The Applicant requests approval of a Forest Conservation Plan and a Water Quality Plan associated with a Condition al Use application to construct a substation on an 0.70-acre leased portion of a 12.02-acre property owned by Montgomery County. The Application will result in a reduction in impervious surfaces that currently exist on the site from 12,505 square feet to 10,405 square feet, or 2.4 percent to 2.0 percent. The Application will not remove any existing forest and requests the ability to create a forest bank for the County’s use.

This memorandum covers Staff review and recommendations for the Forest Conservation Plan and the SPA Water Quality Plan. The Planning Board’s actions on the Forest Conservation Plan and Water Quality Plan are regulatory and binding. The review and recommendations for the Conditional Use are covered in a separate memorandum.
RECOMMENDATIONS AND CONDITIONS

B. Approval of the Preliminary/Final Forest Conservation Plan (“FCP”), subject to the following conditions:

1. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must record a Category I Conservation Easement over all areas of forest planting and retention, as shown on the approved FCP. The Category I Conservation Easements must be in a form approved by the M-NCPPC Office of the General Counsel and recorded among the Montgomery County Land Records by deed.
2. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must reforest the 1.37 acres of unforested environmental buffers as shown on the approved FCP.
3. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must provide financial surety to the M-NCPPC Planning Department for the on-site forest planting areas.
4. Prior to the start of any demolition, clearing, grading, or construction on the Subject Property, the Applicant must submit for review and approval a five-year Maintenance and Management Agreement for the forest planting areas. The Agreement must be approved by the M-NCPPC Office of the General Counsel.
5. Forest planting must begin within the first planting season after issuance of the first grading permit.
6. The Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easements, or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
7. The Applicant must comply with all tree protection and tree save measures shown on the approved FCP. Tree save measures not specified on the approved FCP may be required by the M-NCPPC forest conservation inspector.
8. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved FCP.

C. Approval of the Preliminary/Final Water Quality Plan, subject to the following conditions:

a. Impervious surfaces are limited to no more than two percent of the Subject Property within the Clarksburg West Overlay Zone as shown on the Impervious Surface Plan portion of the Preliminary/Final Water Quality Plan.

b. Prior to the start of any clearing, grading, or demolition on the Subject Property, the owner of the Subject Property must enter into an agreement with the Planning Board to limit impervious surfaces to no more than two percent of the Subject Property within the Clarksburg West Environmental Overlay Zone and demonstrate conformance to the impervious surface limits. The agreement must be in a form approved by the M-NCPPC Office of the General Counsel and recorded by deed in the Montgomery County land records.

c. Prior to the start of any clearing or grading for the construction of the substation, the Applicant must remove all impervious surfaces and restore these areas to a pervious condition, as shown on the Impervious Surface Plan portion of the Preliminary/Final Plan.
a. Water Quality Plan. An M-NCPPC inspector must be present at a pre-work meeting prior to the removal of the imperious surfaces.

b. Prior to the start of any clearing, or grading for the construction of the substation, the Applicant must contact an M-NCPPC inspector to conduct a post-work inspection to verify the removal of all impervious surfaces in accordance with the Impervious Surface Plan portion of the Preliminary/Final Water Quality Plan.

c. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Service’s (MCDPS) Preliminary/Final Water Quality Plan approval letter dated November 1, 2017, unless otherwise amended by MCDPS, provided the amendments do not conflict with other conditions of approval.

**PROPERTY AND VICINITY DESCRIPTION**

The 12.02-acre property, identified as Parcel 930 on tax Map EW21, is located at 22800 Whalen Lane, approximately 100 feet north of its intersection with Clarksburg Road (Figures 1 and 2) (“Property” or “Subject Property”). The Property is located within the 10 Mile Creek Area Limited Amendment (2014) Master Plan area and is zoned Employment Office (EOF). The Property is also located within the Ten Mile Creek Special Protection Area and the Clarksburg West Environmental Overlay Zone. The Property is located within the LSTM 202 subwatershed of the Little Seneca Creek - Ten Mile Creek watershed, which is classified by the State of Maryland as Use I/I-P waters. The Clarksburg West Environmental Overlay Zone limits impervious surfaces for any new development on this Property. The Property contains 4.90 acres of existing forest. There is a stream that traverses through the northeastern corner of the Property and its associated environmental buffer as well as environmental buffer associated with another off-site stream comprise approximately 3.52 acres of the Property. There is no mapped 100-year flood plain or highly erodible soils located on or immediately adjacent to the Property. There are several areas of slopes between 15-24% and areas ≥25% on the Property. The Property is currently undeveloped except for a small area of deposited aggregate and gravel (impervious surface) surrounded by a man-made earthen berm located adjacent to Whalen Lane.
Figure 1. Property Location and Surrounding Area
PROJECT DESCRIPTION

