

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

**Description**

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

COMPLETED: 3-24-2022

MCPB  
Item No. 9  
March 31, 2022

2425 Reedie Drive  
Floor 14  
Wheaton, MD 20902



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#### LOCATION:

Potomac, Maryland

#### MASTER PLANS

*2002 Potomac Subregion Master Plan*

#### PROPERTY SIZE

5.17 acres

#### APPLICATION

October 2021 County Council Sewer Category Change Request

#### ACCEPTANCE DATE:

February 12, 2022

#### REVIEW BASIS:

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



## Summary

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

## SECTION I

### SUMMARY

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

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

## SECTION II

### RECOMMENDATIONS

#### WSSCR 21-TRV-03A: David Mohebbi

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

Staff Recommendation: Deny S-3

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

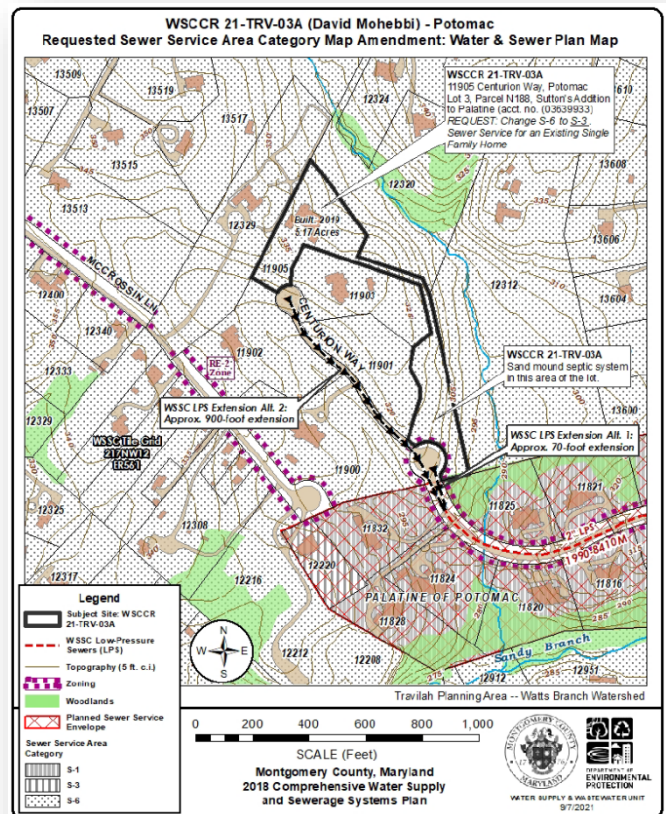


Figure 1 WSSC's proposed low-pressure sewer connection

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

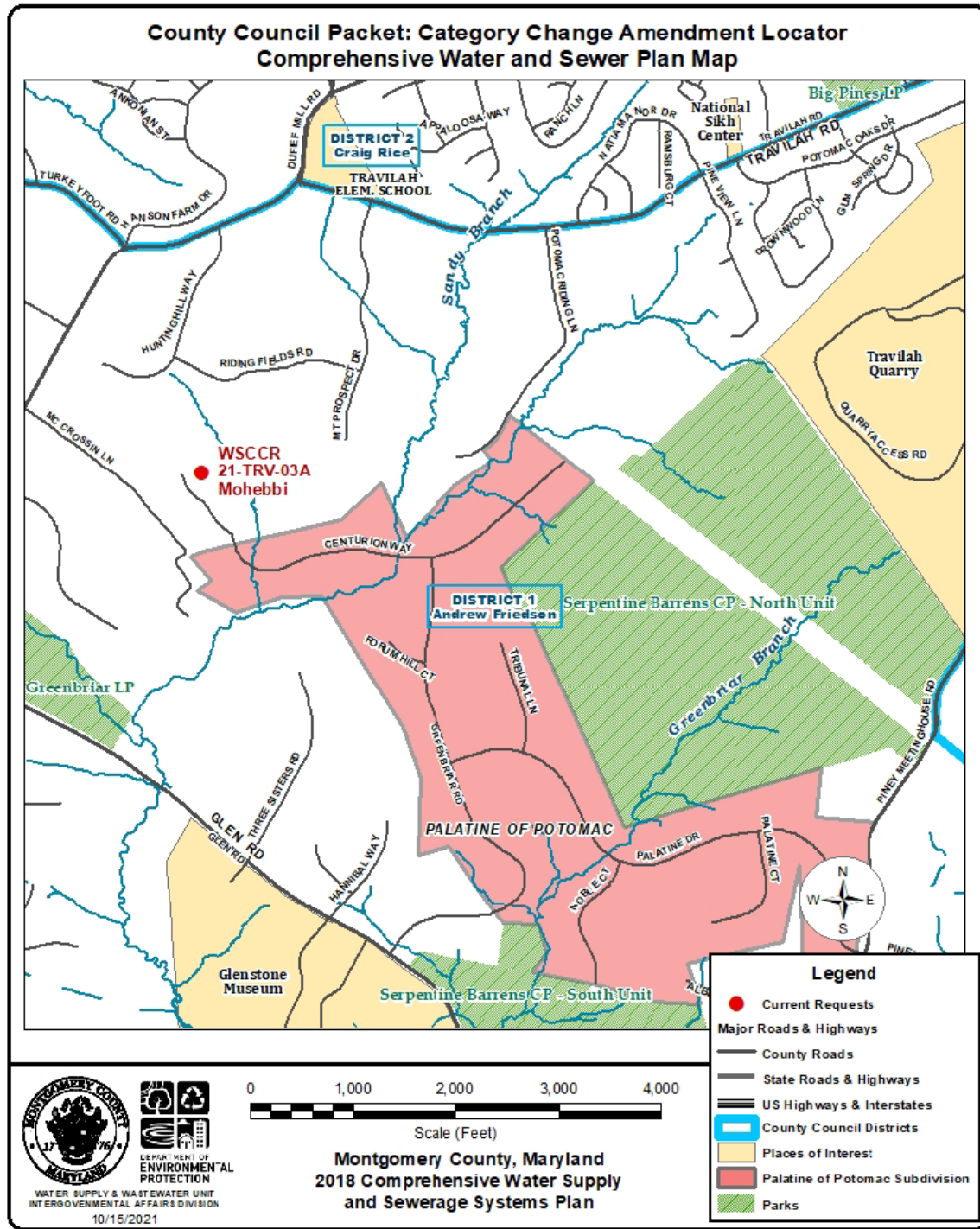


Figure 2 Palatine Low Pressure Sewer Envelope

**Next Step**

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

**ATTACHMENT**

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



**Committee:** T&E**Committee Review:** At a future date**Staff:** Keith Levchenko, Senior Legislative Analyst**Purpose:** To introduce agenda item – no vote expected**Keywords:** #WaterandSewerPlan and Category Changes

AGENDA ITEM #5A

February 8, 2022

**Introduction****SUBJECT**

Amendment to the Comprehensive Water Supply and Sewerage Systems Plan: Water and Sewer Category Change Request

**DESCRIPTION/ISSUE**

- On January 27, 2022, the County Council received a recommendation from the County Executive on a Water and Sewer Category Change request. A public hearing is scheduled for April 19, 2022 at 1:30 p.m. A T&E Committee worksession will be scheduled at a later date.
- The request and the Executive recommendation are presented in the following chart:

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

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

**This report contains:**

Water and Sewer Plan Amendments Resolution

- Draft Resolution ©1-2
- January 27, 2022 County Executive Transmittal Memorandum ©3-4
- Executive Staff Report ©5-14

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Resolution No.: \_\_\_\_\_  
Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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

**Background**

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 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 January 27, 2022, the County Council received a recommendation from the County Executive regarding a Water and Sewer Plan amendment.
6. Recommendations on this amendment 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.
8. The County Council's Transportation and Environment Committee held a worksession.

**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.

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Selena Mendy Singleton, Esq.  
Clerk of the Council






OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

MEMORANDUM

January 27, 2022

TO: Gabe Albornoz, President  
Montgomery County Council

FROM: Marc Elrich, County Executive 

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

Pursuant to the requirements of the Environment Article, Sections 9-503 through 9-506 and 9-515 through 9-516 of the Annotated Code of Maryland, I am transmitting my recommendations for one proposed amendment to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing this amendment are included in the attached staff report. The amendment is a request for an individual water/sewer service area category change.

My recommendation for this amendment is consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with precedents set under local area master plan service recommendations. The request is summarized below.

