

Resolution No.:	19-1425
Introduced:	October 25, 2022
Adopted:	October 25, 2022

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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Lead Sponsor: County Council

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**SUBJECT:** Amendments to the Comprehensive Water Supply and Sewerage Systems Plan –  
Previously Deferred Category Change Requests

**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 March 2, 2021 the Council approved Resolution 19-748 which deferred the following three category change requests: WSCCR 20-TRV-03A: Ashwani & Janak Arora, WSCCR 20-TRV-05A: Ravinder & Rita Kapoor, and WSCCR 20-TRV-09A: Sami and Siham Ainane.

6. On October 12, 2021 the Council approved Resolution 19-1019 which deferred the following two category change requests: WSCCR 20-TRV-14A: Transquest LLC and WSCCR 20-TRV-15A: Travilah Oak LLC.
7. As noted in Resolution 19-748 and Resolution 19-1019, these deferrals were made pending Council consideration of possible changes in policies in the next update of the Comprehensive Ten-Year Water Supply and Sewerage Systems Plan which could result in these requests becoming eligible for approval.
8. The County Council's Transportation and Environment Committee held worksessions on the update of the Comprehensive Ten-Year Water Supply and Sewerage Systems Plan on September 12, 2022 and October 3, 2022 and recommended amendments to the Plan which, if approved, would make these category change requests eligible for approval.
9. The County Council's Transportation and Environment Committee held a worksession on the abovementioned deferred requests on October 17, 2022.
10. On October 25, 2022, the County Council approved Resolution 19-1423 which approved the 2022-2031 Comprehensive Ten-Year Water Supply and Sewerage Systems Plan.

#### **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 an accurate account of the meeting:



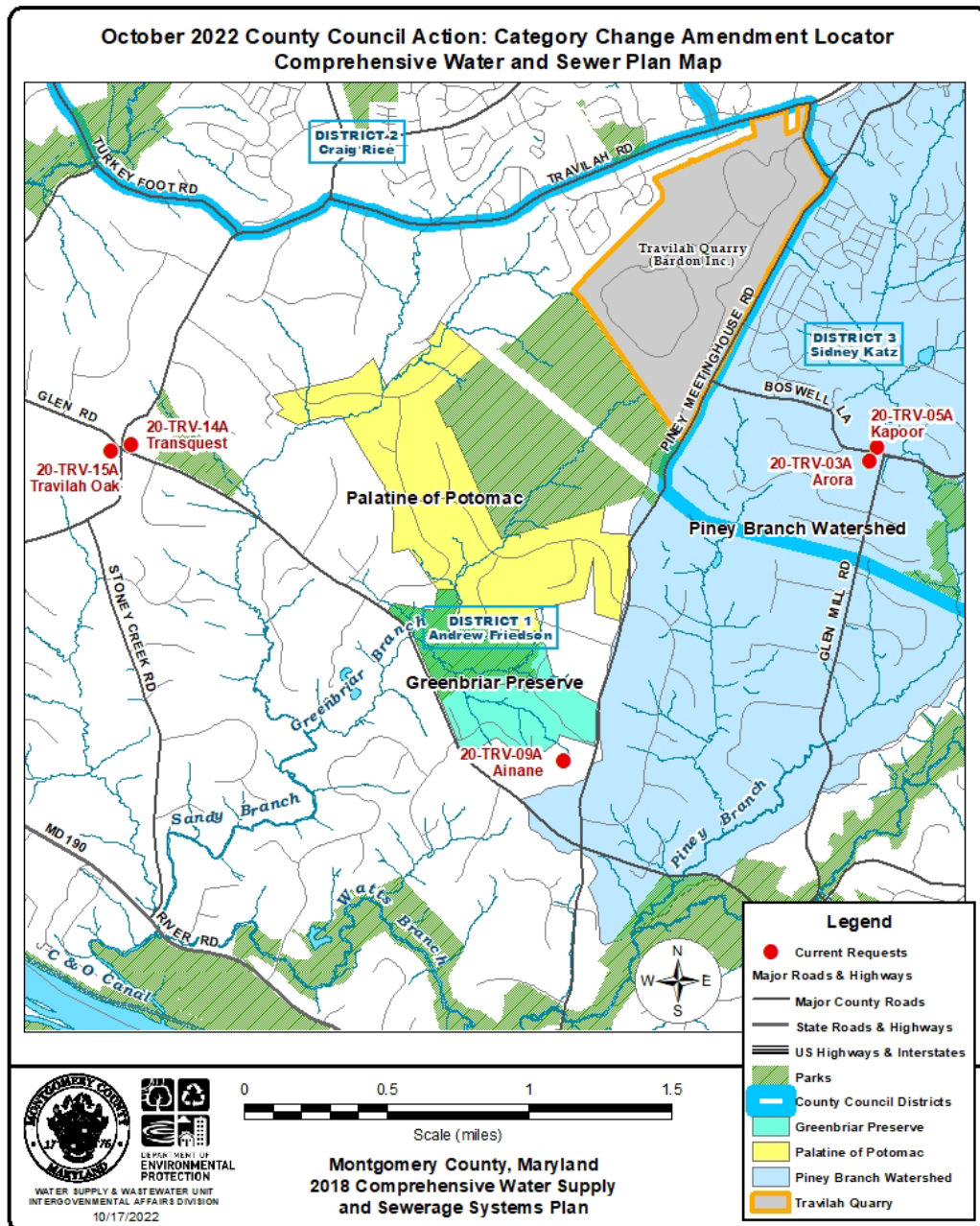
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Judy Rupp  
Clerk of the Council

