



Committee: T&E
Committee Review: Completed
Staff: Keith Levchenko, Senior Legislative Analyst
Purpose: Final action – vote expected
Keywords: #WaterandSewerPlan and Category Changes

AGENDA ITEM #9
 March 21, 2023
Action

SUBJECT

Amendments to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Requests

EXPECTED ATTENDEES

- Steve Shofar, Chief, Intergovernmental Affairs Division, Department of Environmental Protection (DEP)
- Alan Soukup, Senior Planner, Intergovernmental Affairs Division, DEP
- Katherine Nelson, Planner Coordinator, Montgomery County Planning Department

DESCRIPTION/T&E COMMITTEE RECOMMENDATIONS

- On December 29, 2022, the County Council received recommendations from the County Executive regarding seven category change requests in the Potomac Subregion Master Plan area involving the Potomac peripheral sewer service policy.
- A public hearing was held on February 28, 2023.
- A Transportation and Environment (T&E) Committee worksession was held on March 6, 2023 at 9:30 am.
- The requests and the Executive, Planning Board, and T&E Committee recommendations are presented in the following chart and further detailed in the attached Council Staff Report.

#	Applicant	Request	CE Recommendation	Planning Board	T&E Committee
1	WSSCR 22-TRV-01A National Sikh Heritage Trust	Requesting public sewer (S-6 to S-3) to serve a new subdivision of 2 to 4 single-family homes	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE
2	WSSCR 22-TRV-04A Jonathan Maizel	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE
3	WSSCR 22-TRV-13A Arthur Eisenhour	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE
4	WSSCR 22-TRV-05A Michael and Denise Sinay	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending MDE's action on the 2022 update of the Water Sewer Plan which modifies the policy to exclude part of the planned sewer service envelope within the City of Rockville from consideration under the Potomac Peripheral Sewer Service Policy.	Concur with the CE	Concur with the CE
5	WSSCR 22-TRV-06A Nirmala Rao	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE
6	WSSCR 22-TRV-09A William Reinhold	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE
7	WSSCR 22-TRV-10A Max Shevitz	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending the development of an annexation agreement between the property owner and the City of Rockville.	Concur with the CE	Concur with the CE

This report contains:

3/6/2023 T&E Committee Council Staff Report
Draft Resolution and attachments

Pages

1-©48
©49-©60

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Worksession

MEMORANDUM

March 2, 2023

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 seven category change requests¹

Category Change Requests and Recommendations

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
						Text	Maps
1	WSSCR 22-TRV-01A National Sikh Heritage Trust	Requesting public sewer (S-6 to S-3) to serve a new subdivision of 2 to 4 single-family homes	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©10-11	©12-14
2	WSSCR 22-TRV-04A Jonathan Maizel	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©16-17	©18
3	WSSCR 22-TRV-13A Arthur Eisenhour	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©19-20	©21
4	WSSCR 22-TRV-05A Michael and Denise Sinay	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending MDE's action on the 2022 update of the Water Sewer Plan which modifies the policy to exclude part of the planned sewer service envelope within the City of Rockville from consideration under the Potomac Peripheral Sewer Service Policy.	Concur with the CE	Concur with the CE	©22-23	©24-25
5	WSSCR 22-TRV-06A Nirmala Rao	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE	©26-27 and ©22-23	
6	WSSCR 22-TRV-09A William Reinhold	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE	©28-29 and ©22-23	
7	WSSCR 22-TRV-10A Max Shevitz	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending the development of an annexation agreement between the property owner and the City of Rockville.	Concur with the CE	Concur with the CE	©30-31	©32

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

List of Attachments

- | | |
|--|--------|
| • Draft Council Resolution | ©1-2 |
| • County Executive's Transmittal Letter (dated December 29, 2022) | ©3-4 |
| • County Executive Department of Environmental Protection Staff Report | ©5-38 |
| ○ Discontinued North Potomac Highlands Septic Survey Background | ©15 |
| ○ Potomac Subregion Master Plan Sewer Service Policies Excerpt | ©33-35 |
| ○ Water and Sewer Plan Peripheral Sewer Service Policy | ©36-38 |

¹ #WaterandSewerPlan and Category Changes

- Planning Board Letter to the Council dated February 28, 2023
- Planning Department Staff Report dated 2/17/2023

©39-40
©41-48

NOTE: Public Hearing Testimony received by the Council is [available here](#).

Expected Participants

Department of Environmental Protection

- Vicky Wan, Deputy Director, Department of Environmental Protection (DEP)
- Steve Shofar, Chief, Intergovernmental Affairs Division, 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

- Jeff Zyontz, Chair, Montgomery County Planning Board
- Katherine Nelson, Planner Coordinator, Montgomery County Planning Department

Background

On December 29, 2022, the County Council received recommendations from the County Executive regarding seven category change requests all within the Potomac Subregion Master Plan area and involve consideration under the Potomac Peripheral Sewer Service Policy. 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 ©5-38)

On February 23, 2023, the Planning Board heard testimony, discussed the requests, and concurred with the County Executive's recommendations in each case.

The Council held a public hearing on February 28, 2023.

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 on October 25, 2022. 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. The Council's recently approved comprehensive update is currently under review by MDE.

State Approval

As with all amendments to the Water and Sewer Plan, any category changes approved by the Council are considered preliminary until final action by MDE.

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 requests on February 23, 2023. The Planning Board's recommendations are noted in the discussion of each amendment later in this memorandum.

The Planning Board's letter to the Council is attached on ©39-40. The Planning Department Staff Report is attached on ©41-48.

Public Hearing and Correspondence

Oral testimony received at the public hearing on February 28 can be [viewed here](#). All written testimony received is [available here](#). Written testimony from the applicants is noted in each category change request review below.

Glen Hills Area Background

Six of the requests are in the Glen Hills area. The 2002 Potomac Subregion Master Plan included specific sewer restrictions for the Glen Hills area pending completion of a study of general septic system suitability in the area. Properties in the Glen Hills area had to have a documented septic system failure to be eligible for public sewer. Neither the Abutting Mains Policy nor the Peripheral Sewer Service Policy were applicable in the Glen Hills area.

The study was ultimately completed in 2013 and a Water and Sewer Plan amendment was transmitted by the Executive to the Council in June 2015. In March 2016, the Council approved a Glen Hills Area Water and Sewer Plan Text Amendment ([Resolution 18-423](#)) which maintained the policy that on-site systems were the primary wastewater disposal method for the area (consistent with the Potomac Subregion Master Plan and the Water and Sewer Plan's general policies regarding lots greater than one acre. However, the Abutting Mains Policy and Onsite Systems Survey Area restrictions specific to the Glen Hills area were removed. The resolution also called for a limited master plan amendment for the Glen Hills study area. To date, this amendment process has not been initiated.

As part of the 2018 Plan Update, the Peripheral Sewer Service Policy restriction excluding the Glen Hills area was also removed. These changes put the Glen Hills area on par with other similarly zoned properties outside the planned sewer envelope elsewhere in the County.

As part of the County's 2018 Plan Update, the requirement for the establishment of an Onsite Systems Survey Area was revised to require at least one septic system failure as documented by the Department of Permitting Services (DPS). The failure must also be identified by DPS as not being able to be reasonably addressed by a conventional replacement system. This countywide requirement was put in place in response to concerns that special sewer service areas could lead to unnecessary sewer extensions into areas not intended for sewer service. A July 2017 Council approval of an area in Glen Hills (The South Overlea Drive Septic Survey Area) was noted as an example.

Three of the Glen Hills area requests in this current package were part of the North Potomac Highlands Septic Survey Area that was initiated by DEP in 2017. A map showing the affected properties is attached on ©15. That study was later discontinued after the Council revised the health area survey policy.

In approving this new language in the 2018 Plan Update, the Council explicitly decided not to grandfather in the existing North Potomac Highlands Septic Survey. Since no septic failures were identified in that survey area, DEP discontinued its work on the survey.

The Council's 2022 Plan Update (approved last October) made no changes to the Onsite Systems Survey Area policy.

The Council received testimony from the [Potomac Highlands Citizens Association](#), the [Overlea Sewer Consortium](#), and the [Greater Glen Hills Coalition](#) in support of the category changes in the Potomac Highlands area and in the Glen Hills area in general. Testimony was also received from the [West Montgomery County Citizens Association](#) opposing these requests.

During the Council discussion of the 2018 Plan Update, Council Staff noted that if the Council is interested in considering further flexibility for sewer in the Glen Hills area, a limited amendment to the Potomac Subregion Master Plan (as called for in Resolution 18-423) would be the appropriate process.

Potomac Peripheral Sewer Service Policy

Each of the requests in the current package of amendments is seeking approval via the Potomac Peripheral Sewer Policy.

This policy, which dates to the 2002 Potomac Subregion Master Plan (see ©33-35) allows for properties outside the planned sewer service envelope that abut or confront properties within the Master Plan's designated sewer service envelope to be considered on a case by case basis for approval to connect to public sewer. The Master Plan specifically excludes properties in the Piney Branch subwatershed, the Palatine of Potomac neighborhood, and the Greenbriar Estates neighborhoods from consideration under this policy. As noted earlier, the Glen Hills area exclusion was removed as part of the 2018 Plan Update.

The Water and Sewer Plan (see excerpt on ©36) notes that extensions should "follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally sensitive areas..." and that "the selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions."

As part of the 2022 Plan Update, new language recommended by the Executive and approved by the Council affirmed current practice that the policy does not apply to properties within the City of Rockville’s community service area. Three properties in the current package (Sinay, Rao, and Reinhold) fall within this area. The 2022 Plan Update is currently under review by MDE.

Each request is discussed in more detail below.

Review of Each Request

Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
					Text	Maps
WSSCR 22-TRV-01A National Sikh Heritage Trust	Requesting public sewer (S-6 to S-3) to serve a new subdivision of 2 to 4 single-family homes	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©10-11	©12-14

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

This request involves a 4.97-acre RE-2 zoned property located on a land-locked tract consisting of two parcels located north of Glen Road and 1,150 west of Piney Meetinghouse Road in Potomac. One parcel includes a single-family home. The second parcel is undeveloped. The applicant is seeking public sewer (S-3) to serve both parcels for a proposed two to four lot subdivision.

As noted in the Executive Staff Report, WSSCWater has identified two alternatives for providing sewer to the site:

- *The first option is a 1,000-foot sewer main extension east from the site to the existing gravity main along Piney Meetinghouse Rd. (see page 9). The extension would require a 30-foot-wide easement from intervening properties and abut up to two properties designated as sewer category S-6. One of these properties is WSSCR 20-TRV-09A (Ainane), which could be considered subsequently for a sewer service connection under the abutting mains policy. WSSC-Water notes that the extension “may involve the removal of trees, temporary disruption of wetlands and stream valley.”*
- *The second service option is a 400-foot low-pressure main extension from the site northwest to the existing 1”-diameter low-pressure main long Wood Thrush Dr. in the adjacent Estates at Greenbriar Preserve subdivision. (Again, see page 9.) The extension would require a minimum 20-foot-wide easement between two improved lots in the subdivision. Again, WSSC -Water notes that the extension “may involve the removal of trees, temporary disruption of wetlands and stream valley.” Given the nature of the improvements on these two lots, we would expect the environmental issues associated with this extension to be less severe than with the extension under the first option. WSSC-Water further notes that the use of this extension option will require more-detailed engineering analysis due to potential capacity limitations in the low-pressure sewerage system receiving the flow from this site.*

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, consideration for properties on the edge of the planned service area (peripheral sewer policy) to connect under certain conditions.

A main does not abut the property. If the on-site system for the existing single-family home were determined to have failed, approval of public sewer under the Water and Sewer Plan’s

“documented public health problem” policy could be considered for a single hookup to the existing home.

The subject property is adjacent to the planned public sewer envelope. However, the Potomac Subregion Master Plan’s Peripheral Sewer Service Policy (see ©35) explicitly excludes properties such as this which are adjacent to and in the vicinity of the lower Greenbriar Branch properties. Also, as the Executive notes, the policy is intended to “fill in” the existing sewer service envelope involving large-lot development (such as RE-2). The applicant’s property is zoned RE-2. However, the adjacency to the sewer envelope is via RNC-zoned properties to the northwest. The policy also notes that service extensions are intended to follow public rights-of-way and must not affect environmentally sensitive areas. Both extension options would involve construction outside of public rights of way, involve private easements, and would disrupt sensitive environmental areas.

Testimony from several neighboring property owners was received expressing opposition to the category change request. See testimony 9 through 15 [available here](#).

The Executive recommends denial of this request. The Planning Board concurred with the Executive as does Council Staff.

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
						Text	Maps
2	WSSCR 22-TRV-04A Jonathan Maizel	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©16-17	©18

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

This request involves a 2.02-acre RE-2 zoned property located on Foxden Dr. north of the intersection with Overlea Drive in the Glen Hills area. The applicant is seeking public sewer service to serve an existing single-family home. Written testimony submitted by the applicant is [available here](#).

WSSCWater has noted that an 850-foot extension along Foxden Drive and Overlea Drive would be required to serve the property. This extension would abut four other properties (which are not currently eligible for service).

The property does not abut a sewer main nor is the septic system documented as having failed.

The property is adjacent (via a single point of the property) to the Jasmine Hill Terrace properties, which are within the planned sewer envelope. However, the applicant’s property is not within the same neighborhood nor are there any interconnections.

Because of the lack of connectivity to the area within the planned sewer envelope, the lengthy extension required, and the additional properties that could then be eligible service, the Executive does not believe this request is consistent with the peripheral sewer service policy and recommends denial. The Planning Board concurred with the Executive as does Council Staff.

Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
					Text	Maps
WSCCR 22-TRV-13A Arthur Eisenhower	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Deny the request. Maintain S-6.	Concur with the CE	Concur with the CE	©19-20	©21

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

This request involves a 2.76-acre RE-1 zoned property located on Foxden Ct. in the Glen Hills area. The applicant is seeking public sewer service to serve an existing single-family home.

WSSCWater has noted that the property could be served by a non-abutting connection from Jasmine Hill Terrace. Easements would be required. DEP noted that an alternative would be to extend sewer (2,120 feet) from an existing main on Overlea Drive via Foxden Drive. This extension would abut at least ten other properties (which are not currently eligible for service).

The property does not abut a sewer main nor is the septic system documented as having failed.

The property is adjacent to the Jasmine Hill Terrace properties, which are within the planned sewer envelope. However, the applicant's property is not within the same neighborhood nor are there any interconnections and easements would be required to extend service from that area. The peripheral sewer policy in the Water and Sewer Plan (see ©36) notes that extensions of service are intended to follow public rights of way, should be in close proximity to other properties approved for service on their own side of that right-of-way, and the number of resulting abutting properties should be minimized.

Because of the lack of connectivity to the area within the planned sewer envelope, the lengthy extension required and the additional properties that could then be eligible service, or the easements required if connecting via Jasmine Hill Terrace, the Executive does not believe this request is consistent with the peripheral sewer service policy and recommends denial. The Planning Board concurred with the Executive as does Council Staff.

#	Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
						Text	Maps
4	WSCCR 22-TRV-05A Michael and Denise Sinay	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending MDE's action on the 2022 update of the Water Sewer Plan which modifies the policy to exclude part of the planned sewer service envelope within the City of Rockville from consideration under the Potomac Peripheral Sewer Service Policy.	Concur with the CE	Concur with the CE	©22-23	©24-25
5	WSCCR 22-TRV-06A Nirmala Rao	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE	©26-27 and ©22-23	
6	WSCCR 22-TRV-09A William Reinhold	Requesting public sewer (S-6 to S-3) to serve an existing single-family home		Concur with the CE	Concur with the CE	©28-29 and ©22-23	

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

These three requests are all RE-1 zoned properties located on Carriage Court in the Glen Hills area. Each of the applicants is seeking public sewer to serve existing single-family homes. Written testimony from two of the applicants is available at the links below:

- [TRV-05A – Sinay](#)
- [TRV-06A - Rao](#)

WSSCWater has identified extensions of varying lengths required to serve each of the properties. Each of the extensions may require the removal of trees and disruption to the Watts Branch Stream Valley.

As noted earlier, properties in the Glen Hills area were not eligible for consideration for service via the Peripheral Sewer Service Policy until the 2017 comprehensive update to the Water and Sewer Plan.

While properties in the Glen Hills area are now eligible for consideration under the policy, these properties border the planned sewer service envelope for the City of Rockville, not the recommended 2002 Potomac Subregion Master Plan planned sewer service area. DEP staff have noted that the Rockville planned sewer service area has no relationship to properties outside the County. As noted earlier, the County's recently approved 2022 Water and Sewer Plan Comprehensive Update includes language affirming that properties within the City's sewer service area be excluded from use in the peripheral sewer service policy. DEP staff have noted that no other properties adjacent to the Rockville sewer service envelope have been approved via the peripheral sewer service policy.

Also, if these properties were considered eligible for consideration, WSSCWater's proposed sewer alignments all would traverse environmentally sensitive areas which is also problematic in the context of the peripheral sewer policy.

The County Executive recommends deferral of these requests pending final action by MDE on the County's 2022 comprehensive plan update. If MDE concurs with the County's Plan in this case, then these three requests would then be denied. The Planning Board concurred with the Executive as does Council Staff.

Applicant	Request	CE Recommendation	Planning Board	Council Staff	CE Staff Report	
					Text	Maps
WSSCR 22-TRV-10A Max Shevitz	Requesting public sewer (S-6 to S-3) to serve an existing single-family home	Defer pending the development of an annexation agreement between the property owner and the City of Rockville.	Concur with the CE	Concur with the CE	©30-31	©32

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

This request involves a 3.48-acre RE-1 zoned property located on Scott Drive in the Glen Hills area. The applicant is seeking public sewer service to serve an existing single-family home.

WSSCWater has identified a 1,700 foot sewer main extension to serve the property. The extension would tie into the existing Watts Branch trunk sewer just off Scott Drive. Staff from the City of Rockville have noted that a shorter alternative low-pressure main extension to a city sewer main may be feasible.

The Executive Staff report notes that this property is within the City of Rockville public water/sewer service area, not the Washington Suburban Sanitary District. Therefore, a decision to serve the property is with the City and not the County. The City would require annexation of the property and agreement from the property owner to extend water and sewer mains as needed.

The Executive recommends deferral of the request pending the development of an annexation agreement between the property owner and the City of Rockville. If an annexation

agreement is not reached, the Executive will recommend the Council deny the request. The Planning Board concurred with the Executive as does Council Staff.

