




MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

OFFICE OF THE COUNCIL PRESIDENT

January 25, 2024

TO: Artie Harris, Chair
Montgomery County Planning Board

Kishia Powell, General Manager/CEO
Washington Suburban Sanitary Commission

FROM: Andrew Friedson, President 
Montgomery County Council

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

On January 22, 2024, the County Council received [recommendations from the County Executive regarding eleven category change requests](#). The Council will formally introduce this package of requests on January 30, 2024.

State law requires that the County Council formally notify both WSSC Water and the Maryland-National Capital Park and Planning Commission at least 30 days in advance of a public hearing regarding any revisions or amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. A public hearing is scheduled for March 5, 2024, at 1:30 p.m.

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

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

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

AF:kml
Attachment




OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

MEMORANDUM

January 22, 2024

TO: Andrew Friedson, 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 eleven proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. The attached staff report includes recommendations and supporting documentation addressing these amendments. All eleven amendments request individual water/sewer service area category changes.

My recommendations for these amendments are consistent with the adopted policies and guidelines in the Water and Sewer Plan. They are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that several of these category change cases have the potential to generate public testimony and work session discussions. These requests are summarized as follows:

Commercial Use Cases for Senior Housing

WSCCR 23-TRV-05A (Hurst, Ennis, Johnson, and Blackman) WSCCR 22-URC-01A (Sarkides)

The applicants have proposed the provision of public water and sewer service for two sites planned for commercial, for-profit senior housing. (Because these are for-profit uses, they cannot be addressed using the private institutional facilities (PIF) policy.) The first (23-TRV-05A) is along Travilah Rd.; the second (22-URC-01A) is along Muncaster Mill Rd. Both sites are zoned RE-2 and are outside the planned public sewer envelope. The use of public water service in the RE-2 Zone is consistent with Water and Sewer Plan general water service policies. I recommend approval of a water category change for WSCCR 23-TRV-05A.

However, with the State’s denial of the Community Service for Commercial Uses policy in the 2022 Water and Sewer Plan update, there are no special sewer service policies that would support the approval of public sewer service for these sites. I recommend the denial of both requested sewer category changes.

Potomac Peripheral Sewer Service Policy Cases for Residential Uses

WSCCR 22-TRV-05A (Sinay) *	WSCCR 22-TRV-15A (Cook)
WSCCR 22-TRV-06A (Rao) *	WSCCR 22-TRV-17A (Nicodemus)
WSCCR 22-TRV-09A (Reinhold) *	WSCCR 22-TRV-20A (Gerold)
WSCCR 22-TRV-14A (Krylov & Mikhailenko)	WSCCR 23-TRV-04A (Ajomale)

****Previously Deferred***

The 2002 Potomac Subregion Master Plan recommended a special sewer service policy that considers public sewer service outside the planned public sewer envelope for properties that either abut or confront that envelope. This is the Potomac peripheral sewer service policy. The eight sewer category change requests cited above were submitted using this policy to seek approval for public sewer service. With one exception, none of these requests satisfy the requirements and intent of this special sewer service policy. I recommend approval of category S-3 for WSCCR 22-TRV-14A but denial for the other seven sewer category change requests.

Private Institutional Facilities Policy Case for a Place of Worship

WSCCR 17-OLN-02A (Iglesia De Cristo Mi-El Maryland, Inc.) (Previously Deferred)

The Council previously deferred action on this water and sewer category change request for a place of worship under CR 18-1272 (10/30/2018). The deferral required the submittal of a concept plan and review by the County’s Development Review Committee (DRC) as specified by the private institutional facilities (PIF) policy in the 2018 Water and Sewer Plan update. The applicant submitted a draft preliminary plan (no. 120220040) for consideration.

This plan complies with the PIF policy’s requirements for water and sewer main extensions and impervious area limits within the Hawlings River watershed in conformance with environmental policies and master plan recommendations. However, the impervious area within the Northwest Branch watershed, at approximately 47 percent, exceeds impervious area requirements from prior County Council actions for other PIF cases. I recommend a conditional approval for this request pending the Planning Board’s approval of the preliminary plan that:

- The proposed water and sewer main alignments are maintained as the draft plan shows.
- Maintains an impervious area limitation in the Hawlings River watershed of no more than 10 percent, as shown on the draft plan.
- Reduces the impervious area within the Northwest Branch watershed to 25 percent.

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

January 22, 2024

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

ME: as

Attachment

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

Montgomery County 2022 Comprehensive Water Supply and Sewerage Systems Plan

County Executive's December 2023 Amendment Transmittal to the County Council

11 Service Area Category Change Requests (Including Four Previously Deferred Requests)

Prepared by The Department of Environmental Protection

Jon Monger, 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

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 Water and Sewer Plan Policy Excerpts:

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- Glen Hills Study Area (Appendix C, Section II.M.)..... Pgs. 60-61
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Executive Summary: Proposed Service Area Category Amendments and Recommendations

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
Travilah Planning Area - Potomac Peripheral Sewer Service Policy Cases: Potomac Highlands Neighborhood			
[1] WSCCR 22-TRV-14A: Dmitry Krylov and Irina Mikhailenko			
<ul style="list-style-type: none"> • 9504 Watts Branch Dr., Rockville • RE-1 Zone; 1.87 ac. • 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) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy.</p>	<p>Report: Pgs. 7-8</p> <p>Map: Pg. 9</p>
[2] WSCCR 22-TRV-15A: Josh Cook			
<ul style="list-style-type: none"> • 2 Foxden Ct., Rockville • RE-1 Zone; 1.53 ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Single-Family Home (built 2012) • <u>Proposed use:</u> Sewer service for the Existing Single-Family Home (built: 2012) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy.</p>	<p>Report: Pgs. 10-12</p> <p>Map: Pg. 13</p>
[3] WSCCR 22-TRV-17A: Honrato and Rosvida Nicodemus			
<ul style="list-style-type: none"> • 13110 Foxden Dr., Rockville • RE-1 Zone; 2.38 ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use:</u> Sewer service for the Existing Single-Family Home (built 1966) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Approve S-3. Potomac peripheral sewer service policy.</p> <p>Proposed public sewer service is consistent with the application of the Potomac peripheral sewer service policy. (Adjacent lot needs to be added to the public sewer envelope.)</p>	<p>Report: Pgs. 14-15</p> <p>Map: Pg. 16</p>

Executive Summary: Proposed Service Area Category Amendments and Recommendations

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
Travilah Planning Area – Other Potomac Peripheral Sewer Service Policy Cases			
[4] WSCCR 22-TRV-20A: John and Andrea Gerold			
<ul style="list-style-type: none"> • 13413 and 13409 Ridge Dr., Rockville • RE-1 Zone; 27,037 sq. ft. (0.62 ac.) and 33,826 sq. ft. (0.78 ac.); 1.40 ac. total • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Single Family Home, one on each vacant lot 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy.</p>	<p>Report: Pgs. 17-18</p> <p>Maps: Pgs. 19-20</p>
[5] WSCCR 23-TRV-04A: Adebowale Ajomale			
<ul style="list-style-type: none"> • 13409 Glen Mill Rd., Rockville • RE-1 Zone; 1.01 ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Single Family Home on unimproved lot 	<p>W-1 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with the application of the Potomac peripheral sewer service policy and the Piney Branch restricted sewer access policy.</p>	<p>Report: Pgs. 21-22</p> <p>Maps: Pg. 23</p>
Travilah Planning Area – Commercial Uses Public Service Policy: Senior Housing in the RE-2 Zone			
[6] WSCCR 23-TRV-05A: Hurst, Ennis, Johnson and Blackman			
<ul style="list-style-type: none"> • 13741 and 13751 Travilah Rd., Rockville • RE-2 Zone; 11.09 total ac. • Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Proposed use</u>: Independent Senior Living Townhomes (will require a conditional use approval) 	<p><u>Parcel P709</u> W-6 to W-1</p> <p>S-1 (no change)</p> <p><u>Parcels P804 & N765</u> W-1 (no change)</p> <p>S-1* to S-1 unrestricted</p> <p><i>*Restricted to a single sewer service connection only (abutting mains)</i></p>	<p>Approve W-1 for Parcel P709. Deny the request to change the existing, restricted S-1 categories to remove the single sewer connection restrictions.</p> <p>Parcel P709, zoned RE-2, is within the planned public water service envelope. Unrestricted public sewer service is not consistent with Water and Sewer Plan service policies or with Potomac Subregion Master Plan service recommendations.</p>	<p>Report: Pgs. 24-28</p> <p>Conditional Use Plan: Pg. 25</p> <p>Maps: Pgs. 29-31</p>
Upper Rock Creek Planning Area - Commercial Uses Public Service Policy: Senior Housing in the RE-2 Zone			
[7] WSCCR 22-URC-01A: Paul Sarkides			
<ul style="list-style-type: none"> • 5904 Muncaster Mill Rd., Rockville • RE-2 Zone; 4.37 ac. • Upper Rock Creek Master Plan (2004) • Upper Rock Creek Watershed (MDE Use IV) • <u>Proposed use</u>: 100-unit Senior Living Facility, replacing an existing structure 	<p>W-1 (no change) S-6 to S-3</p>	<p>Deny the request for sewer category S-3; maintain S-6.</p> <p>Proposed public sewer service is not consistent with Water and Sewer Plan service policies or with Upper Rick Creek Master Plan service recommendations.</p>	<p>Report: Pgs. 32-33</p> <p>Conceptual Plan: Pgs. 34-35</p> <p>Maps: Pgs. 36-37</p>

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive’s December 2023 Transmittal Packet

FY 2022 (Part 2) & FY 2023 (Part 1) Category Change Requests

Executive Summary: Proposed Service Area Category Amendments and Recommendations

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
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PREVIOUSLY DEFERRED REQUESTS

Olney Planning Area: Deferred Request for a Private Institutional Facility (PIF) Use

[8] WSCCR 17-OLN-02A: Iglesia De Cristo Mi-EI Maryland, Inc.

<ul style="list-style-type: none"> 17521 Old Baltimore Rd., Olney RNC Zone; 7.21 acres Olney Planning Area Olney Master Plan (2006) <u>Proposed use:</u> Place of worship of up to 700 seats; retain existing house as a parsonage. 	<p>W-6 to W-1 S-6 to S-1</p>	<p>Maintain W-6 and S-6; advance to W-3 and S-3 upon the Planning Board’s approval of a preliminary plan that maintains under 10 percent impervious area in the Hawlings River watershed and reduces impervious area in the Northwest Branch watershed to 25 percent.</p> <p>Based on the applicant’s submitted preliminary plan, the proposed project satisfies the requirements of the PIF policy.</p>	<p>Report: Pgs. 38-41 Preliminary (Utility) Plan: Pg. 42 Maps: Pgs. 43-44</p>
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Travilah Planning Area: Deferred Requests Under the Potomac Peripheral Sewer Service Policy

[9] 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) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3, maintain S-6.</p> <p>The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. The recent update of this policy in the 2022 Water and Sewer Plan restricts the use of properties in the Rockville service area from serving as a basis for the use of this policy.</p>	<p>Report: Pgs. 45-46 Maps: Pgs. 47-48</p>
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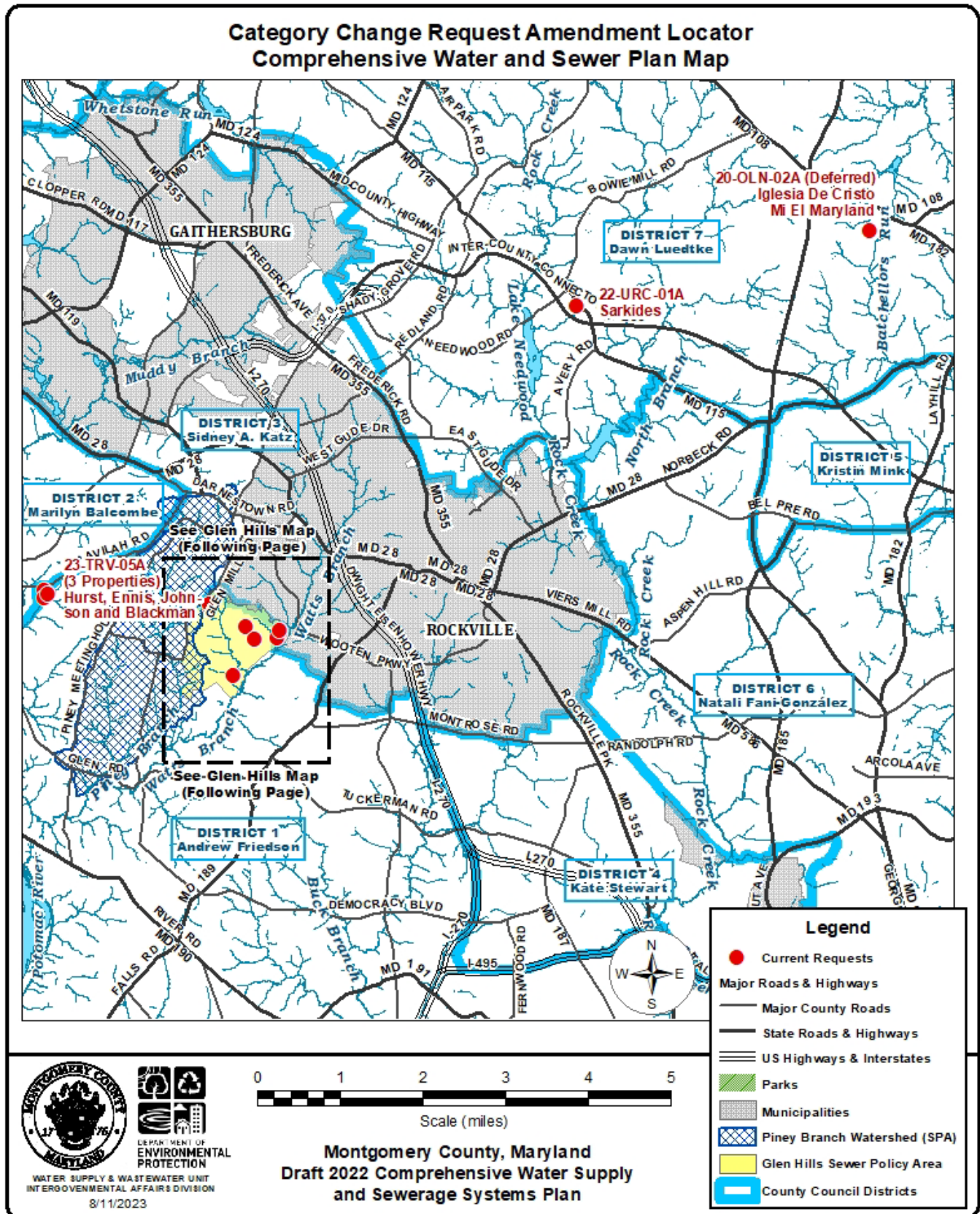
[10] WSCCR 22-TRV-06A: Nirmala Rao

<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) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3, maintain S-6.</p> <p>The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. The recent update of this policy in the 2022 Water and Sewer Plan restricts the use of properties in the Rockville service area from serving as a basis for the use of this policy.</p>	<p>Report: Pgs. 45-46 & 49-50 Maps: Pgs. 47-48</p>
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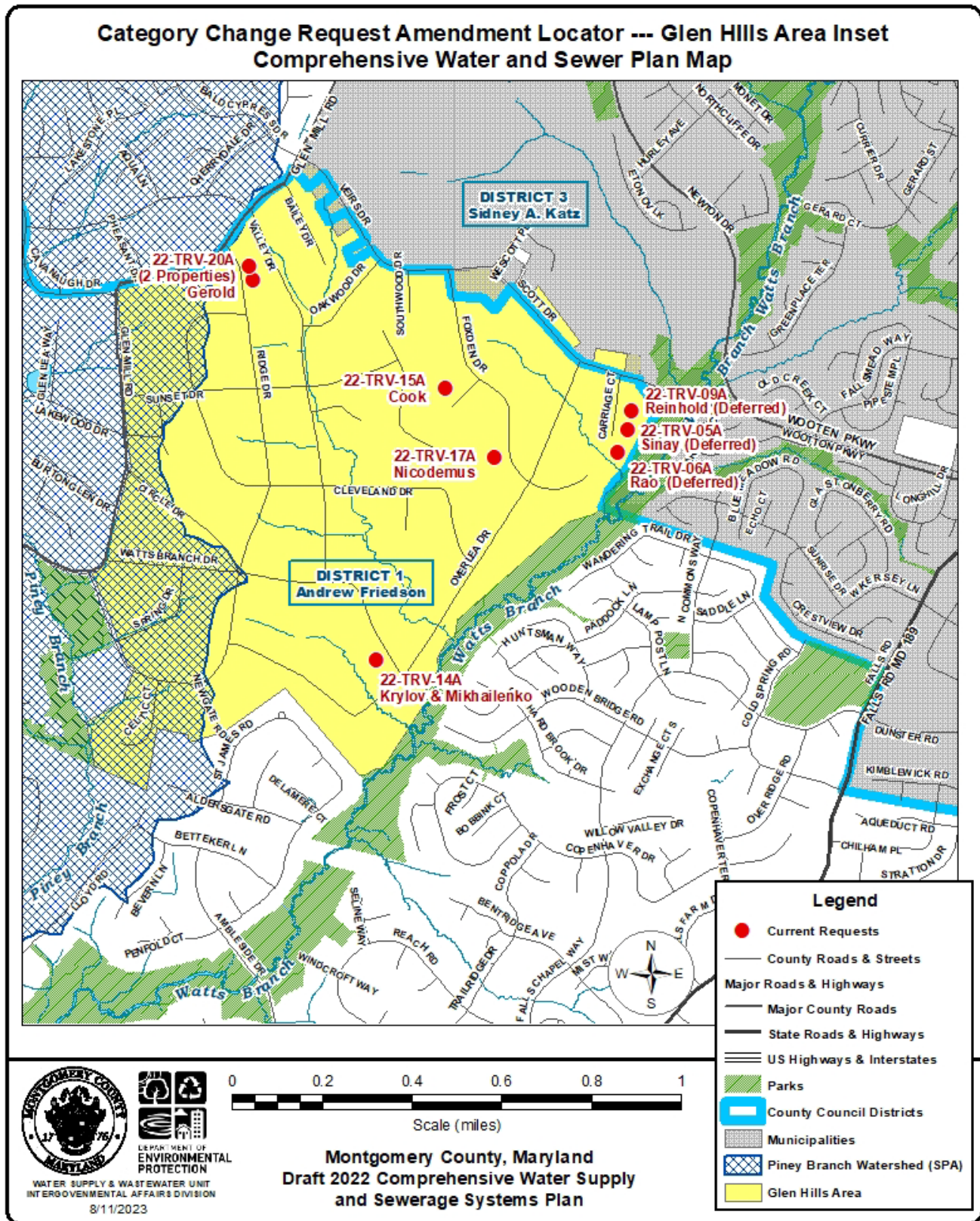
[11] WSCCR 22-TRV-09A: William Reinhold

<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) 	<p>W-3 (no change) S-6 to S-3</p>	<p>Deny the request for category S-3, maintain S-6.</p> <p>The applicants want to apply the Potomac peripheral sewer service policy based on this property being adjacent to the City of Rockville service area. The recent update of this policy in the 2022 Water and Sewer Plan restricts the use of properties in the Rockville service area from serving as a basis for the use of this policy.</p>	<p>Report: Pgs. 45-46 & 51-52 Maps: Pgs. 47-48</p>
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See Executive Staff Reports for recommendations, policy discussions, and agency comments for each proposed amendment.



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



Description: A map showing the locations of current and previously deferred water and/or sewer category change requests within the Glen Hills 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. <ul style="list-style-type: none"> This may include properties or areas for which community system mains are not immediately available or which have not yet connected to existing community service. 	Properties designated as categories 1 and 3 are eligible for to receive public water and/or sewer service. New development and properties needing the replacement of existing wells or septic systems are generally required to use public service. Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
W-2 and S-2	Categories W-2 and S-2 are not used in the Montgomery County Water and Sewer Plan. (State’s definition: Areas served by extensions of existing community and multi-use systems which are in the final planning stages.)	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for mains abutting these properties unless the property has a functioning well and/or septic system. WSSC provides public water and sewer service throughout the county, except where service is provided by systems owned by the City of Rockville or the Town of Poolesville.
W-3 and S-3	Areas where improvements to or construction of new community systems will be given immediate priority and service will generally be provided within two years or as development and requests for community service are planned and scheduled.	WSSC will not serve properties designated as categories 4 or 5, but will work to program water and/or sewer projects needed to serve these areas. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.) MCDEP may require that development proceeding on interim wells and septic systems in category 4 areas also provide dry water and sewer mains and connections.
W-4 and S-4	Areas where improvements to or construction of new community systems will be programmed for the three- through six-year period. • This includes areas generally requiring the approval of CIP projects before service can be provided.	Where water and/or sewer mains are financed under the front foot benefit system, WSSC will assess front foot benefit charges for abutting properties designated as category 4 unless the property has a functioning well and/or septic system. WSSC will not assess front foot charges for properties designated as category 5.
W-5 and S-5	Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period. • This category is frequently used to identify areas where land use plans recommend future service staged beyond the scope of the six-year CIP planning period.	WSSC will neither provide service to nor assess front foot benefit charges for properties designated as category 6. Development in category 6 areas is expected to use private, on-site systems, such as wells and septic systems.
W-6 and S-6	Areas where there is no planned community service either within the ten-year scope of this plan or beyond that time period. This includes all areas not designated as categories 1 through 5. <ul style="list-style-type: none"> Category 6 includes areas that are planned or staged for community service beyond the scope of the plan’s ten-year planning period, and areas that are not ever expected for community service on the basis of adopted plans. 	

