



**Scope of Work, Clarksburg Master Plan Limited Amendment for the Ten Mile Creek Watershed**

---



Valdis Lazdins, Chief, Area 1, [valdis.lazdins@montgomeryplanning.org](mailto:valdis.lazdins@montgomeryplanning.org), 301-495-4506



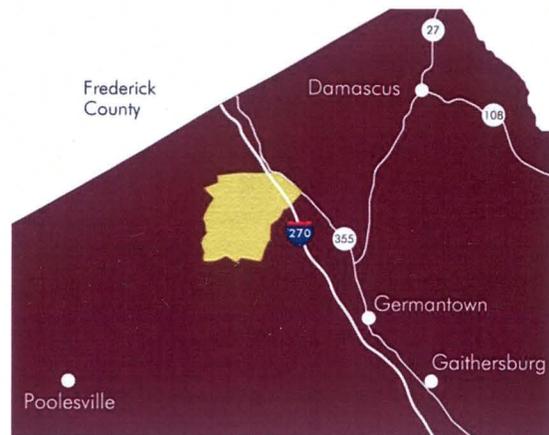
Mary Dolan, Chief, Functional Planning & Policy, [mary.dolan@montgomeryplanning.org](mailto:mary.dolan@montgomeryplanning.org) 301-495-4552

**Completed: 10/25/2012**

---

**Description**

- The County Council has asked the Planning Board to prepare an amendment to the Clarksburg Master Plan to determine how to achieve the Plan's community-building goals for the Town Center District, while protecting Ten Mile Creek.
- The amendment will reconsider the current recommendations related to the Ten Mile Creek Area and Stage 4.
- The proposed planning area is approximately 4,100 acres.



**Summary**

The Scope of Work describes the purpose of the Clarksburg Master Plan Limited Amendment for the Ten Mile Creek Watershed area; the planning framework and the Plan context; the issues that will need to be addressed; and the proposed schedule of activities and key milestones.

**Staff Recommendation**

Approve the proposed Scope of Work.

## **Scope of Work**

### **I. Purpose**

On October 9, 2012, the County Council asked the Planning Board to prepare an amendment to the Clarksburg Master Plan. This amendment will determine how the community-building goals that apply to the Town Center District can be achieved, while at the same time protecting the Ten Mile Creek watershed. The Council decided to support a study that includes the entire Ten Mile Creek watershed and all Stage 4 properties (see Map 1: Master Plan Study Area). The Plan is to be delivered to the Council within one year and a team of consultants will assist staff to expedite the process.