Attachments

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 December 29, 2022, the County Council received recommendations from the County Executive on seven 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 February 28, 2023
8. The County Council's Transportation and Environment Committee held a worksession on the request.

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.

Judy Rupp
Clerk of the Council

MEMORANDUM

December 29, 2022

TO: Evan Glass, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Transmittal of Recommendation 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 seven proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. All seven amendments are requests for individual water/sewer service area category changes. The attached staff report includes recommendations and supporting documentation addressing these amendments.

My recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan. They are consistent with precedents set under local area master plan service recommendations. The requests are summarized as follows:

Potomac Peripheral Sewer Service Policy Sewer Category Change Requests

Each applicant for the seven sewer category change requests included in the attached packet has asserted their property's qualification for public service under the Potomac peripheral sewer service policy, stating that their properties abut or confront the planned public sewer envelope. However, that criterion alone does not guarantee conformance with the policy.

The site for **WSCCR 22-TRV-01A (National Sikh Heritage Trust)** abuts part of the planned public sewer envelope within the Greenbriar Preserve neighborhood, which is excluded from consideration under the policy. I have recommended the denial of category S-3 for this request.

Two requests, **WSCCRs 22-TRV-04A (Maizel)** and **22-TRV-13A (Eisenhour)** do not satisfy the underlying purpose of the policy. That is to finish or fill in service for properties at the edge of the planned service envelope. I have recommended the denial of category S-3 for these requests.

Three requests, **WSCCRs 22-TRV-05A (Sinay)**, **22-TRV-06A (Rao)**, and **22-TRV-09A (Reinhold)**, are adjacent to the planned public sewer envelope that is within the service area for the City of Rockville. The City's public service area should have no bearing on the County, especially where lower-density development is planned. I included a revision to this policy in the draft 2022 Water and Sewer Plan comprehensive update recently approved by the Council. The revision modifies the policy to exclude part of the planned sewer service envelope within the City from consideration. I recommend deferring these three requests pending State approval of the Water and Sewer Plan update.

The last request, **WSCCR 22-TRV-10A (Shevitz)**, is outside the Washington Suburban Sanitary District (WSSD) and is instead within the planned service area for the City of Rockville. Public service will be coordinated from the City's public systems when the property is annexed into the City. I have recommended the deferral of this request pending the development of an annexation agreement between the City and the property owner.

Staff from the Department of Environmental Protection, Intergovernmental Affairs Division, will be available to 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
Adriana Hochberg, Acting Director, Department of Environmental Protection
Robert McCord, Secretary, Maryland Department of Planning
Ehsan Motazed, Acting Director, Department of Permitting Services
The Honorable Bridget Donnell Newton, Mayor, City of Rockville
Carla Reid, General Manager, WSSC Water
Jeffery Zyontz, Interim Chair, Montgomery County Planning Board

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Executive Summary: Proposed Service Area Category Amendments and Recommendations

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

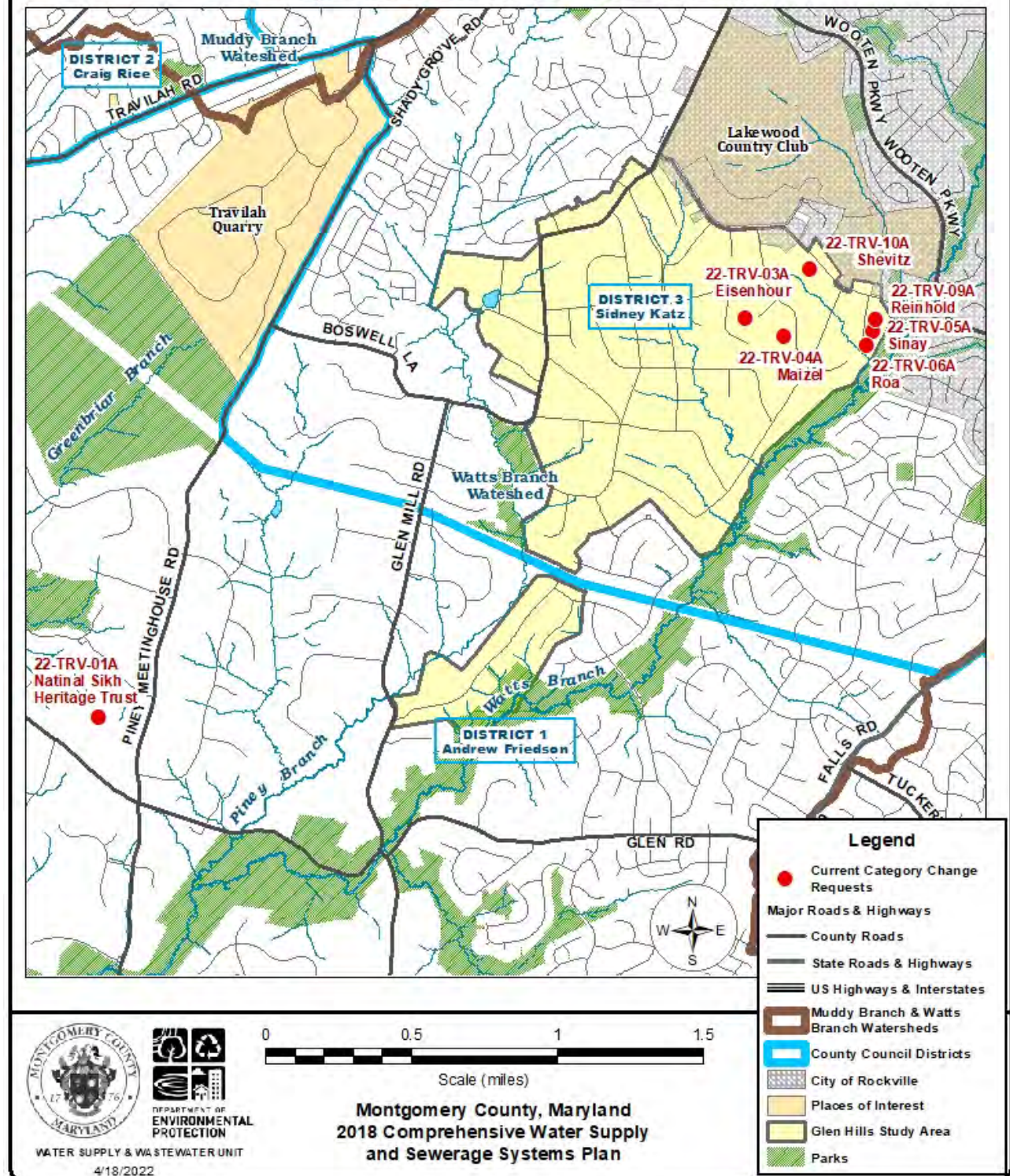
Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
Potomac Peripheral Sewer Service Policy Cases: Properties Related to Greenbriar Preserve			
[1] WSCCR 22-TR-01A: National Sikh Heritage Trust			
<ul style="list-style-type: none"> • 11000 Block, Wood Thrush Ln. and 11415 Glen Rd., Potomac • RE-2 Zone; 4.97 total ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: 2-4 Single-Family Homes (<u>not</u> a private institutional facility use) 	W-3 (no change) S-6 to S-3	Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. Deny the request for category S-3; maintain S-6.	Report: Pgs. 9-10 Maps: Pgs. 11-13
Potomac Peripheral Sewer Service Policy Cases: Properties Related to the Jasmine Hill Terrace Service Area			
[2] WSCCR 22-TRV-04A: Jonathan Maizel			
<ul style="list-style-type: none"> • 13120 Foxden Dr., Rockville • RE-1 Zone; 2.02 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1977) 	W-3 (no change) S-6 to S-3	Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. Deny the request for category S-3; maintain S-6.	Report: Pgs. 14-15 Map: Pg. 16
[3] WSCCR 22-TRV-13A: Arthur Eisenhower			
<ul style="list-style-type: none"> • 3 Foxden Ct., Rockville • RE-1 Zone; 2.76 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1968) 	W-3 (no change) S-6 to S-3	Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy. Deny the request for category S-3; maintain S-6.	Report: Pgs. 17-18 Map: Pg. 19

Executive Summary: Proposed Service Area Category Amendments and Recommendations

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

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
Potomac Peripheral Sewer Service Policy Cases: Carriage Court at the City of Rockville			
[4] WSCCR 22-TRV-05A: Michael and Denise Sinay			
<ul style="list-style-type: none"> 13205 Carriage Ct., Rockville RE-1 Zone; 2.02 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1956) 	W-3 (no change) S-6 to S-3	The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. However, the policy was not intended to apply based on properties within the planned public sewer envelope in the City's service area. A text amendment for the peripheral service policy to address this issue is included in the pending draft update to the Water and Sewer Plan. Defer the request for S-3, pending the State's approval of the 2022 Plan update.	Report: Pgs. 20-21 Maps: Pgs. 22-23
[5] WSCCR 22-TRV-06A: Nirmala Rao			
<ul style="list-style-type: none"> 13201 Carriage Ct., Rockville RE-1 Zone; 2.46 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1965) 	W-3 (no change) S-6 to S-3	The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. However, the policy was not intended to apply based on properties within the planned public sewer envelope in the City's service area. A text amendment for the peripheral service policy to address this issue is included in the pending draft update to the Water and Sewer Plan. Defer the request for S-3, pending the State's approval of the 2022 Plan update.	Report: Pgs. 24-25 Maps: Pgs. 22-23
[6] WSCCR 22-TRV-09A: William Reinhold			
<ul style="list-style-type: none"> 13209 Carriage Ct., Rockville RE-1 Zone; 2.29 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1960) 	W-3 (no change) S-6 to S-3	The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. However, the policy was not intended to apply based on properties within the planned public sewer envelope in the City's service area. A text amendment for the peripheral service policy to address this issue is included in the pending draft update to the Water and Sewer Plan. Defer the request for S-3, pending the State's approval of the 2022 Plan update.	Report: Pgs. 26-27 Maps: Pgs. 22-23
Potomac Peripheral Sewer Service Policy Case: Scott Drive in the City of Rockville Service Area			
[7] WSCCR 22-TRV-10A: Max Shevitz			
<ul style="list-style-type: none"> 9208 Scott Dr., Rockville RE-1 Zone; 3.48 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home (built 1995) 	W-3 (no change) S-6 to S-3	The property is within the City of Rockville water and sewer service area and maximum expansion limit. The provision of public sewer service will require annexation into the City. The owner has had some initial discussion about annexation into the City. Defer the request for S-3; pending the development of an annexation agreement with the City of Rockville.	Report: Pgs. 28-29 Maps: Pg. 30

County Council Packet: Category Change Amendment Locator Comprehensive Water and Sewer Plan Map



Description: A map showing the locations of each of seven sewer category change requests within the general Rockville and Potomac areas. Six of the requests are within the Glen Hills study area. The map also shows related County Council districts,

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.

Potomac Peripheral Sewer Service Policy Cases

The Potomac peripheral sewer service policy was developed in the 2002 update of the Potomac Subregion Master Plan. The recommendation was provided as a means of addressing remnants of the previous 1980 master plan's sewer service policy allowing for the case-by-case approval of public sewer service in areas zoned RE-1 and RE-2. The background information from the 2002 master plan follows:

“Under the prior [1980] master plan, the Subregion has experienced substantial provision of community sewer service to lower-density areas. **Because of this, and because the County considered 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.**

[Emphasis added.] Although this Master Plan generally recommends against the continued provision of community sewer service to low-density areas (RE-1 and RE-2), it does support limited approval for community sewer service for the low-density areas within the [planned] envelope and along its currently-established edge. The focus of this limited service and expansion should be on properties which already abut existing 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 [planned] sewer service envelope beyond the limits recommended in this Plan.”

See the 2002 Potomac Subregion Master Plan excerpt **on pages 30 - 32.**

Most of the sewer category change requests in this packet were filed by the applicants who invoked the peripheral sewer service policy. The policy, as presented in the 2018 update of the Water and Sewer Plan is found on pages **33 - 35.**

Potomac Peripheral Sewer Service Policy Cases: Related to the Lower Greenbriar Properties

County Executive's Recommendation: Deny the request for category S-3; maintain S-6.

WSSCR 22-TRV-01A: National Sikh Heritage Trust

Anticipated Action Path: Unknown

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> • 11000 Block, Wood Thrush Ln. and 11415 Glen Rd., Potomac • Parcel P093 and P147, Piney Grove (acct. nos. 03696853 and 00397722) • Map tile: WSSC – 215NW11; MD –FQ12 • North of Glen Rd., 1,150 feet West of the intersection with Piney Meetinghouse Rd. • RE-2 Zone; 4.97 total ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 1961) • <u>Proposed use</u>: 2-4 Single-Family Homes (not a private institutional facility use) 	<table border="1"> <thead> <tr> <th>Existing –</th><th>Requested – Service Area Categories</th></tr> </thead> <tbody> <tr> <td>W-1</td><td>W-1 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </tbody> </table> <p><u>Applicant's Explanation</u></p> <p>"Septic field is too small for proposed subdivision."</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 category change from S-6 to S-3 for a proposed two- to four-lot subdivision on a land locked, 4.97-acre tract currently consisting of two parcels zoned RE-2. The parcel at 11415 Glen Rd. uses an onsite well and septic system. The adjacent parcel, P093, is unimproved. Note that under the existing RE-2 zoning the site, at just under five acres, could be subdivided into no more than two residential building lots. The site is outside the planned public sewer envelope near Glen Rd. One of the subject parcels, P093, is adjacent to the planned public sewer envelope near Wood Thrush Ln. in the Estates at Greenbriar Preserve Subdivision.

M-NCPPC Planning reports that the 2002 Potomac Master Plan recommendations do not support the provision of public sewer service in this lower-density, RE-2-zoned area. The master plan also recommends against the use the Potomac peripheral sewer service policy for this site as it is adjacent to the Lower Greenbriar Properties area. This is confirmed by the sewer service policies in Appendix C of the 2018 Water and Sewer Plan (see pages 33 - 35). Information provided by DPS indicates that, while the site contains one septic system for a one-bedroom house on the larger parcel, the general septic system suitability of the site is not known.

WSSC-Water has identified two possible options for providing public sewer service to the site:

- The first option is a 1,000-foot sewer main extension east from the site to the existing gravity main along Piney Meetinghouse Rd. (see page 9). The extension would require a 30-foot-wide easement from intervening properties and abut up to two properties designated as sewer category S-6. One of these properties is WSSCR 20-TRV-09A (Ainane), which could be considered subsequently for a sewer service connection under the abutting mains policy. WSSC-Water notes that the extension "may involve the removal of trees, temporary disruption of wetlands and stream valley."
- The second service option is a 400-foot low-pressure main extension from the site northwest to the existing 1"-diameter low-pressure main long Wood Thrush Dr. in the adjacent Estates at Greenbriar Preserve subdivision. (Again, see page 9.) The extension would require a minimum 20-foot-wide easement between two improved lots in the subdivision. Again, WSSC -Water notes that the extension "may involve the removal of trees, temporary disruption of wetlands and stream valley." Given the nature of the improvements on these two lots, we would expect the environmental issues associated with this extension to be less severe than with the extension under the first option. WSSC-Water further notes that the use of this extension option will require more-detailed engineering analysis due to potential capacity

limitations in the low-pressure sewerage system receiving the flow from this site.

Sewer main extensions needed for cases involving the Potomac peripheral sewer service policy are not intended to affect sensitive environmental features such as those cited by WSSC -Water.

Further, this request fails to satisfy the basic principle of the peripheral sewer service policy. The approval of this request does not help to complete or “fill in” the existing sewer service envelope in this area resulting from the approval of sewer category change requests for large-lot development (such as RE-2) under the 1980 master plan guidance. (See the following master plan excerpt on page 30 and the Water and Sewer Plan policy from Appendix C on pages 33 - 35.) The area within the planned service envelope and this site are under different zoning classifications that have different purposes: RNC versus RE-2. In addition to the Lower Greenbriar prohibition mentioned previously, these issues argue against the application of the peripheral sewer service policy in this case. No other sewer service policies support the approval of this request.

Executive staff find that this request is not an appropriate application of the Potomac peripheral sewer service policy. Recommend denial of the request for sewer category S-3, maintain S-6.

Agency Review Comments

DPS – Well & Septic:

Records indicate the existing septic system was installed 1961 for a 1 bedroom dwelling. This property does not have an approved septic reserve area. No records of any water table or perc testing done to establish [a septic reserve area] on this property. The existing well was drilled and permitted in 1961, no well completion report is available.

M-NCPPC – Planning Dept.:

The water and sewer plan generally excludes the RE-2 and other low-density zones from access to the public sewer system. In addition, although one of the two properties is adjacent to the Lower Greenbriar Branch 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 - Water: (not requested)

WSSC-Water - Sewer:

Basin: Watts Branch. The property does not abut any existing sewer.

Extension Option 1) Approximately 1000 ft of non-CIP-sized sewer extension is required. This extension would be deep sewer (15-20 ft) and would connect to a 10 inch sewer main to the east of this site along Piney Meetinghouse Road (contract no. 1990-8410A) and would abut approximately [as many as three] properties in addition to the applicant's. Off-site easements (30 ft minimum easement width) would be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley.