**WSSCR 21-TRV-03A (David Mohebbi)**

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

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

January 27, 2022  
Page 2 of 2

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

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

ME:as

Enclosure

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

# **Montgomery County Comprehensive Water Supply and Sewerage Systems Plan**

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

### **One Service Area Category Change Request**

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

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

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

**COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS**  
**County Executive's October 2021 Transmittal Packet**  
**FY 2021 Category Change Requests**

Page 1

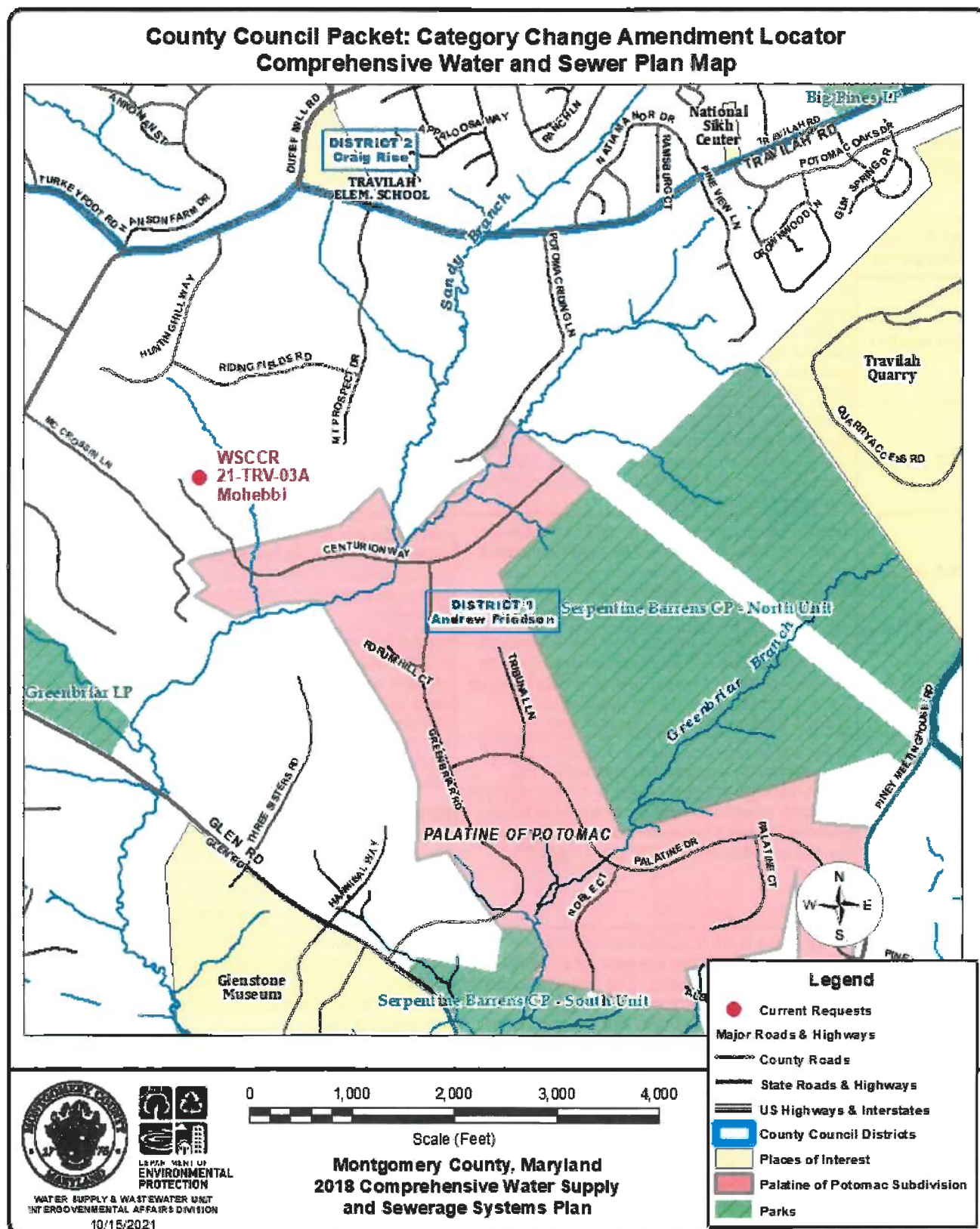
**Packet Table of Contents**

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**Executive Summary: Proposed Amendments and Recommendation**

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

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



**WATER/SEWER SERVICE AREA CATEGORIES INFORMATION**

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

**Water and Sewer Service Area Categories Table**

Service Area Categories	Category Definition and General Description	Service Comments
<b>W-1 and S-1</b>	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.
<b>W-2 and S-2</b>	<b>Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan.</b> (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.
<b>W-3 and S-3</b>	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.	
<b>W-4 and S-4</b>	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.)
<b>W-5 and S-5</b>	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.	MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.  Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
<b>W-6 and S-6</b>	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. • Category 6 includes areas that are planned or staged for community service beyond the scope of the plan's ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.

