


MEMORANDUM

October 19, 2018

TO: Transportation, Infrastructure, Energy & Environment Committee

FROM:  Keith Levchenko, Senior Legislative Analyst

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

PURPOSE: To discuss and make recommendations on six category change requests

Category Change Requests							
#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	Maps
1	Patricia Tregoning, 17-GWC-02A	Requesting W-5 to W-1 to serve the existing single family home.	Approve W-1, Change S-5 to S-6	Concur with CE	Concur with CE	©5	©6-7
2	Tregoning Bypass Trust, 17-GWC-03A	Requesting W-5 to W-3 and S-5 to S-3 to build 63 single family homes and a 120-unit senior living facility	RE-1 Zone: Approve W-3. Condition approval of S-3 on approval of a cluster development plan. RC Zone: Defer action pending planned updates to septic tiers.	Concur with CE. Add language regarding sewer alignments.	Concur with CE and Planning Board except: Conditionally approve W-3 for the RC-zoned area.	©8-11	©25-27
3	Iglesia De Cristo, Mi-El Maryland Inc., 17-OLN-02A	PIF Request: Build a new place of worship on the site and maintain the current house on the site as a parsonage. Requesting both W-6 to W-1 and S-6 to S-1	Defer action pending consideration of the applicant's concept development plan by the M-NCPPC Development Review Committee	Concur with CE	Concur with CE	©28-32	©36-38
4	Sami and Siham Ainane, 17-TRV-10A	Requesting that the existing S-1 designation on an existing lot currently served by septic be transferred to an adjacent outlot.	Deny S-1. (Maintain S-6)	Conditionally Approve S-1 (transfer abutting main approval from Lot 2 to the Outlot)	Concur with CE (Deny S-1, Maintain S-6)	©39-40	©46-47
5	David L. and Nancy S. Scull, 18-TRV-02A	Requesting public sewer to serve the existing house.	Approve S-3 (Potomac Peripheral Sewer Service Policy)	Concur with CE	Concur with CE	©48-49	©50
6	Roxanne & Ted Smart, 09A-TRV-02	Requesting public sewer in order to build a new single family home.	Approve S-3 (Potomac Peripheral Sewer Service Policy)	Concur with CE	Concur with CE	©51-52	©53-54

On August 27, 2018, the Council received a package of six Water and Sewer Category Change requests from the County Executive (transmittal memorandum and Executive Staff Report are attached beginning on ©C). A draft resolution is attached on ©A-B. The requests and Executive recommendations are noted on pages 1 and 2 of the Executive Staff Report and summarized below.

Alan Soukup of the Department of Environmental Protection and Katherine Nelson of the Planning Department are expected to attend the Committee worksession.

List of Attachments

Council Resolution (introduced September 11, 2018)	©A-B
County Executive’s Transmittal Letter (dated August 27, 2018)	©C-E
County Executive Department of Environmental Protection Staff Report	©F-54
• Executive Summary: Proposed Amendments and Recommendations	©1-2
• Water and Sewer Service Area Categories Table (description of each category)	©4
Ten Year Water and Sewer Plan Excerpts	
• Private Institutional Facilities (PIF) Policy	©30-32
• Abutting Mains Policy	©40-42
Planning Board Letter of October 18, 2018	©55-58
Planning Department Staff Report	©59-63
Revised Draft Approval Language from County Executive Staff (based on the Planning Board’s Recommendations)	©64-65
Correspondence from Applicant Ms. Siham Ainane dated October 1	©66-67
Correspondence from Robert Harris on behalf of Sami and Siham Ainane (dated October 12, 2018)	©68-71

Category Change Process Overview

The County’s Department of Environmental Protection (DEP) is responsible for assembling, reviewing, and processing these amendments through the Executive for transmittal to the Council.

DEP staff coordinates with a number of other departments and agencies and includes comments from Planning Department staff, WSSC, and Department of Permitting Services (DPS) staff in its Executive Staff Report.

State Approval

All amendments to the County’s Water and Sewer Plan are subject to approval by the Maryland Department of the Environment (MDE). Therefore, amendment approvals by the Council are considered preliminary until MDE action.

Planning Board Review

The Planning Board discussed these amendments on October 11, 2018 and concurred with the Executive’s recommendations, with the following exceptions:

- Tregoning Bypass Trust: The Board recommends including sewer alignment language for the RE-1 zoned areas for both the northern portion (new housing) and the southwest portions (elder care project).
- Sami and Siham Ainane: Approve S-1 (transfer sewer approval from Lot 2).

The Planning Board letter to the Council is attached on ©55-58. The Planning Department staff report is attached (©59-63).¹

Discussion

#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
1	Patricia Tregoning, 17-GWC-02A	Requesting W-5 to W-1 to serve the existing single family home.	Approve W-1, Change S-5 to S-6	Concur with CE	Concur with CE	©5	©6-7

This request involves a 2.09-acre RE-1 zoned property located on the east side of Ridge Road in the Cedar Grove area. The applicant is seeking public water service to serve the existing house.

Providing public water service to this property is consistent with general water service policies in the Water and Sewer Plan for RE-1 zoned properties. Water service can be provided from a 16-inch water main along Ridge Road, which abuts the property.

The Executive recommends approval of W-1 for the property. The Executive also recommends correcting the sewer category from S-5 to S-6, consistent with neighboring RE-1 properties. The Planning Board concurs with the Executive recommendations. **Council Staff also concurs with the Executive recommendations.**

#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
2	Tregoning Bypass Trust, 17-GWC-03A	Requesting W-5 to W-3 and S-5 to S-3 to build 63 single family homes and a 120-unit senior living facility	RE-1 Zone: Approve W-3. Condition approval of S-3 on approval of a cluster development plan. RC Zone: Defer action pending planned updates to septic tiers.	Concur with CE. Add language regarding sewer alignments.	Concur with CE and Planning Board except: Conditionally approve W-3 for the RC-zoned area.	©8-11	©25-27

This request involves both RC and RE-1 zoned properties totaling 119.91 acres located on the east side of Ridge Road in the Cedar Grove area (surrounding the first property discussed earlier in this memorandum). The applicant is seeking public water and sewer to build a 120-unit elder care facility on the southwest portion of the site and a 63-lot residential project at the northern end of the property near Kings Valley Road.

Providing public water service to both the RE-1 and RC zoned properties is consistent with general water service policies in the Water and Sewer Plan.

Approval of public sewer to the RE-1 zoned properties is also consistent with Master Plan recommendations and Water and Sewer Plan policies, assuming clustered development. However, for the RC zoned areas, the Executive and Planning Board agree that development on septic (rather than sewer) would be consistent with the Master Plan and Water and Sewer Plan policies. Executive staff has noted that the applicant has dropped their request for public sewer for the RC zoned area. However, since the RC zoned area is (erroneously) included in septic tier 1 (according to Executive and Planning

¹ Planning Department staff concurred with the Executive regarding denial of the Sami and Siham Ainane category change request.

Department staff) (a designation used for areas assumed to be served by public sewer), the Executive recommends deferring action for the RC zoned areas pending a correction to the septic tier designation (which the Planning Board can initiate through an amendment to the Subdivision Regulations).

However, Executive staff later noted its support for approval of W-3 for the RC-zoned area, conditioned upon approval of a cluster development plan by the Planning Board. Executive staff's suggested revised language is attached on ©64-65. Council Staff concurs with the conditional approval of W-3 for both the RE-1 and RC zoned properties.

Executive and Planning Department staff also recommend sewer alignments that follow the applicant's conceptual sewer extension design (and avoid crossing Ovid Hazen Wells Park) and which minimize environmental impacts. **Council Staff concurs with the Planning Department staff and Planning Board recommendations and the updated conditional approval language provided by Executive staff on ©64-65.**

#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
3	Iglesia De Cristo, Mi-El Maryland Inc., 17-OLN-02A	PIF Request: Build a new place of worship on the site and maintain the current house on the site as a parsonage. Requesting both W-6 to W-1 and S-6 to S-1	Defer action pending consideration of the applicant's concept development plan by the M-NCPPC Development Review Committee	Concur with CE	Concur with CE	©28-32	©36-38

This request involves a 7.21 RNC zoned property located on Old Baltimore Road in Olney, east of the intersection with Winter Morning Way. The applicant is seeking public water and sewer service to build a house of worship with up to 700 seats and to retain the existing house on the property as a parsonage.

WSSC has identified two options for extending public water to the property from Brimstone Academy Court (see ©28), both of which satisfy the Private Institutional Facilities (PIF) policy (see ©30-32) in that the extensions will not open service to intervening properties not otherwise eligible for service.

Sewer service can be provided via either a non-abutting connection from an outfall sewer main on Brimstone Academy Court west along Old Baltimore Road to the site or a sewer extension from the same location. Either of these options will also satisfy the PIF policy.

The applicant's latest development plan (see ©34) assumes an imperviousness of 48 percent, which is substantially higher than what the Council has supported with past PIF requests. The Council has generally supported imperviousness in the 20 to 25 percent range for areas not otherwise subject to impervious area caps and lower levels for areas where there are imperviousness caps and/or Master Plan recommended imperviousness levels.

As part of the Council's recent action comprehensively revising the Water and Sewer Plan, the Council added a provision in the PIF Policy requiring PIF applicants to submit their concept plans to the Development Review Committee (DRC) for comment prior to application for a category change request. This PIF request predates the new PIF requirement and therefore has not gone through a DRC review. The Executive and Planning Board recommend that the Council defer this request pending the applicant

submitting its concept plan to the Development Review Committee for comment. **Council Staff concurs.**

#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
4	Sami and Siham Ainane, 17-TRV-10A	Requesting that the existing S-1 designation on an existing lot currently served by septic be transferred to an adjacent outlot.	Deny S-1. (Maintain S-6)	Conditionally Approve S-1 (transfer abutting main approval from Lot 2 to the Outlot)	Concur with CE (Deny S-1, Maintain S-6)	©39-40	©46-47

This request involves a 2.51-acre RE-2 zoned outlot² located on the west side of Piney Meetinghouse Road, south of the intersection with Greenbriar Preserve Lane in the Potomac Subregion Master Plan area. The applicant is seeking public sewer service to convert the outlot to a building lot for one single-family house.

The outlot was originally part of Parcel 143 (see map on ©46). That parcel was subdivided in 2004 into Lot 1 (12020) and Outlot A. Parcel 143 was approved for a single sewer connection through the abutting mains policy (see policy text on ©44) and a single-family house on the property is currently served by this connection. Since the main predates the subdivision (the main was constructed in 1991), the abutting mains policy only allows one subdivided lot from Parcel 143 to receive a connection. Outlot A is not eligible for a sewer service under this policy (or any other Water and Sewer Plan policies).

The applicant owns Lot 2 (12000), immediately south of Lot 1 (12020) and Outlot A. Lot 2 is eligible for a single connection through the abutting mains policy. However, the current single-family house on the property is served by septic and the applicant has said they have no plans to connect to sewer or subdivide Lot 2.³ The applicant would like to transfer the abutting main approval from Lot 12000 to Outlot A. For more information on the applicant's request, please see a letter the Council received from the applicant on ©66-67.

As the Executive Staff Report notes on ©39-40, the abutting mains policy does not include a provision allowing for the transfer of a sewer connection right from one property to another (even when commonly owned), except in cases where the two properties were originally part of the same parcel prior to subdivision. **Therefore, the Executive recommends denial of the request, as does Planning Department staff. Council Staff concurs.**

The abutting mains policy is an exceptional policy that allows certain properties which are otherwise outside the sewer envelope to connect to public sewer. The applicant's request, if approved, would represent an expansion on this exceptional policy and would lead in this case to the development of an additional property (in this case an outlot) on sewer outside the sewer envelope. *NOTE: If the applicant were asking to transfer a sewer right between two equivalent properties (for instance, if both properties could develop (or had already developed) on septic or if neither property had septic suitability), then the transfer would be a neutral action that Council Staff believes could be interpreted*

² As defined in Chapter 50 of the County Code, an outlot is, "An area of land shown on a record plat on which the construction of a building or other structure requiring a building permit is prohibited."

³ The applicant noted in public hearing testimony and in the letter attached on ©66-67 that the prior owner of Lot 2 was considering subdividing Lot 2 into four lots (to be served on septic). The applicant has no plans to subdivide Lot 2, according to their testimony and letter.

as consistent with the intent of the abutting mains policy.⁴

The Planning Board recommends conditional approval of S-1. As noted in the Planning Board letter to the Council (see ©57), the Planning Board “found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south could be transferred to Outlot A if a Concept Plan analyzing the development issues on the property is reviewed by the Development Review Committee.” *NOTE: See also letter from the applicant’s attorney on ©68.*

NOTE: If the Council chooses to support the Planning Board recommendation to conditionally approve this request, Council Staff will work with Executive staff to narrowly craft conditional approval language with an intent to avoid setting a precedent for future cases. Some suggested language drafted by Executive staff is attached on ©65.

#	Applicant	Request	County Executive	Planning Board	Council Staff	CE Staff Report	
						Report	Maps
5	David L. and Nancy S. Scull, 18-TRV-02A	Requesting public sewer to serve the existing house.	Approve S-3 (Potomac Peripheral Sewer Service Policy)	Concur with CE	Concur with CE	©48-49	©50
6	Roxanne & Ted Smart, 09A-TRV-02	Requesting public sewer in order to build a new single family home.	Approve S-3 (Potomac Peripheral Sewer Service Policy)	Concur with CE	Concur with CE	©51-52	©53-54

Both requests involve RE-1 zoned properties in the Glen Hills area seeking public sewer service.

The Council’s recent comprehensive update to the Water and Sewer Plan included removing the exclusion of the Peripheral Sewer Policy (affecting the Potomac Subregion Master Plan area) from applying in the Glen Hills area. This policy allows for consideration of public sewer for properties which abut or confront the County’s planned sewer envelope, and which can be served by extensions that avoid stream valleys and other potentially damaging environmental effects from construction.

Scull

This 1.89-acre RE-1 zoned property is located on the West side of the Bevern Lane cul-de-sac. The applicant is seeking public sewer service to serve the existing house. The property’s northern border abuts the planned sewer envelope. Sewer service can be provided through a 400-foot extension within an existing easement on the neighboring property immediately to the east of the applicant’s property. **The Executive and Planning Board recommend approval of this request. Council Staff concurs.**

Smart

This 1.61-acre RE-1 zoned unimproved property is located at the southwest intersection of Cleveland Drive and Valley Drive in the Glen Hills area of Potomac. The applicant is seeking public sewer to build a new single-family home on the property. Public water is already approved for this area. This request was originally sought under the abutting mains policy, but was deferred pending the

⁴ The applicant has indicated that their plans to not further subdivide Lot 2 would offset the development on Outlot A. However, formalizing this offsetting restriction is problematic. Executive staff have noted (see ©65) that restricting a future subdivision on septic is outside the scope of the Water and Sewer Plan.

outcome of the Council's comprehensive update to the Water and Sewer Plan.

The result of the comprehensive update is that this property would not be eligible under the abutting mains policy. However, with the Council approving consideration of the peripheral sewer policy in the Glen Hills area, this request can now be considered under that policy. The property confronts the planned sewer envelope (see map on ©53) and can be served by either a non-abutting connection or sewer extension along Cleveland Drive. **The Executive and Planning Board recommend approval of this request. Council Staff concurs.**

Attachments

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Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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

Background

1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply systems and sewerage systems throughout the County.
2. Section 9-507 of the Environmental Article of the Maryland Code provides that the Maryland Department of the Environment (MDE) has 60 days to review a county governing body's action to amend the County's Water and Sewer Plan. Upon notice to the County, MDE may extend that review period for another 45 days, if necessary. At the conclusion of this review, MDE must either approve or reject the Council's action on each of these amendments, or the action is confirmed by default. Any action approved or taken by this resolution is not final until that action is approved by MDE or the period for final MDE action has expired.
3. In accordance with the State law on December 30, 1969, by Resolution No. 6-2563, the County Council adopted a Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which was approved by the State Department of the Environment.
4. The County Council has from time to time amended the Plan.
5. On August 27, 2018, the County Council received recommendations from the County Executive regarding six Water and Sewer Plan amendments.
6. Recommendations on these amendments were solicited from the Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission Staff, and affected municipalities.

7. A public hearing was held on September 25, 2018.
8. The Transportation, Infrastructure, Energy & Environment Committee discussed these amendments and made recommendations to the Council.
9. The Council discussed these amendments.

Action

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

This is a correct copy of Council action.

Megan Davey Limarzi, Esq.
Clerk of the Council



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

MEMORANDUM

August 27, 2018

TO: Hans Riemer, President
Montgomery County Council

FROM: Isiah Leggett
Montgomery 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 six proposed amendments to the County's *Comprehensive Water Supply and Sewerage Systems Plan*. Recommendations and supporting documentation addressing these amendments are included in the attached staff report. All six amendments are requests for individual water/sewer service area category changes. Of these six requests, the Council previously tabled a discussion on one request pending the anticipated action on the Water and Sewer Plan comprehensive update.

The recommendations for these amendments are consistent with the adopted policies and guidelines included in the Water and Sewer Plan and are consistent with precedents set under local area master plan service recommendations. Nevertheless, I expect that the following four cases have the potential to generate public testimony and worksession discussions.

Split-zoned RE-1 and RC Development Project – 17-GWC-03A (Tregoning Bypass Trust)

The applicant has proposed the development of a 63-lot residential subdivision and a 120-bed senior living facility on a 120-acre parcel in Cedar Grove using public water and sewer service. The site is split-zoned RE-1 and Rural Cluster (RC). As currently planned, the majority of the development will occur within the area zoned RE-1. M-NCPPC Planning Department staff have advised that the provision of public water and sewer service for the RE-1 Zone is appropriate pending the use of the available cluster development option. My recommendation for the area zoned RE-1 concurs with this finding.

Hans Riemer, County Council President
August 27, 2018
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For the RC-zoned part of this site, I recommend that the Council defer any category change action pending anticipated changes to the existing Tier 1 designation under the County's Septic Tiers map. The Septic Tiers map, established in the subdivision ordinance in 2012, designates the RC-zoned part of this site as Tier 1, identifying it as an area served by public sewerage systems. M-NCPPC staff have advised the Department of Environmental Protection (DEP) that Tier 1 is not appropriate for this area given the RC zoning and the Water and Sewer Plan's related general sewer service policies. Under the subdivision process, the Tier 1 designation also prohibits the appropriate use of septic systems in the RC Zone. M-NCPPC staff have proposed the development of revisions to the Septic Tiers map to address this and other needed updates.

Private Institutional Facility (PIF) Project – 17-OLN-02A (Eglesia de Cristo Mi-El Maryland, Inc.)

The proposed PIF user, Iglesia de Cristo, is seeking to relocate from Gaithersburg to an RNC-zoned, 7-acre parcel in Olney. However, the use of the RNC optional cluster method of development, allowing and requiring the use of public water and sewer service, cannot apply in this situation. The proposed category change is therefore presented with respect to the Water and Sewer Plan's PIF policy. Proposed water and sewer main extensions would affect only properties already within the planned public service envelopes.

The applicant has provided a concept development plan that proposes a 700-seat sanctuary, 188 parking spaces, and an impervious area of approximately 44 percent of the site. The north part of the site is within the Hawlings River watershed, a tributary of the Patuxent River, where impervious areas are intended to be minimized. The concept plan includes more impervious area than the Council has typically found acceptable for category changes for PIF projects. I am aware of the difficulties that PIF projects, such as places of worship, face in moving projects forward the County's review and approval processes. However, this concept plan would benefit from submittal to and review by the County's Development Review Committee (DRC), a procedure included in the Council's current draft of the Water and Sewer Plan update. I recommend that the Council defer this request pending the results of the concept plan's consideration by the DRC.

Potomac Peripheral Sewer Service Policy Applications – 18-TRV-02A (David & Nancy Scull) and 09A-TRV-02 (Roxanne & Ted Smart)

Two sets of applicants have sought approval for category S-3 for public sewer service for an improved lot and an unimproved parcel, respectively, in the Glen Hills area. The Scull's request is appearing before the Council for the first time. The Council has deferred or tabled the Smart's request several times pending the consideration of related policy issues involving public sewer service in Glen Hills. These two requests can be considered under the provisions of a sewer policy currently recommended for inclusion in the Glen Hills area service policy as part of the pending comprehensive update of the Water and Sewer Plan: the Potomac

Hans Riemer, County Council President
August 27, 2018
Page 3

peripheral sewer service policy. The Council's preliminary decisions for the Plan update have supported this recommendation. Based on the schedule for the Plan update, I expect that the Council will have approved the Water and Sewer Plan with this recommended sewer service policy change before the public hearing and work sessions for this packet occur. Based on this expectation, I recommend approval for both requests.

Staff from DEP will be available to discuss these and other amendments at work sessions with the T&E Committee and with the full Council.

IL:as

Attachment

c: Lee Currey, Director, Water and Science Administration,
Maryland Department of the Environment
Robert McCord, Secretary, Maryland Department of Planning
Casey Anderson, Chair, Montgomery County Planning Board
Carla Reid, General Manager, Washington Suburban Sanitary Commission
Patty Bubar, Acting Director, Department of Environmental Protection
Diane Schwartz Jones, Director, Department of Permitting Services

(E)

Requested Map Amendments:
**Montgomery County
Comprehensive Water Supply
and Sewerage Systems Plan**

**County Executive's
August 2018 Amendment Transmittal
to the County Council**

Six Service Area Category Change Requests

Prepared by

The Department of Environmental Protection

Patty Bubar, Acting Director

Stan Edwards, Acting Manager, Water and Wastewater Policy Group

Alan Soukup, Senior Planner, Water and Wastewater Policy Group

George Dizelos, Planner III, Water and Wastewater Policy Group

**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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Community Service for Private Institutional Facilities Policy.....	Pgs. 30-32
Community Service for Properties Abutting Existing Mains Policy.....	Pgs. 40-42

Executive Summary: Proposed Amendments and Recommendation

Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
[1] WSSCCR 17-GWC-02A: Patricia Tregoning • 23715 Ridge Rd., Cedar Grove • RE-1 Zone; 2.09 ac. • Goshen – Woodfield – Cedar Grove Planning Area Clarksburg Master Plan (1994) <u>Proposed use:</u> No change, single-family house to remain, but connected to public water	W-5 to W-1 S-5 (no change)	Approve W-1. Change S-5 to S-6. Public water service is consistent with Water and Sewer Plan general water service policies for a site zoned RE-1. The applicant withdrew the request for a sewer category change. However, assigning sewer category S-6 is more in keeping with the availability of public sewer in this area.	Report Pg. 5 Maps: Pgs. 6-7
[2] WSSCCR 17-GWC-03A: Tregoning Bypass Trust • 23000 block of Ridge Rd., Germantown • RC & RE-1 Zones; 119.91 acres • Goshen – Woodfield – Cedar Grove Planning Area Clarksburg Master Plan (1994) • <u>Proposed use:</u> 63 Single Family Homes and 120-unit Senior Living Housing	W-5 to W-3 S-5 to S-3	RE-1 Zone: Approve W-3. Condition approval of S-3 on approval of a cluster development plan. RC Zone: Defer action pending planned updates to septic tiers. New sewer service extensions need to avoid crossing Ovid Hazen Wells Park. M-NCPPC advises that public water and sewer for the areas zoned RE-1 is appropriate if development uses the cluster option. Public sewer is not appropriate for the RC-zoned area.	Report Pgs. 8-11 Concept Plan: Pg. 16 Map: Pgs. 25-27
[3] WSSCCR 17-OLN-02A: Iglesia De Cristo Mi-El Maryland Inc. • 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	W-6 to W-1 S-6 to S-1	Defer action pending consideration of the applicant's concept development plan by the M-NCPPC Development Review Committee. New policy directions for PIF cases will require a concept plan review by the County's DRC for all new applications prior to requesting a Plan amendment. This project would benefit from such a review prior to the County Council's consideration.	Report Pgs. 28-30 CWSP Policy: Pgs. 30-32 Concept Plans Pgs. 33-35 Maps: Pgs. 36-38
[4] WSSCCR 17-TRV-10A: Sami and Siham Ainane • 12000 & 12000 block of Piney Meetinghouse Rd., Potomac • RE-2 Zone; Lot 2: 8.63 ac.; Outlot A: 2.51 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • <u>Outlot A proposed use:</u> convert to building lot for one single-family house. <u>Lot 2 proposed use:</u> no change, retain existing house using a septic system.	W-1 (No Change) S-6* to S-1** *No abutting mains sewer hookup allowed. **For Outlot A only.	Deny category S-1 for Outlot A; maintain S-6 (no abutting mains sewer hookup allowed.) The Plan's abutting mains policy does not include a provision for the transfer of an allowed public service hookup from one property to another in the manner proposed by the applicant.	Report Pgs. 39-40 CWSP Policy: Pgs. 40-42 Maps: Pg. 46-47

COMPREHENSIVE WATER SUPPLY AND SEWERAGE SYSTEMS PLAN AMENDMENTS
County Executive's August 2018 Transmittal Packet
FYs 2017 & 2018 Category Change Requests

Executive Summary: Proposed Amendments and Recommendation

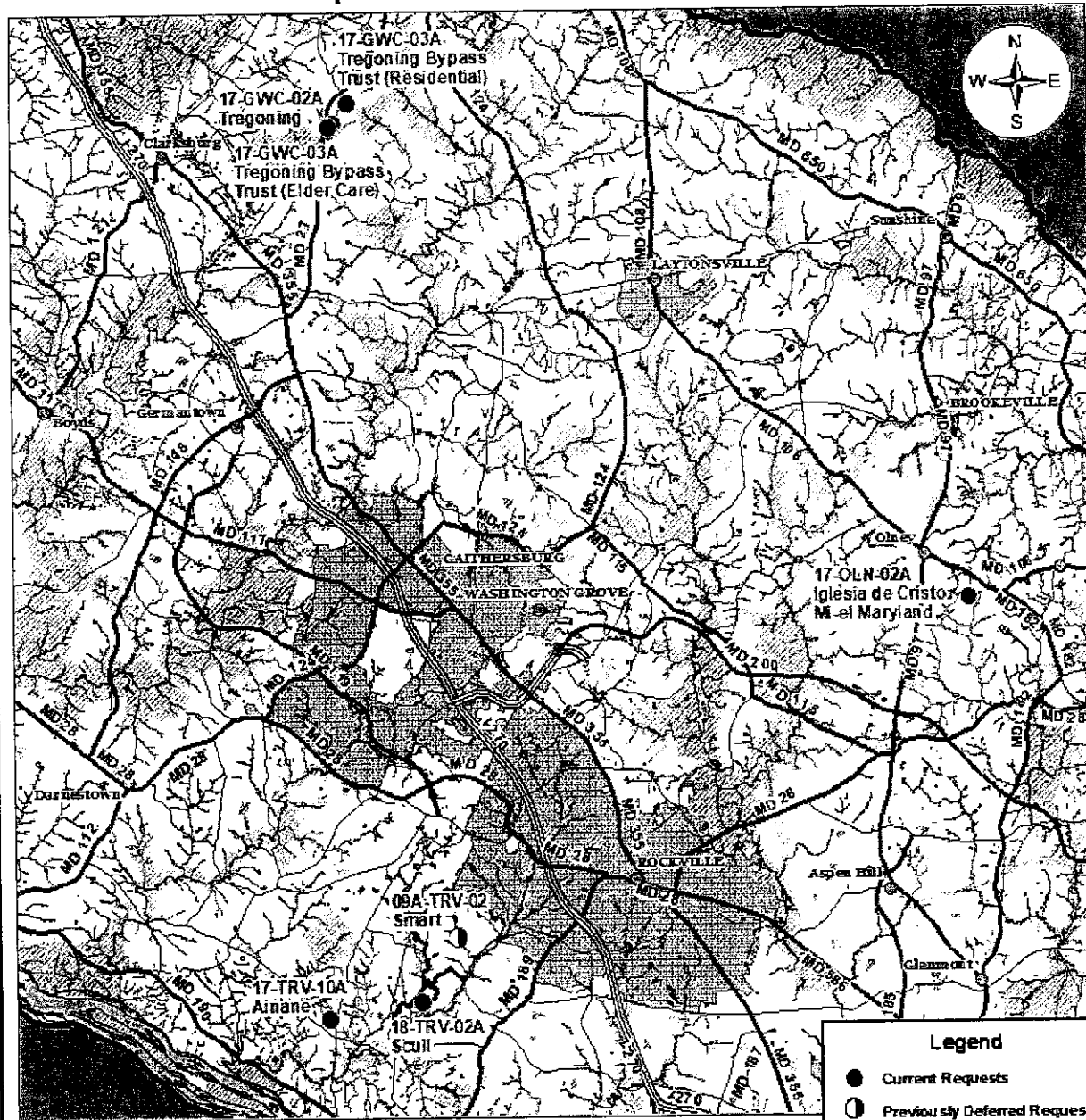
Category Change No. & Applicant Location - Zoning - Acreage - Proposed Use	Requested Category Change	Summary of Executive Recommendations & Policy Discussions	Packet Page No.
[5] WSCCR 18-TRV-02A: David & Nancy Scull <ul style="list-style-type: none"> • 10125 Bevern Ln., Rockville • RE-1 Zone; 1.89 acres • Travilah P.A. Potomac Subregion MP • <u>Proposed use:</u> sewer service for the existing single-family house 	W-1 (no change) S-6 to S-3	Change S-6 to S-3 (Potomac peripheral sewer service policy). The property can satisfy the requirements for the Potomac peripheral sewer service policy. The Council's actions to date on the draft 2017 Water and Sewer Plan allow for the use of this policy in the Glen Hills study Area where this property is located.	Report Pgs. 48-49 Map: Pgs.50
<i>Previously Deferred Request *</i>			
[6] WSCCR 09A-TRV-02: Roxanne and Ted Smart <ul style="list-style-type: none"> • 13101 Valley Dr., Rockville • RE-1 Zone; 1.61 acres • Travilah P.A. Potomac Subregion MP • <u>Proposed use:</u> one new single-family house 	W-1 (no change) S-6* to S-3	Change S-6 to S-3 (Potomac peripheral sewer service policy). The property can satisfy the requirements for the Potomac peripheral sewer service policy. The Council's actions to date on the draft 2017 Water and Sewer Plan allow for the use of this policy in the Glen Hills study Area where this property is located.	Report Pgs. 51-52 Maps: Pgs.53-54

***Prior County Council Actions:**

- CR 17-217:(7/9/11): Deferred pending the Glen Hills sanitary study.
- CR 18-647 (10/25/16): Deferred pending a decision on the abutting mains policy (Water and Sewer Plan update).
- CR 18-956 (10/31/17): Tabled pending updated Glen Hills area sewer polices (Water and Sewer Plan update).

