

Resolution No.:	<u>18-1272</u>
Introduced:	<u>September 11, 2018</u>
Adopted:	<u>October 30, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

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

Background

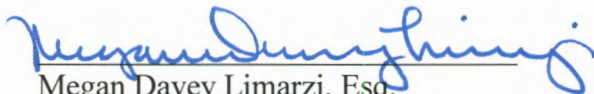
1. Section 9-501 et seq. of the Environmental Article of the Maryland Code requires the governing body of each County to adopt and submit to the State Department of the Environment a comprehensive County Plan, and from time to time amend or revise that Plan for the provision of adequate water supply 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 on October 23, 2018 and made recommendations to the Council.
9. The Council discussed these amendments on October 30, 2018.

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

**Montgomery County Comprehensive Water Supply and Sewerage Systems Plan
August 2018 Amendment Transmittal: 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 on-site systems, usually wells and/or septic systems. Category 1 identifies properties approved for public service and that have access to public system mains. Category 3 identifies properties approved for public service but need new main extensions in order to receive public service. Categories 4 and 5 identify properties that currently should use on-site systems but are proposed for public service in the future. Category 6 identifies properties that should use on-site systems, where public service is not planned for at least the next ten years. (See page 3 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 August 27, 2018.

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

Property Information and Location Property Development	Applicant's Request: County Council Action
<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><u>Existing – Requested – Service Area Categories</u></p> <p>W-5 W-1</p> <p>S-5 S-5 (No change) *</p> <p>Action</p> <p>Change W-5 to W-1. Change S-5 to S-6,* consistent with other nearby RE-1-zoned properties.</p> <p><i>*Note: Although not contemplated at this time, future subdivision of this property using septic systems will require a revision to the County's existing Septic Tier 1 designation, instead assigning Tier 3 or 4. M-NCPPC is evaluating a revision to the subdivision ordinance to address this issue.</i></p>

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

Property Information and Location Property Development	Applicant's Request: County Council Action
<ul style="list-style-type: none"> 23700 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> <p>W-5 W-3</p> <p>S-5 S-3*</p> <p><i>*S-3 request applies only to the areas zoned RE-1, not RC.</i></p> <p>Action</p> <p>Northern RE-1 Zone (residential): Maintain W-5 and S-5, with final approval of W-3 and S-3 conditioned on Planning Board approval of a preliminary plan that uses either a cluster or MPDU development option under the RE-1 Zone.</p> <p>Western RE-1 Zone (elder care): Maintain W-5 and S-5, with final approval of W-1 and S-3 conditioned on the Hearing Examiner's approval of a conditional land use under the RE-1 Zone for the elder-care facility.</p> <p>RC Zone: Maintain W-5, with final approval for W-3 conditioned on Planning Board approval of a preliminary plan that uses the cluster development option under the RC Zone. Change S-5 to S-6, consistent with Water and Sewer Plan general service policies. **</p> <p><i>(Continues on page 2)</i></p>

- The Maryland Dept. of the Environment (MDE) will review this resolution. Applicants may proceed with development plans and water/sewer service applications at their own risk pending MDE's concurrence with these actions by the County Council.
- Applicants receiving a denial under this resolution may not apply again until October 30, 2019, unless specifically allowed by DEP.
- See Attachment B for mapping of approved, conditionally approved, and deferred category change amendments.

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

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: To allow the applicant's planned subdivision of the RC-zoned area of this property using onsite septic systems, a revision to the existing County's Septic Tier 1 designation will be needed, assigning Tier 3 or 4 instead. M-NCPPC is evaluating a revision to the subdivision ordinance to address this issue.*

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

Property Information and Location Property Development	Applicant's Request County Council Action
<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 <u>Existing use:</u> Single Family Home <u>Proposed use:</u> Place of worship of up to 700 seats; retain existing house as a parsonage 	<p><u>Existing – Requested – Service Area Categories</u></p> <p>W-6 W-1 S-6 S-1</p> <p>Action</p> <p>Defer action on the request pending consideration of a concept plan for the proposed development by the Development Review Committee.</p>

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

**Purchased the properties from the original applicant, James Edwards, in Oct. 2017 and agreed to continue with this request.*

Property Information and Location Property Development	Applicant's Request County Council Action
<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><u>Existing – Requested – Service Area Categories</u></p> <p>W-1 W-1 (no change) S-6 S-1**</p> <p>**One sewer hookup only for Outlot A, transferred from Lot 2.</p> <p>Action</p> <p>Deny the request for S-1 for Outlot A; maintain S-6 with no abutting mains sewer hookup allowed.</p>