# **Montgomery County Comprehensive Water Supply and Sewerage Systems Plan December 2020 & July 2021 Amendment Transmittals: Water/Sewer Category Map Amendments**

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

Property owners file category change map amendment requests seeking to change the service areas for their property from one category to another, often based on anticipated development plans. The following charts present the County Council's actions on water/sewer category map amendment requests filed with DEP and transmitted by the County Executive to the Council for consideration on December 4, 2020, and July 6, 2021.



- Applicants receiving a conditional approval under this resolution have five years, until October 25, 2028, either to fulfill the requirements stated for a final category change approval action or to request from DEP a five-year extension for the final approval action.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan  
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**WSSCR 20-TRV-03A: Ashwani & Janak Arora**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> <li>10400 Boswell Ln., Potomac</li> <li>Parcel P741, Wickham &amp; Pottinger (acct. no. 00046148)</li> <li>Map tile: WSSC – 217NW10; MD –FR31</li> <li>Southwest corner, intersection of Glen Mill Rd. &amp; Boswell Ln.</li> <li>RE-2 Zone; 3.70 acres</li> <li>Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA)</li> <li><u>Existing use</u>: Single-family house (not residence), built 1996</li> <li><u>Proposed use</u>: No Change</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1                  W-1 (no change)</p> <p>S-1*                  S-1**</p> <p><b>*Consideration of the applicant's request for a main extension is deferred</b></p> <p><b>**Seeking S-1 for one sewer connection only with approval of a sewer main extension.</b></p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain S-1, for one sewer connection only from the existing abutting main. Approval of the requested sewer main extension is conditioned on MDE's future approval of the 2022 comprehensive update of the Water and Sewer Plan that includes the abutting mains extension policy, as approved by the County Council.</b></p> <p><i>Note: Request for sewer extension previously deferred under CR 19-748 (3/2/2021).</i></p>

**WSSCR 20-TRV-05A: Ravinder & Ritu Kapoor**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> <li>10401 Boswell Ln, Potomac</li> <li>Parcel P666, Wickham &amp; Pottinger Piney Level (acct. no. 00053133)</li> <li>Map tile: WSSC – 217NW10; MD –FR31</li> <li>Northwest corner, intersection of Glen Mill Rd. &amp; Boswell Ln.</li> <li>RE-1 Zone; 2.00 ac</li> <li>Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I), Piney Branch Subwatershed (Mont. Co. SPA)</li> <li><u>Existing use</u>: Single-family house, built 2006</li> <li><u>Proposed use</u>: No Change</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-1                  W-1 (no change)</p> <p>S-6*                  S-3</p> <p><b>*Consideration of sewer category S-3 is deferred.</b></p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain S-6, with advancement to S-3 (for one sewer connection only under the abutting mains policy) conditioned on 1) MDE's future approval of the 2022 comprehensive update of the Water and Sewer Plan that includes the abutting mains extension policy, as approved by the County Council; and 2) confirmation from WSSC Water that an application has been submitted for the proposed low-pressure main extension.</b></p> <p><i>Note: Request for category S-3 previously deferred under CR 19-748 (3/2/2021).</i></p>