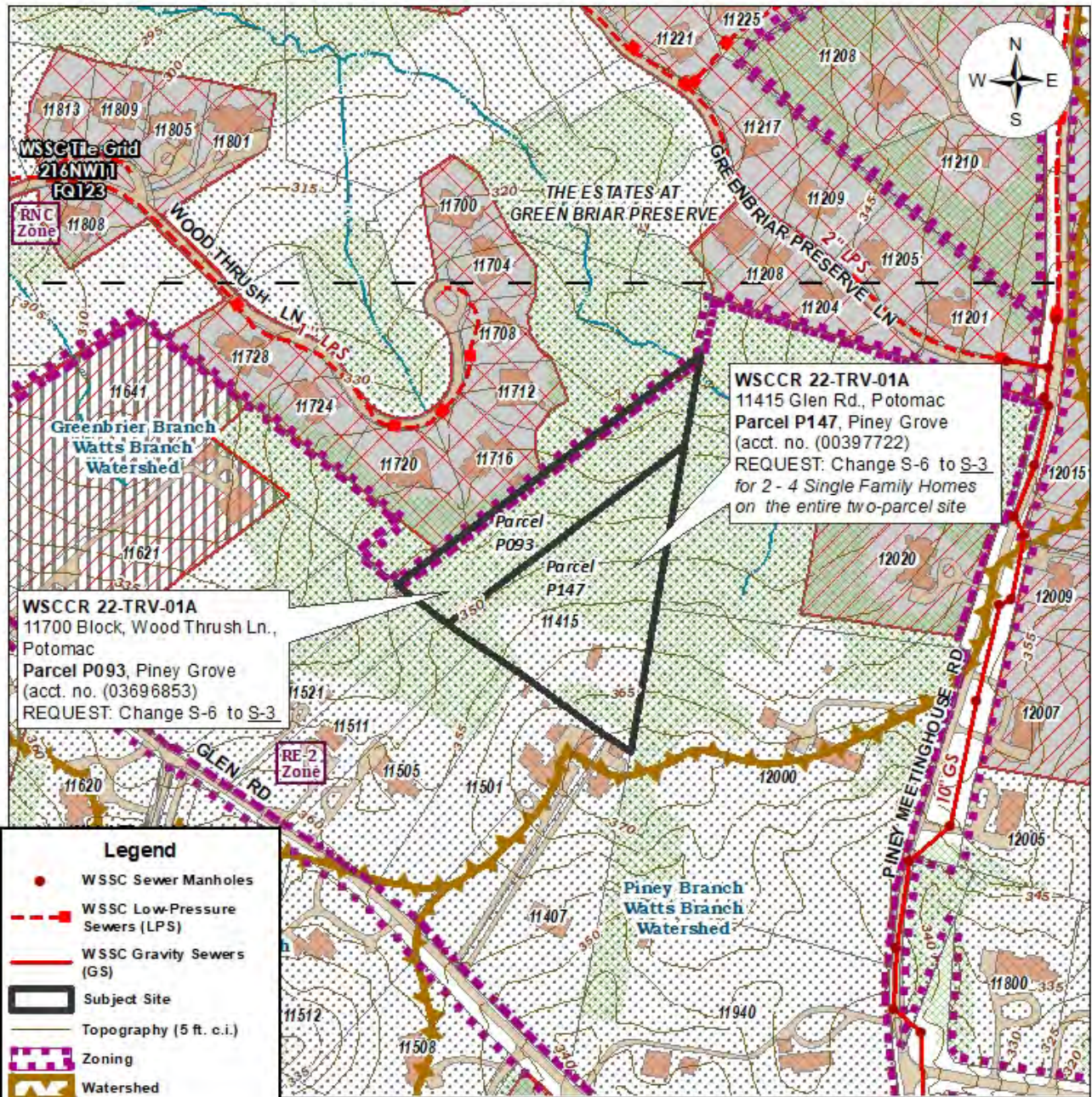
Extension Option 2) The property is located approximately 400 ft from a low-pressure sewer system to the North along Woodthrush Lane. This low-pressure sewer is located in the [Lower Greenbriar] area, which has flow restrictions. Off-site easements (20 ft minimum easement width) would be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley.

Average wastewater flow from the proposed development: 1,094 GPD. [A non-program-sized] sewer mains is 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).

Interceptor capacity is adequate for connecting to the 10 inch gravity main along Meetinghouse road. There are restrictions associated with the [Lower Greenbriar] low pressure sewer north of this site and an SPF or HPA will be required to evaluate the adequacy of that option. Treatment capacity is adequate

Maps, Plans, Etc.:	Sewer Category Map	Page 11
	Proposed Sewer Extensions Map.....	Page 12
	Local Opposition Map	Page 13

WSSCR 22-TRV-01A (National Sikh Heritage Trust) - Potomac
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Legend

- WSSC Sewer Manholes
- - - WSSC Low-Pressure Sewers (LPS)
- WSSC Gravity Sewers (GS)
- ▭ Subject Site
- Topography (5 ft. c.i.)
- ▨ Zoning
- ▨ Watershed
- ▨ Woodlands
- ▨ Planned Sewer Service Envelope
- ▨ Exception Cases

Sewer Category


- ▨ S-1
- ▨ S-3
- ▨ S-6

Travilah Planning Area -- Watts Branch Watershed

0 200 400 600 800 1,000

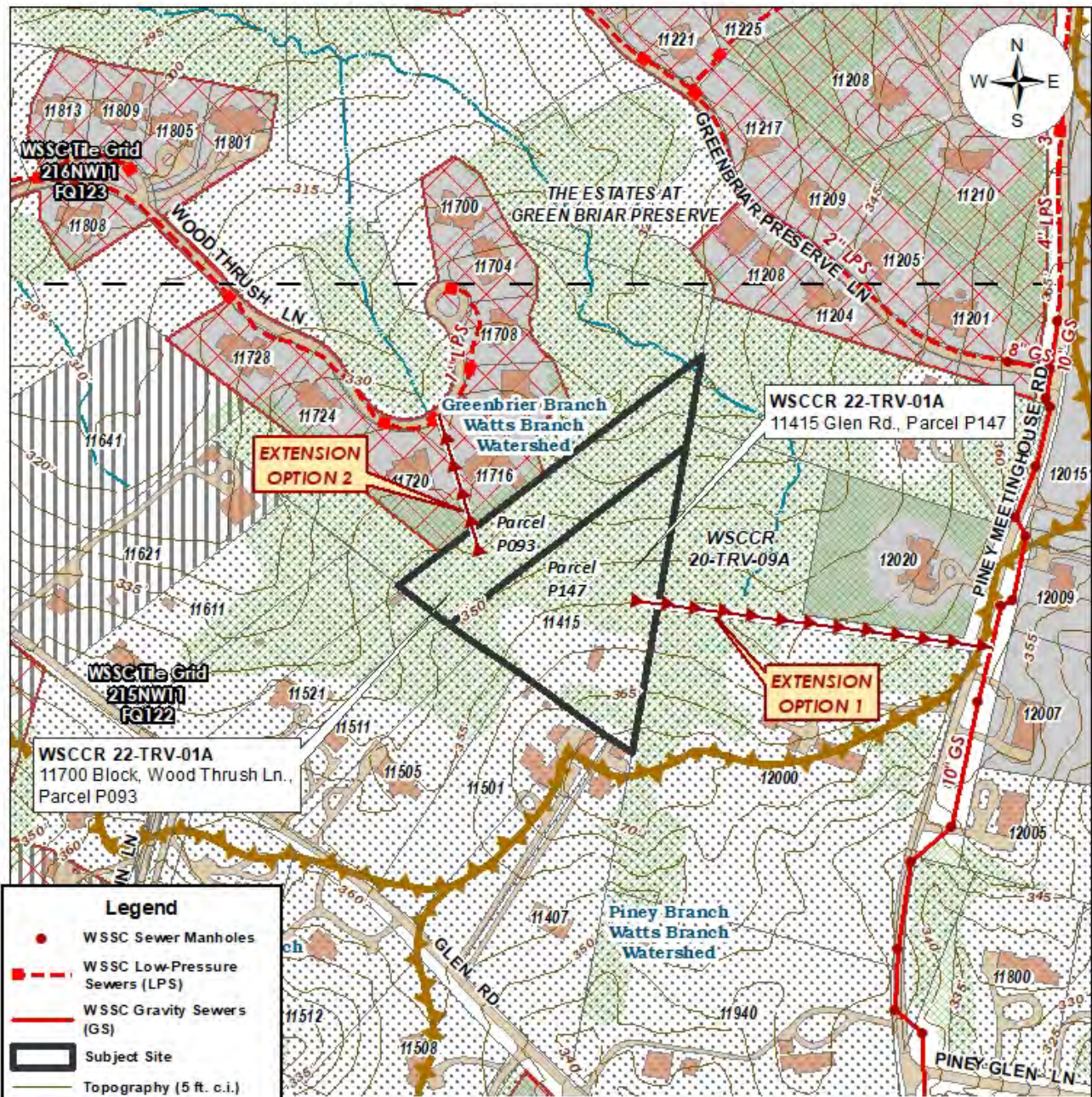
SCALE (Feet)

Montgomery County, Maryland
2018 Comprehensive Water Supply and Sewerage Systems Plan


 MONTGOMERY COUNTY
 MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER SUPPLY & WASTEWATER UNIT
 3/22/2022

Description: Map showing the location of WSSCR 22-TRV-01A with surrounding sewer service area categories, the planned public sewer envelope, and existing public sewer mains.

WSSCR 22-TRV-01A (National Sikh Heritage Trust) - Potomac
Requested Sewer Service Area Category Map Amendment: Sewer Extension Options



Legend

- WSSC Sewer Manholes
- WSSC Low-Pressure Sewers (LPS)
- WSSC Gravity Sewers (GS)
- Subject Site
- Topography (5 ft. c.i.)
- Watershed
- Woodlands
- Planned Sewer Service Envelope

Sewer Category


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

Travilah Planning Area -- Watts Branch Watershed

0 200 400 600 800 1,000

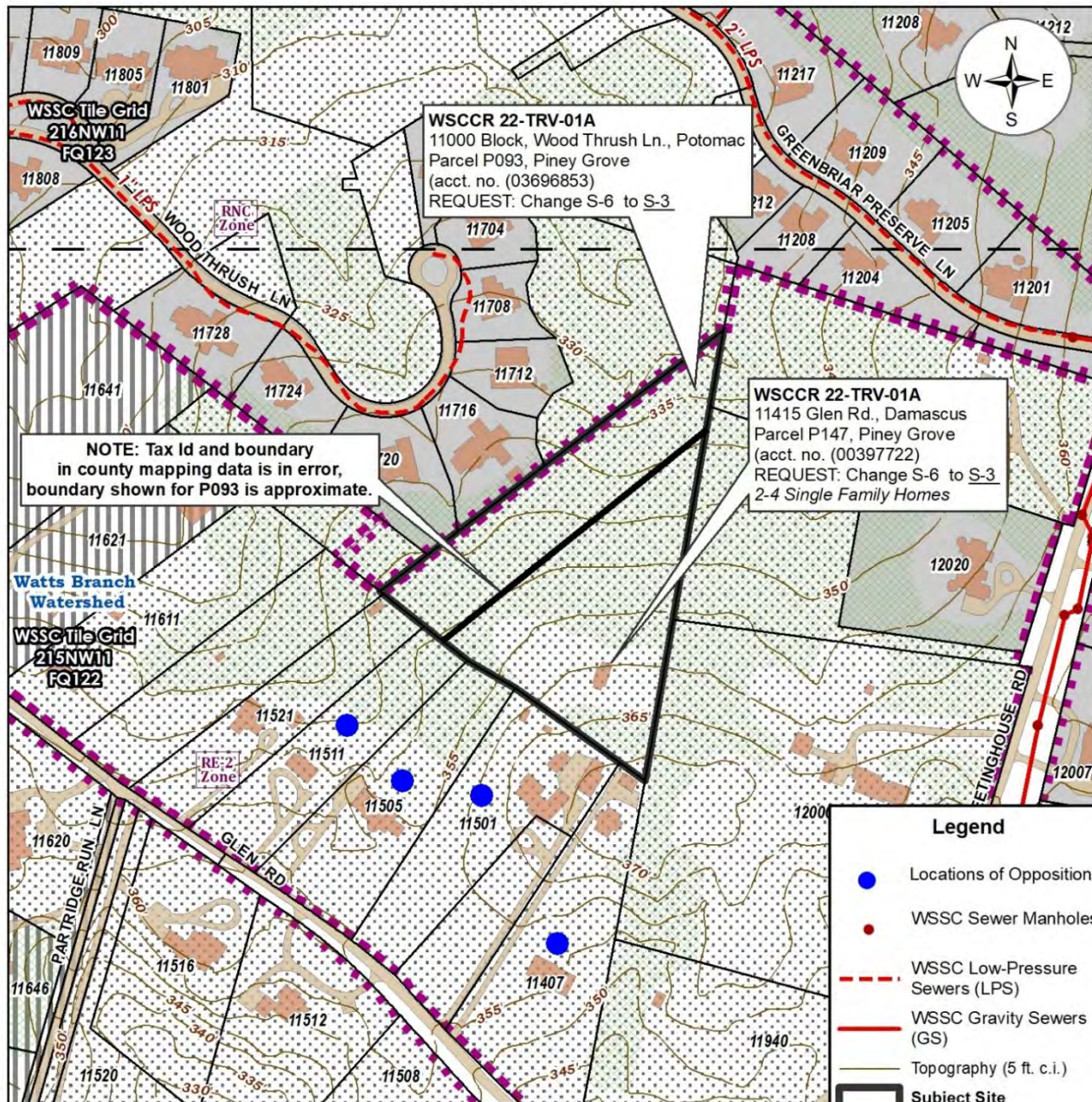
SCALE (Feet)

Montgomery County, Maryland
2018 Comprehensive Water Supply and Sewerage Systems Plan


 WATER SUPPLY & WASTEWATER UNIT
 4/12/2022

Description: Map showing the location of WSSCR 22-TRV-01A with sewer main extensions options identified by WSSC-Water.

WSSCR 22-TRV-01A (National Sikh Heritage Trust) - Potomac **Locations of Opposition (Based on Letters to DEP)**



Travilah Planning Area

Watts Branch Watershed



WATER SUPPLY & WASTEWATER UNIT
10/12/21

0 200 400 600
SCALE (Feet)

Montgomery County, Maryland
2018 Comprehensive Water Supply
and Sewerage Systems Plan

Legend

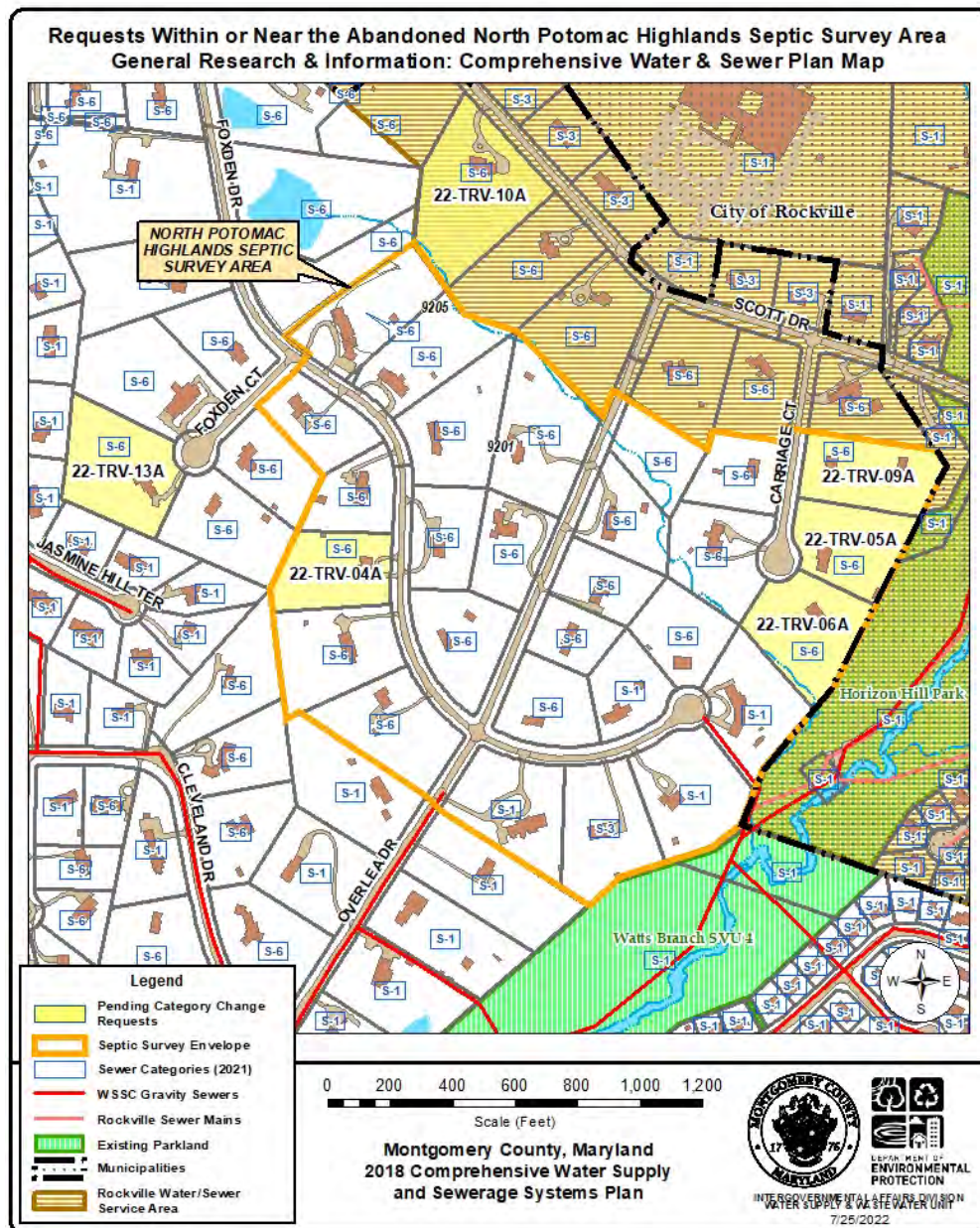
- Locations of Opposition
- WSSC Sewer Manholes
- WSSC Low-Pressure Sewers (LPS)
- WSSC Gravity Sewers (GS)
- Topography (5 ft. c.i.)
- Subject Site
- Zoning
- Major Watersheds
- Woodlands
- Sewer Category**
 - S-1
 - S-3
 - S-6

Description: Map showing the location of WSSCR 22-TRV-01A with the locations of four property owners who provided DEP with correspondence opposing approval of the sewer category change request. (DEP will provide this correspondence to the Council as part of the pending public hearing process.)

Discontinued North Potomac Highlands Septic Survey

Several of the properties included in this packet were part of the North Potomac Highlands Septic Survey. The survey was initiated by DEP in November 2017 at the request of nine property owners in the Potomac Highlands neighborhood. While DEP and DPS worked on the survey, the County Council approved the 2018 comprehensive update of the Water and Sewer Plan. The approved update changed the health area survey policy. The revised policy required that at least one property within the survey area have a documented septic system failure for which DPS could not identify a reasonable onsite replacement. The Council directed that the North Potomac Highlands Septic Survey had to conform with the requirements of the revised policy even though DEP and DPS had initiated the survey prior to the Council's approval of the 2018 update of the Plan.

A review of the properties included in the survey area showed no active septic system failures according to DPS records. Further, no survey participants volunteered for inspections to determine whether any existing septic systems were currently failing. As a result, DEP and DPS discontinued work on the North Potomac Highlands survey.



Description: Map showing the location of six sewer category change requests included in this packet with respect to the North Potomac Highlands Septic Survey Area.

