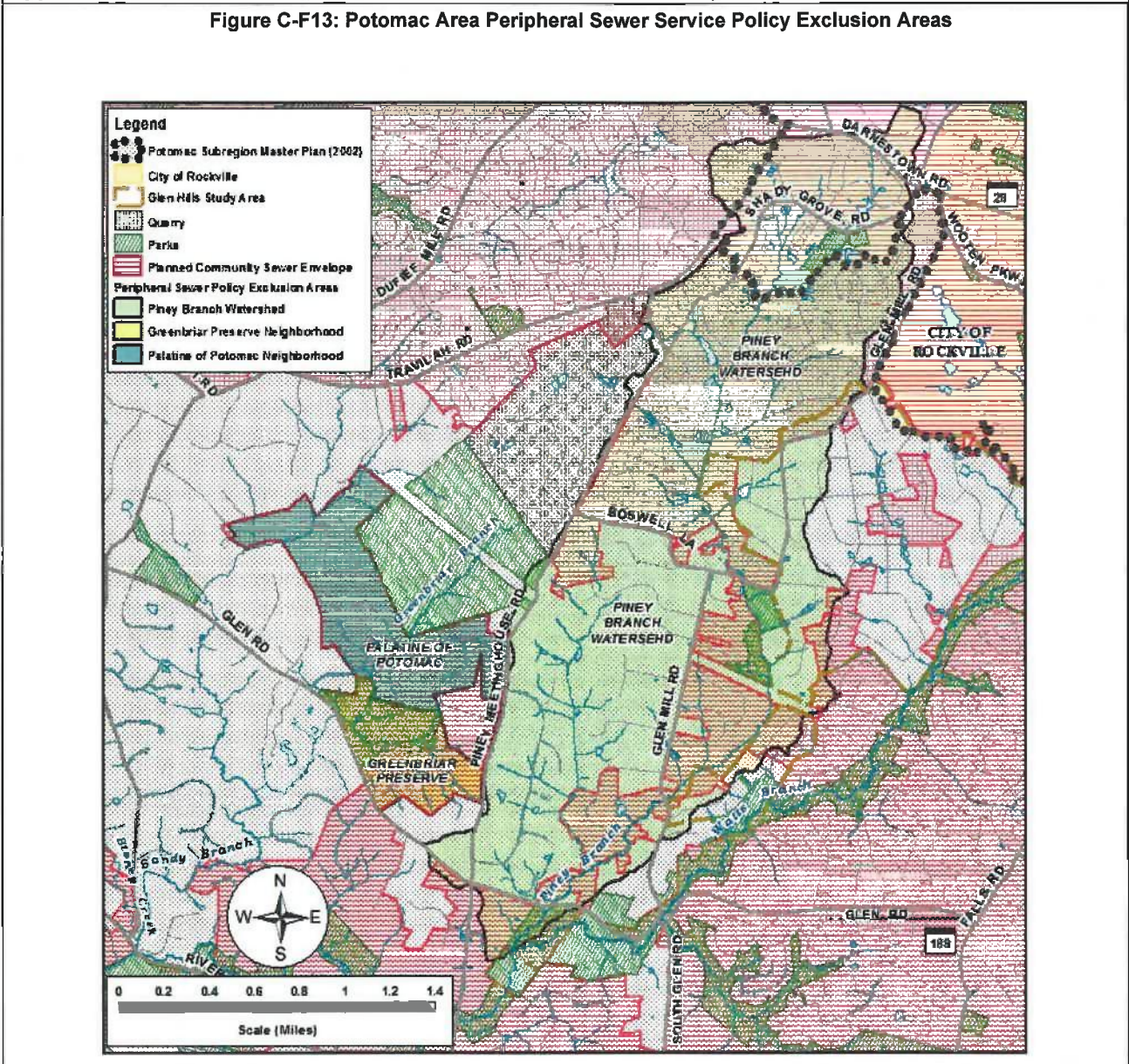
Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

Figure C-F12: Potomac Area Community Sewer Envelope and RE-1 and RE-1 Zones



Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

Figure C-F13: Potomac Area Peripheral Sewer Service Policy Exclusion Areas



April 5, 2022

The Honorable Gabe Albornoz

President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan: Sewer Category Change Request – October 2021 Amendment Cycle*

Dear Mr. Albornoz:

At its regular meeting on March 31, 2022, the Planning Board reviewed this request from the County Council for a sewer category change. I am pleased to transmit to the Council the Planning Board's recommendations for this request.

