

Worksession

MEMORANDUM

June 18, 2025

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 Requests

PURPOSE: To discuss and make recommendations on two category change requests¹

Category Change Requests and Recommendations

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
						Text	Maps
1	WSSCC 24-TRV-04A: Bagheri	Requesting public sewer (S-6 to S-3) to serve a proposed single-family home	Approve S-3 conditioned on WSSCWater's approval of a sewer main extension along a public-right-of-way. A non-abutting connection is not allowed.	Concur with the CE to Conditionally Approve the Request	Concur with the CE to Conditionally Approve the Request	©9-10	©13
2	WSSCC 25-TRV-02A: Lu	Requesting public sewer (S-6 to S-3) to serve a proposed single-family home	Deny the request. Maintain S-6. DPS visited the property on 7/6/23 but did not confirm a failed septic system.	Concur with the CE to Deny the Request	Concur with the CE to Deny the Request	©14-16	©18

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

Expected Participants

Executive Branch Staff

- Amy Stevens, Chief, Watershed Restoration Division, Department of Environmental Protection (DEP)
- Alan Soukup, Senior Planner, Watershed Restoration Division, DEP (Via Zoom)
- Tim Williamson, Planning Specialist, Watershed Restoration Division, DEP

Planning Department

- Patrick Butler, Chief, Upcounty Planning Division, Montgomery Planning
- Don Zeigler, Master Planner Supervisor, Upcounty Planning Division, Montgomery Planning
- Jamey Pratt, Planner III, Upcounty Planning Division, Montgomery Planning

¹ #WaterandSewerPlan and Category Changes

List of Attachments

	<u>Page #</u>
• Draft Council Resolution	©1-2
• County Executive’s Transmittal Letter (dated March 19, 2025)	©3-4
• County Executive Department of Environmental Protection Staff Report	©5-24
○ WSCCR 24-TRV-04: Bagheri	©9-13
○ WSCCR 25-TRV-02A: Lu	©14-18
○ Potomac Subregion Master Plan - Peripheral Sewer Service Policy	©19-21
○ Water and Sewer Plan Peripheral Sewer Service Policy	©22-24
• Public Hearing Notice to M-NCPPC and WSSCWater	©25
• May 6, 2025 Planning Board Memorandum to the Council President	©26
• Planning Department Staff Report for May 1, 2025 Planning Board Meeting	©27-34

Online Resources

- May 7, 2025 Public Hearing Testimony
 - [Written Testimony](#)
 - [Oral testimony](#) (Public hearing starts at 3-hour 16-minute mark)

Background

• On March 19, 2025, the County Council received recommendations from the County Executive regarding two category change requests. The two properties are located across the street from each other on Ridge Drive in the Glen Hills area (see map on ©7).

The Executive’s recommendations for each request are noted in the transmittal letter (see ©3-4). The requests and recommendations are described in further detail in the Executive Staff Report (see ©5-24)

On May 1, 2025, the Planning Board heard testimony, discussed the requests, and concurred with the County Executive’s recommendations on both requests.

Public Hearing

The Council held a public hearing on May 7, 2025. Oral testimony provided at the public hearing can be [viewed here](#) (starting at hour mark 3:16). Written testimony received is [available here](#).

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, WSSCWater, 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, WSSCWater staff, or County Councilmembers) can be approved by the DEP Director through DEP’s administrative delegation process. However, DEP does not administratively deny or defer requests. Any requests recommended for denial or deferral go through the formal Council review process. The Council’s action on each amendment can include Approval, Conditional Approval (i.e. subject to a future action), Deferral, or Denial.

All amendments to the County’s Water and Sewer Plan (such as text amendments and category changes) are subject to approval by the Maryland Department of the Environment (MDE) per Section 9-507 of the Environment Article.

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.²

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 these category change requests on May 1, 2025. The Planning Board’s letter to the Council is attached (see ©26). The Planning Department Staff Report is attached on ©27-34.

The Planning Board’s recommendations are noted in the discussion of each amendment below.

Review of Each Request

#	Applicant	Request	CE Recommendation	Planning Board	CE Staff Report	
					Text	Maps
1	WSSCR 24-TRV-04A: Bagheri	Requesting public sewer (S-6 to S-3) to serve a proposed single-family home	Approve S-3 conditioned on WSSCWater's approval of a sewer main extension along a public-right-of-way. A non-abutting connection is not allowed.	Concur with the CE to Conditionally Approve the Request	©9-10	©13

This request involves a 0.97-acre RE-1 zoned property located at 13211 Ridge Drive in the Glen Hills area within the Potomac Subregion Master Plan (2002). The applicant is seeking public sewer (S-3) to serve a proposed single-family home. The property is currently unimproved.

The Bagheri property is in the Glen Hills Study Area of the 2002 Potomac Subregion Master Plan outside the planned sewer service area. In general sewer service is not supported except in the following circumstances:

- To address a documented septic system failure
- If the property is in a designated special sewer service area
- If a sewer main abuts the property
- If the property is on the edge of the sewer service envelope and meets the requirements of the Potomac Peripheral Sewer Service Policy

The Potomac Peripheral Sewer Service Policy applies in this case as the property abuts the sewer envelope (the adjacent properties immediately to the east are within the planned sewer service envelope).

² The most recent comprehensive update was approved by the Council on October 25, 2022. This update was approved by MDE in March 2023. However, several policy changes included in the comprehensive update were denied by MDE as were a number of category changes which were reliant on those policy changes.

As noted in the Executive Staff Report, WSSCWater has identified two options to extend public water to the property.

- #1: From an existing low-pressure main on Valley Drive: This main currently serves a property abutting the applicant's property immediately to the east. A 50' extension from that main would be needed along with a 290' length pipe through the neighboring property. An easement would be required for that portion of the extension (see site map on ©11 and sewer plan map on ©13).
- #2: From an existing main near the intersection of Watts Branch Drive and Circle Drive along Ridge Drive: A 1,600 footlong extension would be needed. The majority of the extension would be a low-pressure sewer with about 100 feet of gravity sewer. This extension would abut 12 other properties (including the other applicant in this amendment package (Lu, 25-TRV-02A)). A sewer plan map on ©18 presents this potential sewer extension.³ WSSCWater has noted that a hydraulic planning study would be required to determine how to provide service.
 - Two properties (9719 Watts Branch Drive and 13101 Circle Drive) are within the Planned Sewer Service envelope and are served by public sewer.
 - Two properties that would abut the new main have been approved for sewer but are not yet served.
 - 13113 Ridge Dr approved due to a public health hazard.
 - 12911 Ridge Dr approved via the abutting mains policy (as it is catty-corner to the main at the intersection of Circle Dr and Watts Branch Dr.)
 - Three properties are already eligible for consideration for public sewer under the Peripheral Sewer Service Policy. Like the Bagheri property, they abut the planned sewer service envelope.
 - Five other properties along Ridge Drive (including the Lu property) are currently not eligible for sewer service but would abut this main if extended to the Bagheri property and would therefore become eligible under the abutting mains policy.

The Executive recommends approval of S-3 conditioned upon WSSCWater approval of an extension following the public right of way (i.e. Option #2 above only). The Executive's transmittal letter notes that "a non-abutting connection through the intervening property (Option #1) is not allowed" (under the Peripheral Sewer Service Policy). The Planning Board concurred with the Executive recommendation.

Council Staff concurs with the County Executive and Planning Board to approve S-3.

The key issue is whether to require the applicant to utilize the public right-of-way extension from Watts Branch Drive and Circle Drive along Ridge Drive (as the County Executive and Planning Board recommend) or to allow the applicant to pursue an easement with their neighbor to the east to connect via a much shorter extension along Valley Drive.

The Peripheral Sewer Service Policy (see ©22) notes that

"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."

³ This potential extension was identified in the context of the Glen Hills Study. For more information on the study please see the [Glen Hills Study area webpage](#) on the DEP website.

Although not as authoritative as the Executive’s transmittal letter suggests, this statement supports utilizing extensions in existing public rights-of-way and avoiding non-abutting connections/easements

However, the Policy also states:

“The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions.”

The non-abutting connection/easement would avoid the creation of additional abutting properties to the new main extension.

Given these two statements conflict in this case, Council Staff believes the Council has some approval flexibility regarding either extension.

Council Staff recommends supporting the County Executive and Planning Board recommendations to condition approval of S-3 on WSSCWater’s approval of the extension from Watts Branch Drive and Circle Drive along Ridge Drive. While this alignment would abut some additional properties which are currently not eligible for service (including the other category change request in this package; Lu) it would also abut several properties that are already eligible under the Peripheral Sewer Service Policy as well as two properties that are already approved for sewer service, including a public health case, but which have not connected yet. Thus, this extension would address immediate needs and likely future needs as well.

#	Applicant	Request	CE Recommendation	Planning Board	CE Staff Report	
					Text	Maps
2	WSSCCR 25-TRV-02A: Lu	Requesting public sewer (S-6 to S-3) to serve a proposed single-family home	Deny the request. Maintain S-6. DPS visited the property on 7/6/23 but did not confirm a failed septic system.	Concur with the CE to Deny the Request	©14-16	©18

This request involves a 1-acre RE-1 zoned property located at 13208 Ridge Drive in the Glen Hills area within the Potomac Subregion Master Plan (2002). The applicant is seeking public sewer (S-3) to serve a proposed single-family home. The property is currently unimproved.