Potomac Peripheral Sewer Service Policy Cases: Properties Related to the Jasmine Hill Terrace Service Area**Request [2]: WSSCR 22-TRV-04A: Jonathan Maizel****County Executive's Recommendation: Deny the request for 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">• 13120 Foxden Dr., Rockville• Lot 10, Block D, Potomac Highlands (acct. no. 00088622)• Map tile: WSSC – 217NW09; MD –FR51• West side of Foxden Dr., 500 ft north of the intersection with Overlea Dr.• RE-1 Zone; 2.02 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Existing use</u>: Single-Family Home (built 1977)• <u>Proposed use</u>: Sewer service for the Existing Single-Family Home	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-1</td><td>W-3 (no change)</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p>Applicant's Explanation</p> <p>"Applicant desires to hook up with sewer service as soon as available. Property abuts and/or confronts other properties within the Potomac Master Plan planned public sewer envelope, as contemplated in the amended Montgomery County Comprehensive Water Supply and Sewerage Systems Plan."</p> <p><i>DEP note: This property was included in the uncompleted North Potomac Highlands Septic Survey. (See page 11 for a discussion of the survey.)</i></p>	<u>Existing – Requested – Service Area Categories</u>		W-1	W-3 (no change)	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-1	W-3 (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 2.02 acres in size and is zoned RE-1. The applicant has requested approval for public sewer service under the Potomac peripheral sewer service policy. The property is adjacent to the Jasmine Hill Terrace properties, which are within the planned sewer envelope, although only at a single point. Although the property is adjacent to the Jasmine Hill Terrace properties, it is within a different subdivision as well as on another street. The policy is intended to provide service to properties that are part of a contiguous area. The property is outside the Jasmine Hill Terrace subdivision, with no interconnection to the properties on Foxden Drive. The intention of the Potomac peripheral service policy is to provide sewer service to properties in a logical manner. Approval of this request does not help to complete or "fill in" the existing sewer service envelope in this area. WSSC has indicated an 850-foot-long sewer extension would be required to serve the property, abutting an additional four properties. An extension of this length is typically not feasible for a single property owner. This will also open up service to four additional lots that would otherwise not be eligible for sewer service. The property therefore does not satisfy the intent of the Potomac Peripheral Service Policy.

Executive staff find that this request is not an appropriate application of the Potomac peripheral sewer service policy. Recommend denial of the request for sewer category S-3, maintain S-6.

Agency Review Comments**DPS – Well & Septic:**

The existing septic system was constructed in 1977. Testing was done to establish a septic area, but the area does not meet current standards.

M-NCPPC – Planning Dept.

This 2.02-acre, RE-1-zoned lot is adjacent to the Potomac sewer envelope as shown in the 2002 *Potomac Subregion Master Plan* at a single point. The Master Plan's peripheral sewer policy is intended for "properties which already abut existing or proposed mains and on properties which can be serviced by sewer extension within public rights-of-way". Since there is no abutting sewer infrastructure or infrastructure within close proximity to this lot, staff does not support sewer service to this property under the peripheral sewer policy.

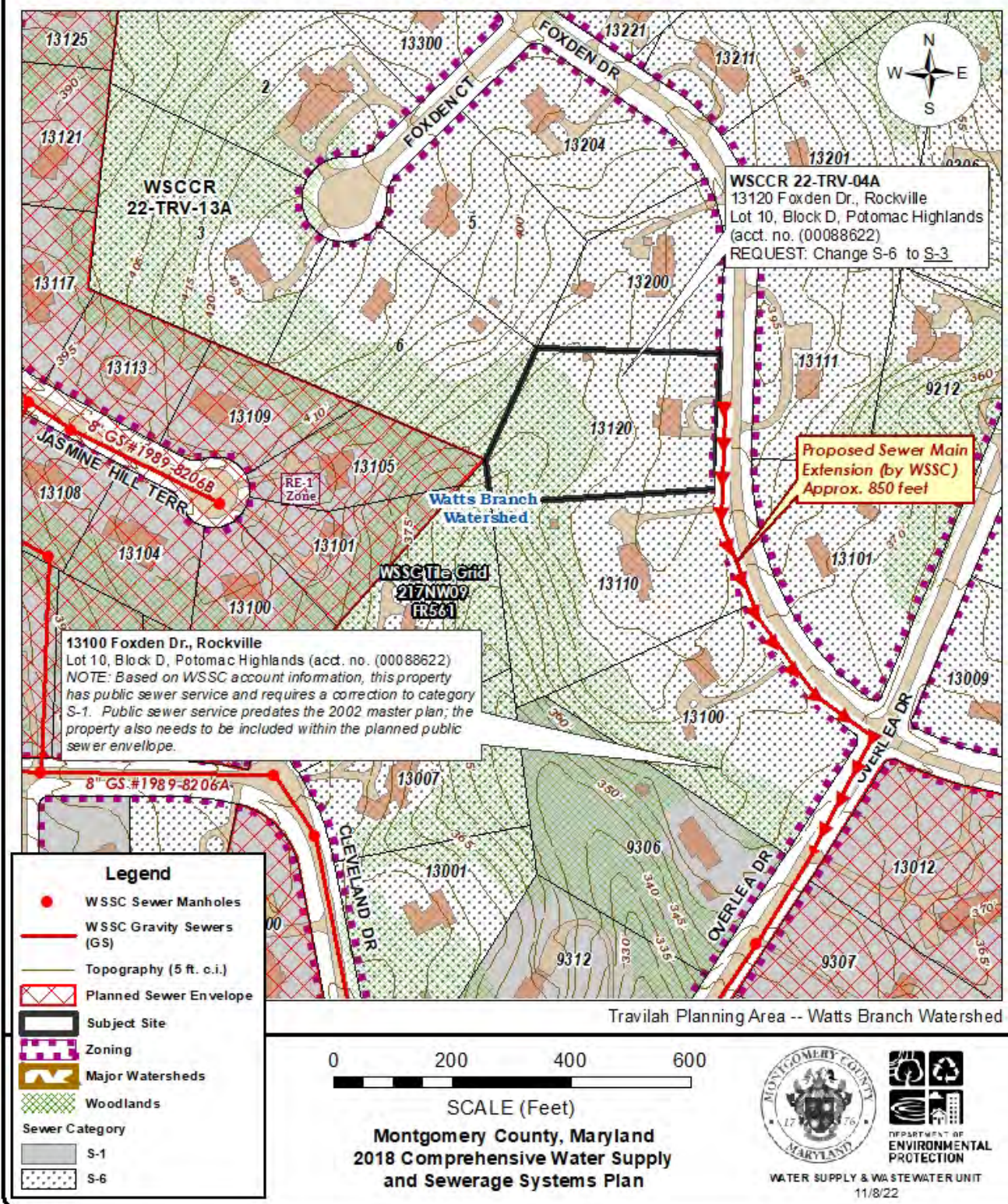
M-NCPPC – Parks Planning

No park impact.

WSSC – Water: (not requested)

WSSC – Sewer: Watts Branch basin. [An 850] -foot long non-CIP-sized sewer extension is required to serve the property at 13120 Foxden Drive. This extension would start on Foxden Drive and continue south, turn west on Overlea Drive and connect to the 8-inch concrete sewer main on Overlea Drive. There would be four properties in addition to the applicant’s that could be serviced by this main. Easements may be required. Construction of this extension may involve cutting and replacing the asphalt road surface along Foxden Drive and Overlea Drive. This extension has been conceptually approved for service to the single-family home located at 13120 Foxden Drive. Average wastewater flow from the existing single-family home: 190 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. Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 22-TRV-04A (Jonathan Maizel) - Rockville
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Description: Map showing the location of WSSCR 22-TRV-04A with respect to the planned public sewer envelope and showing the sewer main extension identified by WSSC-Water.

Request [3]: WSSCR 22-TRV-13A: Arthur Eisenhower

County Executive's Recommendation: Deny the request for category S-3; maintain S-6.
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Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> • 3 Foxden Ct., Rockville • Lot 5, Block D, Potomac Highlands (acct. no. 00088278) • Map tile: WSSC – 217NW09; MD –FR51 • West side of Foxden Ct., 500 ft from the intersection with Foxden Dr. • RE-1 Zone; 2.76 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 1968) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<table border="1"> <tr> <th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr> <tr> <td>W-1</td><td>W-3 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p><u>Applicant's Explanation</u></p> <p>"I am requesting a sewer category change from S-6 to S-3 under the Potomac Peripheral Policy. My property backs up to the Planned Sewer Envelope in the Jasmine Hill subdivision, which had sewer service prior to 2002. Specifically my property backs up to 13117 and 13121 Jasmine Hill Terrace."</p> <p><i>DEP note: This property was <u>not included</u> in the uncompleted North Potomac Highlands Septic Survey.</i></p>	<u>Existing – Requested – Service Area Categories</u>		W-1	W-3 (no change)	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-1	W-3 (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 2.76 acres in size and is zoned RE-1. The applicant has requested approval for public sewer service under the Potomac peripheral sewer service policy. Although the property is adjacent to the Jasmine Hill Terrace properties, which are within the planned sewer envelope, it is within a different subdivision as well as on another street. The policy is intended to provide service to properties that are part of a contiguous area. The property is outside the Jasmine Hill Terrace subdivision, with no interconnection to the properties on Foxden Court. Approval of this request does not help to complete or "fill in" the existing sewer service envelope in this area. WSSC has indicated the need for an easement through one of the already improved properties on Jasmine Hill Terrace, to connect to the existing sewer main. This may require the disruption of the heavily forested area to the rear of the applicant's property, as well as the easement through the adjoining property. An alternative sewer extension along Foxden Court and Foxden Drive, ultimately to the existing sewer main along Overlea Drive would open up service to at least ten additional properties who would otherwise be ineligible for service. The intention of the Potomac peripheral service policy is to provide sewer service to properties in a logical manner. The property therefore does not satisfy the intent of the Potomac Peripheral Service Policy.

Executive staff find that this request is not an appropriate application of the Potomac peripheral sewer service policy. Recommend denial of the request for sewer category S-3, maintain S-6.

Agency Review Comments**DPS – Well & Septic:**

The septic system constructed in 1968 and later repaired in 1985. There is no septic reserve area.

M-NCPPC – Planning Dept.:

This 2.76-acre, RE-1-zoned lot is adjacent to the Potomac sewer envelope as shown in the 2002 Potomac Subregion Master Plan along the rear property boundaries. The Master Plan's peripheral sewer policy is intended for "properties which already abut existing or proposed mains and on properties which can be serviced by sewer extension within public rights-of-way". Since there is no abutting sewer infrastructure or infrastructure within close proximity to this lot, staff does not support sewer service to this property under the peripheral sewer policy.

M-NCPPC – Parks Planning:

No park impact.

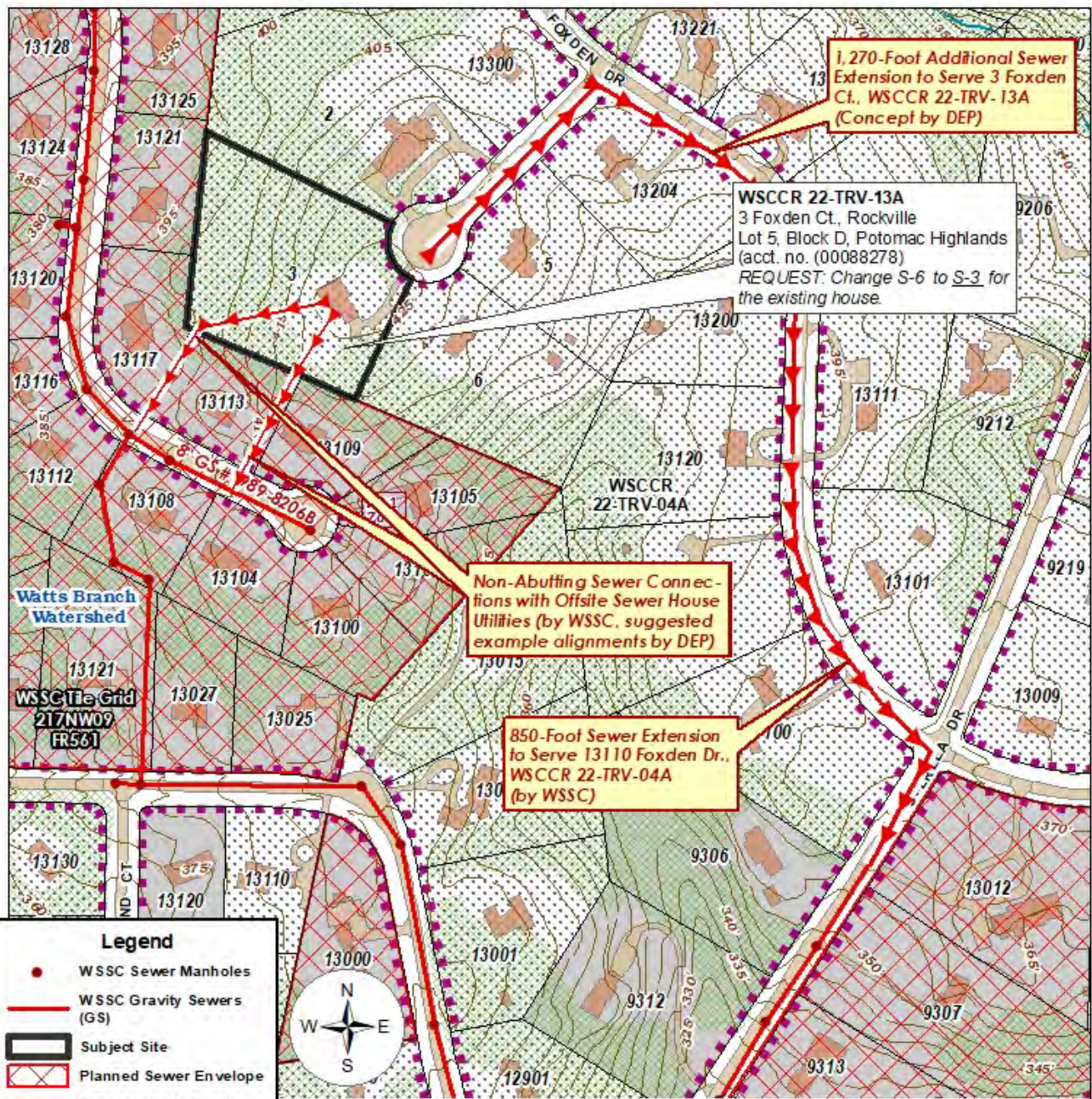
WSSC - Water: (not required)

WSSC - Sewer:

Basin 16-024. A non-abutting connection would be required. The property in question backs up to properties on Jasmine Hill Terrace, specifically, 13113, 13117 and 13121. There is an 8-inch sewer line in Jasmine Hill Terrace (WSSC Contract #1989-8206B). Easements would be required. Construction of this service may involve the removal of trees. 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.

DEP note: An alternative to non-abutting sewer connections to Jasmine Hill Terrace would involve a rather long sewer main extension from an existing 8"-diameter southwest of Foxden Dr. located along Overlea Dr. WSSC-Water has already identified 850 feet of the extension as needed to serve 13120 Foxden Dr., WSCCR 22-TRV-04A. Another 1,270 feet of sewer main extension along Foxden Dr. and Foxden Ct. would be needed to reach the subject lot at 3 Foxden Ct. The full extension would total approximately 2,120 feet.

WSSCR 22-TRV-13A (Arthur Eisenhour) - Rockville
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Travilah Planning Area -- Watts Branch Watershed

0 200 400 600 800

SCALE (Feet)

Montgomery County, Maryland
2018 Comprehensive Water Supply
and Sewerage Systems Plan



WATER SUPPLY & WASTEWATER UNIT
 5/19/2022

Description: Map showing the location of WSSCR 22-TRV-13A with respect to the planned public sewer envelope and showing the sewer main connections identified by WSSC-Water and a sewer extension identified by DEP.

Potomac Peripheral Sewer Service Policy Cases: Carriage Court at the City of Rockville

Note: This request and the two following requests (WSCCRs 22-TRV-06 and 22-TRV-09) are all located on the east side of Carriage Ct., adjacent to the Watts Branch Stream Valley Park. The following Executive Staff Report applies to all three requests.

Request [4]: WSCCR 22-TRV-05A: Michael and Denise Sinay

County Executive's Recommendation: *Defer the request for category S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.*

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 13205 Carriage Ct., Rockville• Lot 3, Block C, Potomac Highlands (acct. no. 00088280)• Map tile: WSSC – 217NW09; MD –FR61• East side of Carriage Ct., 500 feet south of the intersection with Scott Dr.• RE-1 Zone; 2.02 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Existing use</u>: Single-Family Home (built 1956) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home	<table><tr><th colspan="2">Existing – Requested – Service Area Categories</th></tr><tr><td>W-3</td><td>W-3 (no change)</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p>Applicant's Explanation</p> <p>"I am requesting approval because my property abuts the planned sewer envelope."</p> <p><i>DEP note: This property was included in the uncompleted North Glen Hills Area Septic Survey. (See page 11 for a discussion of the survey.)</i></p>	Existing – Requested – Service Area Categories		W-3	W-3 (no change)	S-6	S-3
Existing – Requested – Service Area Categories							
W-3	W-3 (no change)						
S-6	S-3						

Executive Staff Report: WSCCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold)

Each 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 lots total 6.77 acres in size and are zoned RE-1. The applicants have requested approval for public sewer service under the Potomac peripheral sewer service policy.

As noted by M-NCPPC, the part of the planned public sewer service envelope adjacent to these properties is within the City of Rockville, not the recommended 2002 Potomac Subregion Master Plan sewer service area. The planned sewer service envelope in the City has no relationship to properties outside the City in the County. Recognizing this, the County Executive has recommended, as part of the 2022 comprehensive update of the Water and Sewer Plan, that properties within the City's sewer service area be excluded from use in the peripheral sewer service policy. This would exclude these properties from consideration under the peripheral service policy.

The County Council approved the 2022 Water and Sewer Plan comprehensive update with the Executive's recommended exclusion of Rockville's sewer service area from the peripheral sewer service policy. The County is currently awaiting the State's concurrence for the comprehensive Plan update.

WSCCR 22-TRV-06A: 13201 Carriage Ct. also abuts the planned public sewer envelope to the south at 13000 Foxden Dr. However, extending public sewer service to 13201 Carriage Ct. does not accomplish one of the main goals of the peripheral sewer service policy, which is to fill in or complete the existing sewer service area. Approval of S-3 for this property extends the sewer service area beyond the planned sewer envelope without justification.

WSCCRs 22-TRV-05A & 22-TRV-09A: From the length of the main extensions and the size of the receiving main (36 inches) cited by WSSC-Water, the proposed main extensions would clearly come directly from the Watts Branch Trunk Sewer, crossing part of the Horizon Hill Park (Watts Branch Stream Valley Park). Given the likely detrimental effects of sewer construction on the stream valley park, such extensions cannot be endorsed by DEP.