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

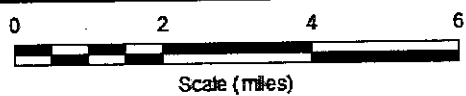
County Council Packet: Category Change Amendment Locator
 Comprehensive Water and Sewer Plan Map



Legend

- Current Requests
- Previously Deferred Requests
- Major Roads & Highways
 - County Roads
 - State Roads & Highways
 - == US Highways & Interstates
- ▨ Parks
- ▨ Municipalities
- ▭ Glen Hills Study Area

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER & WASTEWATER POLICY GROUP
 8/10/18



Montgomery County, Maryland
 2017 Draft Comprehensive Water Supply
 and Sewerage Systems Plan

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. (Note that 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 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's defined service area, 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.) DEP 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. <ul style="list-style-type: none"> 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. <ul style="list-style-type: none"> 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.

Request [1] WSCCR 17-GWC-02A: Patricia Tregoning

County Executive's Recommendation: Approve W-1. Change S-5 to S-6.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 23715 Ridge Rd., Cedar Grove • Parcel P565, Cow Pasture (acct. no. 01726790) • Map tile: WSSC – 233NW11; MD –FW12 • East side of Ridge Rd south of the intersection of Hawkes Rd • RE-1 Zone; 2.09 ac. • Goshen – Woodfield – Cedar Grove Planning Area Clarksburg Master Plan (1994) • Little Seneca Creek Watershed (MDE Use IV) • <u>Existing use</u>: single-family house • <u>Proposed use</u>: No change, single-family house to remain, but connected to public water 	<p>Applicant's Request: Service Area Categories & Justification</p> <table 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-5</td> <td>W-1</td> <td></td> </tr> <tr> <td>S-5</td> <td>S-5 (No change) *</td> <td></td> </tr> </tbody> </table> <p><u>Applicant's Explanation</u> "Request water connection [and sewer connection] for existing house." *</p> <p><i>DEP Notes:</i> The Tregoning Bypass Trust has submitted WSCCR 17-GWC-03A for the adjacent Parcel P600. That request proposes the development of an elder care facility on the RE-1-zoned part of Parcel P600 adjacent to this property. Please see pages 7 – 26.</p> <p>*On May 23, 2018, the applicant notified DEP that the request is revised; public sewer service (S-3) is no longer requested, only public water service (W-1).</p>	Existing –	Requested –	Service Area Categories	W-5	W-1		S-5	S-5 (No change) *	
Existing –	Requested –	Service Area Categories								
W-5	W-1									
S-5	S-5 (No change) *									

Executive Staff Report

The applicant has requested approval of water category W-1 for public water service to a single-family house on the subject property. The parcel is zoned RE-1 and totals 2.09 acres in size. WSSC reports that a 16-inch-diameter water main, abutting the property along Ridge Rd., can provide public water service. (Connection to a 24-inch water main that also abuts the property is not allowed.) The provision of public water service for properties zoned RE-1 is consistent with Water and Sewer Plan general water service policies. M-NCPPC has acknowledged that water service can be allowed under an interpretation of the Clarksburg Master Plan. The request is recommended for approval of water category W-1.

The recommended change of category S-5 to S-6 is consistent with neighboring RE-1 properties. The planned low-pressure sewer extension for the proposed, adjacent elder-care facility cannot serve the existing house.

Agency Review Comments

DPS – Well & Septic

DPS has no record of the existing well or septic system and a septic reserve area for this property does not exist. Due to poor soils in this area, future expansion or replacement of the dwelling is likely not feasible without public water and sewer.

M-NCPPC – Planning Dept.

Please refer to the M-NCPPC Planning Dept. comments for WSCCR 17-GWC-03A (pages 8 - 9).

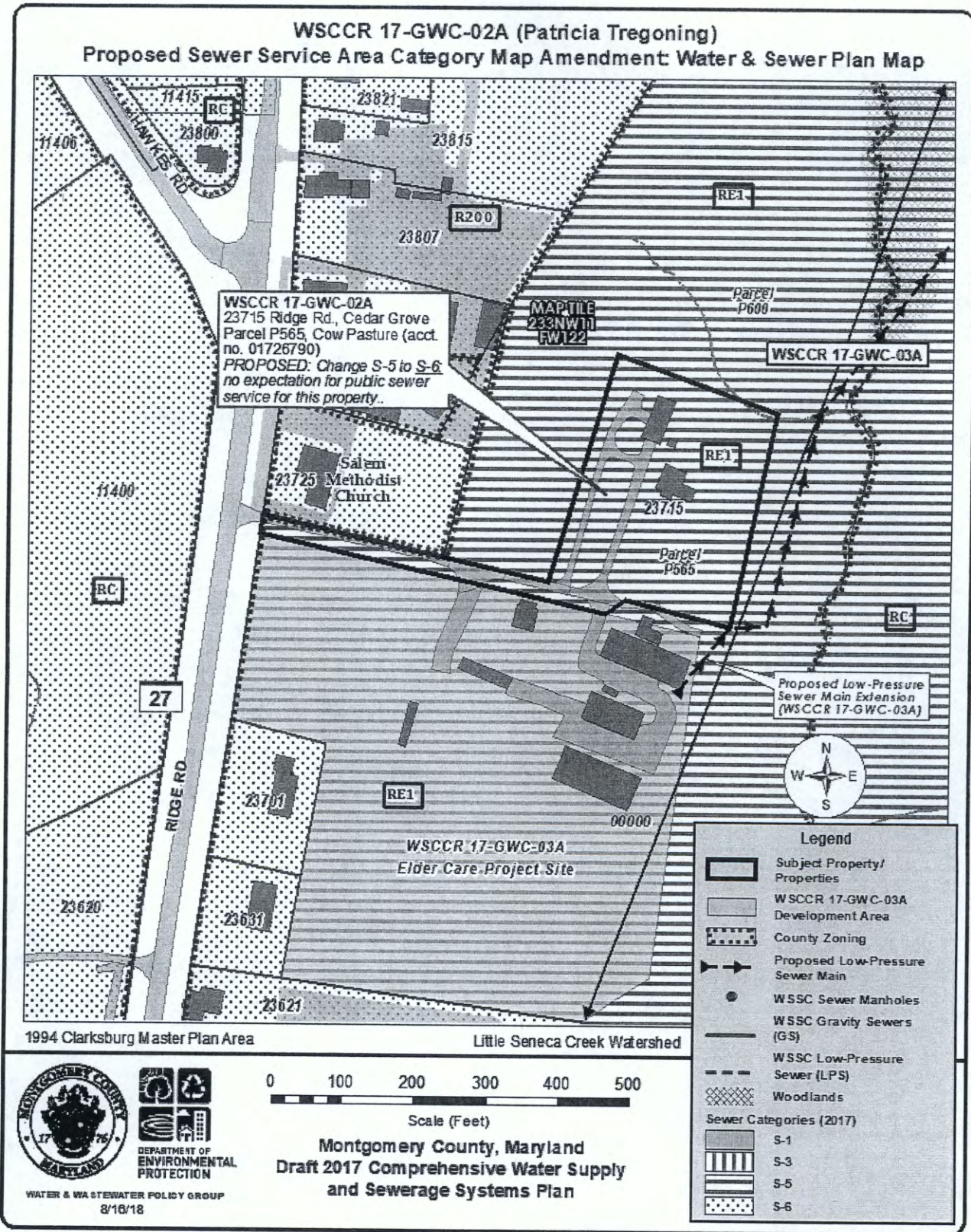
M-NCPPC – Parks Planning

No park impacts.

WSSC – Water

Water pressure zone: 836A. A 16-inch Pre-Stressed Concrete Cylinder Pipe (PCCP) (contract no.1964-2219) and a 24-inch (contract no. 1991-8960A) water line in Ridge Road abuts the property. Water House Connections to the 24-Inch main is not allowed. Additional easements may be required. There may be environmental impact. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC – Sewer: No longer requested.



Request [2] WSSCR 17-GWC-03A: Tregoning Bypass Trust

County Executive's Recommendation:

Areas zoned RE-1: Approve W-3. Maintain S-5, with a change to S-3 conditioned on Planning Board approval of a cluster option development plan. Development of the elder care facility proposed for the frontage on Ridge Rd. can be considered as clustered development for the purposes of the Water and Sewer Plan.

Areas zoned RC: Defer consideration pending recommendations from M-NCPPC and subsequent County Council action concerning revisions to the septic tiers designation for the RC-zoned part of this site. *(In order to allow development using septic systems within the RC-zoned area of this property, a revision to the County's septic Tier 1 designation, assigning instead Tier 3 or 4, will be needed.)*

Sewer main extension: The provision of public sewer service should follow the applicant's conceptual sewer extension design. A gravity outfall sewer main, as proposed by WSSC crossing Ovid Hazen Wells Park, is not allowed by this amendment.

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> • 23000 block of Ridge Rd., Germantown • Parcel P600, IMPS Cow Pasture (acct. no. 03599951) • Map tile: WSSC – 233NW11; MD –FW12 • East side of Ridge Rd south of and opposite Hawkes Rd. West side of Kings Valley Rd. opposite Preakness Rd. • RC & RE-1 Zones; 119.91 acres • Goshen – Woodfield – Cedar Grove Planning Area Clarksburg Master Plan (1994) • Little Seneca Creek Watershed (MDE Use IV) & Upper Great Seneca Creek Watershed (MDE Use I) • <u>Existing use:</u> Agriculture/Vacant <u>Proposed use:</u> 63 Single Family Homes and 120-unit Senior Living Housing 	<p><u>Existing – Requested – Service Area Categories</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">W-5</td> <td style="width: 50%;">W-3</td> </tr> <tr> <td>S-5</td> <td>S-3</td> </tr> </table>	W-5	W-3	S-5	S-3
	W-5	W-3			
	S-5	S-3			
	<p><u>Applicant's Explanation</u></p> <p>"The applicant proposes a residential community of for-sale lots clustered on the northern portion of the site, a senior housing facility located at the southern portion of the site and accessed from Ridge Road, and the potential for residential lot(s) adjacent to the existing residence on parcel 565."</p> <p>"The proposed lot(s), the senior care facility, and the existing house on parcel 565, are planned to sewer by gravity to a pump manhole, and then this combined flow will pump to the proposed gravity line at the northern site area."</p> <p>"Public water for lots in the northern area of the site would be through a combination of individual house connections and the extension of water service through a small loop, trying into the existing water main in Kings Valley Road. Potential residential lot(s) near parcel 565 and the senior housing facility are proposed to connect to the existing 6-inch water line in Ridge Road."</p> <p><i>DEP Note: Please see applicants submitted documents for project details (pages 12-15) and supplementary information (pages 17-24); see page 16 for conceptual development plan.</i></p>				

Executive Staff Report

The applicant has requested approval for water and sewer categories W-3 and S-3 for an approximately 120-acre parcel located between Ridge Rd. and Kings Valley Rd. in the Cedar Grove area south of Damascus. The parcel is zoned RE-1 and RC. The proposed development for the site includes two separate projects: a 120-unit senior living facility fronting on Ridge Rd. in the southwest corner of the property, and a 63-lot residential project at the northern end of the property fronting on Kings Valley Rd.

The M-NCPPC Planning Dept. has advised DEP that the use of public sewer service for the **RE-1-zoned** parts of this site can be considered as consistent with the Clarksburg Master Plan. The residential part of the project should use the cluster development option available under the RE-1 Zone. Individual, onsite septic systems should be used in the RC Zone, not public sewer service. M-NCPPC has also commented that the provision of

public sewer service for the proposed residential development on this site could allow for the eventual extension of public sewer to the community along Hoffman Dr., if needed.

Public water service is available to both parts of the development project. A 16-inch-diameter main abuts the elder care project area along Ridge Rd. Main extensions from the 10-inch-diameter main abutting the residential project area along Kings Valley Rd. can provide water service at the RE-1-zoned, northern end of the site.

The applicant has provided a sewer extension concept providing service to both proposed development areas on the site (see pages 15 & 25). The residential development would be served by a combination of gravity and low-pressure sewer extensions that would connect with the existing WSSC sewerage system at Preakness Dr. just east of Kings Valley Rd. The elder care project would tie into the residential area sewer mains using an onsite grinder pump and a low-pressure sewer extension crossing the intervening RC-zoned area. This low-pressure main extension would be dedicated to use only for the elder care facility and would not allow sewer service within the RC-zoned area. Neither would this sewerage system provide service to the adjacent residential property (WSSCR 17-GWC-02A).

WSSC has proposed an all-gravity sewer extension to serve the site. This main, totaling approximately 4,800 feet (offsite) would extend from the southwest corner of the site near Ridge Rd. Crossing the south side of Ovid Hazen Wells Recreational Park, the sewer main would extend to an existing 8-inch-diameter gravity sewer within the park just north of Skylark Rd. The extension would require easements from three property owners, including M-NCPPC, and would affect woodlands and buffer areas along a tributary of Little Seneca Creek. The M-NCPPC Parks Dept. opposes this extension for a variety of reasons (see page 9) involving resources in Ovid Hazen Wells Park. The Parks Dept. has also urged the applicant to begin coordination of park and greenway dedications for this site.

The provision of public water and sewer service for the RE-1-zoned parts of this property can be considered for approval. The provision of public sewer service will require the use of the RE-1 cluster development option. DEP supports the applicant's proposed concept for the extension of public sewer service to this site. The WSSC extension crossing Ovid Hazen Wells Park would create disruption along the stream valley within the park. It also has the potential to promote additional public sewer service for properties zoned RC in the Cedar Grove area.

A review of the County's septic tier designations for this area of Clarksburg revealed an inconsistency in the adopted designations in the County's subdivision ordinance. Septic tier I, the current designation for the entirety of this site (as shown on the applicant's map on page 23), is intended to identify areas approved for public sewer service. However, the current sewer category S-5 should be represented by tier III given the tier structure provided in the County's regulations. M-NCPPC staff have proposed a revision to the County's septic tiers map to address only the RC-zoned part of this site.

The M-NCPPC staff interpretation of the planning and sewer service issues related to the RE-1-zoned part of the site support maintaining tier I. M-NCPPC staff have also identified other changes affecting septic tier designations that have occurred with regard to public sewer and septic system planning in the six years since adoption of the map in 2012. The Council should defer consideration of service area category changes for the area zoned RC pending potential revisions to the subdivision ordinance affecting septic tier designations.

Agency Review Comments

DPS – Well & Septic

DPS supports the category changes for the proposed project. The proposed use could not be supported by on-site sewage disposal systems and wells.

M-NCPPC – Planning Dept. *(Revised 5/18/08 following a meeting with the applicant and representatives. Applicant's supplemental commentary is located on pages 17 – 24.)*

This property is located in Septic Tier 1, which is defined as an area "served by public sewerage systems and mapped locally designated growth areas." It is not currently served, but is in Sewer Category S-5, which anticipates service. This designation may reflect earlier land use recommendations for this part of Clarksburg, which proposed residential development at half-acre densities. The 1994 Clarksburg Master Plan revised those recommendations, identifying this area as suitable for a rural land use pattern that would "reinforce the agricultural character for the Goshen/Woodfield Area." (p 73) It recommended the RE-1 and Rural Cluster zones for the property to implement that recommendation as well as allow residential development along Ridge Road that

would reflect the existing land use pattern, with some homes fronting Ridge Road through historic Cedar Grove and occasional residential streets leading to small subdivisions.

Kings Valley Road, which crosses Ridge Road north of Cedar Grove, provides access to newer residential neighborhoods and to Damascus Recreational Park. Land along Ridge Road is in the RE-1 and R-200 Zones. Undeveloped land along Kings Valley Road that is part of the Tregoning application is in the RE-1 Zone; other land in this area is in the RE-2C Zone and has developed using transferable development rights. The interior portion of the Tregoning property is in the RC Zone to provide the recommended transition to agricultural uses to the south.

Public sewer service could be extended to portions of the Tregoning property. Sewer Infrastructure is available to the RE-1 portion of the property along Kings Valley Road and the area can be served by gravity sewers, making service to this portion of the property feasible. Cluster development on a portion of the property could enable compatible residential development, with sewer serving the RE-1 portion. Larger estate lots on part of the property in the RC Zone could be served by septic systems. The RE-1 portions of the property are appropriate for category S-3.

As noted, this area is adjacent to existing residential communities. Cedar Grove Elementary School, on Ridge Road south of Kings Valley Road, also has public sewer service, under pressure, that connects to the Kings Valley Road sewer lines. A residential community in the R-200 Zone, Cedar Grove Knolls, lies along Ridge Road between the school and Kings Valley Road, but currently relies on septic systems. Lot sizes in this community range from approximately 20,000 square feet to 50,000 square feet. Some of these lots lack sufficient space for replacement systems should existing septic systems begin to fail. The line serving the elementary school may not be sufficient to serve the neighborhood.

Extending service to this area, particularly to RE-1 portions of the property along Kings Valley Road and along Ridge Road south of the elementary school, could provide an opportunity to resolve potential public health issues in Cedar Grove Knolls and improve service to the elementary school, if new lines can be routed nearer to the school and Cedar Grove Knolls. This broader public purpose could justify extension of service to an area not clearly recommended for service by the 1994 Master Plan. Those portions of the property in the RC Zone should be placed in sewer category S-6.

M-NCPPC – Parks Planning

Applicant should coordinate at their earliest convenience with Department of Parks on the proposed greenway and parks dedication mentioned in the application.

Parks will not support the WSSC proposed Option 1. The 4800-foot gravity sewer in Option 1 would significantly affect nearly 0.9 miles of stream valley and associated floodplain forest, wetlands, and cold water seeps unique to Ovid Hazen Wells Recreational Park. It also crosses a locally designated historic site. WSSC indicates that this option is preferable since it would not only connect the applicant but also "help address future sewer service needed for the area." Based on the Sewer Category designation in the immediate area (S-6), none of the adjacent properties would be considered for sewer, so this connection would not serve the stated purpose.

Additionally, there appear to be viable options to use a grinder pump to connect to a gravity sewer at Preakness Drive or along Ridge Road to Kings Valley Road. Either of these two alternatives would significantly reduce the impacts to natural resources in the area and should be prioritized for this connection.

WSSC – Water

Water pressure zone: Since development layout is not included during this review, based on elevations within the property, a part of this property can be served from 836A pressure zone and a part can be served from 960A pressure zone. Buildings with first floor elevations 680 feet and below can be served from 836A pressure zone. A 16-inch Pre-Stressed Concrete Cylinder Pipe (PCCP) water line in Ridge road abuts the property (contract no.1964-2219). Buildings with first floor elevation above 680 feet can be served from 960 A pressure zone. A 10" water line in Kings Valley Rd abuts the property (contract no.1983-5678A). Local extension is required within the property to serve individual units or properties. Easements may be required. Construction of this extension may involve the removal of trees. Local service is adequate. Program-sized water main extensions (16 inches in diameter or greater) are not required to serve the property.

WSSC – Sewer

Basin: Seneca. The natural drainage for this property is towards the southwest corner of the property. There are two options to serve this property. WSSC prefers gravity option and no pumping for service.

Option 1: A 4800-foot-long non-CIP-sized gravity sewer extension is required to serve the property. This extension would connect to an existing sewer (contract no. 2004-3795A) in Ovid Hazen Wells Park (zoned RC) and would abut approximately four properties in addition to the applicant's. Easements from three property owners and Maryland National Park and Planning Commission would be required. Construction of this extension will involve the removal of trees and temporary disruption of wetlands and stream valley.

Option 2: Since the natural drainage of the property is to the southwest corner of the property. For this property to be served from existing sewers located northeast corner of the property, pumping is required. WSSC does not allow commercial and residential grinders to be served by the same Grinder system. Any proposed grinder system must be reviewed in detail, must meet the requirements of WSSC Grinder Pump Policy, and requires the approval from WSSC Grinder Pump committee. This option will serve the property and a small area alone and does not help future sewer service needed for the area.

Average wastewater flow from the proposed development: 39,701 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

17-GWC-03A



Townscape Design LLC
Town Planners and Landscape Architects

MEMO

To: Alan Soukup, Senior Planner
Water & Wastewater Policy Group – Director's Office
Montgomery County Dept. of Environmental Protection
Suite 120, 255 Rockville Pike
Rockville, Maryland 20850-4166
240-777-7716/240-777-7715 fax
Alan.soukup@montgomerycountymd.gov

Cc: Mitch Tregoning, The Robert M. Tregoning Bypass Trust
James Clifford, Clifford, Debellus, Boynton & Hyatt, Chtd.

From: David Ager, Townscape Design LLC
Geoff Ciniero, P.E. CMS Associates, Inc.

Date: June 29, 2017

Re: Robert M. Tregoning Bypass Trust Property
23715 Ridge Road, Germantown, Maryland
Water and Sewer Area Category Change Request – Supporting Information

Request:

The Robert M. Tregoning Bypass Trust (P600) requests service area category changes from S-5 / W-5 to S-3 / W-3 in order to build a 63-lot residential community composed of single-family detached and attached homes, and a 120-unit/bed senior housing facility. This new project would be developed as a cluster community, thus providing a significant portion of the Clarksburg-Damascus Greenway as a dedicated open space.

Property Description:

The Property is addressed at 23715 Ridge Road, Germantown, Maryland 20876-4642, and totals approximately 119.91 acres. The Property has split zoning, with portions in the Residential Estate-1 (RE-1) and the Rural Cluster (RC) zones. The Property has about 250 feet of frontage on Ridge Road and about 3,200 feet of frontage on Kings Valley Road. Hoffman Drive, a local road with a 60-foot right-of-way, terminates at the Property.

The Property is bounded by farmland to the south, including a portion of the adjoining Gartner property that is located in the Agricultural Reserve (AR). The Damascus Recreational Park is immediately to the east of the Property and is zoned RE-2. There are single family subdivisions to the north and north-west

17-GWC-03A

Robert M. Tregoning Bypass Trust Property
Water and Sewer Service Area Category Change Request
June 29, 2017

of the property zoned RE-2C/TDR2 and R-200. The Cedar Grove Elementary School, Christ Community Church, Salem United Methodist Church, a small commercial structure, and single family homes are located along Ridge Road (MD 27) to the west. The Salem United Methodist Church is on the Historic Master Plan of Individual Sites (14/026-000A) and is immediately adjacent to the Property boundary.

The Property is located on a ridge and drains to three Seneca Creek sub-watersheds: Clarksburg Tributary on the west, the Magruder Branch on the north, and the Wildcat Branch Tributary of the Upper Great Seneca Creek on the east. The Wildcat Branch is a Use III/III-P watershed. The balance of the site is in the Great Seneca Creek watershed designated Use I/I-P.¹

Proposed Project Overview:

The applicant proposes a residential community of for-sale lots clustered on the northern portion of the site, a senior housing facility located at the southern portion of the site and accessed from Ridge Road, and the potential for residential lot(s) adjacent to the existing residence on parcel 565 (the "Project").

This proposal allows for a significant public park dedication area. This park dedication will provide a critical link in the Clarksburg-to-Damascus greenway system, protection of sensitive areas, areas for reforestation, and opportunities for an expansion of the Damascus Recreational Park. This proposal also provides a significant open space buffer to the agricultural preserve, located to the south and immediately adjacent to the Property.

