



## COUNTY COUNCIL PUBLIC HEARING: WATER & SEWER PLAN AMENDMENTS

September 2, 2016

NOTICE TO: **Category Change Request** Applicants, Property Owners, and Other Interested Parties  
FROM: Alan Soukup, Senior Planner, Water and Wastewater Policy Group, DEP  
SUBJECT: **Public Hearing on Proposed Water/Sewer Category Map Amendments**  
DATE & TIME: **TUESDAY, SEPTEMBER 27, 2016 at 1:30 P.M.\***  
LOCATION: Third Floor Hearing Room, Council Office Building, 100 Maryland Ave., Rockville  
*\*The hearing agenda starts at 1:30 p.m. and may involve more than just one hearing for this item.*

As required by State law, the County Council will hold a public hearing (at the time and location stated above) on requested water/sewer service area category changes, which are proposed map amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. DEP provides the following information to assist both applicants and the public in navigating the Council's hearing and decision process.

### ***What are category change requests?***

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The *Montgomery County Ten-Year Comprehensive Water Supply and Sewerage Systems Plan* establishes a water and a sewer service area category for each property within the county. Information on the county's service area categories is provided on the table starting on page 4.

Requests to change a property's designated water and/or sewer service categories are requests to amend the Plan. Typically, a property owner will request a category change in order to allow a vacant property or one served by on-site systems (categories 4, 5, or 6) to use public systems (categories 1 or 3). Service policies in the Water and Sewer Plan provide the framework for establishing service area categories. Under State law, the Plan is adopted and amended by the County Council, and administered by the County Executive through the Department of Environmental Protection (DEP). A list of the category change requests included in this packet starts on page 3.

### ***How do I provide the Council with testimony about a particular amendment?***

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To testify at the public hearing, call the **Council Office at 240-777-7803** no later than 5:00 p.m., Monday, September 26, 2016. **Do not call DEP to sign up to testify.** Council office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m. If time permits, those who have not already reserved a spot on the speakers' list *may* be heard at the end of the hearing; give your name to the Council Secretary when you arrive. Organization representatives and individuals receive three (3) minutes of speaking time. Speakers will not be allowed to cede time to other speakers.

Those wishing to submit written testimony for the record at the hearing are asked to provide 15 copies. Speakers should use their allotted time to summarize more extensive written testimony which is submitted for the record. When testifying, please state your name and address for the record; provide these to the Council secretary before the hearing. Daytime hearings may include other topics as well. However, you should plan to arrive before the hearing's start time if you want to provide copies of your testimony to the Council or if you still need to sign up to speak.

Because of limitations both on the number of speakers and their speaking time, the Council also accepts and encourages written testimony and petitions. This becomes part of the official hearing record and is given the same consideration as spoken testimony. Call the Council Office to confirm the **closing date** for the hearing record. Address written testimony as follows:

Montgomery County Council • 100 Maryland Avenue • Rockville, Maryland 20850  
(phone: 240-777-7910 • fax: 240-777-7888 • e-mail: [county.council@montgomerycountymd.gov](mailto:county.council@montgomerycountymd.gov))

### ***Where can I find information or other assistance for my testimony?***

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A copy of the Executive's recommendation and staff report for the amendment(s) of concern to you is available at DEP's "Service Area Category Changes" webpage: [www.montgomerycountymd.gov/waterworks](http://www.montgomerycountymd.gov/waterworks).

Once there, select the "Application Review Process" tab, then scroll down to the links under "Current County Council Review" packet. For additional background information, call the Council's Legislative Information Office at 240-777-7910; staff there will assist you in finding the appropriate materials. Council agendas and staff reports are available at the County's website: [www.montgomerycountymd.gov](http://www.montgomerycountymd.gov); select the Council's page, then "Agendas". DEP staff can also help with background material and information. See our webpage at the internet address shown above, or contact me by e-mail at [alan.soukup@montgomerycountymd.gov](mailto:alan.soukup@montgomerycountymd.gov), by phone at 240-777-7716, or by fax at 240-777-7715.