WSCCR 22-TRV-06A: The WSSC-Water report for WSCCR 22-TRV-06A (see [page 19](#)) proposes an admittedly longer but less invasive main extension west along Scott Dr. then south along Carriage Ct. This 1,400-foot extension could serve all three properties for which property owners have applied for sewer category changes (see the map on [page 20](#)).

In cases where a decision on a category change amendment depends on an action for another policy or recommendation in another document (Water and Sewer Plan, master plan, etc.), Water and Sewer Plan policies call for deferral of the affected category change requests pending the resolution of the other policy issue.

Note that recent changes to the City of Rockville's Comprehensive Plan include an substantial enlargement of the City's maximum expansion limit (MEL) that now includes most of the Glen Hills Sanitary Study Area. The former MEL coincided with the limit of the City's public water/sewer service area. The new MEL, which extends into the Washington Suburban Sanitary District (WSSD), does not affect the extent of the City's service area.

Executive staff recommend deferral of these three requests pending the State's concurrence with the Council's approved 2022 Water and Sewer Plan update which addresses the Potomac peripheral sewer service policy and properties within the Rockville sewer service area. Should the State concur with the Council's approved Plan update, these three requests can be returned to the Council's consideration with a recommendation for denial.

Agency Review Comments

DPS – Well & Septic

The existing septic system was constructed in 1956. There is documented history of groundwater contamination on the property from previous owners. The septic tank was to be leaking and was replaced in 1994, however, it is not clear if the contamination issues were resolved.

M-NCPPC – Planning Dept.

No M-NCPPC park impact. Rockville should be consulted about their adjacent park.

M-NCPPC – Parks Planning

This 2.02-acre, RE-1-zoned lot is not adjacent to the Potomac sewer envelope as shown in the 2002 *Potomac Subregion Master Plan* but rather adjacent to the City of Rockville and their sewer envelope. Staff does not support sewer service to this property under the peripheral sewer policy.

WSSC – Water: *(not requested)*

WSSC – Sewer:

Basin: Watts Branch (16-024). This project is located in Glen Hills. Some parts of Glen Hills are in a county designated *Special Sewer Service* area.

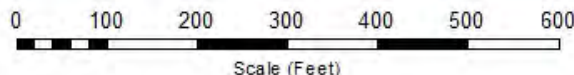
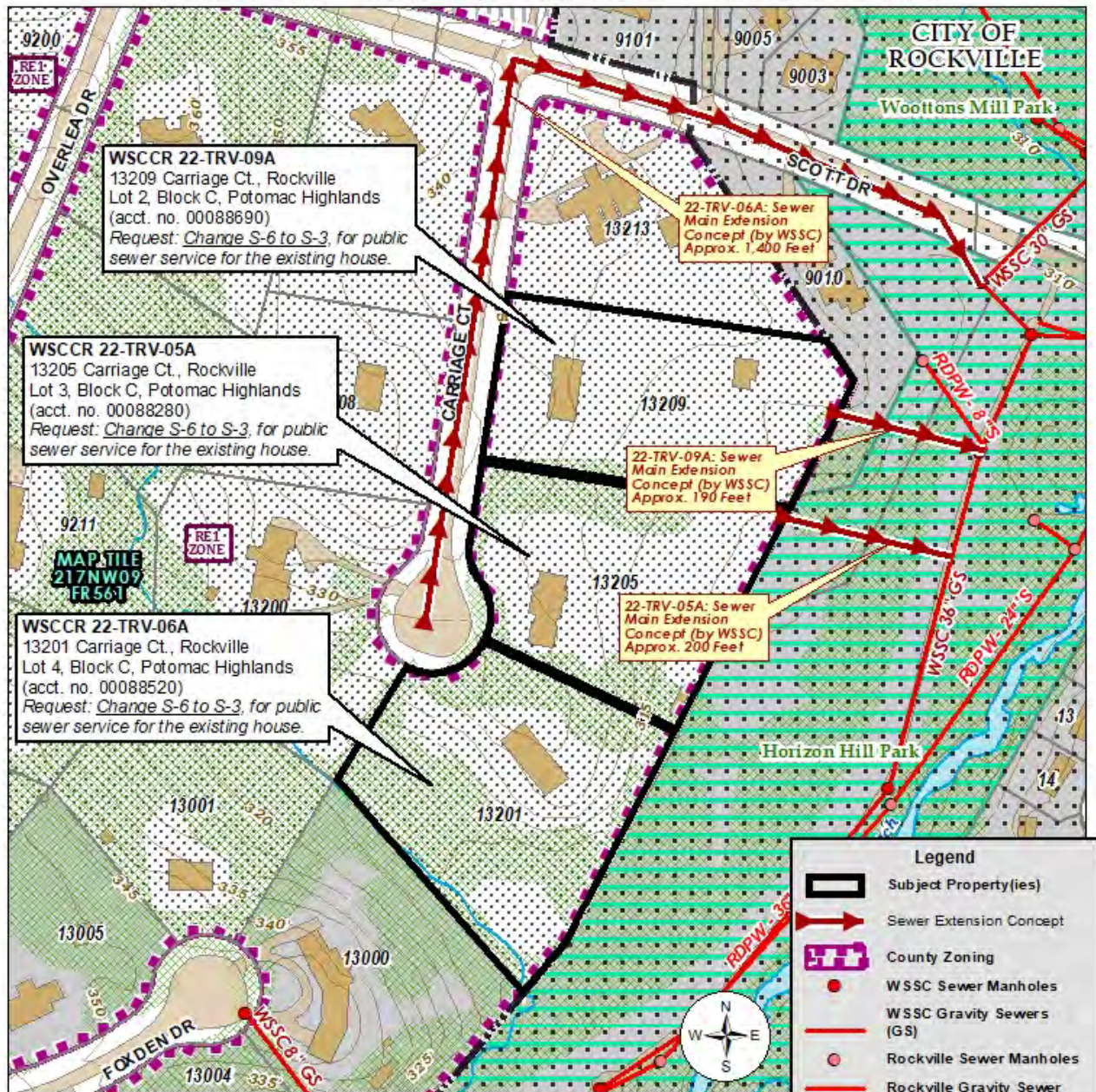
A 200-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to existing 36"-S built under contract no.1996-1714Q. Easements would be required. Construction of this extension may involve the removal of trees, temporary disruption of the Watts Branch stream 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). Interceptor capacity is adequate. Treatment capacity is adequate.

[DEP note: See the discussion on the WSSC-Water reports in the Executive Staff Report (page 18).

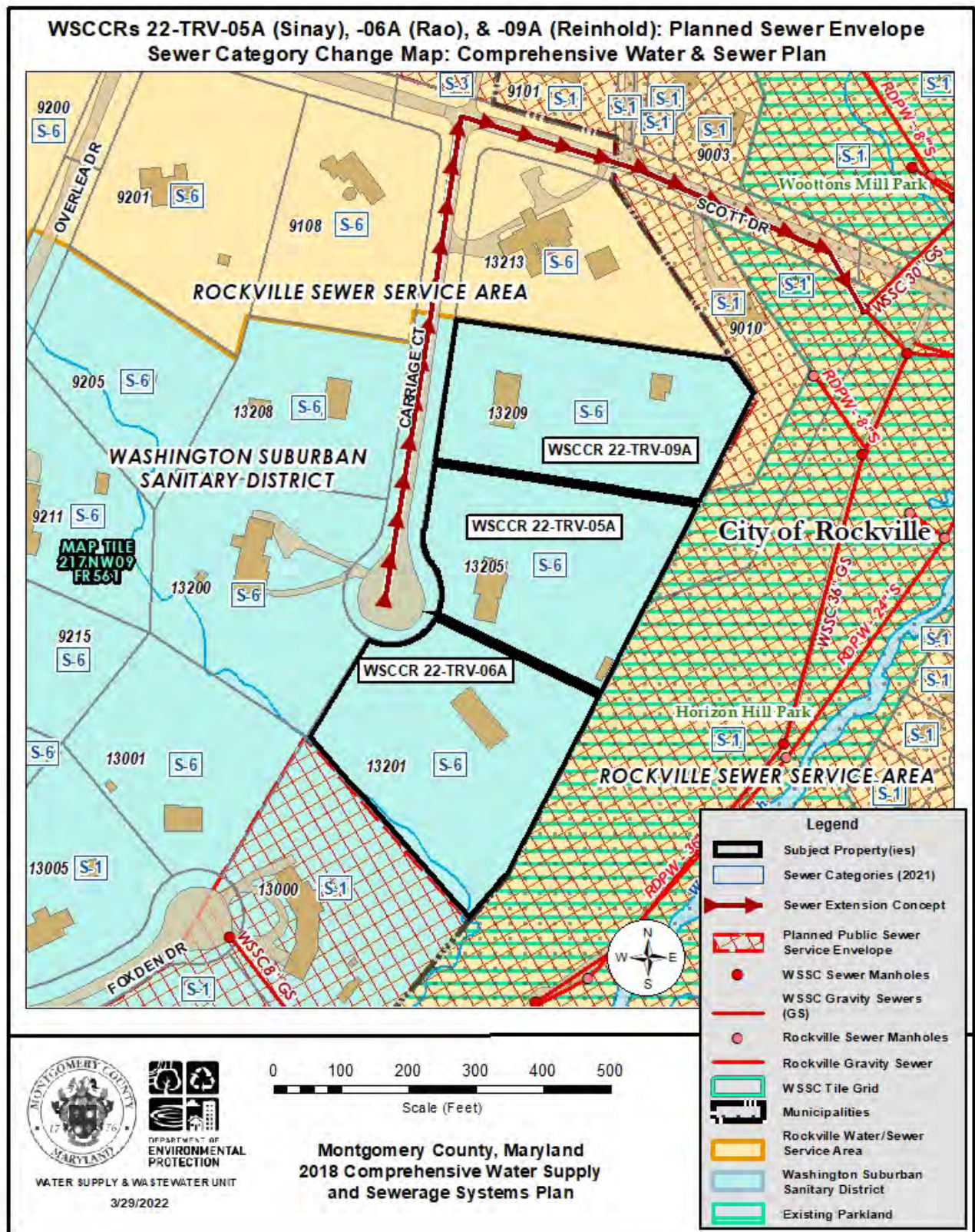
Maps, Plans, Etc.:	Sewer Category and Main Extensions Map.....	Page 20
	Sewer Envelope Map	Page 21

WSSCRs 22-TRV-05A (Sinay), 22-TRV-06A (Rao), & 22-TRV-09A (Reinhold)
Sewer Category Change Map: Comprehensive Water & Sewer Plan



Montgomery County, Maryland
2018 Comprehensive Water Supply
and Sewerage Systems Plan

Description: A map showing existing sewer service area categories for WSSCRs 22-TRV-05A, 22-TRV-06A, and 22-TRV-09A, along with existing sewer mains and proposed sewer main extensions for the three requests.



Description: A map showing the sewer service areas for WSSC-Water and the City of Rockville with respect to WSSCRs 22-TRV-05A, 22-TRV-06A, and 22-TRV-09A.

Request [5]: WSCCR 22-TRV-06A: Nirmala Rao

County Executive's Recommendation: Defer the request for category S-3 pending the 2022 update of the Water and Sewer Plan.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification						
<ul style="list-style-type: none">• 13201 Carriage Ct., Rockville• Lot 4, Block C, Potomac Highlands (acct. no. 00088520)• Map tile: WSSC – 217NW09; MD –FR61• East side of Carriage Ct., 700 feet south of the intersection with Scott Dr.• RE-1 Zone; 2.46 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Existing use</u>: Single-Family Home (built 1965)• <u>Proposed use</u>: Sewer service for the Existing Single-Family Home	<table><tr><th colspan="2"><u>Existing – Requested – Service Area Categories</u></th></tr><tr><td>W-3</td><td>W-3 (no change)</td></tr><tr><td>S-6</td><td>S-3</td></tr></table> <p><u>Applicant's Explanation</u></p> <p>“Our Plot is abutting an existing/planned public sewer connection and abutting the sewer envelope. Montgomery County policy permits changes in sewer category from S-6 to S-3. The 2013 Glen Hills Sanitary Survey identified our plot as a Review Area signifying that it is vulnerable to fail due to poor soil conditions and high water table.”</p> <p><i>DEP note: This property was included in the uncompleted North Glen Hills Area Septic Survey. (See page 11 for a discussion of the survey.)</i></p>	<u>Existing – Requested – Service Area Categories</u>		W-3	W-3 (no change)	S-6	S-3
<u>Existing – Requested – Service Area Categories</u>							
W-3	W-3 (no change)						
S-6	S-3						

Executive Staff Report

Please refer to the Executive Staff Report for WSCCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold) starting on [page 18](#).

Agency Review Comments**DPS – Well & Septic:**

The existing septic system was constructed in 1964, and the property has no modern septic reserve area.

M-NCPPC – Planning Dept.:

This 2.46-acre, RE-1-zoned lot is adjacent to the Potomac sewer envelope as shown in the 2002 *Potomac Subregion Master Plan* at its southern property boundary. The Master Plan's peripheral sewer policy is intended for "properties which already abut existing or proposed mains and on properties which can be serviced by sewer extension within public rights-of-way". Since there is no abutting sewer infrastructure or infrastructure within close proximity to this lot, staff does not support sewer service to this property under the peripheral sewer policy.

M-NCPPC – Parks Planning:

No M-NCPPC park impact. Rockville should be consulted about their adjacent park.

WSSC - Water: (not required)**WSSC - Sewer:**

Basin: Watts Branch.

A 1,400-foot-long non-CIP-sized sewer extension is required to serve the property, a portion of which may need to be grinder pump & low-pressure sewer system (or service by ejector pump). This extension would connect to an existing 30-inch sewer along Scott Drive and Watts Branch stream valley park (contract no. 1996-1714Q) and would abut many properties in addition to the applicant's. Easements would be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley. **BE ADVISED:** This property is in the Glen Hills Special Sewer Service Planning area.

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

Be advised that the subject property is adjacent to the Watts Branch stream valley, and Woottons Mill Park and Horizon Hill Park, which is shown on the sketch as part of 'City of Rockville'. Construction work that will take place within those areas may also require special permission and permitting from agencies with respective jurisdictional authority.

Maps, Plans, Etc.:	Sewer Category and Main Extensions Map.....	Page 20
	Sewer Envelope Map	Page 21

Request [6]: WSSCR 22-TRV-09A: William Reinhold

County Executive's Recommendation: *Defer the request for category S-3 pending the 2022 update of the Water and Sewer Plan.*

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • 13209 Carriage Ct., Rockville • Lot 2, Block C, Potomac Highlands (acct. no. 00088690) • Map tile: WSSC – 217NW09; MD –FR61 • East side of Carriage Ct., 250 feet south of the intersection with Scott Dr. • RE-1 Zone; 2.29 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Single-Family Home (built 1960) • <u>Proposed use:</u> Sewer service for the Existing Single-Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <table> <tr> <td>W-3</td><td>W-3 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p><u>Applicant's Explanation</u></p> <p>"I am requesting a sewer category change from S-6 to S-3 under the Potomac Peripheral Policy. The back of my property abuts the Planned Sewer Envelope that extends along the Watts Branch Creek and its sewer main lines. "</p> <p><i>DEP note: This property was included in the uncompleted North Glen Hills Area Septic Survey. (See page 11 for a discussion of the survey.)</i></p>	W-3	W-3 (no change)	S-6	S-3
W-3	W-3 (no change)				
S-6	S-3				

Executive Staff Report

Please refer to the Executive Staff Report for WSSCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold) starting on [page 18](#).

Agency Review Comments**DPS – Well & Septic:**

The septic system was constructed in 1959 and there is no modern septic reserve area.

M-NCPPC – Planning Dept.:

This 2.29-acre, RE-1-zoned lot is not adjacent to the Potomac sewer envelope as shown in the 2002 *Potomac Subregion Master Plan* but rather adjacent to the City of Rockville and their sewer envelope. Staff does not support sewer service to this property under the peripheral sewer policy.

M-NCPPC – Parks Planning:

No M-NCPPC park impact. Rockville should be consulted about their adjacent park.

WSSC - Water: (not required)**WSSC - Sewer:**

Basin: Watts Branch (16-024). This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated *Special Sewer Service* area.

A 190-foot long non-CIP-sized sewer extension is required to serve the property. This extension would connect to existing 36"-[sewer] built under contract no.1996-1714Q and would abut approximately 3 properties in addition to the applicants. Easements would be required. Construction of this extension may involve the removal of trees, temporary disruption of the Watts Branch 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). Interceptor capacity is adequate. Treatment capacity is adequate.

[DEP note: From the length of the main extension and the size of the receiving main (36 inches) cited by WSSC-Water, the proposed main extension would clearly come directly from the Watts Branch Trunk Sewer, crossing part of the Watts Branch Stream Valley Park. Given the likely detrimental effects of sewer construction on the stream valley park, such an extension cannot be endorsed by DEP. The WSSC-Water report for WSCCR 22-TRV-06A (see pg. 19) proposes an admittedly longer but less invasive main extension west along Scott Dr. then south along Carriage Ct. This 1,400-foot extension could serve all three properties for which property owners have applied for sewer category changes (see the map on page 20).

Maps, Plans, Etc.:	Sewer Category and Main Extensions Map.....	Page 20
	Sewer Envelope Map	Page 21

Potomac Peripheral Sewer Service Policy Case: Scott Drive in the City of Rockville Service Area

Request [7]: WSCCR 22-TRV-10A: Max Shevitz

County Executive's Recommendation: Defer the request for category S-3, pending the development of an annexation agreement for the property with the City of Rockville.

Property Information and Location Property Development	Applicant's Request: Service Area Categories & Justification
<ul style="list-style-type: none"> 9208 Scott Dr., Rockville Lot 1, Block B, Potomac Highlands (acct. no. 00088507) Map tile: WSSC – 217NW09; MD –FR51 South side of Scott Dr., 450 feet west of the intersection with Overlea Dr. RE-1 Zone; 3.48 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1995) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p>Existing – Requested – Service Area Categories</p> <p>W-3 W-3 (no change)</p> <p>S-6 S-3</p> <p>Applicant's Explanation</p> <p>"I am requesting a sewer category change from S-6 to S-3 under the Potomac Peripheral Policy. The front of my property abuts the Rockville Expansion Zone across the street (9209 and 9213 Scott Drive), which is within the Planned Sewer Envelope. "</p> <p><i>DEP note: This lot was <u>not</u> included in the proposed North Potomac Highlands Septic Survey Area because of its location within the Rockville Water and Sewer Service Area. Public sewer service will require annexation into the city.</i></p>

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 3.48 acres in size in the RE-1 Zone. The applicant has requested approval for public sewer service under the Potomac peripheral sewer service policy.