As noted in the Executive Staff Report, WSSCWater has identified one potential option to extend public water to the property: From an existing main near the intersection of Watts Branch Drive and Circle Drive: A 1,600 footlong extension (Option #2 in the Bagheri request) would be needed. This extension would abut 11 other properties and could also potentially serve the other applicant in this amendment package (Bagheri, 24-TRV-04A). However, further hydraulic analysis would be needed to determine whether this option is feasible.

As with the prior case, this property is located in the Glen Hills Study Area of the 2002 Potomac Subregion Master Plan. In general sewer service is not supported in this area except in the following circumstances:

- To address a documented septic system failure
- If the property is in a designated special sewer service area
- If a sewer main abuts the property

- If the property is on the edge of the sewer service envelope and meets the requirements of the Potomac Peripheral Sewer Service Policy

None of the criteria above apply in this case. NOTE: Unlike the prior case, the Potomac Peripheral Sewer Service Policy does not apply in this case as the property does not confront or abut any properties within the planned sewer service envelope).

The Executive recommends denial of this request as it is inconsistent with the Potomac Subregion Master Plan and the Water and Sewer Plan. The Planning Board concurs, as does Council Staff.

NOTE: If the Bagheri request were to be approved conditioned upon the use of an extension from Watts Branch Drive and Circle Drive along Ridge Drive (as recommended by the Executive, Planning Board, and Council Staff), then if and when the extension is built, the Lu property would abut the new main and be eligible for a sewer connection under the Abutting Mains Policy.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 60 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 45 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On March 19, 2025, the County Council received recommendations from the County Executive on two Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on XXXX. The County Council notified affected State and local agencies of the public hearing on XXXX. The County Council published a public notice for the hearing in The Daily Record on XXXX.
8. The County Council's Transportation and Environment Committee held a worksession on XXXX.

Action

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

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

March 19, 2025

TO: Kate Stewart, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Transmittal of and Recommendations on Two 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 two proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing the amendments are included in the attached staff report. The amendments are requests for two individual water/sewer service area category changes for properties on Ridge Drive in Glen Hills.

My recommendation for this amendment is consistent with the adopted policies and guidelines included in the Water and Sewer Plan and is consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that the category change cases have the potential to generate public testimony and work session discussions. The request is summarized as follows:

WSCCR 24-TRV-04A (Bagheri)

The applicant requests a sewer category change from S-6 (private onsite systems) to S-3 (public sewer service) to allow for the development of the unimproved lot with a single-family home. The applicant proposes a non-abutting connection to the main on Valley Drive, via an easement granted for an intervening property. The property abuts the planned sewer service envelope at the rear of the lot.

I recommend conditional approval of 24-TRV-04A pending a sewer main extension through the public rights-of-way only. A non-abutting connection through the intervening property is not allowed. This recommendation is based on the conditions for the Potomac Peripheral Service Policy in the 2002 Potomac Subregion Master Plan that allows for the consideration of public sewer service outside the planned public sewer envelope for properties that abut that envelope. The rear of this lot abuts the envelope and therefore public service is justified, but only through a public right-of-way.

WSCCR 25-TRV-02A (Lu)

As in the prior case, the applicant for 25-TRV-02A requests a sewer category change from S-6 (private onsite systems) to S-3 (public sewer service) to allow for the development of the unimproved lot with a single-family home.

The property does not abut the planned sewer service envelope, nor does it abut any sewer mains that could provide service. There is no policy justification for the category change. I recommend denial of the request, 25-TRV-02A for the S-3 category; the S-6 category should be maintained. If local conditions change, such as the completion of an abutting sewer main extension, the applicant may re-apply for a sewer category change in the future.

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

ME:tw

Attachment

- c: Lee Currey, Director, Water and Science Administration, Maryland Department of the Environment
- Rebecca L. Flora, Secretary, Maryland Department of Planning
- Artie Harris, Chair, Montgomery County Planning Board
- Kishia Powell, General Manager, Washington Suburban Sanitary Commission
- Jon Monger, Director, Department of Environmental Protection
- Rabbiah Sabbakhan, Director, Department of Permitting Services

Montgomery County 2025 Comprehensive Water Supply and Sewerage Systems Plan

County Executive's March 2025 Amendment Transmittal to the County Council

2 Service Area Category Change Requests

Prepared by The Department of Environmental Protection

Jon Monger, Director

Jeffery Seltzer, Deputy Director

Amy Stevens, Chief, Watershed Restoration Division

Alan Soukup, Senior Planner, WRD, Water Supply & Wastewater Unit

Tim Williamson, Planner III, WRD, 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

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**County Executive's Spring 2025 Transmittal Packet****FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests**

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2002 Potomac Subregion Master Plan Excerpt – Potomac Peripheral Sewer Service Policy	Pg. 14
Water and Sewer Plan Policy Excerpts:	
• Potomac Area RE-1 and RE-2-Zoned Properties (Appendix C, Section II.M):.....	Pg. 17

Executive Summary: Proposed Service Area Category Amendments and Recommendations

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Pages. 4-8
WSSCR 24-TRV-04A: Abdollah Bagheri			
<ul style="list-style-type: none"> • 13211 Ridge Dr, Rockville, MD 20850 • RE1 Zone; 0.97 acre. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use IP) • <u>Proposed use</u>: One Single Family Home 	W-3 to No change S-6 to S-3	Approve S-3 conditioned on WSSC's approval of a sewer main extension along a public-right-of-way. A non-abutting connection is not allowed. Proposed public sewer service via a non-abutting connection is not consistent with Water and Sewer Plan service policies and master plan recommendations.	Report: Pgs. 4-5 Map: Pgs. 6-8
Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Pages 9-13
WSSCR 25-TRV-02A: Keh-Ming Lu			
<ul style="list-style-type: none"> • 13208 Ridge Dr, Rockville, MD 20850 • RE1 Zone; 1 acre. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use IP) • <u>Proposed use</u>: One Single Family Home 	W-3 to No change S-6 to S-3	Deny the request for sewer category S-3; maintain S-6. Proposed public sewer service is not consistent with Water and Sewer Plan service policies and master plan recommendations.	Report: Pgs. 9-11 Maps: Pg. 12-13

See Executive Staff Reports for recommendations, policy discussions, and agency comments for each proposed amendment.

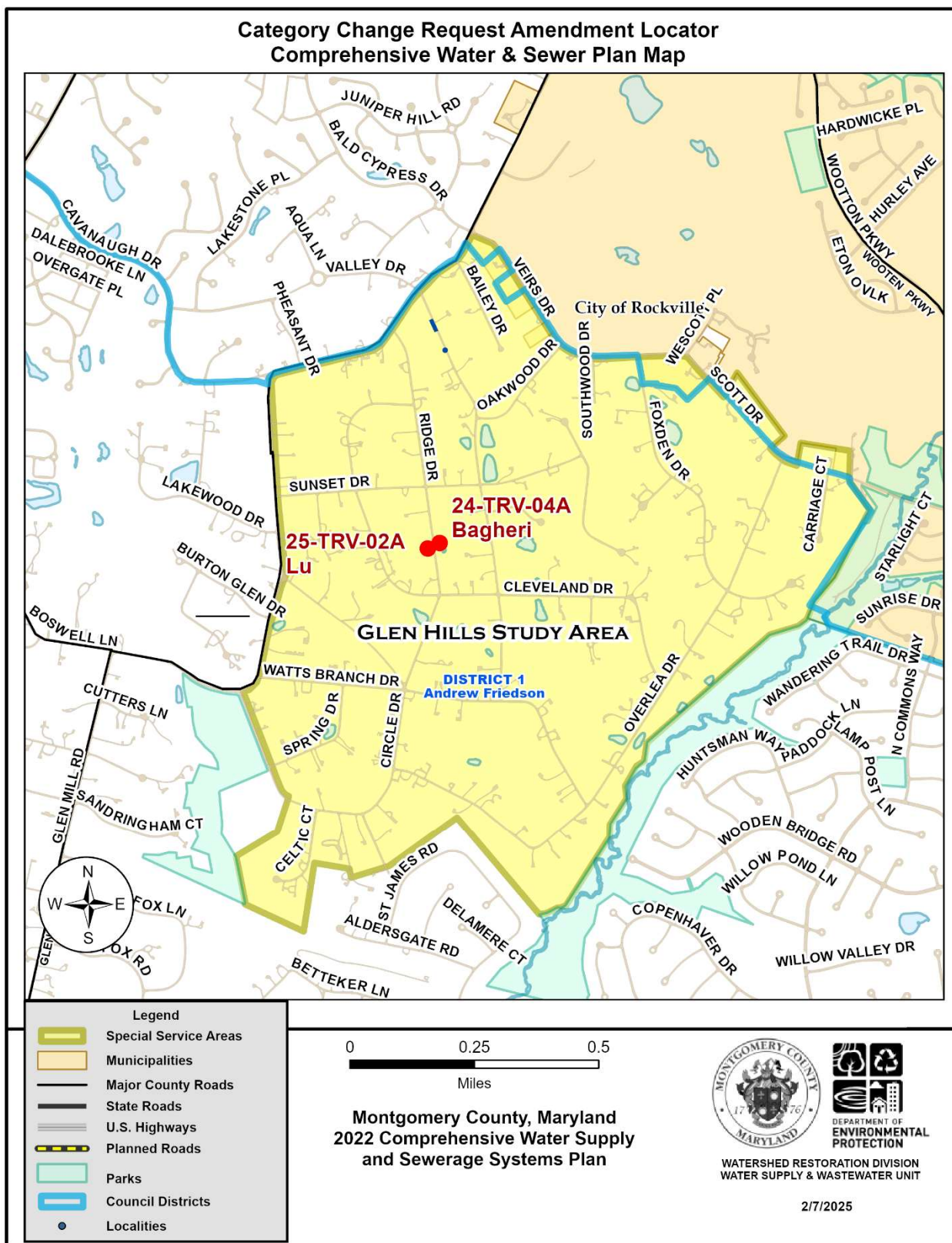


Figure 1: A map showing the location of the two sewer category change requests within the Glen Hills Study Area.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**County Executive's Spring 2025 Transmittal Packet****FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests**

