

**PROPOSED CATEGORY MAP AMENDMENTS
MONTGOMERY COUNTY COMPREHENSIVE WATER SUPPLY AND
SEWERAGE SYSTEMS PLAN – SEPTEMBER 2024 GROUP
THREE CASES**

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

Completed: October 31, 2024

MCPB
Item No. 7
November 7, 2024

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Planning Staff



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LOCATION/ADDRESS

Three locations throughout the county

MASTER PLANS

1998 *Sandy Spring/Ashton Master Plan*
2002 *Potomac Subregion Master Plan*

APPLICANT

Owners of properties included in September 2024 Water and Sewer Category Change Requests

ACCEPTANCE DATE

October 7, 2024

REVIEW BASIS

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

Summary

- The Planning Board is required by State law to make a Master Plan conformance determination for the three Water and Sewer Category Change Requests included in the County Executive's report.
- The Planning Board's recommendation will be transmitted to the County Council for final action.
- The Planning Staff recommendation of approval for each of these cases is consistent with the Executive Staff recommendations. See Attachment A.

SECTION 1: SUMMARY

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

The Planning Board's recommendations will be transmitted to the County Council for final action on the requests. For each case, information and maps of zoning, existing and proposed use, and recommendations from other agencies are shown in the attached packet from the County Executive (Attachment A). Planning staff's recommendation of each case is consistent with the County Executive's recommendation.

The County Council's Public Hearing is scheduled for November 12, 2024. The Planning Board's recommendations will be submitted to the County Council as part of the public record.

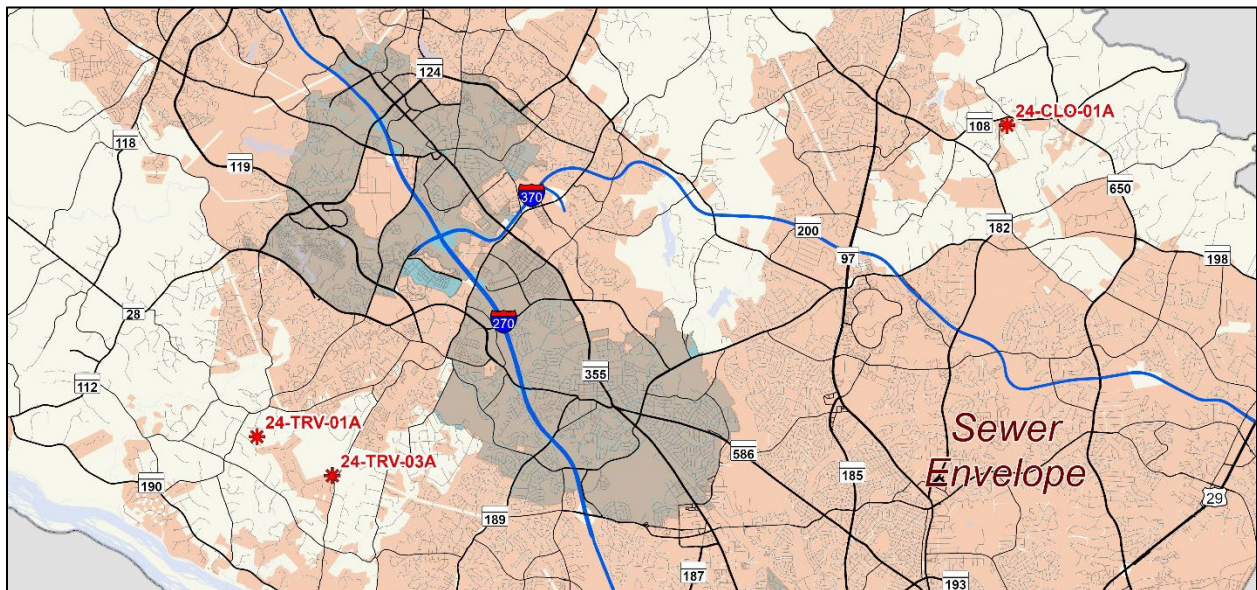


Figure 1. Map showing location of three category change requests and generalized sewer envelope.