The Potomac Edison Company - Clarksburg substation is planned to be constructed on a 0.70-acre leased portion of the 12.02-acre Property owned by the Montgomery County Department of General Services. Potomac Edison’s main power substation located along MD Route 355, north of MD Route 121, was identified as being inadequate to service approved development and future potential development envisioned by the Master Plan in Clarksburg. Potomac Edison determined they would need to install a small, modular substation to supplement the main substation. Potomac Edison reviewed various potential sites before identifying the County owned land, the Subject Property, as the appropriate location for the substation. An Application for approval of a Conditional Use, Preliminary/Final Forest Conservation Plan and Preliminary/Final Water Quality Plan was submitted by the Applicant to demonstrate conformance with the recommendations of the 10 Mile Creek Area Limited Amendment Master Plan, the 10 Mile Creek Special Protection Area, and the Clarksburg West Environmental Overlay Zone.

At the time the Zoning Ordinance was amended to include the Clarksburg West Environmental Overlay Zone, the County Council considered the recommendation of the Montgomery County Planning Board and the Planning, Housing, and Economic Development Committee to include text that would allow a public utility facility on County owned land. The Planning Board was aware of the need for a Potomac Edison substation that may need to be located on public land to service approved and potential future development. At the request of Executive staff, the District Council ultimately decided not to include this text, noting that Executive staff indicated that the facility could be accommodated by removing some existing impervious surface, thereby meeting the impervious surface restrictions of the Clarksburg West Environmental Overlay Zone (Attachment A).
The Planning Board’s actions on the Preliminary/Final Forest Conservation Plan and the Preliminary/Final Water Quality Plan are regulatory and binding. The Planning Board must act on the FCP and Water Quality Plan before it finalizes its recommendations on the Conditional Use application.

A. FOREST CONSERVATION PLAN ANALYSIS AND FINDINGS

The Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Preliminary/Final Forest Conservation Plan

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420180400 was approved by Staff on December 5, 2017. The NRI/FSD included detailed, field verified analysis provided for a defined 5.70-acre area around the 0.70-acre leased area where the substation will be located, and a desktop analysis for the remainder of the site, far removed from any potential disturbance. The preferred location of the substation on the Property was determined based on the existing conditions, including the lack of forest, trees, and other environmentally sensitive features, the existing impervious surfaces, and the close proximity to Whalen Lane. A Preliminary/Final Forest Conservation was submitted as part of a Conditional Use application for a modular substation needed to service approved and potential future development in the Clarksburg area (Attachment B).

The net tract area for forest conservation is 12.02 acres. There are approximately 4.90 acres of forest, including approximately 2.2 acres of forested environmental buffer on the Property. The Application proposes to retain all the forest and there is no planting requirement per the Forest Conservation Law. The Applicant proposes to reforest approximately 1.37 acres of currently unforested stream buffer to comply with the 10 Mile Creek Area Limited Amendment Master Plan (2014) and the Environmental Guidelines for Environmental Management of Development in Montgomery County (MNCPPC 2000) (“Environmental Guidelines”) recommendations that all unforested stream buffers be reforested as part of development applications. The retained and planted forest will be protected in a Category I conservation easement, and some of this forest may be used to establish a forest bank for the County’s use. The proposed Application does not impact or remove any trees greater than or equal to 24 inches in Diameter at Breast Height and does not require a tree variance.