Adopted Growth Tier Map:

The existing Tier designations and the Montgomery County Tier Map are a refinement of the County's growth management and general planning documents in response to the Maryland Sustainable Growth and Agricultural Preservation Act of 2012 (the "Act"). The Act requires all Maryland jurisdictions to restrict development utilizing septic systems in order to protect water quality.² A system of development areas, or 'tiers', were created by the Act which provide variable restrictions on the use of septic systems. In Montgomery County there are four tiers with the following general requirements:

- Tier 1: Septic systems are prohibited in all cases.
- Tier 2: Septic systems may be permitted in minor subdivisions (7 lots or less).
- Tier 3: Septic systems may be permitted for any residential subdivision.
- Tier 4: Septic systems may be permitted for any residential subdivision, with the intent to limit septic systems where possible.

The entire Property is identified as Tier 1 on the adopted Tier Maps on file with Montgomery County and the State of Maryland. Tier 1 properties are properties with existing sewer access, municipalities, and/or planned growth areas with existing public sewer facilities in place. Development within Tier 1 areas require public water and sewer service. County subdivision regulations (Section 4.3.F.3.b) prohibit the use of septic in Tier 1 areas. The applicant's proposal is fully consistent with the subdivision regulations and the adopted Tier Maps.

¹ State Water Use Designations for Montgomery County.

² Research supporting the Act found that septic system degrade water quality, primarily through nitrogen loading in the soils.

17-046-03A

Robert M. Tregoning Bypass Trust Property
Water and Sewer Service Area Category Change Request
June 29, 2017

Existing Water and Sewer Facilities:

The Property is immediately adjacent to existing water and sewer mains. In fact, an existing 8-inch gravity sewer main (86-AS/GP 7045-A) passes through the Property. This line ties into an 8-inch gravity sewer line (85-AW/S6303-A) located in the right-of-way of Glade Valley Terrace, which ties into the Magruder Branch sewer main and is treated at the Damascus Sewer Treatment Plant. In addition, there is another 8-inch gravity sewer line (85-AW/S6303-A) in the right-of-way of Preakness Drive, which also conveys to the Magruder Branch. The Property has unobstructed access to both sewer lines and does not require any off-site easements. The property owner reports that two house connections were granted to the Property when the 8-inch gravity line (86-AS/GP 7045-A) was constructed through the Property in the 1980s.

Water service is also immediately adjacent to the property. An existing 10-inch water main (83-AW5678-A) is located in the right-of-way of Kings Valley Road. The Property has unobstructed access to this line for its entire 3,200+/- linear feet of frontage on Kings Valley Road. In addition, there is a 16-inch regional water line in Ridge Road and a local access 6-inch water line on the east side of Ridge Road and in the Hoffman Drive right-of-way. The Property has unobstructed access to both water lines and does not require any off-site easements.

Proposed Water and Sewer Facilities:

The Project proposes an 8-inch sewer extension from the existing 8-inch main (85-AW/S6303-A) in Preakness Drive. Most of the proposed lots will have direct access to this gravity line, some utilizing individual grinder pumps. Some lots are proposed to have house connections to the existing 8-inch main (86-AS/GP 7045-A) in Kings Valley Road. A small portion of the lots to the south along Kings Valley Road will access the sewer via a low pressure force main. The proposed senior care facility will access this new gravity line through a low pressure sewer line (approximately 1,900 linear feet). The proposed lot(s), the senior care facility, and the existing house on parcel 565, are planned to sewer by gravity to a pump manhole, and then this combined flow will pump to the proposed gravity line at the northern site area.

Public water for lots in the northern area of the site would be through a combination of individual house connections and the extension of water service through a small loop, tying into the existing water main in Kings Valley Road. Potential residential lot(s) near parcel 565 and the senior housing facility are proposed to connect to the existing 6-inch water line in Ridge Road.

Master Plan:

The Property is located in the Ridge Road Transition Area of the 1994 Clarksburg Master Plan and Hyattstown Special Study Area (the "Plan"). The Land Use Plan of the Plan identifies the Property as Rural Residential as a transition to the agricultural preserve and the Damascus community. The Property is not within the Clarksburg Special Protection Area. The design of the Project provides the land use transition anticipated in the Plan.

The Plan also recommends a greenway through the Property that would provide connectivity from Ovid Hazen Wells Park to the Damascus Recreational Park. Approval of the applicant's proposal will allow a greenway dedication that is more than twice the size anticipated in the Plan.

The Recommended Sewer & Water Staging element of the 1994 Plan identified the Property within an area where "no future sewer service anticipated". However, many planning refinements since 1994 have identified this Property for public water and sewer service including the:

17-644-03A

Robert M. Tregoning Bypass Trust Property
Water and Sewer Service Area Category Change Request
June 29, 2017

- *Countywide Water Resources Functional Plan (WRFP)*³ in 2010; and the
- *Sustainable Growth and Agricultural Preservation Act of 2012*, including subsequent County planning document updates such as the 2012 amendments to the subdivision regulations (SRA 12-01) and the Council adoption of the Countywide Tier Map.⁴

Zoning & Implementation:

Implementation would utilize the cluster provisions defined in sections 4.3.2.B.2 & 4.4.2.A.2 of the zoning ordinance. These cluster provisions allow for a comprehensively planned community with significant open space, notwithstanding the split zoning. The final design will be much like an RNC, Rural Neighborhood Cluster design. It should be noted that the RNC zone was created in 1998, and was not available in 1994 when the Clarksburg Plan was adopted. Recent amendments to the Clarksburg Plan have in fact utilized the RNC zone. In our opinion, if the RNC zone was available in 1994, it is likely that it would have been applied to the Property.

Public Benefits:

Approval of this request will allow development consistent with County plans and provide significant public benefits, including:

1. Implementation of master plan and other planning recommendations;
2. Dedication of the planned greenway in excess of plan recommendations;
3. Additions to public parkland with recreational opportunities through dedication and at no cost to the County;
4. Protection of existing natural resources and forests and the opportunity to create new forest, especially in sensitive areas and stream buffers not currently forested; and
5. Improvements to water quality and the protection of water resources, including reductions in nitrogen loading through the change of land use from agriculture and the provision of public sewer instead of the use of private on-site septic.

Conclusion:

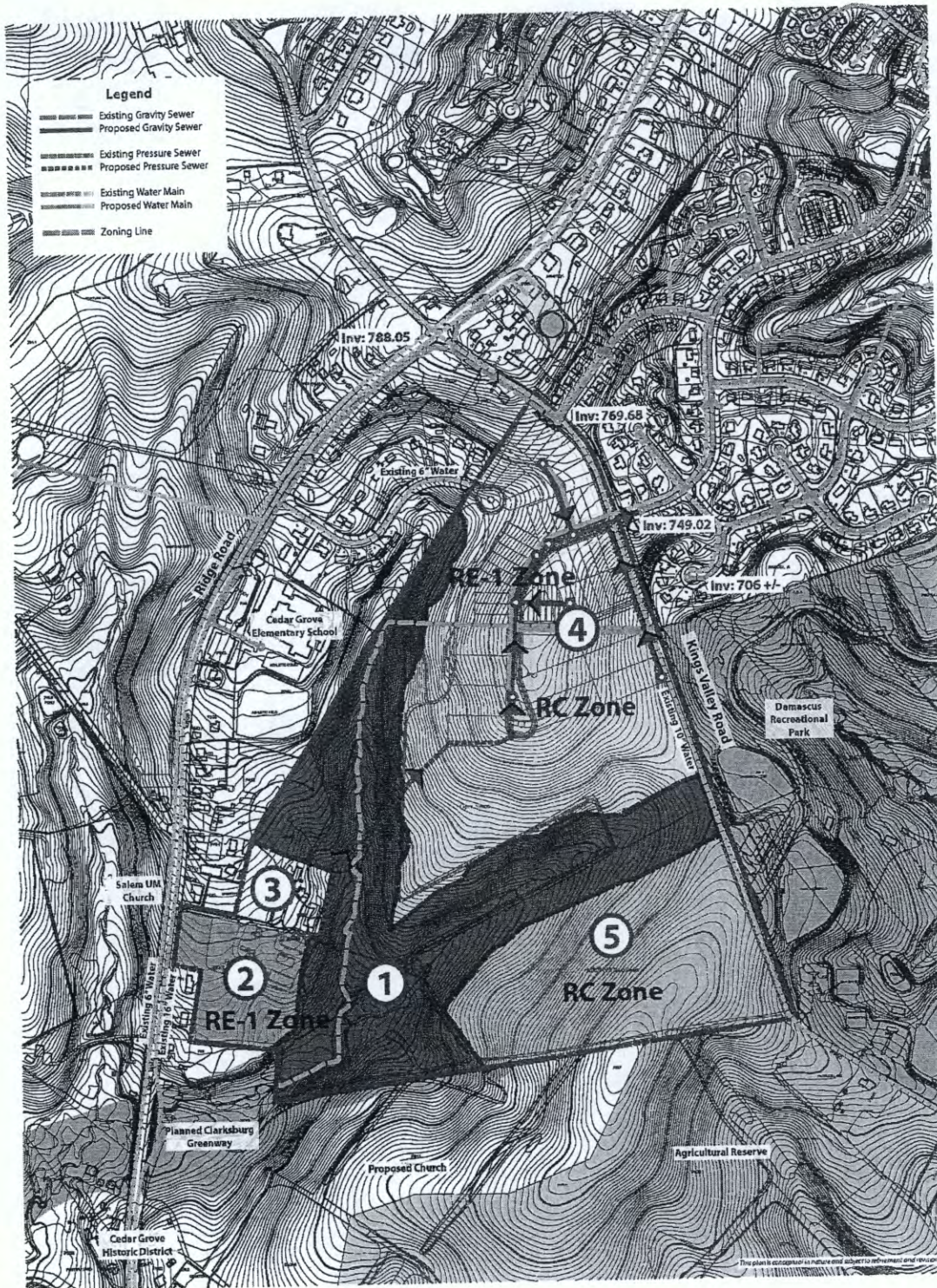
The Property is identified as a growth area and is planned for development on public water and sewer. Existing water and sewer mains are located on-site or immediately adjacent to the site. Access to those mains does not require off-site easements or extensions through or past properties that are not planned for public service. The proposed cluster plan provides an efficient, economical, and logical extension of public mains and the use of public water and sewer will further several County goals.

Attachments:

1. Aerial Photo.
2. Adopted County Tier Map (Montgomery County Source) and adopted County Tier Map (State of Maryland Source).
3. Current County Sewer Area Category Map.
4. Existing water mains near the Property- WSSC Map.
5. Existing sewer mains near the Property - WSSC Map.

³ Policy 12, recommendation 12.2 specifically states: "Reduce nitrogen contributions to surface and groundwater from septic systems"

⁴ The Maryland Dept. of Planning, on behalf of the General Assembly reviewed the County Tier Map in October of 2012 and found it consistent with the Act.



Tregoning Property

23715 Ridge Road
 Germantown, Maryland

Scale: 1" = 200'
 June 29, 2017



Prepared For: Robert M. Tregoning Bypass Trust & Patricia S. Tregoning
 Prepared By: Townscape Design LLC & CMS Associates, Inc.

Request: Advance service area categories from S-5/W-5 to S-3/W-3

1. Clarksburg-Damascus Greenway extension to be provided as part of the open space requirements of a combined RE-1 MPDU optional method and RC cluster application.
2. Proposed new 7-acre lot for proposed 120 unit/bed senior housing community on public water and sewer.
3. Potential residential lot adjacent to existing parcel 565.
4. Proposed residential community on public water and sewer utilizing a combined RE-1 MPDU optional method and RC cluster application. The perimeter open space associated with this cluster will be added to the greenway system. The ability to provide smaller lots within this area will allow a larger greenway/open space dedication.
5. This area is the remainder of parcel 600. This area will be reserved for potential lots on public water and sewer. If the applicant is allowed to cluster all lots within area 4, then this area (area 5) will be provided an additional open space and as an extension of the greenway system.



Townscape Design LLC
Town Planners and Landscape Architects

MEMO

To: Katherine Nelson
From: David Ager
Date: November 29, 2017
Re: Tregoning Bypass Trust Property ("Property")
Request 17-GWC-03A
Cc: Mitch Tregoning, James Clifford, Fred Boyd, Richard Weaver

Our office has received a copy of your October 31, 2017 correspondence to George Dizelos regarding the subject property. Thank you for providing input on this application. In your memo you stated:

"The properties are located well outside both the recommended sewer service envelope and the development staging areas approved by the 1994 Clarksburg Master Plan. The eastern corner of the property is within the boundary of the Master Plan for Preservation of Agriculture and Rural Open Space Master Plan where no sewer and water service is planned.

It appears that there are errors in both the Category of the properties and the Growth Tier designation. These should both be correction to reflect that there is no planned water or sewer service planning for this area."

This memo is in response to the items you have raised: sewer service envelope, development staging area, the Functional Master Plan for Preservation of Agriculture and Rural Open Space ("Preservation Plan"), existing water and sewer categories, and growth tier designation. We are including additional information and clarification herein based on our review of the public record.

1994 Clarksburg Master Plan ("Plan") - Development Staging & Sewer Service Areas.

In 1994, staging was an outgrowth of three concerns at the time: sewage treatment capacity at the Seneca Wastewater Treatment Plant, early development of the Town Center, and environmental concerns in Ten Mile Creek. The Montgomery County Comprehensive Water Supply and Sewerage Systems Plan ("Sewer Plan") was but one of the "implementing mechanisms" for the Plan's staging.

The Plan never subjected the Property to development staging. Exclusion from the staging requirements of the Plan does not preclude development on public water and sewer. Designation of the Property in the area labeled "No Future Service Area Anticipated" also does not preclude future public water and/or sewer service.

Tregoning Bypass Trust Property
17-GWC-03A
November 29, 2017

The Plan's exclusion of development staging was based on the low density residential zoning applied to the Property by the Plan. The low density residential zoning recommendation had two basic components: the assumption that the area could not be economically served by public sewer via the Seneca system, and the desire to create an 'edge' or transition between Clarksburg and the half-acre suburban development in Damascus to the north.

On the second point, and as illustrated in the simplified diagram below, the applicant's proposal will in fact create the transition envisioned in the master plan. In fact, it will exceed the master plan's expectations and create the vital greenway link from Damascus Regional Park to Ovid Haven Wells Park, one of the core principles of the Plan. It will do so by clustering development in the northern area, essentially as a part of Damascus, and along Ridge Road, and by utilizing public parkland as the transitional element, rather than large single family lots.

The amount of parkland that can be created is substantial with cluster development on public water and sewer. The proposed parkland not only provides the Plan's greenway, it essentially creates a substantial greenbelt that more than accommodates the edge transition envisioned in the Plan.

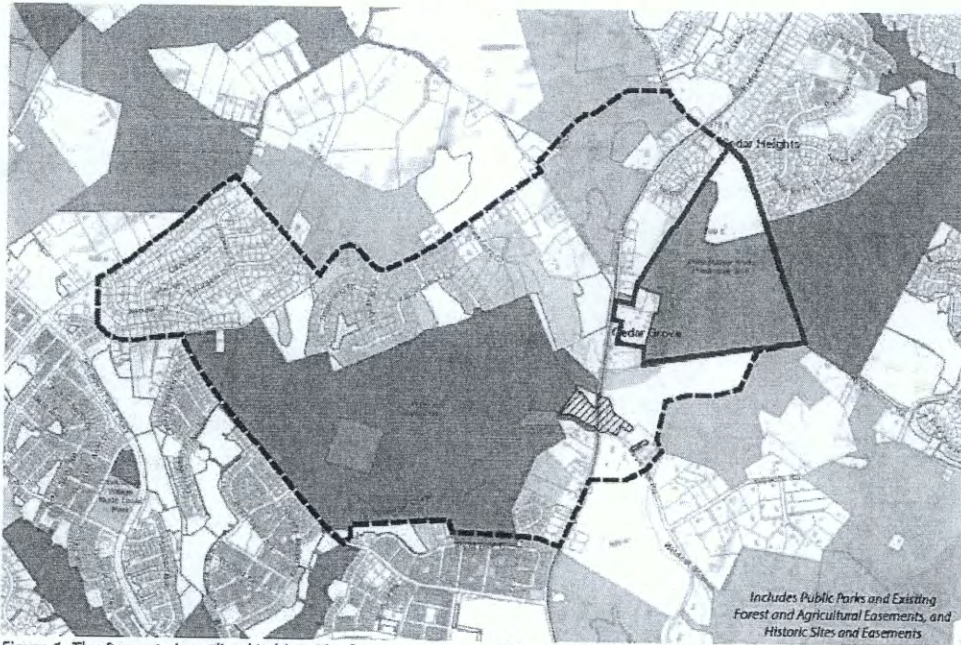


Figure 1. The Property is outlined in blue. The forest green area within the Property is the future public parkland that can be dedicated by the applicant if the Property is developed as a combined cluster with public water and sewer. Dark green areas are existing public parkland, light green areas are agricultural easements, orange are historic resources, hatched areas with red outlines are historic districts, and yellow areas are forest conservation easements, some of which are also within public parkland. The heavy red dashed line is the boundary of the Ridge Road Transition Area identified in the 1994 Plan. The Gardner Property is immediately to the south and this map shows the 'intended greenway' in light green, however it has not yet been dedicated. Source: McAtlas.org and the 1994 Clarksburg Master Plan.

Tregoning Bypass Trust Property
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Regarding sewer, the Plan assumed that sewer could not be economically advanced to the Property from the south and therefore the Property's development with sewer was "not anticipated". This assumption ignores the fact that sewer lines exist on the Property and immediately adjacent to the Property, and have been available since 1982¹. The northern portion of the site can be served by a short and simple extension of the Damascus gravity system.² We have conceptually illustrated this extension in the application. The Ridge Road area utilizes a low pressure sewer system. It is also of note that there is sufficient water and sewer capacity as documented by WSSC.

The Plan also applied similar assumptions to the staging and zoning recommendations for the Courts of Clarksburg in the southern portion of the Plan. That property was also considered an 'edge' and 'transitional' property.

In the 2013 rezoning of the Courts of Clarksburg, the Planning Board, the Hearing Examiner, and the County Council sitting as the District Council, all found that placement in the "No Future Service Area Anticipated" portion of the Plan did not preclude future sewer extension, and that contrary to Technical Staff, all three bodies found that development on public water and sewer was in strict conformance with the Plan. In its resolution on the case, the District Council was very clear, and found that extension of public water and sewer was in strict conformance with the recommendations of the 1994 Plan:

"Applicants seek permission to use public sewer, rather than septic facilities envisioned in the 1994 Clarksburg Master Plan and apparently advocated by Technical Staff (Exhibit 53, p. 1, third bullet). As will be discussed below, Applicants introduced unrefuted evidence that their proposed use of the public sewer system would be much more environmentally friendly than septic systems, and indeed would be legally required for the subject site. 1118 Tr.109-117. They argue strenuously, and the District Council concludes correctly, that the Master Plan is outdated on this point." (Emphasis added).³

One final thought on sewer, if you look at the Damascus and Clarksburg master plans before 1994, the boundary between the Plans was along the drainage divide, which put the Property partially within each plan. At that time, the northern part of the Property was in the Damascus Plan, the same area as the developed portion of Damascus, now one-quarter (¼) acre lots⁴ that were developed in the early 1980's.

In 1994, and as a matter of convenience, the Property was put wholly within the Clarksburg Plan. This move does not change the facts nor does it preclude the ability to access the sewer that is on the

¹ The failing septic system at Cedar Grove Elementary School required WSSC to construct a sewer line across the subject property that ties into the Magruder system in 1982.

² In 1994, it was not envisioned to extend sewer from the south in Ovid Haven Wells Park and into this north-east corner of the Plan area. However, the Plan did not analyze or discuss the ability of the Property to sewer by gravity to the north into the Damascus system. Nor did it make any statements of fact concerning the sewer that was installed on the Property in 1982 in order to relieve the failing septic system at the Cedar Grove Elementary School. Nor did it speak to the fact that the County, in return for the needed sewer easement across the Property, promised the owner of the subject property two sewer hook-ups at no cost.

³ Resolution 17-780, adopted June 11, 2013, p. 6.

⁴ In the 1968 Clarksburg Master Plan, the Property is shown as R-R, Rural Residential, which is the previous designation for the R-200 zone. The master plan boundary followed the drainage line which showed the northernmost portion of the subject property not in the Clarksburg, but rather the Damascus planning area.

Tregoning Bypass Trust Property
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November 29, 2017

Property or within the public right-of-way immediately adjacent to the Property in the Damascus Plan area. It should also be noted that the owner reported that the County granted two sewer hookups in return for providing sewer easements through their property back in 1982.

Functional Master Plan for Preservation of Agriculture and Rural Open Space.

The Preservation Plan was adopted in October of 1980. It was amended in 1986 and 1988. In these early plans the subject was identified as a growth area, with the exception of the south easterly corner, which was included in the Agricultural Reserve with a recommendation for the Rural Density Transfer (RDT) zone. We estimate this area to be approximately five (5) to six (6) acres in size.

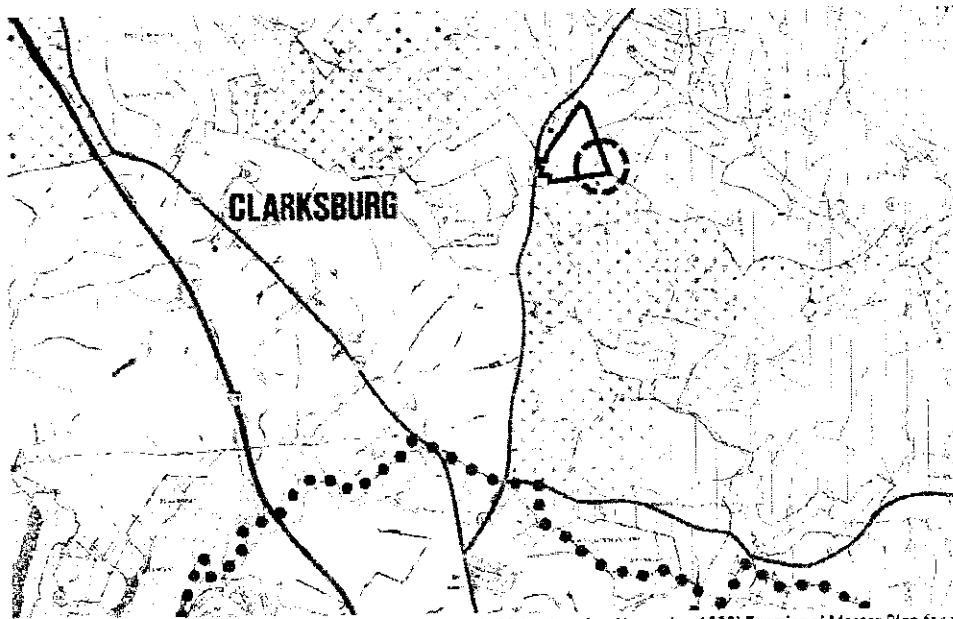


Figure 2. Portion of the Land Use Plan map from the October 1980 (updated to November 1988) Functional Master Plan for the Preservation of Agriculture and Rural Open Space. Areas in white are 'Growth Areas', dotted patterns are 'Agricultural Reserve'.

The 1994 Clarksburg Master Plan eliminated this five (5) to six (6) acre area from the Agricultural Reserve. This is clearly delineated in Policy 9 on pages 32-33 of the Plan and is supported by several other portions of the document including specific language on pages 71-72:

"Propose a land use pattern east of Ridge road which is compatible with Agricultural Reserve areas in the Goshen/Woodfield Planning Area.

East of Ridge Road, two properties totaling about 150 acres are now being farmed. They farm a transition between half-acre, suburban residential development to the north in Damascus and highly productive farmland to the south in the Goshen-Woodfield area. Although the properties are part of the Clarksburg Master Plan, the Damascus Master Plan includes the recommendation that this area be re-examined in relation to agricultural preservation goals as part of the Clarksburg Master Plan process. The Functional Master Plan for the Preservation of Agriculture and Rural

Tregoning Bypass Trust Property
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November 29, 2017

Open Space in Montgomery County also ensured this area would be reconsidered in terms of its potential for agricultural preservation.

This plan recommends a rural land use pattern to reinforce the agricultural character envisioned for the Goshen/Woodfield Area. The Rural Cluster Zone encourages farming but also allows some residential development at one dwelling unit per five acres.⁵ The portion of the farm fronting Ridge Road is recommended for one unit per acre to allow the type of development pattern already present in the area – single family detached homes oriented to Ridge Road.”

The record indicates that the Clarksburg Plan considered agricultural preservation on the Property and found that a combination of one acre and rural cluster zoning would meet the goal of a transition to and protection of farmland in the south rather than the application of RDT zoning (AR zoning).

The RC zone was applied to the entire south-east portion of the Property, including the five (5) to six (6) acres in question. The official zoning map to this day reflects that decision. In essence, the 1994 Clarksburg Plan amended the 1980 *Functional Master Plan for the Preservation of Agriculture and Rural Open Space*.⁶ If this portion of the Property were still in the Agricultural Reserve it would have been zoned RDT in 1994 and would carry the AR zoning today. The fact that it is not zone AR is clear evidence that the District Council found that the Property is not part of the Agricultural Reserve.

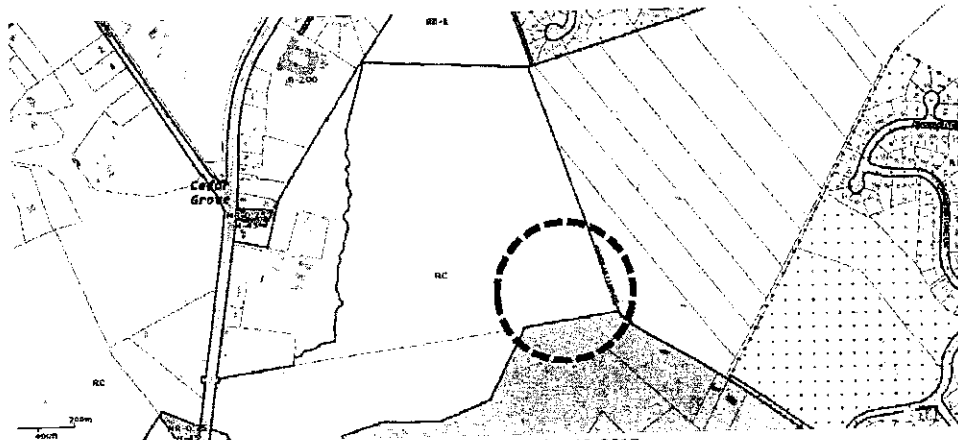


Figure 3. Zoning Map, retrieved from MNCPPC GIS sources on November 18, 2017.