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

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 53-54.]

Most of the sewer category change requests in the Travilah Planning Area in this packet were filed by the applicants who invoked the peripheral sewer service policy. The policy, as presented in the 2022 update of the Water and Sewer Plan is found on pages 64-66.

Potomac Peripheral Sewer Service Policy Cases: Glen Hills Policy Area

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

Request [1]: WSCCR 22-TRV-14A: Dmitry Krylov and Irina Mikhailenko

Property Information and Location Property Development	Applicant’s Request: Service Area Categories & Justification						
<ul style="list-style-type: none"> • 9504 Watts Branch Dr., Rockville (acquired in 2004) • Lot 2, Block F, Potomac Highlands (acct. no. 00088688) • Map tile: WSSC – 216NW09; MD –FQ53 • West side of Watts Branch Dr., 230 feet north of the intersection with Overlea Dr. • RE-1 Zone; 1.87 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 border="0" style="width: 100%;"> <tr> <td colspan="2"><u>Existing – Requested – Service Area Categories</u></td> </tr> <tr> <td style="width: 50%;">W-3</td> <td style="width: 50%;">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 property abuts the planned sewer envelope (9500 Watts Branch [Dr.]). Future connection to sewer is requested in case the original septic fails.”</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

The applicant seeks approval for a sewer category change from S-6 to S-3 to allow for public sewer service for an existing single-family house. The 1.87-acre lot is zoned RE-1 and is outside the planned public sewer envelope in this area. WSSC advises that the provision of public sewer service will require a sewer main extension of 1,050 feet.

M-NCPPC concurs that the property is not recommended for public sewer service in the 2002 Potomac Subregion Master Plan, in the Glen Hills Study, or under any of the existing policies in the water and sewer plan.

The subject property is not adjacent to the planned service envelope. The three abutting properties (9500 Watts Branch Dr., 9600 Overlea Dr and 9612 Overlea Drive), that are approved for public sewer service were granted approval as a result of the South Overlea Drive Septic Survey, for the relief of a public health concern. (These S-3 lots are planned to be eventually served by a sewer main extension along Overlea Dr.) The approval of S-3 for these properties did not extend the planned sewer envelope and so 9504 Watts Branch Dr. is adjacent to properties along Overlea Dr. that are not within the planned public sewer envelope (see the map on page 9). Given this, the lot does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. (See the policy at pages 64-66)

Executive staff find that this request does not qualify for consideration under 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:

Septic permit on record from 1964 for 1 tank and 2 pits. There has not been a septic reserve area established for this property.

M-NCPPC – Planning Dept.:

This 1.87-acre lot is zoned RE-1 and is located in the Glen Hills Study Area of the 2002 *Potomac Subregion Master Plan*. The Master Planned recommended that this area be the subject of a study to determine how this existing neighborhood would receive sewer service extensions. This policy limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. This property does not meet the six conditions outlined in the Water and Sewer Plan. [DEP: See Glen Hills Study Area policy (pgs. 60-61).]

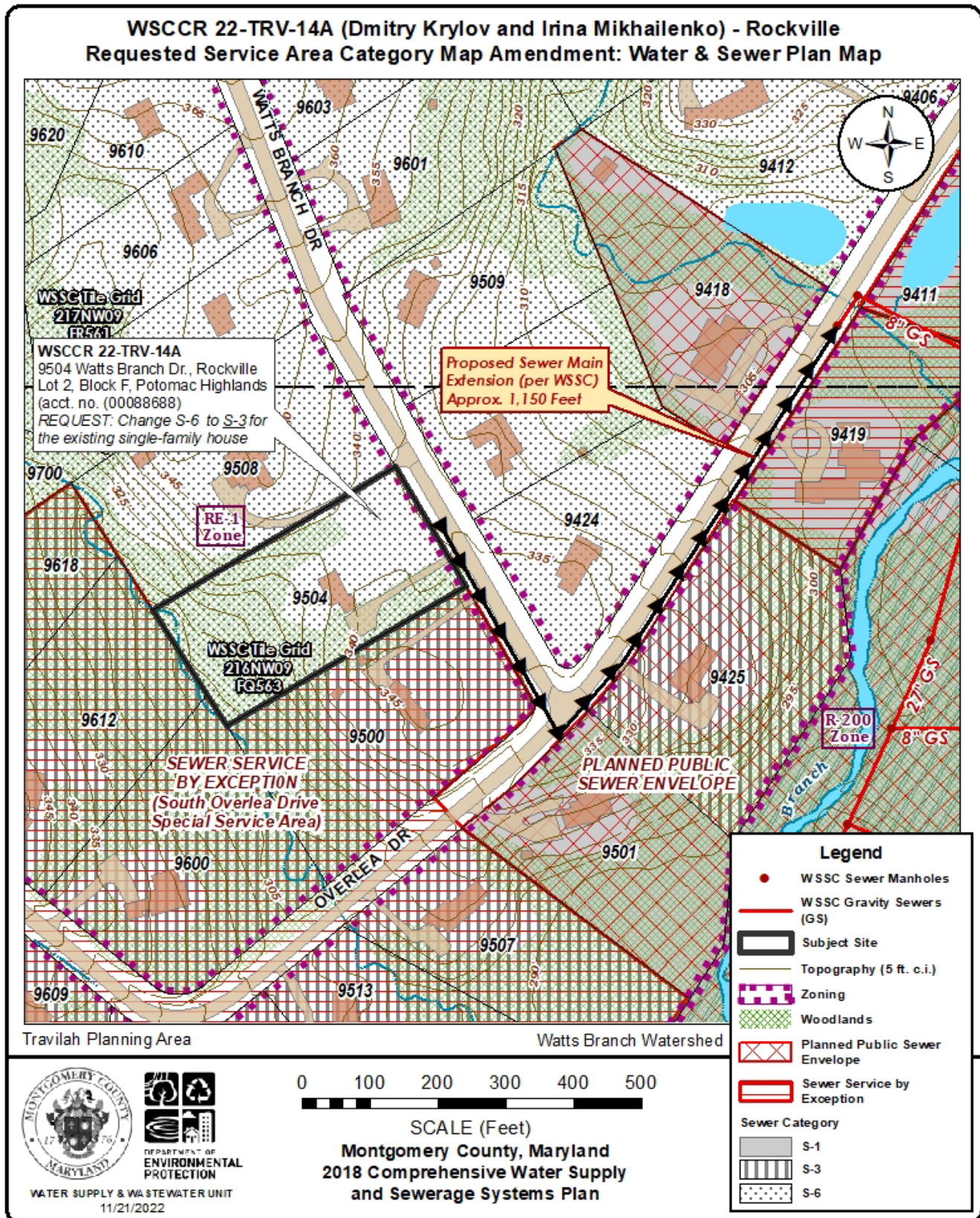
M-NCPPC – Parks Planning:

No park impacts.

WSSC-Water - Water: (not requested)

WSSC-Water - Sewer:

Basin: 16-022, Watts Branch. This property is located in Glen Hills. Some parts of Glen Hills are located in a county designated *Special Sewer Service* area. Approximately 1,150 feet of non-CIP-sized sewer extension is required to serve the property. This extension would connect to manhole 149N of Contract 1983-5793A, located in front of 9419 Overlea Drive, and would abut approximately 7 properties in addition to the applicant's. 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.



Description: Map showing the location of WSSCR 22-TRV-14A with surrounding sewer service area categories, the planned public sewer envelope, existing public sewer mains, and a sewer extension concept.

Discontinued North Potomac Highlands Septic Survey

Several of the properties included in this packet were part of the North Potomac Highlands Septic Survey (see the map on the following page). 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.

Request [2]: WSCCR 22-TRV-15A: Josh Cook

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

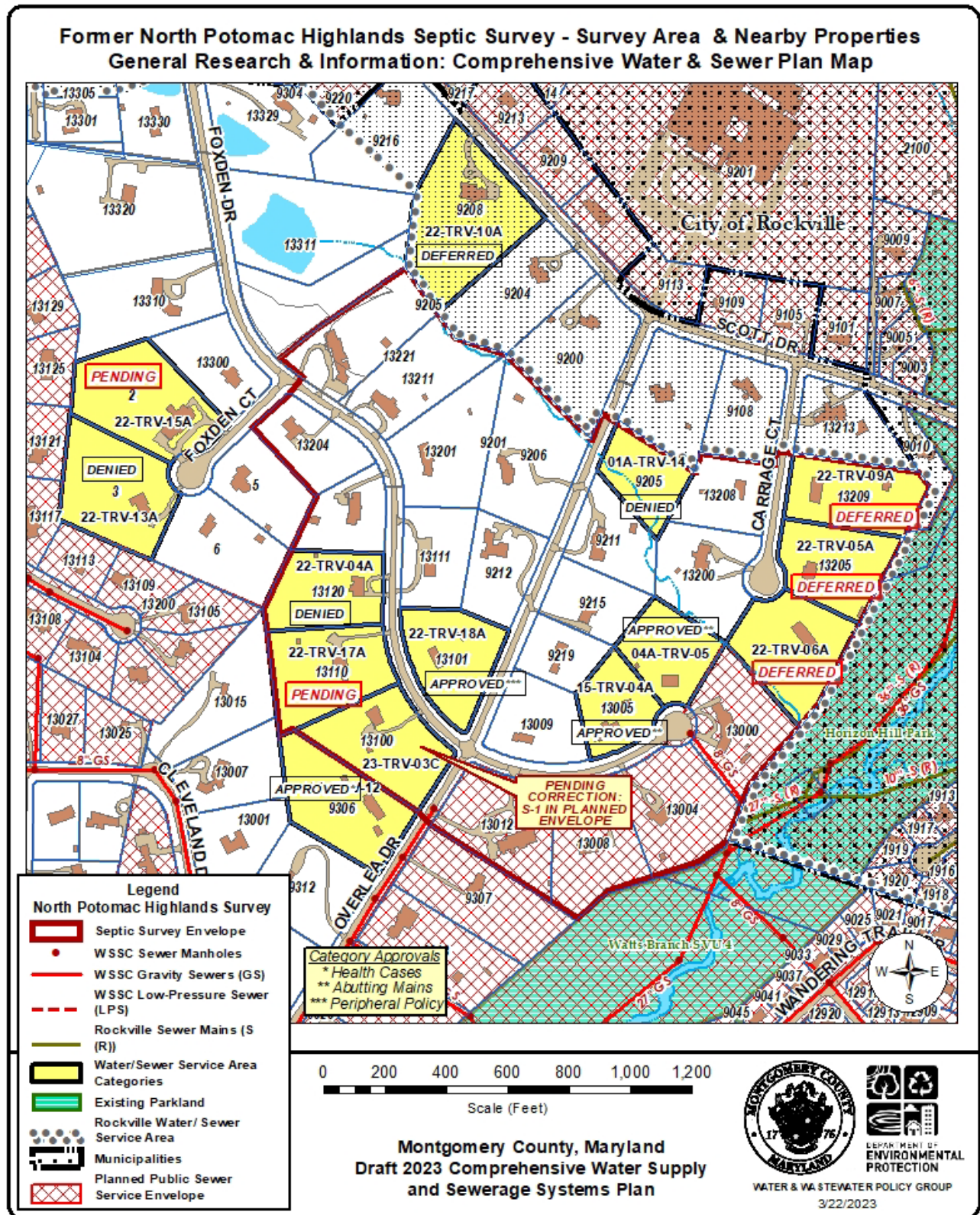
<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 2 Foxden Ct., Rockville (acquired in 2010) • Lot 4, Block D, Potomac Highlands (acct. no. 00088371) • Map tile: WSSC – 216NW09; MD –FQ53 • West side of Overlea Dr., at the intersection with Watts Branch Dr. • RE-1 Zone; 1.53 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 2012;) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-3 W-3 (no change)</p> <p>S-6 S-3</p> <p><u>Applicant’s Explanation</u></p> <hr/> <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, 2 Foxden Ct., backs up to 13121 and 13125 Jasmine Hill Terrace.”</p>
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Executive Staff Report

The applicant seeks approval for a sewer category change from S-6 to S-3 to allow for public sewer service for an existing single-family house. The 1.53-acre lot is zoned RE-1 and is outside the planned public sewer envelope in this area. WSSC advises that the provision of public sewer service will require a non-abutting sewer service connection to the existing sewer main located along Jasmine Hill Terr. to the west. Service will require a private easement from at least one existing lot along Jasmine Hill Terr. Some existing trees on these lots may be affected. According to DPS, a new septic system was installed, and a septic reserve area established in 2012.

M-NCPPC concurs that public sewer service for this property is not consistent with the Potomac peripheral sewer service policy as no existing sewer infrastructure is available via public road rights-of-way.

Although the subject property is adjacent to the planned service envelope along Jasmine Hill Terr., access to an existing sewer main will require a private easement across an existing residential lot. Given this, the subject lot does not qualify for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. (See the policy at pages 64-66.) The existing septic system, installed in 2012, meets current standards, including needed septic reserve areas. The Council previously denied a similar sewer category change request, WSCCR 22-TRV-13A, the adjacent lot at 3 Foxden Ct.



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

Executive Staff Report *(continued)*

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:

We have records of new septic system installed and a reserve area established for this property in 2012.

M-NCPPC – Planning Dept.

This 1.53-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 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.

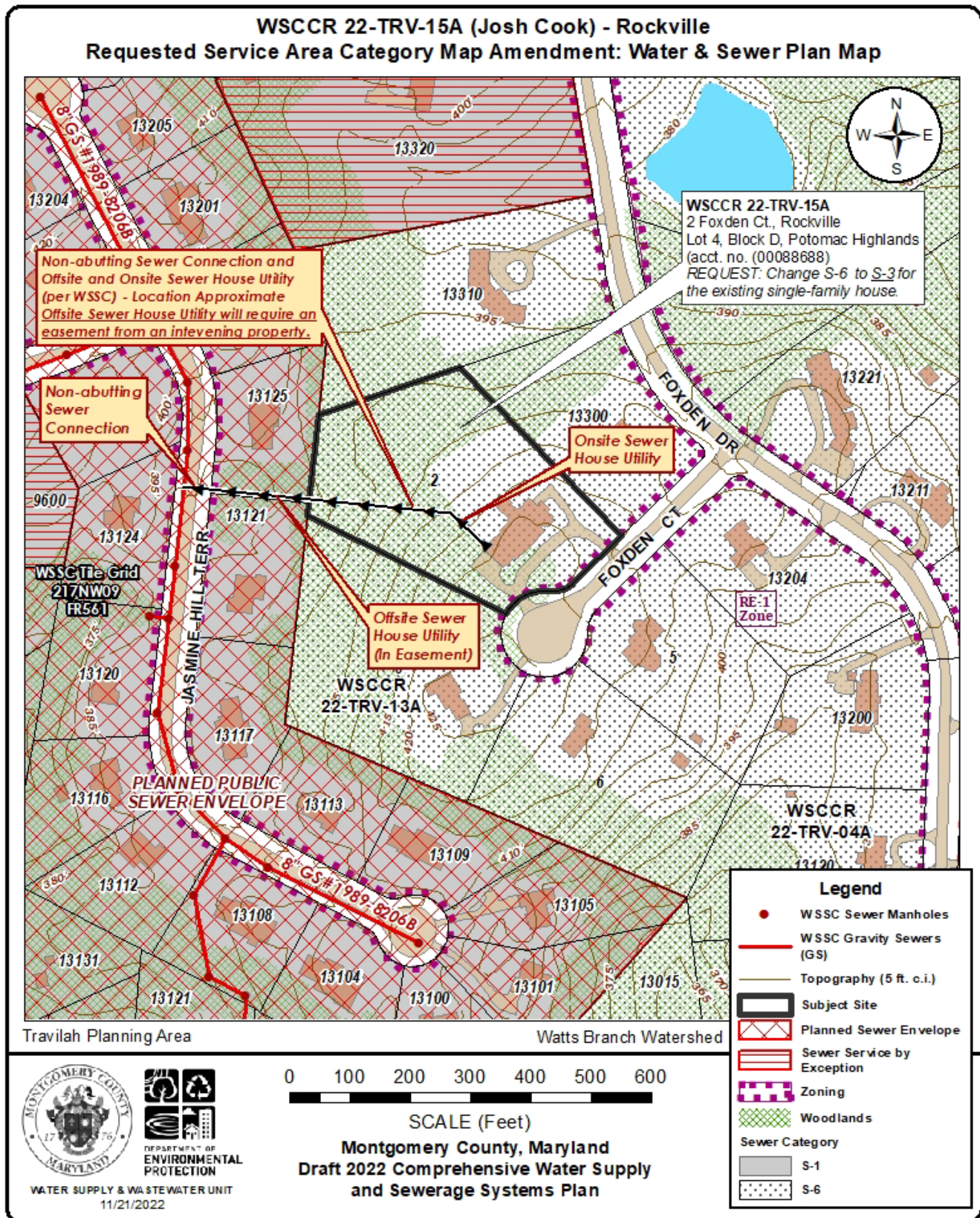
M-NCPPC – Parks Planning:

No park impacts.

WSSC – Water: *(not requested)*

WSSC – Sewer:

Basin: Watts Branch. This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated Special Sewer Service area. An 8-inch sewer main (contract no. 1989-8206B) in Jasmine Hill Terrace is one property lot away. 2 Foxden Ct may be served by a non-abutting service connection. A private easement would be required. Average wastewater flow from the proposed development: 280 GPD. Interceptor capacity is adequate. Treatment capacity is adequate.



Description: Map showing the location of WSSCR 22-TRV-15A with respect to sewer service area categories, the planned public sewer envelope and showing a sewer main extension identified by WSSC-Water.

Request [3]: WSSCR 22-TRV-17A: Honrato and Rosvida Nicodemus

County Executive’s Recommendation: Approve the request for sewer category S-3; Potomac peripheral sewer service policy.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 13110 Foxden Dr., Rockville (acquired 1994) • Lot 11, Block D, Potomac Highlands (acct. no. 00088176) • Map tile: WSSC – 217NW09; MD –FR51 • West side of Foxden Dr., 320 feet north of the intersection with Overlea Dr. • RE-1 Zone; 2.38 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Single-Family Home (built 1966) • <u>Proposed use</u>: Sewer service for the Existing Single-Family Home 	<p>Applicant’s Request: Service Area Categories & Justification</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="border-bottom: 1px solid black;"><u>Existing – Requested – Service Area Categories</u></td> </tr> <tr> <td style="width: 50%;">W-3</td> <td style="width: 50%;">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>“We are requesting a sewer category change from S-6 to S-3 under the Potomac Peripheral Service Policy. Our property abuts the planned sewer envelope at an adjoining property. Specifically my property, 13110 Foxden Drive abuts 13100 Foxden Drive which has had sewer service prior to 2002. As a reminder, 13100 Foxden drive was the property that was not shown correctly on the DEP map, but was verified by WSSC billing.”</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

The applicant seeks approval for a sewer category change from S-6 to S-3 to allow for public sewer service for an existing single-family house. The 2.38-acre lot is zoned RE-1 and is outside the planned public sewer envelope in this area. WSSC advises that the provision of public sewer service will require an approximately 600-foot sewer main extension from the existing main along Overlea Dr. The extension would abut four additional properties:

- 13009 Foxden Dr. – Served by a septic system. Designated as category S-6. Outside the planned public sewer envelope. Could be considered for public sewer service under the Potomac peripheral sewer service policy. If approved for public sewer service, the proposed extension could also provide sewer service to this lot.
- 13012 Foxden Dr. – Served by WSSC Water. Designated as category S-1. Within the planned public sewer envelope.
- 13100 Foxden Dr. – Served by WSSC Water. Requires a sewer category correction from S-6 to S-1. Should be within the planned public sewer envelope.
- 13101 Foxden Dr. – Approved for service by WSSC Water under the Potomac peripheral sewer service policy. Designated as category S-3. The proposed extension could also provide sewer service to this lot.

According to DPS, an existing septic system dates back to a 1965 permit and includes a 1,500-gallon septic tank and three seepage pits. DPS also noted that the existing septic tank is undersized for a six-bedroom house.

M-NCPPC advises that public sewer service for this property is not consistent with the 2002 Potomac Subregion Master Plan. However, M-NCPPC staff were not aware that the lot was adjacent to the correction to the planned public sewer envelope at 13100 Foxden Dr. at the time of this review.

Given this, the subject lot is adjacent to the (corrected) planned public sewer envelope. Sewer service can be provided by an extension within existing public road right-of-way. Therefore this lot qualifies for consideration of public sewer service approval under the Potomac Peripheral Sewer Service Policy. (See the policy at pages 64-66.)

Executive staff find that this request is an appropriate application of the Potomac peripheral sewer service policy. Recommend approval of the request for sewer category S-3 under the peripheral sewer service policy.

Agency Review Comments

DPS – Well & Septic:

We have a septic permit from 1965 for a 1,500-gallon tank and 3 seepage pits on record. The tank size on the permit does not meet modern size standards for a 6 bedroom residence.

M-NCPPC – Planning Dept.:

This 2.38-acre lot is zoned RE-1 and is located in the Glen Hills Study Area of the 2002 *Potomac Subregion Master Plan*. The Master Planned recommended that this area be the subject of a study to determine how this existing neighborhood would receive sewer service extensions. This policy limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. This property does not meet the six conditions outlined in the Water and Sewer Plan. [DEP: See the Glen Hills Sewer Service policy on pages 60-61. Also see sewer envelope comments in the Executive Staff Report (preceding page.)]