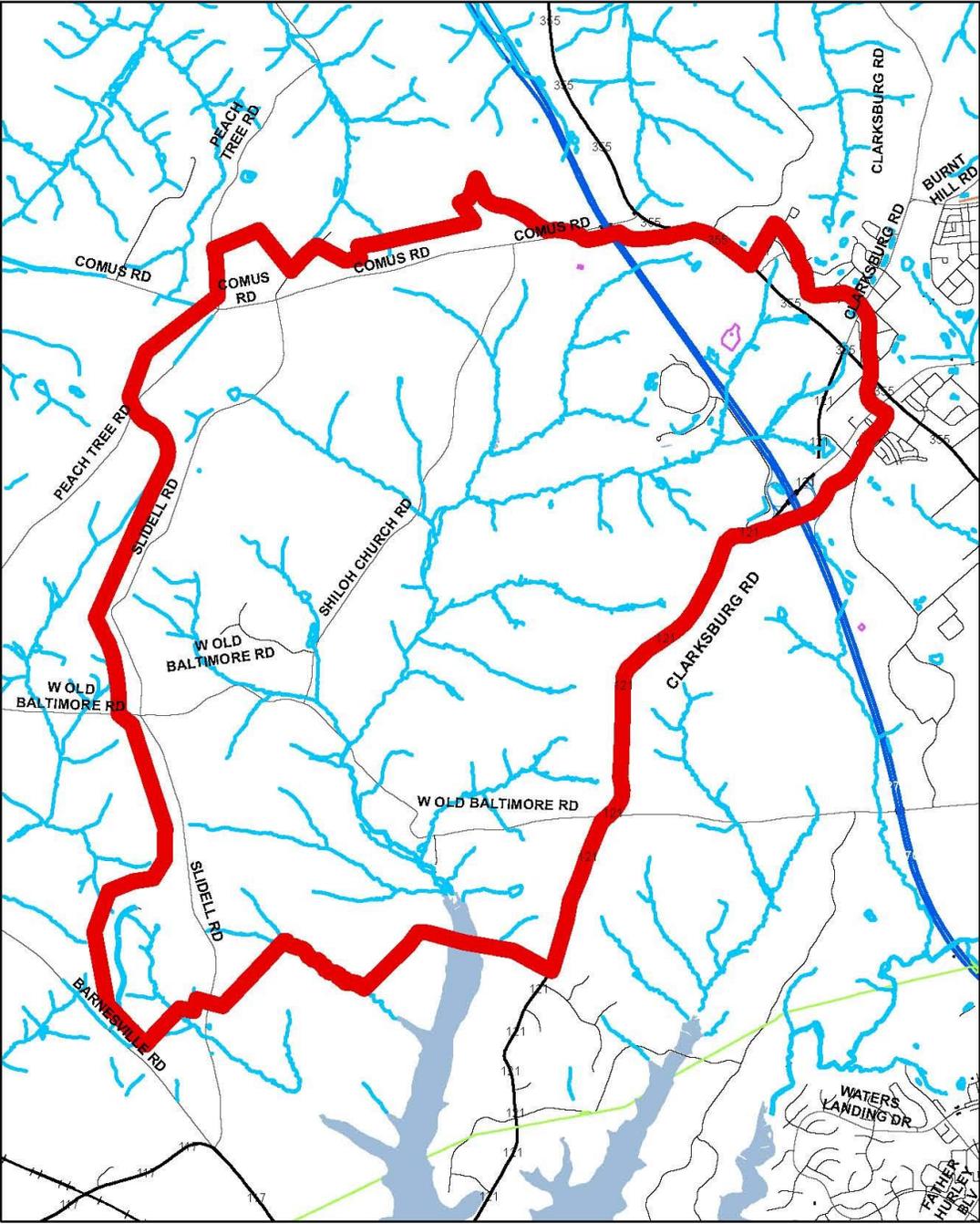
### **II. Planning Framework, Context and Issues**

In 1993 the Planning Board submitted the Draft Clarksburg Master Plan and Hyattstown Special Study Area to the County Council. After almost a year of discussion and multiple worksessions, the Council approved it in May 1994. The Master Plan confirmed the 1968 Plan recommendation that Clarksburg develop as a town, not a "corridor city" as contemplated in the 1964 General Plan. The town concept was carried forward in the 1969 General Plan Update and the 1993 General Plan Refinement. The 1994 Plan recommended the creation of a pedestrian oriented town center, employment uses along the I-270 corridor, and zoning that would support approximately 43,000 residents at build out. It also sought to protect the environment, including recognizing the Ten Mile Creek Watershed as an environmentally sensitive area of County-wide significance. The Council made numerous changes to the Draft Plan submitted by the Planning Board. Most notable were:

- Land uses in the Ten Mile Creek Watershed were modified from high density residential to mixed-use to accommodate employment uses along I-270
- Two employment sites were added west of I-270, in the Ten Mile Creek Watershed
- Residential density was increased ten-fold (from one unit per 5 acres to 2 units per acre) west of I-270 and east of the Ten Mile Creek main-stem
- A 15% impervious surface cap that applied only to commercial development west of I-270
- A staging plan that prevented development until triggers related to environmental quality were met

The staging plan has four stages with trigger points to release development. The first three stages have already proceeded and the six staging triggers for Stage 4, which is entirely in the Ten Mile Creek Watershed, have also been met. Triggers 1 - 4 were met many years ago. Trigger 5 required the issuance of 2,000 building permits and trigger 6 required an evaluation of Best Management Practices and the issuance of an annual County water quality report for the year after the 2,000th permit. Both have taken place.

# Clarksburg Master Plan Amendment



 Master Plan Study Area  
 Streams

0 750 1,500 3,000 4,500 6,000 Feet



Master Plan Study Area - Map 1

Once all triggers were met, the Master Plan indicated that the Council would consider whether to grant water and sewer category changes that would permit the extension of infrastructure into Ten Mile Creek. The Master Plan also recommended that sewer and water should not be provided until further environmental analysis was completed and the Council determined "if the methods, facilities, and practices then being utilized by applicants as part of the water quality review process then in place are sufficient to protect Ten Mile Creek."