⁵ It should be noted that rural clustering utilizing public water and sewer was not a zoning option in 1994. It wasn't available until 1998 when the Sandy Spring/Ashton Master Plan and the new Rural Neighborhood Cluster (RNC) zone were adopted. The RNC zone allows for clustering of lots on public water and sewer in exchange for significant protection of environmental features and the creation of substantial open space. Typically an RNC cluster will create 70 to 75% of the gross tract area as open space. This zoning tool was not available in 1994 when the Clarksburg Plan was adopted. Since 1998, the RNC zone has been a tool used in several 'edges' of planned growth areas. The most recent update of the 1994 Clarksburg Plan for the 10 Mile Creek watershed requires development utilizing the RNC zone's optional method cluster provisions.

⁶ As evidenced in the preamble on the inside cover of the Plan.

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The fact that the Preservation Plan's land use map has not been updated since 1988 is inconsequential. The chronology of legislative acts by the County Council and the MNCPPC indicate that the Property is no longer a part of the Agricultural Reserve.

Having said all of that, it is the intent of the applicant not to construct homes utilizing public water and sewer in the five (5) to six (6) acre area in question provided they are allowed to cluster homes to the northern portion of the Property and utilize the existing sewer and water in that northern area. As stated earlier, it is the applicant's desire to provide parkland in this southern area.

Growth Tier Designation and Sewer Categories.

The Property has always been considered a Growth Area. The 1968 Clarksburg and Damascus Plan's identified the Property for growth, to be developed with one-half acre lots.

As discussed earlier, the 1988 Preservation Plan confirmed the Growth Area designation with the exception of the 5 to 6 acres in the south-east corner. The 1994 Clarksburg Plan identified the Property as part of its overall growth area, albeit at a lower density.

In 2010, the MNCPPC adopted the Countywide Water Resources Functional Plan ("WRFP") in order to satisfy the requirements of Maryland House Bill 1141. The County updated its nutrient loading analysis and identified strategies for meeting Total Maximum Daily Load ("TMDL") reduction requirements.

One identified strategy is the reduction of nitrogen loading from septic system effluents where possible. An additional nutrient reduction strategy included land use changes, such as additions of forest, riparian buffers, and open space where uncontrolled agriculture previously existed. Both of these strategies will be implemented as a result of the applicant's proposal, thus improving water quality.

The WRFP also states that Wastewater Treatment Plant ("WWTP") nutrient caps "would create additional pressure for septic system-supported sprawl into unsewered areas." It was recognized in the WRFP that septic-system sprawl does not further the general planning goals of the County, nor benefit water quality and stream protection.

The WRFP includes several policies and implementation strategies providing a general framework for all planning in the County. The WRFP focused on those specific strategies that further the goals of enhanced water quality and protection of water resources.

Policy 12, recommendation 12.2 specifically states: "Reduce nitrogen contributions to surface and groundwater from septic systems." The WRFP goes on to state that one way to accomplish this goal is to provide public sewer service for sites that would otherwise develop with on-site septic systems where the public sewer system is logical, economic, environmentally sensitive, and does not permit extension of service to areas not planned for service. So the WRFP, which is an amendment to the General Plan, clearly supports logical extensions of public water and sewer such as proposed for the Property.

In April of 2012, Maryland Senate Bill 236⁷ known as the *Sustainable Growth and Agricultural Preservation Act of 2012* or "Septics Bill" was adopted. It required the establishment of a 'Tier Map' for each county to be reviewed and approved by the State of Maryland.

⁷ Also known as House Bill 445, and codified at Environment, Chapter 149.

Tregoning Bypass Trust Property
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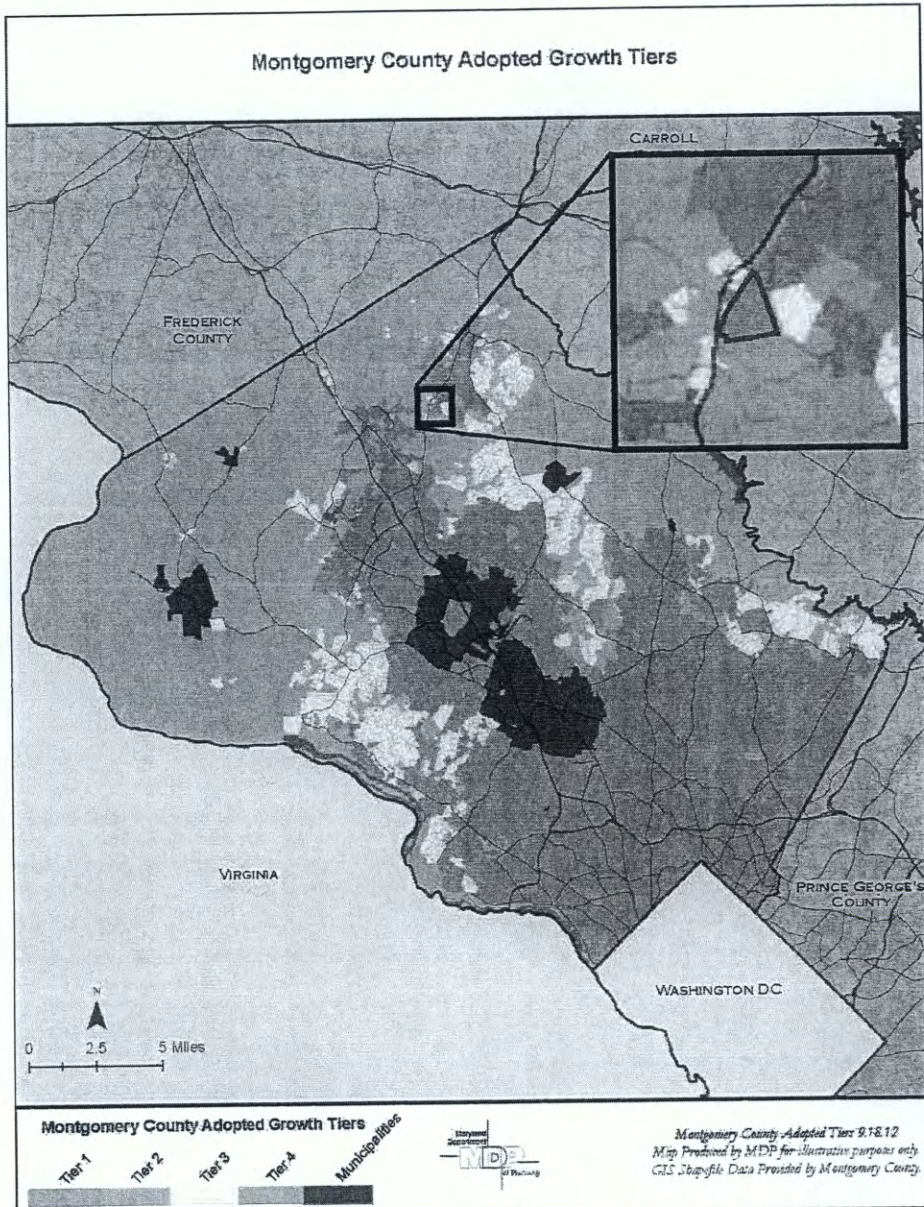


Figure 2. Official Tier Map Adopted by Montgomery County with insert showing the Property as Tier 1. Blue line surrounding the Property has been added by the author for clarity.

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On September 18, 2012 the County Council amended Chapter 50 of the county code ("Subdivision Regulations"), specifically subsection 35⁸ and developed a Tier Map and associated regulations in conformance with SB 236. The map clearly identifies the entire Property as Tier 1. Tier 1 is defined in the law as "existing service, municipalities or growth areas" (emphasis added) and must be developed utilizing public water and sewer.

On October 11, 2012, the Maryland Department of Planning found the county tier map as consistent with state law and required no amendments.⁹

The new subdivision regulations indicate that development in Tier 1 must be served by public sewer systems. Section 4.3.F.3.b of the Subdivision Regulations states:

"The Board must not approve any subdivision that would be served by one or more septic systems on land located in the Tier I area."¹⁰

The 2017-2026 update of the 2003-2012 Sewer Plan identifies the Property as W-5, S-5, in conformance with the previously discussed General Plan updates. The subject category change application simply requests advancement from 5 to 3 so a preliminary plan can be submitted.

Summary.

The record is clear, the Property was always indicated as a growth area. In the intervening time since adoption of the 1994 Plan, the County and the State found it more appropriate to develop utilizing public sewer rather than septic for a variety of land use and environmental reasons, especially when the former land use was agriculture and the extension of sewer was reasonable, logical and economical.

In a zoning case¹¹ with characteristics substantially similar to the Property, the County clearly confirmed that the sewer recommendations of the 1994 Clarksburg Plan for transitional properties are outdated and no longer further the goals of the Clarksburg Plan or the General Plan. The Council found that development utilizing public sewer is superior to septic development, especially on former farms. There is abundant documentation regarding the environmental benefits of sewer rather than septic development in this case file and in County studies that support the County's position.

As a result of these findings, the County further clarified its intent for the Property during the update of the subdivision regulations and the General Plan in 2012, by confirming the Property as a Growth Area and that public water and sewer must be utilized by applying the Tier 1 designation. The County further demonstrated its intent by placing the Property in water and sewer categories W-5/S-5.

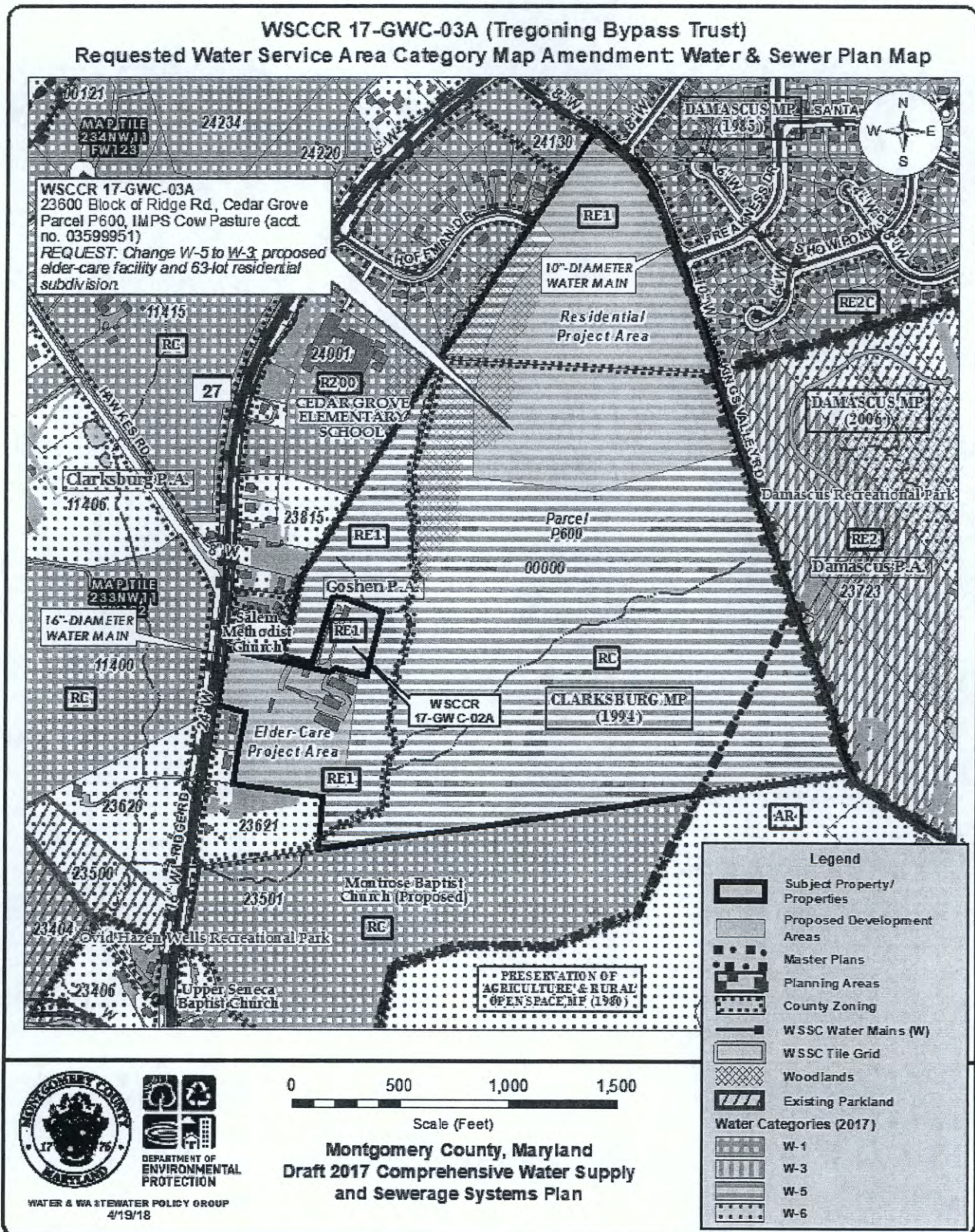
All of these County actions have been logical and consistent with law and new data available subsequent to adoption of the Clarksburg Master Plan in 1994. All changes were done through appropriate legislative actions. There is nothing in the record that would indicate any errors in either the Tier Map or the Water and Sewer Master Plan.

⁸ Ordinance 17-20, adopted September 18, 2012.

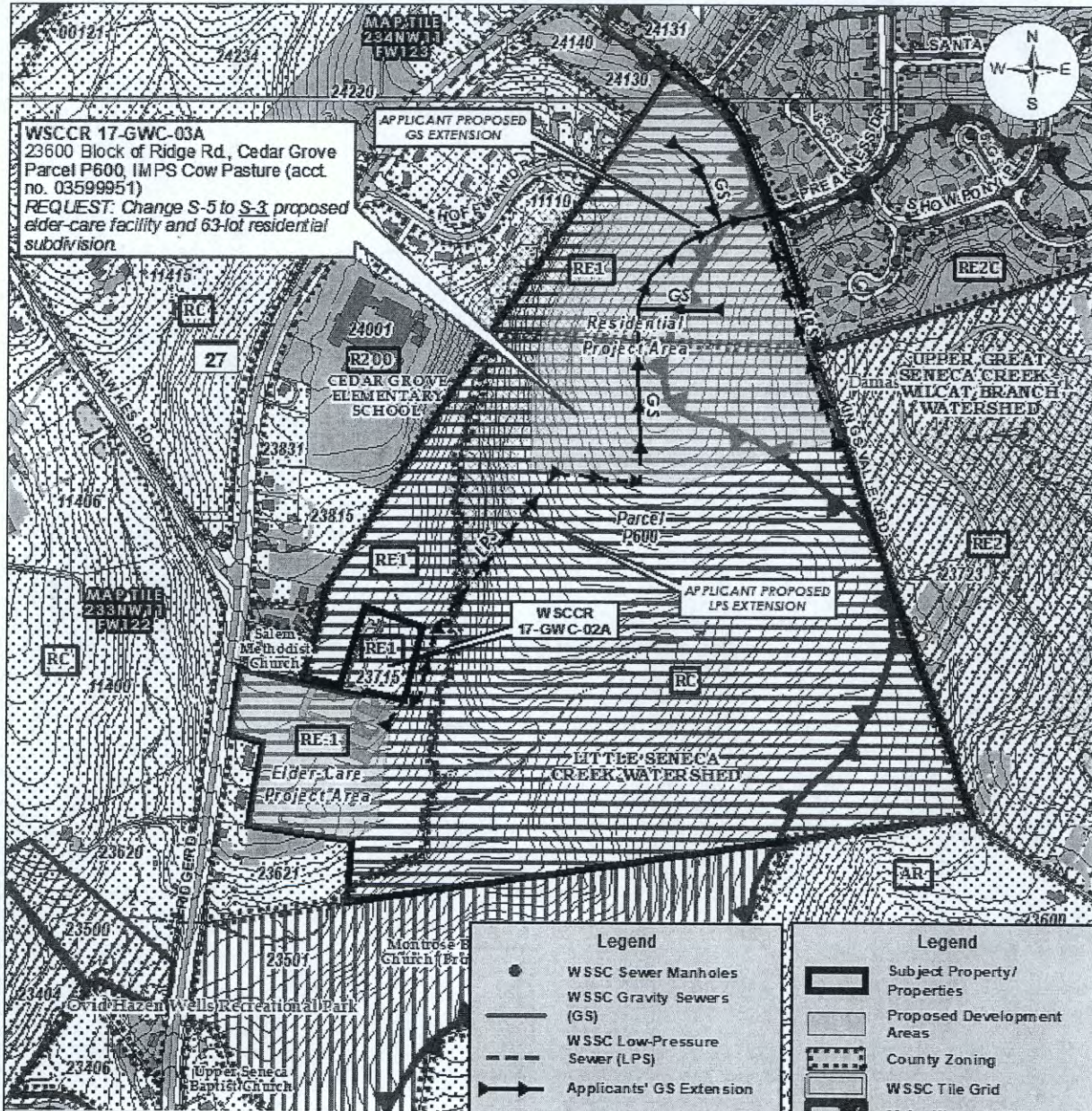
⁹ Letter from Rich Josephson, Acting Planning Director to Roger Berliner, Chairman of the Montgomery County Council.

¹⁰ Chapter 50, Montgomery County Code, Section 4.3.F.3.b.

¹¹ Local Map Amendment G-881.



**WSSCR 17-GWC-03A (Tregoning Bypass Trust) - Applicant's Proposed Sewers
 Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map**



WSSCR 17-GWC-03A
 23600 Block of Ridge Rd, Cedar Grove
 Parcel P600, IMPS Cow Pasture (acct.
 no. 03599951)
REQUEST: Change S-5 to S-3 proposed
 elder-care facility and 63-lot residential
 subdivision.

Legend

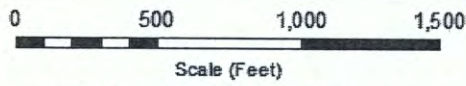
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- - - WSSC Low-Pressure Sewer (LPS)
- Applicants' GS Extension
- Applicants' LPS Extension

Legend

- ▭ Subject Property/ Properties
- ▭ Proposed Development Areas
- ▭ County Zoning
- ▭ WSSC Tile Grid
- ▭ Major Watersheds
- ▭ Topography (5 ft. c.i.)
- ▭ Woodlands
- ▭ Existing Parkland

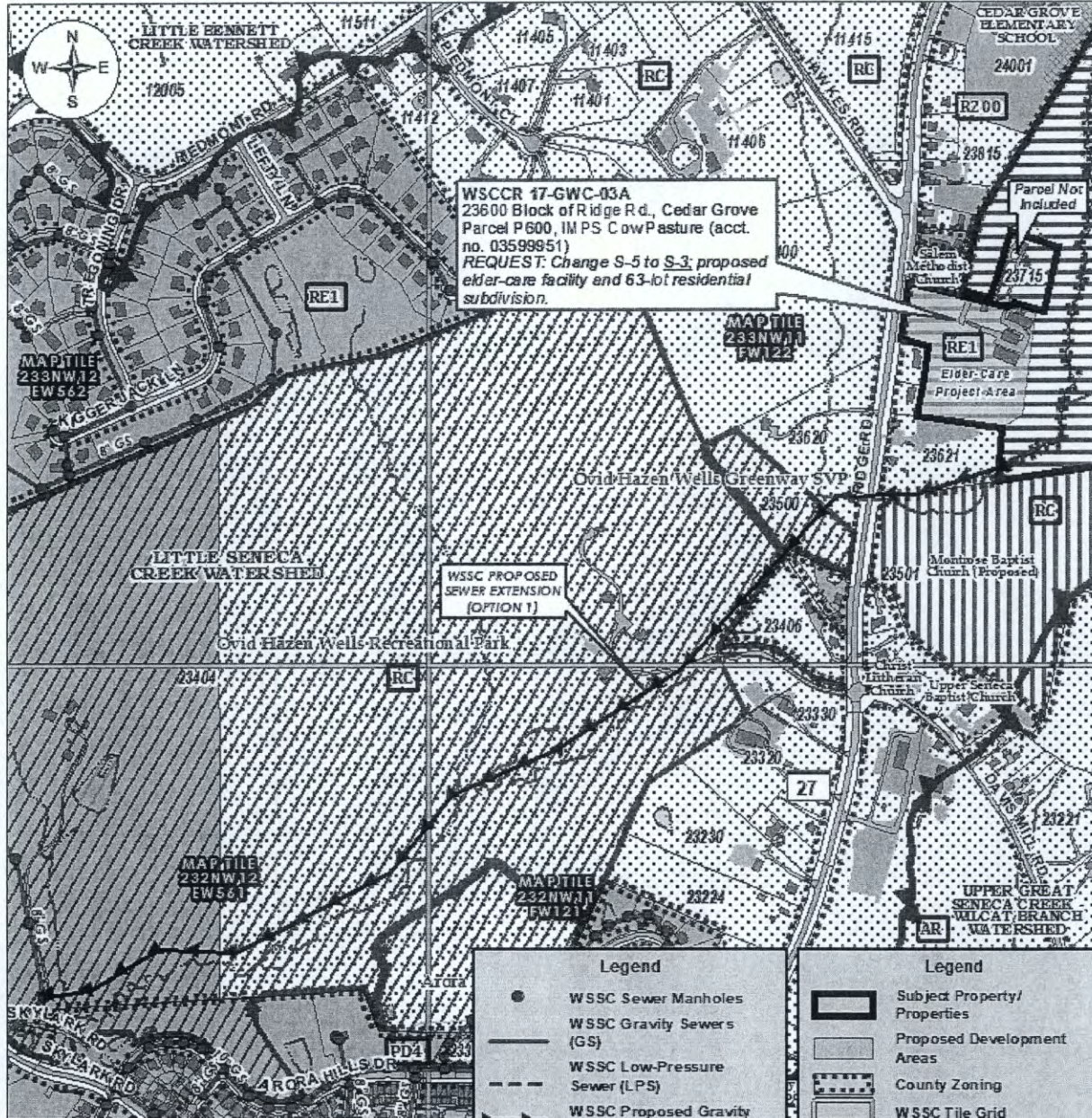
Sewer Categories (2017)

- ▭ S-1
- ▭ S-3
- ▭ S-5
- ▭ S-6



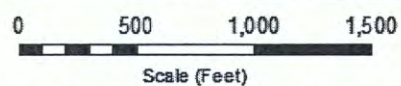
Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan

**WSSCR 17-GWC-03A (Tregoning Bypass Trust) - WSSC Proposed Sewers
 Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map**



Legend	
●	WSSC Sewer Manholes
—	WSSC Gravity Sewers (GS)
- - -	WSSC Low-Pressure Sewer (LPS)
→	WSSC Proposed Gravity Sewer Extension

Legend	
[Outline]	Subject Property/Properties
[Dotted]	Proposed Development Areas
[Diagonal Lines]	County Zoning
[Grid]	WSSC Tile Grid
[Dotted]	Major Watersheds
[Cross-hatch]	Woodlands
[Diagonal Lines]	Existing Parkland
Sewer Categories (2017)	
[Dotted]	S-1
[Vertical Lines]	S-3
[Horizontal Lines]	S-5
[Diagonal Lines]	S-6



**Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan**

Request [3] WSSCR 17-OLN-02A: Iglesia De Cristo Mi-EI Maryland Inc.

County Executive's Recommendation: Defer action pending M-NCPPC Development Review Committee (DRC) consideration of a concept plan for the site.

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 (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 	<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-6</td> <td>W-1</td> <td></td> </tr> <tr> <td>S-6</td> <td>S-1</td> <td></td> </tr> </tbody> </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 Note: Development plans submitted following application, (see pages 34-35).</i></p>	Existing –	Requested –	Service Area Categories	W-6	W-1		S-6	S-1	
Existing –	Requested –	Service Area Categories								
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.

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. 30-32)

The site does not have direct access to either public water or sewer service. The applicant submitted a conceptual development plan that provides information on proposed water and sewer main extensions (see pgs. 34-35).

WSSC has proposed two alternative water main extensions:

Water Option 1 requires a 400-foot main extension from Brimstone Academy Ct. (see pg. 36). This extension would abut as many as four additional properties of which, three already have public water service. Easements across improved properties will be required. Widening of an existing WSSC easement crossing Parcel E, Block A, Brookeshire, may be needed, especially if a non-abutting sewer connection also follows this path (see below). WSSC reports that this extension alignment may require the removal of some trees.

Water Option 2, which is also the applicant's proposed alignment, requires a 300-plus-foot extension from Brimstone Academy Ct. at the intersection with Old Baltimore Rd. All of 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.

Either of these water main extension options satisfy the PIF policy's main extension requirements for a relocating use. The extensions will not provide public water service to properties not otherwise eligible for public service.

WSSC has proposed serving the site by way of a non-abutting sewer connection from the outfall sewer main from Brimstone Academy Ct. (see pg. 37). 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 existing 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).

The applicant recently provided an updated concept plan for this project that proposes a sewer main extension from Brimstone Academy Ct. west along Old Baltimore Rd. to the site. WSSC has raised concerns about this extension due to its possible shallow depth and the need for an onsite grinder pump. Both of these sewer service options will satisfy PIF policy requirements.

The provision of public water and sewer service to this parcel can be accomplished in a manner consistent with the PIF policy requirements for a relocating facility.

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.

The applicant's updated development plan (see pg. 34) shows a proposed facility with 188 parking spaces for a sanctuary of 700 seats, 13 spaces in excess of the minimum requirements for 175 spaces. DEP estimates that this development plan shows impervious area of approximately 44 percent of the parcel area. The applicant has indicated that the size of the sanctuary could be adjusted downwards to accommodate allowed parking on the site.

Given that the proposed development plan presents an imperviousness of 48 percent and that it does not agree with the description of the project from the category change application, deferral of this request is recommended. Deferral will allow the applicant time to work on a concept plan with the M-NCPPC Development Review Committee (DRC) that the applicant can subsequently return, along with the DRC comments, to the Council.

Agency Review Comments

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.

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.
- Option 2: An approximately 300-foot-long CIP-sized water extension along Old Baltimore road 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 DA4471Z06, 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.

WSSC Sewer Addendum (5/30/18) for applicant's 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.

Note: Following the latest revision to this policy in 2005, areas zoned as RDT are now zoned Agricultural Reserve (AR).