- Applicants receiving a conditional approval under this resolution have five years, until October 25, 2028, either to fulfill the requirements stated for a final category change approval action or to request from DEP a five-year extension for the final approval action.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

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**WSSCR 20-TRV-09A: Sami and Siham Ainane**

Property Information and Location Property Development	Applicant's Request County Council Action
<ul style="list-style-type: none"> <li>12000 block of Piney Meetinghouse Rd., Potomac</li> <li>Outlot A, Block D, Piney Glen Farms (acct. no. 03464464)</li> <li>Map tile: WSSC – 215NW11; MD –FQ12</li> <li>West side of Piney Meetinghouse Rd., south of the intersection of Greenbriar Preserve Ln.</li> <li>RE-2 Zone; 2.51 ac.</li> <li>Travilah Planning Area Potomac Subregion Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I)</li> <li><u>Outlot A existing use:</u> Vacant <u>Outlot A proposed use:</u> convert to building lot for one single-family house</li> </ul>	<p><u>Existing –      Requested – Service Area Categories</u></p> <p>W-1              W-1 (no change)</p> <p>S-6*              S-1</p> <p><b>*Consideration of sewer category S-3 is deferred.</b></p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain S-6, with advancement to S-3 (for one sewer connection only under the abutting mains policy) conditioned on 1) MDE's future approval of the 2022 comprehensive update of the Water and Sewer Plan that includes the abutting mains transfer rights language, as approved by the County Council, and 2) recordation of the existing outlot as a building lot.</b></p> <p><i>Note: Request for category S-1 previously deferred under CR 19-748 (3/2/2021).</i></p>

**WSSCR 20-TRV-14A: Transquest LLC**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> <li>13005 Travilah Rd., Rockville</li> <li>Parcel P648, Travilah School Property (acct. no. 00395131)</li> <li>Map tile: WSSC – 217NW13; MD – ER51</li> <li>Northeast corner, intersection of Travilah Rd. and Glen Rd. (Located diagonally across the intersection from WSSCR 20-TRV-15A)</li> <li>Zoning: RE-2. Size: 2 acres</li> <li>Travilah Planning Area Potomac Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I)</li> <li><u>Existing use:</u> Single-Family Home and Barn</li> <li><u>Proposed use:</u> Country Inn, 135-seat restaurant (conditional use)</li> </ul>	<p><u>Existing –      Requested – Service Area Categories</u></p> <p>W-6              W-6 for multiuse water system</p> <p>S-6*              S-3</p> <p><b>*Consideration of sewer category S-3 is deferred.</b></p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain W-6 and S-6, with advancement to W-6, for a multiuse water supply system, and to S-3 conditioned on 1) MDE's future approval of the 2022 comprehensive update of the Water and Sewer Plan that includes the community service for commercial uses policy, as approved by the County Council, and 2) the Planning Board's approval of a preliminary plan (if applicable) that conforms substantially with the concept plan included in the applicant's category change request submission.</b></p> <p><i>Note: Request for category S-3 previously deferred under CR 19-1019 (10/12/2021).</i></p>

- Applicants receiving a conditional approval under this resolution have five years, until October 25, 2028, either to fulfill the requirements stated for a final category change approval action or to request from DEP a five-year extension for the final approval action.
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**WSSCR 20-TRV-15A: Travilah Oak LLC**

