



Briefing on the Environmental Guidelines Update Scope and Process



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Summary

Staff will be preparing a limited update to the *Guidelines for Environmental Management of Development in Montgomery County* (“Environmental Guidelines”), primarily to incorporate changes required as a result of previous County Council’s and State actions. This update will cover:

1. Changes needed to reflect the environmental provisions in the 2014 Approved and Adopted *10 Mile Creek Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area* (“10 Mile Creek Master Plan”);
2. Changes required due to the Council’s subsequent actions to create the Clarksburg East and Clarksburg West Overlay Zones, and the 10 Mile Creek Special Protection Area;
3. Changes needed to incorporate previously approved decisions at the local and State level that have occurred since the last revision to the Environmental Guidelines in 2000, such as other new Special Protection Areas and new State water quality criteria; and,
4. A refresh of figures and maps in color to provide greater clarity and legibility.

This briefing will provide an overview of the update project scope and process.

Recommendation: Receive briefing, provide comments, and approve scope.

Background

The 10 Mile Creek Master Plan established some new environmental standards and buffers for new development in the Ten Mile Creek Watershed that lies within the 10 Mile Creek Master Plan planning area. The Plan recognized the unique and sensitive natural resources of Ten Mile Creek and reflects the desire to provide extra environmental protection to limit the impacts from new development to those resources. The County Council resolution approving the 10 Mile Creek Master Plan included the following general provision:

The Planning Department should work with the Executive Branch Departments, including the Department of Environmental Protection and Department of Permitting Services, to take actions necessary to implement the recommendations in this Master Plan (such as comprehensive sewer and water category change). In addition, these agencies should

identify any changes in regulations or law necessary to implement the Master Plan recommendations.

Among the changes needed to implement these new environmental requirements are updates to the M-NCPPC's Environmental Guidelines. Changes are needed to reflect the Council's action on the 10 Mile Creek Master Plan and the associated Clarksburg East and West Overlay Zones, and the 10 Mile Creek Special Protection Area which were approved after the Plan was approved and adopted.

In 2014 staff began the process of reviewing the new environmental requirements that apply to development in the 10 Mile Creek watershed and drafting changes to the Environmental Guidelines to implement those new requirements in the M-NCPPC development review and approval process. Due to extended litigation, however, the final draft and Planning Board review of these changes was delayed. In June of 2019, staff brought a portion of the required Guidelines updates to the Planning Board. Those changes updated stream type definitions and characteristics and were reviewed and approved by the Planning Board.

Current Update Project Scope and Process

Staff is continuing its review of the 10 Mile Creek Master Plan and is drafting the remaining changes to the Environmental Guidelines required to implement the Plan recommendations and reflect the County Council's subsequent actions in creating the Clarksburg East and Clarksburg West Overlay Zones, and the 10 Mile Creek Special Protection Area. Most of these changes will appear in a proposed new chapter that will deal specifically with Ten Mile Creek (Chapter VIII). Throughout the Guidelines, text references and other changes needed to reflect and refer to the material in the new Chapter VIII are being drafted as well.

This update is limited to changes needed to reflect the environmental provisions of the 10 Mile Creek Master Plan, and changes needed to incorporate previously approved decisions at the State and local level that have occurred since the last revision in 2000, such as new Special Protection Areas and new State water quality criteria. Figures and maps in the Guidelines are also being redrafted in color for greater clarity and legibility.

Staff will prepare a redline version of the Guidelines to highlight the proposed changes. When completed, the proposed updates will be presented to the Planning Board at a Public Hearing. Staff will prepare responses to public testimony and present them to the Planning Board at a Planning Board Work Session. The Public Hearing and Work Session are anticipated for June or July 2020. After approval, the changes will be consolidated into a revised document that will be finalized by the Planning Department's Publications team for public release.