WSSCR 21-TRV-03A: David Mohebbi

The Water and Sewer Plan generally excludes this and other low-density zones from access to the public sewer system. In addition, although part of the proposed lot is adjacent to the Palatine subdivision which was built using a pressure sewer system, the 2002 *Potomac Subregion Master Plan* excludes this part of the sewer envelope from the peripheral service policy which, in other locations, allows limited extensions under certain conditions. The Planning Board concluded that this property is *not* eligible for access to public sewer service.

Regarding the Executive's deferral recommendation, the 2002 *Potomac Subregion Master Plan* defined several areas that were excluded from the peripheral service policy. Only one of them – Glen Hills – was meant to be studied in the future to develop a more defined sewer policy. The Board does not support deferral for further study of this area, as this area was clearly intended to be excluded from sewer service per the 2002 *Potomac Subregion Master Plan*.

The Planning Board appreciates the opportunity to review and provide recommendations for this request. Should you have further questions, you may contact Katherine Nelson of the Upcounty Planning Team at 301 495-4622 or katherine.nelson@montgomeryplanning.org.

Sincerely,



Casey Anderson
Chair

cc: Keith Levchenko, Montgomery County Council
Alan Soukup Department of Environmental Protection
Katherine Nelson, Planning Department, Upcounty Planning
James Parsons, M-NCPPC, Office of the General Counsel

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY
AND SEWERAGE SYSTEMS PLAN – OCTOBER 2021 GROUP
ONE COUNTY COUNCIL CASE**

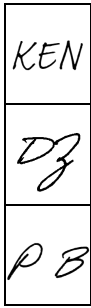
Description

The Planning Board is required by State law to make a Master Plan and Water and Sewer Plan conformance determination on this Water Sewer Category Change Request.

COMPLETED: 3-24-2022

MCPB
Item No. 9
March 31, 2022

2425 Reedie Drive
Floor 14
Wheaton, MD 20902



Katherine Nelson, Planner Coordinator, Katherine.Nelson@montgomeryplanning.org, 301-495-4622

Don Zeigler, Supervisor, Upcounty Planning, Donnell.Zeigler@montgomeryplanning.org, 301-495-4511

Patrick Butler, Chief, Upcounty Planning, Patrick.Butler@montgomeryplanning.org, 301-495-4561

LOCATION:

Potomac, Maryland

MASTER PLANS

2002 Potomac Subregion Master Plan

PROPERTY SIZE

5.17 acres

APPLICATION

October 2021 County Council Sewer Category Change Request

ACCEPTANCE DATE:

February 12, 2022

REVIEW BASIS:

Section 9-506(a)(1-2)(ii)
Maryland Annotated Code, Environment



Summary

- The Planning Board is required by State law to make a Master Plan conformance determination for all Water and Sewer Category Change Requests.
- The Planning Board’s recommendation will be transmitted to the County Council for final action.
- The Planning Staff recommendation of denial is based on existing Master Plan policies. The Executive Staff recommendation of deferral is based on the potential to change Water and Sewer Plan, and thus, Master Plan policies (see Attachment A).

SECTION I

SUMMARY

The Planning Board is required by State law to make a Master Plan conformance determination on every Water and Sewer Category Change Request (WSSCR).

The Planning Board's recommendation will be transmitted to the County Council for their consideration prior to final action. Information and maps of zoning, existing and proposed use, and recommendations from other agencies are shown in the attached packet from the County Executive (Attachment A). Planning Staff is recommending denial of this request, while the County Executive Staff is recommending deferral.

SECTION II

RECOMMENDATIONS

WSSCR 21-TRV-03A: David Mohebbi

This 5.17-acre existing house lot was built using public water service and a sand mound septic system. The entire RE-2-zoned Sutton Property Subdivision (120060710) was built using this method. The water and sewer plan generally excludes this and other low-density zones from access to the public sewer system. In addition, although part of the proposed lot is adjacent to the Palatine subdivision which was built using a pressure sewer system, the 2002 *Potomac Subregion Master Plan* excludes this part of the sewer envelope from the peripheral service policy which, in other locations, allows limited extensions. (see Figure 2) Therefore, this property is not eligible for access to public sewer service.