Potential Forest Bank

As the Property owner, the Montgomery County Department of General Services requested that the Planning Department consider the potential for the creation of a forest bank for the County’s use, on the Property. Chapter V.C.2(a) of the Environmental Guidelines includes a provision for allowing the creation of a forest bank for the portions of the environmental buffer that are reforested per the Special Protection Area forest conservation requirements and not meeting the requirements of the Forest Conservation Law. In addition, the Planning Department’s forest bank policy allows areas of forest retention above the minimum required forest retention (“break-even point”) per the Forest Conservation Law, to be considered for inclusion in a forest bank. Staff supports the consideration of approximately 1.37 acres of planted environmental buffer and 2.75 acres of retained forest for inclusion in a forest bank to be utilized by the County. A more detailed evaluation of these areas and a determination as to their appropriateness as a forest bank will be conducted by the Planning Department’s forest bank program manager under a future, separate process. It will be that process that will determine the exact number of credits available for sale in the forest mitigation bank.
B. SPA WATER QUALITY PLAN ANALYSIS AND FINDINGS

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Clarksburg West Environmental Overlay Zone.

Review for Conformance to the Special Protection Area Requirements

This project is located within the Ten Mile Creek SPA and on publicly owned property, so it is required to obtain approval of a water quality plan under Chapter 19-62(c) of the Montgomery County Code. This section of the code states:

“(c) Publicly owned property. Before engaging in any land-disturbing activity on publicly owned property in an area designated as a special protection area, the applying agency or department should prepare a combined preliminary and final water quality plan.”

As part of the requirements of the Special Protection Area law, a SPA Water Quality Plan should be reviewed in conjunction with a Conditional Use application. Under Section 19-65, the provision of the law, the Montgomery County Department of Permitting Services (MCDPS), the Montgomery County Department of Environmental Protection (MCDEP) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS and MCDEP have reviewed and conditionally approved the elements of the Water Quality Plan under their purview. The Planning Board’s responsibility is to determine if environmental buffer protection, SPA forest conservation and planting requirements, and limits on impervious surfaces have been satisfied.

MCDPS and MCDEP Special Protection Area Review Elements

In a letter dated November 1, 2017, MCDPS and MCDEP have conditionally approved the elements of the SPA Preliminary/Final Water Quality Plan under its purview with a synopsis provided below (Attachment C).

Site Performance Goals

As part of the Preliminary/Final Water Quality Plan, the following performance goals were established for the Property:

1. Minimize storm flow runoff increases
2. Minimize sediment loading

Stormwater Management Concept

The required stormwater management goals will be met via a reduction in existing impervious area and the use of an infiltration berm.
Monitoring

A stream monitoring fee for the site (leased portion) area and a Best Management Practices monitoring fee for the disturbed area in the SPA is required.

Planning Board Special Protection Area Review Elements

Staff recommends Planning Board approval of the elements of the SPA Water Quality Plan under its purview.

Environmental Buffer Protection

A Natural Resources Inventory and Forest Stand Delineation (NRI/FSD) #420180400 was approved by Staff on December 5, 2017. The Property is located in the Little Seneca Creek-Ten Mile Creek watershed (Use Class I/I-P waters). There is a stream that traverses through the northeastern corner of the Property and its associated environmental buffer as well as environmental buffer associated with another off-site stream comprise approximately 3.52 acres of the Property. The Application does not propose any disturbance within the environmental buffers and the unforested portions will be reforested and the entire on-site buffer will be protected by a Category I conservation easement as part of this Application.

The Application meets all applicable requirements of the Environmental Guidelines and the 10 Mile Creek Area Limited Amendment Master Plan.

Forest Conservation

The Applicant submitted an FCP for review with the Conditional Use application. The Application proposes to retain all the existing forest. There is no planting requirement per the Forest Conservation Law; however, the Application proposes to reforest all the unforested environmental buffers on the Property. The result is approximately 4.90 acres of existing forest and 1.37 acres of planted forest on the Property and within the Ten Mile Creek Special Protection Area and Clarksburg West Environmental Overlay Zone will be protected in Category I conservation easement. Per SPA requirements, the forest planting will occur in the first planting season after the first grading permit is issued and the new plantings will be subject to a five-year maintenance and management agreement.