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WATER/SEWER SERVICE AREA CATEGORIES INFORMATION

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

Water and Sewer Service Area Categories Table

Service Area Categories	Category Definition and General Description	Service Comments
W-1 and S-1	Areas served by community (public) systems which are either existing or under construction. • This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service.	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	<i>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</i> (State's definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of 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. • 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.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Spring 2025 Transmittal Packet

FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests

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Request [1] WSCCR 24-TRV-04A: Abdollah Bagheri

County Executive's Recommendation: Approve S-3 conditioned on WSSC's approval of a sewer main extension along a public-right-of-way. A non-abutting connection is not allowed.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none">• 13211 Ridge Dr., Rockville• Lot 13, Block 9, North Glen Hills Sec 2 (acct. no. 00077628)• Map tile: WSSC 217NW10; MD FR341• East side of Ridge Dr. between Cleveland Dr. and Sunset Dr.• RE1 Zone; 0.97 acres / 42,253.2 sq. ft.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use IP)• <u>Existing use</u>: Vacant <u>Proposed use</u>: Single Family Residential	<p><u>Existing – Requested – Service Area Categories</u></p> <table><tr><td>W-3</td><td>No change</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p>Outside the planned public sewer service envelope.</p> <p><u>Applicant's Explanation</u></p> <p>"The applicant will be construction a single-family home and is requesting a sewer category change from S-6 to S-3. We make this request for a sewer category change for the following reasons. The water table level is too high on the property, and it does not allow us to use an on-site septic. This property backs to 13212 Valley Dr (see attached site plan) and should qualify for a sewer category change under the Potomac Peripheral Sewer Service Policy as it abuts an existing pressure sewer main, installed in 1991, in Valley Dr. I can obtain a utility easement from the owner of the property located at 13212 Valley Dr, so a sewer house connection could be made directly to the existing sewer main. The sewer main has been designed for 3960 GPD sewer flow which can serve 14 houses. Only 8 houses have been connected to the existing sewer main in 1991 which means that is has enough capacity for connecting more houses."</p>	W-3	No change	S-6	S-3
W-3	No change				
S-6	S-3				

Executive Staff Report

The applicant requests a sewer category change from S-6 to S-3 to allow for public sewer service for a proposed single-family house on an unimproved lot. The 1-acre property is in the RE1 zone, outside the planned sewer service envelope. The property was previously denied a category change by the County Council in 2007 under case number 07A-TRV-04.

DPS completed water table testing in April of 2024 and determined that groundwater at 12 inches depth precluded the property for any further testing for a septic system. A survey submitted by the applicant showed a septic easement in the northwest corner of the property, but upon referral DPS could not find an approved record of the septic easement.

M-NCPPC staff have confirmed the property's location in the Glen Hills Study Area of the 2002 Potomac Subregion Master Plan and have found that the proposed category change is not consistent with the plan. The property does not meet the conditions that would allow for public service in the Glen Hills Study Area.

WSSC Water have confirmed that the existing low-pressure main on Valley Drive has sufficient capacity to serve an additional house. However, the property does not abut the Valley Drive main and would require a non-abutting service connection to the low-pressure main. Although the rear of this lot is adjacent to the planned public sewer service envelope, under the 2002 *Potomac Subregion Master Plan* peripheral sewer service policy, a non-abutting connection through an easement is not allowed; only sewer connections within public rights-of-way are permitted. WSSC Water also identified a potential sewer alignment for 25-TRV-02A that could serve this property (see page 13).

Executive staff find that the approval of sewer category S-3 can be considered on WSSC's acceptance of the needed sewer main extension to the main on Cleveland Drive. A non-abutting connection is not consistent with the County's service policies and recommendations; any main extension must be within the public-right-of-way.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Spring 2025 Transmittal Packet

FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests

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Agency Review Comments

DPS: Water table testing was completed in April 2024. Groundwater at 12 inches precluded any further testing on the property for a conventional septic system.

M-NCPPC – Planning Dept.: The applicants desire a category change from S-6 to S-3 to allow public sewer service for a new single-family detached house. The property is at 13211 Ridge Drive in Rockville and is within the 2002 *Potomac Subregion Master Plan* area and is outside the planned public sewer envelope. This property was previously denied public sewer service by the County Council in 2007 (see Council Resolution 16-237 case 07A-TRV-04).

This property is located in the Glen Hills Study Area of the 2002 *Potomac Subregion Master Plan*. The *Water and Sewer Plan* limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. Community sewer service is only allowed for:

- A property needing relief from public health problems resulting from a documented septic system failure;
- A property within a specifically designated special sewer service area;
- A property that satisfies the abutting mains policy;
- A property at the edge of the Potomac Subregion Master Plan sewer service envelope that satisfies the Potomac Peripheral Sewer Service Policy (with some additional restrictions); or
- A property that satisfies the requirements of the Piney Branch restricted sewer service policy.

The property does not have a documented septic system failure (there is no system currently on the property). The property is not within a designated special sewer service area. The property is not adjacent to a sewer main, so does not satisfy the abutting mains policy. The property is at the edge of the sewer service envelope established by the master plan, but it does not satisfy the requirements of the Potomac Peripheral Sewer Service Policy (see below). The property is not within the Piney Branch sub-watershed.

To qualify for public sewer service under the Potomac Peripheral Sewer Service Policy, a property must abut or confront another property within the planned sewer service envelope and must be served by sewer extensions within public rights-of-way. The property abuts the planned sewer service envelope along the rear property line, but it cannot be served by a sewer connection within public rights-of-way. The applicant proposes an easement across an adjacent property to provide the desired connection to the sewer main that serves that property, but because the house cannot be served by a sewer connection within the public rights-of-way, it does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. The master plan does not support the requested connection.

M-NCPPC – Parks Planning: No parks impacts.

WSSC - Water: (*not requested, water service available*)

WSSC - Sewer: Basin: Watts Branch. This project is located in Glen Hills. Some parts of Glen Hills are in a county designated *Special Sewer Service* area. The subject site topographically drains towards the Southeast corner of the property. An existing 2-inch Low Pressure sewer (LPS) system (contract number: 1990-8713A) runs along the Valley Drive. Per WSSC Development Services (DS) Code under Section 1102, 'Non-abutting Service Connections' policy, the subject property can have sewer service by connecting with Pressure Sewer House Connection (PSHC, approx. Length = 50') to the aforementioned existing LPS in Valley Drive and then running private LPS (approx. Length = 290') along the Southern side of 13211 Valley Drive property. Applicant will need to obtain required private easement from the property owner of 13211 Valley Drive.

Per as-built plans for the contract: 1990-8713A, the existing LPS system has been designed using Environment One (E/One) Grinder Pumps. So, at the time of sewer service request applicant needs to prepare design plans for their private LPS system using the same manufacturer (E/One) for the grinder pump and submit to WSSC Development Services Division (DSD) for review and approval. Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

Statements of adequacy/inadequacy are made exclusively for this application at this time. Further analysis of adequacy will be part of the review at the time of application for water/sewer service.