SECTION 2: RECOMMENDATIONS

WSSCR 24-CLO-01A: LOGOS HOMES

Property address: 17805 Norwood Road, Sandy Spring

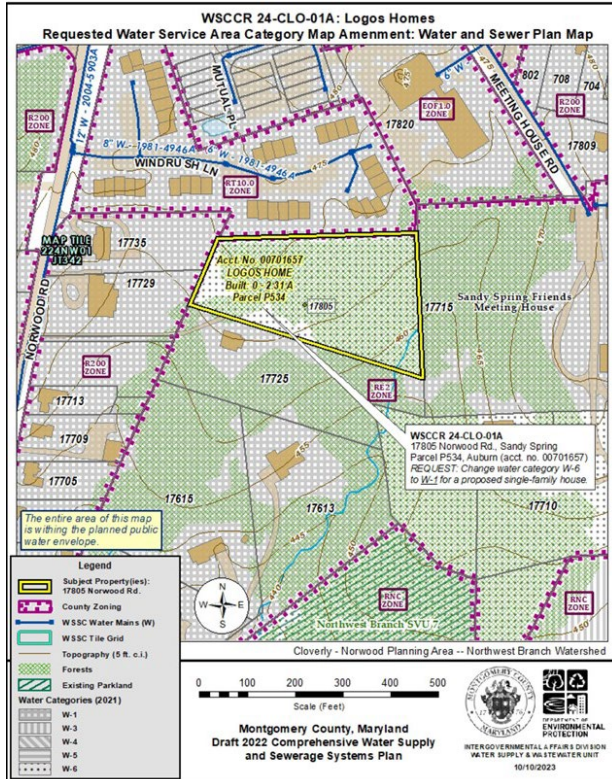


Figure 2. Nearby public water infrastructure. Page 8, Attachment A

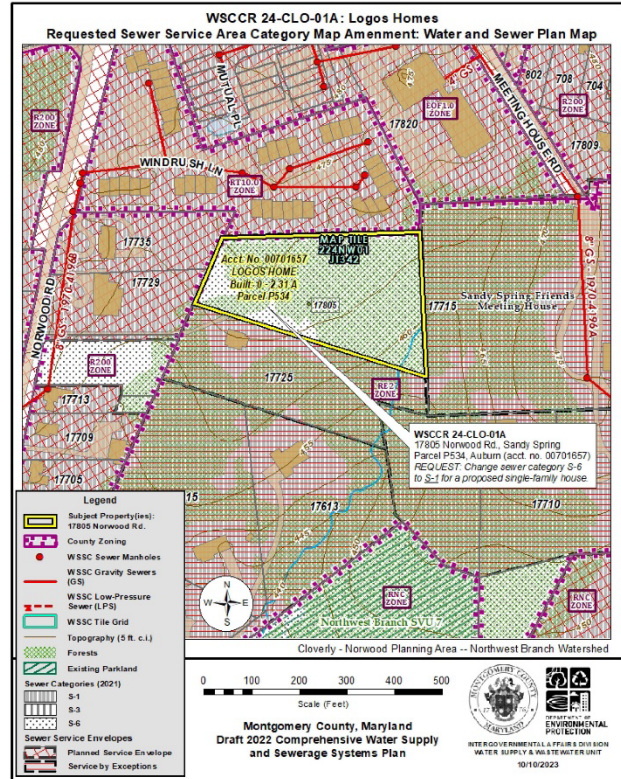


Figure 3. Nearby public sewer infrastructure. Page 9, Attachment A

The applicant has requested approval of water and sewer category changes from W-6 and S-6 to W-1 and S-1 to provide public services for a new single-family detached house. The property is within the 1998 *Sandy Spring/Ashton Master Plan* area. The property is 2.31 acres and is in the RE-2 zone.

The master plan places the property in the “Village Centers + Settings” analysis area, but the plan does not provide specific guidance for the property, which is not part of the various larger properties described as part of the “settings” the master plan has specific recommendations for. The primary goal of the master plan is the preservation of rural character, but a “landlocked” property with no street frontage would have a negligible impact on the area’s character since any house on the property would not be very visible from any street.