The Application meets all applicable requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

Impervious Surfaces

Impervious surface restrictions for development projects in this portion of the Ten Mile Creek SPA are set forth in the Clarksburg West Overlay Zone. As per Chapter 59, Section 4.9.6, County owned land that is not managed as parkland by the M-NCPCC may not add any impervious surface and the maximum total impervious surface area for any development after August 4, 2014 is six percent. The Application includes the proposed construction of a substation to serve approved and future proposed development. There is approximately 12,505 square feet of impervious surfaces currently located in the southeastern portion of the Property, adjacent to Whalen Lane. This area consists of compacted aggregate, including gravel. The
Application proposes to remove the existing impervious surfaces, dispose of them at an approved waste site, and decompact the soils. The Application proposes approximately 10,405 square feet of impervious surface related to the substation for a net reduction of 2,100 square feet. The proposed impervious surface consists of the substation and associated pad, and a gravel access road. The Application as proposed includes a total of 10,405 square feet of impervious surfaces over a 523,591 square foot net tract area, resulting in two percent imperviousness, as depicted on the Impervious Surface Plan (Attachment D). The Application is in conformance with the Clarksburg West Overlay Zone as there will be no additional impervious surfaces on County owned land and the proposed impervious surface on the Property is less than six percent.

The Application meets all applicable requirements of the Clarksburg West Environmental Overlay Zone, as described in Chapter 59 of the Montgomery County Code.

CONCLUSION

Staff recommends the Planning Board approve the Preliminary/Final Forest Conservation Plan and the Preliminary/Final Water Quality Plan with conditions specified above.

ATTACHMENTS

A. Ordinance No. 17-46, Zoning Text Amendment No. 14-03
B. Preliminary/Final FCP
C. MCDPS Preliminary/Final Water Quality Plan approval letter dated November 1, 2017
D. Impervious Surface Area Plan
Ordinance No.: 17-46  
Zoning Text Amendment No.: 14-03  
Concerning: Overlay Zone—  
Clarksburg  
Draft No. & Date: 4 – 7/15/14  
Introduced: April 8, 2014  
Introduced: April 8, 2014  
Public Hearing: May 13, 2014  
Adopted: July 15, 2015  
Effective: August 4, 2014

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the District Council

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- Creating an overlay zone for Clarksburg East; and
- Creating an overlay zone for Clarksburg West.

By amending the following section of the Montgomery County Zoning
Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-18. “OVERLAY ZONES.”

By adding new sections:

Section 59-C-18.25. “Clarksburg East Environmental Overlay Zone.”
Section 59-C-18.26. “Clarksburg West Environmental Overlay Zone.”

EXPLANATION: Boldface indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws  
by the original text amendment.  
[S]ingle boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.  
D)ouble underlining indicates text that is added to the text  
 amendment by amendment.  
[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.  
*** indicates existing law unaffected by the text amendment.
OPINION

Zoning Text Amendment No. 14-03 was introduced on April 8, 2014.

The Council's April 1, 2014 approval of the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area (the Plan) recommended the approval of floating zones for the Ten Mile Creek area. ZTA 14-03 would create the zones recommended by that Plan. The approval of ZTA 14-03 will allow the approval of a Sectional Map Amendment consistent with the Plan's recommendations.

In its report to the Council, the Montgomery County Planning Board recommended that the text amendment be approved with amendments.

A public hearing on ZTA 14-03 was held on May 13, 2014. The Audubon Naturalist Society spoke generally in favor of the ZTA, but would not have exemptions for new development of any public facility. The Society favors the Planning Board waiver process in place for Upper Paint Branch rather than exemptions. One representative of several landowners spoke in favor of the public utility exemption recommended by the Planning Board. The representative of the Egan property had a variety of concerns. The representative of the Hammer Hill property objects to the Planning Board revisions that would only exempt existing development on parcels smaller than 2 acres.

The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on July 10, 2014 to review the amendment. The Committee recommended approval of ZTA 14-03 with the following revisions:

- Exempt septic development from the requirement for site plan.
- Remove the requirement for the 30 percent building coverage limit for R-90 zoned property.
- Define open space as "rural open space", which retains the most natural features.
- Allow an exemption only for publicly funded and master planned roads and bikeways.
- Delete the exemption for paths, trailheads, and associated parking.
- Allow a public utility facility on County owned land.

The Committee considered and rejected reducing the exemption for small lots from 2 acres to 1 acre.

The District Council reviewed Zoning Text Amendment No. 14-03 at a worksession held on July 15, 2014 and agreed with the recommendations of the Planning, Housing, and Economic Development Committee, with a revision that would not exempt from the impervious surface limit County owned land managed by the Maryland-National Capital Park and Planning Commission as parkland. The Council also removed the Committee's recommended text for a
For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 14-03 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:
Sec. 1. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

* * *

Sec. 59-C-18.25. Clarksburg East Environmental Overlay Zone.