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

Property Information and Location Property Development	Applicant's Request County Council Action				
<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, 1100 ft southwest 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> <tr> <td>W-1</td><td>W-1 (No Change)</td></tr> <tr> <td>S-6</td><td>S-1</td></tr> </table> <p>Action</p> <p>Change S-6 to S-3 under the Potomac Peripheral Sewer Service Policy recommended by the 2002 Potomac Subregion Master Plan.</p> <p>The sewer main extension needed to serve this property cannot be constructed through the adjacent Watts Branch Stream Valley Park. The expected main alignment will be from the sewer main located on 10124 Bevern Ln. via an existing sewer easement and the Bevern Ln. cul-de-sac. (See Attachment B.)</p> <p><i>Note: The Peripheral Sewer Service Policy applies to properties in the Glen Hills Study Area by a policy revision adopted for the 2018 Water and Sewer Plan update. The approved 2018 Plan update is currently under review by the Maryland Dept. of the Environment (MDE).</i></p>	W-1	W-1 (No Change)	S-6	S-1
W-1	W-1 (No Change)				
S-6	S-1				

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

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>*Note: This request originally included both Parcels P592 and P651 (adjacent to the south at 13001 Valley Dr.). The applicants subsequently sold Parcel P651 and it is therefore now excluded from WSCCR 09A-TRV-02.</i></p>	<p><u>Existing – Requested – Service Area Categories</u></p> <table> <tr> <td>W-1</td><td>W-1 (no change)</td></tr> <tr> <td>S-6</td><td>S-3</td></tr> </table> <p>Action</p> <p>Change S-6 to S-3 under the Potomac Peripheral Sewer Service Policy recommended by the 2002 Potomac Subregion Master Plan.</p> <p><i>Note: The Peripheral Sewer Service Policy applies to properties in the Glen Hills Study Area by a policy revision adopted for the 2018 Water and Sewer Plan update. The approved 2018 Plan update is currently under review by the Maryland Dept. of the Environment (MDE).</i></p>	W-1	W-1 (no change)	S-6	S-3
W-1	W-1 (no change)				
S-6	S-3				

Prior Actions for WSCCR 09A-TRV-02

County Council Action (CR 17-217, 7/19/11): “Defer action on the request for category S-3 pending the results of DEP’s work on the Glen Hills sanitary study.”

County Council Action (CR 18-647 10/25/16): “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.”

County Council Decision (CR 18-956, 10/31/17): “Tabled by the T&E Committee pending further committee discussion of the draft 2017 Water and Sewer Plan.”