Community Service for Private Institutional Facilities Policy

County Council Actions: Adopted November 18, 2003 (CR 15-396)
Revised November 29, 2005 (CR 15-1234)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

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). The provision of community water and/or sewer service to such facilities shall be addressed on a case-by-case basis by the following policies:

a. Facilities Located Within the Community Service Envelopes -- For private institutional facilities located within the acknowledged water and/or sewer envelopes, service area category changes may be approved by DEP through the administrative delegation process (Section V.F. 1.a.: Consistent with Existing Plans). For a specific site, the acknowledged water and sewer service envelopes may differ due to the general water and sewer service policies (Section II.D.) included in this Plan.

b. Facilities Located Outside the Community Service Envelopes -- For existing or proposed PIF uses located outside the acknowledged water and/or sewer envelopes, the County Council shall consider requests for the provision of community service for PIF uses according to the following criteria:

i. Sites Abutting Existing Water and/or Sewer Mains -- For cases where existing or approved water or sewer mains abut or will abut a property, service area category amendments may be approved for sites with an existing PIF use and for sites proposed for a new or relocating PIF use, excluding those zoned RDT (see subsection iii).

ii. Sites Requiring New Water and/or Sewer Mains Extensions -- For cases where the provision of community service for a PIF use requires new water and/or sewer mains, the following criteria shall apply:

- For existing PIF uses, service area category amendments may be approved for sites (excluding those zoned RDT, see subsection iii) 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 (excluding those zoned RDT, see subsection iii) where required water and/or sewer main extensions

Community Service for Private Institutional Facilities Policy

will abut only properties which are otherwise eligible for community service under the general policies of this plan.

iii. **Sites Zoned Rural Density Transfer** – 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 Rural Density Transfer (RDT) 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 standard or alternative/innovative technologies. WSSC and DEP staff will need to concur that the provision of community service is technically feasible.

c. **Main Extensions for PIF Uses** -- Main extensions outside the acknowledged community service envelopes, where required, shall be designated "Limited Access" consistent with the Limited Access Water and Sewer Mains policy (see Section III.A.2). 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. The County and WSSC 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 now requires that all commercial and institutional service applicants construct and pay for the community systems main extensions needed to serve their projects. In cases where more than one PIF use proposes to locate on a site requiring a pump and low-pressure main extension, WSSC requires that each institutional facility have a separate pump and pressure main system. The County and WSSC shall not support the provision of community sewer service for a PIF use where that service will require a WSSC-owned and operated wastewater pumping station which does not also support community sewer service for other non-PIF uses consistent with the service policies of this Plan.

d. **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.

e. **PIF Policy Directions** -- The Council originally adopted a Water and Sewer Plan 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 recognized 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 outside the community service envelopes to support PIF uses.

The PIF policy has accomplished the preceding goals, at least to some extent. However, it has also created unintended concerns, involving complex relationships between differing public policies and affecting private institutions needing space to locate and grow within an often fiercely competitive Real Estate market. This makes less costly land, usually located outside of the community water and sewer service envelopes and zoned for lower-density development, more attractive to institutional uses. Among the concerns which have come to the attention of both the County Council and County agency staff are the following:

- The policy has resulted in the clustering of PIF uses at the edge and outside of the acknowledged community water and/or sewer service envelopes.

Community Service for Private Institutional Facilities Policy

- The policy has facilitated the siting of PIF uses on properties where the institutional use and its ancillary needs, especially parking, can create imperviousness far in excess of that normally resulting from residential uses, leaving little open space and creating water quality problems.
- The policy has facilitated the siting of PIF uses within the county's RDT-zoned agricultural reserve areas.
- The policy has promoted speculative interest in sites because of their potential ability to satisfy the PIF policy requirements, not because a specific private institution has a need for that site.
- The policy does not provide guidance concerning institutional subdivisions, where two or more PIF uses subdivide and locate on an existing property approved for community service.
- The policy cannot address issues beyond the scope of the Water and Sewer Plan, such as community compatibility, traffic congestion, and alternate facility uses.

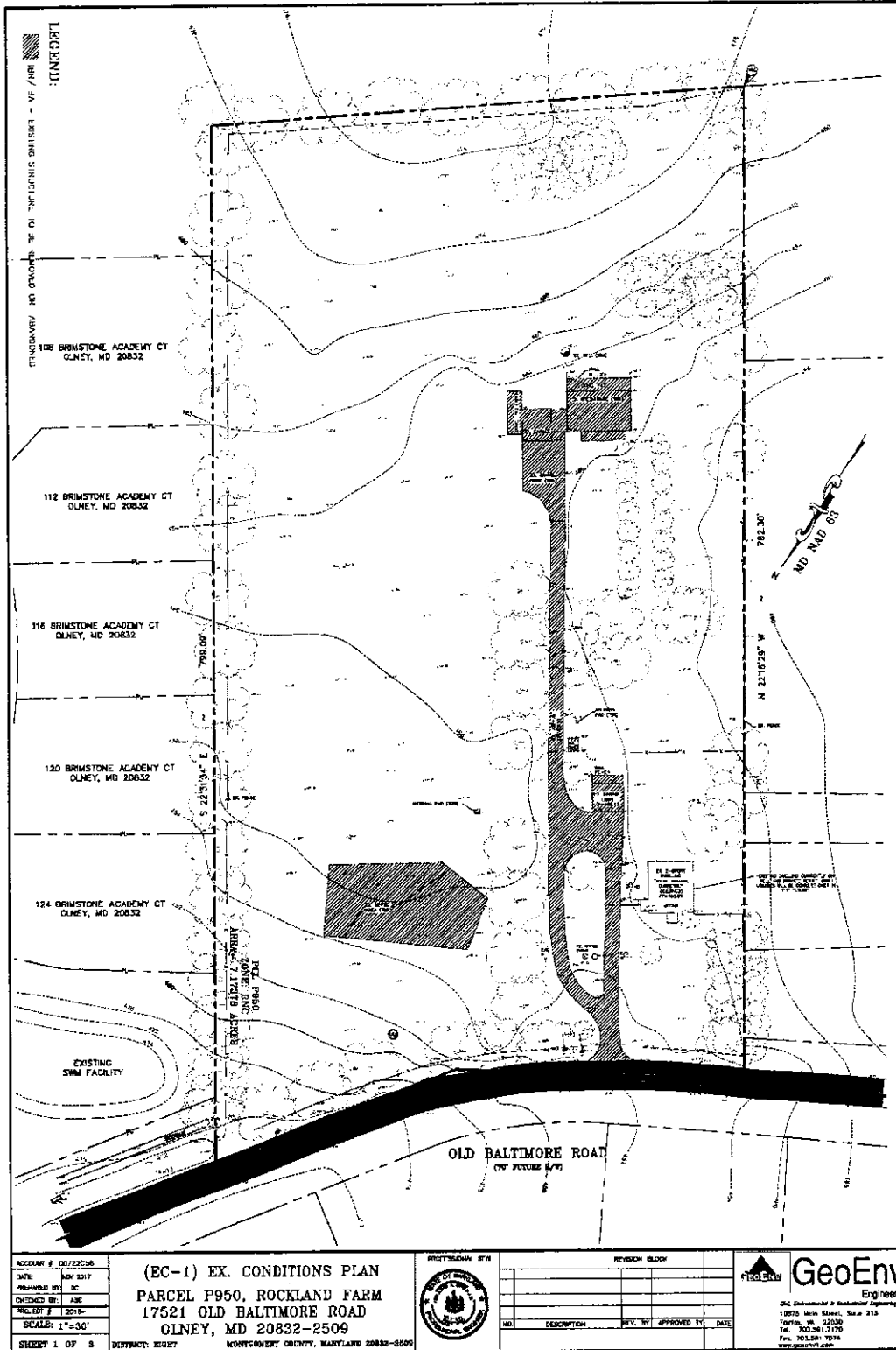
An interagency PIF policy working group has reviewed the PIF policy and other County regulations and ordinances, with particular attention to the preceding issues. The PIF policy as amended in this Water and Sewer Plan contains changes from the original PIF policy which address some of these concerns. Among these are a policy preventing publicly-funded support for community service to PIF uses where WSSC pumping facilities would be required, and a prohibition against providing community service to PIF uses in the Rural Density Transfer (RDT) Zone. In addition, the working group has recommended to the County Council impervious area limits for most land uses in lower-density rural and rural estate zones to help limit the environmental impacts often associated with institutional development within these zones.

The preceding policies focus on community water and sewer service for institutional uses. The working group also recognized that a prohibition on community service in the RDT Zone could result in an increase in PIF project proposals using multi-use on-site systems. The County needs to ensure that these on-site systems can provide long-term, sustainable service for their users in order to avoid the need to provide community service to relieve on-site system failures (see Section III.B.2.).

Water and Sewer Plan Recommendation

The County needs to recognize that the recommendations from the PIF Working Group represent the first efforts in addressing the community and environmental effects of large commercial and institutional land uses, especially those [[which]] that locate with the rural part of the county. At the least, the working group will need to follow up periodically to consider 1) the effectiveness of these recommendations, 2) public and development industry concerns with regard to the County's policies, and 3) the need for additional or alternative actions.

WSSCR 17-OLN-02A: Existing Site Conditions



ACCOUNT #	00722C06
DATE	NOV 2017
PREPARED BY	AC
CHECKED BY	AK
PROJECT #	2018-
SCALE	1"=50'
SHEET	1 OF 5

(EC-1) EX. CONDITIONS PLAN
 PARCEL P950, ROCKLAND FARM
 17521 OLD BALTIMORE ROAD
 OLNEY, MD 20832-2509

DEPT/ACT: 80287 MONTGOMERY COUNTY, MARYLAND 20832-8509

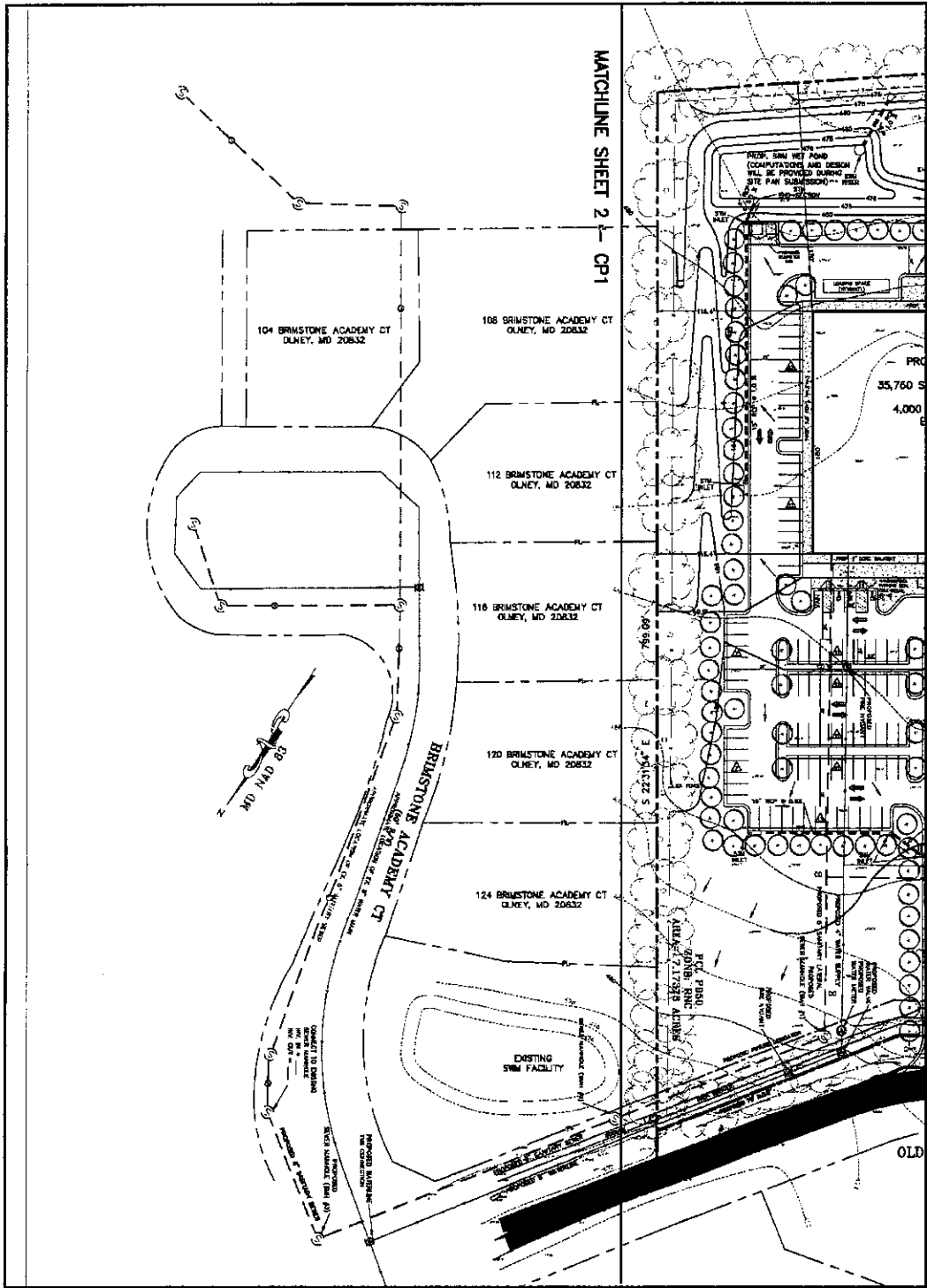


REVISION			
NO.	DESCRIPTION	REV. BY	APPROVED BY

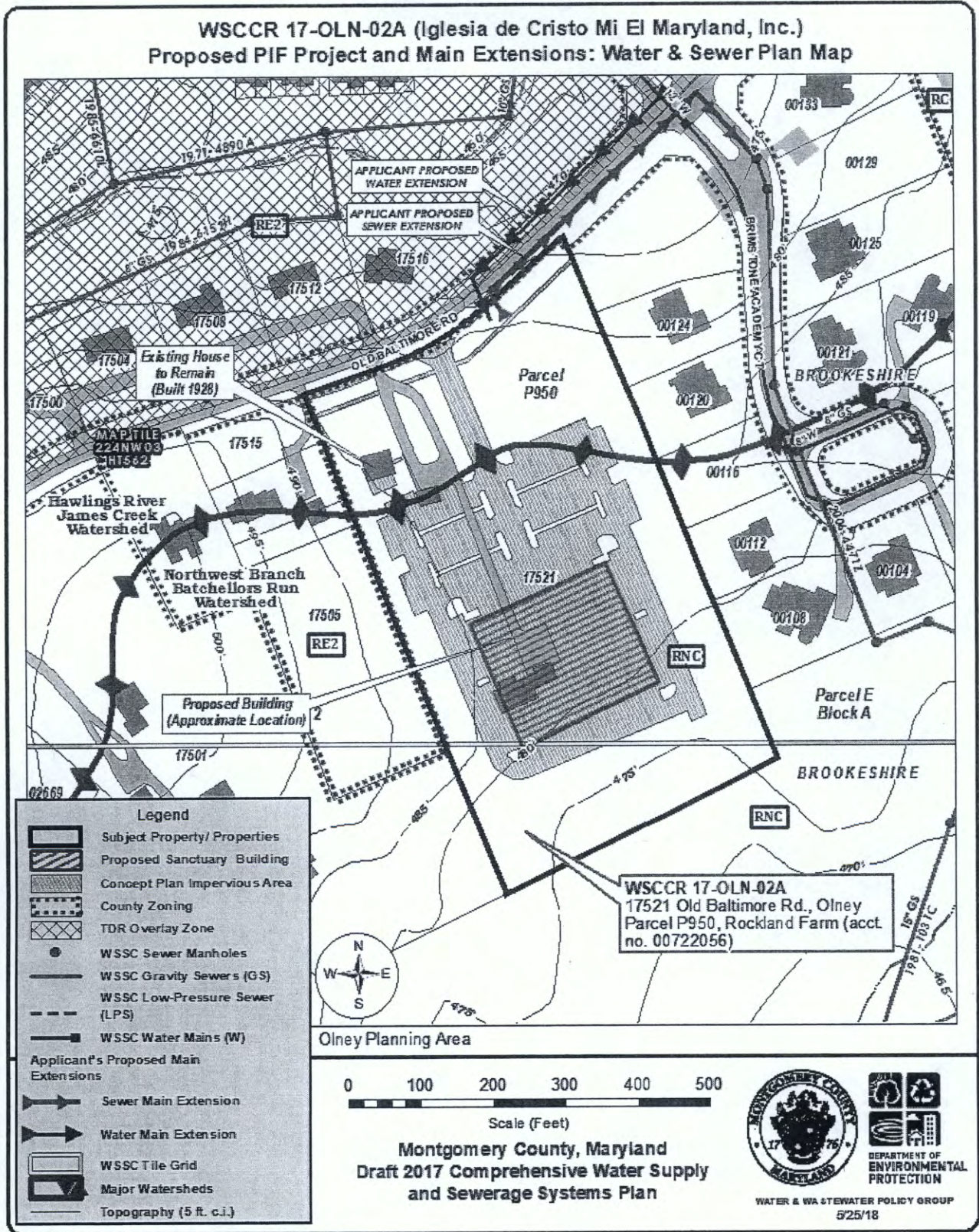
GeoEnv
 Engineers

10870 Marsh Street, Suite 215
 Olney, MD 20830
 Tel: 301.281.7170
 Fax: 301.581.7034
 www.geoenv.com

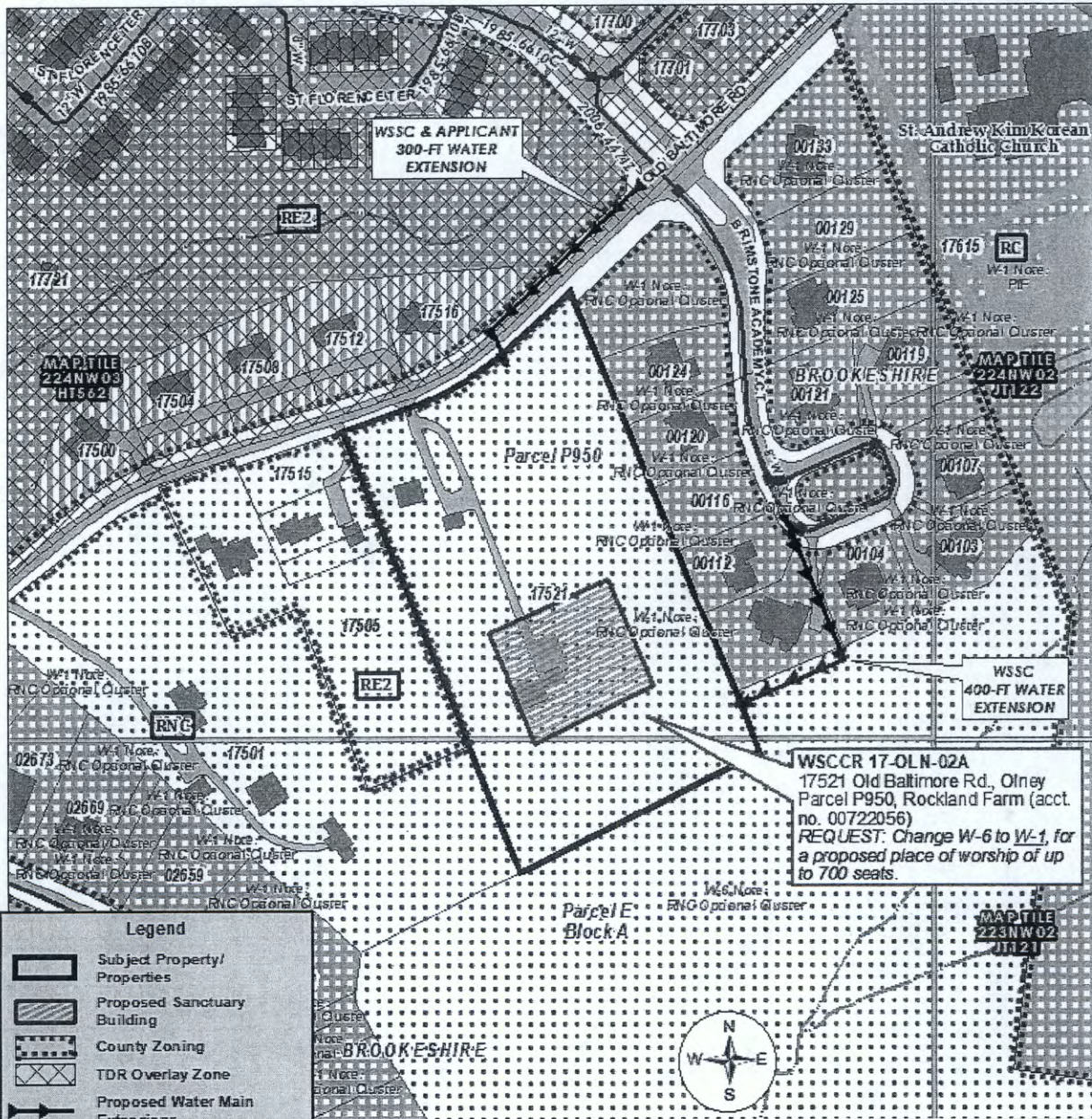
WSSCR 17-OLN-02A: Proposed Offsite Main Extensions (Page No. 2 of 2)



ACCOUNT # 0072036	(CP2) CONCEPTUAL PLAN	PROFESSIONAL SEAL	REVISION BLOCK	<p>GeoEnv Engineers 204 Eastman & General Engineers 10070 Main Street, Suite 210 Farmingdale, NY 11735 Tel: 763.341.1170 Fax: 763.341.1074 www.geoenv.com</p>
DATE: May 2017	PARCEL P950, ROCKLAND FARM 17521 OLD BALTIMORE ROAD OLNEY, MD 20832-2509		NO. DESCRIPTION REV. BY APPROVED BY DATE	
PREPARED BY: DC				
CHECKED BY: AM				
PROJECT # 2018-				
SCALE: 1"=50'				
SHEET 3 OF 3	REFLECT: RIGHT	MONTGOMERY COUNTY, MARYLAND 00832-2509		



WSSCR 17-OLN-02A (Iglesia de Cristo Mi El Maryland, Inc.)
Requested Water Service Area Category Map Amendment: Water & Sewer Plan Map

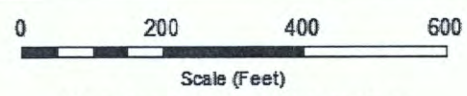


Legend

- Subject Property/ Properties
- Proposed Sanctuary Building
- County Zoning
- TDR Overlay Zone
- Proposed Water Main Extensions
- WSSC Water Mains (W)
- WSSC Tile Grid
- Woodlands
- Existing Parkland

Water Categories (2017)

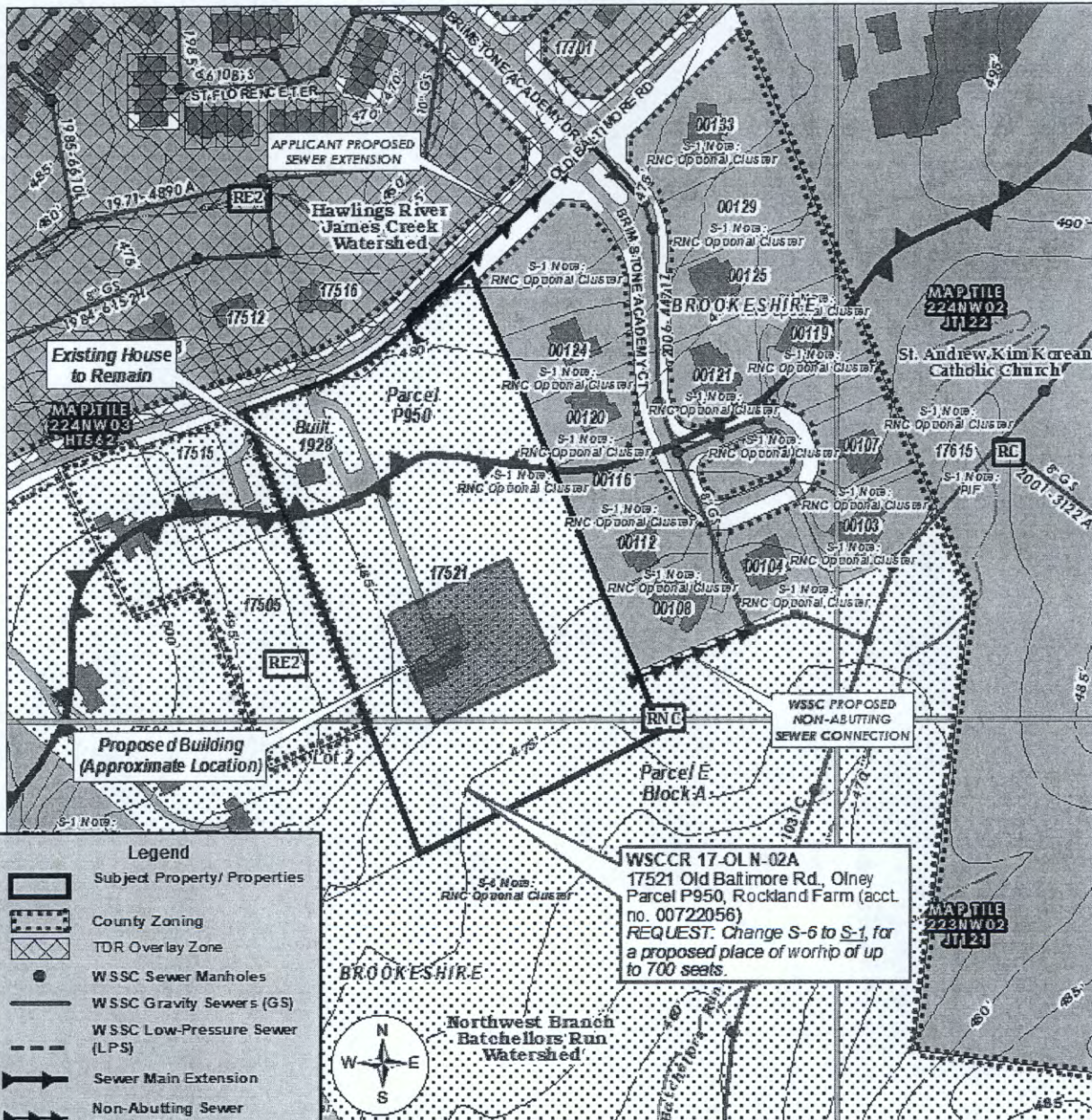
- W-1
- W-3
- W-6



Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER & WASTEWATER POLICY GROUP
 5/2/18

WSSCR 17-OLN-02A (Iglesia de Cristo Mi El Maryland, Inc.)
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



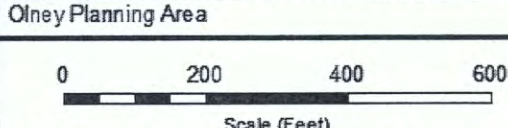
Legend

- Subject Property/ Properties
- County Zoning
- TDR Overlay Zone
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Low-Pressure Sewer (LPS)
- Sewer Main Extension
- Non-Abutting Sewer Connection
- WSSC Tile Grid
- Major Watersheds
- Topography (5 ft. c.i.)
- Woodlands

Sewer Categories (2017)

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

WSSCR 17-OLN-02A
 17521 Old Baltimore Rd., Olney
 Parcel P950, Rockland Farm (acct. no. 00722056)
REQUEST: Change S-6 to S-1, for a proposed place of worship of up to 700 seats.



Montgomery County, Maryland
Draft 2017 Comprehensive Water Supply and Sewerage Systems Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATER & WASTEWATER POLICY GROUP
 5/25/18

Request [4] **WSSCR 17-TRV-10A: Sami and Siham Ainane***

County Executive's Recommendation: Deny the requested category S-1 for Outlot A, maintaining S-6. The transfer of an abutting sewer service hookup from Lot 2 to Outlot A is not allowed.