59-C-18.251. Purpose.

The purpose of the Clarksburg East Environmental Overlay Zone is to:

(a) protect the water quantity, water quality, habitat, and biological diversity
    of the Ten Mile Creek watershed and its tributaries;

(b) regulate the amount and location of impervious surfaces to maintain
    levels of groundwater, control erosion and water temperature, and retain
    as many of the functions provided by natural land as possible;

(c) regulate development that could adversely affect this high quality stream
    system; and

(d) implement the recommendations of the 2014 Ten Mile Creek Area
    Limited Amendment to the Clarksburg Master Plan and Hyattstown
    Special Study Area.

59-C-18.252. Procedure for approval.

(a) Any development that must file a preliminary plan of subdivision under Chapter 50 requires approval of
    a site plan by the Planning Board under Division 59-D-3, unless
    excluded under Subsection (b).

(b) A lot or parcel of a one-family dwelling and that
    has not changed in size or shape since January 1, 2014 is excluded from
    the site plan approval requirement.

(a) Land Use.

All permitted and special exception uses allowed in the underlying zones are allowed in the Clarksburg East Environmental Overlay Zone.

(b) Development standards.

(1) The development standards of the underlying zone apply, except as modified by this overlay zone.

(2) Except [[for development]] as allowed under Section 59-C-18.254, the total impervious surface area for any development after August 4, 2014 [[may]] must be a maximum of 15% of the total area [[in the]] under application for development.

(3) All environmental buffer areas or natural resources recommended for protection in the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area must be [[treated]] regulated as environmentally sensitive areas, [[in addition to]] just as other areas identified [[as]] environmentally sensitive in law, regulations, or in the Planning Board’s Guidelines for the Environmental Management of Development, as amended.

(4) All environmentally sensitive areas must be included in the required open space area.

(5) The minimum area devoted to open space [[is]] must be 80% of the total area under application for development. For the purpose of this overlay zone, open space is defined as rural open space as described and managed under Sections 59-C-9.572 and 59-C-9.74(h).

(6) If the underlying zone is R-90:
(A) the maximum density without MPDU bonus density is 3.0 dwelling units per acre;

(B) the maximum density with MPDU bonus density is 3.66 dwelling units per acre;

(C) any type of dwelling unit is permitted, up to the maximum number of dwelling units allowed;

(D) the maximum building height is:
   (i) 35 feet for a one-family detached dwelling;
   (ii) 50 feet for a one-family attached dwelling; and
   (iii) 65 feet for a multiple-family dwelling or any non-residential building; and

(E) when site plan approval is required, the minimum lot area, lot dimensions, building coverage, and building setbacks of the R-90 zone do not apply. Any such requirements must be determined by the Planning Board during site plan approval process.

59-C-18.254. Exemptions from impervious surface area restrictions.

(a) Any impervious surface lawfully existing under a building permit or sediment control permit issued before August 4, 2014 that exceeds the applicable impervious surface restriction may continue or be reconstructed with the same or less impervious surface area under the development standards in effect when the building permit or sediment control permit was issued.

(b) An impervious surface resulting from an addition to an existing one-family residential dwelling or an accessory structure to a one-family
dwellings not approved as part of a site plan under Section 59-D-3, is
exempt from this overlay zone’s impervious surface restriction.

(e) Impervious surfaces associated with development on] On any lot or
parcel with an area less than 2.0 acres as of January 1, 2014 [[are]], any
development is exempt from this overlay zone’s impervious surface
restriction.

(d) Impervious surface for any publicly funded road[[],] or bikeway [, path,
driveway, or parking area] identified by the Ten Mile Creek Area
Limited Amendment to the Clarksburg Master Plan and Hyattstown
Special Study Area is exempt from this overlay zone’s impervious
surface restriction.


The purpose of the Clarksburg West Environmental Overlay Zone is to:

(a) protect the water quantity, water quality, habitat, and biological diversity
of the Ten Mile Creek watershed and its tributaries;

(b) regulate the amount and location of impervious surfaces to maintain
levels of groundwater, control erosion and water temperature, and retain
as many of the functions provided by natural land as possible;

(c) regulate development that could adversely affect this high quality stream
system; and

(d) implement the recommendations of the 2014 Ten Mile Creek Area
Limited Amendment to the Clarksburg Master Plan and Hyattstown
Special Study Area.