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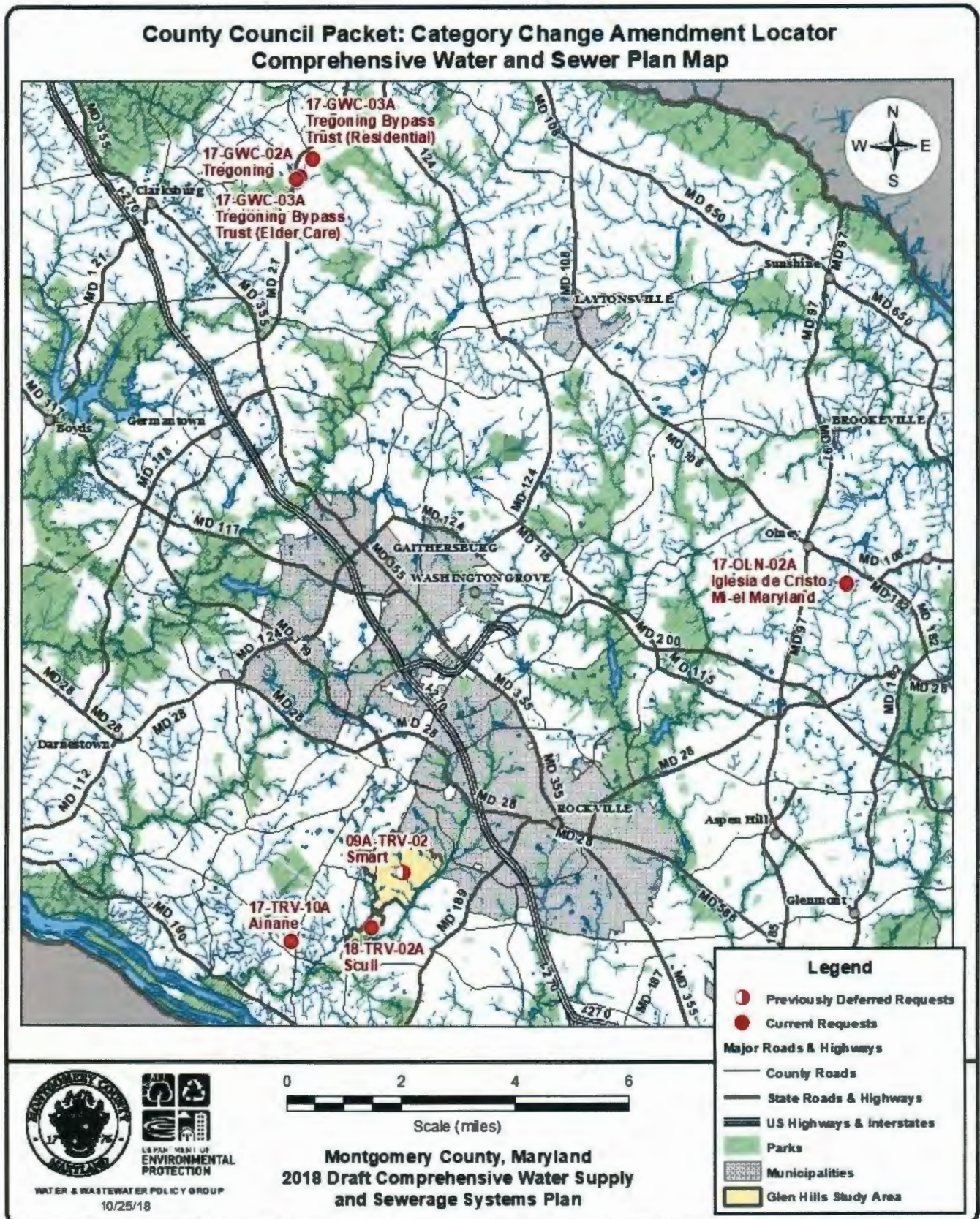
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Water & Sewer Service Area Categories Summary