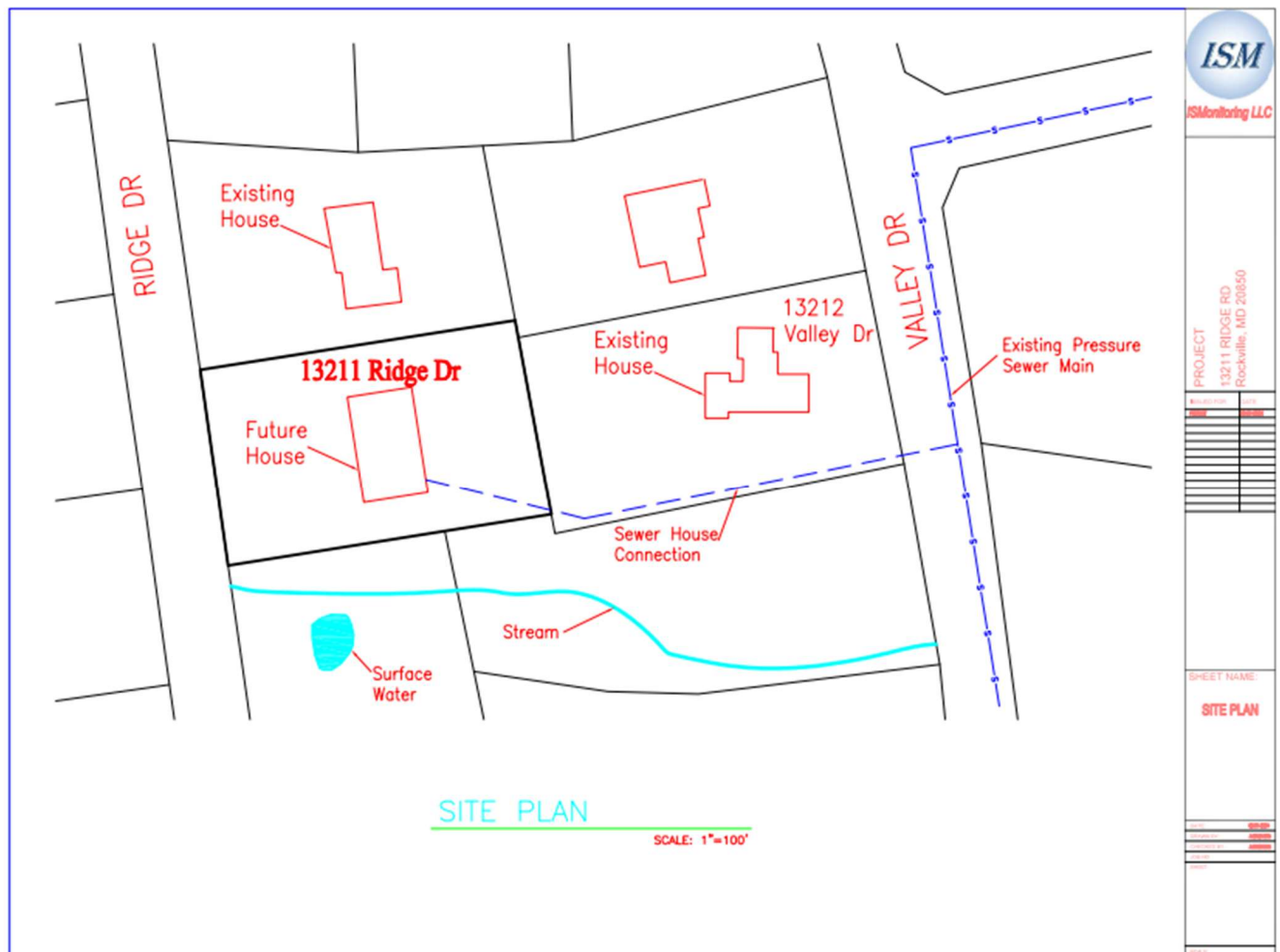


Figure 2: Site Map and proposed sewer house connection provided by the applicant of 24-TRV-04A.

Page 7



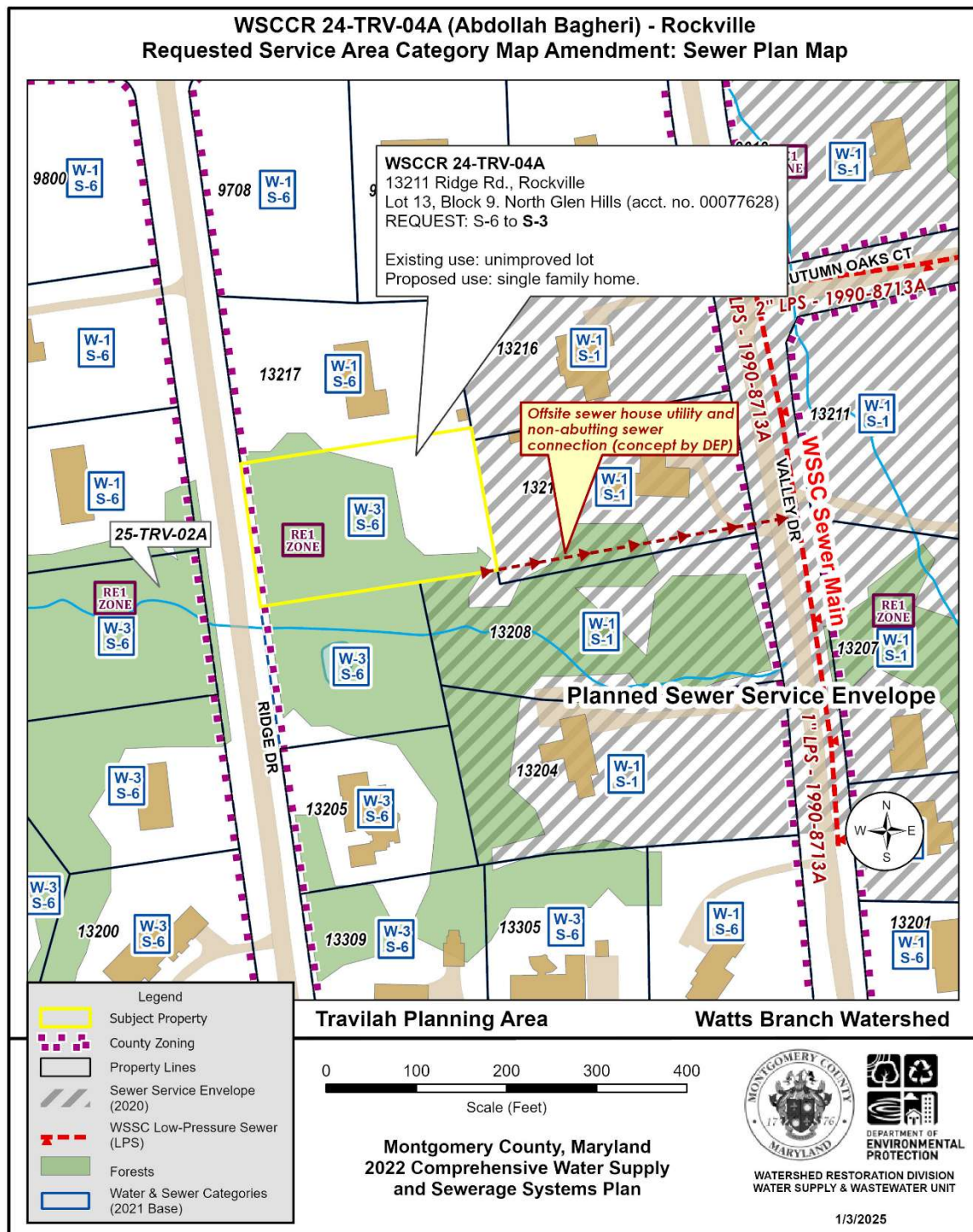


Figure 4: Sewer Map showing the subject property, surrounding properties, water and sewer categories, nearby sewer mains and county zoning. The entirety of this map is within the Glen Hills Study Area of the 2002 Potomac Subregion Master Plan.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**County Executive's Spring 2025 Transmittal Packet****FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests**

Page 9

Request [2] WSCCR 25-TRV-02A: Keh-Ming Lu***County Executive's Recommendation: Deny a change to sewer category S-3; maintain S-6.***

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 13208 Ridge Dr., Rockville• Lot 6, Block 8, District 04 (acct. no. 00078918)• Map tile: WSSC 217NW10; MD FR341• West side of Ridge Dr. between Cleveland Dr. and Sunset Dr.• RE1 Zone; 1 acre; 41,600 sq ft.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use IP)• <u>Existing use</u>: Vacant• <u>Proposed use</u>: Single Family Residential	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-3</td><td>No change</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p>Outside the planned public sewer service envelope.</p> <p><u>Applicant's Explanation</u></p> <p>"The land has failed perc test. To build a house, it needs a sewer connection."</p>	<u>Existing – Requested – Service Area Categories</u>		W-3	No change	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-3	No change						
S-6	S-3						

Executive Staff Report

Similar to case 24-TRV-04A above, the applicant requests a category change from S-6 to S-3 for community sewer service for a lot that has failed percolation tests for onsite septic systems. To build a home on the lot, community sewer service is needed. The 1-acre property is outside the planned sewer service envelope. The Maryland Department of Environment commented that LiDAR and topographic maps suggested the presence of a stream channel. DEP staff confirmed the presence of a stream channel during a site visit but did not conduct a verification of hydric soils or wetlands.

The applicant has made two previous category change requests for this property. In 1988, the applicant requested and was granted the water category change from W-6 to W-3 under case WSCCR 88B-TRV-11. In 2002, the applicant and 21 other property owners under case WSCCR 02A-TRV-31 filed for public sewer approval for the subject property and 26 others. They were denied S-1 and the S-6 category was maintained.

During interagency review, DPS confirmed that the property cannot meet the standards for permitted septic systems because of landscape and setback restrictions on site.

Staff from the Planning Department (M-NCPPC) determined that the case did not qualify for public sewer service approval under the Potomac Peripheral Sewer Service Policy. It is not peripheral to the planned service envelope. Nor does not meet the conditions that would allow for public service under the Glen Hills Study Area; it does not abut an existing sewer main along a public right-of-way.

Reviewers at WSSC Water provided a concept for a potential 1,600 ft sewer main extension to this property. The sewer main extensions would use a high-maintenance pressurized sewer line to pump wastewater to an existing gravity main. This sewer main extension could potentially also serve case # 24-TRV-04A.

To determine whether the sewer main extension is feasible, the applicant would need to request a Hydraulic Planning Analysis with WSSC Water before a study could be made to determine whether WSSC could provide service to the site. WSSC Water would need further study to determine whether the potential sewer alignment is feasible if the category change were granted.

Executive staff find that the approval of sewer category S-3 is not consistent with the County's service policies and recommendations. Denial of the requested sewer category change to S-3 is recommended; maintain category S-6.

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Spring 2025 Transmittal Packet

FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests

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Agency Review Comments

DPS: This property cannot meet septic standards required for installation of an onsite septic system and septic reserve area due to landscape and setback restrictions

M-NCPPC – Planning Dept.: The applicant requests a change from S-6 to S-3 to allow public sewer service for a new house at 13208 Ridge Drive in Rockville. The lot is vacant. The 41,600-square foot property is within the 2002 Potomac Subregion Master Plan area and is in the RE-1 zone. The applicant has indicated that the property has failed a perc test, so a sewer connection is needed to build a house on the property.