A map on page 84 of the master plan (see Figure 4) shows the planned public water and sewer envelope, but notes under the map indicate that only public water service applies in the RE-2 zone,

and only on a case-by-case basis consistent with the “Water without Sewer Policy” in the county’s 10-Year Comprehensive Water and Sewer Plan (CWSP).

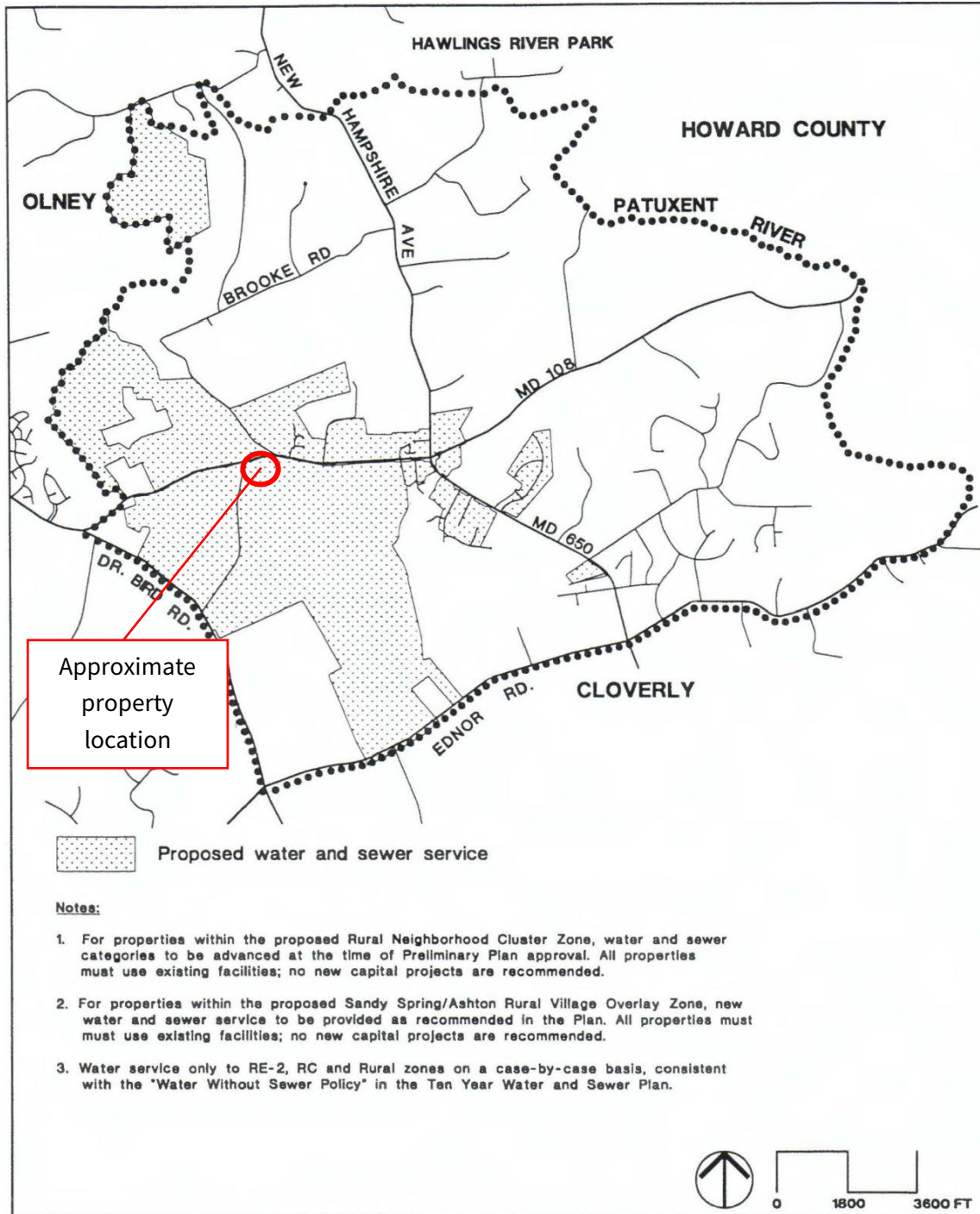


Figure 4. Proposed water and sewer service envelope from 1998 Sandy Spring/Ashton Master Plan. Although the property appears to be within the proposed public water and sewer service envelope, notes under the map indicate that only water service is to be provided to properties in the RE-2 zone, and then only on a case-by-case basis.