<p>Property Information and Location Property Development</p> <ul style="list-style-type: none"> • 12000 & 12000 block of Piney Meetinghouse Rd., Potomac • Lot 2 and Outlot A, Block D, Piney Glen Farms (acct. no. 03464486 and 03464464) • Map tile: WSSC – 215NW11; MD –FQ12 • West side of Piney Meetinghouse Rd., south of the intersection of Greenbriar Preserve Ln. • RE-2 Zone; Lot 2: 8.63 ac.; Outlot A: 2.51 ac. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I); Lot 2 partially in Piney Branch subwatershed (Mont. Co, SPA) • <u>Outlot A existing use:</u> Vacant <u>Outlot A proposed use:</u> convert to building lot for one single-family house • <u>Lot 2 existing use:</u> single-family house <u>Lot 2 proposed use:</u> no change, retain existing house using a septic system. <p><i>*Purchased the properties from the original applicant, James Edwards, in Oct. 2017 and have agreed to continue with this category change request.</i></p>	<p>Applicant's Request: Service Area Categories & Justification</p> <table 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-1</td> <td></td> </tr> </tbody> </table> <p>Applicant's Explanation</p> <p>“Request a transfer of the allowable sewer service connection from one portion of the Applicant's property to another. Lot 2 is improved with a single-family residence and is eligible for a sewer connection pursuant to the CWSP abutting mains policy. Outlot A is currently unimproved and is served by neither sewer nor a septic system. We are submitting this Application to request that the existing right to a sewer connection be transferred from Lot 2 to Outlot A in order to permit the Applicant to resubdivide Outlot A in order to establish a buildable lot and construct a single-family dwelling.”</p> <p><i>DEP Note: Original applicant's correspondence attached (see pages 41-42).</i></p>	Existing –	Requested –	Service Area Categories	W-1	W-1 (no change)		S-6	S-1	
Existing –	Requested –	Service Area Categories								
W-1	W-1 (no change)									
S-6	S-1									

Executive Staff Report

The applicant has requested a sewer category change from S-6 to S-1 for existing Outlot A, Block D, in the Piney Glen Farms subdivision. This outlot was created along with Lot 1, Block D, following the approval of category S-1 for the original “parent” parcel under the abutting mains policy. The allowed sewer connection was assigned to the building lot, Lot 1, leaving the remainder of the original parcel, Outlot A, as sewer category S-6 and ineligible for sewer service under the abutting mains policy.

The applicant proposes to transfer a sewer connection right from Lot 2, Block D, to Outlot A. The applicant owns both Lot 2 and Outlot A. An existing 10-inch-diameter sewer main abuts the pipestem frontage of Outlot A on Piney Meetinghouse Rd. The two original parcels existed at the time the sewer main, a gravity outfall from the Palatine subdivision, was installed in 1991.

The County's abutting mains policy (see pgs. 44-45) does not include a provision to allow the transfer of an allowed service hookup from one property to another, including those under common ownership. The only exception allowed is a transfer from an originally abutting property to a residual of the original property. Outlot A was not part of original Parcel P243 (see pg. 46). Lacking this provision, the transfer of the allowed abutting hookup from Lot 2 to Outlot A is recommended for denial, and along with it, denial for category S-1 for Outlot A.

Agency Review Comments

DPS – Well & Septic Section

Lot 2 passed all phases of soil testing, approval of a septic area on this lot is pending a final plan. Soil testing completed in April 2017 for Outlot A did not demonstrate presence of suitable soils for installation of a septic system to serve a new dwelling.

M-NCPPC – Planning Dept.

The Potomac Master Plan exclude areas zoned for low-density development not already approved for service from further extensions. The Potomac peripheral policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties. The existing house does not qualify for a single sewer hookup under the abutting mains policy. The unimproved outlot does not qualify for sewer service.

M-NCPPC – Parks Planning

No park impacts.

WSSC - Water (Not requested)

WSSC – Sewer

Basin: Watts Branch, mini-basin 013. A 10-inch sewer line in Pine Meetinghouse Road abuts Out Lot A and Lot 2 (contract no. 1990-8410A). For Out Lot A, on-site pumping may be required. Additional easements may be required. Construction of this extension may involve the removal of trees, temporary disruption of wetlands and stream valley. Average wastewater flow from the proposed development: [300] GPD. Program-sized sewer mains are not required to serve the property. Interceptor and Treatment capacities are adequate.

17-TRV-10A



LerchEarlyBrewer

7600 Wisconsin Avenue, Suite 700 • Bethesda, MD 20814 • lerchearly.com

Patricia A. Harris
(301) 841-3832
paharris@lerchearly.com

Lawrence Ferris
(301) 657-0743
wlferris@lerchearly.com

June 30, 2017

Montgomery County Department of Environmental Protection
255 Rockville Pike, Suite 120
Rockville, MD 20850

Re: Request to Transfer Sewer Connection for 12000 Piney Meetinghouse Road

On behalf of James Edwards (the "Applicant"), we are submitting this Water/Sewer Service Area Category Change Request Application (the "Application") to request a transfer of the allowable sewer service connection from one portion of the Applicant's property to another. The Applicant owns property located at 12000 Piney Meetinghouse Road in Potomac, Maryland, identified on Plat No. 23021 as Lot 2 and Outlot "A" on Block D of the Piney Glen Farms subdivision. Lot 2 is improved with a single-family residence and is eligible for a sewer connection pursuant to the CWSP abutting mains policy. Outlot A is currently unimproved and is served by neither sewer nor a septic system. We are submitting this Application to request that the existing right to a sewer connection be transferred from Lot 2 to Outlot A in order to permit the Applicant to resubdivide Outlot A in order to establish a buildable lot and construct a single-family dwelling.

Prior to subdivision in 2004, Lot 2 and Outlot A comprised a single site consisting of Parcels 143 and 243. Prior to the 2004 subdivision, the right to the single sewer connection could have been allocated to the northern portion of then Parcel 243, followed by a subdivision to accommodate the development of a single-family residential unit on Outlot A. Thus, to some extent, the requested sewer category change is dictated by timing issues. The house on Lot 2 has always been serviced by septic, and a recent percolation test confirms that Lot 2 will accommodate a second septic field to serve as a back-up system for the existing home. In contrast, Outlot A cannot pass a percolation test and, thus, is not serviceable by a septic field. Accordingly, transferring the sewer connection available to Lot 2 to the Outlot A will allow for the subsequent resubdivision of Outlot A to a buildable lot.

17-TRV-10A

Montgomery County Department of Environmental Protection • June 30, 2017 • Page 2

For these reasons, we respectfully request transferring the Category 1 sewer connection available to Lot 2, to Outlot A.

We appreciate your consideration of this matter.

Sincerely,



Patricia A. Harris



Lawrence Ferris

Community Service for Properties Abutting Existing Mains Policy

Adopted by the County Council November 18, 2003 (CR 15-396)

II. POLICIES FOR THE PROVISION OF WATER AND SEWERAGE SERVICE

E. Special Policies for Water and Sewer Service -- In addition to the preceding general service policies, the County Council has adopted specific policies for the provision of community water and/or sewer service which create exceptions to the general service policies. The Council has also adopted service recommendations in local area master plans which create exceptions to the general service policies.

3. Community Service for Properties Abutting Existing Mains -- Under specific and limited circumstances, community water and or sewer service may be provided to properties which abut an existing or approved water and/or sewer main. The provision of community service requires that the property, or a structure on the property, must have been established prior to the extension of the abutting main. A residence, business, or institution (church, school, etc.) qualifies as an existing structure; a barn, garage, or other type of outbuilding does not qualify. The provisions of this policy do not include community service for private institutional facilities (PIFs), which must be addressed through the PIF policy (see Section II.E.4.).

Community service must be technically feasible from the abutting main. Major water and sewer transmission mains and sewer force mains cannot support individual service connections and hookups, and therefore do not qualify abutting properties for community service under this policy.

This policy may be used in cases where a property is not otherwise eligible for such service under the general policies of this Plan. Under this policy, the provision of community service is allowed under the following circumstances:

a. Single Hookups Only -- A single water and/or sewer hookup only is allowed for an individual property or for a structure which abuts an existing or approved water and/or sewer main. The subject property or structure must predate the abutting main. A change in the property configuration due to the dedication of land for a public use such as a road right-of-way or park land shall not invalidate this allowed single hookup. Neither shall an exchange of land between adjacent, qualifying properties invalidate this allowed hookup, provided the overall number of qualifying lots and therefore allowed hookups remains the same. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

DEP may direct WSSC to provide an allowed single, residential water and/or sewer hookup upon 1) staff confirmation that the property qualifies for service under this policy, and 2) DEP's receipt a category change request for the property. Only in such cases may DEP approve service from an abutting main in advance of granting the actual service area category approval. Commercial and institutional uses must first receive the required service area change.

b. Single Hookups for Residual Properties -- The allowed single-hookup may be assigned to an existing or proposed remainder or residual of a property provided that the following conditions are satisfied:

- i. the original property would have qualified for a single hookup under Section II.E.3.a. above, and the residual site still abuts the existing main; and
- ii. that the allowed hookup has not been used elsewhere on the property; community service provided elsewhere on the subject property consistent with both Water and Sewer Plan policies and master plan recommendations shall not be considered to have used this one allowed hookup.

DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains) provided that:

- all of the residual properties involved are still under common ownership, or
- none of the other residual properties from the original abutting property could qualify under this policy for the allowed hookup because they do not abut the subject water or sewer main.

In cases where the property receiving water and/or sewer hookup is part of a pending subdivision plan, DEP will condition the final category change approval on approval of the subdivision plan which specifies the lot receiving the allowed water and/or sewer hookup. DEP shall refer cases where the residual qualifying properties are under different ownership to the County Council. DEP shall make every reasonable attempt to notify the owners of those qualifying properties of the pending category change request amendment and of the Council's hearing for that amendment.

Community Service for Properties Abutting Existing Mains Policy

c. Single Hookups for Combined Properties - A single allowed water and/or sewer service hookup for a qualifying property may be also applied to additional contiguous, commonly-owned properties if those properties are subdivided into a single qualifying property. Only one single water and/or sewer hookup for the entirety of the combined properties shall be approved in such cases, so that the provision of community service does not promote the further subdivision of additional lots. DEP will condition the final category change approval on approval of the subdivision plan combining the properties. DEP may grant approval for this single hookup under the administrative delegation policies included in this chapter (Section V.F.2.b.: Properties Abutting Existing Mains).

d. Multiple Sewer Hookups - In order to protect and preserve sensitive environmental features on the site (e.g. stands of trees/forest, wetlands, etc.) that would be potentially harmed by the installation of septic systems, while also limiting the effects of sewer-supported development, community sewer service may be provided to a property abutting an existing sewer main provided all the following conditions are satisfied:

- i. The site would qualify for a single sewer hookup under section 3.a. above;
- ii. The site contains sensitive environmental features that DEP, in consultation with M-NCPPC, determines would be preserved to a greater extent by the provision of community sewer service rather than the construction of septic systems;
- iii. The number of sewer hookups allowed shall not exceed the number of lots which could have been approved for septic systems, based on a review of the site conditions (soils, groundwater conditions, local history, etc.) by DEP in consultation with DPS and M-NCPPC, and assuming that at least one sewer hookup is allowed;
- iv. That all the proposed sewer hookups can be provided from the abutting mains: no on-site main extensions are required, no off-site main extensions or hookups (special connections) are required, and no rights-of-way from other properties are required.

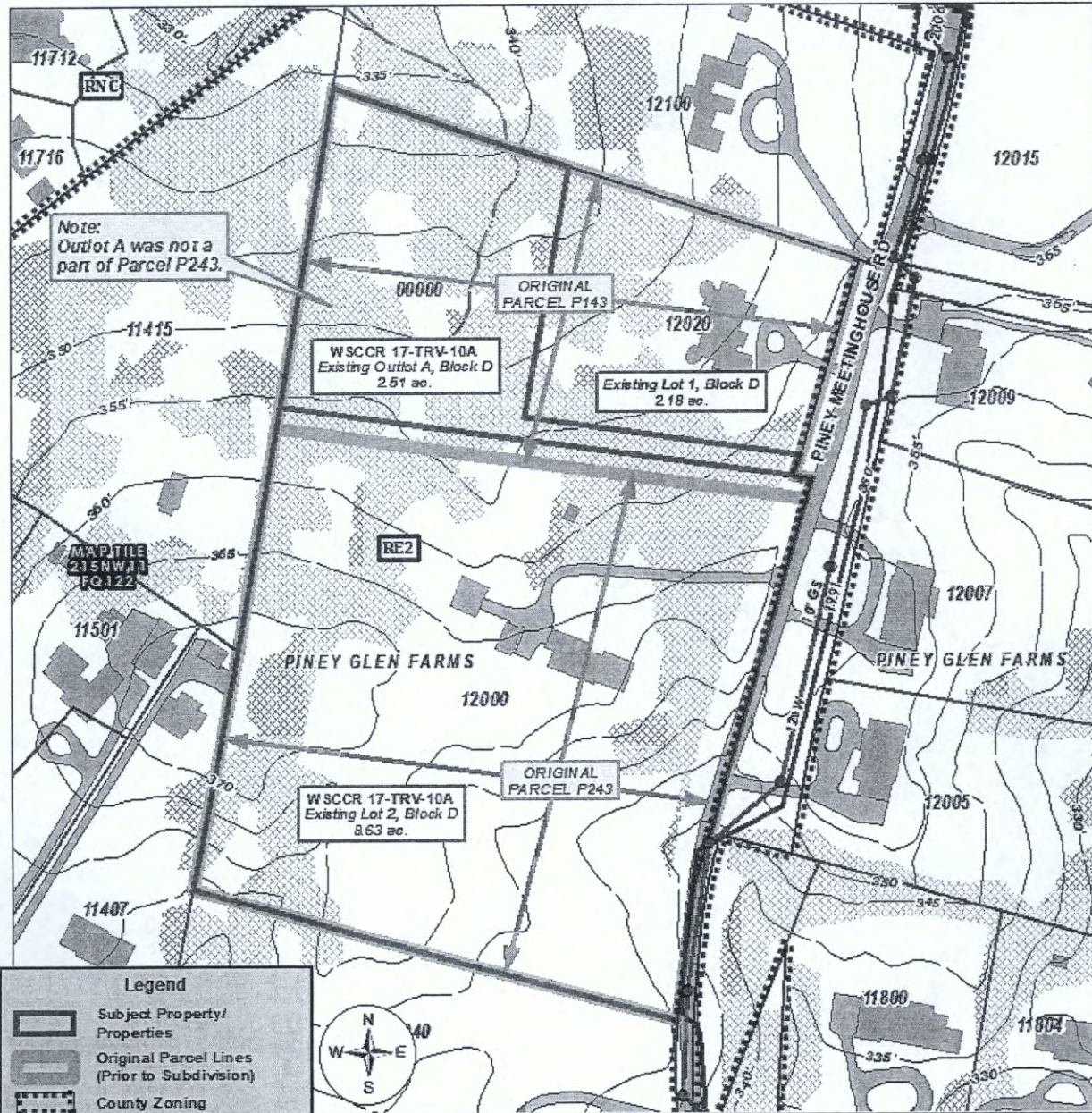
This policy cannot be applied in cases where the County Council has expressly restricted access to the abutting main as specified under the Limited Access Water and Sewer Mains policy (see Section III.A.2.). The provision of community service under this policy shall not be used as justification for the connection of intervening or nearby lots or parcels if they would not otherwise be entitled to connect to community systems.

e. Abutting Mains Land Use Policy Issues - M-NCPPC staff and the Planning Board have raised concerns about the land use implications of the abutting mains policy, which can allow for the development of a property which would not have otherwise occurred without the provision of community service, especially community sewer service. Of particular concern are commercial and institutional uses which may have substantially more imperviousness than a single residential use. In this regard, the Board has recommended restrictions for this policy, including wastewater flow restrictions, with the intent that they function within this Plan as controls over commercial and institutional land uses. However, this is at odds with efforts initiated by DEP over the past decade, and approved by the County Council, to remove land use control functions from the abutting mains policy, preferring to allow that control to occur more appropriately in the County's zoning and subdivision regulations.

Water and Sewer Plan Recommendation

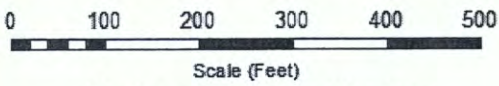
The Council recommends that M-NCPPC and County agency staff pursue appropriate land use restrictions, such as imperviousness limits, in the zoning ordinance and/or subdivision regulations, rather than use wastewater flow or other restrictions in the abutting mains policy as a means of controlling land use.

WSSCR 17-TRV-10A (Sami and Siham Ainane) - Property History
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Legend

- Subject Property/ Properties
- Original Parcel Lines (Prior to Subdivision)
- County Zoning
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Low-Pressure Sewer (LPS)
- WSSC Water Mains (W)
- WSSC Tile Grid
- Topography (5 ft. c.i.)
- Woodlands

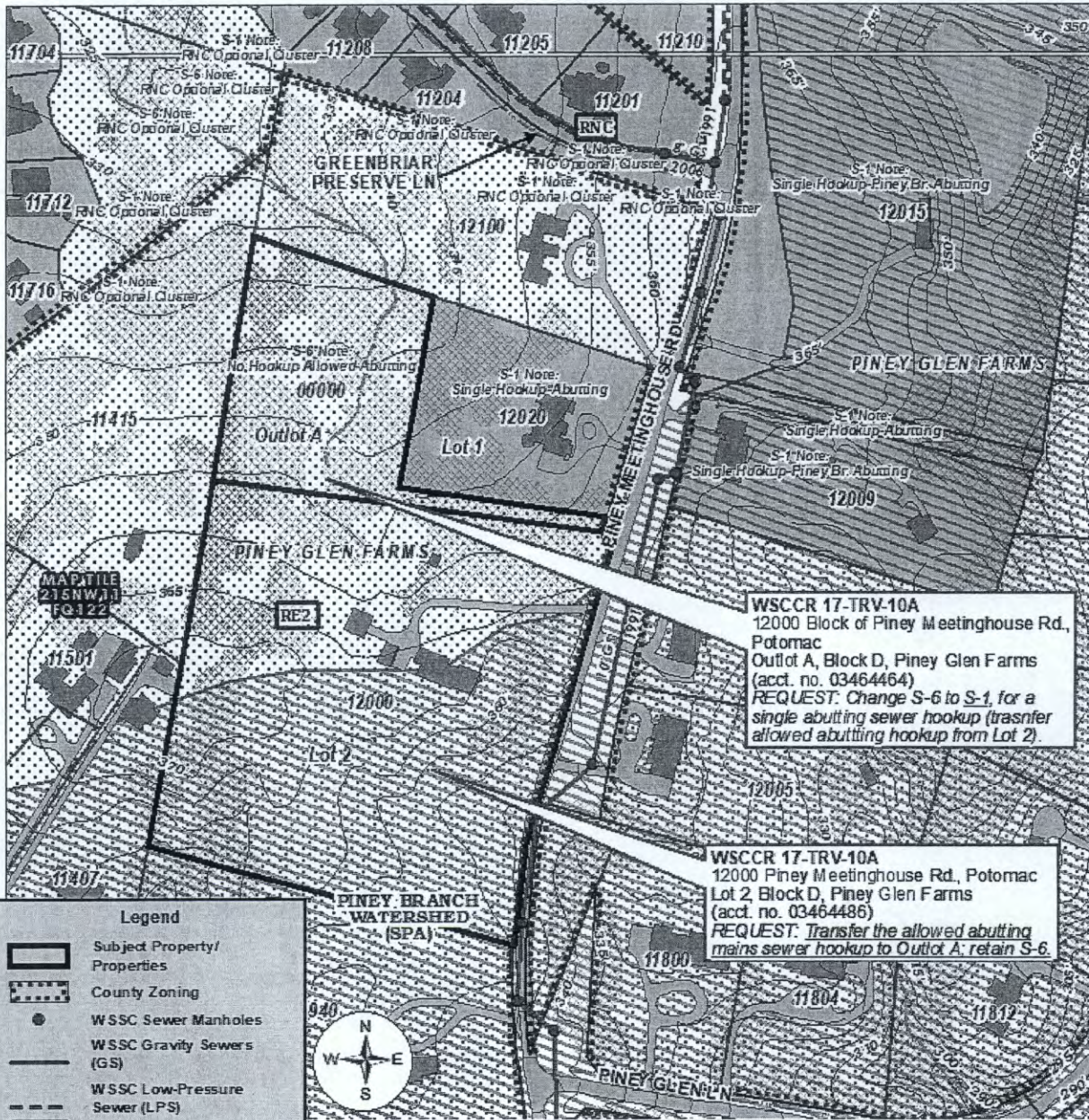


Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan



WATER & WASTEWATER POLICY GROUP
 7/11/18

WSSCR 17-TRV-10A (Sami and Siham Ainane)
Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



WSSCR 17-TRV-10A
 12000 Block of Piney Meetinghouse Rd.,
 Potomac
 Outlot A, Block D, Piney Glen Farms
 (acct. no. 03464464)
**REQUEST: Change S-6 to S-1, for a
 single abutting sewer hookup (transfer
 allowed abutting hookup from Lot 2).**

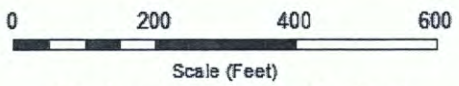
WSSCR 17-TRV-10A
 12000 Piney Meetinghouse Rd., Potomac
 Lot 2 Block D, Piney Glen Farms
 (acct. no. 03464486)
**REQUEST: Transfer the allowed abutting
 mains sewer hookup to Outlot A; retain S-6.**

Legend

- Subject Property/ Properties
- County Zoning
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Low-Pressure Sewer (LPS)
- WSSC Tile Grid
- Topography (5 ft. c.i.)
- Woodlands
- Piney Branch Watershed SPA

Sewer Categories (2017)

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



Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER & WASTEWATER POLICY GROUP
 8/16/18

Request [5] **WSSCR 18-TRV-02A: David L. & Nancy S. Scull**

County Executive's Recommendation: Approve S-3 under the Potomac peripheral sewer service policy.

<p>Property Information and Location Property Development</p>	<p>Applicant's Request: Service Area Categories & Justification</p>				
<ul style="list-style-type: none"> • 10125 Bevern Ln., Rockville • Lot 29, Block B, Hollinridge Sec 4 (acct. no. 00894831) • Map tile: WSSC – 216NW10; MD –FQ43 • West side of Bevern Ln., at the cul-de-sac, 1000 ft west of the intersection with Bettiker Ln. • RE-1 Zone; 1.89 acres (82,456 sq. ft.) • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • <u>Existing use:</u> Existing Single Family Home <u>Proposed use:</u> Keep Existing Single Family Home 	<p><u>Existing – Requested – Service Area Categories</u></p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">W-1</td> <td style="width: 50%;">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>"All other houses on our cul-de-sac (Bevern Ln) either have or are approved for public sewer service, and our property is adjacent to another lot on Bevern Ln that is within the County's planned public sewer service envelope. Approval of category S-3 is therefore requested under the peripheral sewer service recommendations of the 2002 master plan.</p> <p>"Our septic system, which is over 40-years-old, recently ceased to operate. A photo-investigation revealed that a root had choked off the pipe that runs from the septic tank to the drain field; the pipe has now been replaced. Our lot is heavily treed. For this reason and the system's age, we expect it is only a matter of time before another crisis occurs."</p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Executive Staff Report: The applicant has requested approval of sewer category S-3 to allow for public sewer service for an existing single-family home. This property is 1.89 acres in size, zoned RE-1, and is within the periphery of the County's planned public sewer service envelope. To qualify for the Consistent with Existing Plans, Potomac peripheral sewer service policy, the property must abut, or confront the County's planned sewer service envelope. The northern property line is adjacent to the planned service envelope at 10121 Bevern Ln., as shown on the map shown on page 50.

M-NCPPC staff concur that the property is adjacent to the Potomac sewer service envelope, allowing for limited public sewer service for areas zoned RE-1 and RE-2 as stated in the 2002 Potomac Subregion Master Plan. M-NCPPC Parks are supportive of a sewer connection through the adjacent property to Penfold Ct. and strongly oppose any sewer connection crossing through the adjacent parkland in the Watts Branch SVU3. DPS staff indicated the lack of an approved septic reserve area for this property and are supportive of the category change. WSSC confirms that connecting the property to sewer service can be supported. A 400-foot sewer extension would be required. DEP staff recommendation is for the approval of category S-3 under the Potomac peripheral sewer service policy.

Agency Review Comments

DPS

The septic system serving this property is the original system installed in 1976, and the property does not have an approved septic reserve area. DPS supports a category change to allow sewer service in the future.

M-NCPPC – Planning Dept.

This 1.89-acre RE-2-zoned property is outside but adjacent to the Potomac sewer service envelope. It is in the Middle Watts Branch sub-watershed. The 2002 Potomac Subregion Master Plan allows for 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. This request is consistent with the master plan. This property is also located in the Glen Hills sewer study area and could be considered for service in conjunction with other neighboring properties. Finally, the Master Plan emphasizes the construction of sewer extension along roads rather than through stream valleys. Therefore, access to sewer must take place along Bevern Lane or across neighboring properties. Access through the Watts Branch Stream Valley Park will be denied.

M-NCPPC – Parks Planning

Parks has no issue with the connection to the sewer in Penfold Court, however Parks would be strongly opposed to any sewer connection crossing through the adjacent parkland in Watts Branch SVU3.