The property is within the Travilah master plan neighborhood, and more specifically within the Glen Hills neighborhood. The property is outside the planned public sewer envelope.

The Water and Sewer Plan, per guidance from the master plan, limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. Community sewer service is only allowed for:

- A property needing relief from public health problems resulting from a documented septic system failure;
- A property within a specifically designated special sewer service area;
- A property that satisfies the abutting mains policy;
- A property at the edge of the Potomac Subregion Master Plan sewer service envelope that satisfies the Potomac Peripheral Sewer Service Policy (with some additional restrictions); or
- A property that satisfies the requirements of the Piney Branch restricted sewer service policy.

The property does not have a documented septic system failure (there is no system currently on the property). The property is not within a designated special sewer service area. The property is not adjacent to a sewer main, so does not satisfy the abutting mains policy. The property does not satisfy the requirements of the Potomac Peripheral Sewer Service Policy (see below). The property is not within the Piney Branch subwatershed.

To qualify for public sewer service under the Potomac Peripheral Sewer Service Policy, a property must abut or confront another property within the planned sewer service envelope and must be served by sewer extensions within public rights-of-way. The property neither abuts or confronts the planned sewer service envelope, nor can it be served by a sewer connection within public rights-of-way—the nearest sewer connection is a pressurized pipe over 1,200 feet away. Because the house does not abut or confront another property within the planned sewer service envelope and cannot be served by a sewer connection within the public rights-of-way, it does not qualify for public sewer service approval under the Potomac Peripheral Sewer Service Policy. The master plan does not support the requested connection.

M-NCPPC – Parks Planning: No park impacts.

MDE Water Resources Planning Division Comments:

This property is a vacant lot located outside the planned public sewer envelope and within the Glen Hills study area. In 2016, the Montgomery County Council adopted Resolution No. 18-423 that established sewer service policies for the Glen Hills area. This property does not appear to satisfy any of the conditions to be considered for community sewer service. Although there is a note that the land failed the percolation test, the property does not have an existing septic system that is failing that would satisfy one of the conditions.

MDE Wetlands and Waterways Protection Program (WWPP) Comments:

While some maps used by the Program do not indicate the presence of regulated resources, LiDAR and topographic maps suggest the presence of a stream channel. Field verification is suggested. If found to be present by a field determination, avoidance and minimization of the stream and any wetlands should be performed during planning for development of the property.

WSSC - Water: *(not requested)*

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive's Spring 2025 Transmittal Packet

FY 2024 (Second Half) and FY 2025 (First Half) Category Change Requests

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WSSC - Sewer:

1. Basin: Watts Branch

2 This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated *Special Sewer Service* area.

3 In the event the service category change is approved, WSSC will make a final decision regarding the sewer alignment implemented for extending service. For information purposes, a Phase 1 HPA DA6088Z16 (near subject property) was previously submitted to WSSC for a sewer extension evaluation, but DA6088Z16 has expired. An approximate 1,600-foot-long non-CIP-sized sewer extension would be required to serve the property. The majority of the extension would consist of low-pressure sewer extension (approximately 100-feet may be gravity sewer). This extension would connect to an existing 8-inch sewer near the intersection of Watts Branch DR and Circle DR (contract no.1989-8060A) and would abut approximately 11 properties in addition to the applicant's property. This is the sewer alignment reflected on the Glen Hills Area Sanitary Study (2013Phase 2 Report). Be advised that this property is in the Glen Hills Sewer Planning area. WSSC currently does not have facilities that abut, or are in 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. A Phase 1 Hydraulic Planning Analysis (HPA) request would need to be submitted to WSSC for evaluation and review.

4 Average wastewater flow from the proposed development: 260 GPD

5 Program-sized sewer mains are not required to serve the property.

6 Interceptor capacity is adequate.

7 Treatment capacity is adequate.

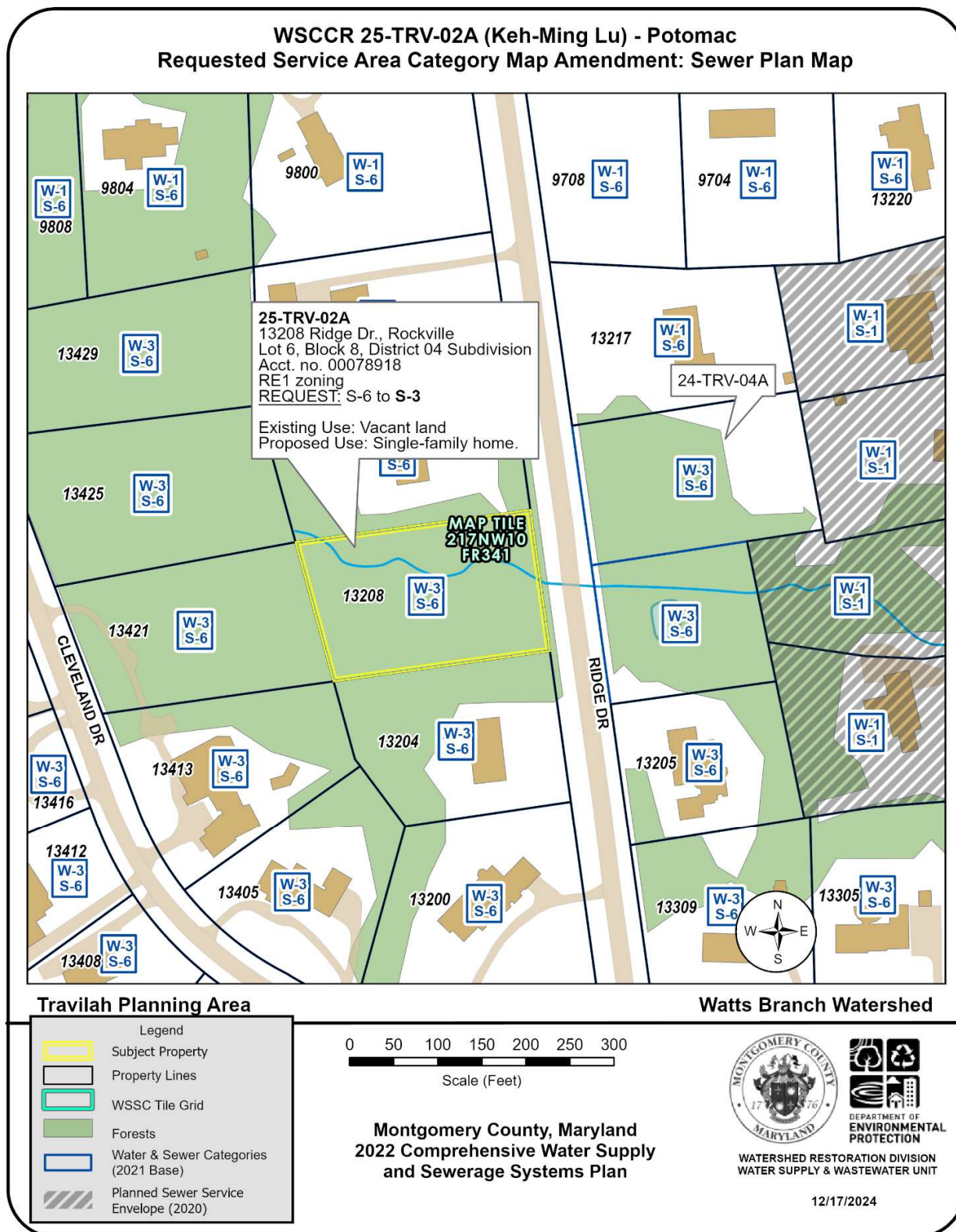


Figure 5: Sewer Map showing the subject property, surrounding properties, water and sewer categories, nearby sewer mains and county zoning. The entirety of this map is within the Glen Hills Study Area of the 2002 Potomac Subregion Master Plan.