The property is within the master plan’s public water envelope and is therefore eligible for public water service. The closest water mains are to the north along Windrush Lane or to the west along Norwood Road (see Figure 2 above). The applicant would be required to obtain an easement across one or more adjacent properties to access a water main. All surrounding properties are currently connected to public water.

The property is **not** within the 1998 *Sandy Spring/Ashton Master Plan*’s planned sewer envelope. As with water infrastructure, the nearest sewer mains are similarly within Windrush Lane and Norwood Road (see Figure 3 above); WSSC indicates a low-pressure connection to the line in Windrush Lane may be possible. A much longer gravity connection is also possible across several properties to the south. The applicant would be required to obtain an easement across one or more adjacent properties to access one of these sewer mains. All surrounding properties have public sewer service, but only the properties to the north and west are within the public sewer envelope. Properties to the east and south have all received public sewer service by exception, and no exception applies here.

Turning to the master plan’s general recommendations for the provision of sewer service, for zones with densities less than one dwelling unit per ½ acre, the plan recommends applying the general policies of the CWSP (1998 master plan, p. 83). The master plan also has an exception “where public health is an issue and extension of service is found to be the appropriate solution” (1998 master plan, p. 86), as does the CWSP. The property is in a zone that requires two acres per dwelling unit, and therefore does not meet the density threshold for sewer service set forth in the CWSP. Furthermore, there is no documented public health concern on the property given the property is undeveloped. There are no policies in the *Water and Sewer Plan* that would allow for the extension of public sewer service generally to a property in the RE-2 zone. Therefore, the master plan does not support public sewer service for the property.

MCDEP Staff Recommendation: Approve W-1; deny S-1

Planning Staff Recommendation: Approve W-1; deny S-1

WSSCR 24-TRV-01A: DAVID MOHEBBI

Property address: 11905 Centurion Way, Potomac

The applicant requests a change from S-6 to S-3 to allow public sewer service for an existing single-family detached house. The address is 11905 Centurion Way in Travilah. The property is within the 2002 *Potomac Subregion Master Plan* area and is outside the planned public sewer service envelope. The 5.17-acre property is in the RE-2 zone. The applicant indicates that he “has been experiencing septic system challenges and significant expenditures and time on replacing his system equipment.”

The County Council approved a category change to S-3 under CR 19-1426 as a public health concern on October 22, 2022, for WSSCR 21-TRV-03, but the Maryland Department of the Environment (MDE) denied the approval action on March 9, 2023, because no documentation of a failing septic system was provided. MDE stated in their denial letter that, should additional information about the septic system’s condition become available within six months, then the Council could request that MDE reconsider the denial of the Council’s action. A site visit by DPS on July 6, 2023, did not reveal a failure of the septic system and offered suggestions on how the owner could reconfigure the system. MDE’s six-month deadline passed without additional information being submitted, so the case is considered closed.