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> <li>Properties: <ul style="list-style-type: none"> <li>12960 Travilah Rd., Potomac; Parcel N679*, Lot 4, Boylestons Discovery (acct. no. 03063708)</li> <li>12948 Travilah Rd., Potomac; Parcel N726*, Lot 3, Boylestons Discovery (acct. no. 02232731)</li> <li>12940 Travilah Rd., Potomac; Parcel N780*, Lot 1, Lot 2 Boylestons Discovery (acct. no. 00397857)</li> </ul> <p><i>*This request includes only those parts of these three parcels zoned NR-0.75. Areas zoned RE-2 are excluded.</i></p> </li> <li>Map tile: WSSC – 217NW13; MD –ER41</li> <li>Southwest corner, intersection of Travilah Rd. and Glen Rd. (Located diagonally across the intersection from WSSCR 20-TRV-14A)</li> <li>Zoning: NR-0.75. Size: 3.14 acres total</li> <li>Travilah Planning Area Potomac Master Plan (2002)</li> <li>Watts Branch Watershed (MDE Use I)</li> <li><u>Existing use</u>: Commercial Shopping Center. "Potomac Oak Center"</li> <li><u>Proposed use</u>: Redevelop the Existing Shopping Center.</li> </ul>	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6* (no change) S-6** <b>S-3</b></p> <p><b>*Approved for the existing multiuse water supply system.</b> <b>**Approved for the existing multiuse sewerage system.</b> <b>Consideration of the request for category S-3 is deferred.</b></p> <p><b>T&amp;E Committee Recommendation</b></p> <p><b>Maintain S-6, for a multiuse sewerage system, with advancement to S-3 conditioned on 1) MDE's future approval of the 2022 comprehensive update of the Water and Sewer Plan that includes the community service for commercial uses policy, as approved by the County Council, and 2) the Planning Board's approval of a preliminary plan (if applicable) that conforms substantially with the concept plan included in the applicant's category change request submission.</b></p> <p><i>Note: Request for category S-3 previously deferred under CR 19-1019 (10/12/2021).</i></p>

**Water & Sewer Service Area Categories Summary**

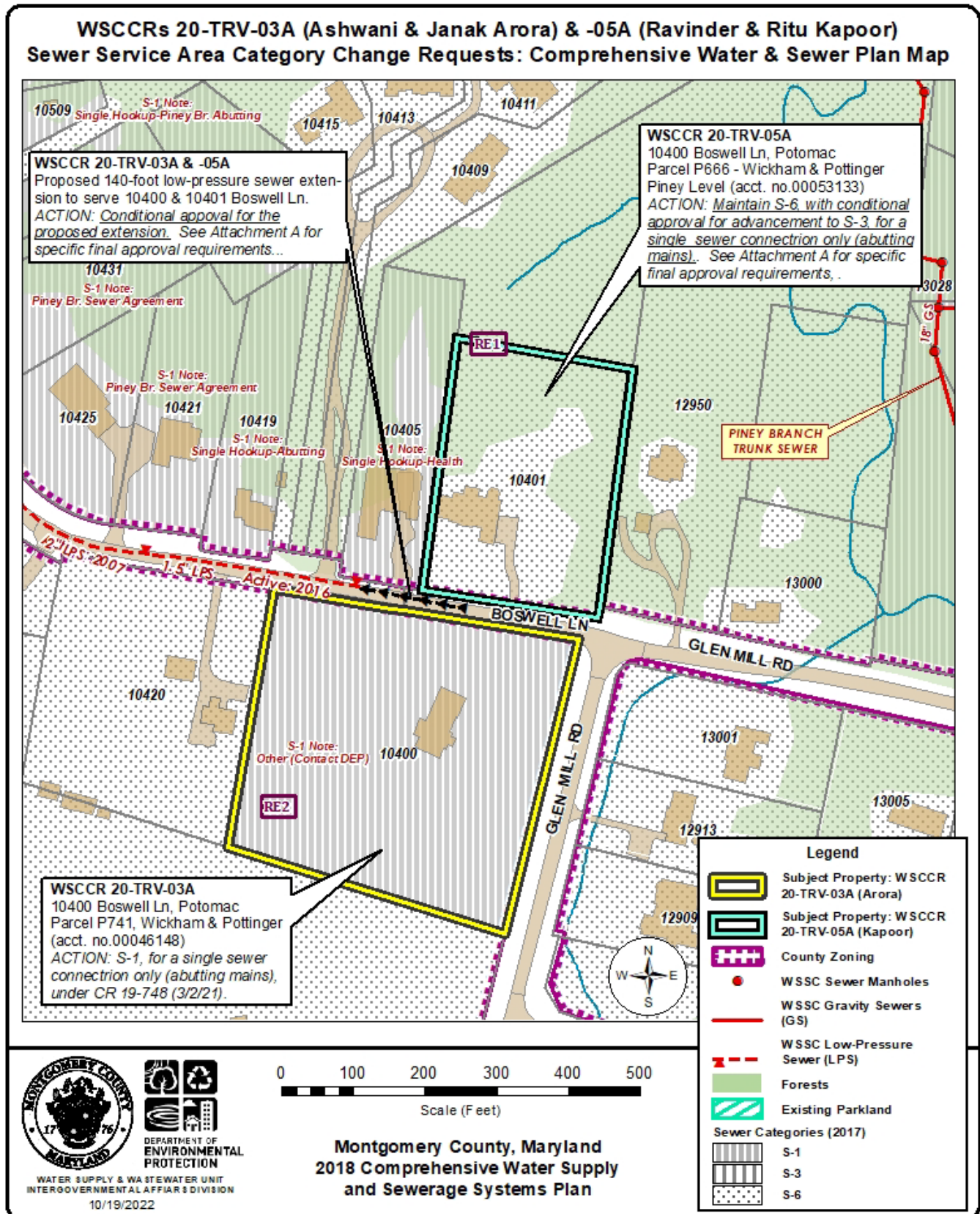
Category Definition and General Description	Category Definition and General Description
<p><b>W-1 and S-1</b></p> <p><b>Properties approved for and generally with existing access to community (public) service.</b> This may include properties which have not yet connected to existing community service.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