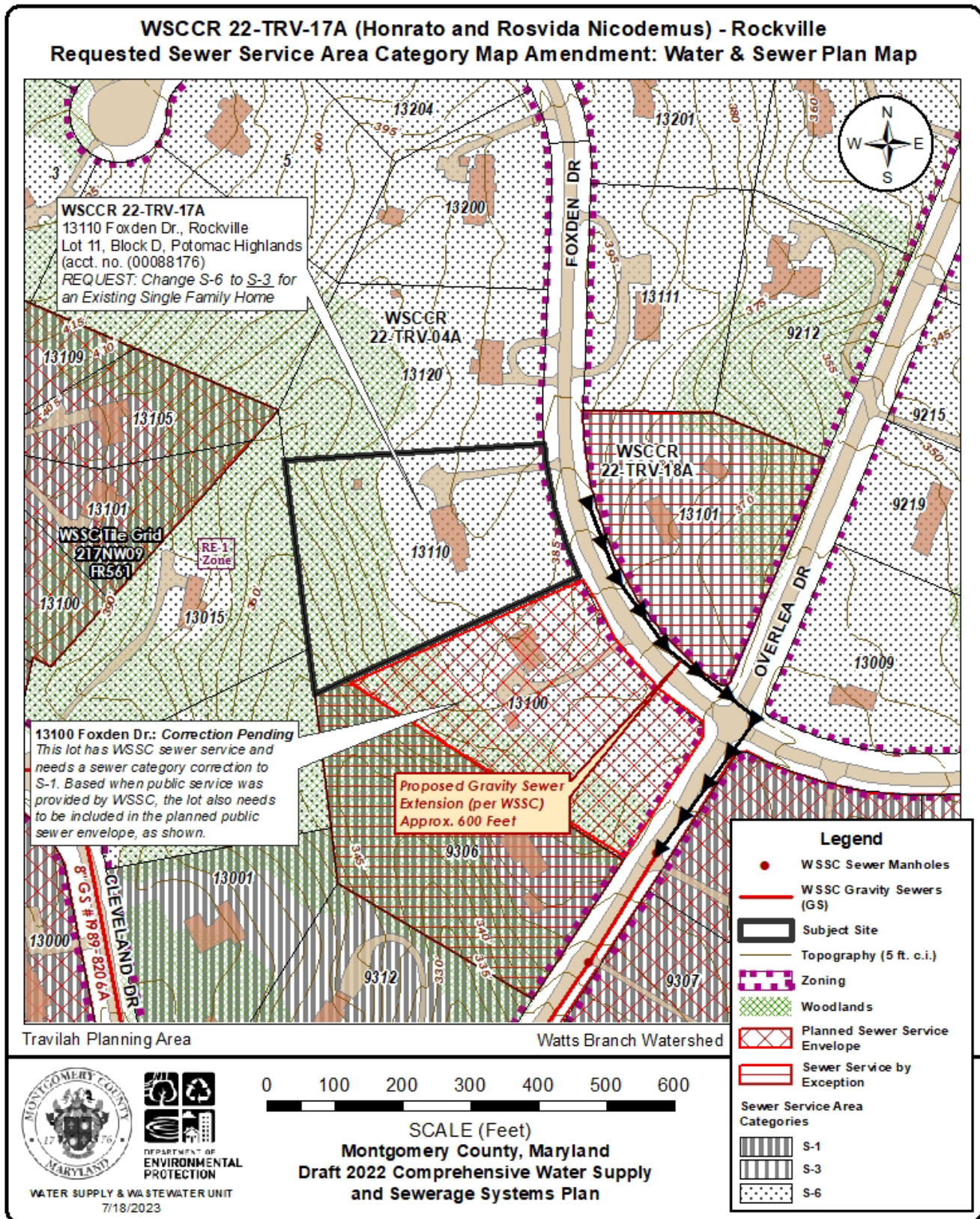
M-NCPPC – Parks Planning:

No park impacts.

WSSC - Water: (water category change not requested)

WSSC - Sewer:

Basin: Watts Branch. This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated *Special Sewer Service* area. A 600- foot-long, non-CIP-sized sewer extension is required to serve the property. This extension would connect to a 8-inch sewer line in Overlea Drive (contract no.1967-2840A) and would abut approximately 4 properties in addition to the applicant's. Average wastewater flow from the proposed development: 190 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.



Description: Sewer Category Map showing the location of WSSCR 22-TRV-17A with respect to the planned public sewer envelope and a proposed 600-foot sewer extension.

Request [4]: WSSCR 22-TRV-20A: John and Andrea Gerold

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"> • 13413 and 13409 Ridge Dr., Rockville (acquired in 2004) • Lot 19 and 18, Block 3, North Glen Hills Sec 1 (acct. nos. 00078304 and 00078133) • Map tile: WSSC – 218NW10; MD –FR42 • East side of Ridge Dr., 300 feet south of the intersection with Glen Mill Rd. • RE-1 Zone; 27,037 and 33,826 sq. ft. (1.40 ac. Total) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Undeveloped • <u>Proposed use:</u> Single Family Home, on each lot 	<table border="0"> <tr> <td colspan="2"><u>Existing – Requested – Service Area Categories</u></td> </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>“We, the applicants/property owners, John and Andrea Gerold, are requesting a Sewer Category Change in order for public sewer to be made available to these properties for a future single-family home. Our preference is to connect to public sewer, if possible, thereby eliminating the need for a private onsite septic system, the feasibility of which has not yet been determined. Within this Glen Hills neighborhood, there are numerous other nearby properties that are now being served by public sewer.”</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 applicants have requested an approval for public sewer service for two adjacent, unimproved lots, 13409 and 13413 Ridge Dr., Rockville, by changing the existing S-6 sewer category to S-3. The lots are zoned RE-1 and are outside the planned public sewer envelope. Together they total 1.40 acres. WSSC reports that two options are possible for sewer main extensions.

- 1) A 750-foot low-pressure main extension to an existing gravity main to the east along Glen Mill Rd. (see page 20). This extension would abut properties either already approved for public sewer service or within the planned public sewer envelope.
- 2) A combined 2,200-foot low-pressure and gravity sewer extension to the existing gravity sewer main to the west along Cavanaugh Dr. This extension would abut approximately 22 additional properties mostly designated as category S-6; approximately half of these are within the planned public sewer envelope and the other half outside the envelope. (Also shown on page 20.)

WSSC Water’s report concerning daily dry-flow capacity limits at the Potomac Interceptor (PI) refers to WSSC Water’s capacity limitation under the current Intermunicipal Agreement, not a physical limitation of the pipe capacity. Other sewerage basins, such as Muddy Branch, that feed into the PI are well below agreed dry-flow capacities. DEP is coordinating with WSSC Water to address this issue. As noted in WSSC Water’s report, adequate transmission capacity exists for these properties if approved for public sewer service.

DPS reports that the two lots have both failed septic testing for deep trench and shallow tile drainfields. Testing for sand mound septic systems may be an option.

While one lot, 13413 Ridge Dr., is in close proximity to the planned public sewer envelope along its north side, it does not directly abut the envelope, neither does it confront the envelope across a public road right-of-way. The application of the peripheral sewer service policy (see pages 64-66) is not appropriate. No other sewer service policies for the Glen Hills area support the provision of public sewer service [pgs.60-61]. The second lot, 13409 Ridge Dr., also does not satisfy any sewer service policies that apply in the Glen Hills area. M-NCPPC staff agree with this evaluation. The owners may want to consult with the DPS Well and Septic Section about the possibility of sand mound septic system testing on one or both lots.

Executive staff find that this request does not satisfy the requirements of the Potomac peripheral sewer service policy or of any service policies for the Glen Hills area. Recommend denial of the request for S-3; maintain S-6.

Agency Review Comments

DPS – Well & Septic

Both Lots have failed deep trench and tile field tests in 1959 and 1960. Water tables dug in 1982 revealed groundwater at 9.5' and 2.5'. Sand mound testing has not been conducted on this property and appears to be an option.

M-NCPPC – Planning Dept.

This lot is located in the Glen Hills Study Area of the Potomac Subregion Master Plan. The Water and Sewer Plan limits public service in Glen Hills and outlines conditions that must be satisfied before public service is provided. This property does not appear to meet any of the six conditions outlined in the Water and Sewer Plan.

M-NCPPC – Parks Planning

No park impacts.

WSSC – Water: *(not requested)*

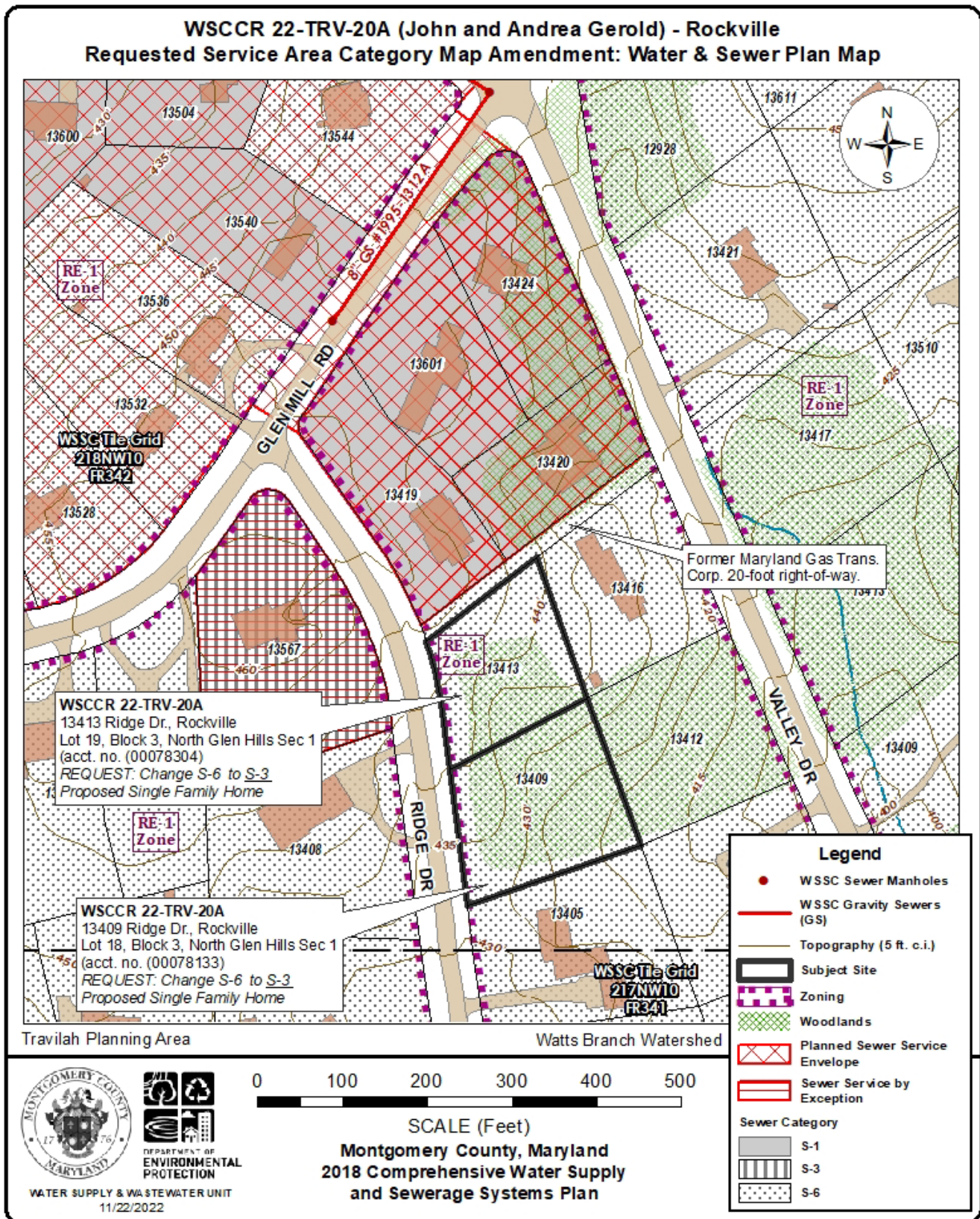
WSSC – Sewer:

Basin: Watts Branch. This project is located in Glen Hills. Some parts of Glen Hills are in a county designated Special Sewer Service area. Although not specially mentioned in the Glen Hills Area Sanitary Study: Phase 2 Report, there are two options to provide sanitary service for the project.

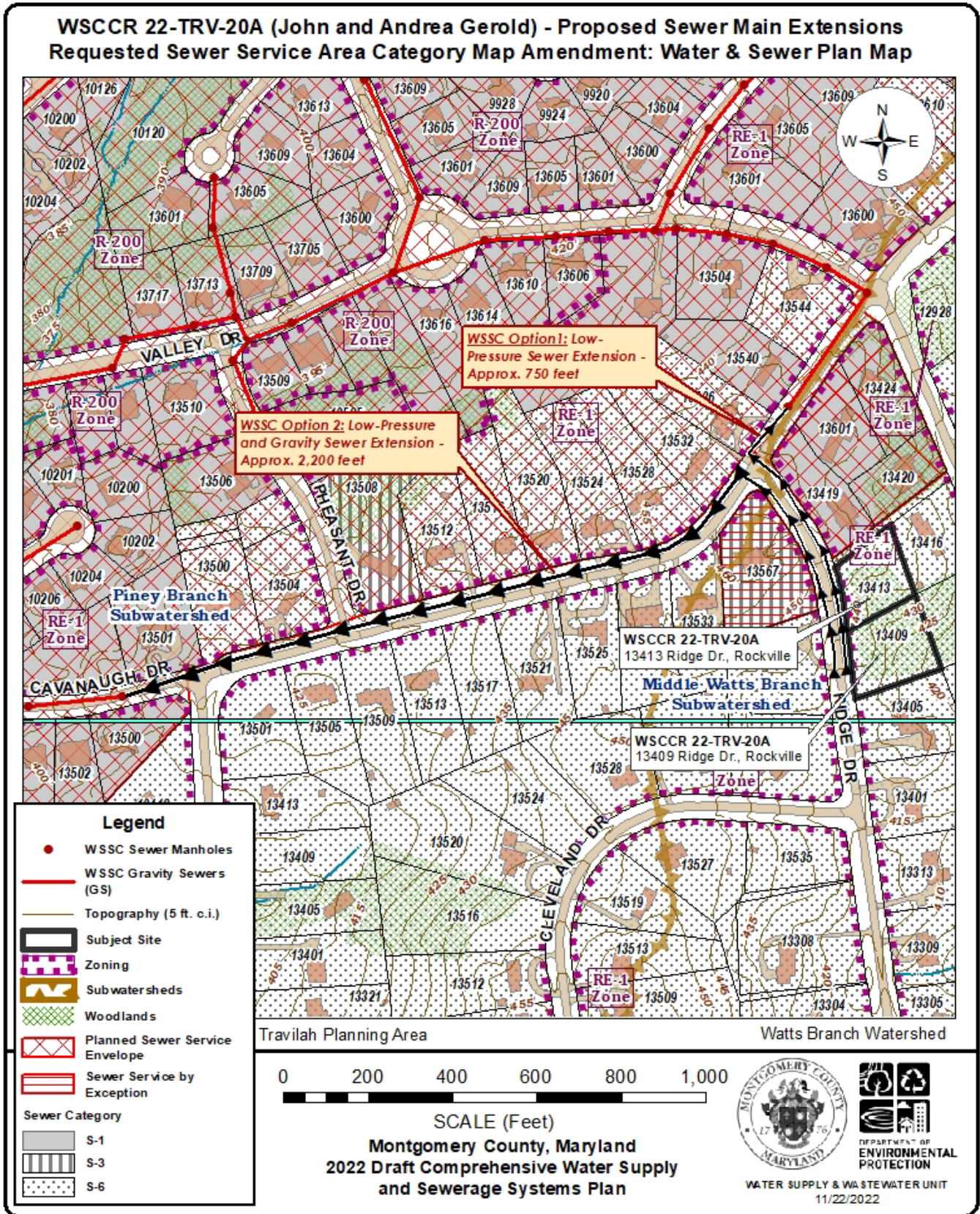
- Option 1 requires a 750-foot-long non-CIP-sized low-pressure sewer extension to serve the project. This low-pressure sewer extension would connect to an existing 8" sewer line within Glen Mill Road (1995-1312A, SMH 280N) and would abut approximately (5) five properties in addition to the applicant's.
- Option 2 requires a 600 foot-long non-CIP-sized pressure sewer and a 1,600 foot-long non-CIP sized gravity sewer extension to serve the property. This low-pressure and gravity sewer extension would connect to an 8" sewer line within [Cavanaugh Dr.] (1998-2338A, SMH 285N) and would abut approximately twenty-two (22) properties in addition to the applicant's.

Average wastewater flow from the proposed development: 560 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

Maps, Plans, etc.:	Sewer Envelope and Sewer Category Map	Page 19
	Sewer Envelope and Main Extensions Map	Page 20



Description: A map showing existing sewer service area categories for WSSCR 22-TRV-20A, along with existing nearby sewer mains.



Description: This map shows two sewer main extension options for WSSCR 22-TRV-20A.

Piney Branch Special Protection Area Policy Cases

Request [5]: WSSCR 23-TRV-04A: Adebowale Ajomale

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

<p>Property Information and Location Property Development</p>	<p>Applicant’s Request: Service Area Categories & Justification</p>									
<ul style="list-style-type: none"> • 13409 Glen Mill Rd., Rockville • Lot 15, Block 5, North Glen Hills Sec 1 (acct. no. 00079161) • Map tile: WSSC – 210NW11; MD –FR41 • East side of Glen Mill Rd., 350 ft South of the intersection with Cavanaugh Dr. • RE-1 Zone; 1.01 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) – Piney Branch subwatershed (SPA) • <u>Existing use</u>: Unimproved (purchased Aug. 2022) • <u>Proposed use</u>: Single Family Home • Outside the planned public sewer envelope 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing –</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested –</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-1</td> <td>W-1 (no change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant’s Explanation</u></p> <p>“I request a change in sewer category so as to facilitate an upcoming new single-family residence construction to the property this spring. According to our Civil Engineering consultants, the existing property is relatively small for sand-mound systems. The site is not sufficient to test for 3 mound sites since we must have enough area for a primary mound and 2 reserves; There are also multiple features on the site that restrict sand-mound testing areas including existing wells (must be 100 feet from any wells or 25 feet from abandoned wells) and drainage swales (must be 25 feet from the centerline of swales of which there are 2 in the rear yard). We must also be 25 feet from any property lines. The preliminary designs for a new main sand mound and reserve septic fields would conflict spatially with the new construction. There is not enough space on the site for both the new construction of the house and the sand mound septic system. Furthermore, there are multiple sewer mains, both pressurized and gravity fed, within 600’ of the site on Cavanaugh Drive, which serve neighboring properties. Please allow us to improve our property, and the neighborhood at large by changing the sewer category to S-3 and allowing us to work with WSSC to extend one of the sewer mains to our property.”</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 approval of a sewer service area category change from S-6 to S-3 in order to extend public sewer service to an unimproved lot in the North Glen Hills Section 1 subdivision. The lot is located at 13409 Glen Mill Rd., Rockville, is zoned RE-1, and includes 1.01 acres. The lot is outside the planned public sewer envelope in this area. WSSC advises that the provision of public sewer service will require an approximately 600-foot sewer main extension from an existing main along Cavanaugh Dr. The main would consist of 200 feet of gravity main and 400 feet of low-pressure main. An onsite grinder pump would be needed. The extension would abut as many as five additional properties, the majority of which are currently designated as sewer category S-6. To clarify the applicant’s assertion (see above), the Cavanaugh Dr. sewer main is the only existing main within 600 feet of this property.

The provision of public sewer service to this property is not consistent with the requirements of the Piney Branch restricted sewer service policy (see pages 62-63). The applicant’s argument that the property does not have sufficient area for a septic system because of its various constraints is not a justification for approval of public sewer service under this restricted sewer service policy.

WSSC Water’s report concerning daily dry-flow capacity limits at the Potomac Interceptor (PI) refers to WSSC Water’s capacity limitation under the current Intermunicipal Agreement, not a physical limitation of the pipe capacity. Other sewerage basins, such as Muddy Branch, that feed into the PI are well below agreed dry-flow capacities. DEP is coordinating with WSSC Water to address this issue. As noted in WSSC Water’s report, adequate transmission capacity exists for these properties if approved for public sewer service.

DPS has advised that a septic groundwater test in 1974 failed for a trench system. Testing for a sand mound system has not been conducted but may be a difficult option. DPS issued a “tax relief” memo to the State, in that

without public sewer service and septic system suitability, the lot was considered unbuildable at the time.

M-NCPPC concurs that the provision of public sewer service for this property is not consistent with the 2002 Potomac Subregion Master Plan with regard to both the Potomac peripheral sewer service policy and the Piney Branch Sewer Restricted Access policy. Providing sewer service will not affect County parkland. Neither is the request consistent with the Glen Hills Area sewer service policy (see pgs. 60-61.)

Executive staff find that this request for public sewer service is inconsistent with Water and Sewer Plan service policies and master plan recommendations. There are no Glen Hills area sewer service policies nor Piney Branch restricted sewer service policies under which this property can be recommended for public sewer service. Recommend denial of the request for sewer category S-3, maintain S-6.

Agency Review Comments

DPS:

Perc testing failed in 1974. A test was conducted, and groundwater was observed at 2.5 feet. A ‘tax relief’ memo was issued in 1983 due to the lot not being considered buildable at that time. Sand mound testing has not been conducted on this property but may be a difficult option. Consultation with an engineer on submission of a test plan is highly recommended.

M-NCPPC – Planning Dept.:

This property is within the Glen Hills Sewer Service Policy Area and the Piney Branch Special Protection Area. The property does not meet any of the five conditions required for consideration of sewer service under the Glen Hills Sewer Service Policy [see pages 60-61] including the additional conditions specified for the Piney Branch Restricted Community Sewer Service Area [see pages 62-63].