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***What happens after the hearing? When will the Council make a decision on the amendments?***

The hearing provides the Council members an opportunity to hear testimony from the public and the applicants; **they will not act on the amendments at the hearing.** Following the hearing, the Transportation, Infrastructure, Energy, and Environment (T&E) Committee will hold a worksession to consider the testimony provided and the agency recommendations on each amendment. They will develop a draft resolution, stating the committee's decision on each request, for the full Council to consider. The Council will subsequently hold a worksession to consider the Committee's draft resolution. The Council may choose to approve, conditionally approve, deny, or defer an individual request as part of their action. A week or two after that worksession, the full Council will take a final vote on the resolution to amend the Plan.

The T&E Committee worksession for this packet is tentatively scheduled for Thursday, October 6, 2016, at 9:00 a.m. (agenda item no. 3), in the Third Floor Council Conference Room in the Council Office Building. We will update the DEP website with additional schedule information when it becomes available. Public notice of the worksessions will be provided in the Council's agenda, by mail or on the internet (see above). To receive the agenda by mail or e-mail, please contact the Council at 240-777-7910. Committee and Council meetings are open to the public, although the opportunity for public comment is limited and at the discretion of the Committee chairperson or Council president.

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***How is the Park and Planning Commission involved in this process?***

The County Planning Board will consider recommendations on the proposed amendments from the Maryland - National Capital Park and Planning Commission (M-NCPPC) staff at a work session scheduled for Thursday, September 22, 2016. The Board will send its recommendations to the Council as part of the hearing record. Please visit the Planning Board's website at [www.montgomeryplanningboard.org](http://www.montgomeryplanningboard.org) for additional information. The Board's agenda for September 22<sup>nd</sup> should be available online by Friday, September 16<sup>th</sup>. You may also contact Katherine Nelson in the M-NCPPC Area 3 Planning Team at 301-495-4622 or at [Katherine.Nelson@mncppc-mc.org](mailto:Katherine.Nelson@mncppc-mc.org).

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***How will I find out about the Council's decision? Is that decision final?***

The County Executive has ten (10) working days to review and comment on the Council's resolution. Following this, the Council will send copies of the resolution to the public (those on DEP's notice list and others who provide testimony), to various County agencies, and to the Maryland Department of the Environment (MDE). Within 90 days, the State must act to concur, concur in part, or disallow the County's action. MDE also has the option to extend its review for another 90 days. During this review, applicants may proceed with development plans at their own risk, including applying to WSSC for water/sewer service and proceeding to the Planning Board for subdivision plan approval. MDE concurs with the Council's actions on the majority of amendments; however, DEP will notify you if the State changes the Council's action in any way.

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***How do I find the hearing location?***

The Council Office Building (COB) is located at 100 Maryland Ave., between Fleet St. and E. Jefferson St. (Route 28), in Rockville. Parking in the adjacent COB Garage is free after 6:00 p.m.

- **From Metrorail/MARC:** Exit the Rockville Station via the Route 355 pedestrian bridge. At the bottom of the steps, continue straight along E. Montgomery Ave., past the movie theater. Turn left at Maryland Ave. Cross E. Jefferson St. (MD Route 28) and the COB will be on your left.

- **From Interstate 270:** Exit onto W. Montgomery Ave. (MD 28 east), turn right at the entrance to the COB Garage after Maryland Avenue, just before Monroe Street.
- **From northbound Rockville Pike (Route 355):** Turn right onto E. Jefferson St. (MD 28 west), turn left at Monroe Street, and then immediately right into the COB Garage driveway.
- **From southbound Rockville Pike:** Turn left onto E. Jefferson St. (MD 28 west); then at the first traffic light, left onto Monroe Street; and then immediately right into the COB Garage driveway.

***Pending Water & Sewer Category Change Requests***

The following summarizes the category change requests included in this packet:

EXECUTIVE SUMMARY: PROPOSED AMENDMENTS AND RECOMMENDATIONS

Plan Amendment No. & Applicant Location - Zoning & Acreage - Planned Use	Requested Change	Executive Recommendation & Policy Summary
<b>WSSCR 15-GWC-01A</b> Donald Cardinal Wuerl, Catholic Archdiocese of Washington (for St. John Neumann Catholic Parish) 20710 Goshen Rd. & 9001 Warfield Rd., Gaithersburg RE-2 Zone; 3.99 ac. (total) <u>Planned Use:</u> support buildings for a place of worship – Rectory, offices, religious education	W-6 (No change) S-6 to <b>S-1</b>	<b>Approve S-3, restricted to use by a private institutional facility (PIF) only.</b> Properties zoned RE-2 are generally considered as ineligible for public sewer service. However, this site can be considered for sewer service under the Water and Sewer Plan’s PIF policy. The user qualifies as a PIF use. The sewer extension needed to provide service will not abut any other properties not otherwise eligible for public sewer service.
<b>16-OLN-02A</b> Ahmad Akbari 17131 Old Baltimore Rd., Olney RE-2 Zone; 2.00 ac. <u>Planned Use:</u> one new single-family house	W-6* to <b>W-1</b> S-6* to <b>S-1</b> <i>*Ineligible to use the abutting mains policy</i>	<b>Approve W-1. Maintain S-6, with conditional approval for S-3 requiring successful septic system testing and providing sewer service without a new sewer main extension.</b> Public water service is consistent with large-lot service policies. Public sewer service in the RE-2 Zone is not consistent with either current service policies or with master plan recommendations. However, if the proposed development can proceed using an onsite septic system, and if public sewer service can be provided by a non-abutting connection to an existing sewer main, it may be reasonable to allow public sewer service.
<u>PREVIOUSLY DEFERRED REQUEST*</u> <b>WSSCR 09A-TRV-02</b> Roxanne and Ted Smart 13000 Block, Valley Dr., Rockville RE-1 Zone; 1.61 acres <u>Planned use:</u> one new single-family house	W-1 (No Change) S-6 to <b>S-3</b>	<b>Deny S-3, maintaining S-6.</b> The study* is completed and the Council has acted on sewer service policy changes. None of the sewer service policy changes recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.
*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		
<b>WSSCR 15-TRV-01A</b> Fiona Lau 9708 Sunset Dr., Rockville RE-1 Zone; 0.99 ac. <u>Planned Use:</u> one new single-family house	W-3 (No Change) S-6 to <b>S-3</b>	<b>Deny S-3, maintaining S-6.</b> None of the sewer service policy changes, recently approved by the County Council for the Glen Hills study area change the availability of sewer service for this property. The lot does not abut an existing sewer main and the property is not included in any septic system survey area.
<b>WSSCR 15-TRV-04A</b> Daniel & Leslie Geringer 13005 Foxden Dr., Rockville RE-1 Zone; 1.47 ac. <u>Planned use:</u> sewer service for the existing house	W-3 (No change) S-6 to <b>S-1</b>	<b>Approve S-1, restricted to a single sewer hookup only (abutting mains policy).</b> The sewer service policy changes, recently approved by the County Council for the Glen Hills study area affects the change the availability of sewer service for this property. The lot abuts an existing sewer main and qualifies for a single sewer hookup only under the “abutting mains” policy.

***Water & Sewer Service Area Categories***

Service Area Categories	Category Definition and General Description	Service Comments
<b>W-1</b> and <b>S-1</b>	<b>Properties approved for and generally with existing access to community (public) service.</b> • Areas served by community (public) systems which are either existing or under construction. This may include properties 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.
<b>W-3</b> and <b>S-3</b>	<b>Properties planned and approved for community (public) service without existing access to public service.</b> • Areas where improvements to or construction of new community systems will be given immediate priority. Public service will generally be provided within two years as development and requests for community service are planned and scheduled.	Properties with wells or septic systems on interim permits are required to connect to public service within one year of its availability.
<b>W-4</b> and <b>S-4</b>	<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. • This includes areas generally requiring the approval of CIP projects before service can be provided.	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. 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.
<b>W-5</b> and <b>S-5</b>	<b>Properties planned for future public service, but which need to 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. 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.	The permitting of on-site wells and septic systems is managed by the County's Dept. of Permitting Services, Well and Septic Section. Permits for new wells and/or septic systems for category 4 properties will be interim permits. (See above for further information.)
<b>W-6</b> and <b>S-6</b>	<b>Properties that will use private, on-site systems (wells and septic systems), where community (public) service is not planned.</b> • 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. 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.	WSSC will not provide public service to properties designated as category 6.  The permitting of on-site wells and septic systems is managed by the County's Dept. of Permitting Services, Well and Septic Section.
<b>Note:</b> 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 systems which are in the final planning stages.)		

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.

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