Staff Recommendation: Deny S-3

The County Executive also finds this application to be inconsistent with Water and Sewer Plan service policies or with the 2002 *Potomac Subregion Master Plan* recommendations, but the Executive feels that the feasibility of sewer extensions along the Palatine low pressure sewer system should be explored with WSSC prior to making what may be a precedent-setting decision, should the Council approve sewer service. (Figure 1) The Executive recommendation for deferral is intended to allow for the Department of Environmental Protection,

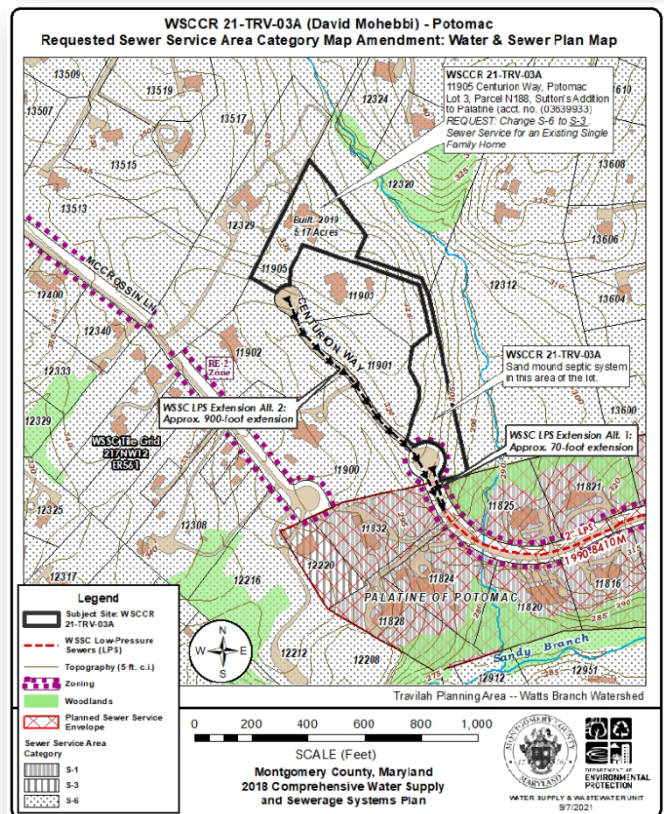


Figure 1 WSSC's proposed low-pressure sewer connection

the Washington Suburban Sanitary Commission and the Planning Department to consider a change to the current policy that excludes sewer extension under the Potomac Peripheral Sewer Policy in the vicinity of the Palatine subdivision. While the Master Plan allows for the limited provision of a peripheral sewer service policy to areas zoned RE-1 and RE-2, within and adjacent to the sewer service envelope, the Master Plan specifically excludes properties adjacent to and in the vicinity of the Palatine subdivision. Therefore, Planning Staff recommends denial of this request.