M-NCPPC – Parks Planning:

No park impacts.

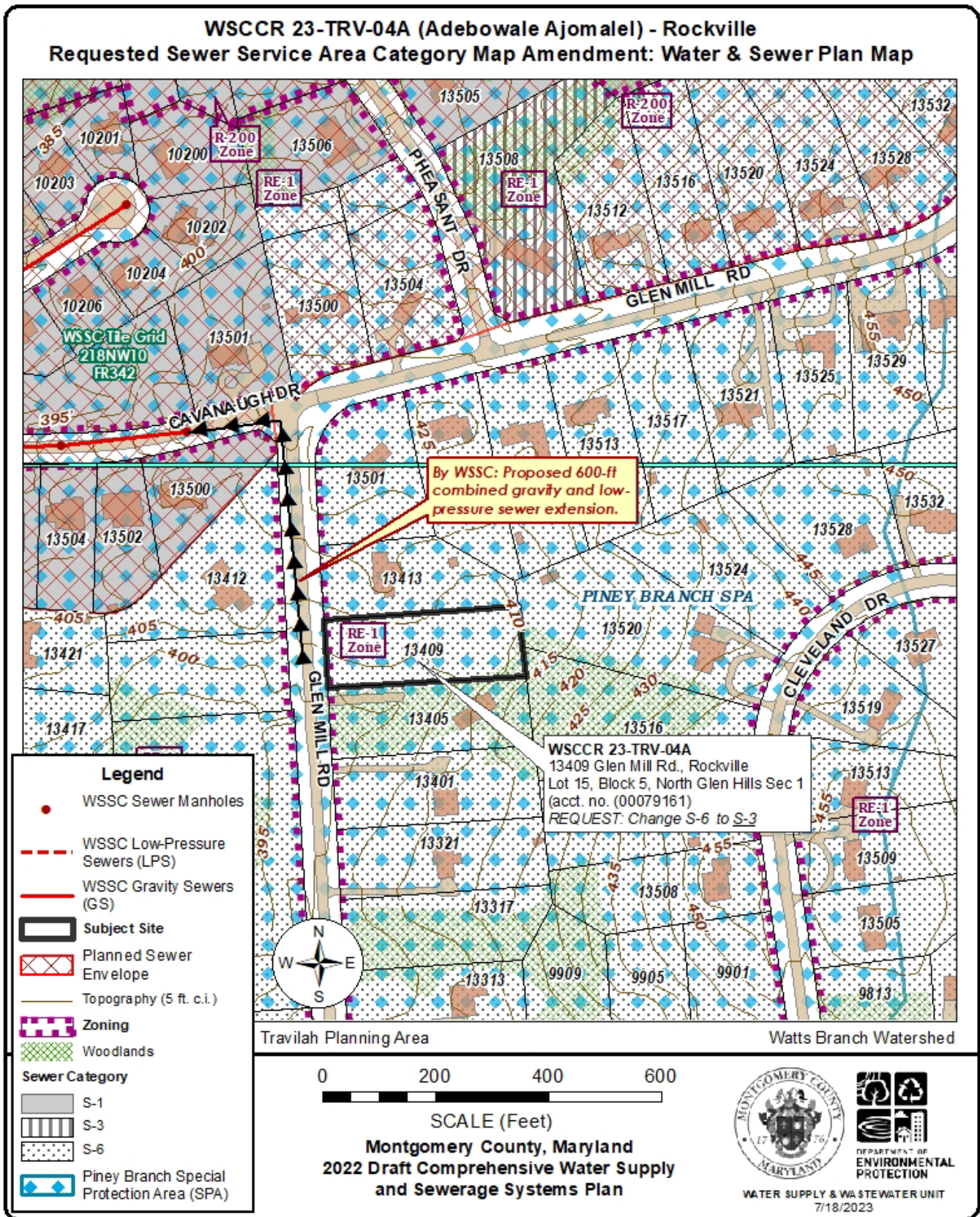
WSSC - Water: (not requested)

The lot is designated as category W-1 and has access to an existing water main along Glen Mill Rd.

WSSC - Sewer:

Basin: Watts Branch. Flow from Watts Branch Basin discharges to DC Water’s Potomac Interceptor (PI). Flows to the PI are governed by the Blue Plains Service Area Intermunicipal Agreement (IMA). The updated sewer model indicates that future average day dry weather flows at the Watts Branch connection to the PI are approaching the allocation agreement limit.

This project is located in Glen Hills. Some parts of Glen Hills are located in a county designated Special Sewer Service area. Although not specially mentioned in the Glen Hills Area Sanitary Study: Phase 2 Report, a 200-foot-long non-CIP-sized gravity sewer extension and a 400-foot-long non-CIP sized pressure sewer extension is required to serve the property. This extension would connect to an 8” existing sewer main (1998-2338A, SMH 285N) and would abut approximately five properties in addition to the applicant’s. 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 (Maryland Code Annotated, Public Utilities Article, §23-301). Interceptor capacity is adequate. Treatment capacity is adequate.



Description: Sewer Category Map showing the location of WSSCR 23-TRV-04A with respect to the planned public sewer envelope, the Piney Branch SPA, and a proposed 600-foot sewer extension.

Potomac Area Commercial Service Use Case

Request [6]: WSCCR 23-TRV-05A: Hurst, Ennis, Johnson and Blackman

County Executive’s Recommendation: Approve W-1 for Parcel P709. Deny requested S-1 sewer category restriction changes (removing single sewer connection limitations) for Parcels P804 and N765; maintain the existing, restricted sewer category S-1.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 13741 and 13751 Travilah Rd., Rockville • Parcels P804, P709 and N765, Harbins Lot and Parcel B Travilah (acct. nos. 00389265, 00399300 and 00405195) • Map tile: WSSC – 218NW11; MD –FR12 • South side of Travilah Rd., 90 ft. west from the intersection with Royal Manor Way • RE-2 Zone; 11.09 total ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use</u>: Commercial/Residential <u>Proposed use</u>: Independent Senior Living Townhomes: approx. 60 units (will require a conditional use approval – CU202310) 	<p>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u> <u>Parcel P709</u> W-6 W-1 S-1 (no change) <i>Inside the planned public sewer envelope.</i></p> <p><u>Parcels P804 & N765</u> W-1 (no change) S-1* S-1 unrestricted <i>*Restricted to a single sewer service connection only (abutting mains)</i> <i>Outside the planned public sewer envelope.</i></p> <p><u>Applicant’s Explanation</u> <i>Please see the applicant’s explanation, starting below.</i></p>
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Applicant’s Explanation

“Parcel P804 will be resubdivided into townhouse lots and private road and open space parcels. For public sewer service, the townhouse lots can be served by a gravity line connected to the existing 8” sewer line in Travilah Road along the frontage of the parcels. For public water service, townhouse lots can be served by connection to the existing 16” water line in Travilah Road along the frontage of the parcels. With regard to public sewer service, Parcel P804 is within the Potomac Area Community Sewer Envelope as shown on Figure C-F12 on page C-15 of the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Plan (the “Plan”). Accordingly, it is appropriate for these parcels to be in the S-1 Category with no restrictions on hook-ups. Applicant may provide additional information during the review of the application.

“Parcel P709 will be resubdivided into townhouse lots and private road and open space parcels. For public sewer service, the townhouse lots can be served by a gravity line connected to the existing 8” sewer line in Travilah Road along the frontage of the parcels. For public water service, townhouse lots can be served by connection to the existing 16” water line in Travilah Road along the frontage of the parcels. With regard to public sewer service, Parcel P709 is within the Potomac Area Community Sewer Envelope as shown on Figure C-F12 on page C-15 of the 2018-2027 Montgomery County Comprehensive Water Supply and Sewerage Plan (the “Plan”). Accordingly, it is appropriate for these parcels to be in the S-1 Category with no restrictions on hook-ups. With regard to public water service, Parcel P709 is appropriate to be changed to the W-1 Category with no restrictions on hook-ups if placed into the S-1 Category as requested. Applicant may provide additional information during the review of the application.

“Parcels N765 will be resubdivided into townhouse lots and private road and open space parcels. For public sewer service, the townhouse lots can be served by a gravity line connected to the existing 8” sewer line in Travilah Road along the frontage of the parcels. For public water service, townhouse lots can be served by connection to the existing 16” water line in Travilah Road along the frontage of the parcels. Parcel 765 qualifies to be in the S-1 Category without a hook-up restriction pursuant to the “periphery exception” in the Plan (Appendix C, Section IIM: Potomac Area RE-1 and RE-2 Zoned Properties) because it: 1. Abuts properties in the sewer envelope (P709 and P804) and confronts properties in the sewer envelope on the north side of Travilah Road across from Parcel 765; 2. Will be serviced by a gravity line from the 8” sewer line in Travilah Road that will not affect streams, stream valley buffers, or other environmentally sensitive areas. With regard to public water service, Parcel N765 is appropriate to be changed to the W-1 Category with no restrictions on hook-ups if placed

Executive Staff Report

The applicants have requested an approval for public water and sewer service for three adjacent, improved parcels located south of Travilah Rd.: The request would change W-6 to W-1 for Parcel P709 and change the existing, restricted S-1 sewer category to unrestricted S-3 for Parcels N765 and P804. The parcels are zoned RE-2 and are outside the planned public sewer envelope as shown in the 2002 Potomac Subregion Master Plan. DEP's more recent delineation shows Parcel P709 within the planned sewer service envelope because the S-1 category for the property predates the master plan. Together the three parcels total 11.09 acres. The applicant has stated that the total impervious area for the project totals approximately 25 percent of the site.

This project will require the County's approval of a conditional use application for the proposed senior housing in the RE-2 Zone, CU202310, currently pending. Assuming the conditional use is approved, the site will also require subdivision plan approval by the Planning Board.

DPS supports approval of the request.

M-NCPPC staff notes that the proposed senior housing project will require both a conditional use approval and a subdivision plan approval. M-NCPPC staff comments with respect to the planned public (community) sewer envelope are based on mapping included in the 2002 Potomac Subregion Master Plan. Subsequent work by DEP showed that Parcel P709 was approved for public sewer service prior to the 2002 master plan, and it should be then included in the planned sewer envelope. M-NCPPC staff also note that sewer service will not be provided by mains in the public right-of-way. This would apply to the needed onsite mains; whether the new onsite roads will be public or private has not been established. In addition, the applicants have stated that all onsite sewer mains will be gravity mains due to proposed regrading of the site.

The subject site confronts the planned public sewer envelope across Travilah Rd., and by DEP's determination, the site includes within it a part of the envelope that encompasses Parcel P709. However, the use of the Potomac peripheral sewer service (PPSS) policy (see pages 62-64) in this case involves concerns about the applicability of the policy. This would be the single largest project addressed by the PPSS policy, in terms of both acreage (11 acres) and number of proposed dwelling units (60 townhouses). M-NCPPC's concerns about the applicability of the policy (see below) make its use questionable under these circumstances.

This was a case that might be more appropriately addressed under the Water and Sewer Plan's community service for commercial land uses (CSCLU) policy, approved by the County Council in the Plan's 2022 update. However, the Maryland Dept. of the Environment (MDE) denied its approval of this new special service policy in the update of the Plan. The Council has requested MDE's reconsideration of this denial action in an August 2023 letter. MDE responded to the Council's reconsideration request on Sept. 25, 2023, reconfirming its denial of this special community service policy. This policy cannot be used to justify the provision of public sewer service for this request.

WSSC Water's report concerning daily dry-flow capacity limits at the Potomac Interceptor (PI) refers to WSSC Water's capacity limitation under the current Intermunicipal Agreement, not a physical limitation of the pipe capacity. Other sewerage basins, such as Muddy Branch, that feed into the PI are well below agreed dry-flow capacities. DEP is coordinating with WSSC Water to address this issue. As noted in WSSC Water's report, adequate transmission capacity exists for these properties if approved for public sewer service. WSSC Water has noted potential capacity constraints in the sewerage system leading to the Sandy Branch wastewater pumping station (WWPS) that would pump flows over into the Muddy Branch Basin. Such constraints would have to be addressed by the applicant as part of the development process. Existing water and sewer mains about the site along Travilah Rd. The applicant has stated that regrading of the site will allow for the use of gravity sewer mains throughout the subdivision.

Executive staff find that this request for amendments for existing, restricted S-1 categories is not consistent with Water and Sewer Plan service policies or with Potomac Subregion Master Plan service recommendations. Approval for W-1 for Parcel P709 is consistent with existing plans.

Agency Review Comments

DPS – Well & Septic

DPS supports this request.

M-NCPPC – Planning Dept.

These three properties are in the RE-2 zone and within the area covered by the 2002 *Potomac Subregion Master Plan* ("Master Plan"). From west to east (see Figure 1), parcel P804 is the Hurst and Ennis property, parcel P709 is the Blackman property, and parcel N765 (also "Parcel B" on Plat 9926 from 1971) is the Johnson property. All

three parcels are currently in sewer category S-1, with P709 having unrestricted sewer access (according to MCDEP) and the other two parcels restricted to single hookups only. The application is to remove these restrictions to allow hookups to as many as 60 townhouses on the combined properties. The townhouses are for an independent living for seniors use on a single lot, which will require conditional use and subdivision approval. Two of the three parcels are in water category W-1, but parcel P709 is in category W-6 and the application is for a change to W-1.

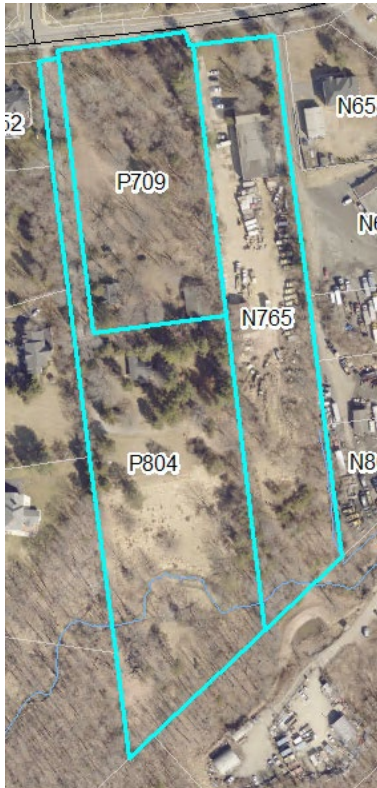


Figure 1. Hurst and Ennis (P804), Blackman (P709), and Johnson (N765) properties.

Parcel N765 is part of the “Johnson property” as discussed on pages 85-87 in the Master Plan (see Figure 2). The Johnson property exists as two parcels: a 3.45-acre rectangular property (N765) and a 10.38-acre irregularly shaped parcel that is not part of this category change request.

From the 2002 *Potomac Subregion Master Plan* (pages 85-87):

The Johnson property has existing community water and sewer service for one hook-up. The property is adjacent to the proposed sewer service boundary, but is not included within the proposed sewer envelope. Much of the site is currently used for business operations that are allowed by several special exceptions. The site contains several buildings, large dump trucks, large gravel surfaces, trailers, storage containers, as well as abandoned vehicles, tires, and old equipment.

Residential land use would be more compatible with the surrounding area than the current uses. Rezoning of this property could substantially upgrade the area, enable assemblage of unrecorded parcels, and eliminate commercial special exceptions and nonconforming uses in the area.

However, while residential development is encouraged, increasing the zoning density for this site would be contrary to several of the stated policies in the Public Hearing Draft Potomac Subregion Master Plan. For example, the County's water and sewer policies generally allow the provision of sewer service only to those areas zoned for moderate to dense development. The Plan establishes a policy that generally recommends against the provision of community sewer service to low-density areas, such as those with RE-2 zoning.

It is not recommended (sic) that community sewer service be extended outside of the proposed sewer envelope. While the Plan does support limited approvals for sewer service along its currently established edge, the focus of any such limited service is on properties that can be served by sewer extensions within public rights-of-way. The Johnson property could not be served by sewer extensions within the public right-of-way.



Figure 2. Detail from Master Plan. The three subject properties are in red. The two Johnson properties discussed in the Master Plan are marked by vertical striping.

The approved Master Plan specifically excludes the Johnson property from receiving sewer service. All of the application properties are outside the planned sewer envelope (see Figure 3).

The final paragraph of the excerpted language from the Master Plan refers to the sewer policy discussed earlier in the Master Plan. The Master Plan and the Water and Sewer plan generally discourage providing sewer service to properties zoned RE-1 or RE-2, but recognize that limited community sewer service may be allowed to such properties on a very limited basis if a property is at the periphery of the proposed sewer service envelope. The Master Plan stresses that “the provision of community sewer

service can damage the environment and water resources by facilitating development to the maximum zoning density” (p. 21). The Master Plan emphasizes the general county policy of only providing sewer service to those areas zoned for moderate to dense development (i.e. more dense than one property per 20,000 square feet).

Low-density zoning, such as RE-1 and RE-2, is used to protect the natural environment by minimizing development impacts, and septic suitability sometimes results in even lower densities than would otherwise be allowed in the zone. As stated in the Master Plan:

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. (p. 22)

The Master Plan “generally recommends against the continued provision of community sewer service for the low-density areas with the envelope and along its currently-established edge” (p. 23).

The Master Plan does not provide guidance for the provision of water service other than to recommend that any such service be consistent with the county’s Water and Sewer Plan



Figure 3. Detail from Foldout Map D from the Master Plan. Areas north of the red line are within the Council-approved planned sewer service envelope, while properties in orange had existing sewer service in 2002.

M-NCPPC – Parks Planning

No park impacts.

WSSC – Water:

Water pressure zone: 560D (Part of Montgomery Main Zone Group). A 16 - inch Pre-stressed Concrete Cylinder Pipe (PCCP) water line in Travilah Rd abuts the property (contract no.1965-4143). Local mains may be required to serve on-site units. Easements through the property would be required if public mains are constructed. Construction of this extension may involve the removal of trees. Service to this property requires connection to a large diameter (16 inch) Pre-stressed Concrete Cylinder

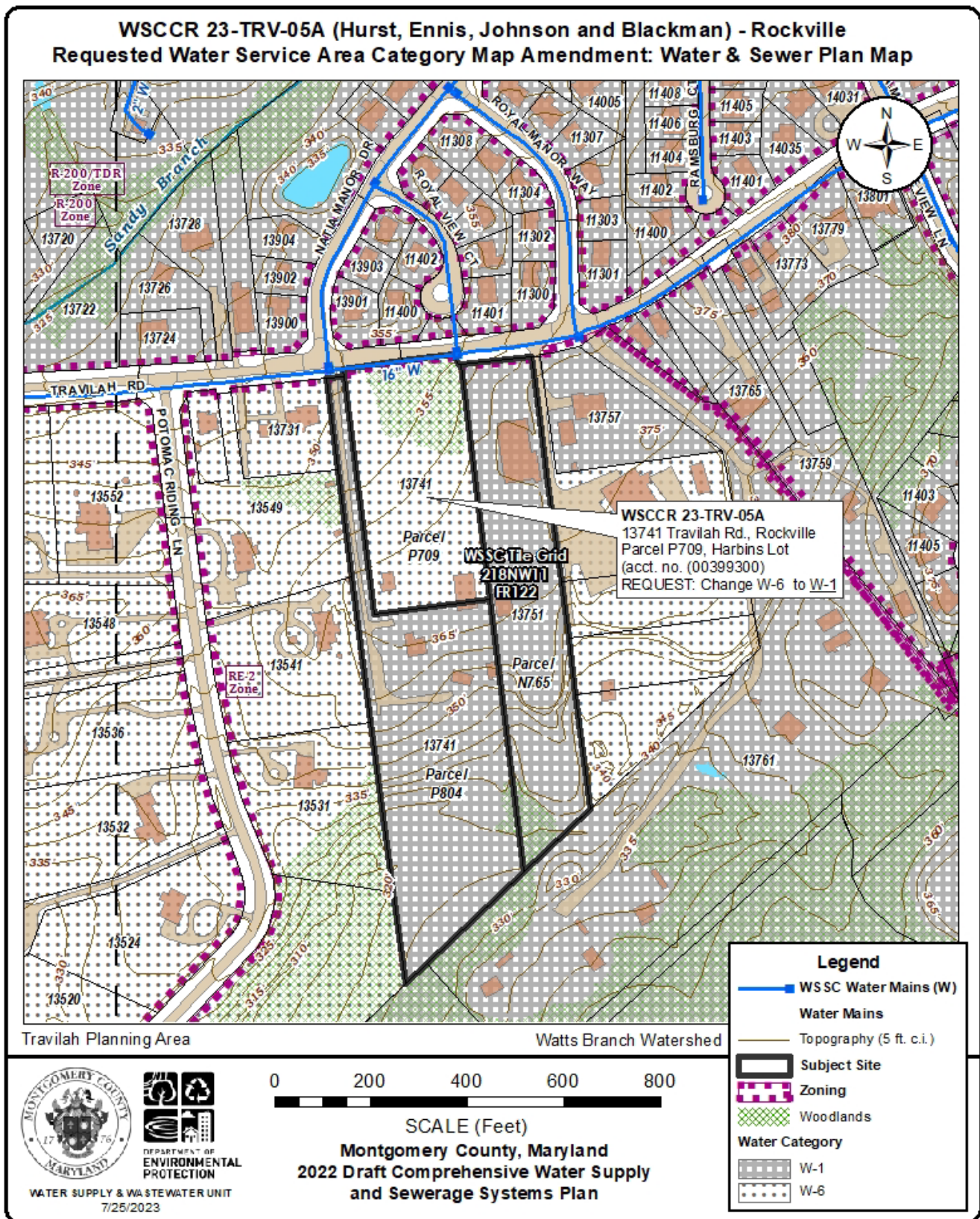
Pipe (PCCP). This may impact service to this property. Local service is adequate. Program-sized water mains (16 inches in diameter or greater) are not required to serve the property.