The property is within the City of Rockville public water/sewer service area, not the Washington Suburban Sanitary District (WSSD). As such, the provision of public service depends on the City, not the County. For the provision of public service, the City requires annexation of the property and an agreement that the owner will extend water and sewer mains, as needed. The applicant needs to confer with City staff about the annexation process. When annexation is accomplished and sewer service is extended, then DEP will update the Plan to show the lot in S-1, incorporating the City's Plan into the County's.

The applicant has advised DEP that City staff have said that the property is not within the City's sewer service area and is instead with the WSSD. However, research in the Water Resources Element of the City's current comprehensive master plan shows the lot outside the WSSD, leaving it within the City's service area. Subsequent discussions with City staff have confirmed the City's public service area as shown on the map on page 28. City staff have also indicated that the property owner has begun discussions concerning annexation of the property into the City. An annexation agreement for this property will likely require the owner to provide public water and sewer service to the lot from Rockville's existing public systems.

WSSC-Water has identified a 1,700-foot sewer main extension needed to serve the subject property. The extension would tie into the existing Watts Branch trunk sewer just off of Scott Dr. A part of this proposed would also support public sewer service for the three requests in this packet located along Carriage Ln. (WSCCRs 22-TRV-05A, 22-TRV-06A, and 22-TRV-09A). WSSC-Water and the City would need to confer on responsibilities for such a sewer main extension as it could serve properties in both service areas. City Department of Public Works staff have also indicated that a shorter, alternative low-pressure main extension to a City sewer main may be feasible.

Executive staff recommend deferral of this request pending the development of an annexation agreement between the property owner and the City of Rockville. If the City advises the County that an agreement cannot be reached, the request will be returned to the Council with a recommendation for denial.

Agency Review Comments

DPS – Well & Septic:

The septic system was constructed in 1994. There was a septic area established however the testing would not meet current standards.

M-NCPPC – Planning Dept.:

This 3.48-acre, RE-1-zoned lot is not adjacent to the Potomac sewer envelope as shown in the *2002 Potomac Subregion Master Plan* but rather adjacent to the City of Rockville and their sewer envelope. Staff does not support sewer service to this property under the Potomac peripheral sewer policy.

M-NCPPC – Parks Planning:

No park impact.

WSSC - Water: (not required)

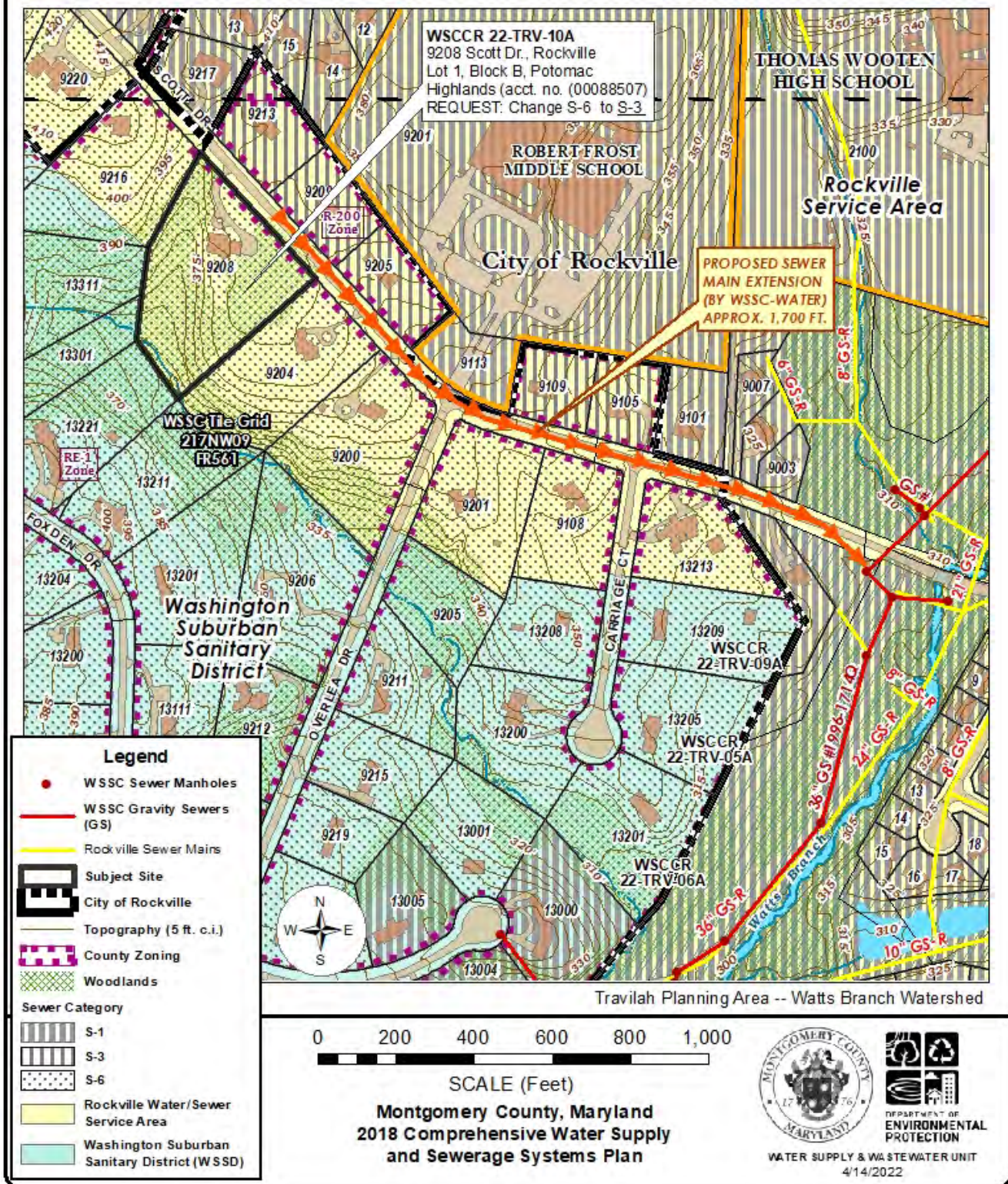
WSSC - Sewer:

Basin: Watts Branch (16). 2. This project is located in Glen Hills. Some parts of Glen Hills are located in a County designated Special Sewer Service Area. This lot was not identified in the study as potentially being served as part of the conceptual sewer system.

A 1,700-foot-long non-CIP-sized sewer extension is required to serve the property. This extension would connect to 30-inch sewer mains located at Scott Drive (contract no.1996-1714Q) and would abut approximately 13 (thirteen) properties in addition to the applicant's.

Average wastewater flow from the proposed development: 277 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). Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 22-TRV-10A (Max Shevitz) - Rockville
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Description: A map showing existing sewer service area categories for WSSCR 22-TRV-13A, along with existing sewer service areas and sewer mains for WSSC- Water and the City of Rockville.

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

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

Sewer Service Policies

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

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

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

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

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

Low-Density Areas

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

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

Packet Appendix: Related 2018 Water and Sewer Plan Service Policies

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

County Council Actions: Adopted October 2, 2018 (CR 15-396)

II. SPECIFIC SERVICE AREAS

The following sections identify and explain the areas in the county where exceptional water and/or sewer service policies apply.

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

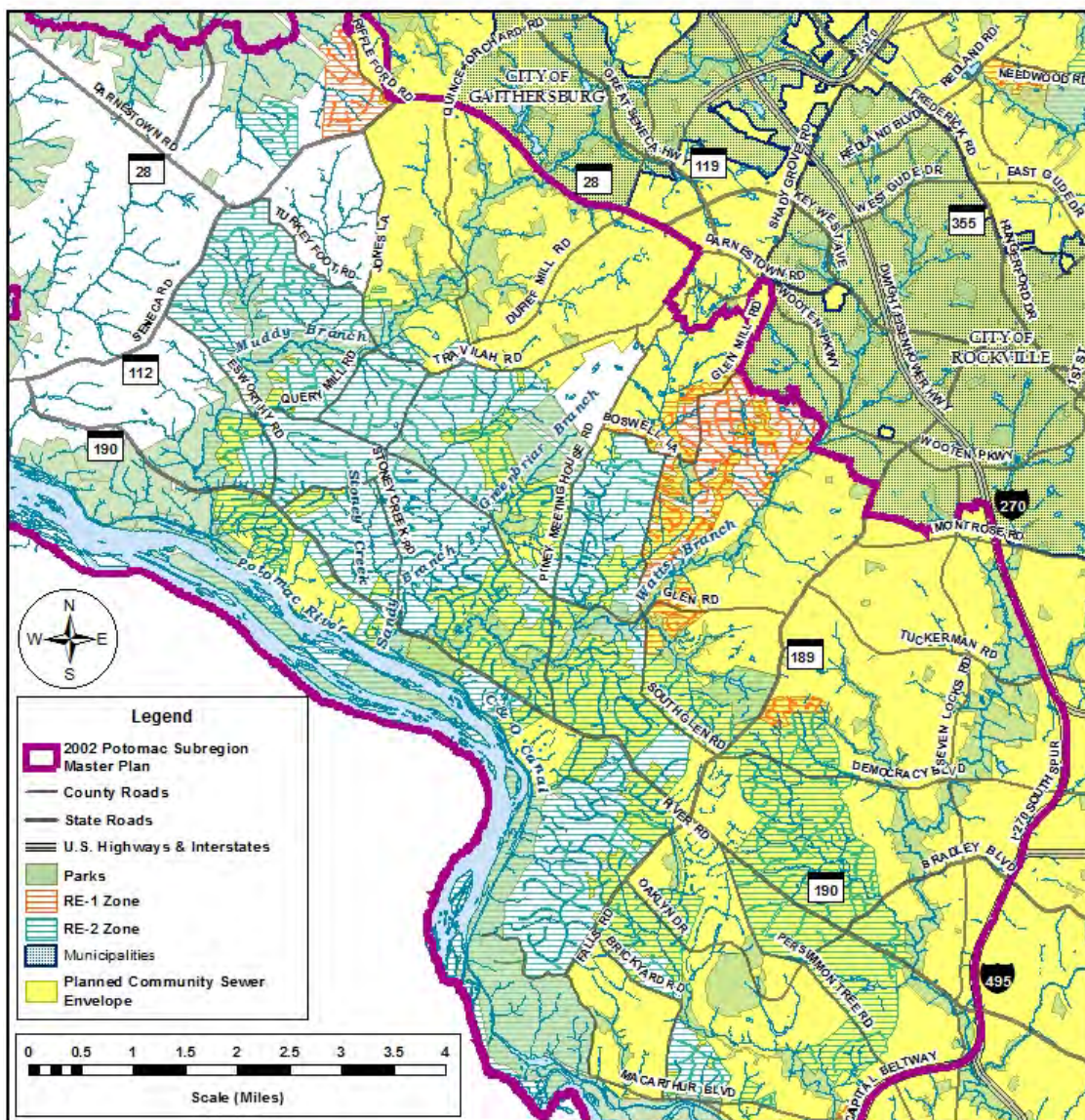
Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- 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.

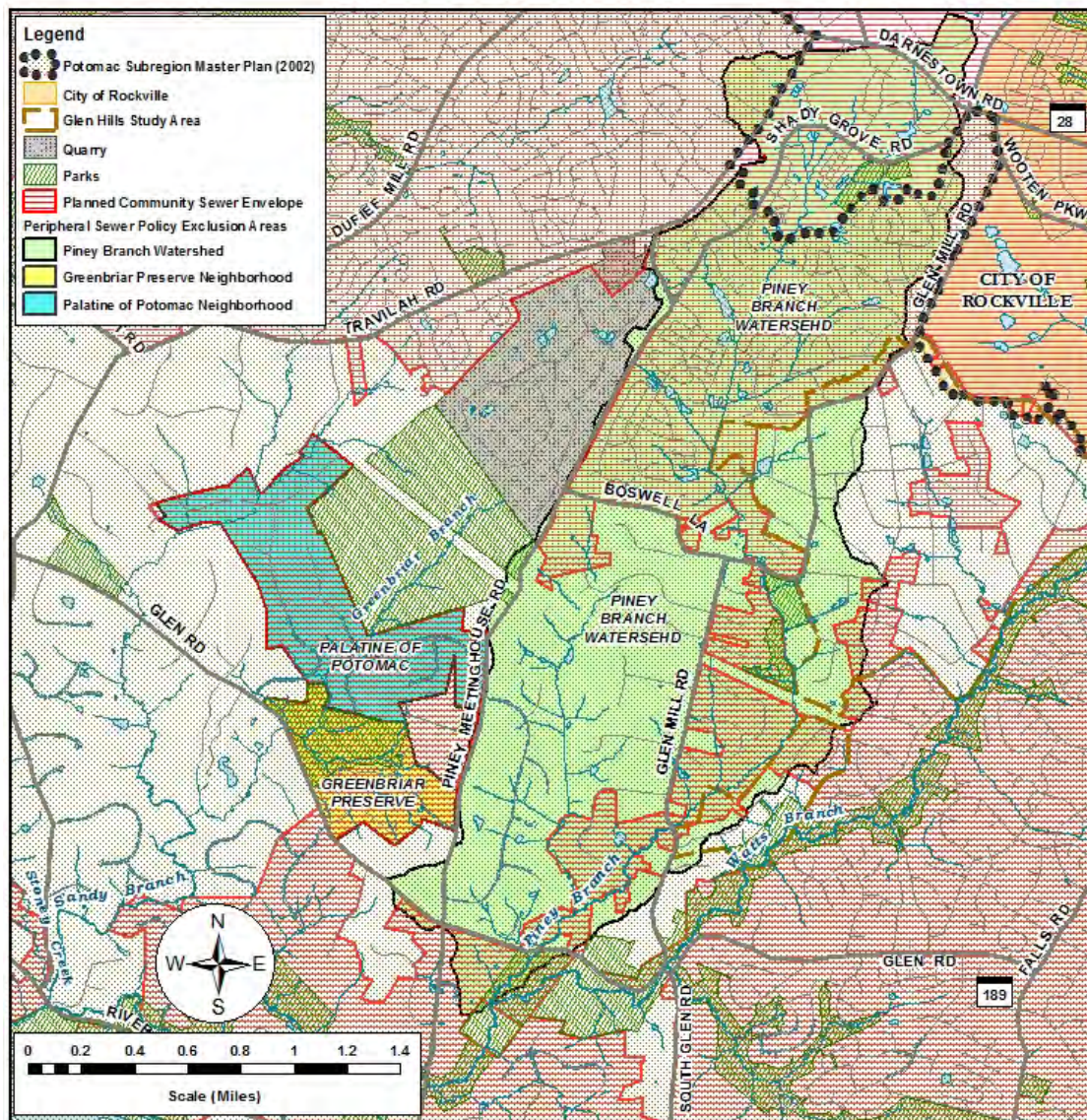
Appendix C, Section II.M: Potomac Area RE-1 and RE-2-Zoned Properties

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



February 28, 2023

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

Dear Council President Glass:

On February 23, 2023, the Montgomery County Planning Board reviewed the November 2022 group of seven 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 and attachment dated December 29, 2022. The following are the Planning Board's comments:

WSCCR 22-TRV-01A: National Sikh Heritage Trust

Planning Board Recommendation: Deny, S-3, Maintain S-6

WSCCR 22-TRV-04A: Jonathan Maizel

Planning Board Recommendation: Deny S-3, Maintain S-6

WSCCR 22-TRV-13A: Arthur Eisenhower

Planning Board Recommendation: Deny S-1, Maintain S-6

WSCCRs 22-TRV-05A (Sinay), 22-TRV-06A (Rao), & 22-TRV-09A (Reinhold)

Planning Board Recommendations: Defer S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan

WSCCR 22-TRV-10A: Max Shevitz

Planning Board Recommendation: Defer S-3, pending development of an annexation agreement for the property with the City of Rockville

The Planning Board unanimously voted for the above recommendations, which agree with the County Executive recommendations.

The Honorable Evan Glass
February 28, 2023
Page Two

Thank you for the opportunity to make recommendations to the Public Hearing record. If you have any questions, please contact Katherine Nelson at (301) 495-4622 or Katherine.Nelson@montgomeryplanning.org.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeff Zyontz', is written over the word 'Sincerely,'.

Jeff Zyontz
Chair

JZ: KN

Cc: Keith Levchenko, Montgomery County Council
Alan Soukup, MCDEP
Kimberly Young, M-NCPPC Office of the General Counsel
Tanya Stern, Montgomery County Planning Department Acting Director
Katherine Nelson, Planning Department

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY
AND SEWERAGE SYSTEMS PLAN – NOVEMBER 2022 GROUP
SEVEN CASES**

Description

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: 2-17-2023

MCPB
Item No. 8
February 23, 2023

2425 Reedie Drive
Floor 14
Wheaton, MD 20902



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

Donnell Zeigler, Supervisor, Upcounty Planning Division, donnell.zeigler@montgomeryplanning.org, 301-495-4511

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

LOCATION:

Potomac

MASTER PLANS

2002 Potomac Subregion Master Plan

PROPERTY SIZES

Various

APPLICATION

November 2022 Water and Sewer Category Change Requests

ACCEPTANCE DATE:

January 24, 2023

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 each of the seven Water and Sewer Category Change Requests.
- The Planning Board's recommendation will be transmitted to the County Executive for final action.
- The Planning Staff recommendations are consistent with the Executive Staff recommendations (Attachment A).

SECTION I

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).

The Planning Board's recommendations will be transmitted to the County Council prior to final action. 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). Staff recommendations for deferral or denial of each case are consistent with the County Executive Staff's recommendation.

SECTION II

RECOMMENDATIONS

WSCCR 22-TRV-01A: National Sikh Heritage Trust

The water and sewer plan generally excludes the RE-2 and other low-density zones from access to the public sewer system. Although one of the two properties is adjacent to the Lower Greenbriar Branch 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 allows limited extensions in other locations. Thus, this property is not eligible for access to public sewer service.