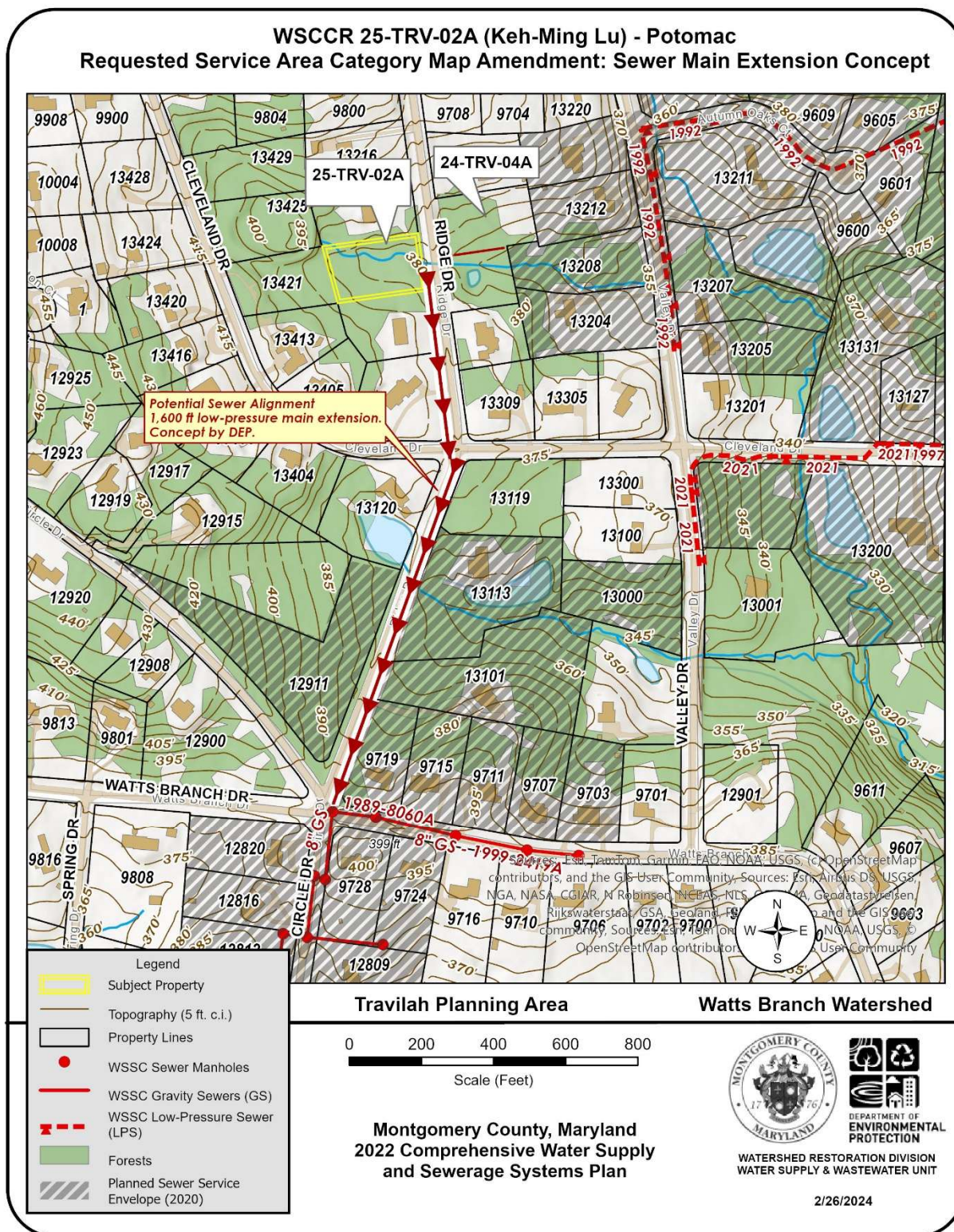


Figure 6: The map above displays potential sewer alignment and the surrounding area including topography. The proposed sewer main extension to serve 25-TRV-02A is hypothetical and needs a hydraulic planning analysis by WSSC Water to determine feasibility.

Appendix A: 2002 Potomac Subregion Master Plan Excerpt – Potomac Peripheral Sewer Service Policy

Sewer Service Policies

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

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

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

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

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

Low-Density Areas

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

Peripheral Sewer Service Policy Background

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

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

Sewer Service Recommendations

- **Provide community sewer service in the Subregion generally in conformance with *Water and Sewer Plan* service policies. This will generally exclude areas zoned for low-density development (RE-1, RE-2, and RC) not already approved for service from further extension of community service.**

Policy Recommendation

- **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

Appendix B: Potomac Area RE-1 and RE-2-zoned Properties (Peripheral Sewer Service Policy)

County Council Actions: Adopted October 25, 2022 (CR 19-1423)

II.M.: POTOMAC AREA RE-1 AND RE-2-ZONED PROPERTIES

Special Community Sewer Service Policy: Recommended by the 2002 Potomac Subregion Master Plan

Subject Area: Properties zoned RE-1 or RE-2-at the edge or "periphery" of the master plan's recommended community sewer service envelope

Service Recommendation & Comments: 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 *considered* for community sewer service on a case-by-case basis. In such cases:

- 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.

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.

- 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

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):

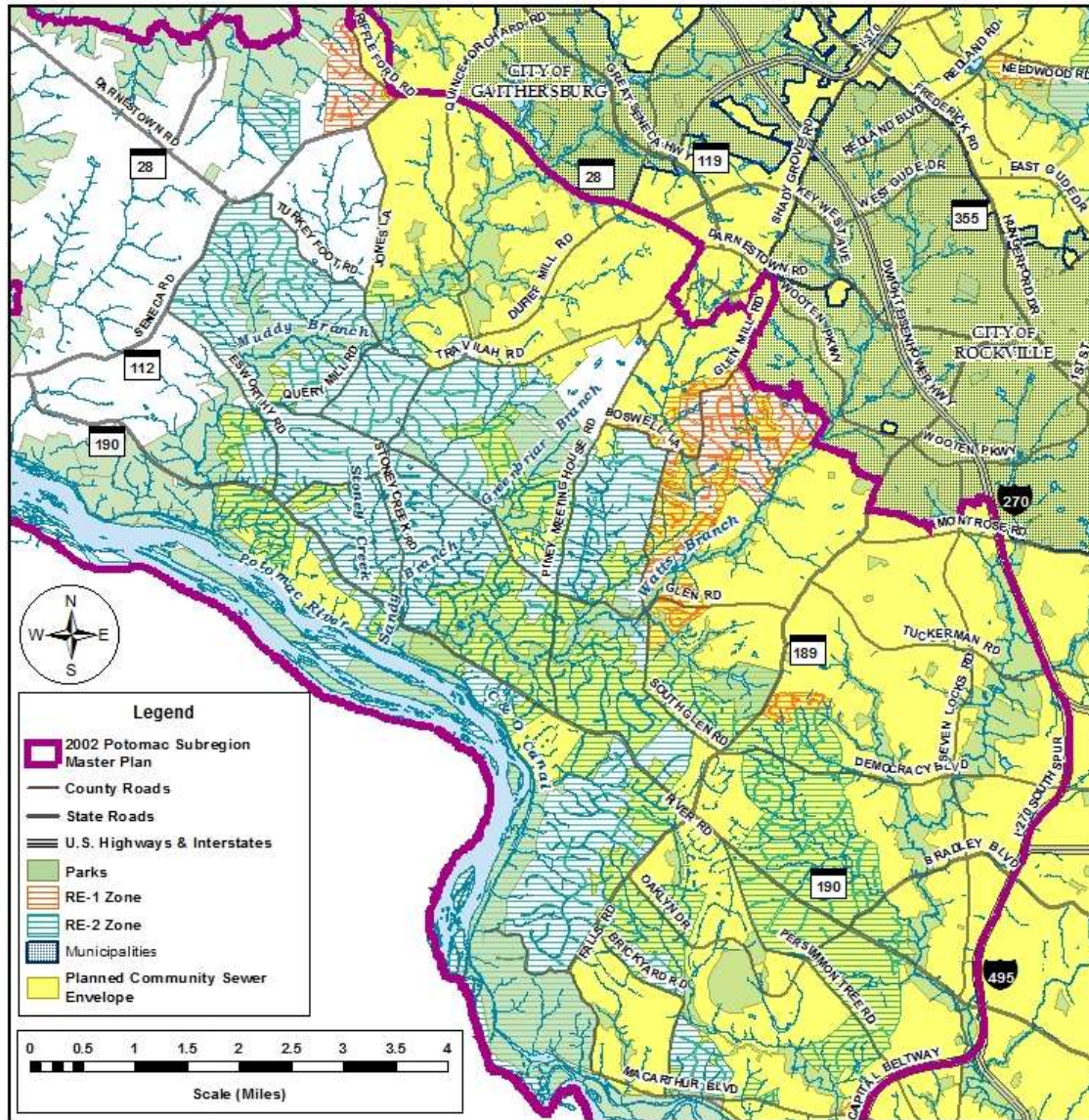
- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

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.

Also excluded from using this policy are properties that would abut or confront the planned community sewer service envelope within the City of Rockville.