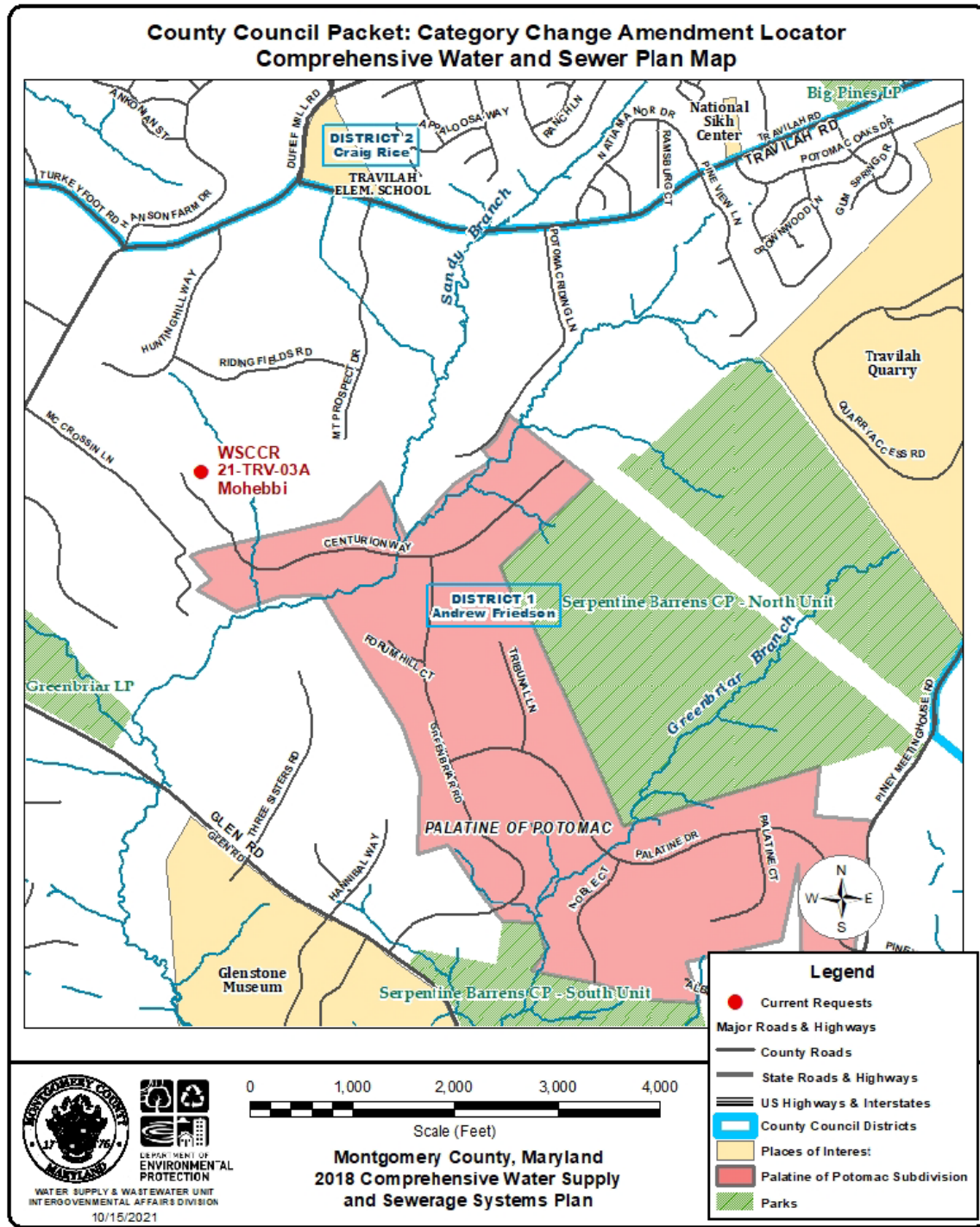


Figure 2 Palatine Low Pressure Sewer Envelope

Next Step

The Planning Board's recommendation will be transmitted to the County Council and presented at their Public Hearing on April 19, 2022. Final action will subsequently be taken by the full Council.

ATTACHMENT

Attachment A – County Council Notice of Public Hearing and Attached Package

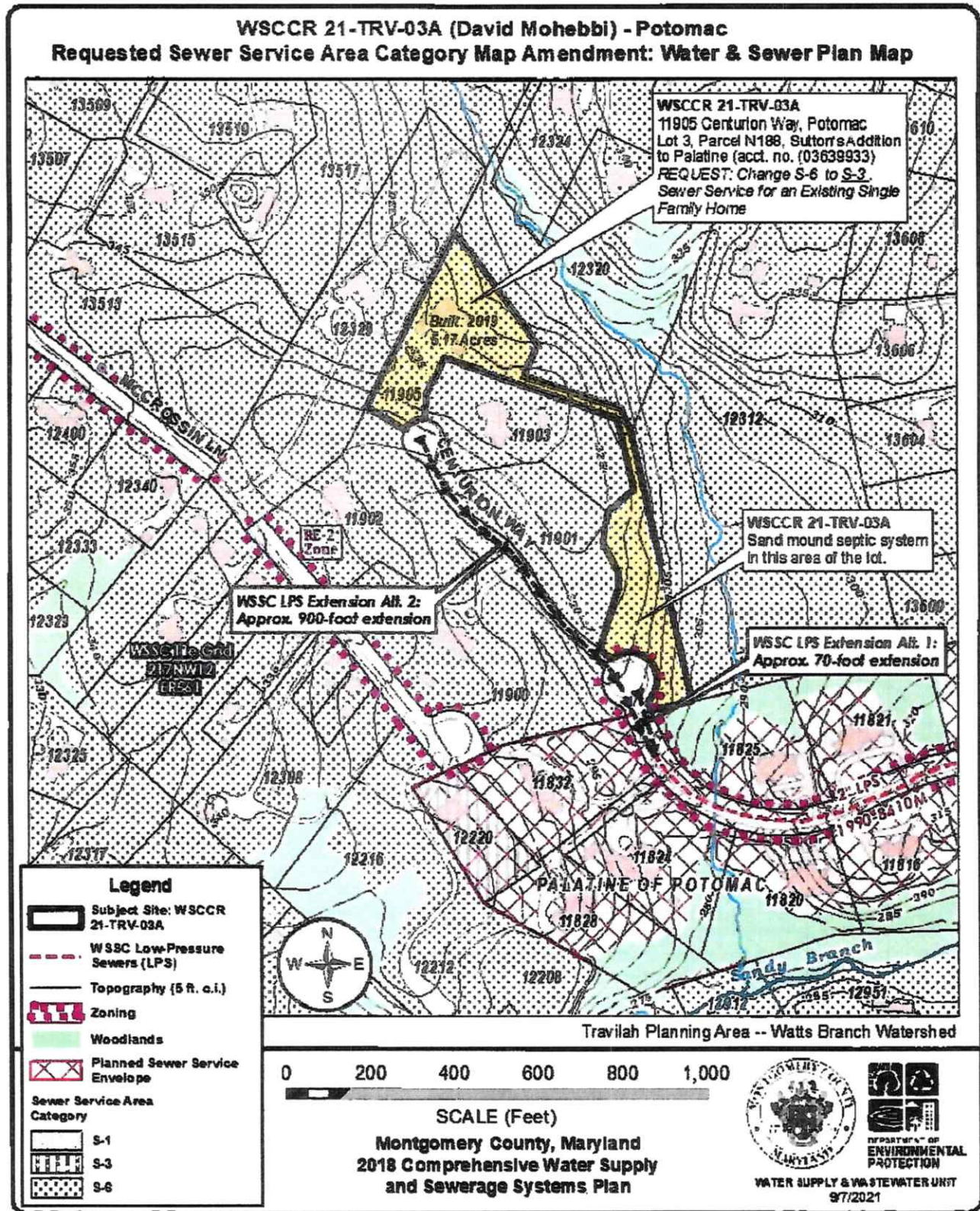
envelope is irregular, established by demand rather than by plan. Voids within the envelope and irregular boundaries along its perimeter abound. Although this Master Plan generally recommends against the continued provision of community sewer service to low-density (RE-1 and RE-2) areas, it does support 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