The property is adjacent to the Palatine neighborhood, which is within the public sewer service envelope but is explicitly excluded from areas where the Potomac Peripheral Sewer Service Policy applies (2002 master plan, p. 23). This is also reflected in corresponding language in the *Water and Sewer Plan*. If the applicant were able to provide documentation of a septic system failure from the Department of Permitting Services (DPS), then the property would be eligible for public service under the provisions of the *Water and Sewer Plan* Section II.G.2.: Community Service to Relieve Onsite System Concerns. There is no documented public health concern on the property and there are no

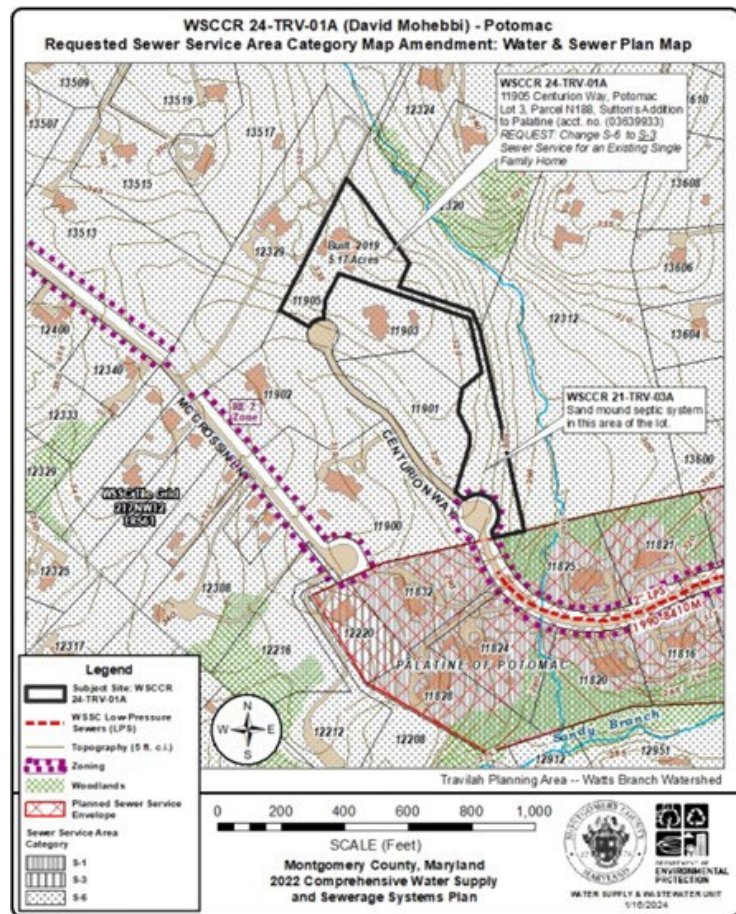


Figure 3. Nearby public sewer infrastructure. Page 13, Attachment A

other policies in the *Water and Sewer Plan* that would allow for the extension of public sewer service to the property. The master plan does not support public sewer service for the property.

MCDEP Staff Recommendation: Deny S-3; maintain S-6

Planning Staff Recommendation: Deny S-3; maintain S-6

connections for the proposed lots because they would not be eligible for connections under the Potomac Peripheral Sewer Service Policy.

A further complicating matter here is that part of the property is within the Piney Branch Special Protection Area (SPA) (see light blue area on right side of Figure 5). Properties in the Piney Branch SPA are in a restricted community sewer service area (CWSP Section II.L.: Piney Branch Watershed) and can only receive public sewer connections in limited cases. One allowable case is for properties that have a documented public health problem resulting from a failed septic system, so the property qualifies under this condition. However, this policy cannot be used to support subdivision or resubdivision into more than one lot.

Regarding a connection to the existing line within Palatine Drive, WSSC has advised that there is no available capacity for an additional connection, so it is not possible at this time to extend public sewer service to the property. Further expansion of the Palatine Low Pressure Sewer System (LPSS) requires a preliminary engineering study to determine if the system would function satisfactorily, and WSSC does not currently have plans or funding to conduct this study. Therefore, Planning staff concurs with DEP that action on this request should be deferred pending an agreement between DEP and WSSC Water to study whether the Palatine LPSS can accommodate an additional connection.

MCDEP Staff Recommendation: Defer action pending an agreement between DEP and WSSC Water to study the capacity issue in the Palatine low-pressure sewerage system.

Planning Staff Recommendation: Defer action pending an agreement between DEP and WSSC Water to study the capacity issue in the Palatine low-pressure sewerage system.

SECTION 3: CONCLUSION

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

ATTACHMENT

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