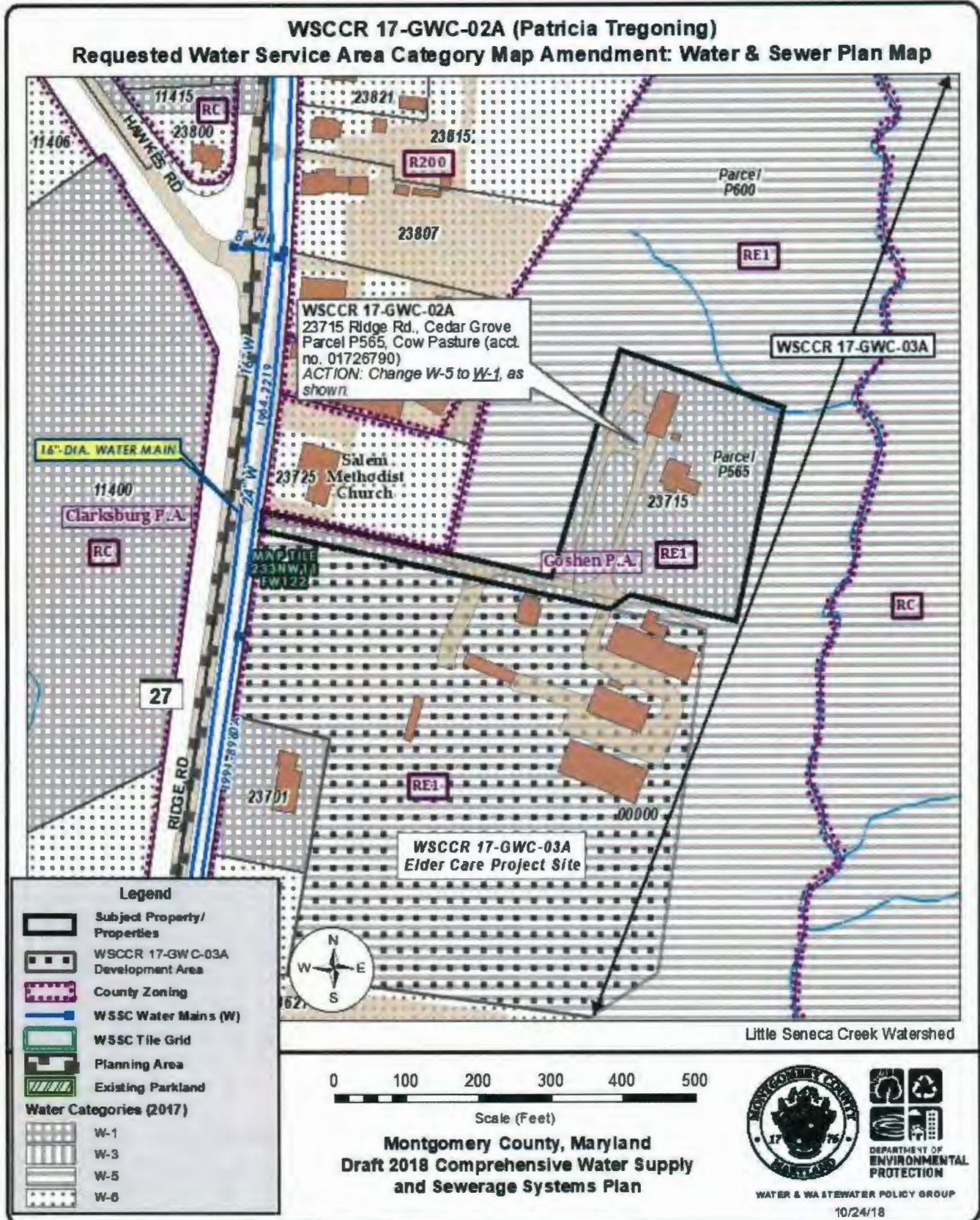
Category Definition and General Description	Category Definition and General Description
<p>W-1 and S-1</p> <p>Properties approved for and generally with existing access to community (public) service. This may include properties which have not yet connected to existing community service.