WSSC – Sewer:

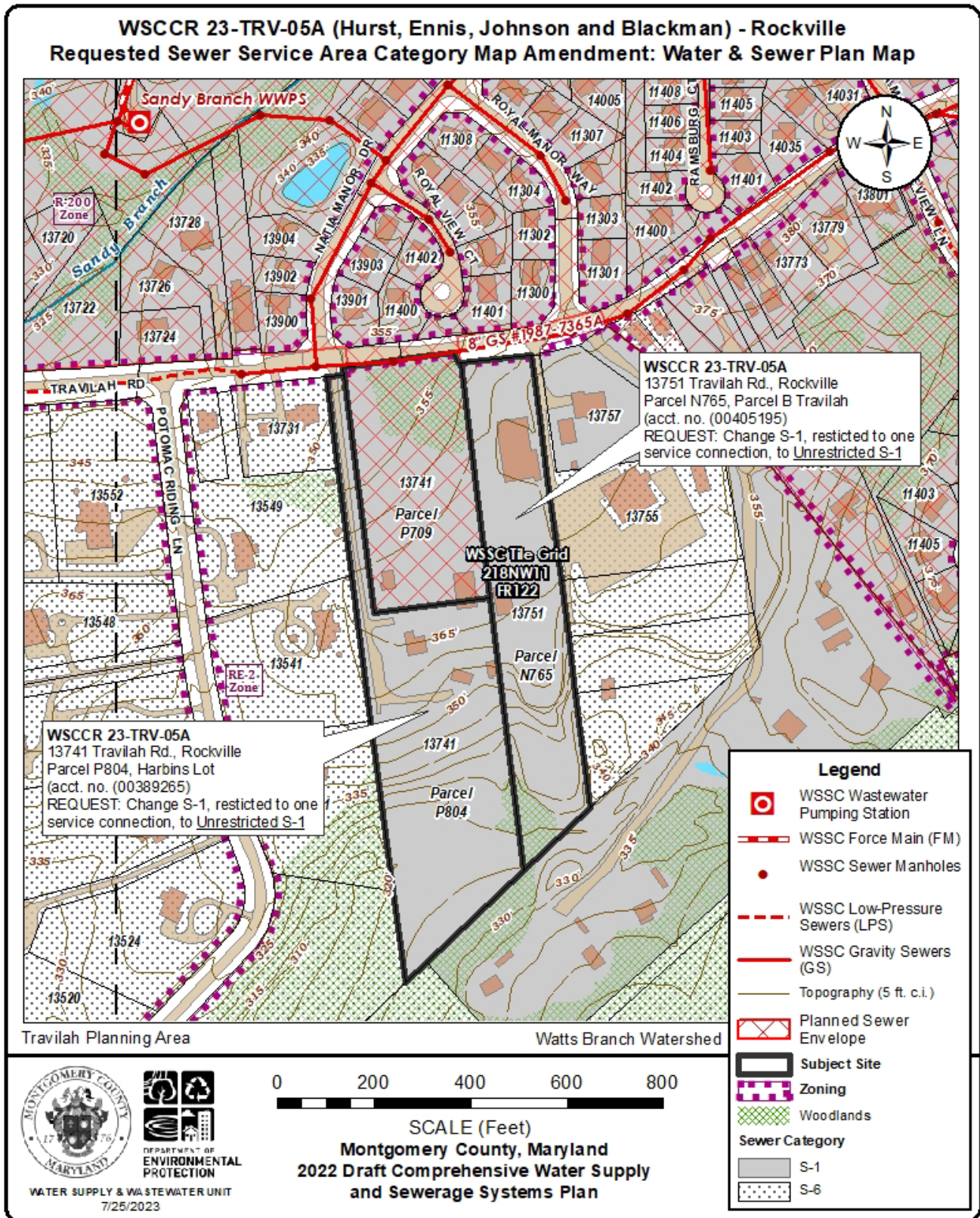
Basin: Watts Branch (Blue Plains Service Area). An 8-inch sewer line in Travilah Rd abuts the property (contract no.1987-7365A). Local sewers mains would be required to serve on-site units. Over 4 Acres of southern side of Lot 804 and over 2 acres on the southern side of Lot 765 drains to Palatine **restricted** service area. Therefore, sewers service to these lots is only possible from the 8-inch sewer along Travilah Rd. Some local pumping to gravity service would be required. All pressure sewers require WSSC Approval and will be reviewed by WSSC Pressure Sewer Review Committee. Easements on property would be required if public mains are constructed. Construction of mains may involve the removal of trees, temporary disruption of wetlands and stream valley.

Average wastewater flow from present [RE-2] zone classification max density: 1801 GPD. [Projected flow for 60 townhouses equals 12,900 GPD.] Program-sized sewer mains are not required to serve the property. Interceptor capacity is inadequate [via Palatine system. Some transmission capacity constraints may exist via the Travilah Rd. 8” sewer main which feeds to the Sandy Branch WWPS. Treatment capacity is adequate.

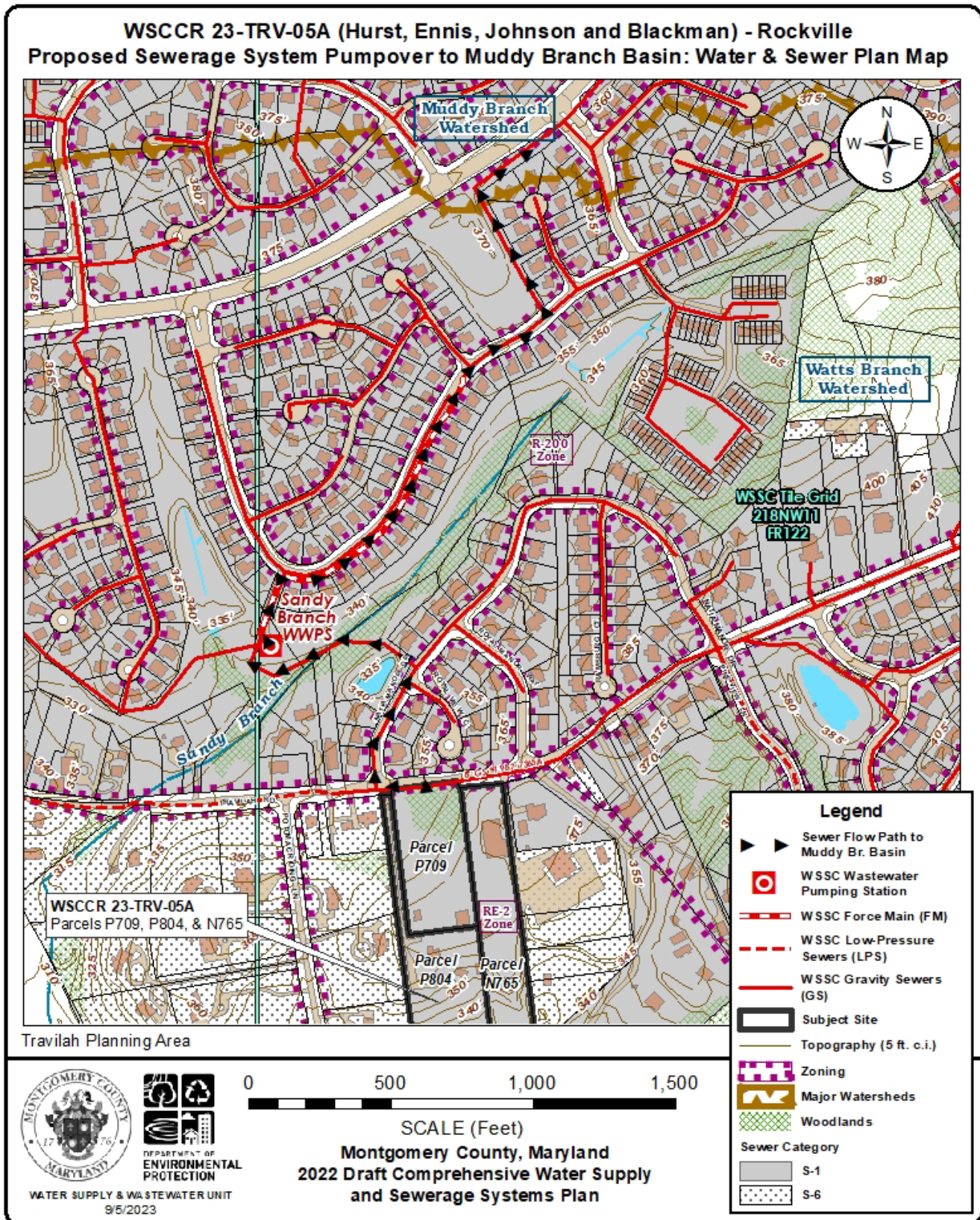
Maps, Plans, etc.:	Proposed Conditional Use (Utility) Plan.....	Page 25
	Water Category Map.....	Page 29
	Sewer Category Map	Page 30
	Sewerage Pump Over via Sandy Branch WWPS Map.....	Page 31



Description: Water service area category map for WSSCR 23-TRV-05A, showing water categories and existing water main infrastructure.



Description: Sewer service area category map for WSSCR 23-TRV-05A, showing sewer categories and existing sewer main infrastructure.



Description: Sewer service area category map for WSSCR 23-TRV-05A, showing the proposed sewerage system pump over for the Watts Br. Basin to the Muddy Br. Basin via the Sandy Br. WWPS.

Upper Rock Creek Area Commercial Service Use Case

Request [7]: WSSCR 22-URC-01A: Paul Sarkides

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

Property Information and Location Property Development	Applicant’s Request: Service Area Categories & Justification									
<ul style="list-style-type: none"> • 5904 Muncaster Mill Rd., Rockville • Parcel P202, Magruders Hazard (acct. no. 00048730) • Map tile: WSSC – 222NW06; MD –GS63 • West side of Muncaster Mill Rd., 650 feet North of the intersection with Achille Ln. • RE-2 Zone; 4.37 ac. • Upper Rock Creek Planning Area Upper Rock Creek Master Plan (2004) • Upper Rock Creek Watershed (MDE Use IV) • <u>Existing use</u>: Single Family Home <u>Proposed use</u>: 100 unit Senior Living Facility 	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Existing –</th> <th style="text-align: left; border-bottom: 1px solid black;">Requested –</th> <th style="text-align: left; border-bottom: 1px solid black;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">W-1</td> <td style="padding: 2px;">W-1 (no change)</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">S-6</td> <td style="padding: 2px;">S-3</td> <td style="padding: 2px;"></td> </tr> </tbody> </table> <p><i>Outside the planned public sewer envelope.</i></p> <p><u>Applicant’s Explanation</u></p> <p>“The applicant is requesting the sewer category change from S-6 to S-3 to accompany the development of this site from its existing condition (single family) to the proposed condition (Senior Living). This project will be part of a conditional use under the zoning ordinance. The category change is consistent with the adjacent properties as shown in the attached sewer feasibility exhibit. This exhibit also identifies nearby existing sewer mains and service that can be used for this site.”</p> <p><i>[Applicant’s conceptual development plan: see pages 34-35.]</i></p>	Existing –	Requested –	Service Area Categories	W-1	W-1 (no change)		S-6	S-3	
Existing –	Requested –	Service Area Categories								
W-1	W-1 (no change)									
S-6	S-3									

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-3 to allow for the provision of public sewer service for a proposed 100-unit senior living project. The project site is zoned RE-2 and totals 4.37 acres; it would replace an existing single-family house. The site is not within the Upper Rock Creek Special Protection Area. Neither is it within the County’s planned public sewer envelope.

M-NCPPC staff have cited the intent of the 2004 Upper Rock Creek Master Plan to maintain the existing low-density character of this area. The master plan notes a need for a broad range of housing choices in the area, including housing for the elderly. However, the master plan is also clear about excluding additional extensions of public sewer service into areas zoned for low-density residential development.

WSSC Water reports that sewer service will require a 1,000-foot main extension to the northwest along Muncaster Mill Rd. to an existing gravity sewer manhole near Needwood Rd. (MH171N). (This, rather than to the closest sewer manhole, MH173N, located in front of Magruder High School). The proposed main would consist of a 700-foot low-pressure main that feeds into a 300-foot gravity main outfall. WSSC Water’s proposed is longer than that proposed by the applicant (see next pages) to allow for a longer gravity segment to help mitigate odor problems from the low-pressure sewer main extension.

The provision of public sewer service had been considered under the “community service for commercial land uses” special service policy. The County Council adopted this policy as part of the 2022 update of the Water and Sewer Plan. However, MDE disapproved this specific policy as part of its consideration of the Plan update, received in March 2023. In August 2023, the Council formally requested that MDE reconsider its action to deny this policy as part of the update. MDE responded to the Council’s reconsideration request on Sept. 25, 2023, reconfirming its denial of this special community service policy. This policy cannot be used to justify the provision of public sewer service for this request. Neither would any other existing sewer service policy justify an approval for sewer category S-3.

Executive staff recommend denial of this request for sewer category S-3 as public sewer service is not consistent with existing service policies.

Agency Review Comments

DPS – Well & Septic:

No septic permit issued for proposed house. Septic reserve area approved for 5 bedroom house in 2008.

M-NCPPC – Planning Dept.:

This 4.37-acre RE-2-zoned property is located within the 2004 *Upper Rock Creek Area Master Plan* and several hundred feet from the nearest public infrastructure. The primary goals of the Plan are to maintain the existing low

density residential character of the watershed as remaining large properties undergo development and to preserve sensitive natural resources by expanding and enhancing the watershed’s open space system. The Master Plan focuses on residential development and therefore does not directly address institutional development.

The Housing chapter of the Master Plan recommends a balance between the achieving countywide policies for encouraging the broadest possible range of housing choices for the full range of residents’ ages and incomes with equally important policies for preservation of a low-density housing resource and the protection of sensitive resources. The Housing chapter recognizes that adequate housing for the elderly is an important element of the overall goal.

The Master Plan recommends that areas zoned for low-density development (RE-1 and RE-2) be excluded from further extension of community service.

Given the property zone, its distance from existing infrastructure, the Master Plan recommendations, Water and Sewer Plan policies, and the fact that the proposed used has not been formally reviewed, staff can find no established policy that would allow community service.

M-NCPPC – Parks Planning:

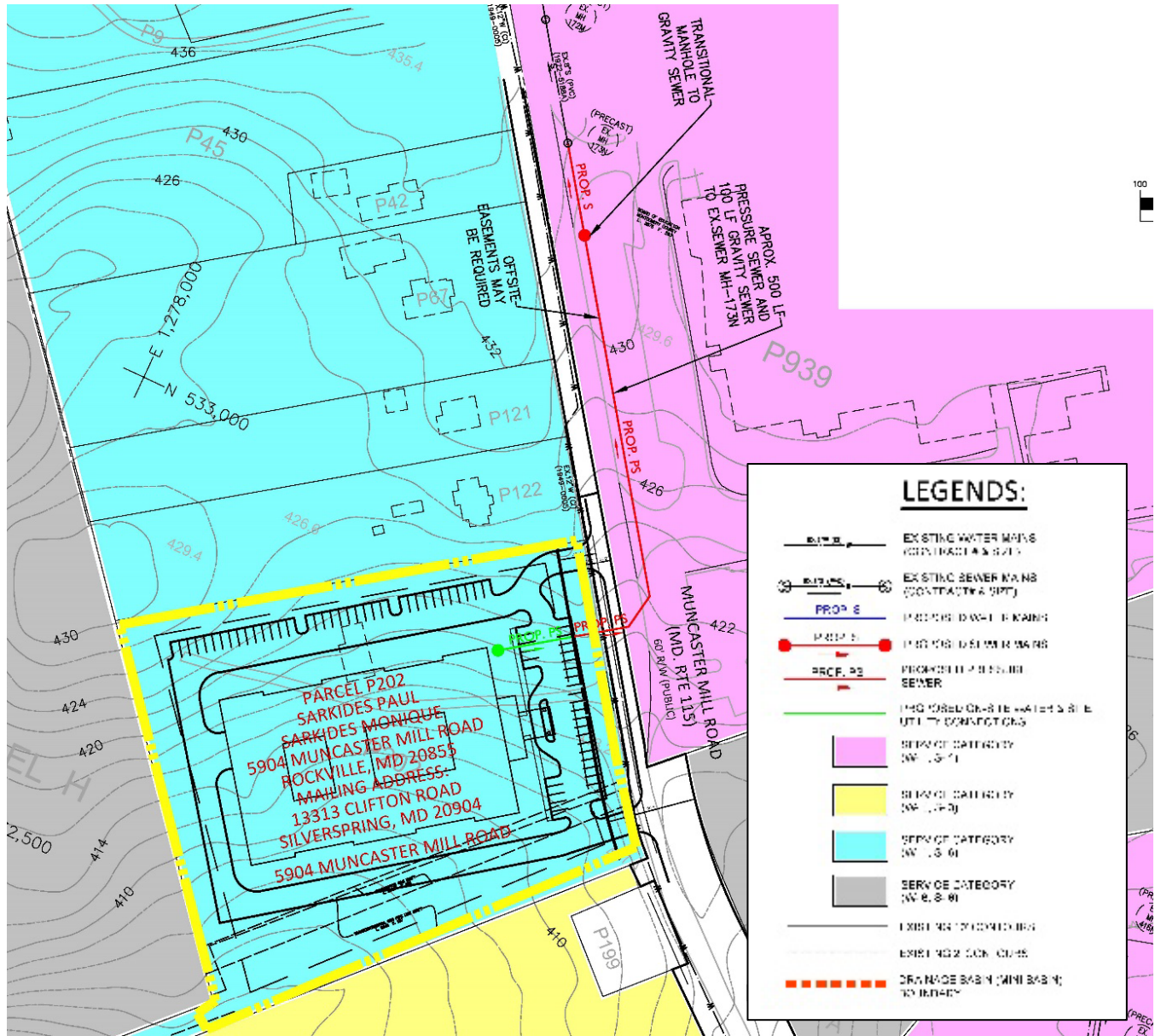
No park impacts.

WSSC - Water: (not required)

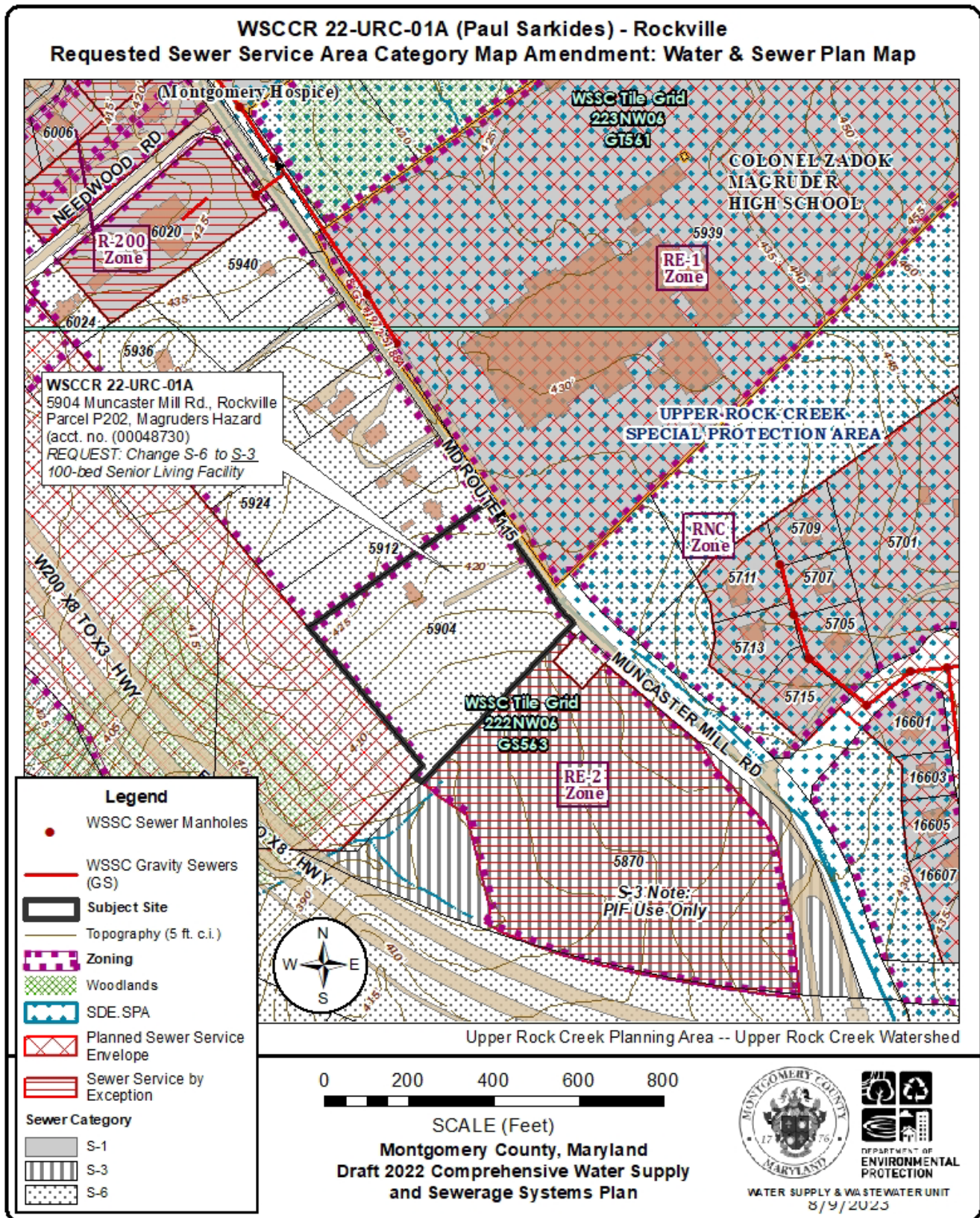
WSSC - Sewer:

Basin: Rock Creek. A 1,000 ft long non CIP sewer extension is required to serve this property. About 300-ft of this extension would be gravity sewer and the remainder would be low pressure sewer. This extension would connect to an existing 8-inch gravity line in Muncaster Mill Road, (contract o. 72-5188A), and would abut approximately 5 properties in addition to the applicant’s property. A dedicated grinder pump/low pressure service is available to this property because it is an area of the Rock Creek Basin that is not to receive sewer service. Easements may be required. Average wastewater flow from the proposed development: 10,000 GPD. Program-sized sewer mains are [not] required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

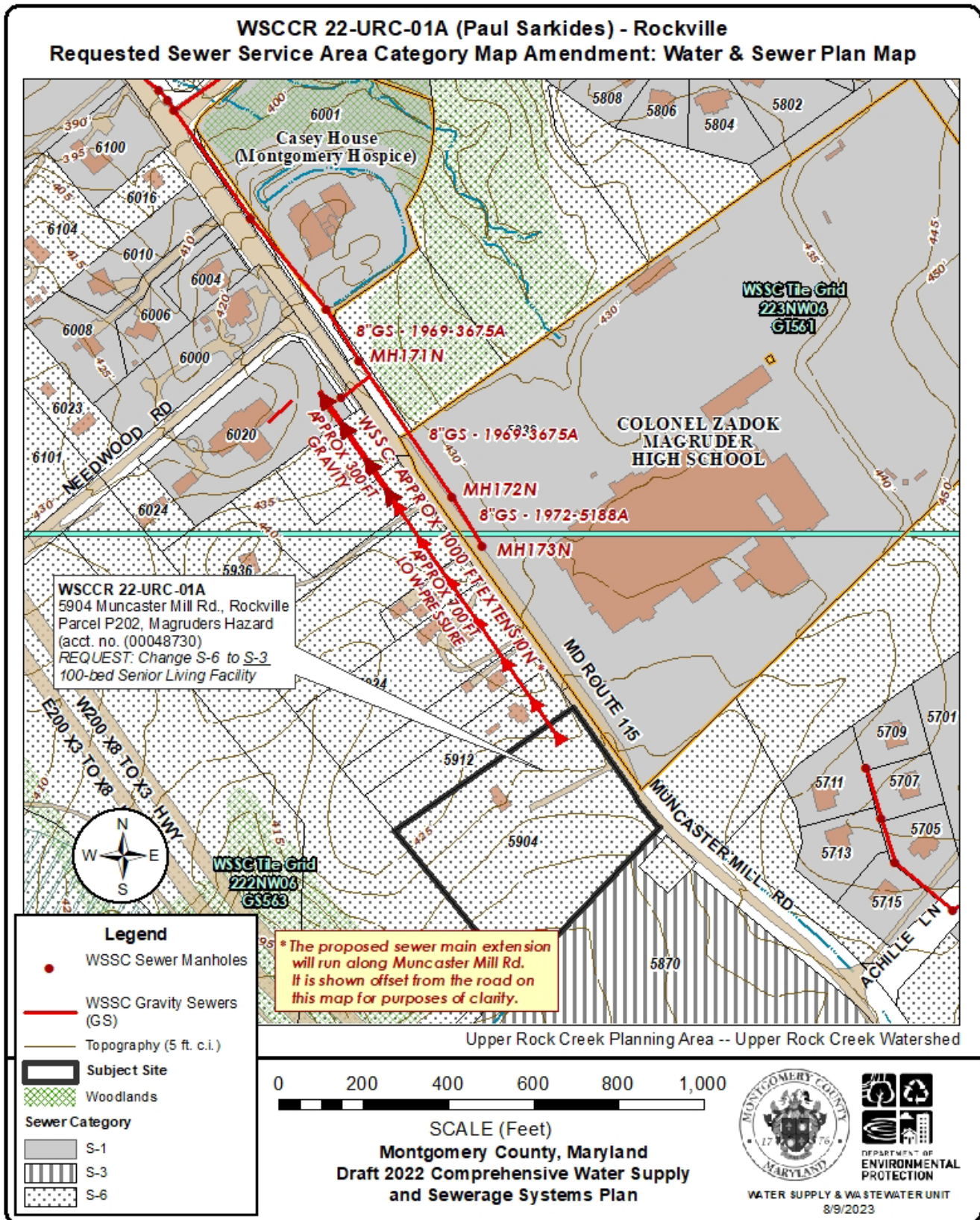
Maps, Plans, Etc.: Applicant’s Conceptual Development Plan	Page 34
Enlargement of Applicant’s Conceptual Development Plan	Page 35
Planned Sewer Envelope and Sewer Categories Map.....	Page 36
Sewer Categories and Main Extensions Map.....	Page 37



Description: The applicant's conceptual development plan for an elder housing project at 5904 Muncaster Mill Rd. enlarged to show the detail of the development on the property and the applicant's proposed sewer main extension.



Description: A map showing existing sewer service area categories for WSSCR 22-URC-01A, along with existing sewer service areas and sewer mains for WSSC- Water. The extent of the Upper Rock Creek special protection area (SPA) is also shown.



Description: A map showing existing sewer service area categories for WSSCR 22-URC-01A, along with a sewer main extension concept by WSSC- Water.

PREVIOUSLY DEFERRED CATEGORY CHANGE REQUESTS

Olney Area Private Institutional Facility Case

Request [8] WSCCR 17-OLN-02A: Iglesia De Cristo Mi-EI Maryland Inc.

County Executive’s Recommendation: Maintain W-6 and S-6, with advancement to W-3 and S-3 upon the Planning Board’s approval of a preliminary plan that:

- **Maintains the proposed water and sewer main alignments as shown on the draft plan.**
- **Maintains an impervious area limitation in the Hawlings River watershed of no more than 10 percent as shown on the draft plan.**
- **Reduces the impervious area within the Northwest Branch watershed to 25 percent.**

Property Information and Location Property Development	Applicant’s Request: Service Area Categories & Justification				
<ul style="list-style-type: none"> • 17521 Old Baltimore Rd., Olney • Parcel P950, Rockland Farm (acct. no. 00722056) • Map tile: WSSC – 224NW03; MD –HT56 • South side of Old Baltimore Rd east of the intersection of Winter Morning Way • RNC Zone; 7.21 acres • Olney Planning Area Olney Master Plan (2006) • Northwest Branch – Batchellors Forest Tributary subwatershed (MDE Use IV) and Hawlings River (MDE Use IV) Watersheds • Existing use: Single Family Home Proposed use: Place of worship of up to 700 seats; retain existing house as a parsonage (preliminary plan no, 120220040, Iglesia De Cristo Mi-EI Maryland) 	<p><u>Existing – Requested – Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-6</td> <td style="width: 50%; text-align: center;">W-1</td> </tr> <tr> <td>S-6</td> <td style="text-align: center;">S-1</td> </tr> </table> <p><u>Applicant’s Explanation</u></p> <p>“The applicant seeks access to public water and sewer to serve an existing church that is relocating from 12345 Georgia Ave, Silver Spring MD 20906. The Church will be located in a new structure. The applicant anticipates that it will subdivide the property to keep an existing single-family home for use as a parsonage and will locate the new church on the balance of the property. The Church intends to build a sanctuary for the lesser of 700-seats, or as many seats as parking requirements will allow.”</p> <p><i>DEP Notes: Development plans submitted following application, (see pages 34-35). Previously deferred under CR 18-1272 (10/30/2018).</i></p>	W-6	W-1	S-6	S-1
W-6	W-1				
S-6	S-1				

Executive Staff Report

The applicant has requested water and sewer category changes from W-6 and S-6 to W-1 and S-1 for the extension of public water and sewer service to a proposed place of worship on Old Baltimore Rd. in Olney. The applicant has proposed a new facility with a capacity of up to 700 seats and has proposed to retain an existing house of the property as a parsonage. The church proposes to relocate to this site in Olney from an existing site in Glenmont. The parcel is zoned RNC and totals 7.21 acres in size. The provision of public water and sewer service is not consistent with the RNC Zone and is therefore considered under the Water and Sewer Plan’s private institutional facilities (PIF) policy (see pgs. 56-59).

The site does not have direct access to either public water or sewer service. The applicant’s proposed preliminary plan shows a water main extension along Old Baltimore Rd. and a sewer main extension from the outfall sewer main at the rear of the adjacent Brookshire subdivision (see pgs. 42 (plan) and 43-44 (category maps)).

Consistent with the requirements of the PIF policy, this County Council previously deferred action on this request under CR 18-1272 on Oct. 30, 2018, as follows:

”Defer action on the request pending consideration of a concept plan for the proposed development by the Development Review Committee.”

Instead of a concept plan, the applicant submitted preliminary plan no. 120220040, Iglesia De Cristo Mi-EI Maryland, for consideration by M-NCPPC and other agencies. The primary concern for this review for the Council has been impervious area proposed by the plan. Under the draft preliminary plan, overall imperviousness on the site is approximately 33 percent. This site lies partially within a primary management area (PMA) for the Patuxent

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

County Executive’s December 2023 Transmittal Packet

FY 2022 (Part 2) & FY 2023 (Part 1) Category Change Requests

River vis a tributary of the Hawlings River. The tributary is located across Old Baltimore Rd. from the site. According to the proposed plan, impervious area within the PMA of 9.79 percent (0.28 of 2.82 acres). This is generally consistent with recommendations in the Environmental Guidelines for the PMA. The remainder of the site is located within a part of the Northwest Branch watershed where there is no recommended limit on impervious area. Proposed impervious area in this area is 47.12 percent (2.05 of 4.25 acres). This is more impervious area than the Council has generally been willing to accept in PIF cases.

The County lacks clearly established standard for imperviousness for PIF cases, except where one is established, as by a regulation, or recommended, as in a master plan. Neither applies in this part of the Northwest Branch watershed. The Executive Branch has expressed concerns about a level of 47 percent imperviousness which exceeds levels the Council has previously found acceptable in PIF cases. It could also set a precedent for similar situations. Development of a PIF use often results in greater imperviousness than for residential development in low-density development areas. Approval of this request should require a reduction of imperviousness in the Northwest Branch part of this site to 25 percent, without increasing imperviousness on the Hawlings River side. Examples of other impervious area limits specified for PIF cases under Council resolutions include the following:

WSSCR no. - Sewer Category – Current User – Address – Master Plan	Action – Zoning - Watershed	Notes/Comments
04A-CLO-06 (S-1) Peoples Community Baptist Church (expansion) – 31 Norwood Rd Cloverly MP (1997)	CR 15-1235 (11/29/05) RE-2 Zone Northwest Br. – Bryants Nursery Run subwatershed	<i>Applicant has agreed keep total impervious-ness across the entire site at or about 25 percent.</i>
11A-CLO-01 (S-1) Shri Mangal Mandir Temple (expansion) 17040 New Hampshire Ave. Cloverly MP (1997)	CR 17-504 (7/24/12) RE-2 Zone Northwest Br. – Bryants Nursery Run subwatershed	<i>Requires preliminary plan approval with impervious area limited to 24 percent.</i>
14-GWC-02A (S-6, S-3 conditional) DC Metro Sai Samsthan (new facility) 23501 Ridge Rd. Clarksburg MP (1994)	CR 18-217 (7/21/15) RC Zone Little Seneca Cr.	Preliminary plan will conform with the concept plan provided by the user: including maximum 20 percent impervious area.

Note that two of the preceding examples are also in the Northwest Branch watershed, although in a different subwatershed from this request. Also of concern to the Executive Branch is the cumulative effect within a watershed or subwatershed of the approval of multiple PIF cases with greater impervious area allowances than is typical for nearby lower density development. This can occur in watersheds or subwatersheds that lack specific impervious area limits or have averaged watershed-wide limits, e.g., an overall 10- to 15-percent imperviousness within the Bryants Nursery Run subwatershed from the 1997 Cloverly Master Plan.

The preliminary plan shows an area of onsite afforestation in the PMA. The plan proposes water and sewer main extensions that are consistent with the PIF policy. These extensions will not offer public service to properties not otherwise eligible for public service.

M-NCPPC staff have reported that the Olney Master Plan recommends public water and sewer service for this site if it is combined with a larger adjacent property and developed under the RNC Zone optional cluster method. This request cannot satisfy that requirement for public service and is therefore presented as a request considered under the private institutional facilities (PIF) policy (see pgs. 56-59)

WSSC Water and the applicant have proposed a water main extension requiring a 300-plus-foot extension from Brimstone Academy Ct. at the intersection with Old Baltimore Rd. All the additional properties abutting this extension are already approved for public water service. Although this extension would run along a public road right-of-way, WSSC notes that this alignment of the extension may require an additional easement. WSSC also notes that construction may result in environmental impacts. This water main extension satisfies the PIF policy’s main extension requirements for a relocating use. The extension will not provide public water service to properties not otherwise eligible for public service.

WSSC Water and the applicant have proposed similar sewer service options. WSSC Water has proposed serving the site by way of a non-abutting sewer connection from the outfall sewer main from Brimstone Academy Ct. (see pg. 44). The use of a non-abutting sewer connection in this case would require WSSC approval at the time of application for sewer service. If the non-abutting connection is not accepted by WSSC, then it appears that a sewer main extension of less than 200 feet along the same alignment could also provide service. WSSC reports that an easement along this alignment already exists. A non-abutting connection will not allow for any

additional public sewer service along its alignment. A sewer main extension in the same location would not change the eligibility for public sewer service of the abutting property (Parcel E).

DPS permitted a new septic system for the existing 1928 house on this property. Soil testing for that septic system revealed conditions that, according to DPS, would not support the use of a septic system sized for the design flow expected from the proposed use.

Executive staff find that the provision of public water and sewer service is consistent with the requirements of the PIF policy. However, the applicant's development plan shows more impervious area in the Northwest Branch part of the site than should be suitable. Advancement to categories W-3 and S-3 should be conditioned on the Planning Board's approval of a preliminary plan that reduces impervious area in the area of Northwest Branch to 25 percent. The revised preliminary plan must not increase proposed impervious area in the Hawlings River PMA.

Agency Review Comments (from review of the original request application unless noted otherwise)

DPS – Well & Septic Section

The existing septic system replaced in 2009 is sized for a single-family dwelling and would not support the flow generated by the proposed church. Soil evaluations and percolation testing completed in July 2008 for the replacement system indicated soils with low permeability near the surface and ground water within eight feet of the surface. These subsurface conditions will not support the projected design flows of the church.

M-NCPPC – Planning Dept.

This 7.21-acre property is located in the 2005 Olney Master Plan area. The plan recommends community water and sewer for this property if it combined with a larger adjacent property and develops under the optional method of development in the RNC Zone.

Addendum: Selected comments from the DRC's consideration of preliminary plan no. 120220040.

General recommendations for the Southeast Quadrant that apply to the Subject Property are:

- Determine the exact amount and configuration of open space to be preserved on each property at the subdivision stage. (p. 23) There are no streams or significant forests on the Subject Property, which is primarily maintained as open areas. The proposed church helps maintain the low-density character of the area and precludes the need for a cluster development given that the 5-acre zone would only allow a single use on the site. The Applicant has applied for a category change to allow for both public water and public sewer. However, the Master Plan only recommends community sewer on the site if it developed as part of the larger Northwest Investment property. Since the Subject Property was not included when the larger property was developed, the Master Plan does not support community sewer for the site.

The Master Plan recommends determining the amount and configuration of open space during the subdivision approval process. The Applicant proposes leaving the entire periphery of the site as open space, including a 1.24-acre forest-planting area between Old Baltimore Road and the church building and parking lot. The Master Plan provides design guidelines for RNC-zoned properties in the Southeast Quadrant (p. 25). The Master Plan suggests that new houses be clustered away from sensitive areas. The proposed plan is limited to a church and a house to remain on the site as an accessory structure, so clustering provisions do not apply. However, neither the house nor the church are close to identified sensitive areas. The Master Plan also encourages the minimization of forest fragmentation, but there is no forest on-site.

The Subject Property straddles two watersheds that are shown on the Stream Management Strategy map on page 76: one marked as "watershed restoration" (the Hawlings River watershed) and the other as "remedial level" watershed protection (Batchellors Forest Tributary of the Northwest Branch watershed). The proposed forest planting area is within the Hawlings River watershed, which is part of the Patuxent Primary Management Area and upstream from one of the region's drinking water supply reservoirs. For water resources in general, the Master Plan encourages ESD techniques that integrate BMPs that maximize stormwater treatment and infiltration. The Applicant has indicated that they are proposing such techniques. The specific practices will be reviewed by others.

For properties in the Northwest Branch, the Master Plan recommends "[m]aximiz[ing] forest retention and new forest planting in and adjacent to environmental buffer areas through conservation easements as part of the development process, but no environmental buffers have been identified on-site. The Master

Plan specifically recommends improving and restoring parts of the Batchellors Forest stream valley and protecting a green corridor along the streams of the Batchellors Forest tributary of the Northwest Branch, so any additional protective measures closer to the streams is encouraged. Any new forest planting on the property will be a benefit to the environment. Locating the proposed forest planting at the rear of the property would result in new forest closer to the headwaters of the streams that drain the property to the Northwest Branch, but the proposed afforestation area is within the Hawlings River watershed where water quality is extremely important due to being upstream from the region’s water supply and is therefore a suitable location for the new forest.

M-NCPPC – Parks Planning

No park impacts.

WSSC - Water

Water pressure zone: 660A. There two options to serve this property:

- Option 1: An approximately 400-foot-long non-CIP-sized water extension is required to serve the property. This extension would connect to (contract no. DA4471Z06) along Brimstone Academy Ct. and would abut approximately one other property in addition to the applicant’s. There is an existing WSSC easements for existing sewer line. Additional easements may be required. Construction of this extension may involve the removal of some trees. [DEP note: This alignment is not part of the applicant’s preliminary plan proposal.]
- Option 2: An approximately 300-foot-long [non-]CIP-sized water extension along Old Baltimore [R]oad is required to serve the property. This extension would connect to an existing 12” water main (contract no. DA4471Z06) and would abut approximately three properties in addition to the applicant’s. Easements may be required. Construction of this extension may have environmental impacts.

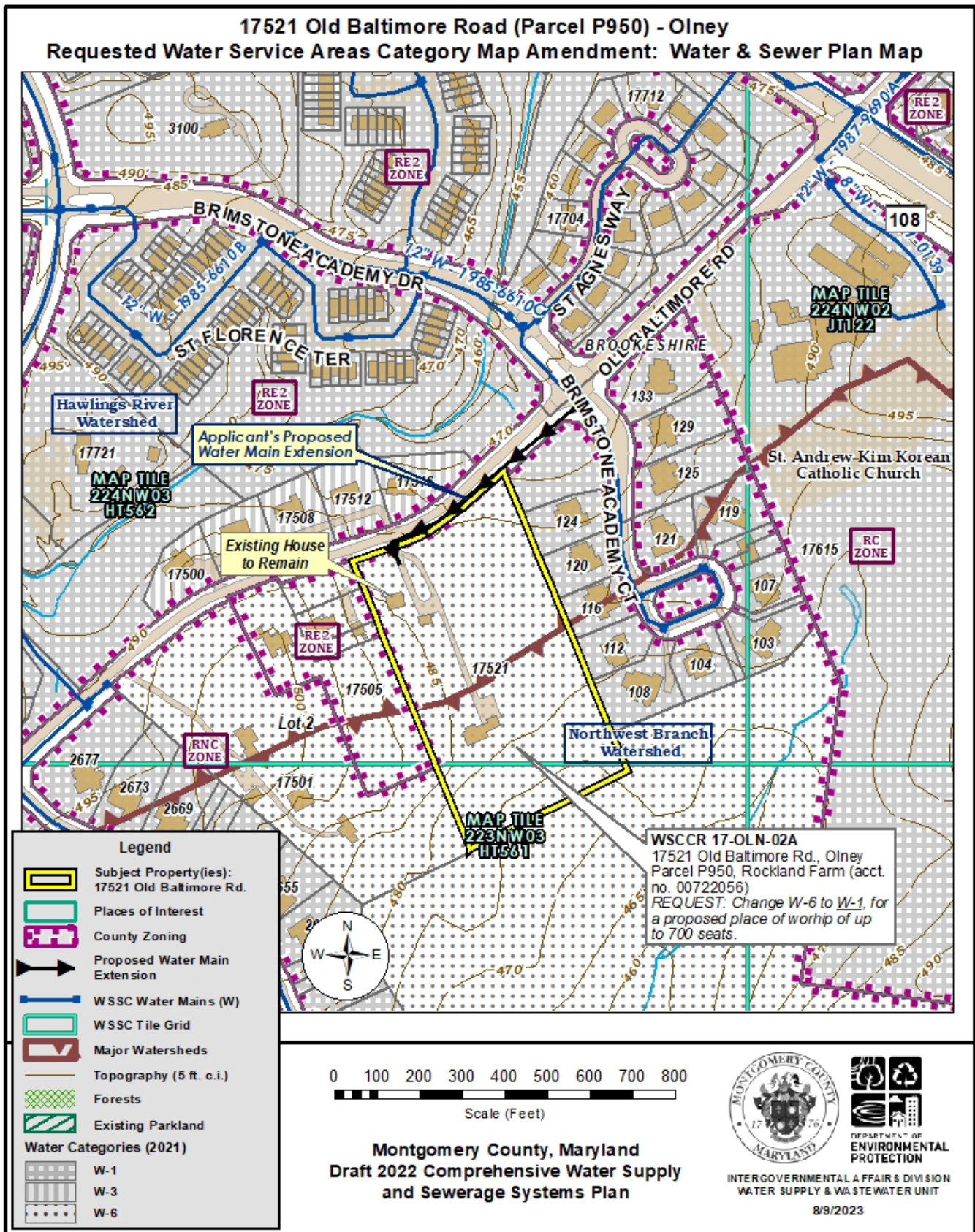
Local service is adequate. Program-sized water main extensions 16 inches in diameter is required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it does not meet the criteria for a major project (COMAR 29 § 7-101.b.3).