The Master Plan identified four options for the Council to consider once the analysis was completed:

- Option 1:** Grant water and sewer category changes, without placing limiting conditions upon property owners.
- Option 2:** Grant water and sewer category changes with conditions related to water quality measures.
- Option 3:** Defer action on a Water and Sewer Plan category change, pending further study or consideration.
- Option 4:** Consider other land use actions as are deemed necessary.

The Department of Environmental Protection 2007 Annual Report (issued in February 2009) indicated that predevelopment stream conditions in Clarksburg were predominantly good to excellent. By 2007 they had dropped into the fair category in the Clarksburg Town Center and Newcut Road development areas. However, water quality also declined in the headwater area of Ten Mile Creek, which had experienced little new development. The report further indicated that a number of studies documenting the effects of imperviousness found that impervious cover, as low as 5 percent, could produce significant declines in water quality.

The 2007 Annual Report generated significant debate over its findings and some questioned whether it provided the basis for proceeding with sewer and water category changes or alternatively, whether it indicated that a master plan amendment was required. Following the report, the Council decided to appoint an Ad Hoc Water Quality Working Group to further explore the water quality issues associated with Ten Mile Creek.

A T&E/PHED joint discussion on July 23, 2009, appeared to bear out the imperviousness predictions on water quality in the Clarksburg Special Protection Area (SPA). However, it was also noted that much of the area being monitored had not transitioned from a sediment control status to final stormwater management status. This suggested that sufficient time had not passed for streams to recover from major construction activities. The subsequent Department of Environmental Protection 2010 Annual Report did show improved water quality in the Clarksburg SPA.

## **Water Quality Working Group Water Quality Report**

The Ad Hoc Water Quality Working Group, consisting of agency representatives, community representatives, property owner representatives, and environmental advocates was appointed in October 2009 with a charge to:

... collect information on all new and pending State and Federal regulations regarding water quality, stormwater management, and sediment control; analyze how these new requirements could impact future development in Clarksburg, especially in Stage 4; seek input from Clarksburg stakeholders as to the methods they propose for minimizing development impacts on water quality in the Ten Mile watershed; and advise the Council on the steps necessary to preserve water quality in Stage 4.

The Water Quality Working Group included the following summary of the Ten Mile Creek Area in its July 2010 water quality report to the Council:

The Ten Mile Creek watershed is extremely sensitive and fragile, comprised of numerous headwater streams. The east side of the Ten Mile Creek watershed is noted in the Master Plan as an ecologically unique Special Protection Area. The remainder of the Ten Mile Creek watershed (approximately 64%) is zoned Rural Density Transfer (RDT) and is not part of the Special Protection Area because the rural zoning precludes significant development of that area. The water in Ten Mile Creek flows clear, cold, and steadily, and supports one of the most diverse aquatic life communities in Montgomery County, including species of fish, aquatic insects, and amphibians that are found rarely (if ever) elsewhere in the county. This excellent water quality is indicative of a rural watershed that has many small and ephemeral streams, springs and seeps. The current total imperviousness in the Ten Mile Creek watershed is 3.3%, and current total forest cover is 45%. Ten Mile Creek is a high quality Use I-P stream (defined as: water contact recreation, protection of aquatic life, and public water supply) and is part of the Little Seneca Lake backup drinking water supply. Ten Mile Creek has been monitored by the Montgomery County Department of Environmental Protection since 1994. Stream conditions averaged within the excellent to good ranges. The stream conditions of many of the upper headwaters were in excellent condition, the headwaters east of I-270 were in good condition. Since Special Protection Area development began, stream conditions in the headwaters east of I-270 declined to fair. The upper headwater areas declined to good condition. County staff field located mapped seeps, springs and wetlands in the Stage 4 portion of Ten Mile Creek in 2009. These extremely sensitive features are critical to the protection of the high quality conditions of the Ten Mile headwater streams.

The nine member Working Group could not reach consensus on key recommendations; however, the majority did recommend that the Council initiate a master plan amendment to examine other land use actions, consistent with Option 4, above.