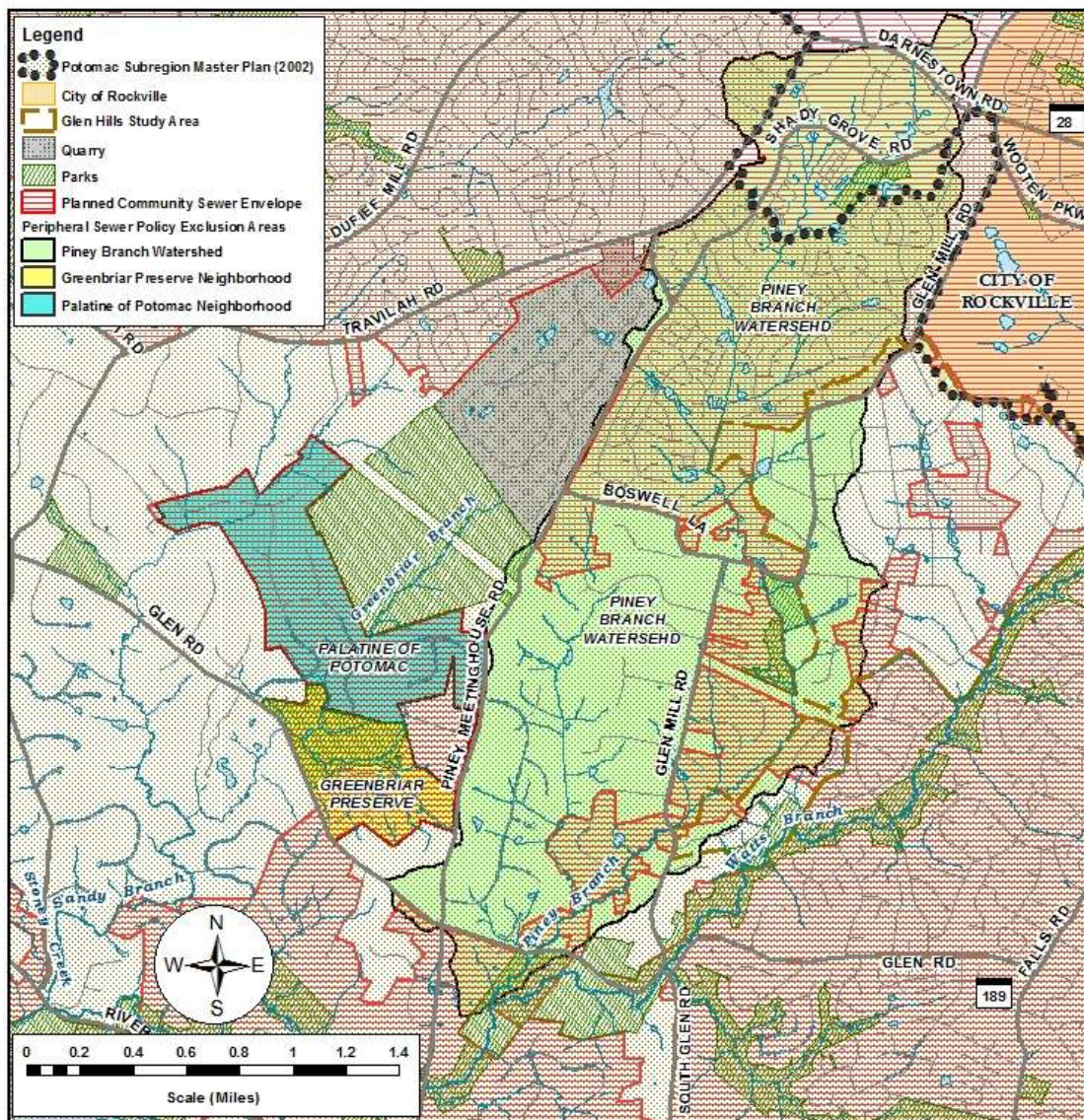
Appendix B: Potomac Area RE-1 and RE-2-zoned Properties (Peripheral Sewer Service Policy)

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



Appendix B: Potomac Area RE-1 and RE-2-zoned Properties (Peripheral Sewer Service Policy)

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





MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

April 2, 2025

TO: Artie Harris, Chair
Montgomery County Planning Board

Kishia Powell, General Manager/CEO
Washington Suburban Sanitary Commission

FROM: Kate Stewart, President
Montgomery County Council

SUBJECT: Notice of Public Hearing on Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

On March 19, 2025, the County Council received recommendations from the County Executive regarding two category change requests. The Council will formally introduce this package of requests on April 8, 2025.

State law requires that the County Council formally notify both WSSC Water and the Maryland-National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. A public hearing is scheduled for May 7, 2025, at 1:30 p.m.

Your staffs have provided comments to Department of Environmental Protection staff, and these comments are noted in the attached Executive Staff report. Any additional comments you may have should be forwarded to the County Council as soon as possible. The Council expects that the Planning Board will provide a formal recommendation to the Council on the amendment package.

If you have any questions, please contact Keith Levchenko of Council Staff by phone at (240) 777 7944 or by e-mail at keith.levchenko@montgomerycountymd.gov.

cc: Rebecca L. Flora, Secretary, Maryland Department of Planning
D. Lee Currey, Director, Water Management Administration, Maryland Department of the Environment (MDE)
Nicolai Francis-Lau, Maryland Department of the Environment
Jon Monger, Director, Montgomery County Department of Environmental Protection

KS:kml
Attachment

May 6, 2025

The Honorable Kate Stewart

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

Subject: Water and Sewer Category Change Requests, March 2025 Review Package

Dear Council President Stewart:

On May 1, 2025, the Montgomery County Planning Board reviewed the March 2025 group of two sewer category change requests for consistency with area master plan guidance. The Board received information from Planning and Executive staff on the cases below as shown in the County Executive's memo dated March 19, 2025. Planning staff's memo is attached to this letter.

The Planning Board's votes on the category change requests are shown below in parentheses. The votes are consistent with the recommendations from the County Executive.

[1] WSCCR 24-TRV-04A: Abdollah Bagheri

Planning Board Recommendation (5-0 in favor of staff's recommendation):
Approve S-3 conditioned on WSSC's approval of a sewer main extension along the public rights-of-way.

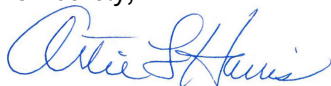
[2] WSCCR 25-TRV-02A: Keh-Ming Lu

Planning Board Recommendation (5-0 in favor of staff's recommendation):
Deny S-3, Maintain S-6

Thank you for the opportunity to make recommendations to the Public Hearing record. If you have any questions, please do not hesitate to contact Jamey Pratt at (301) 495-4588 or

Jamey.Pratt@montgomeryplanning.org.

Sincerely,



Artie L. Harris
Chair

Attachment

AH:JP

cc: Keith Levchenko, Montgomery County Council
Alan Soukup, Montgomery County Department of Environmental Protection
Timothy Williamson, Montgomery County Department of Environmental Protection
Kimberly Young, M-NCPPC, Office of the General Counsel
Jason K. Sartori, Montgomery Planning
Jamey Pratt, Montgomery Planning

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY AND
SEWERAGE SYSTEMS PLAN – MARCH 2025 GROUP
TWO CASES**

The Planning Board is required by State law to make a Master Plan and Water and Sewer Plan conformance determination on each of the Water and/or Sewer Category Change Requests.

Completed: April 24, 2025

MCPB
Item No. 12
May 1, 2025

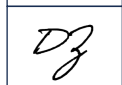
2425 Reddie Drive
Floor 14
Wheaton, MD 20902

[Montgomeryplanning.org](https://montgomeryplanning.org)

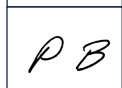
Planning Staff



Jamey Pratt, Planner III, Upcounty Planning Division, Jamey.Pratt@montgomeryplanning.org, 301-495-4588



Don Zeigler, Supervisor, Upcounty Planning Division, Donnell.Zeigler@montgomeryplanning.org, 301-495-4583



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

LOCATION/ADDRESS

Two locations in the county

MASTER PLANS

2002 *Potomac Subregion Master Plan*

APPLICANT

Owners of properties included in March 2025
Water and Sewer Category Change Requests

ACCEPTANCE DATE

April 2, 2025

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 the Water and Sewer Category Change Requests included in the County Executive's report.
- The Planning Board's recommendations will be transmitted to the County Council for final action.
- Planning Staff's recommendations for each of these cases is consistent with the Executive Staff recommendations. See Attachment A.

SECTION 1: SUMMARY

The Planning Board is required by State law to make a Master Plan conformance determination on each Water and Sewer Category Change Request (WSCCR). It is the responsibility of applicants to pay for any new water or sewer infrastructure required to make the requested connections.

The Planning Board's recommendations will be transmitted to the County Council for final action on the requests. For each case, 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's recommendation of each case is consistent with the County Executive's recommendation.

The County Council's Public Hearing is scheduled for May 7, 2025. The Planning Board's recommendations will be submitted to the County Council as part of the public record.

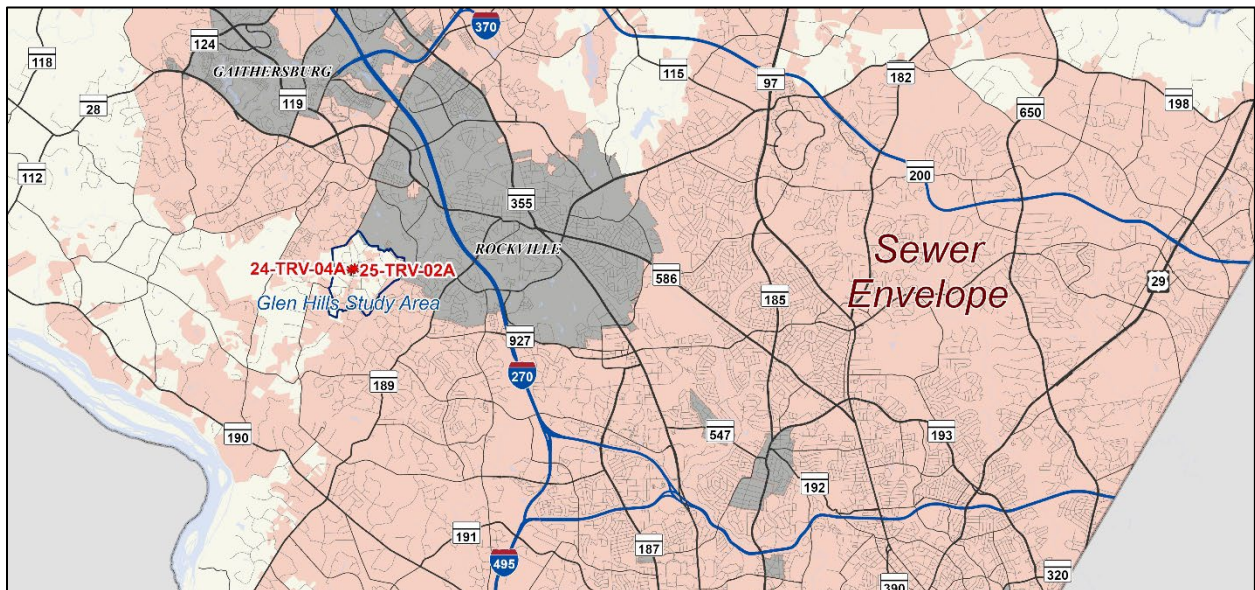


Figure 1. Map showing location of category change requests and generalized sewer envelope. Both cases are in the Glen Hills Study Area.