59-C-18.262. Procedure for approval.

(a) [A site plan must be approved by the Planning Board under the
provisions of Division 59-D-3 for any]] Any development that must file
a preliminary plan of subdivision under Chapter 50 requires approval of
a site plan by the Planning Board under Division 59-D-3, unless
excluded under Subsection (b) or (c).
(b) A lot or parcel [[for]] that is occupied by a one-family dwelling and that
has not changed in size or shape since January 1, 2014 is excluded from
the site plan approval requirement.
(c) Any one-family detached residential development that is served by a
septic facility is excluded from the site plan approval requirement.

59-C-18.263. Regulations.
(a) Land Use.
All permitted and special exception uses allowed in the underlying zones
are allowed in the Clarksburg West Environmental Cluster Zone.

(b) Development standards.
(1) The development standards of the underlying zone apply, except
as modified by this overlay zone.
(2) Except for County owned land or land under a conservation
easement granted to the benefit of the County and development
exempted under Section 59-C-18.264, the total impervious surface
area for any development after August 4, 2014 [[may]] must be a
maximum of 6% of the total area [[in the]] under application for
development.
(3) County owned land or land under a conservation easement granted
to the benefit of the County that is not managed as parkland by the
Maryland-National Capital Park and Planning Commission may
not add any impervious surface.
(4) Any number of lots may be of any size, without regard to varying
lot size requirements in the underlying zone.
(5) [[The minimum lot area, lot dimensions, and building setbacks must be determined by the Planning Board during the site plan approval process.]] When site plan approval is required, the minimum lot area, lot dimensions, building coverage, and building setbacks do not apply. Any such requirements must be determined by the Planning Board during the site plan approval process.

(6) All environmental buffer areas or natural resources recommended for protection in the Ten Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area must be [[regulated]] regulated as environmentally sensitive areas, [[in addition to]] just as other areas identified. [[as]] environmentally sensitive in law, regulations, or in the Planning Board’s Guidelines for the Environmental Management of Development, as amended.

(7) All environmentally sensitive areas must be included in the required open space area.

(8) The minimum area devoted to open space [[is]] must be 80% of the total area under application for development. For the purpose of this overlay zone, open space is defined as rural open space as described and managed under Sections 59-C-9.572 and 59-C-9.74(h).


(a) Any impervious surface lawfully existing under a building permit or sediment control permit issued before August 4, 2014 that exceeds the applicable impervious surface restriction may continue or be
reconstructed with the same or less impervious surface area under the
development standards in effect when the building permit or sediment
control permit was issued.

(b) [[Any]] An impervious surface, [[not approved as part of a site plan
under Section 59-D-3]] resulting from an addition to an existing one-
family residential dwelling or an accessory structure to a one-family
dwelling, not approved as part of a site plan under Section 59-D-3, is
exempt from this overlay zone's impervious surface restriction.

(c) [[Impervious surfaces associated with development on]] On any lot or
parcel with an area less than 2.0 acres as of January 1, 2014 [[are]], any
development is exempt from this overlay zone's impervious surface
restriction.

(d) Impervious surface for any publicly funded road[[,]] or bikeway[[, path,
driveway, or parking area]] identified by the Ten Mile Creek Area
Limited Amendment to the Clarksburg Master Plan and Hyattstown
Special Study Area is exempt from this overlay zone’s impervious
surface restriction.

Sec. 2. Effective date. This ordinance becomes effective 20 days after the
date of Council adoption.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council
INSTRUCTIONS
All field inspections will be requested by the applicant.

FIELD INSPECTIONS MUST BE CONDUCTED AS FOLLOWS:

PLANS AND FIELD PLANTING REQUIREMENTS:

1. A copy of the approved planting plan shall be submitted with the application. It must be signed by the applicant(s) and dated.

2. The planting plan must include the species, size, and plantable area to be planted. The plan must be signed and dated by the applicant(s).

3. The planting plan must be approved by the local government authority responsible for the area to be planted.

4. The planting plan must be submitted to the local government authority responsible for the area to be planted at least 30 days before the proposed planting date.