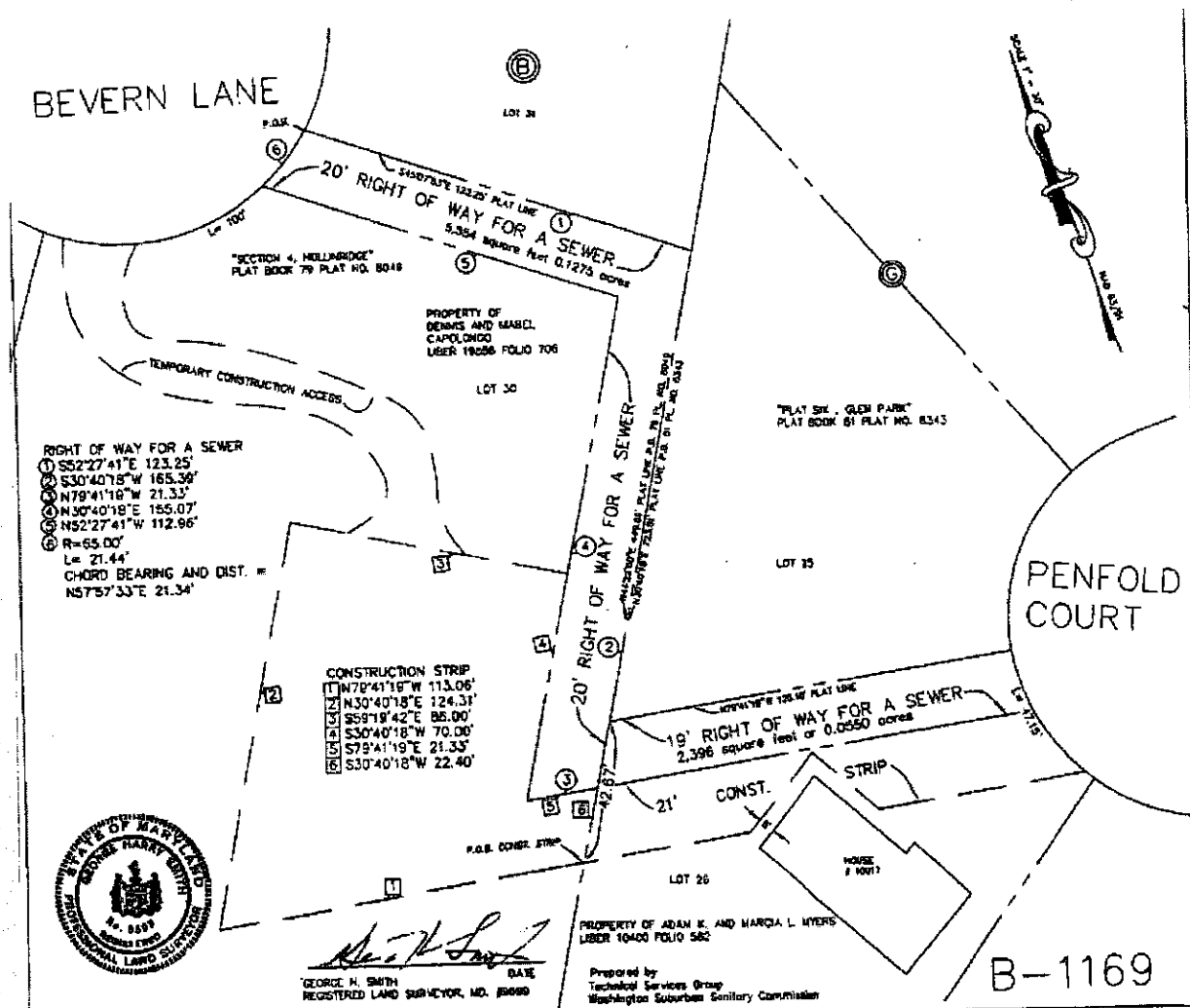
WSSC - Water (not requested)

WSSC – Sewer

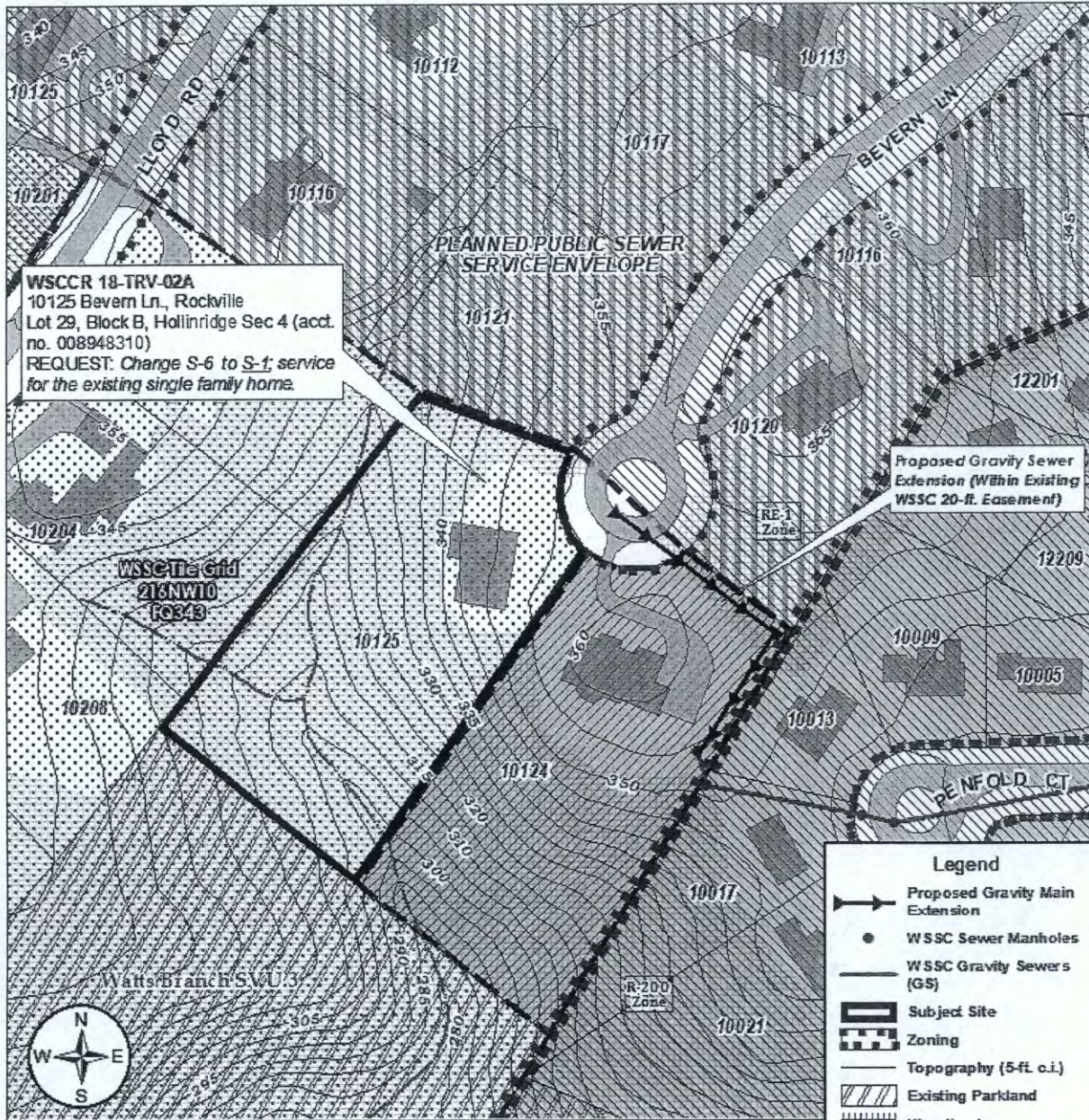
Basin: Watts Branch. If this Property were to be served by WSSC, a 400-foot-long non-CIP-sized sewer extension would be required to serve the property. This extension would connect to an existing 8-inch sewer near the cul-de-sac in Penfold Court (contract no. 2001-3053A) and would abut approximately 3 properties in addition to the applicant's. Easements would be required. [*] Construction of this extension may involve the removal of trees. **Be Advised: This property is in the Glen Hills Special Sewer Service Planning Area.** Average wastewater flow from the proposed development: 279 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

*DEP note: WSSC was able to subsequently confirm, as shown below, that the needed easement for a sewer main extension to Bevern Ln. is established.

SEWER EASEMENT BETWEEN PENFOLD CT. AND BEVERN LN. DEDICATED TO WSSC



WSSCR 18-TRV-02A (David & Nancy Scull) - Rockville
 Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Travilah Planning Area

Watts Branch Watershed



SCALE (Feet)

Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan

Legend

- Proposed Gravity Main Extension
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- Subject Site
- Zoning
- Topography (5-ft. c.i.)
- Existing Parkland
- Woodlands
- Planned Sewer Service Envelope
- Sewer Service By Special Service Policy

Sewer Category

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

PREVIOUSLY DEFERRED/TABLED CATEGORY CHANGE REQUEST

Request [6] **WSSCR 09A-TRV-02: Ted and Roxanne Smart**

County Executive's Recommendation: Approve S-3 under the Potomac peripheral sewer service policy.

Property Information and Location Property Development	Applicant's Request County Council Action				
<ul style="list-style-type: none"> • 13101 Valley Dr., Rockville • Parcel P592, Discover & Younger Brothers; acct no. 00047883 • Map tile – MD: FR51; WSSC: 217NW09 • Southeast corner, intersection of Valley Dr. and Cleveland Dr. • Travilah Planning Area Potomac Subregion Master Plan (2002) • Watts Branch Watershed (MDE Use I) • RE-1 Zone; 1.61 acres • <u>Existing use:</u> unimproved, wooded • <u>Proposed use:</u> one new single-family house the existing parcel. <p><i>DEP note: This request originally included both Parcels P592 and P651 (adjacent to the south at 13001 at Valley Dr.). The applicants subsequently sold Parcel P651 and it is therefore now excluded from WSSCR 09A-TRV-02.</i></p>	<p><u>Existing - Requested Service Area Categories</u></p> <table border="0"> <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>Applicants Explanation</u></p> <p>"The parcels are exempt from subdivision and public sewer (pressure) is located in Cleveland Dr. Conventional percolation test results have not been successful."</p> <p><u>County Council Action (CR 17-217, 7/19/11)</u></p> <p>"Defer action on the request for category S-3 pending the results of DEP's work on the Glen Hills sanitary study."</p> <p><u>County Council Action (CR 18-647, 10/25/16)</u></p> <p>"Defer action on the S-3 request pending outcome of the Council's consideration of the abutting main policy as part of the expected Water and Sewer Plan update in the spring of 2017."</p> <p><u>County Council Action (CR 18-956, 10/31/17)</u></p> <p>"Tabled by the T&E Committee pending further committee discussion of the draft 2017 Water and Sewer Plan."</p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Executive Staff Report

The applicants have requested a sewer category change from S-6 to S-3 for an unimproved parcel in the area of North Glen Hills, part of the Glen Hills study area. They want to use public sewer service to build a single-family house on the property. According to DPS, the property is not suited for an onsite septic system due to failed percolation testing. As noted in the preceding table, the Council has deferred a decision on this request twice and tabled it once.

Addressing the deferrals in 2011 and 2016, changes in sewer service policy adopted by the County Council for the Glen Hills Study Area, in March 2016 under resolution no. 18-423, did not provide a sufficient policy avenue for the consideration of public sewer service for this parcel. However, under a recent, preliminary vote on the comprehensive update of the Water and Sewer Plan, the Council agreed to amend the Glen Hills sewer service policy originally established under CR 18-423. This amendment allows the use of the Potomac peripheral sewer service policy recommended by the 2002 master plan in the Glen Hills study area.

The policy addresses consideration for public sewer service for properties that abut or confront the planned sewer service area in the Potomac Subregion. Parcel P592 partially confronts the planned public sewer envelope across Cleveland Dr. (see the map on page 53). A partially confronting situation has been used previously approve a sewer category change under the peripheral sewer service policy. An example of an approval is included on the map on page 54, where the property 10814 Alloway Dr. partially confronts the planned sewer envelope across the street, which includes 10809 Alloway Dr.

Under the peripheral sewer service policy, main extensions (if needed for the provision of public sewer service), are intended to remain within public road rights-of-way, avoiding sensitive environmental areas. WSSC has identified two alternate low-pressure main extension alignments that can satisfy this intention. One would extend at least 170 feet from an existing low-pressure main to the east along Cleveland Dr. The other would extend 310 feet from an existing low-pressure main to the north along Valley Dr. (See page 53). The provision of gravity sewer service to this property is not consistent with the peripheral sewer service policy due to the need for construction to the southeast along a forested stream valley.

This request satisfies the guidance of the Potomac peripheral sewer service policy. The County Council has given preliminary approval for this policy to apply within the Glen Hills study area and therefore to this property. The request is recommended for approval of sewer category S-3.

Agency Review Comments

DPS – Well & Septic

[This property has] failed percolation testing and [is] unsuitable for an onsite waste disposal system.
DEP note: The preceding from original 2010 review process for WSCCRs 09A-TRV-02 & -03)

M-NCPPC Area 3 Planning Team

In a letter dated October 5, 2017, the Planning Board notified the County Council of its September 28, 2017, decision to recommend approval of sewer category change request 09A-TRV-02 (Roxanne and Ted Smart). M-NCPPC Planning staff consider that the Board's recommendation remains the same for the request and have no further comments or recommendations to add.

M-NCPPC Parks Planning

DEP note: There is no County park land near this property or along on near either of the recommended sewer extension routes provided by WSSC (see below).

WSSC - Water (No change requested)

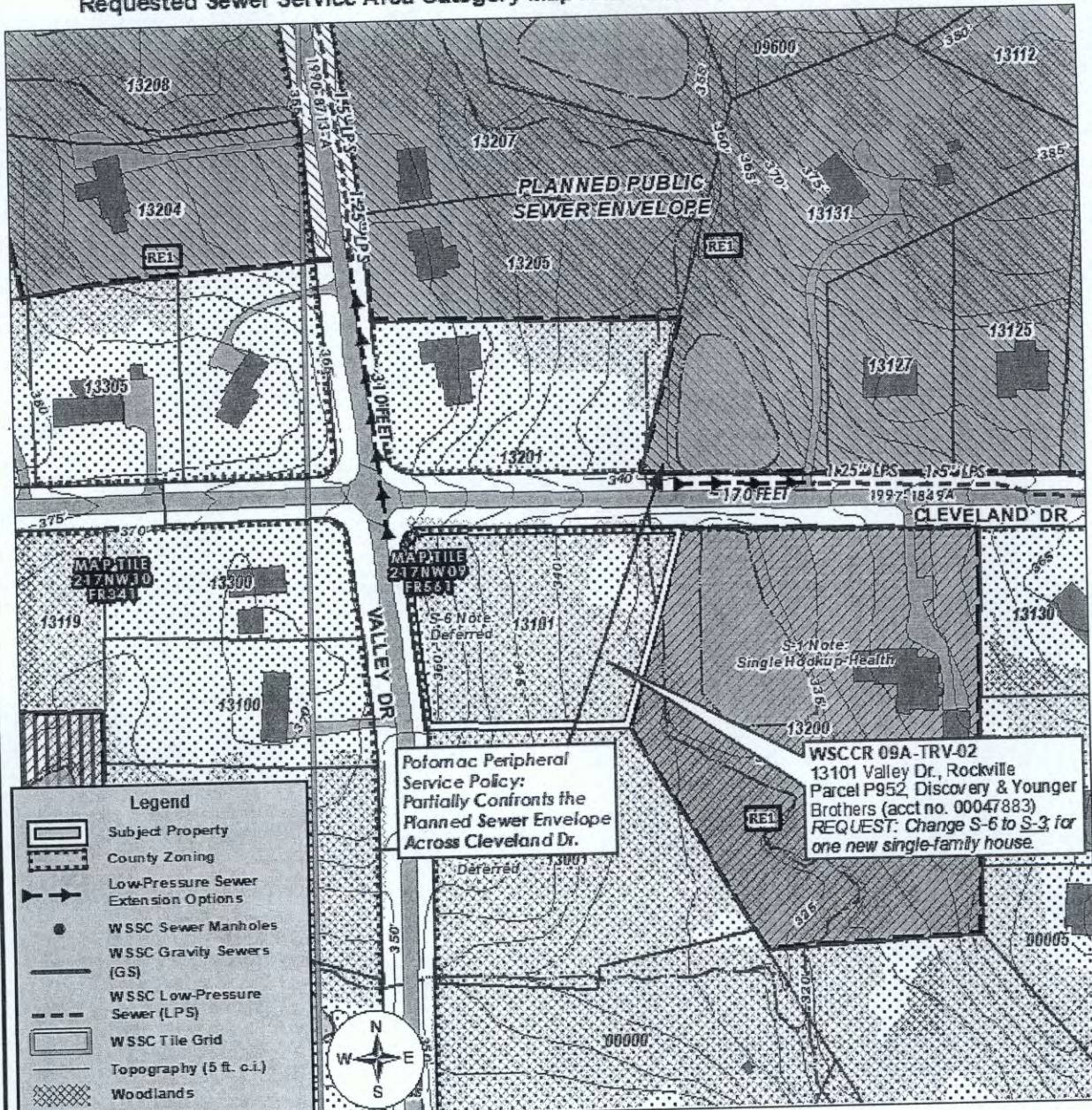
WSSC - Sewer

Basin: Watts Branch (16). There are two different options to serve this property as stated below:

- a) A 170 foot-long 1-1/4 -inch low pressure sewer extension is required to serve this property if connected to 11/4-inch existing low-pressure sewer in Cleveland Drive contract # 1997-1849A.
- b) A 310 foot-long 1-1/4 -inch low pressure sewer extension is required to serve this property if connected to 1-1/4-inch existing low-pressure sewer in Valley Drive contract # 1990-8713A. This extension would abut approximately 2 properties in addition to the applicant's.

Average wastewater flow from the proposed development: 302 GPD. Program-sized sewer mains are not required to serve the property. Interceptor capacity is adequate. Treatment capacity is adequate.

WSSCR 09A-TRV-02 (Roxanne and Ted Smart)
 Requested Sewer Service Area Category Map Amendment: Water & Sewer Plan Map



Legend

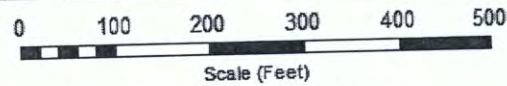
- Subject Property
- County Zoning
- Low-Pressure Sewer Extension Options
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Low-Pressure Sewer (LPS)
- WSSC Tile Grid
- Topography (5 ft. c.i.)
- Woodlands
- Existing Parkland
- Public Sewer Envelope
- Planned Sewer Service Envelope
- Sewer Service By Special Service Policy

Sewer Categories (2017)

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

Potomac Peripheral Service Policy: Partially Confronts the Planned Sewer Envelope Across Cleveland Dr.

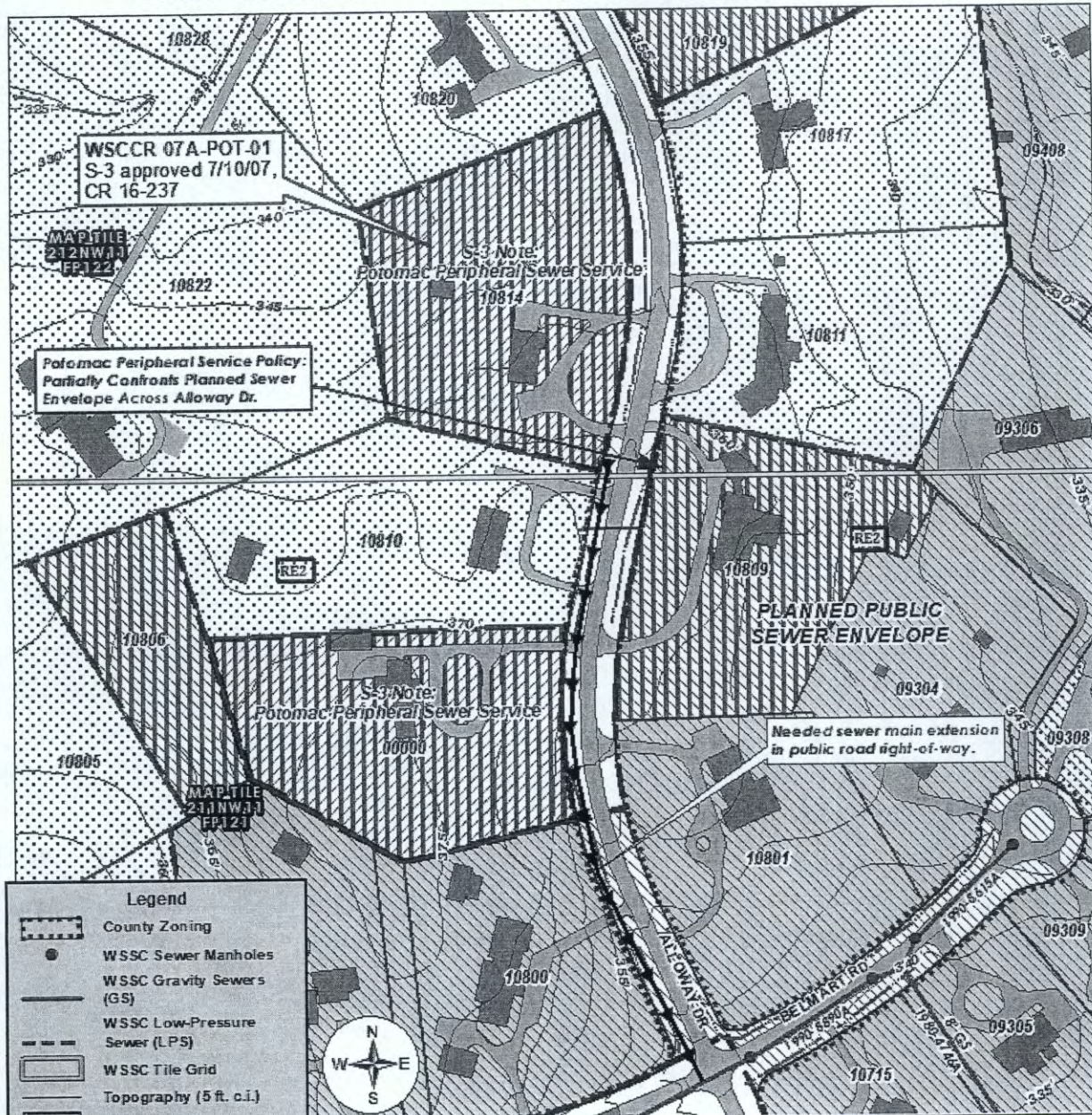
WSSCR 09A-TRV-02
 13101 Valley Dr., Rockville
 Parcel P952, Discovery & Younger Brothers (acct no. 00047883)
 REQUEST: Change S-6 to S-3 for one new single-family house.



Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply and Sewerage Systems Plan

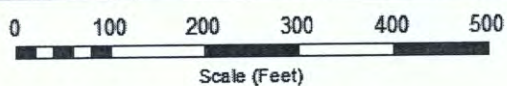
DEPARTMENT OF ENVIRONMENTAL PROTECTION
 WATER & WASTEWATER POLICY GROUP
 7/13/18

WSSCR 09A-TRV-02: Potomac Peripheral Sewer Service Policy Example (WSSCR 07A-POT-01)
 General Research & Information: Comprehensive Water & Sewer Plan Map



Legend

- County Zoning
- WSSC Sewer Manholes
- WSSC Gravity Sewers (GS)
- WSSC Low-Pressure Sewer (LPS)
- WSSC Tile Grid
- Topography (5 ft. c.i.)
- Existing Parkland
- Public Sewer Envelope**
- Planned Sewer Service Envelope
- Sewer Service By Special Service Policy
- Sewer Categories (2017)**
- S-1
- S-3
- S-6



Montgomery County, Maryland
 Draft 2017 Comprehensive Water Supply
 and Sewerage Systems Plan

WATER & WASTEWATER POLICY GROUP
 7/13/18



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIR

October 18, 2018

The Honorable Hans Riemer, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850

RE: Amendment to the *Comprehensive Water Supply and Sewerage Systems Plan: Sewer Category Change Request*—August 2018 Amendment Cycle

Dear Mr. Riemer:

At its regular meeting on October 11, the Planning Board reviewed six requests from the County Executive for sewer category changes. I am pleased to transmit to the Council the Planning Board's recommendation of approval for these requests.

17-GWC-02A Patricia Tregoning

Planning Board Recommendation: Approve W-1, Change S-5 to S-6

County Executive Recommendation: Approve W-1, Change S-5 to S-6

The 2.09-acre, RE-1-zoned property abuts a 16-inch water main and is eligible for a single water line hookup. The applicant has withdrawn the request for sewer service. In any case, the property should be re-designated from S-5, which anticipates sewer service in the future, to S-6 (not planned for sewer service). This is consistent with the 1994 Clarksburg Master Plan and Ten-Year Water and Sewer Plan policies and the surrounding RE-1 residential neighborhood.

17-GWC-03A Tregoning Bypass Trust

Planning Board Recommendation: Conditionally Approve W-3 and S-3 on the northern RE-1 zoned portion of the property, if a cluster development subdivision is approved. The sewer alignment must be extended from the adjacent subdivision, north of this area. It must also avoid stream valley or existing and future Park impacts.

Conditionally approve W-3, S-3 on the southern RE-1 portion of the property if an institutional conditional use is approved.

Change the RC zoned portion of the property from S-5 to S-6.

County Executive Recommendation:

Areas zoned RE-1: Approve W-3. Condition approval of S-3 on approval of a cluster development plan.

Areas zoned RC: Defer action pending planned updates to septic tiers.

Sewer main extension: The provision of public sewer service should follow the applicant's conceptual sewer extension design. A gravity outfall sewer main, as proposed by WSSC crossing Ovid Hazen Wells Park, is not allowed by this amendment.

This property is not currently served, but is in Sewer Category S-5, which anticipates service. This designation may reflect land use recommendations for this part of Clarksburg in the 1968 Clarksburg Master Plan, which proposed residential development at half-acre densities. The 1994 Clarksburg Master Plan revised those recommendations, identifying this area as suitable for a rural land use pattern on septic systems that would "reinforce the agricultural character for the Goshen/Woodfield Area" (p 73). The 1994 plan recommended the RE-1 and Rural Cluster zones for the property to implement that recommendation as well as to allow some residential development along Ridge Road that would reflect the existing land use pattern, where existing homes front to Ridge Road through historic Cedar Grove and where occasional residential streets off Ridge Road lead to small subdivisions.

The property was placed in Septic Tier 1, possibly reflecting earlier land use recommendations for development at half-acre densities. This designation does not reflect the 1994 Plan land use recommendations. Staff is currently working with MCDEP to update the Septic Tier map.

Kings Valley Road, which crosses Ridge Road north of Cedar Grove, provides access to newer residential neighborhoods using sewer and to Damascus Recreational Park. Land south of Kings Valley Road and along Ridge Road is in the RE-1 and R-200 Zones. Undeveloped land along Kings Valley Road that is part of the Tregoning application is in the RE-1 Zone; other land in this area is in the RE-2C Zone and has developed using transferable development rights. The western portion of the Tregoning property is in the RC Zone to provide the recommended transition to agricultural uses.

Public sewer service could be extended to portions of the Tregoning property. Initial evaluations conclude that sewer infrastructure is available to the RE-1 portion of the Tregoning property along Kings Valley Road, making gravity sewer service to this portion of the property feasible. The RE-1 zoned land exceeds 50 acres in size and is eligible for the cluster option of development. Cluster development on a portion of the property could enable compatible residential development, with sewer serving the RE-1 portion. Larger estate lots on part of the property in the RC Zone could be served by septic systems. The RE-1 portions of the property abutting Kings Valley Road are appropriate for sewer category S-3.

As noted, this area is adjacent to existing residential communities. Cedar Grove Elementary School, on Ridge Road south of Kings Valley Road, also has public sewer service, under pressure, that connects to the Kings Valley Road sewer lines. A residential community in the R-200 Zone, Cedar Grove Knolls, lies along Ridge Road between the school and Kings Valley Road, but currently relies on septic systems. Lot sizes in this community range from approximately 20,000 square feet to 50,000 square feet. Some of these lots lack sufficient space for replacement systems should existing septic systems begin to fail. The line serving the elementary school may not be adequate or appropriately designed to serve this neighborhood.