SECTION 2: RECOMMENDATIONS

The two cases today are across the street from one another within the Glen Hills Study Area.

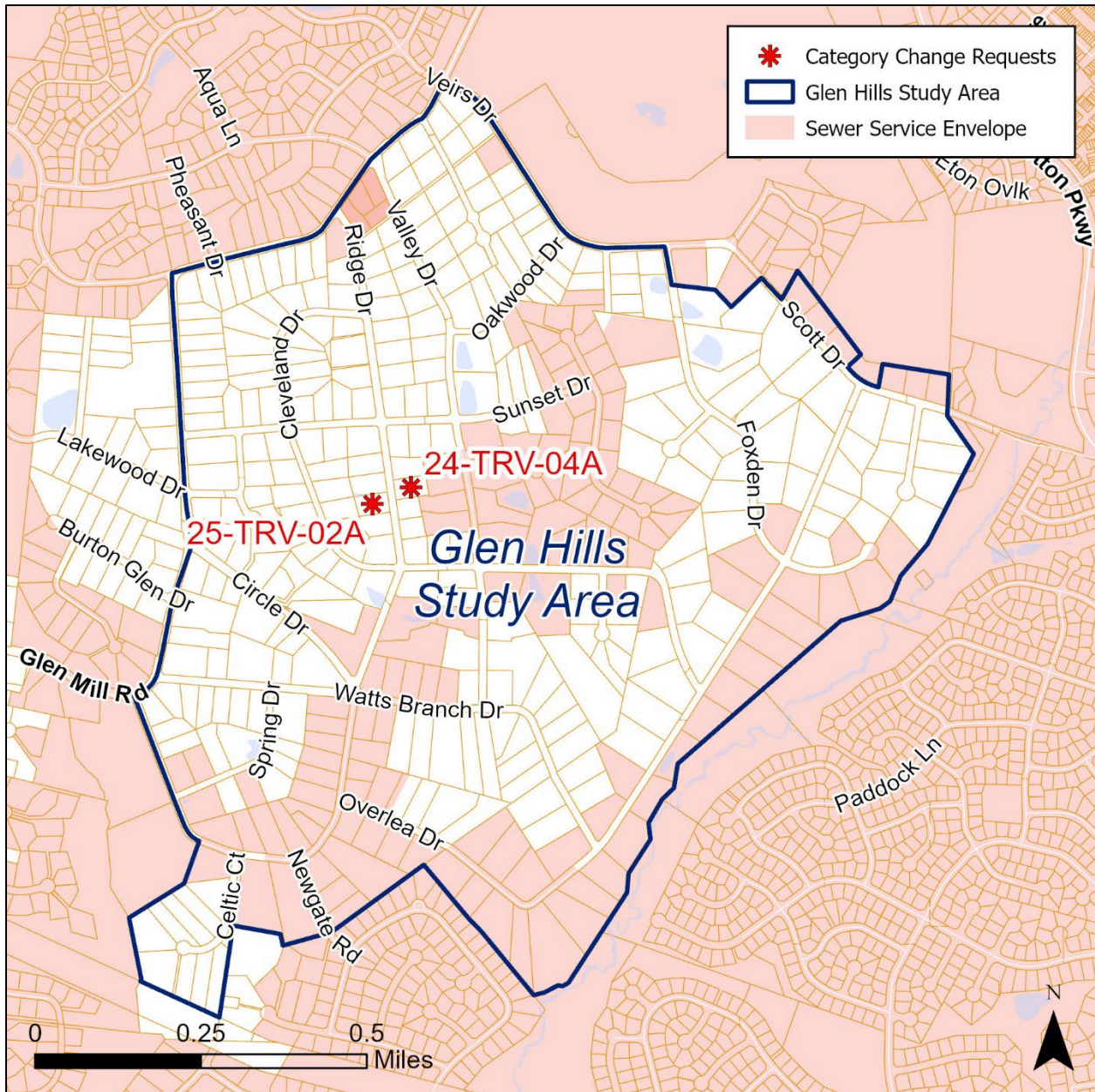


Figure 2. Location of cases within the Glen Hills Study Area. Case 24-TRV-04A abuts the planned sewer service envelope while 25-TRV-02A does not.

The county's 10-Year Water and Sewer Plan limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. Community sewer service is only allowed for:

- A property needing relief from public health problems resulting from a documented septic system failure;

if the necessary sewer infrastructure is provided in public rights-of-way. Planning Staff's initial recommendation of denial in response to DEP's request for comments was based on the proposed connection through an easement on the neighbor's property and not by a connection within the right-of-way. However, because it is technically possible to serve the house by an extension of the sewer main at the corner of Valley Drive and Cleveland Drive approximately 1,200 feet away, it qualifies for consideration of public sewer service under the Potomac Peripheral Sewer Service Policy. The master plan supports the requested connection conditioned on a sewer extension confined to the public rights-of-way.

MCDEP Staff Recommendation: Approve S-3 conditioned on WSSC's approval of a sewer main extension along a public right-of-way. A non-abutting connection is not allowed.

Planning Staff Recommendation: Approve S-3 conditioned on WSSC's approval of a sewer main extension along the public rights-of-way.

WSCCR 25-TRV-02A: KEH-MING LU

Property address: 13208 Ridge Drive, Potomac

The applicant requests a change from S-6 to S-3 to allow public sewer service for a new single-family detached house. The property is within the 2002 *Potomac Subregion Master Plan* area and is in the RE-1 zone. The applicant has indicated that the property has failed a perc test, so a sewer connection is needed to build a house on the property. The property is outside the planned public sewer envelope.

The property does not meet any of the five criteria necessary to receive public sewer service. The property does not have a documented septic system failure (there is no system currently on the property). The property is not within a designated special sewer service area. The property is not adjacent to a sewer main, so does not satisfy the abutting mains policy. The property does not satisfy the requirements of the Potomac Peripheral Sewer Service Policy (see below). The property is not within the Piney Branch subwatershed.

To qualify for public sewer service under the Potomac Peripheral Sewer Service Policy, a property must abut or confront another property within the planned sewer service envelope and must be served by sewer extensions within public rights-of-way. Because the property neither abuts nor confronts a property in the planned sewer service envelope, it does not qualify for public sewer service approval under the PPSSP. The master plan does not support the requested connection.

MCDEP Staff Recommendation: Deny a change to sewer category S-3; maintain S-6.

Planning Staff Recommendation: Deny a change to sewer category S-3; maintain S-6.

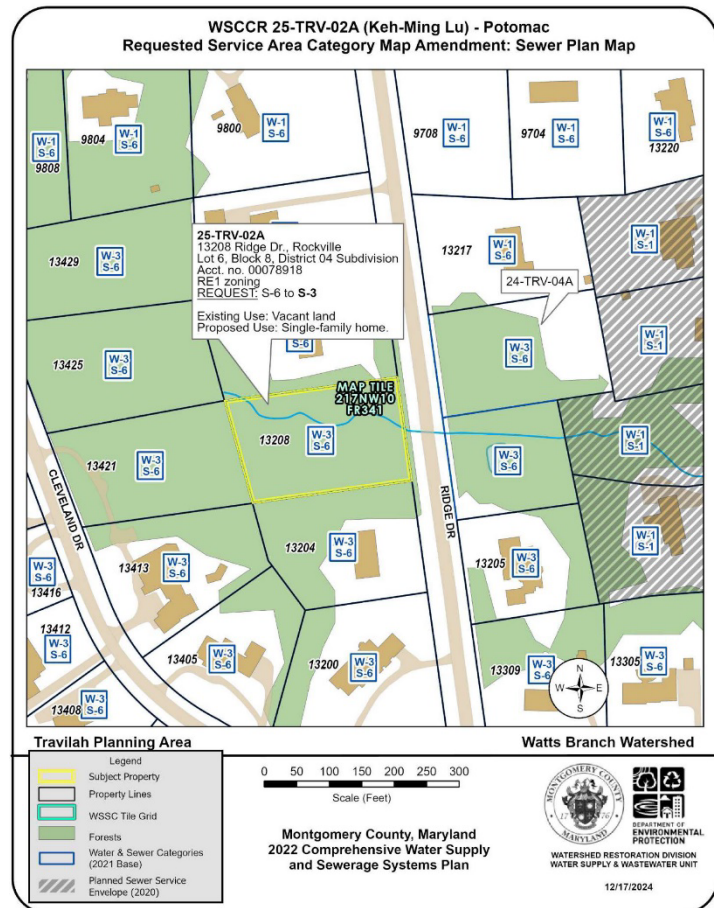


Figure 4. Sewer plan map for 25-TRV-02A (Figure 5, Page 15, Attachment A)

SECTION 3: CONCLUSION

Staff recommends that the Planning Board support Planning staff's category change request recommendations in this report. Staff will transmit the recommendations to the County Council for final action.

ATTACHMENT

- A. County Executive's Transmittal to the County Council with Attached Report from DEP
- B. County Council Notice of Public Hearing