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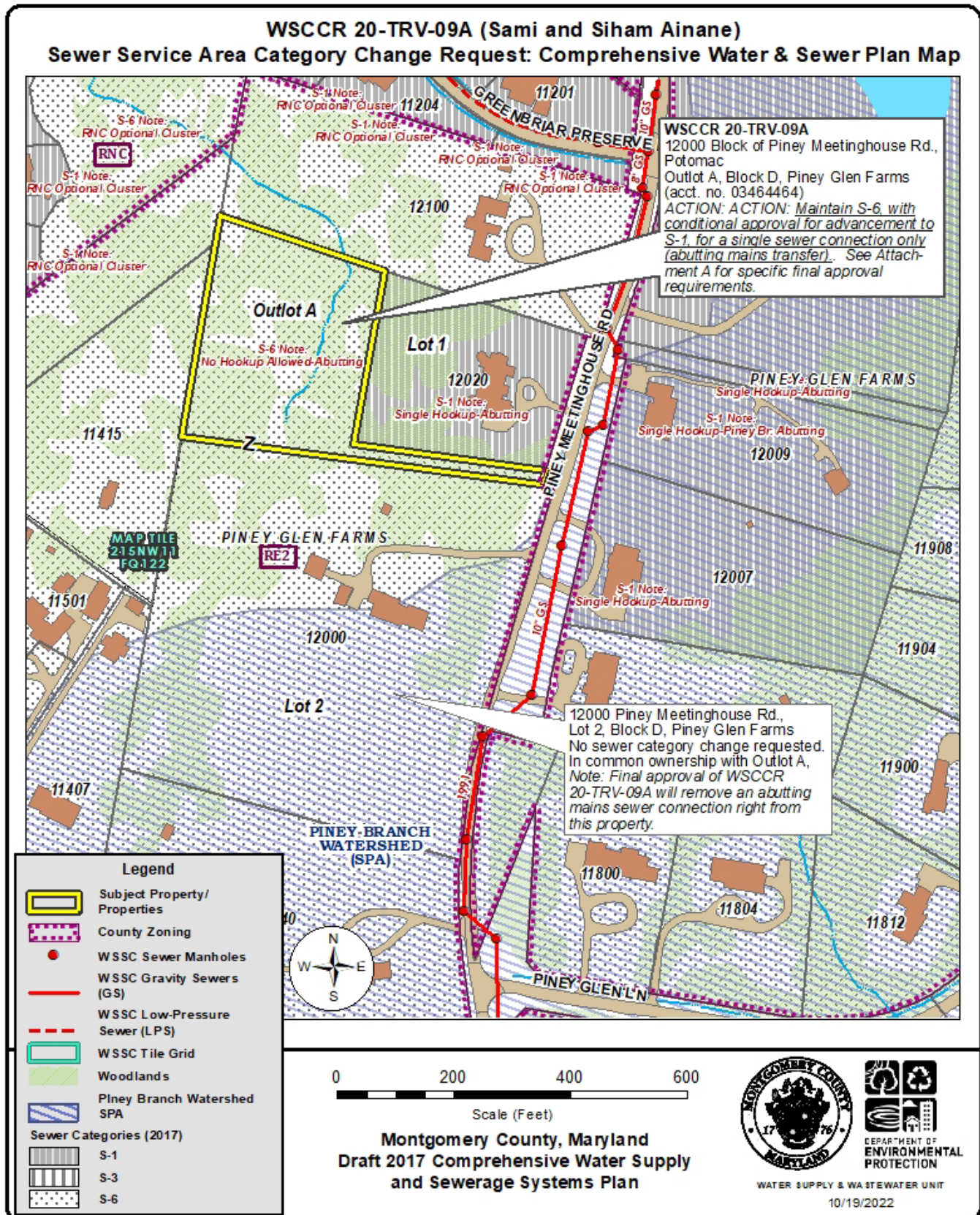