WSSC – Sewer

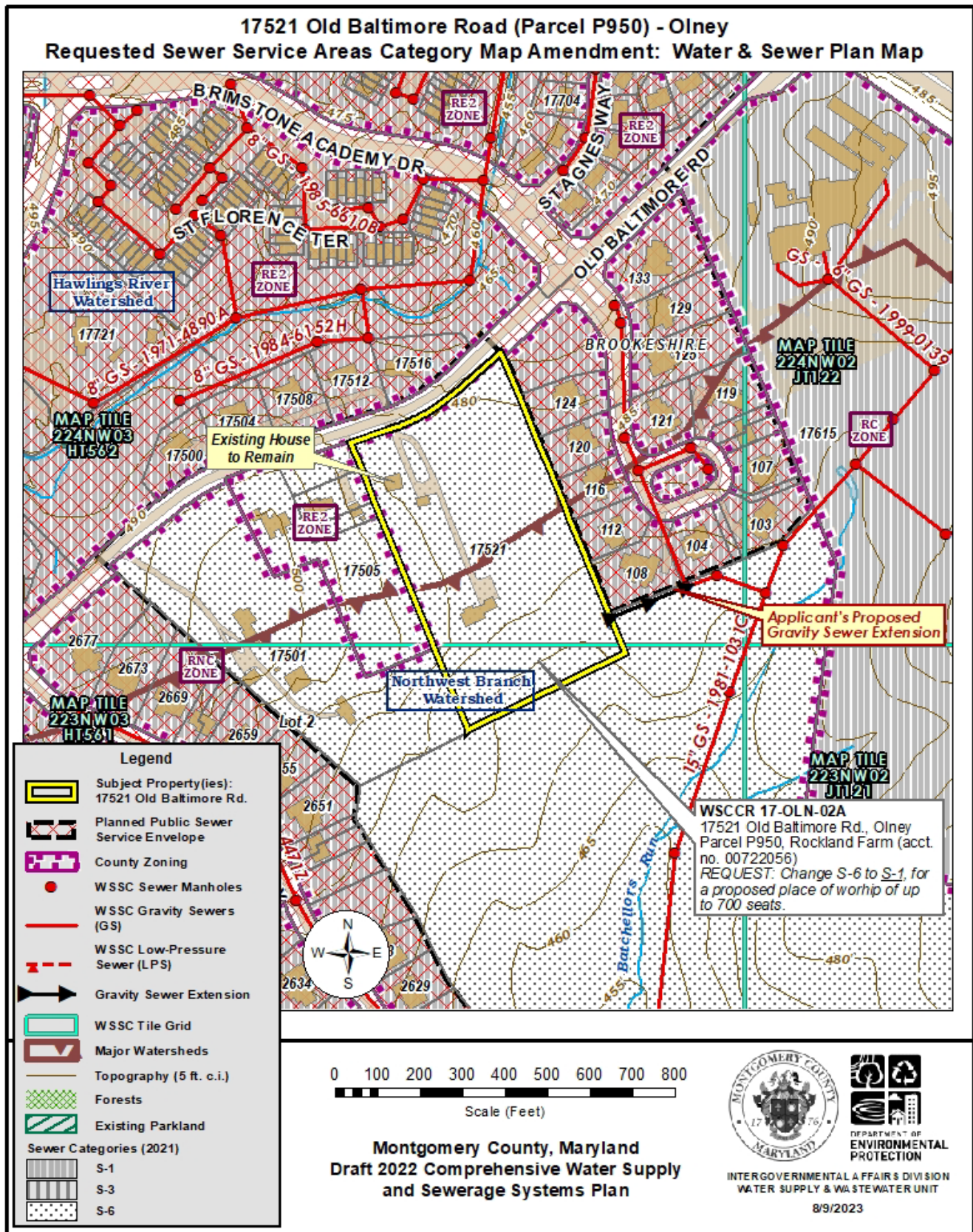
Basin: Blue Plains Service area (10-087). An approximately 188-foot-long SHC (sewer house connection) is required to serve the property. The SHC is made to an existing sewer (contract no. DA4471Z06) located east of the property. According to plans for DA4417Z06, an existing 25-foot wide WSSC easement is available from this property to existing sewer, additional may be required depending on easement language. Construction of this SHC may involve tree removal. Average wastewater flow from the proposed development: 4306 GPD. Interceptor capacity is adequate. Treatment capacity is adequate. [DEP note: The applicant’s preliminary plan shows this as a gravity sewer extension.]

WSSC Sewer Addendum (5/30/18) for applicant’s prior proposed main extension alignment along Old Baltimore Rd.: A quick review of the alignment proposed on the sketch shows, gravity sewer will be an unlikely option since WSSC requires minimum of 3 feet cover over the sewer. Grading and disturbing a major road like Old Baltimore will not be an easy task. A grinder system will be required. Usually, when there is a gravity option available, approving a low pressure and grinder pump system will meet with difficulty. The grinder system review must go through Grinder pump Committee for approval. [DEP note: This alignment is not part of the applicant’s preliminary plan proposal.]

Maps, Plans, Etc.: Applicant’s Submitted Preliminary Utility Plan (120230040).....	Page 42
Water Categories Map	Page 42
Sewer Categories Map	Page 44



Description: A map showing existing water service area categories for WSSCR 17-OLN-02A along with existing water mains and a proposed water main extension.



Description: A map showing existing sewer service area categories for WSSCR 17-OLN-02A along with existing sewer mains and a proposed sewer main extension.

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

Note: This request and the two following requests (WSSCRs 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 [9]: WSSCR 22-TRV-05A: Michael and Denise Sinay

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

<p>Property Information and Location Property Development</p> <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>Applicant’s Request: Service Area Categories & Justification</p> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-3 W-3 (no change)</p> <p>S-6 S-3</p> <p>Applicant’s Explanation</p> <p>“I am requesting approval because my property abuts the planned sewer envelope.”</p> <p><i>DEP notes: This property was included in the uncompleted North Glen Hills Area Septic Survey. (See page 15 for a discussion of the survey.)</i></p> <p><i>Previously deferred under CR 20-92 (13/21/23).</i></p>
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Executive Staff Report: WSSCRs 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 (see pages 64-66).

The County Council deferred actions on each of these three requests under CR 20-92 (3/21/23) for a decision in the 2022 update of the Water and Sewer Plan concerning a revision o the Potomac peripheral sewer service policy, as follows:

“Defer the request for category S-3 pending the State’s concurrence with the 2022 update of the Water and Sewer Plan.’

The revision to the peripheral sewer service policy involved excluding properties within the City of Rockville’s sewer service area as from making adjacent properties in the county eligible for public sewer service under that policy. The State approved this policy amendment in the Plan update.

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.

WSSCR 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.

WSSCRs 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. WSSCR 22-TRV-06A: The WSSC-Water report for WSSCR 22-TRV-06A (see page 46) 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 47).

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 City’s service area.

Executive staff recommend denial of these requests for category S-3. The Potomac peripheral sewer service policy excludes the use of properties within the Rockville sewer service area as justification for the policy.

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:

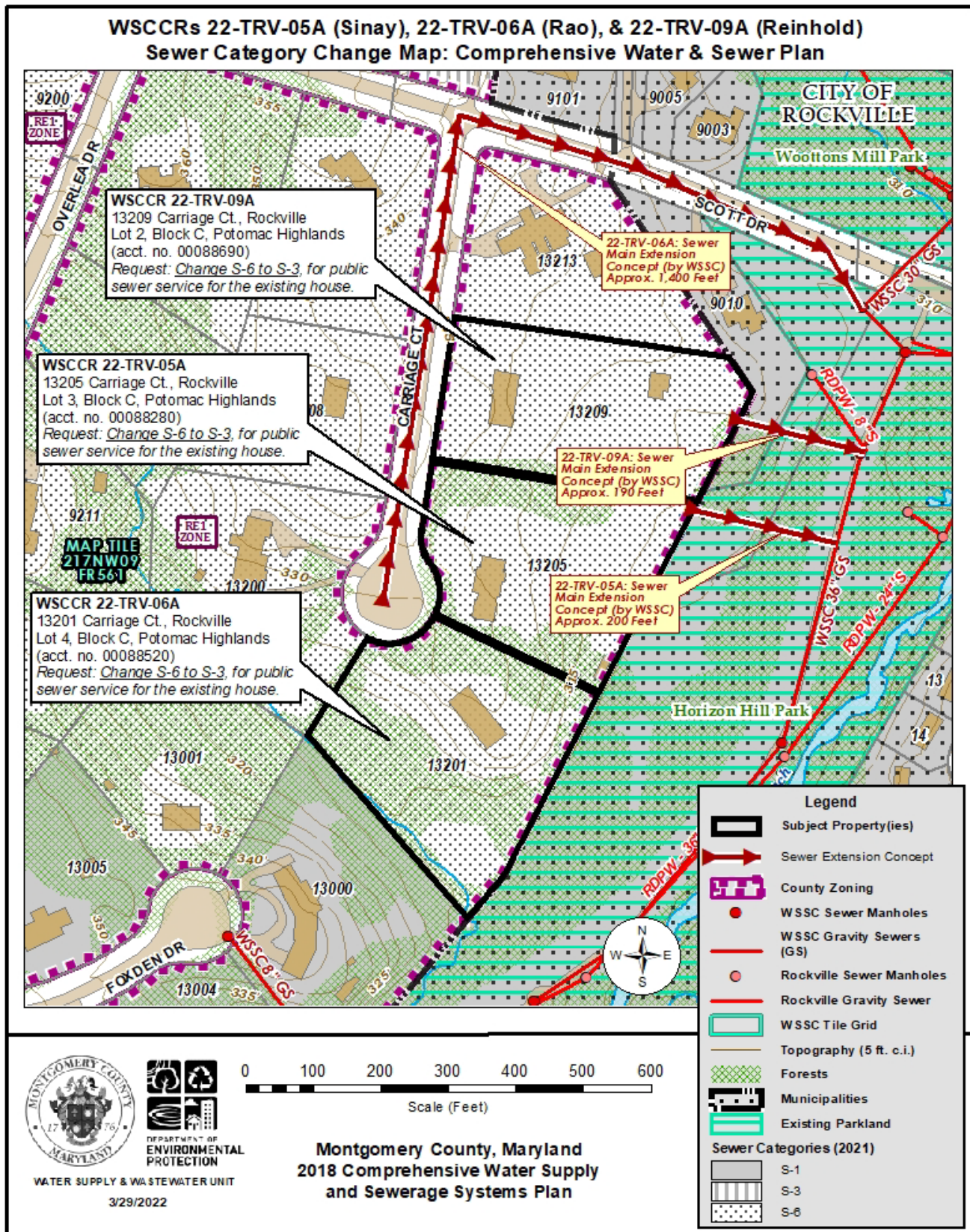
Basin: Watts Branch (16-024). This project is located in Glen Hills. Some parts of Glen Hills are in a county designated *Special Sewer Service* area.

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.

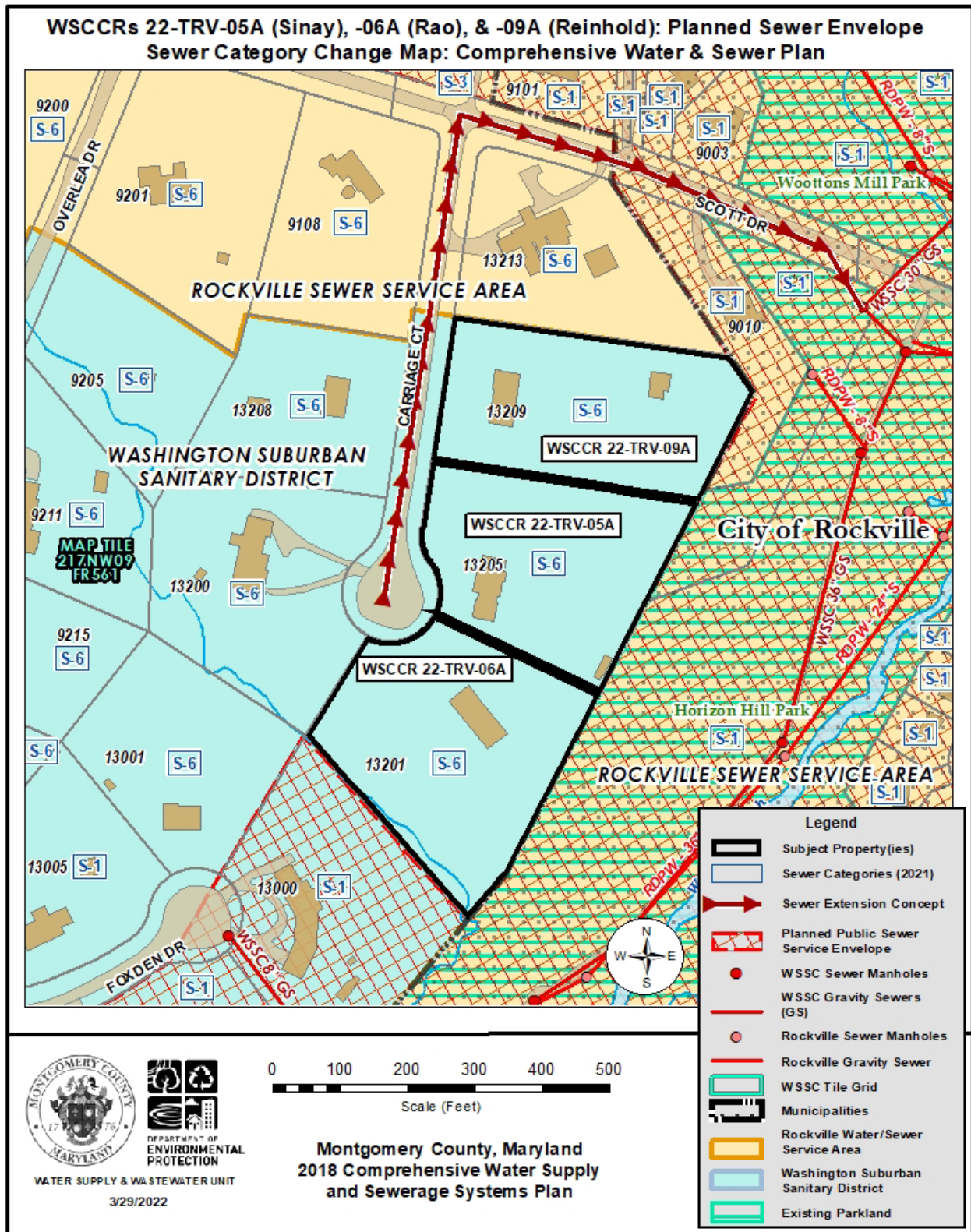
Average wastewater flow from the proposed development: 280 GPD. Program-sized sewer mains are not required to serve the property. This extension would not be required to appear in an adopted Capital Improvement Program since it. does not meet the criteria for a major project (COMAR 29 § 7-101. b.3).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

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

Maps, Plans, etc.:	Sewer Category and Main Extensions Map.....	Page 47
	Sewer Envelope Map.....	Page 48



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 [10]: 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 border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Existing –</th> <th style="text-align: left;">Requested –</th> <th style="text-align: left;">Service Area Categories</th> </tr> </thead> <tbody> <tr> <td>W-3</td> <td>W-3 (no change)</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-3</td> <td></td> </tr> </tbody> </table> <p><u>Applicant’s Explanation</u></p> <p>“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 15 for a discussion of the survey.)</i></p> <p><i>Previously deferred under CR 20-92 (13/21/23).</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

Please refer to the Executive Staff Report for WSCCRs 22-TRV-05A (Sinay), 22-TR-06A (Rao), & 22-TRV-09A (Reinhold) starting on page 45.

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

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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 47

Sewer Envelope Map..... Page 48

Request [11]: WSCCR 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.

<p>Property Information and Location Property Development</p> <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>Applicant’s Request: Service Area Categories & Justification</p> <hr/> <p><u>Existing – Requested – Service Area Categories</u></p> <p>W-3 W-3 (no change) S-6 S-3</p> <hr/> <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 15 for a discussion of the survey.)</i></p> <p><i>Previously deferred under CR 20-92 (13/21/23).</i></p>
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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 45.

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

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS

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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. 46) 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 47).

Maps, Plans, etc.:	Sewer Category and Main Extensions Map.....	Page 47
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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 2022 Water and Sewer Plan Service Policies

Chapter 1, Section II.G.4. Community Service for Private Institutional Facilities

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

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

II.G. Special Policies for Water and Sewer Service

The Plan's general service policies address water and/or sewer service issues for the majority of development recommendations found in local area master plans. However, a master plan's general recommendations and this Plan's general service policies cannot anticipate every possible service situation. Many of the following special service policies were developed from specific cases where the County Council, in addressing an exceptional situation, found sufficient cause to establish its action as a precedent for other similar situations that follow. The Council adopted these policies in order to provide consistent policy guidance, rather than relying on case-by-case interpretations.

While the preceding general service policies have broad application across the county, the following special service policies usually apply only in very specific circumstances. They are nevertheless valid service policies adopted by the County Council, acting as the State's delegated authority for the Water and Sewer Plan.

II.G.4.: Community Service for Private Institutional Facilities

This Plan defines private institutional facilities (PIFs) as buildings constructed for an organization that qualifies for a federal tax exemption under the provisions of Section 501 of Title 26 of the United States Code (Internal Revenue Service).

Private institutions, needing space to locate and grow, sometimes look to less-expensive land zoned for lower-density development. This land is often located outside of the community water and/or sewer service envelopes. The County Council adopted a special service policy addressing PIF uses with three primary goals in mind:

- To continue to support, where the provision of community service is reasonable, the county's private institutional facilities, which the Council recognizes as having an important role in their communities and for their residents;
- To provide more objective and consistent criteria in evaluating PIF cases; and
- To limit the potential impact of water and sewer main extensions constructed outside the community service envelopes for the sole purpose of supporting PIF uses.

Aspects of the Religious Land Use and Institutionalized Persons Act of 2000

The County understands the intent of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA). The County further accepts RLUIPA as a means of ensuring against discrimination to religious institutions in the County's land use and zoning codes. The PIF policy acts to grant opportunities for the provision of community water and sewer service for non-profit institutions (that can include religious institutions) that are not otherwise afforded to residential and commercial development in areas located outside planned public service envelopes.

Restrictions included in the PIF policy serve to limit the applicability of the policy to address appropriate development and environmental concerns, not to discriminate against any specific type of land use or institution. County zoning and land use standards still apply equally to institutional uses as they do to residential and commercial development for the same area. The County works to ensure that master plan recommendations concerning the provision of community apply in a manner consistent with both the PIF policy and RLUIPA.

PIF Sites Within the Planned Community Service Envelopes

Note that for private institutional facilities located within the planned water and/or sewer community service envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.D.2.a.: Consistent with Existing Plans). For a specific site, the planned water and sewer service envelopes differ in some areas due to the general service policies (Section II.F.) included in this Plan.

PIF Sites Outside the Planned Community Service Envelopes

The County Council will address category change requests seeking the provision of community water and/or sewer service to such facilities located outside of the planned community service envelopes on a case-by-case basis by the policies provided in the following sections. Under this circumstance, category change requests for PIF uses have specific application requirements. Refer to Section II.G.4.e. for relevant information.

The County Council has come to place greater emphasis on the review of a concept plan for projects seeking the approval of community water and/or sewer service under the PIF policy. PIF-based category change cases often propose more intense development of a site than would be expected on a property zoned for lower-density development. As a result, one of the Council's more significant concerns is the amount of impervious area proposed for the project. Typically, the Council's approval of a category change for a PIF use is based on an understanding that the PIF user's final development plan will be consistent with the concept plan considered by and acceptable to the Council, especially concerning impervious area.

The use of community service outside the planned community service envelopes can imply inconsistency with the general recommendations of local area master plans. However, many master plans are silent on the specific issue of community service related to exceptional service policies in this Plan, such as the PIF policy. The County Council typically interprets these situations as suitable for the application of this policy.

Some circumstances will result in properties that are specifically excluded from the application of this policy; see Section II.G.4.a., below.

In cases where the County Council supports a requested category change for a PIF use, the Council will typically choose to condition a category change approval on either:

- The Planning Board's approval of a preliminary subdivision plan that the Board finds to be in conformance with local area master plan recommendations; or
- The Planning Board's approval of a preliminary subdivision plan which conforms substantially with the concept plan reviewed by the County Council.

Please refer to Section V.E.2. for additional information concerning conditionally approved Water and Sewer Plan amendments, including the five- to -ten-year sunset provisions for final approval actions.

Sites Abutting Existing Water and/or Sewer Mains

For cases where existing or approved water or sewer mains abut or will abut a property, the Council may consider the approval of service area category amendments for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned AR (see Section II.G.4.c).

Sites Requiring New Water and/or Sewer Main Extensions

For sites where the provision of community service for a PIF use requires the construction of new water and/or sewer mains, the Council shall apply the following criteria:

- For existing PIF uses, service area category amendments may be approved for sites only where required water and/or sewer main extensions do not threaten to open undeveloped land to development contrary to the intent of the relevant local area master plan.
- For new or relocating PIF uses, service area category amendments may be approved for sites where required new water and/or sewer main extensions will not make community service available to additional properties that are otherwise not eligible for community service under the general policies of this plan.