### **III. Work Plan**

The headwaters of Ten Mile Creek lie in the Clarksburg Town Center District and are planned for intense mixed uses to support the town concept that was carried forward in the 1969 General Plan Update and the 1993 General Plan Refinement. The area west of I-270, between the mainstem of Ten Mile Creek and Clarksburg Road, is zoned for employment uses and housing. There is significant

concern that development, as proposed in the 1994 Master Plan, could compromise the resources in the watershed. This limited master plan will consider development scenarios, impact avoidance, development guidelines and practices, mitigation and offsets to arrive at recommendations that will protect Ten Mile Creek, while promoting community-building objectives. The scope of this amendment is limited to the Ten Mile Creek Analysis Area and that portion of the Ten Mile Creek watershed within the Town Center District. It will not consider land use or zoning changes outside the boundary of this amendment and will not affect the progress of development approved, but not built in the Town Center or Cabin Branch District. Given the project's compressed schedule, a consultant team will help with the following:

- Analyze existing conditions, including specific natural resources to protect, and potential mitigation and enhancement projects that would further strengthen the resiliency of the watershed; the potential impacts of various development scenarios and recommendations for protective measures; performance standards and guidance for development in the watershed.
- Analyze potential market and economic impacts associated with various development scenarios as they relate to the viability of community building efforts in Clarksburg.
- Analyze traffic and transportation issues related to various development scenarios and identify necessary roadway and transit facility modifications.

#### **IV. Outreach and Input**

To better understand the critical environmental, land use and community issues associated with the Clarksburg Planning area, planners will seek regular input from various stakeholders and citizen groups. Planners will have already attended a meeting with the Upcounty Citizens Advisory Board on October 22nd to discuss the current master plan and have also planned a community workshop in Clarksburg, scheduled for November 19th. In addition, planners will meet with other stakeholders including property owners, environmental representatives as well as community residents throughout the process.

The next milestone will be in February, when planners will convene a public meeting to seek input on emerging concepts and share implications and potential tradeoffs. The results of that meeting will be shared with the Planning Board in March to seek direction based on certain policy choices. To provide an overview of plan recommendations prior to the completion of the Staff Draft, one additional public meeting is planned in April. The staff draft will be presented to the Board in early May. The public hearing, scheduled for June, will allow opportunities for multiple work sessions with the Planning Board prior to forwarding the Plan to the County by October. The following is a proposed schedule for key meetings:

<b>Meeting</b>	<b>When</b>	<b>Objective</b>
<b>Upcounty Citizens Advisory Board</b>	October 22,2012	Provide an overview of the current Clarksburg Master Plan and status of various development projects
<b>Community Workshop - Project Kick-off</b>	November 19, 2012	Listen and Learn - Introduce the master plan amendment and process; identify and better understand issues and priorities
<b>Community Workshop</b>	February 2013	Explore and Create – Seek input and review draft planning principles and preliminary concepts
<b>Planning Board</b>	March 2013	Work Session to present and discuss preliminary concepts, tradeoffs and recommendations – seek Board direction
<b>Public Meeting</b>	April 2013	Present staff recommendations
<b>Planning Board</b>	May 2013	Present Staff Draft and set public hearing
<b>Planning Board</b>	June 2013	Public hearing – Staff Draft
<b>Planning Board</b>	July-September 2013	Work sessions to prepare Planning Board Draft
<b>Planning Board</b>	October 2013	Transmit Planning Board Draft to County

All public meeting dates, events and staff reports will be posted on the project website, [www.montgomeryplanning.org/10milecreek](http://www.montgomeryplanning.org/10milecreek)

## V. Schedule

Clarksburg Master Plan Limited Amendment for the Ten Mile Creek Watershed Area	2012			2013												2014				
	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Scope of Work</b>																				
background research																				
scope of work																				
<b>Analysis and Draft Plan</b>																				
scenarios/ analysis																				
draft recommendations/ refinement																				
staff draft																				
<b>Community Meetings</b>																				
upcounty citizens advisory board																				
community workshop																				
<b>Planning Board Review</b>																				
approve scope																				
worksession																				
approve staff draft																				
public hearing																				
worksessions																				
<b>Transmit to Executive &amp; Council</b>																				
county executive review																				
county council notice period																				
council public hearing																				
commission adoption, SMA																				

- Staff
- Community Involvement
- Planning Board
- County Executive
- County Council
- Commission Adoption/SMA