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



Request [1]

WSSCR 21-TRV-03A: David Mohebbi

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

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

**Executive Staff Report**

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

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

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

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

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

**Agency Review Comments**

**DPS – Well & Septic**

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

**M-NCPPC – Planning Dept.**

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

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

**M-NCPPC – Parks Planning**

No park impacts.

**WSSC – Water:** *(not requested)*

**WSSC – Sewer:**

Basin: Watts Branch

There are two alternatives for sewer service to this property:

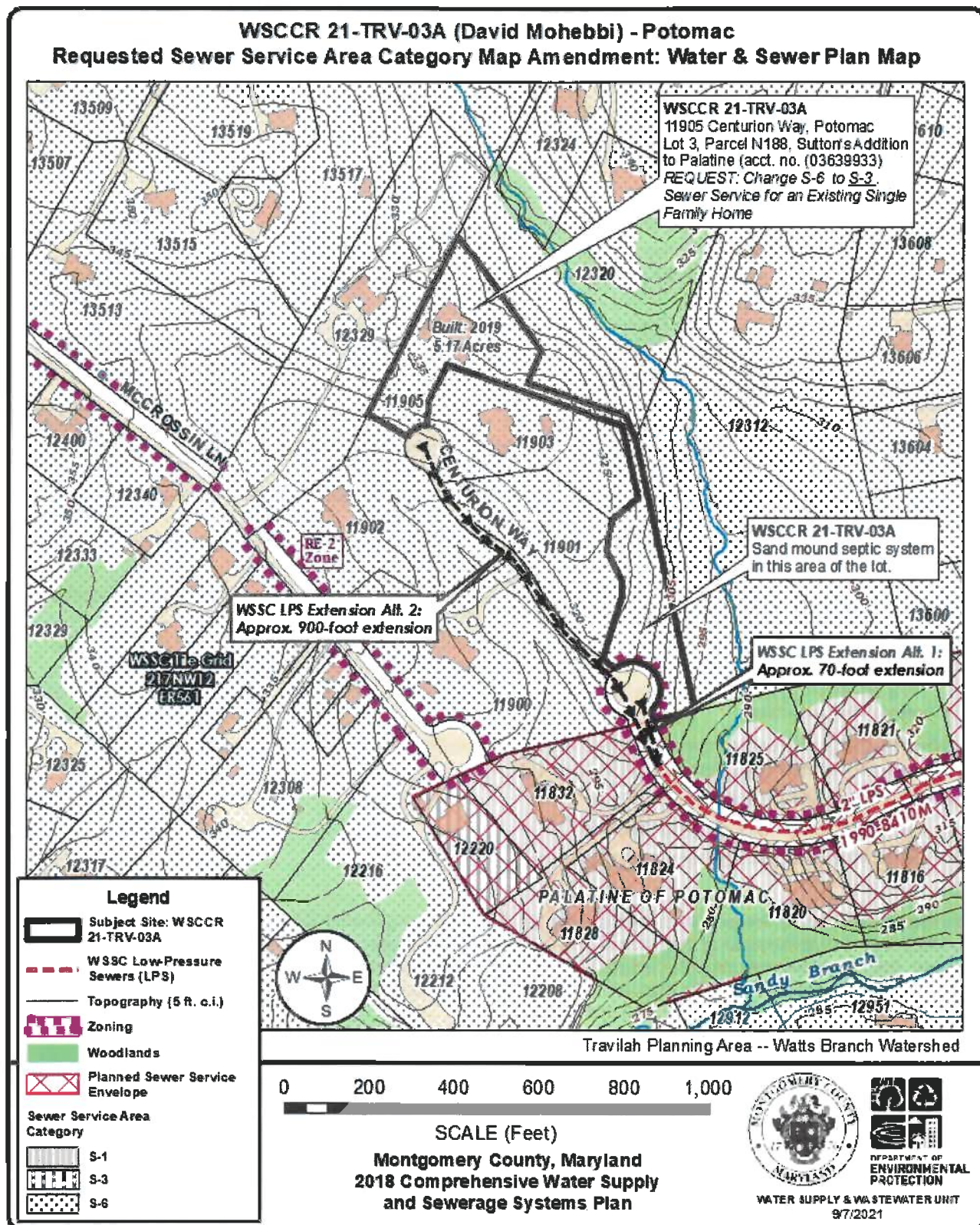
- The first alternative would be to build approximately 70 feet of low-pressure sewer extension to the end of the roundabout from the end of the ex. 2.5 -inch diameter LPS in Centurion Way (contract no.16-6162A). This option would only connect the applicant's property.
- The second alternative would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

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

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

Downstream system upgrade might be required.