Staff Recommendation: Deny, S-3, Maintain S-6

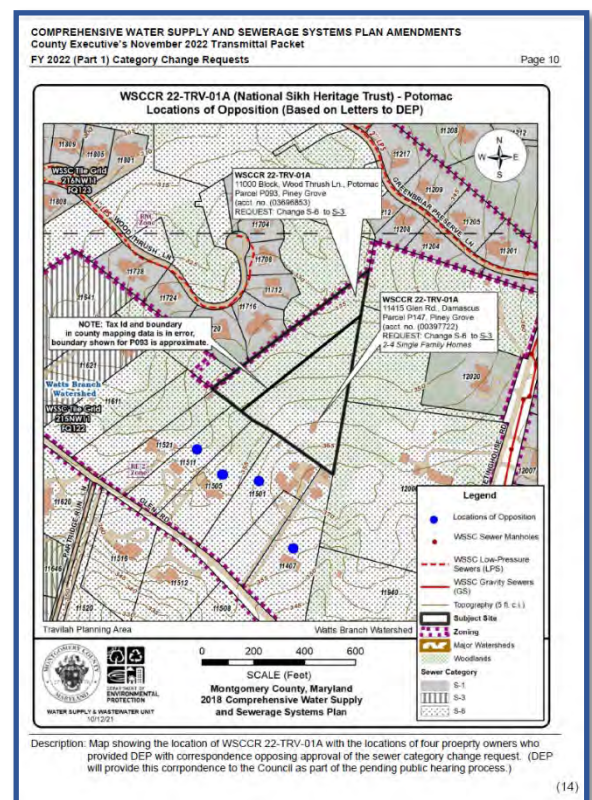


Figure 2 Page 10, Attachment A

The next six requests are located in Glen Hills, a study area of the 2002 *Potomac Subregion Master Plan* sewer envelope. See Figure 2.

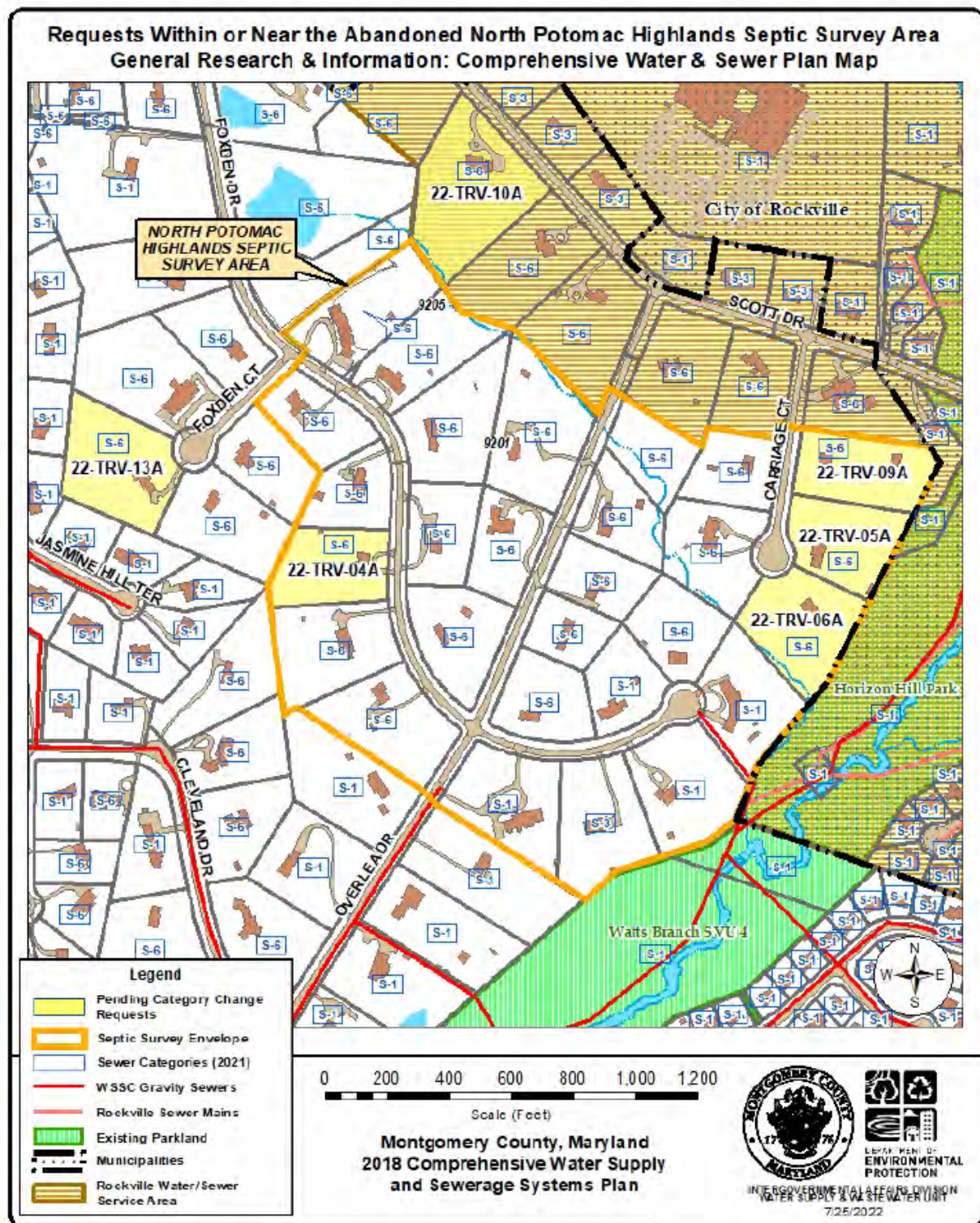


Figure 2 Six Sewer Category Change Requests From the Glen Hills Highlands Septic Survey Area, Page 11 of Attachment A

Staff Recommendation: Deny S-3, Maintain S-6

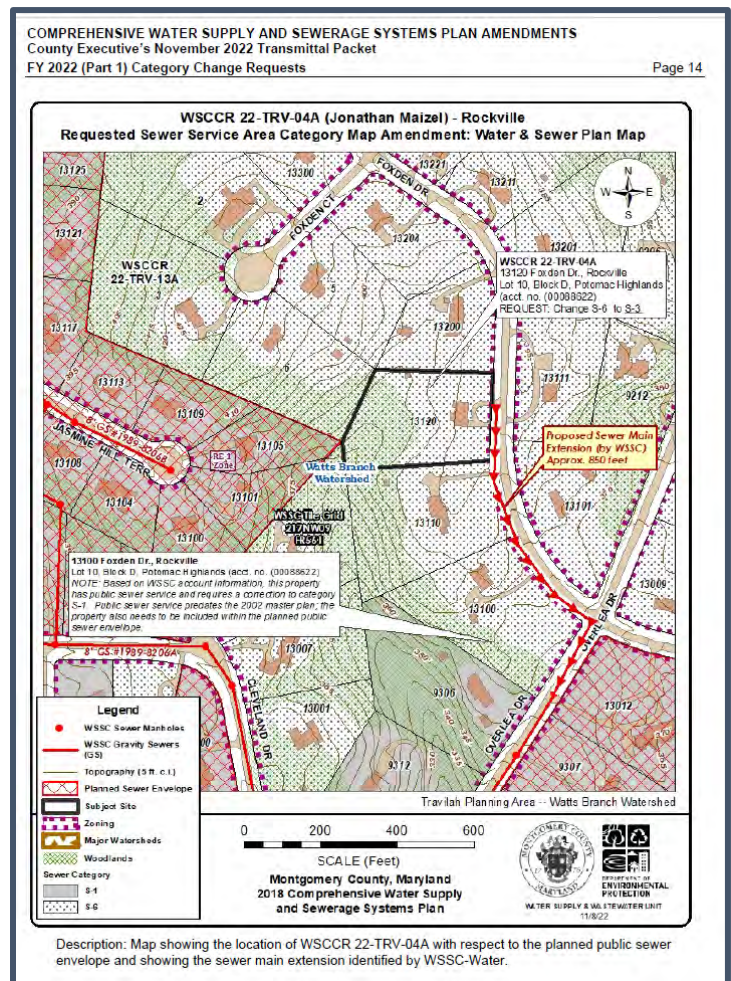


Figure 3 Page 14, Attachment A

WSSCR 22-TRV-13A: Arthur Eisenhour

The applicant has requested approval of sewer category S-1 to allow for public water service for an existing single-family home. This property is 0.92-acres in size and zoned RE-1. The property is located at the periphery of the planned public sewer service envelope. To qualify for the Potomac Peripheral Service Policy, the property must at a minimum abut or confront the 2002 *Potomac Subregion Master Plan* sewer envelope. 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. Although the property is adjacent to the Jasmine Hill Terrace properties, which are within the planned sewer envelope, it is within a different subdivision and on another street. The policy is intended to provide service to properties that are part of a contiguous area. The property is outside the Jasmine Hill Terrace subdivision, with no interconnection to the properties on Foxden Court. Approval of this request does not help to complete or “fill in” the existing sewer service envelope in this area. WSSC has indicated the need for an easement through one of the already improved properties on Jasmine Hill Terrace to connect to the existing sewer main. This may require the disruption of the heavily forested area to the rear of the applicant’s property, as well as the easement through the adjoining property. An alternative sewer extension along Foxden Court and Foxden Drive, ultimately to the existing sewer main along Overlea Drive would open up service to at least ten additional properties who would otherwise be ineligible for service. The intention of the Potomac peripheral service policy is to provide sewer service to properties in a logical manner. Therefore, the property does not satisfy the intent of the Potomac Peripheral Service Policy.

Staff Recommendation: Deny S-1, Maintain S-6

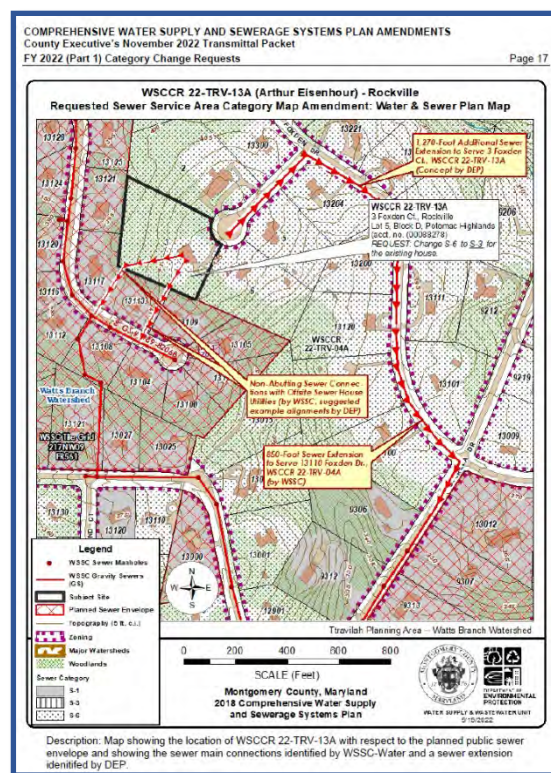


Figure 4 Page 17, Attachment A

WSCCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold)

Each of these three applicants 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 lots total 6.77 acres in size and are zoned RE-1. The applicants have requested approval for public sewer service under the Potomac peripheral sewer service policy.

The part of the planned public sewer service envelope adjacent to these properties is within the City of Rockville, not the recommended 2002 *Potomac Subregion Master Plan* sewer service area. The planned sewer service envelope in the City has no relationship to properties outside the City in the County. Recognizing this, the County Executive has recommended, as part of the 2022 comprehensive update of the Water and Sewer Plan, that properties within the City's sewer service area be excluded from use in the peripheral sewer service policy. This would exclude these properties from consideration under the peripheral service policy.

The County Council approved the 2022 Water and Sewer Plan comprehensive update with the Executive's recommended exclusion of Rockville's sewer service area from the peripheral sewer service policy. The County is currently awaiting the State's concurrence for the comprehensive Plan update.

Staff Recommendation: Defer S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.

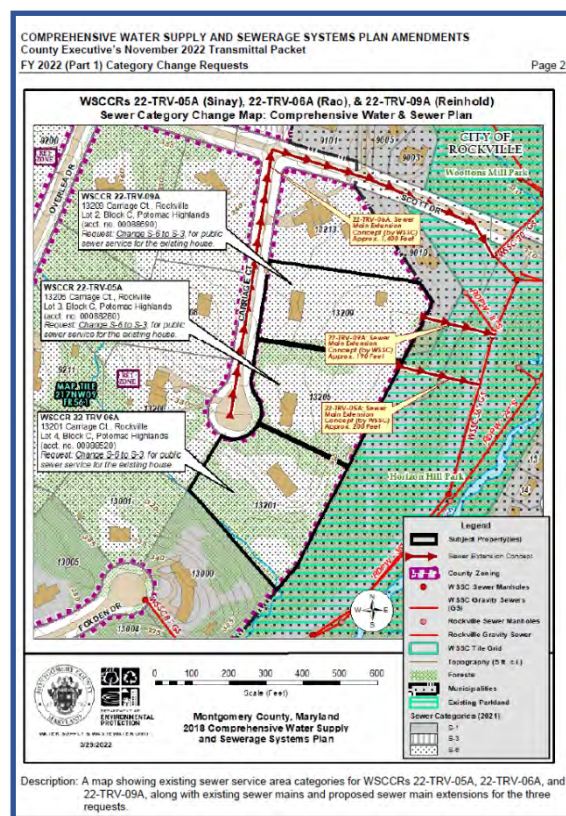


Figure 5 Page 20, Attachment A

WSSCR 22-TRV-10A: Max Shevitz

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 3.48 acres in size in the RE-1 Zone. The applicant has requested approval for public sewer service under the Potomac peripheral sewer service policy.

The property is within the City of Rockville public water/sewer service area, not the Washington Suburban Sanitary District (WSSD). As such, the provision of public service depends on the City, not the County. For the provision of public service, the City requires annexation of the property and an agreement that the owner will extend water and sewer mains, as needed. The applicant needs to confer with City staff about the annexation process. When annexation is accomplished and sewer service is extended, then DEP will update the Plan to show the lot in S-1, incorporating the City's Plan into the County's.

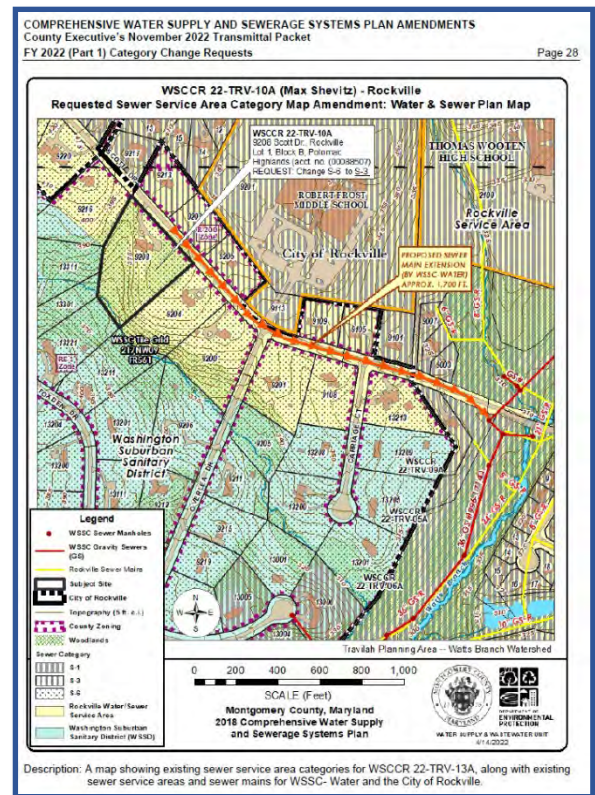


Figure 6 Page 28, Attachment A

Staff Recommendation: Defer S-3, pending development of an annexation agreement for the property with the City of Rockville.

Next Steps

The Planning Board's recommendations will be transmitted to the County Council prior to final action.

ATTACHMENT

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

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 December 29, 2022, the County Council received recommendations from the County Executive on seven 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 February 28, 2023. The County Council notified affected State and local agencies of the public hearing on January 19, 2023. The County Council published a public notice for the hearing in The Daily Record on January 23, 2023.
8. The County Council's Transportation and Environment Committee held a worksession on the request on March 6, 2023.

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.

Judy Rupp
Clerk of the Council

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments

Montgomery County uses water and sewer service area categories, in part, to identify those properties that should use public water and/or sewer service versus those that should use onsite systems, usually wells and/or septic systems. Categories W-1 and S-1 identify properties approved for public service and that have access to public system mains. Categories W-3 and S-3 identify properties approved for public service but need new main extensions in order to receive public service. Categories W-4 and S-4, and W-4 and S-5 identify properties that currently should use onsite systems but are proposed for public service in the future. Categories W-6 and S-6 identify properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 5 for additional information.)

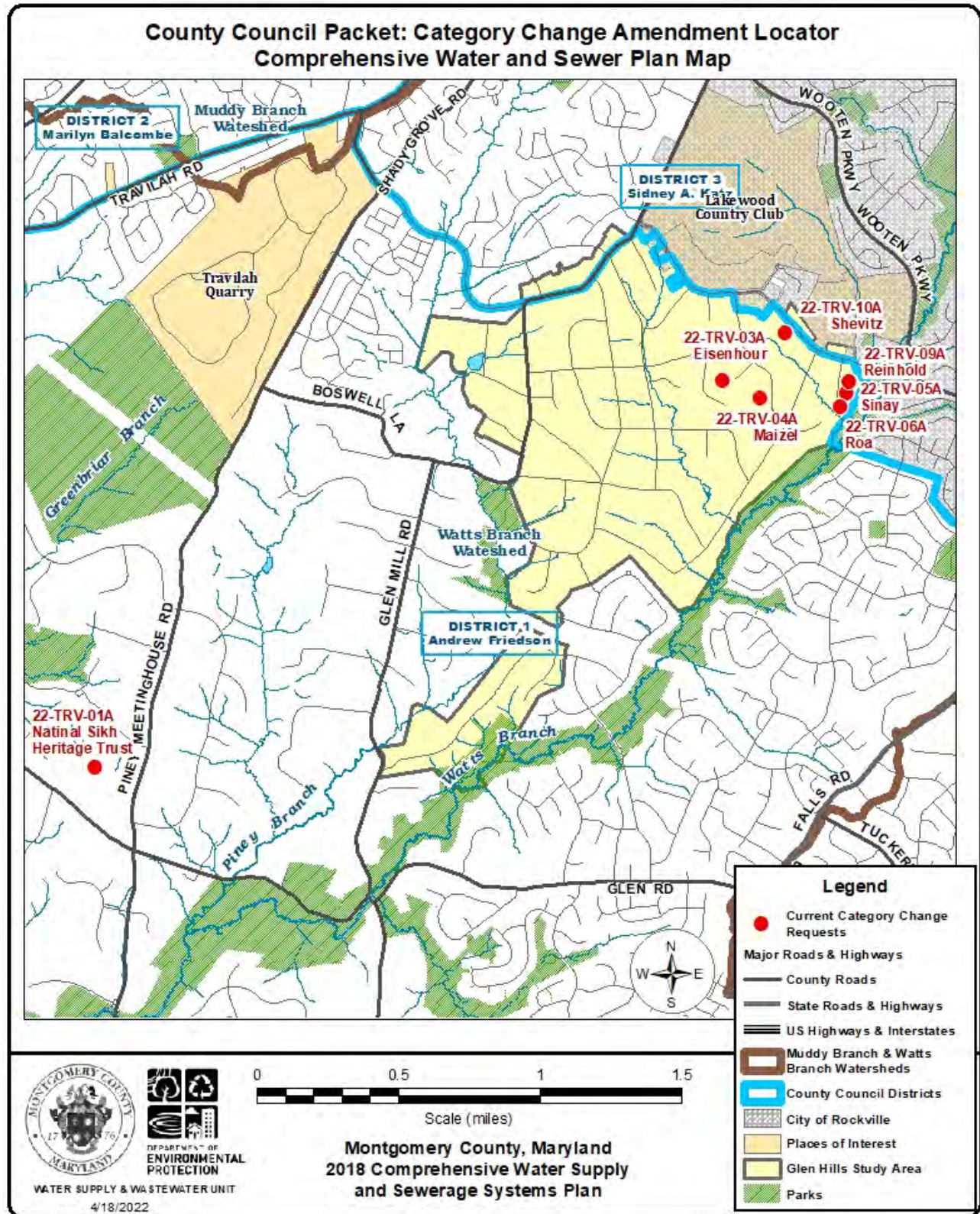
Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on a water/sewer category map amendment request filed with DEP and transmitted by the County Executive to the Council for consideration on December 29, 2022.