Extending service to this area, particularly to RE-1 portions of the property along Kings Valley Road and along Ridge Road south of the elementary school, could provide an opportunity to resolve potential public health issues in Cedar Grove Knolls if new lines can be routed to serve Cedar Grove Knolls. This broader public purpose could justify extension of service to an area not clearly recommended for service by the 1994 Master Plan. Those portions of the property in the RC Zone should be placed in sewer category S-6.

17-OLN-02A Iglesia de Cristo Mi-El Maryland Inc.

Planning Board Recommendation: Defer action pending concept plan review by the M-NCPPC Development Review Committee to include conformance with the Olney Master Plan guidance for development in this area.

County Executive Recommendation: Defer action pending consideration of the applicant's concept development plan by the M-NCPPC Development Review Committee.

This 7.21-acre property is located in the 2005 Olney Master Plan area. The Plan recommends community water and sewer service for this property if it combined with a larger adjacent property and developed under the optional method of development in the RNC Zone. Other properties in this same quadrant and zone have been approved for institutional uses rather than with residential uses under the RNC zone. Sewer service should be granted provided the church develops using other Master Plan guidance related to environmental protection, impervious limitations and community compatibility.

17-TRV-10A Sami and Siham Ainane

Planning Board Recommendation: Conditionally Approve S-1 if a Concept Plan that addresses the development challenges of Outlot A is brought to the Planning Department Development Review committee. Lot two will remain S-6 with no future abutting main hookup.

County Executive Recommendation: Deny category S-1 for Outlot A; maintain S-6 (no abutting mains sewer hookup allowed.)

The applicant has requested a sewer category change from S-6 to S-1 for Outlot A, Block D, a 2.51-acre RE-2 zoned property. The outlot and Lot 1, Block D, were created with the approval of subdivision 120040010. The subdivision had been granted a single sewer hookup for the parent parcel. This hookup was assigned to the buildable Lot 1, leaving Outlot A in sewer category S-6 and ineligible for sewer service under the abutting mains policy. The applicant proposes to transfer an allowable abutting mains hookup from a parcel adjacent to Outlot A, which they also own.

The Potomac Master Plan excludes areas zoned for low-density development not already approved for service from further extensions. The Potomac peripheral service policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties, areas that include this property. Following a discussion that included the applicant, planning staff and executive branch staff, the Planning Board found merit in facilitating service to Outlot A and recommended that the right to a single sewer hookup from the adjacent property to the south could be transferred to Outlot A if a Concept Plan analyzing development issues on the property is reviewed by the Development Review Committee.

18-TRV-02A David and Nancy Scull

Planning Board Recommendation: Approve S-3, with sewer alignment via Bevern Lane only

County Executive Recommendation: Approve S-3

This 1.89-acre RE-2-zoned property is outside, but adjacent to the Potomac sewer service envelope. It is in the Middle Watts Branch subwatershed. The 2002 Potomac Subregion Master Plan allows for 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. This request is consistent with the Master Plan. This property is also

neighboring properties. Finally, the Master Plan emphasizes the construction of sewer extension along roads rather than through stream valleys. Therefore, access to sewer must occur along Bevern Lane or across neighboring properties. Access through the Watts Branch Stream Valley Park will be denied.

09A-TRV-02 Ted and Roxanne Smart

Planning Board Recommendation: Approve S-3

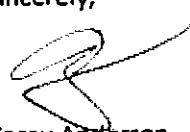
County Executive Recommendation: Approve S-3

In a letter dated October 5, 2017, the Planning Board notified the County Council of its September 28, 2017, decision to recommend approval of sewer category change request 09A-TRV-02. The Board's recommendation remains the same for this request.

The Planning Board review included a presentation from its technical staff, testimony from interested residents and their representatives, and input from the Department of Environmental Protection. Following the discussion, the Board unanimously voted on the recommendations shown above for each of the requests.

The Planning Board appreciates the opportunity to review and provide recommendations for this request. Should you have further questions, you may contact Katherine Nelson of the Area 3 Planning Team at 301-495-4622 or katherine.nelson@montgomeryplanning.org.

Sincerely,

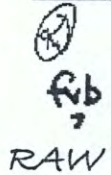


Casey Anderson
Chair

cc: Keith Levchenko, Montgomery County Council
Alan Soukup, Department of Environmental Protection

Enclosure: October 11, 2018 Staff Report to the Montgomery Planning Board

Proposed Category Map Amendments: Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Water/Sewer Service Category Change Requests Two 2018-3 Administrative Cases and Six August 2018 County Council Group Cases



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

Frederick Vernon Boyd, Master Planner, Area 3, Fred.Boyd@montgomeryplanning.org (301) 495-4654

Richard A. Weaver, Chief, Area 3, Richard.Weaver@montgomeryplanning.org (301) 495-4544

Completed: 10/4/2018

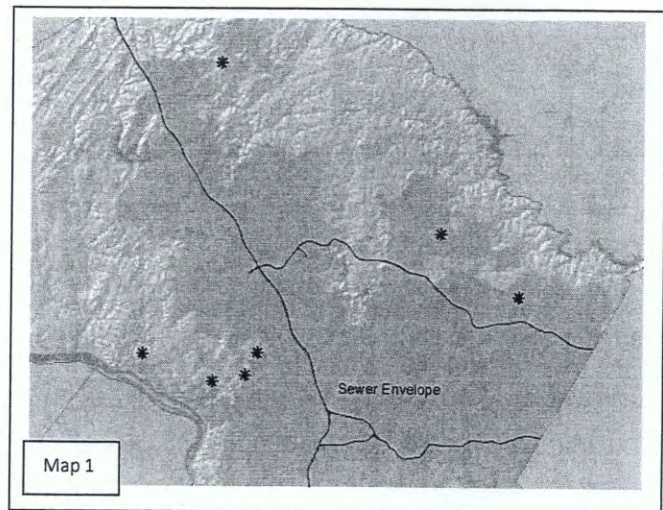
Description

Proposed Amendments:

Montgomery County Comprehensive Water Supply and Sewerage Systems Plan – Eight Water/Sewer Category Change Requests

Referred to the Planning Board for a determination of consistency with relevant master and sector plans, with recommendations to the County Council and the County Executive for final action.

Staff Recommendation: *Transmit Recommendations to the County Council and the County Executive*



Summary

The Planning Board is required by State law to make a Master Plan consistency determination on each Water and Sewer Category Change Request (WSCCR). Map 1 shows the existing sewer service envelope recommended in individual master plans and sector plans for the entire County. The properties requesting sewer service are shown as an asterisk.

The Planning Board's recommendations will be transmitted to the County Council and the County Executive for final action. Information and maps of zoning, existing and proposed uses and recommendations from other agencies are shown in the attached packets from the County Council (Attachment 1) and the County Executive. (Attachment 2)

STAFF RECOMMENDATION

Transmit the Planning Board's recommendations to the County Council and the County Executive. The recommendations on these requests substantially agree with the County Executive's recommendations.

Water and Sewer Category Change Requests—2018-3 Administrative Amendments

18-CLO-01A Joseph Brule

This RE-2C zoned 4.71-acre property was recommended for sewer service in the 1997 Cloverly Master Plan to facilitate the use of cluster subdivision should it, and adjacent properties consolidate, into a subdivision application. Since this property and the other adjacent properties in this area did not consolidate, each alone is too small to use the cluster option. However, due to the presence of an abutting sewer main in Briggs Chaney Road, this property is eligible for a single hookup only.

Staff Recommendation: Approve S-1, single hookup

County Executive Recommendation: Approve S-1, single hookup

18-TRV-03A Janis & Michael Kerns

This 2.14 acre RE-2-zoned property is outside but adjacent to the Potomac sewer service envelope. The 2002 Potomac Subregion Master Plan allows for 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. This request is consistent with this master plan recommendation. The property also abuts both sewer and water infrastructure and is eligible for hookups for water and sewer under the abutting mains policy.

Staff Recommendation: Approve W-1, S-1

County Executive Recommendation: Approve W-1, S-1

Water and Sewer Category Change Requests—August 2018 County Council Amendments

17-GWC-02A Patricia Tregoning

The 2.09-acre, RE-1-zoned property abuts a 16-inch water main and is eligible for a single water line hookup. The applicant has withdrawn the request for sewer service. In any case the property should be re-designated from S-5, which anticipates sewer service in the future, to S-6 (not planned for sewer service). This is consistent with the 1994 Clarksburg Master Plan and Ten-Year Water and Sewer Plan policies and the surrounding RE-1 residential neighborhood.

Staff Recommendation: Approve W-1, Change S-5 to S-6

County Executive Recommendation: Approve W-1, Change S-5 to S-6

17-GWC-03A Tregoning Bypass Trust

This property is not currently served, but is in Sewer Category S-5, which anticipates service. This designation may reflect land use recommendations for this part of Clarksburg in the previous Clarksburg Master Plan, which proposed residential development at half-acre densities. The 1994 Clarksburg Master Plan revised those recommendations, identifying this area as suitable for a rural land use pattern on septic systems that would “reinforce the agricultural character for the Goshen/Woodfield Area” (p 73). The 1994 plan recommended the RE-1 and Rural Cluster zones for the property to implement that recommendation as well as to allow some residential development along Ridge Road that would reflect the existing land use pattern, where existing homes front to Ridge Road through historic Cedar Grove and where occasional residential streets off Ridge Road lead to small subdivisions.

The property was placed in Septic Tier 1, possibly reflecting earlier land use recommendations for development at half-acre densities. This designation does not reflect the 1994 Plan land use recommendations. Staff is currently working with MCDEP to update the Septic Tier map.

Kings Valley Road, which crosses Ridge Road north of Cedar Grove, provides access to newer residential neighborhoods using sewer and to Damascus Recreational Park. Land along Ridge Road is in the RE-1 and R-200 Zones. Undeveloped land along Kings Valley Road that is part of the Tregoning application is in the RE-1 Zone; other land in this area is in the RE-2C Zone and has developed using transferable development rights. The interior portion of the Tregoning property is in the RC Zone to provide the recommended transition to agricultural uses to the south.

Public sewer service could be extended to portions of the Tregoning property. Initial evaluations conclude that sewer infrastructure is available to the RE-1 portion of the Tregoning property along Kings Valley Road can be served by gravity sewers, making service to this portion of the property feasible. The RE-1 zoned land exceeds 50 acres in size and is eligible for the cluster option of development. Cluster development on a portion of the property could enable compatible residential development, with sewer serving the RE-1 portion. Larger estate lots on part of the property in the RC Zone could be served by septic systems. The RE-1 portions of the property abutting Kings Valley Road are appropriate for sewer category S-3.

As noted, this area is adjacent to existing residential communities. Cedar Grove Elementary School, on Ridge Road south of Kings Valley Road, also has public sewer service, under pressure, that connects to the Kings Valley Road sewer lines. A residential community in the R-200 Zone, Cedar Grove Knolls, lies along Ridge Road between the school and Kings Valley Road, but currently relies on septic systems. Lot sizes in this community range from approximately 20,000 square feet to 50,000 square feet. Some of these lots lack sufficient space for replacement systems should existing septic systems begin to fail. The line serving the elementary school may not be adequate or appropriately designed to serve this neighborhood.

Extending service to this area, particularly to RE-1 portions of the property along Kings Valley Road and along Ridge Road south of the elementary school, could provide an opportunity to resolve potential public health issues in Cedar Grove Knolls if new lines can be routed to serve Cedar Grove Knolls. This broader public purpose could justify extension of service to an area not clearly recommended for service by the 1994 Master Plan. Those portions of the property in the RC Zone should be placed in sewer category S-6.

Staff Recommendation: Approve W-3, Approve S-3 on the northern RE-1 zoned portion of the property. The sewer alignment must be extended from the adjacent subdivision, north of this area. It must also avoid stream valley or existing and future Park impacts. Change the RC zoned portion of the property and the southern RE-1 zoned area from S-5 to S-6.

County Executive Recommendation:

Areas zoned RE-1: Approve W-3. Condition approval of S-3 on approval of a cluster development plan.

Areas zoned RC: Defer action pending planned updates to septic tiers.

Sewer main extension: The provision of public sewer service should follow the applicant's conceptual sewer extension design. A gravity outfall sewer main, as proposed by WSSC crossing Ovid Hazen Wells Park, is not allowed by this amendment.

17-OLN-02A Iglesia de Cristo Mi-El Maryland Inc.

This 7.21-acre property is located in the 2005 Olney Master Plan area. The plan recommends community water and sewer service for this property if it combined with a larger adjacent property and developed under the optional method of development in the RNC Zone. Several other properties in this same quadrant and zone have successfully developed with institutional uses rather than with residential uses under the RNC zone. Sewer service should be granted provided the church develops using other master plan guidance related to environmental protection, impervious limitations and community compatibility.

Staff Recommendation: Defer action pending concept plan review by the M-NCPPC Development Review Committee to include conformance with master plan guidance for development in this area.

County Executive Recommendation: Defer action pending consideration of the applicant's concept development plan by the M-NCPPC Development Review Committee.

17-TRV-10A Sami and Siham Ainane

The applicant has requested a sewer category change from S-6 to S-1 for Outlot A, Block D, a 2.51-acre RE-2 zoned property. The outlot and Lot 1, Block D, were created with the approval of subdivision 120040010. The subdivision had been granted a single sewer hookup for the parent parcel. This hookup was assigned to the buildable Lot 1, leaving Outlot A with sewer category S-6 and ineligible for sewer service under the abutting mains policy. The Potomac Master Plan excludes areas zoned for low-density development not already approved for service from further extensions. The Potomac peripheral policy further excludes properties adjacent to and in the vicinity of the Palatine subdivision and the lower Greenbriar Branch properties. The existing outlot does not qualify for a single sewer hookup under the abutting mains policy.

Staff Recommendation: Deny category S-1 for Outlot A; maintain S-6 (no abutting mains sewer hookup allowed.)

County Executive Recommendation: Deny category S-1 for Outlot A; maintain S-6 (no abutting mains sewer hookup allowed.)

18-TRV-02A David and Nancy Scull

This 1.89-acre RE-2-zoned property is outside but adjacent to the Potomac sewer service envelope. It is in the Middle Watts Branch subwatershed. The 2002 Potomac Subregion Master Plan allows for 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. This request is consistent with the master plan. This property is also located in the Glen Hills sewer study area and could be considered for service in conjunction with other neighboring properties. Finally, the Master Plan emphasizes the construction of sewer extension along roads rather than through stream valleys. Therefore, access to sewer must occur along Bevern Lane or across neighboring properties. Access through the Watts Branch Stream Valley Park will be denied.

Staff Recommendation: Approve S-3, with sewer alignment via Bevern Lane only

County Executive Recommendation: Approve S-3

09A-TRV-02 Ted and Roxanne Smart

In a letter dated October 5, 2017, the Planning Board notified the County Council of its September 28, 2017, decision to recommend approval of sewer category change request 09A-TRV-02 (Attachment 3). The County Council T&E Committee tabled action in 2017, pending further committee discussion of the draft 2017 10-year Water and Sewer Plan. M-NCPPC Planning staff consider that the Board's recommendation remains the same for the request.

Staff Recommendation: Approve S-3

County Executive Recommendation: Approve S-3

NEXT STEP

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

Attachment:

1. County Council Packet
2. County Executive Packet
3. October 5, 2017 Letter to County Council

Request [2] WSCCR 17-GWC-03A: Tregoning Bypass Trust

County Executive's Recommendation:

Areas zoned RE-1: Approve W-3. Maintain S-5, with a change to S-3 conditioned on Planning Board approval of a cluster option development plan. Development of the elder care facility proposed for the frontage on Ridge Rd. can be considered as clustered development for the purposes of the Water and Sewer Plan.

Areas zoned RC: Defer consideration pending recommendations from M-NCPPC and subsequent County Council action concerning revisions to the septic tier designation for the RC-zoned part of this site. (In order to allow development using septic systems within the RC-zoned area of this property, a revision to the County's septic Tier 1 designation, assigning instead Tier 3 or 4, will be needed.)

Sewer main extension: The provision of public sewer service should follow the applicant's conceptual sewer extension design. A gravity outfall sewer main, as proposed by WSSC crossing Ovid Hazen Wells Park, is not allowed by this amendment.

UPDATE

The following language is based, in part, on the Planning Board's recommendations for this request and on the applicant's changes to the scope of the request. This language follows the intent of the County Executive's recommendation, but accounts for changes and additional information provided subsequent to that recommendation. See the notes related to each part of the proposed amendment below.

Areas zoned RE-1: Approve W-3. Maintain S-5, with a change to S-3 conditioned on Planning Board approval of a RE-1 cluster or MPDU optional development plan. Development of the elder care facility proposed for the frontage on Ridge Rd. is further conditioned on approval of a conditional land use by the Board of Appeals. The elder care use can be considered as part of an optional development for the purposes of the Water and Sewer Plan.

Notes:

- The applicant has identified two optional development methods now available under the RE-1 Zone: MPDU and cluster. Both options involve clustering of building lots and leaving open space in the subdivision. The applicant intends to use the MPDU optional method. The updated language provided covers both possibilities.
- The Planning Board recommended a conditional category change action for the southwest RE-1 area that would require a conditional land use approval for the proposed elder-care facility. The Council often defers cases where another body (Planning Board, Board of Appeals, etc.) needs to take an action. However, experience has shown that conditional land use actions sometimes end up in a chicken v. egg situation, where the Board of Appeals does not want to move forward without knowing that the Council will decide to approve public water and sewer service. A conditional category change action is a reasonable compromise. Note that conditional category change actions will now be subject to a five-year/ten-year sunset policy.

Areas zoned RC: Maintain W-5, with advancement to W-3 conditioned on Planning Board approval of a RC cluster option development plan. (In order to allow development using septic systems within the RC-zoned area of this property, a revision to the County's Septic Tier 1 designation, assigning instead Tier 3 or 4, will be needed.)

Note: The applicant has dropped the proposal for public sewer use in the RC-zoned area of the site. Only public water service is now sought, which if provided to a cluster-option development plan, is consistent with Water and Sewer Plan policies.

Sewer main extension: The provision of public sewer service should generally follow the applicant's conceptual sewer extension design, tying into the existing sewerage system across Kings Valley Rd. east of the project site. A gravity outfall sewer main, as proposed by WSSC crossing Ovid Hazen Wells Park, is not allowed by this amendment.

The alignment and construction of the low-pressure sewer main for the elder-care project site, between the southwest corner of the site and the residential development at the northern end, will be evaluated

through the development plan review. This alignment will need to minimize impacts to wooded areas and to streams and stream buffers, especially within proposed park dedication areas.

Note: M-NCPPC Parks staff raised concerns about the potential sewer construction impacts within areas planned for park dedication. New language here acknowledges that these concerns will need to be addressed as part of the development plan review process.

Request [4] **WSCCR 17-TRV-10A: Sami and Siham Ainane**

County Executive's Recommendation: Deny the requested category S-1 for Outlot A, maintaining S-6. The transfer of an abutting sewer service hookup from Lot 2 to Outlot A is not allowed.

UPDATE

The following is based on the Planning Board's action on this request. It does not represent the County Executive's position and is provided only if the Council wants to pursue the Board's recommendation. The intent here is to limit a potential precedent resulting from an approval decision for this unusual, single case. M-NCPPC staff advised that the conversion of Outlot A to a building lot can be accomplished under the minor subdivision process and does not require submittal and approval of a preliminary plan. As a compromise, the Board provided for the DRC's consideration of a concept plan, as explained below, which was acceptable to the applicant. (A concept plan does not require the more complex level of engineering needed for a preliminary plan and has no application fee.)

Allow a one-time transfer of Lot 2's available and unused abutting mains sewer hookup from Lot 2 to Outlot A. Outlot A has flagstem frontage on Piney Meetinghouse Rd. and therefore abuts an existing sewer main there. At the time of this transfer, the applicants own both Lot 2 and Outlot A. This action does not establish a precedent in the abutting mains policy for similar actions elsewhere.

→ **The final approval of the following amendments for Outlot A and Lot 2 is conditioned on consideration of a concept plan by the Development Review Committee (DRC) for the conversion of Outlot A to a building lot. Specifically, the review of the concept plan will need to address and resolve issues involving the location of the proposed house and the alignment and construction impact of the needed sewer service hookup across the property.**

Outlot A: Approve S-1 for one sewer hookup only under the abutting mains policy. Remove the existing restriction that prevents an abutting mains sewer hookup for this property.

Lot 2: Maintain S-6; add a restriction will prevent this property from having a sewer hookup from the abutting sewer main located along Piney Meetinghouse Rd.

Note: There has been some discussion of further restricting any future resubdivision of Lot 2, including a resubdivision using only onsite septic systems. This would potentially address the result of an approval action that will allow for one additional house in the RE-2 Zone. However, such a limitation on land use and the subdivision process, where public sewer service is not provided to this property, is and should be outside the legitimate scope of the Water and Sewer Plan.

Ms. Siham Ainane
12000 Piney Meeting House Road
Potomac, Maryland 20854

October 1, 2018

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

Re: Sewer Category Change Request – 12000 Piney Meeting House Road

Honorable Hans Riemer and Members of the Council,

I would like to thank you for giving me the opportunity to present my case to you. I come before you to request a sewer connection to Outlot A that I own and which is immediately to the north of my 8.6 acre property on 12000 Piney Meetinghouse Road known as Lot 2. I understand the objective of the County's water and sewer policy, but unfortunately, the policy does not address the unique aspects of my particular situation. Thus, I am requesting your consideration of this sewer category change. In short, we are requesting that our right to a sewer hook up on Lot 2 be transferred to Outlot A. Critically, this request will not result in any additional connections. Equally important, granting this request will not establish an unintended precedent, given the unique aspects of our case.

We purchased Lot 2 and the Outlot last year. Lot 2 relies on septic but is entitled to a sewer connection. The prior owner planned to subdivide Lot 2 into four lots. To this end, he was successful in getting Lot 2 to perc in several areas. The prior owner filed the sewer category request with the intention of developing Lot 2 with up to four houses on septic and transferring the sewer connection to which Lot 2 is entitled to Outlot A. In contrast, we have no interest in subdividing our property or selling it to a developer that would build several homes in lieu of the existing farm. We are horse people who want to preserve this beautiful land by creating a beautiful farm. Tellingly, we just applied for a farm tax category status.

However, we are still very interested in transferring the right to the sewer hook up to Outlot A for the following reasons. Outlot A is infested with termites, rats, raccoons, and many more rodents. There are huge trees that have fallen over the years which creates a perfect habitat for these rodents. Huge rats, as big as cats, are roaming freely on the property and unfortunately, they found their way into our home


on Lot 2 a long time ago. We found large holes underground in the foundation of the house and the repairs cost us \$9,000, but that still didn't take care of the problem. Two of our neighbors who back up to the Outlot have already raised their concerns to me regarding the infestation because it is affecting them as well. Unless we tackle this serious health problem at its source and cleanup the Outlot and make it habitable for humans, we will never be able to get rid of this serious health issue. We did hire an extermination company. However, things did not improve much and the company made it clear to us that the problem will never go away as long as Outlot A is in this dire condition. We bought Lot 2 and Outlot A a year ago, but the rodent problem originating from Outlot A is so significant, that we have not yet been able to live in the existing house on Lot 2.

The prior owner requested transferring the sewer connection from Lot 2 to the Outlot in order that he could develop as many homes as possible on the property. My request is for a completely different reason. The cost to clean up Outlot A is north of \$20,000. Transferring the connection will allow Outlot A to ultimately be developed, which will allow the much needed cleanup of the property to occur. Again, this requested transfer will in no way increase the number of sewer connections. It merely transfers the connection from Lot 2 to Outlot A. Also, please note that in connection with the 2004 subdivision of the property, the owner could have allocated the subject connection to Outlot A, instead of Lot 2. If this had occurred, there would be no need for this request.

I invite the Council to send an expert to examine up close the condition of the Outlot and to see for themselves the awful situation I have described.

For these reasons, I respectfully request your support for the transfer of the sewer connection.
Thank you.

Very truly yours,



Siham Ainane

cc: The Honorable Roger Berliner
The Honorable Marc Elrich
The Honorable Nancy Floreen
The Honorable Tom Hucker
The Honorable Sidney Katz
The Honorable George Leventhal
The Honorable Nancy Navarro
The Honorable Craig Rice



Robert R. Harris
Attorney
301-841-3826
rharris@lerchearly.com

October 12, 2018

VIA E-MAIL & FIRST CLASS MAIL

The Honorable Roger Berliner
Chair, Transportation, Infrastructure and Environment Committee
Stella B. Werner Council Office Building
100 Maryland Avenue, 6th Floor
Rockville, MD 20850

Re: Water and Sewer Category Changes (Sami and Siham Ainane - WSCCR 17-TRV-10A)
T&E Committee October 23, 2018

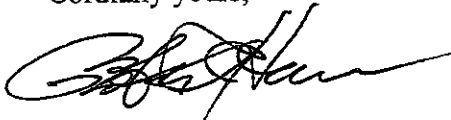
Dear Councilmember Berliner and Members of the T&E Committee

We represent Sami and Siham Ainane, the owners of the parcel that is the subject of this sewer category change request. The subject property is located in the 12000 block of Piney Meetinghouse Road in Potomac. (See attached map). Last year, Mr. and Mrs. Ainane purchased an existing house on Piney Meeting House Road, along with the adjoining parcel. The person from whom they bought the two parcels had obtained approval of a Preliminary Plan of Subdivision in 2004 which envisioned the future extension of public sewer to the subject parcel (designated then as Outlot A, as reflected in the attached Preliminary Plan). Mr. and Mrs. Ainane are now interested in seeking approval to connect that property to the existing sewer line that runs along the front of it in Piney Meetinghouse Road, so that they can sell the property to someone interested in building a house there, while they retain their existing home.

I am pleased to report that, yesterday, the Montgomery County Planning Board discussed the matter with Park and Planning Commission Staff and Alan Soukup of DEP Staff, and voted unanimously to recommend approval of the sewer connection. The discussion included a recognition that the provision of sewer to this parcel would be consistent with the conditions of neighboring development. Mr. Soukup confirmed ample capacity exists within the existing sewer line there, and this connection would make efficient use of that existing sewer, because no public extension would be required – only the individual connection to the line right in front of the house. They also noted that connecting to an existing public sewer line would be more appropriate than adding an additional in-ground septic system. They concluded that the contemplated transfer of the allowable hook-up from the adjoining lot, where it is not required, to the subject parcel, would result in no additional hook-ups beyond those already contemplated and, therefore, would not create any precedent. In response to a request from the Planning Board, the property owners agreed to have the planned construction of the new home on the subject parcel reviewed by Park and Planning Staff to ensure compliance with all environmental goals.

For these reasons, we hope that the Committee will support this single lot hook-up so that this property can be developed as previously contemplated.

Cordially yours,

A handwritten signature in black ink, appearing to read "R. Harris", written in a cursive style.

Robert R. Harris

cc: Keith Levchenko
Cindy Gibson
Aaron Kraut
Ruthann Eisner
Andrea Nunez
Siham Ainane



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