Interceptor capacity is adequate. Treatment capacity is adequate.





**Packet Appendix: Related 2018 Water and Sewer Plan Service Policies**

**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

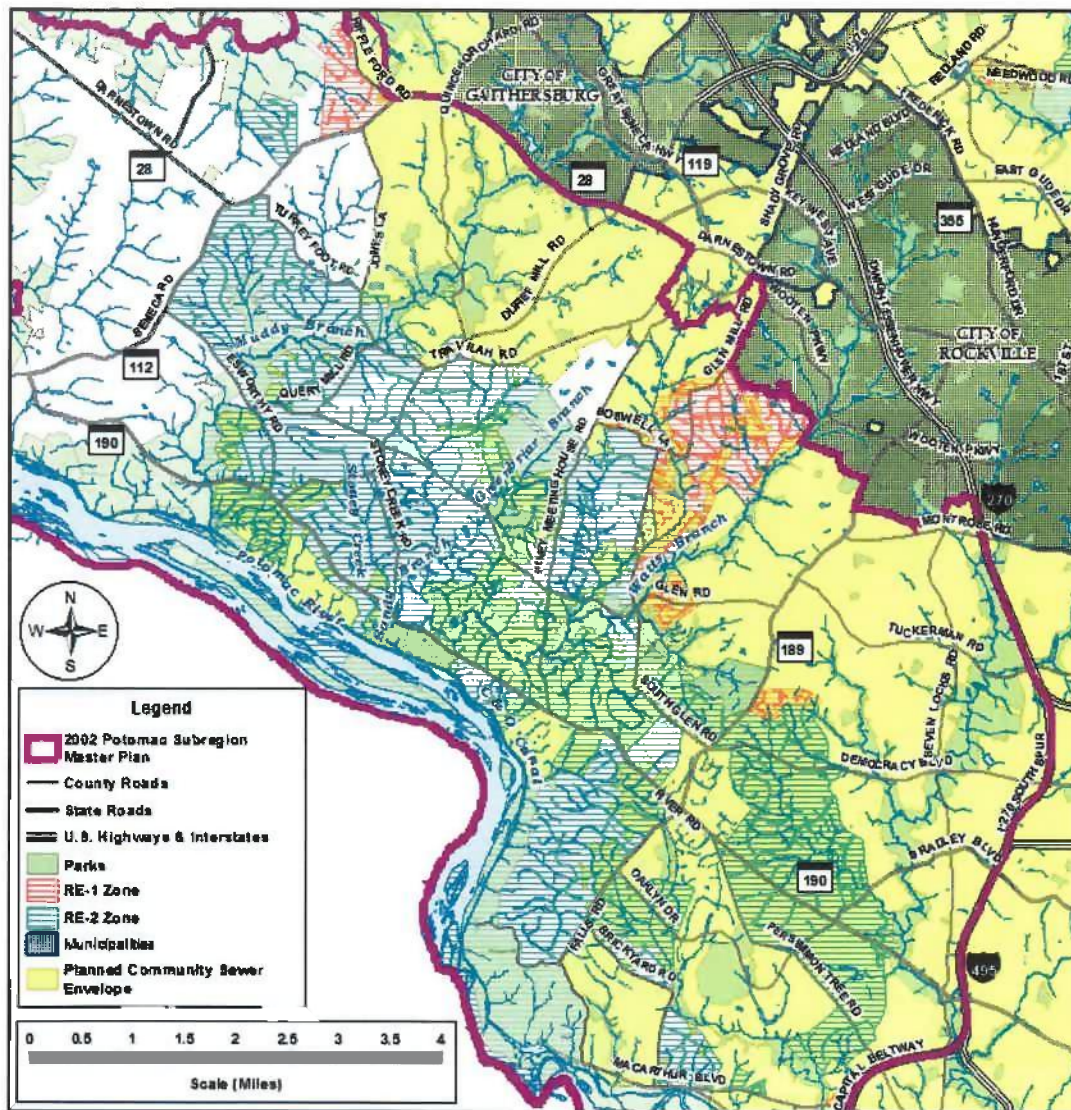
Note that the 2002 master plan specifically recommends excluding properties within or at the edge of the following neighborhoods from the use of this policy (see Figure C-F13):

- 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