WSSC Water policies require that where low-pressure systems provide sewer service to a non-residential use, that system must be dedicated to only one user and cannot provide service to intervening properties, whether for residential or non-residential uses. This policy will therefore allow a dedicated, low-pressure sewer main extension for a PIF use to abut properties ineligible for community sewer service.

Care must be taken to ensure that any associated gravity outfall from a low-pressure sewer system otherwise satisfies these requirements.

New WSSC Water wastewater pumping facilities are not allowed where their only purpose is to serve PIF uses. (See Section II.G.4.c., following.)

Consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.1), water and sewer main extensions outside the acknowledged community service envelopes, where required, shall be designated

Chapter 1, Section II.G.4. Community Service for Private Institutional Facilities

"Limited Access". Where community sewer service for a PIF use will be provided by low-pressure mains, those mains shall be dedicated only to that PIF use and generally not eligible for additional service connections. This is consistent with WSSC Water's policy of requiring that non-residential pump/pressure sewer system users have systems dedicated to only that use. The County and WSSC Water may make limited exceptions to this requirement to allow for the relief of failed septic systems, where such service is technically feasible.

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

Under its Systems Extension Permit (SEP) process, WSSC Water requires that all commercial and institutional service applicants construct and pay for the community systems main extensions and related facilities needed to serve their projects.

II.G.4.a.: PIF Policy Exclusions

The following circumstances restrict the application of the PIF policy in cases where community service is sought.

PIF Uses Affected by Specific Master Plan Service Policy Recommendations

This policy cannot be used to justify the provision of community service where a local area master plan specifically recommends against the use of community service for PIF uses, or for any use in general.

PIF Uses on Sites Zoned Agricultural Reserve (AR)

To help preserve the integrity of the land-use plan for the County's agricultural reserve, neither community water nor sewer service shall be used to support existing or proposed PIF uses within the Agricultural Reserve (AR) Zone. This prohibition shall apply to all PIF cases regardless of whether public service requires either new main extensions or only service connections to an existing, abutting main.

The only exception allowed to this prohibition is to allow for community service to relieve health problems caused by the failure of on-site systems, as documented by the Department of Permitting Services (DPS). In the case of a public health problem, DEP and DPS staff will need to concur that the provision of community service is a more reasonable alternative to a replacement of the failed on-site system, either by conventional or alternative technologies. WSSC Water and DEP staff will need to concur that the provision of community service is technically feasible.

Note that this Plan, with the preceding agricultural preservation goals in mind, also places limitations on the size of individual, on-site septic systems used within the AR Zone (see Section II.G.4.c).

PIF Uses in Existing Residential Structures

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

PIF Uses Requiring New WSSC Water Pumping Facilities

In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC Water requires that each institutional facility have a separate pump and pressure main system. The County and WSSC Water will not support the provision of community sewer service for a PIF use where that service will require a WSSC Water-owned and operated wastewater pumping station that does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

II.G.4.b.: Further PIF Policy Considerations

The PIF policy has accomplished its intended goals in many cases, although the practical application of the policy in other cases remains controversial. These more controversial cases have raised additional policy questions about the criteria for to evaluate PIF category change requests. Among these are the following:

- Should the policy place limitations on the length of water and /or sewer main extensions needed to serve qualifying PIF uses?

Chapter 1, Section II.G.4. Community Service for Private Institutional Facilities

- Should the policy include additional prohibitions on community service for PIF uses in other zones besides the AR Zone?

Outside of the CWSP and the PIF policy, should broader County policies consider the following issues:

- Whether County policies should include limitations on the amount of allowed impervious surfaces for either all uses or all non-residential uses, whether universal or based on zoning criteria, and subsequent enforcement of approved impervious surface limitations. Should the County enact additional environmental overlay zones with imperviousness limitations in additional watersheds or subwatersheds the County determines to need additional protection?
- Should County policies be concerned about the effect of PIF uses on nearby communities with respect to compatibility, noise, traffic, etc.?

II.G.4.c.: PIF Policy Category Change Application Requirements

Applicants seeking category change approvals under the PIF policy need to provide the following information in addition to the category change application form:

- Name of and contact information for the proposed institutional use if that institution does not already own the property.
- Statement of the institution’s non-profit, federal tax-exempt status from the U.S. Internal Revenue Service.
- A concept plan for the site of the proposed institutional use that has first been considered by the M-NCPPC Development Review Committee (DRC) under that agency’s concept plan review process. The County Council’s consideration of the reviewed concept plan will focus on impervious area and on water and sewer main extensions. The concept plan needs to include:
 - Proposed activities, seating capacity, and auxiliary uses (day care, private school, etc.).
 - Proposed building footprints, parking and driveway areas, and other paved surfaces in sufficient detail to provide an estimate of impervious surface area. Imperviousness must be consistent with specific, established imperviousness limitations imposed by County regulations.
 - Concepts for water and/or sewer main extensions, as needed.

The category change application needs to include a copy of the reviewed concept plan and a copy of the comments for the plan provided by the DRC agencies.

II.G.4.f.: County Council Reconsideration of PIF Concept Plan Changes

The discussion of the review of PIF policy cases (Section II.G.4.b) explains the Council’s consideration of a concept development plan for the proposed PIF use, which in part is the basis for a category change approval action. However, if the PIF user makes significant changes (prior to service being provided to the approved PIF use) to the development plan from the plan considered at the time of the Council’s action, the County will require reconsideration of the original approval action by the County Council. This shall also apply for cases where the proposed PIF user changes from the original user. The M-NCPPC Planning Department will evaluate the revised concept plan with respect to the original plan and report its findings to DEP and the Council concerning significant changes that would warrant the Council’s reconsideration.

Packet Appendix: Related 2022 Water and Sewer Plan Service Policies

APPENDIX C: Section II. SPECIFIC SERVICE AREAS

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

<p>Appendix C, II.E: GLEN HILLS STUDY AREA</p> <p>II.E: GLEN HILLS STUDY AREA</p> <p>Sewer Service Policy Area: Adopted by Council Resolution No. CR 19-1423 (October 25, 2022)</p> <p><u>Subject Area:</u> Residential development zoned RE-1 as identified in the Glen Hills Area Sanitary Study.</p> <p><u>Service Recommendation & Comments:</u> In March 2016, the County Council adopted Resolution No. 18-423 that established sewer service policies for the Glen Hills area, as shown below (see Figure C-F4). These service policies resulted from a study of general septic system suitability in the area conducted by DEP. This study had been recommended by the 2002 Potomac Subregion Master Plan. Pending the Council's consideration of the study's results, the provision of new community sewer service in the Glen Hills area was limited to properties with septic system failures documented by DPS</p> <p>The Council's 2016 resolution established the following sewer service policies for the study area:</p> <ul style="list-style-type: none">• Individual, on-site septic systems are the primary wastewater disposal method consistent with the area's standard-type development under the RE-1 Zone.• Community sewer service can be considered only under the following conditions for:<ul style="list-style-type: none">○ Properties in need of relief from public health problems resulting from documented septic system failures (Sections II.G.2.a.).○ Properties included within a specifically designated special sewer service area (Section II.G.2.b.). The septic system survey process used to establish these areas is outlined in the Council's resolution and in Chapter 1, Section II.G.2.b: Area-Wide Onsite Systems Concerns, <i>et seq.</i> The research conducted for the Glen Hills Area Sanitary Study will allow DEP to streamline the survey process for properties in these neighborhoods. Once DEP has established a survey area, an Executive recommendation for the Council concerning that area is expected within approximately three (3) months. A decision by the Council is generally expected within three months after that. <p>DEP will give a higher priority for surveys that include properties located within Review Areas (RAs) established in the Glen Hills Study and those with documented septic system problems. DEP will give a lower priority to survey areas outside of RAs or where DPS has not identified existing septic problems.</p> <p>The County has approved one special sewer service area in Glen Hills for part of the South Overlea Drive Septic Survey Area. The County Council under CR 18-888 (July 25, 2017) acted to include 16 of 24 properties surveyed by DEP and DPS within a special sewer service area.</p> <p>The County Council's 2018 action to approve this Plan update changed the County's approach to the consideration of area-wide health problems where located outside the planned community service envelope. Establishing a septic system survey requires the inclusion of at least one property that has a DPS-documented septic system failure (see Chapter 1, Sections II.G.2.b. – d.).</p> <ul style="list-style-type: none">○ Properties that abut existing or planned sewer mains and that satisfy the requirements of the "abutting mains" policy (Section II.G.3.)○ Properties at the edge of the Potomac Master Plan planned public sewer envelope, that abut and/or confront properties within the envelope, consistent with the Potomac area peripheral sewer service policy. (Consistent with this policy however, properties at the periphery of the planned sewer envelope within the Piney Branch watershed and at the periphery of the City of Rockville's planned service area are excluded.)○ Properties within the study area and within the Piney Branch subwatershed that satisfy the requirements for community sewer service under the Piney Branch restricted sewer service policy (Section II.G.11.b.).
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Appendix C, Section II.L: Piney Branch Watershed

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

II.L.: PINEY BRANCH WATERSHED

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

Restricted Community Sewer Service Area: Current version established by Council Resolution No. 15-396 (11/18/03) and recommended by the 2002 Potomac Subregion Master Plan.

Subject Area: Natural drainage area of Piney Branch, a tributary of Watts Branch.

Service Recommendation & Comments: The provision of community sewer service within this watershed is regulated by the Piney Branch Restricted Sewer Access. This policy was amended in 2002 in accordance with the recommendations in the updated 2002 master plan. (See Figure C-F11.)

In 1991, the County Council established a policy to restrict the availability of community sewer service in the Piney Branch Watershed which is designated as one of the county's Special Protection Area watersheds. Through the Piney Branch Sewer Restricted Access Policy, the Council sought to limit the growth of public sewer-dependent development within and near this environmentally-sensitive watershed, particularly within the areas of the watershed zoned for one- and two-acre development. The Council subsequently amended the policy in March 1997 under CR 13-830 and again in October 2002 under CR 14-1481. By these actions, the Council has specifically designated the Piney Branch Trunk Sewer and its tributary mains as **Limited Access** mains (see Section III.A.1.).

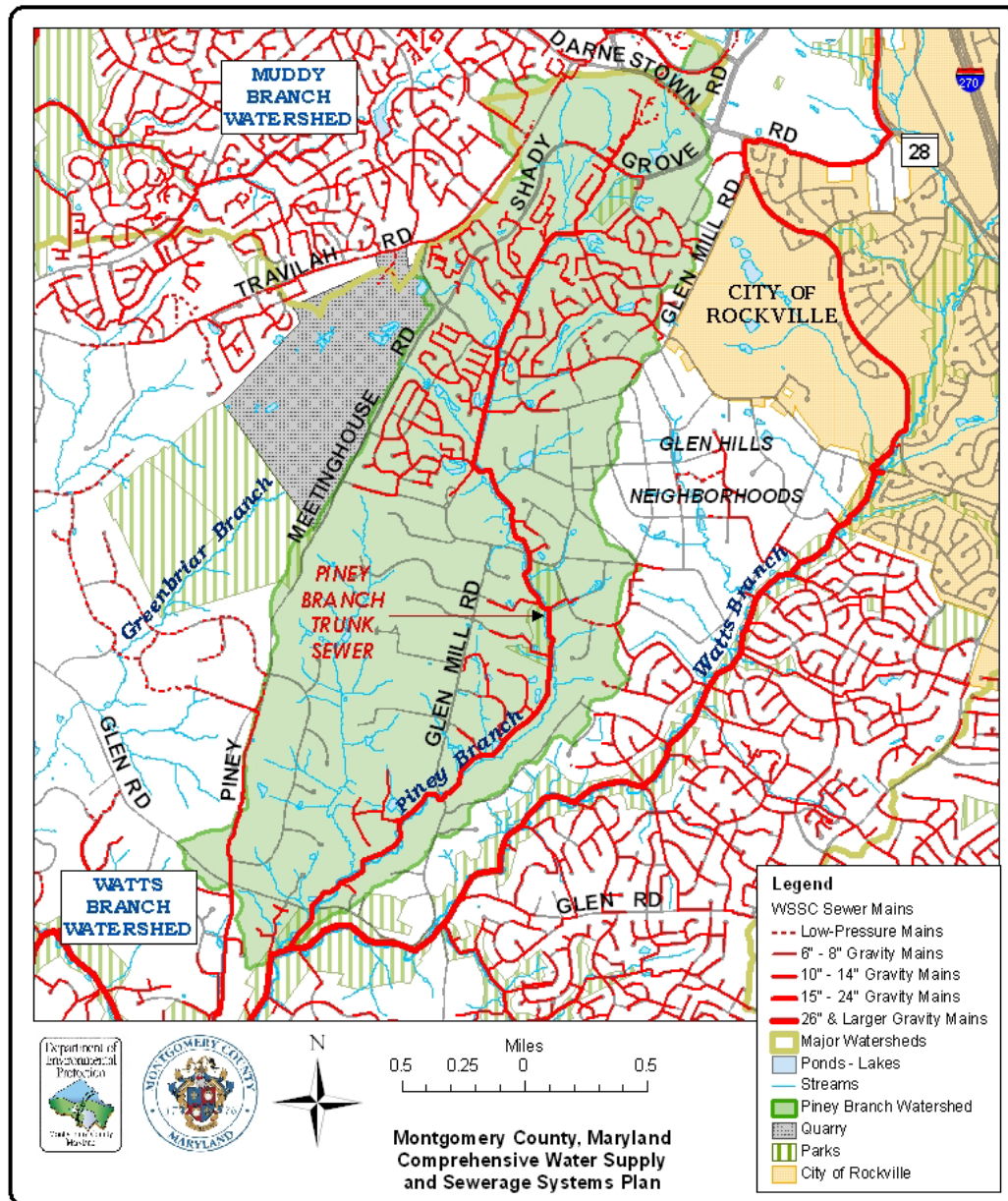
This restricted access policy was recently reexamined in the context of interrelated land use, zoning, and sewer service recommendations in the 2002 Potomac Subregion Master Plan; the following conditions reflect the policy changes recommended by the new master plan. In order to be eligible for community sewer service, properties within the Piney Branch watershed must satisfy at least one of the following six conditions:

- **Master Plan Sewer Staging:** Properties designated as Sewer Stages 1 or II in the 1980 Potomac Subregion Master Plan.
- **Trunk Sewer Right-of-Way:** Properties that the Piney Branch Trunk Sewer right-of-way either traverses or abuts, including properties adjacent to and commonly owned with these abutted or traversed properties as of December 3, 1991,
- **Prior Sewer Category Approvals:** Properties with approval or conditional approval for sewer categories S-1 or S-3 as of December 3, 1991,
- **Public Health Problems:** Properties with documented public health problems resulting from failed septic systems, and properties included within a Council-designated special sewer service area, where the provision of public sewer service is logical, economical, and environmentally acceptable,
- **Abutting Sewer Mains:** Properties that abut existing or approved sewer mains and which satisfy the policy requirements for Section II.G.3.: Community Service for Properties Abutting Community System Mains – Single Hookups for Only One Property. Applicants shall not use the provision of a single sewer hookup to support subdivision or resubdivision of these properties into more than one lot. (This condition does not restrict sewer service provided to properties satisfying condition ii., preceding.)
- **Cluster Development:** Properties zoned RE-2C located in the southeast corner of the intersection of Boswell Lane and Piney Meetinghouse Road which develop using the cluster method.

All other properties within the Piney Branch watershed are restricted from community sewer service, whether from the Piney Branch sewerage system or from other adjacent sewerage systems.

Appendix C, Section II.L: Piney Branch Watershed

Figure C-F11: Piney Branch Watershed and Restricted Sewer Service Area



Developers seeking to subdivide parcels into building lots using community sewer service in the Piney Branch subwatershed are required to record, as a covenant running with the properties, the Piney Branch Sewer Agreement Recommendations as a condition for the approval of sewer categories S-1 or S-3. Properties established prior to 1988, and for which only a single sewer connection is sought, are exempt from this requirement. Contact DEP staff (see Appendix D) for copies of the draft covenant and the required recommendations.

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

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

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

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

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

Service Recommendation & Comments: The master plan's recommendations concerning for community sewer service properties zoned for rural estate development (RE-1 and RE-2) depart from those in the 1980 master plan. The previous master plan had allowed for the consideration of sewer service for rural estate zones. The 2002 master plan follows in line with the Water and Sewer Plan's general service policies for rural estate zones. However, the new master plan also recognizes that before 2002, the approval and provision of community sewer service within these zones occurred on a case-by-case basis, resulting in an irregular sewer service envelope. The master plan recommends that RE-1- and RE-2-zoned properties located at the edge or periphery of the recommended community sewer envelope may be *considered* for community sewer service on a case-by-case basis. In such cases:

- The property under consideration must abut or confront another property within the master plan's designated sewer service envelope.
- The extension of community sewer service is intended to follow existing public rights-of-way and must not affect streams, stream valley buffers, or other environmentally-sensitive areas.

In addition to the preceding essential requirements, several years of experience implementing this policy have resulted in the acceptance of guidelines that further refine the evaluation of and recommendations for potential cases.

- Properties that confront the sewer envelope across broad public rights-of-way should also be in relatively close proximity to other properties approved for sewer service on their own side of that right-of-way.
- The selection of sewer main extensions, wherever possible, should minimize the number of properties abutting new sewer main extensions

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

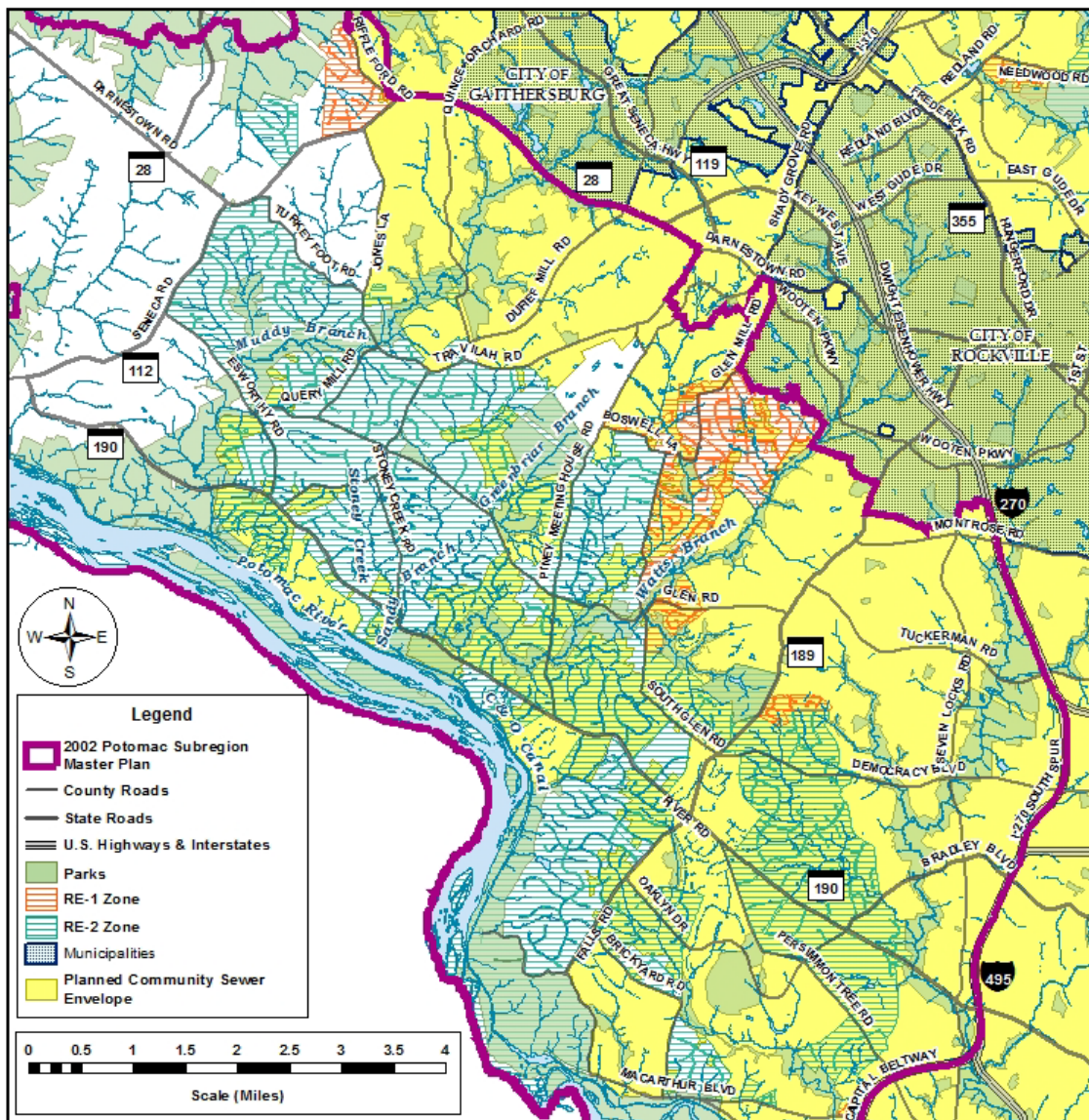
- The Piney Branch subwatershed
- The Palatine of Potomac neighborhood
- The Greenbriar Estates neighborhoods.

The preceding exclusion areas previously included the Glen Hills neighborhoods. The 2002 master plan recommended reconsideration of this exclusion following the completion of the Glen Hills Area Sanitary Study. However, the recommendations provided with the study did not address this policy. The 2017 Water and Sewer Plan update removes the Glen Hills area exclusion, except for those properties at the periphery of the planned sewer envelope within the Piney Branch watershed.

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

Appendix 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