</p>	<p>W-5 and S-5</p> <p>Properties planned for future public service, but which may use private, on-site systems (wells and septic systems) on a permanent basis. • Areas where improvements to or construction of new community systems are planned for the seven- through ten-year period.</p>
<p>W-3 and S-3</p> <p>Properties planned and approved for community (public) service, but <u>without</u> existing access to public service. • Public service will generally be provided within two years as development and requests for community service are planned and scheduled.</p>	<p>W-6 and S-6</p> <p>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned. • 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>W-4 and S-4</p> <p>Properties planned for future public service, but which need to use private, on-site systems (wells and septic systems) in the interim. • 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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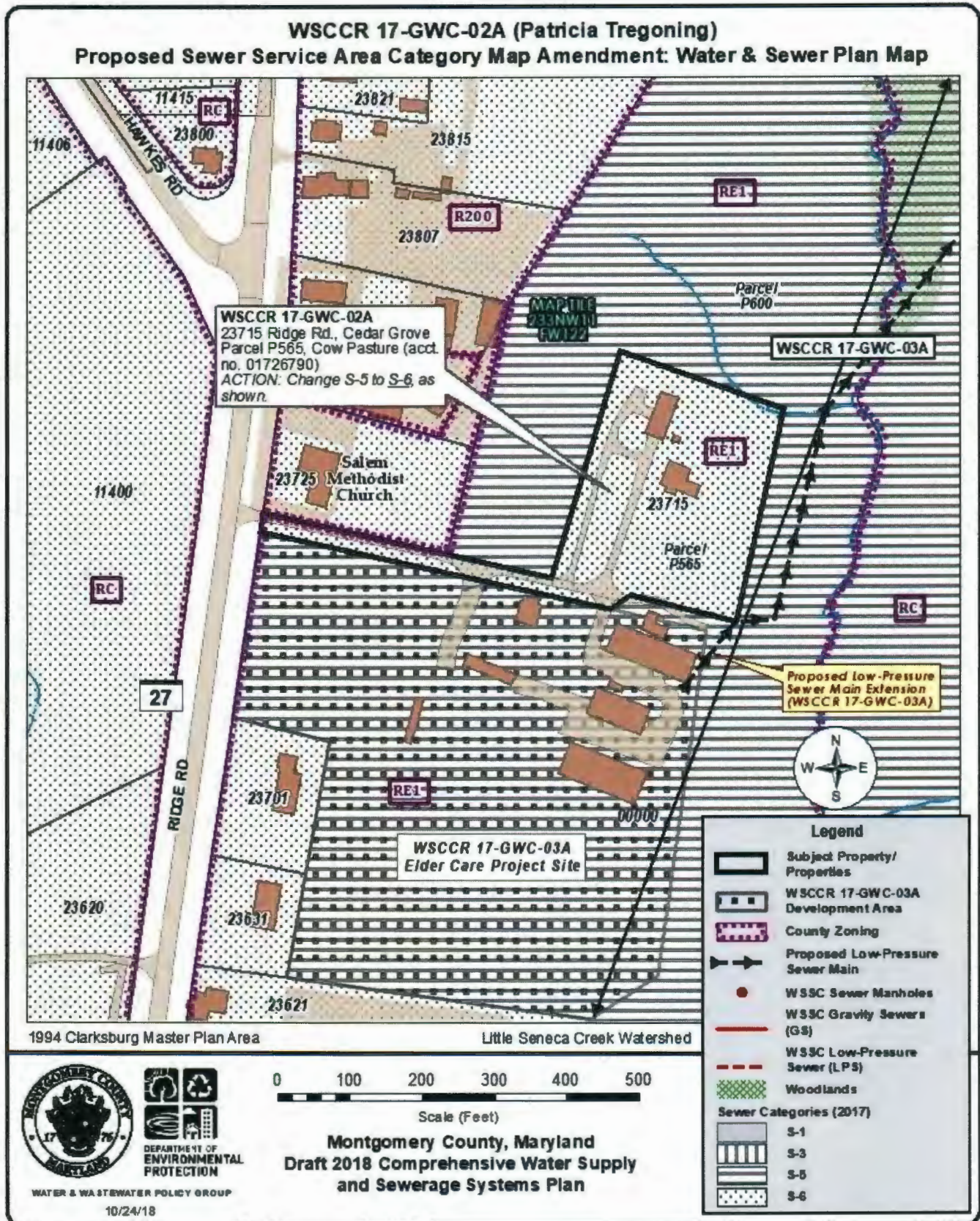
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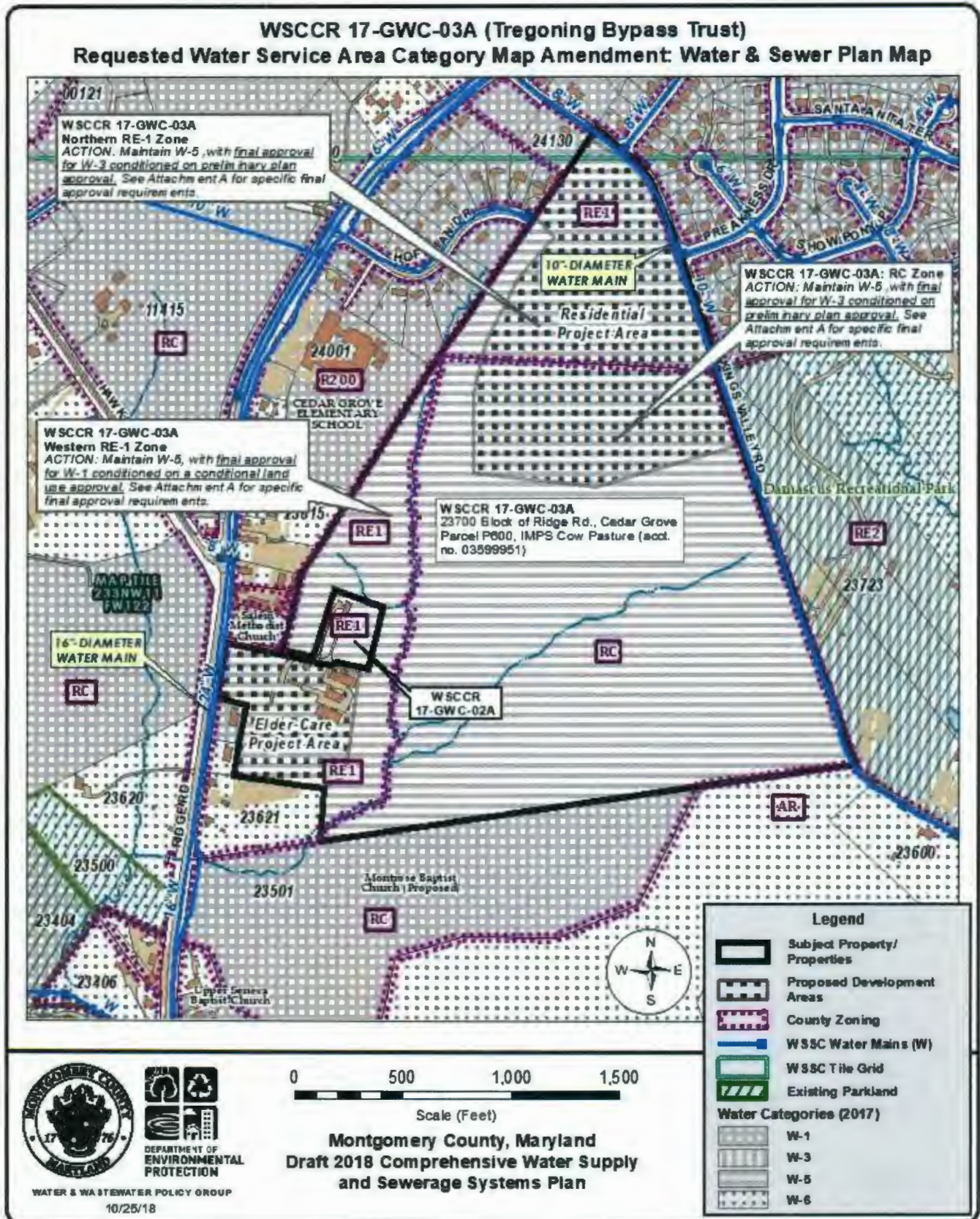