INVOICE

Simons Backhoe Service

INVOICE NO. 4006
DATE June 11, 2021

TO
David Mohebbi

Insured and licensed #2139
Septic system license #P100498
Mde, Bat certified

| Quantity | DESCRIPTION | Unit price | Line Total |
|----------|--------------------------|------------|------------|
| 1 | Plug | | |
| | Checkout alarm going off | | |
| | PD # 1022 | | |
| | \$ 175.00 | | |
| TOTAL | | | 175.00 |

Thank you for your business

WEST MONTGOMERY COUNTY CITIZENS ASSOCIATION

P.O. Box 59335 • Potomac, Maryland 20854

Founded 1947

May 2, 2022

To: Council President Albornoz and County Councilmembers

From: West Montgomery County Citizens Association

Subject: Deny proposed amendment to the County's Comprehensive Water Supply and Sewerage for request WSCCR 21-TRV-03A (David Mohebbi) at 11905 Centurion Way, Potomac for sewer category S-3

Dear Council President Albornoz and County Councilmembers:

We recommend denial of the request for provision of public sewer service for WSCCR 21-TRV-03A (David Mohebbi). Per the County Executive's letter of January 27, 2022 to the County Council:

"The applicant has proposed the provision of public sewer service for an existing residential lot along Centurion Way in Potomac, Maryland. The approval of public sewer service for the property requested is not consistent with Water and Sewer Plan sewer service policies or with 2002 Potomac Subregion Master Plan recommendations. This location is outside of the planned public sewer envelope in the Palatine of Potomac subdivision. The Potomac peripheral sewer service policy can allow for the consideration of public sewer service for some properties at the edge of the planned sewer envelope. However, properties at the edge of the Palatine subdivision are excluded from qualifying under this policy."

"The Palatine area exclusion in this policy was based largely on the sewer capacity limitations in the low-pressure sewerage system serving the subdivision. Yet WSSC Water's evaluation of this Transmittal of and Recommendations on Proposed Amendments to the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan request indicates that recent improvements to the Palatine sewerage system may have relieved that constraint, at least in the vicinity of this property. Therefore, I have recommended deferral of this request while DEP researches this issue with WSSC Water and M-NCPPC to determine whether a revision to the current policy restriction should be considered."

However, the Ten-Year Comprehensive Water Supply and Sewerage Systems Plan gives no reason for the Palatine area exclusion. Certainly, there was no mention of this exclusion being based largely on the sewer capacity limitations in the low-pressure sewerage system serving the subdivision. A reason to maintain this exclusion is to protect Sandy Branch from higher density and larger scale development resulting in more impervious surfaces, and causing more stormwater runoff that erodes our streams. There has already been extensive erosion along Sandy Branch within the Glenstone property which resulted in a very expensive effort to stabilize the stream bank. Larger structures enabled by public sewer service will only exacerbate the erosion problem in Sandy Branch and possibly blow out work already done at Glenstone. Interpretation of the Water & Sewer Plan must be based on what is in the plan, not after-the-fact, anecdotal hearsay of intent.

This request for a sewer service category change from S-6 to S-3 should be denied based on the Water & Sewer Plan as written.

Sincerely,

Kenneth Bawer
Immediate Past President
West Montgomery County Citizens Association.