ADDITIONAL REQUIREMENTS FOR PLANTS WITH PLANTING REQUIREMENTS:

1. The contractor shall provide written proof of compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

2. The contractor shall provide written proof of compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

3. The contractor shall provide written proof of compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

4. The contractor shall provide written proof of compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

HYPOTHETICAL AREA REMOVAL AND RESTORATION:

1. The planting plan shall be reviewed by the local government authority responsible for the area to be planted to ensure compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

2. The planting plan shall be reviewed by the local government authority responsible for the area to be planted to ensure compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

3. The planting plan shall be reviewed by the local government authority responsible for the area to be planted to ensure compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

4. The planting plan shall be reviewed by the local government authority responsible for the area to be planted to ensure compliance with all applicable regulations and permits necessary for the planting of the proposed plants.

TOTAL FOREST PLANTING REQUIREMENTS:

1. The planting plan must be approved by the local government authority responsible for the area to be planted.

2. The planting plan must be approved by the local government authority responsible for the area to be planted.

3. The planting plan must be approved by the local government authority responsible for the area to be planted.

4. The planting plan must be approved by the local government authority responsible for the area to be planted.

REGULATIONS OF OTHER STATES REQUIRED TO COMPLY WITH:

1. The planting plan must be approved by the local government authority responsible for the area to be planted.

2. The planting plan must be approved by the local government authority responsible for the area to be planted.

3. The planting plan must be approved by the local government authority responsible for the area to be planted.

4. The planting plan must be approved by the local government authority responsible for the area to be planted.

NO ADDITIONAL COSTS:

1. There are no additional costs associated with the planting of the proposed plants.

2. There are no additional costs associated with the planting of the proposed plants.

3. There are no additional costs associated with the planting of the proposed plants.

4. There are no additional costs associated with the planting of the proposed plants.

NOTES:

1. The planting plan must be approved by the local government authority responsible for the area to be planted.

2. The planting plan must be approved by the local government authority responsible for the area to be planted.

3. The planting plan must be approved by the local government authority responsible for the area to be planted.

4. The planting plan must be approved by the local government authority responsible for the area to be planted.

1. The planting plan must be approved by the local government authority responsible for the area to be planted.

2. The planting plan must be approved by the local government authority responsible for the area to be planted.

3. The planting plan must be approved by the local government authority responsible for the area to be planted.

4. The planting plan must be approved by the local government authority responsible for the area to be planted.
Mr. Joel Shodi, PE  
GAI Consultants, Inc.  
6000 Town Center Boulevard, Suite 300  
Canonsburg, Pennsylvania 15317

Re: COMBINED PRELIMINARY/FINAL WATER QUALITY PLAN AND SITE DEVELOPMENT STORMWATER MANAGEMENT PLAN for Cabin Branch Substation  
Preliminary Plan #: N/A  
SM File #: 283257  
Tract Size/Zone: 12.02 acres  
Total Concept Area: 0.70 acres  
Lots/Block: N/A  
Parcel(s): 930  
Watershed: Clarksburg Special Protection Area-Ten Mile Creek

Dear Mr. Shodi:

Based on a review by the Department of Permitting Services Review Staff, the combined Preliminary/Final Water Quality Plan for the above-mentioned site is acceptable. The Water Quality Plan proposes to meet required stormwater management goals via a reduction in existing impervious area and the use of an infiltration berm.

The following items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. The infiltration berm is to be designed per the Maryland Department of the Environment Stormwater Design Manual.

This list may not be all-inclusive and may change based on available information at the time.

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required. A stream monitoring fee for the site (easement) area and a BMP monitoring fee for the disturbed area in the SPA is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The Water Quality Plan approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at 240-777-6242.

Sincerely,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

cc: N. Braunstein
SM File # 283257

ESD: Required/Provided 1430 cf / 1650 cf
PE: Target/Achieved: 1.4'/1.6'
STRUCTURAL: 0.0 cf
WAIVED: 0.0 ac.
IMPROVEMENT AREA REMOVAL AND RESTORATION NOTES:

1. NO CLEARING OR EARTH DISTURBANCE IS TO TAKE PLACE OUTSIDE OF LIMITS OF IMPROVEMENT AREA.
2. FOR THOSE AREAS WHERE IMPROVEMENT SURFACES ARE TO BE REMOVED, REMOVAL MUST BE COMPLETED PRIOR TO THE INSTALLATION OF NEW EARTH SURFACES.
   - NO MORE THAN 3 INCHES OF SOIL TO BE REMOVED. NO MORE THAN 2' X 2' SUBSURFACE AREA TO BE REMOVED.
   - AT THE TIME OF REMOVAL, THE EARTH SURFACES TO BE REPLACED MUST BE VISUALLY INSPECTED TO ENSURE THAT NO SUBSURFACE MATERIAL WILL BE REMOVED FROM THE PROPERTY. MATERIAL REMOVED MUST BE STORED ON-SITE FOR FUTURE USE.
3. FOR IMPROVEMENT AREAS TO BE REPLACE BY PREVIOUS CONDITION SOIL TO BE DECONSOLIDATED USING EQUIPMENT MOUNTED FRAME. CONDUCT A NUMBER OF TRIALS OF DECONSOLIDATION TO DETERMINE WHICH EQUIPMENT MOUNTED FRAME MUST BE USED. AT THE TIME OF DECONSOLIDATION, THE EARTH SURFACES TO BE REPLACED MUST BE VISUALLY INSPECTED TO ENSURE THAT NO SUBSURFACE MATERIAL WILL BE REMOVED FROM THE PROPERTY.
4. APPLY A 1 INCH LAYER OF CERTIFIED COMPOST ALONG AREAS SLATED FOR RESTORATION TO PROVIDE A CONDITIONED SOIL WITH PREVIOUS TO PREVIOUS SOIL. EARTH SURFACES TO BE REPLACED MUST BE VISUALLY INSPECTED TO ENSURE THAT NO SUBSURFACE MATERIAL WILL BE REMOVED FROM THE PROPERTY.
5. EARTH SURFACES TO BE REPLACED MUST BE VISUALLY INSPECTED TO ENSURE THAT NO SUBSURFACE MATERIAL WILL BE REMOVED FROM THE PROPERTY. MATERIAL REMOVED MUST BE STORED ON-SITE FOR FUTURE USE.
6. AT THE COMPLETION OF CLEARING/REMOVAL WORK AND PRIOR TO VEGETATION REGROWTH, AN AERIAL INSPECTION SHALL BE PERFORMED TO CONFIRM THE REMOVAL OF ANY VEGETATION CONTROL AND LINE PROTECTION MEASURES. THIS AERIAL INSPECTION MUST BE CONDUCTED TO ENSURE THAT THE PROPERTY IS FREE FROM ANY VEGETATION CONTROL AND RESTORATION MEASURES NOT COMPLETELY REMOVED OR PLANTED NEW VEGETATION IN THE REQUIRED MANNER.
### Existing Impervious Area

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Area</th>
<th>Percentage of Property</th>
<th>Area to be Removed</th>
<th>Area to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Abandoned Area</td>
<td>12505</td>
<td>2.4%</td>
<td>12505</td>
<td>0</td>
</tr>
</tbody>
</table>

### Proposed Impervious Area

<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Area</th>
<th>Percentage of Property</th>
<th>Area to be Removed</th>
<th>Area to Remain</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Shared Substation Pad</td>
<td>2049</td>
<td>0.4%</td>
<td>0</td>
<td>2049</td>
</tr>
</tbody>
</table>

- As described in Sections 1, 2, and 5 of 3, the Impervious Area Existing on the Project Property is 12,505 square feet and makes up 2.4% of the property.
- Foot development, the Impervious Area on the Project Property is approximately 2049 square feet and makes up 0.4% of the property.
- The Impervious Area of the SPP will be approximately reduced from 2.4% of property to 0.4% of the property.
- Reference Section 4.0.6.2 of Chapter 8 of the City of Fairfax Zoning Ordinance (1990) and the Fairfax County Zoning Ordinance (1990) to the requirements of the Chelsfield 3000 of 2500 square feet minimum 16-00 and the County
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- **EXISTENCE SECTION 4.0.6.2 OF CHAPTER 8 OF THE FAIRFAX COUNTY ZONING ORDINANCE (1990) AND NOT MAKING ANY IMPERVIOUS SURFACE SLOTS ON THE IMPERVIOUS AREA PLANNED PORED DRAIN, THE PROJECT PROPOSED TO REDUCE THE IMPERVIOUS AREA AND ACTUALLY DRAWS A PROPOSED DRAINAGE IMPERVIOUS AREA, THEREFORE MEETING THE REQUIREMENTS OF THE EXISTING MINIMUM 16-00 AND THE COUNTY.**