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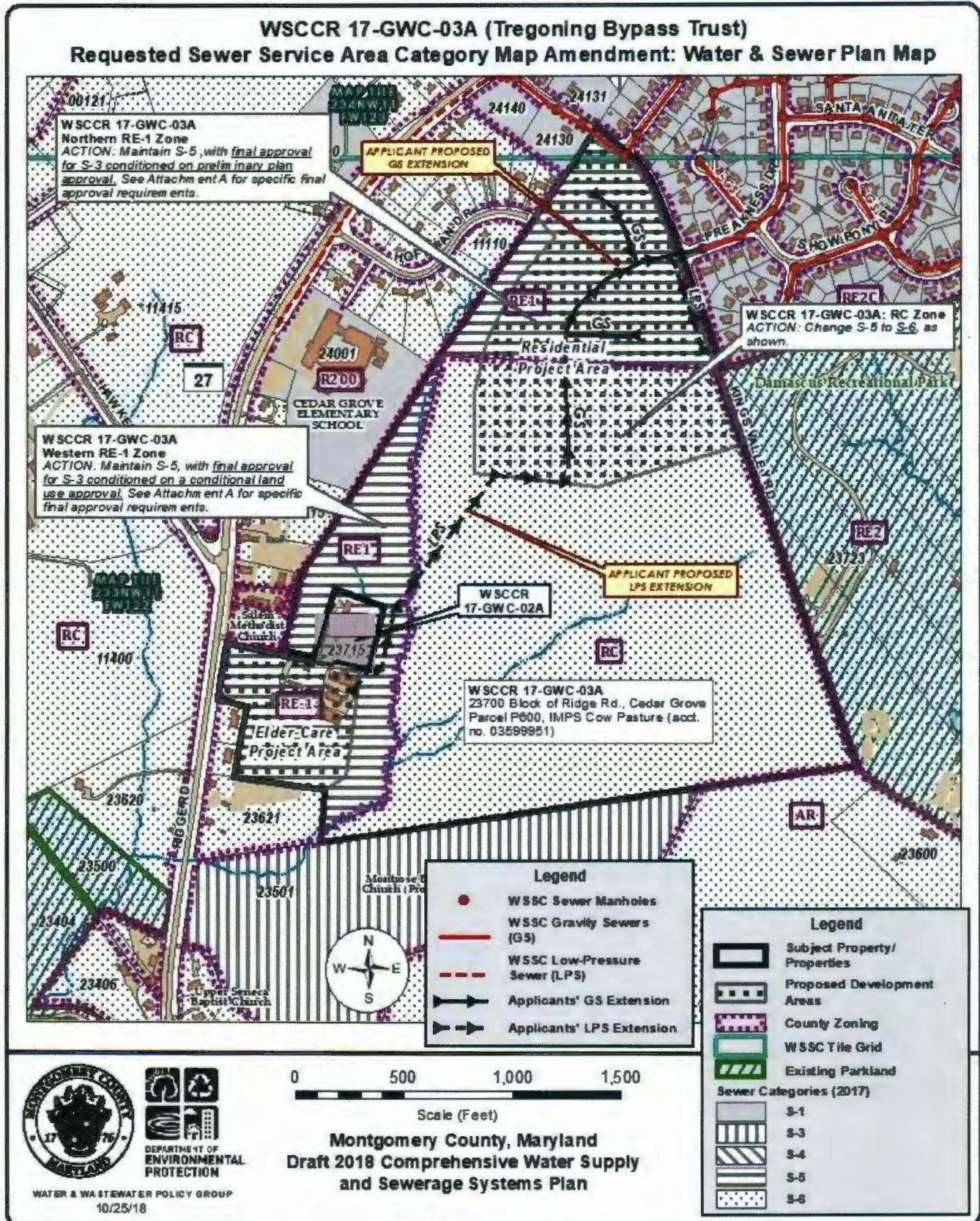
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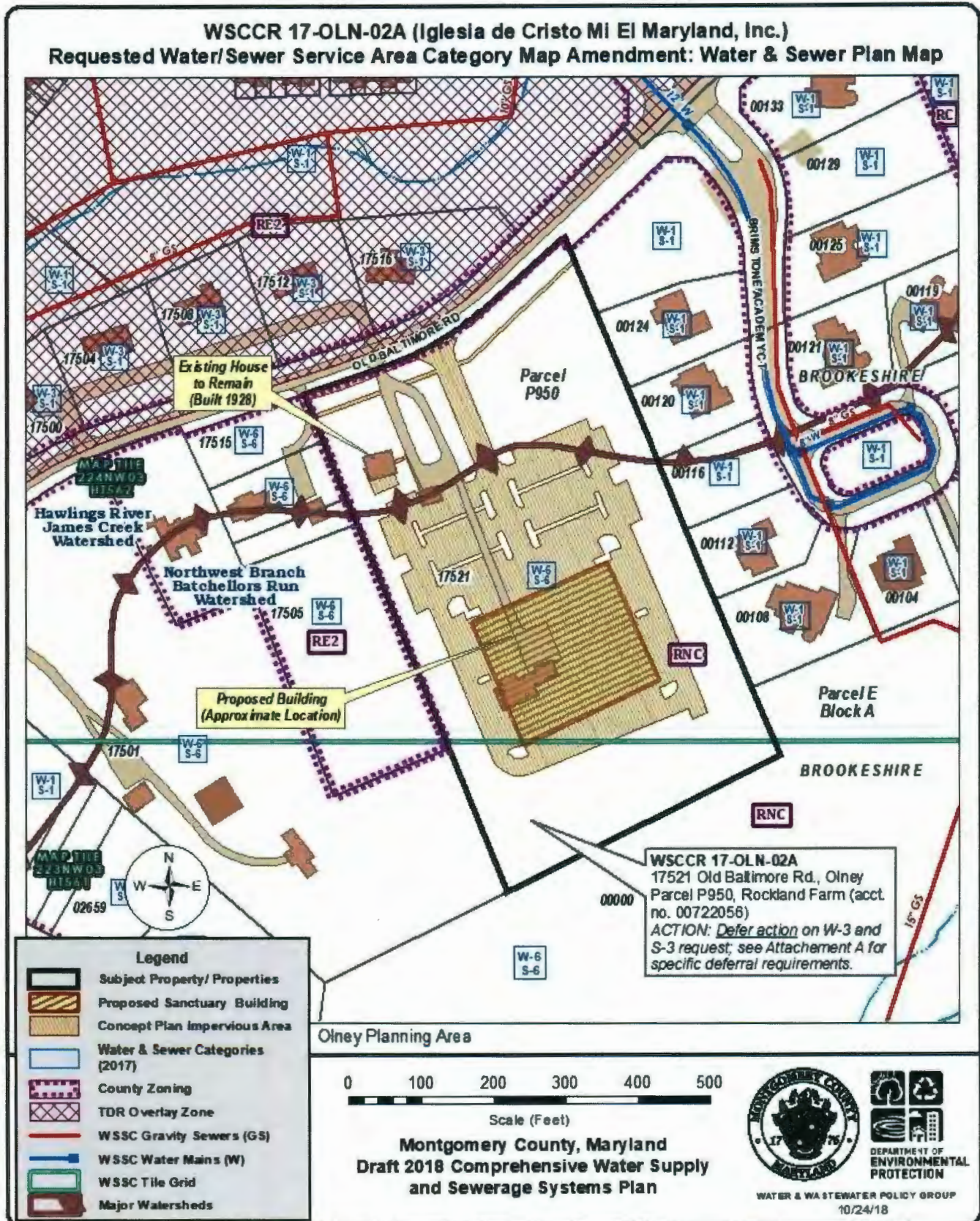
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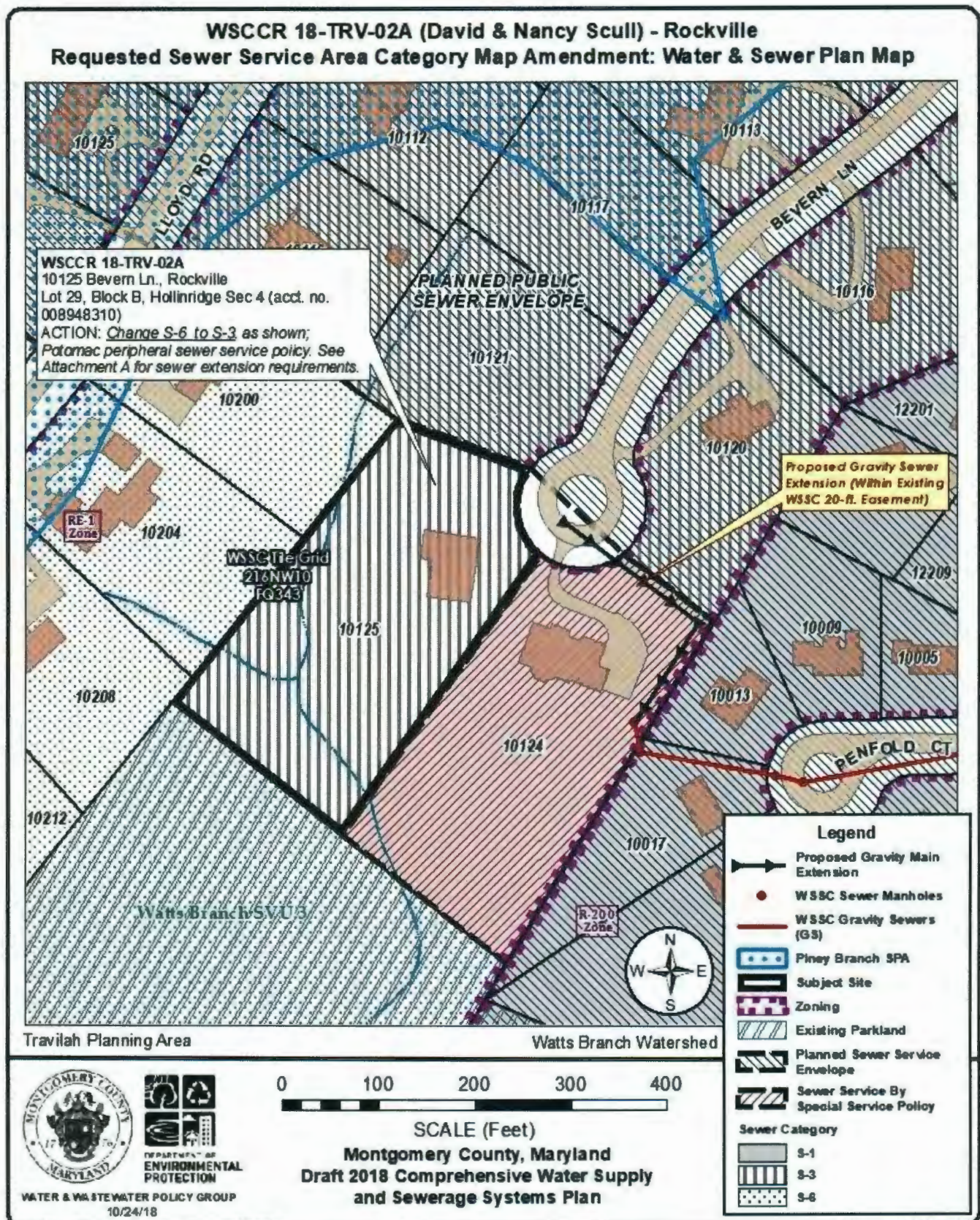
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