




Guidelines for Environmental Management of Development in Montgomery County

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Completed: 07/10/2014

Description

The Planning Board Work Session on the draft updates to the Environmental Guidelines, postponed from 6/26/14. The proposed updates to the Guidelines are in response to the County Council’s request to make the regulatory changes needed to implement the new environmental requirements in the recently Approved and Adopted 10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area. In addition to the Ten Mile Creek-specific additions, staff has made other draft revisions to the Environmental Guidelines to reflect changes required by local and State legislation that have occurred since the last revision of the Guidelines.

Staff Recommendation: Approval of Revisions to the Environmental Guidelines

Public Testimony and Staff Responses

(See the 6/26/14 Staff Memo.)

Additional testimony received since the 6/26/14 Staff Memo

1. Since the postponed 6/26/14 Work Session on the draft updates to the Environmental Guidelines, staff have received 84 emails stating that the Council’s resolution on the Ten Mile Creek Limited Master Plan Amendment should be interpreted to indicate that stand alone wetlands should be given minimum buffers of 200 ft., but that wetlands within a stream valley area already accorded a 200 ft. buffer get an extended 50 ft. buffer.

Staff Response:

See the Staff Response in the 6/26/14 Staff Memo to Public Testimony 1. (Cathy Wiss, Audubon Naturalist Society).

As indicated in the 6/26/14 Staff Memo, the inclusion of wetlands in the resolution sentence that stipulates a minimum buffer of 200 ft. was due to a planning staff error. Both Planning Department and Council legal staff have reviewed the staff memos prepared by Council Staff for the various Council Subcommittee and Full Council sessions on the Ten Mile Creek Plan, as well as the video recordings of those sessions, and agree that

the Council's intent was to require minimum wetland buffers of 50 ft. This view of legal staff has also been echoed by Councilmembers Elrich and Berliner.

The Full Council will be taking up the matter of its intent regarding minimum buffers for wetlands in the Ten Mile Creek Master Plan Amendment in a session scheduled for 7/15/14. The results of this session will be presented to the Planning Board at the 7/17/14 Work Session on the proposed updates to the Environmental Guidelines.

Additional Proposed Updates to the Environmental Guidelines

Staff have made three minor clarifications to the proposed updates to the Environmental Guidelines since the 6/26/14 Staff Memo. (See edits in Track Changes text in Attachment 1. The pages in Attachment 1 correspond to pages 67 and 68 of the proposed updates to the Guidelines contained in the first attachment to the 6/26/14 Staff Memo.)

Summary of Proposed Ten Mile Creek Updates to the Environmental Guidelines

(See the 6/26/14 Staff Memo.)

Conclusion

Staff has drafted red-line revisions and additions to the Environmental Guidelines to implement the environmental requirements for new development in the Ten Mile Creek Watershed which lies within the 10 Mile Creek Master Plan planning area (see Attachment 1 of the 6/25/14 Staff Memo). These changes appear in a new Chapter in the Guidelines (Chapter VIII). Throughout the text of the Guidelines, text references and other minor changes needed to reflect the material in the new Chapter VIII have been drafted as well. In addition to the Ten Mile Creek-specific additions, staff has made other draft revisions to the Environmental Guidelines to reflect changes required by local and State legislation that have occurred since the last revision of the Guidelines.

Some changes to the State Water Use Class Criteria and Designations have occurred since the last revision of the Environmental Guidelines, with others still pending. Because of this, Water Use Class-related updates do not appear in the present red-line markup. If the State Water Use Class-related changes are available in time for this revision of the Guidelines, they will be incorporated. If not, they will be incorporated in a future revision to the Guidelines.

ATTACHMENTS

1. Additional Clarifications to the Proposed Updates of the Environmental Guidelines