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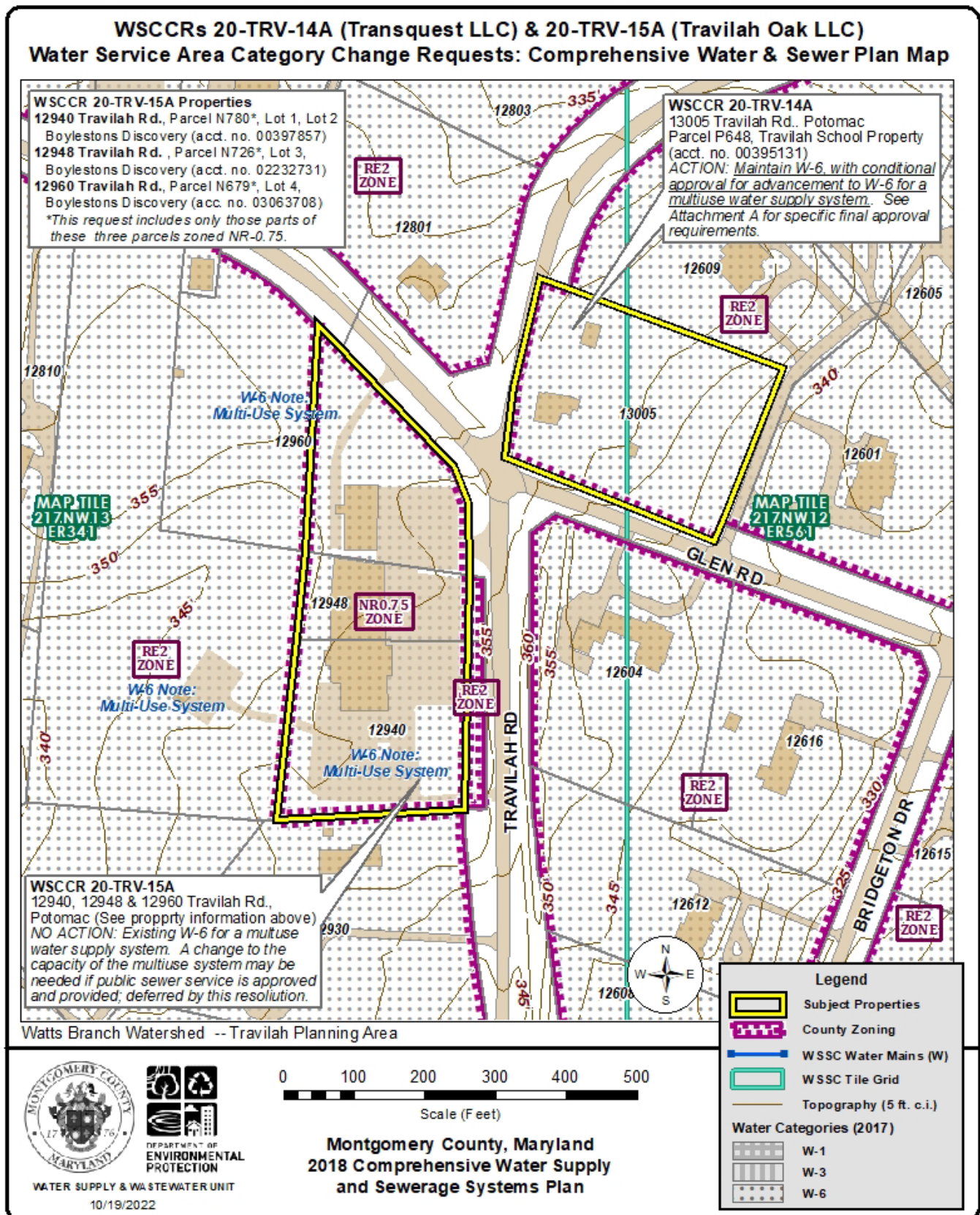


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