Water & Sewer Service Area Categories Summary

Category Definition and General Description	Category Definition and General Description
<p>W-1 and S-1</p> <p>Properties approved for and generally with existing access to community (public) service. This may include properties which have not yet connected to existing community service.</p>	<p>W-5 and S-5</p> <p>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis. • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p>W-3 and S-3</p> <p>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service. • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p>W-6 and S-6</p> <p>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned. • 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.</p>
<p>W-4 and S-4</p> <p>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim. • Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. B</p>	<p>Note: Although the majority of properties in the county have the same water category as sewer category (i.e. W-3 and S-3, or W-5 and S-5), this is not always the case. The County does not always assign water and sewer categories in tandem, due to differences in service policies or to actual service availability. For example, a particular property could have service area categories W-1 and S-6. Therefore, it is important to know both the water <i>and</i> sewer service area categories for a property. Montgomery County does not use categories W-2 and S-2 in its Plan.</p>

• See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments



**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**

WSSCR 22-TRV-01A: National Sikh Heritage Trust

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 11000 Block, Wood Thrush Ln. and 11415 Glen Rd., Potomac Parcel P093 and P147, Piney Grove (acct. nos. 03696853 and 00397722) Map tile: WSSC – 215NW11; MD –FQ12 North of Glen Rd., 1,150 feet West of the intersection with Piney Meetinghouse Rd. RE-2 Zone; 4.97 total ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1961) <u>Proposed use</u>: 2-4 Single-Family Homes (<u>not</u> a private institutional facility use) 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Deny the request for category S-3; maintain S-6. <i>(The applicants may not apply again for these properties until _____, 2024, unless specifically allowed by DEP.)</i></p>

WSSCR 22-TRV-04A: Jonathan Maizel

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 13120 Foxden Dr., Rockville Lot 10, Block D, Potomac Highlands (acct. no. 00088622) Map tile: WSSC – 217NW09; MD –FR51 West side of Foxden Dr., 500 ft north of the intersection with Overlea Dr. RE-1 Zone; 2.02 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1977) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Deny the request for category S-3; maintain S-6. <i>(The applicant may not apply again for this property until _____, 2024, unless specifically allowed by DEP.)</i></p>

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**

WSSCR 22-TRV-05A: Michael and Denise Sinay

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 13205 Carriage Ct., Rockville Lot 3, Block C, Potomac Highlands (acct. no. 00088280) Map tile: WSSC – 217NW09; MD –FR61 East side of Carriage Ct., 500 feet south of the intersection with Scott Dr. RE-1 Zone; 2.02 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1956) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Defer the request for category S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

WSSCR 22-TRV-06A: Nirmala Rao

Property Information and Location Property Development	Applicant's Request: County Council Action
<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><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Defer the request for category S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**

WSSCR 22-TRV-09A: William Reinhold

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 13209 Carriage Ct., Rockville Lot 2, Block C, Potomac Highlands (acct. no. 00088690) Map tile: WSSC – 217NW09; MD –FR61 East side of Carriage Ct., 250 feet south of the intersection with Scott Dr. RE-1 Zone; 2.29 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1960) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Defer the request for category S-3 pending the State's concurrence with the 2022 update of the Water and Sewer Plan.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

WSSCR 22-TRV-10A: Max Shevitz

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 9208 Scott Dr., Rockville Lot 1, Block B, Potomac Highlands (acct. no. 00088507) Map tile: WSSC – 217NW09; MD –FR51 South side of Scott Dr., 450 feet west of the intersection with Overlea Dr. RE-1 Zone; 3.48 ac. Travilah Planning Area Potomac Subregion Master Plan (2002) Watts Branch Watershed (MDE Use I) <u>Existing use</u>: Single-Family Home (built 1995) <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Within the <u>Rockville</u> planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Defer the request for category S-3, pending the development of an annexation agreement for the property with the City of Rockville.</p> <p><i>(Note that deferral actions are intended to be resolved within approximately one year.)</i></p>

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County Council Resolution No. 20-_____ (_____, 2023) – Attachment A: Pg. 6/7

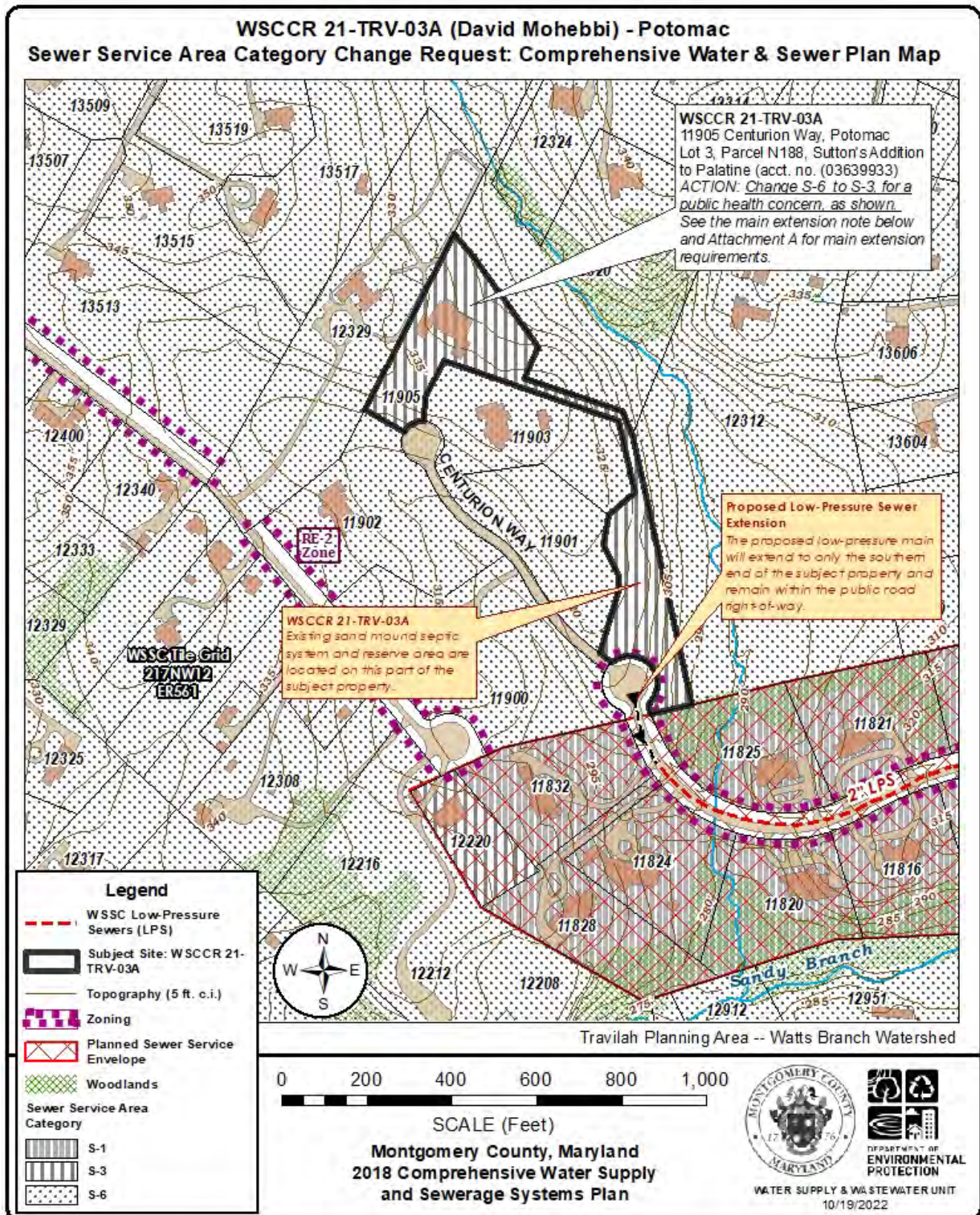
**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**

WSSCR 22-TRV-13A: Arthur Eisenhour

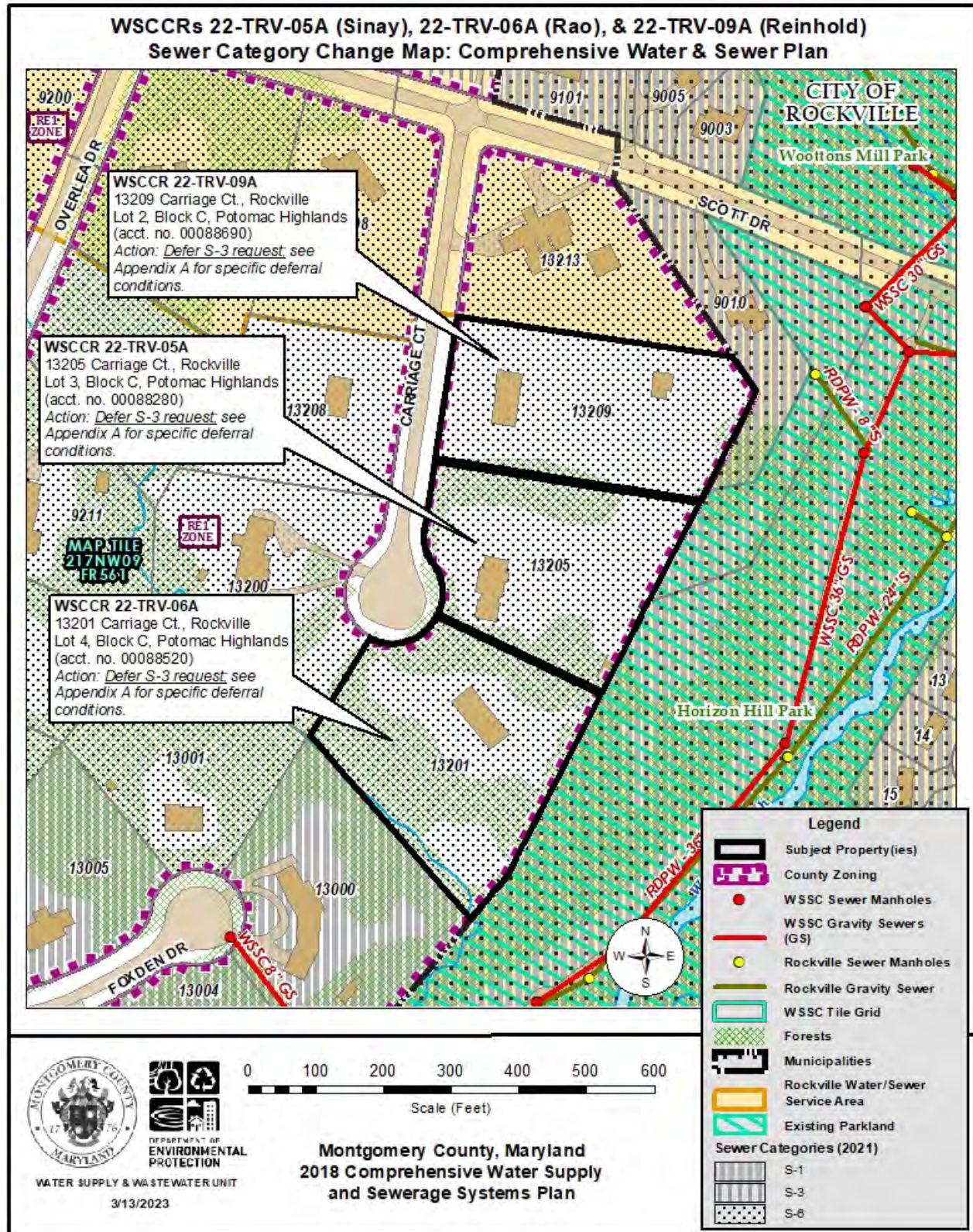
Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none">• 3 Foxden Ct., Rockville• Lot 5, Block D, Potomac Highlands (acct. no. 00088278)• Map tile: WSSC – 217NW09; MD –FR51• West side of Foxden Ct., 500 ft from the intersection with Foxden Dr.• RE-1 Zone; 2.76 ac.• Travilah Planning Area Potomac Subregion Master Plan (2002)• Watts Branch Watershed (MDE Use I)• <u>Existing use</u>: Single-Family Home (built 1968)• <u>Proposed use</u>: Sewer service for the Existing Single-Family Home	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change)</p> <p>S-6* S-3</p> <p>*Outside the planned community sewer service envelope.</p> <p>T&E Committee Recommendation</p> <p>Deny the request for category S-3; maintain.</p> <p><i>(The applicant may not apply again for this property until _____, 2024, unless specifically allowed by DEP.)</i></p>

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Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments



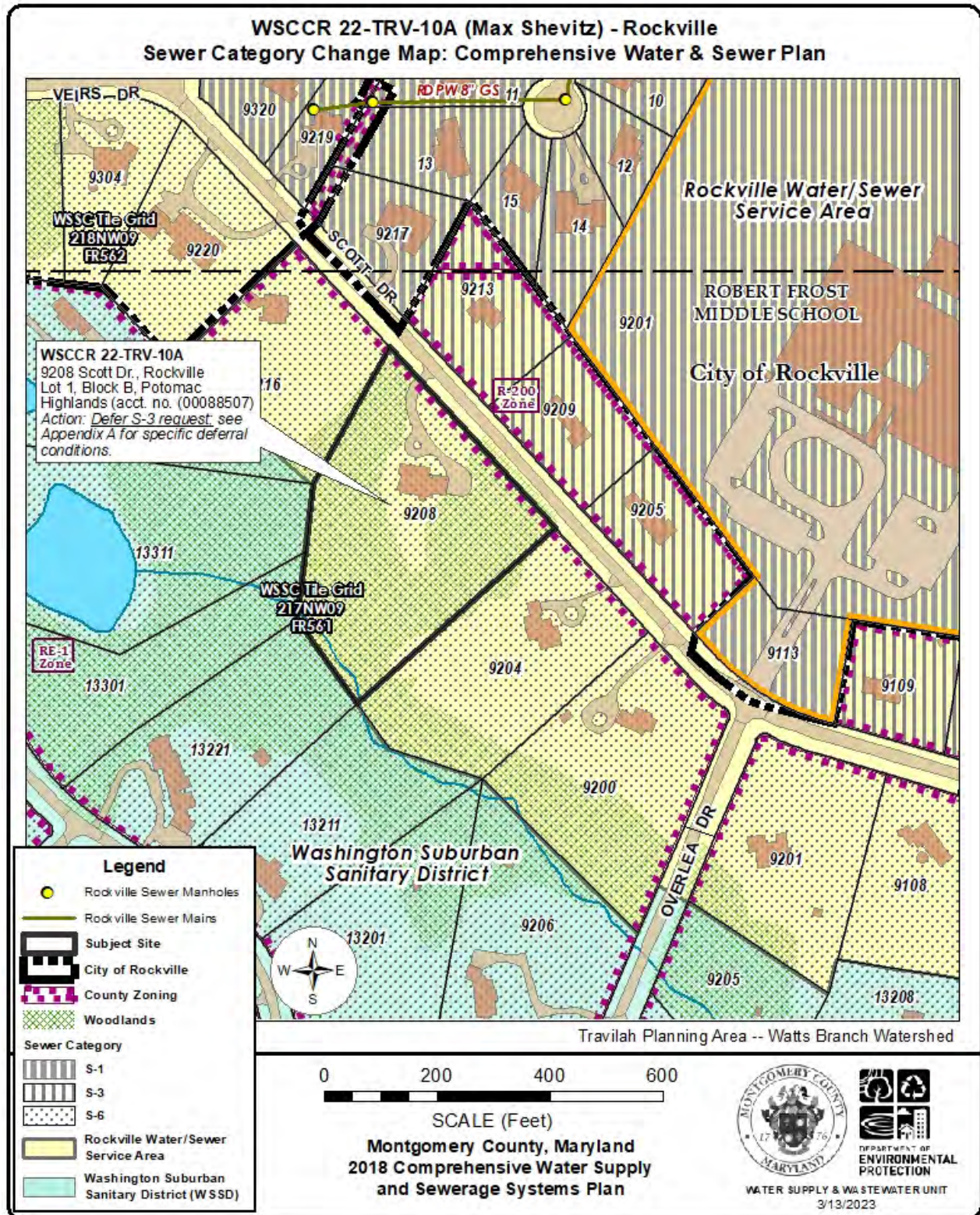
**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**



Description: Sewer Service Area Category Map showing a deferral action for the category S-3 requests for 13201, 13205, and 13209 Carriage Ct., Rockville.

Attachment B presents mapping only for approved, conditionally approved, and deferred category change amendments. See Attachment A for the specific language of the Council's actions and information on water and sewer service area categories.

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**



Description: Sewer Service Area Category Map showing a deferral action for the category S-3 request for 9208 Scott Dr., Rockville.

Attachment B presents mapping only for approved, conditionally approved, and deferred category change amendments. See Attachment A for the specific language of the Council's actions and information on water and sewer service area categories.

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County Council Resolution No. 20-_____ (_____, 2023) – Attachment B: Pg. 3/3

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
December 2022 Amendment Transmittal: Water/Sewer Category Map Amendments**

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