



Environmental Guidelines Draft Updates – Public Hearing

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Summary

In accordance with the scope approved last year by the Planning Board, staff have prepared limited draft updates to the Environmental Guidelines to incorporate the requirements of the Approved and Adopted 10 Mile Creek Master Plan Amendment to the Clarksburg Master Plan, the Clarksburg East and Clarksburg West Overlay Zones, the 10 Mile Creek Special Protection Area, technical updates to reflect local and State changes approved since the last update in 2000, and redrafted figures.

The Attachment contains a red markup version of the Environmental Guidelines showing the draft updates.

The public hearing record will remain open until June 10, 2021, one week after the June 3, 2021 hearing, for additional written testimony to be submitted to the Planning Board. Staff will summarize the testimony and conduct a worksession with the Planning Board anticipated for July 1, 2021.

After approval, the updates will be consolidated into a revised document that will be finalized by the Planning Department’s Communications team for public release.

Recommendation: Receive public testimony on the draft updates to the Guidelines.

Description

In 2020 the Planning Board approved the proposed scope and process for a limited update to the Environmental Guidelines (https://montgomeryplanningboard.org/wp-content/uploads/2020/02/Environmental-Guidelines-Update-Briefing-Staff-PB-Memo-Final_02-13-20.pdf). The draft updates are primarily to incorporate changes required as a result of previous County Council and State actions. The updates 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. Redrafted figures and maps to provide greater clarity and legibility.

Summary of the Updates Related to the 10 Mile Creek Limited Amendment to the Clarksburg Master Plan

Imperviousness Limits

Clarksburg East Environmental Overlay Zone

In the Ten Mile Creek watershed east of I-270, a 15 percent imperviousness cap generally applies to most new development on properties that are located within the Clarksburg East Environmental Overlay Zone. Detailed requirements and exemptions are included in the Overlay Zone (see Figure 11 and the Clarksburg East Environmental Overlay Zone (County Code Chapter 59-4.9.4)).

Clarksburg West Environmental Overlay Zone

West of I-270, a 6 percent imperviousness limit generally applies to new development on properties that are located within the Clarksburg West Environmental Overlay Zone, with the exception of County-owned properties that are not managed as parkland by the M-NCPPC. The County-owned non-park properties cannot add imperviousness (0 percent cap). Detailed requirements and exemptions are included in the Overlay Zone (see Figure 11 and the Clarksburg West Environmental Overlay Zone (County Code Chapter 59-4.9.5)).

Environmental Buffers

Throughout Ten Mile Creek

Environmental buffers must be consistent with all regulations and guidelines. In addition, in all areas in Ten Mile Creek other than the Historic District, on both sides of perennial and intermittent streams, and adjacent to springs and seeps, buffers must be a minimum of 200 feet, and must be expanded to include:

- All erodible soils (see Appendix C of the Guidelines) that begin within the minimum 200-foot buffer.
- Wetlands that extend beyond the buffer must have a minimum 50-foot wetland buffer. See Chapter V, Section B of the Guidelines. for additional wetland buffer delineation requirements for wetlands in Special Protection Areas (SPAs).
- All protected ephemeral streams,* not including roadside drainage ditches, plus a 50-foot buffer.
- All slopes 15 percent or greater that begin within the buffers described above.

*Under these Guidelines (as previously amended by the Planning Board) protected ephemeral streams are those in the Ten Mile Creek watershed within the Ten Mile Creek Master Plan area that touch or overlap with environmental buffers associated with other downstream hydrologic features (e.g., perennial and intermittent streams, floodplains, wetlands, seeps, and springs). Ephemeral stream segments in the Ten Mile Creek watershed within the Ten Mile Creek Master Plan area that are upslope from protected ephemeral stream segments are also protected under these Guidelines if the upslope

ephemeral stream touches or overlaps the buffers of the downslope protected ephemeral streams. (See Appendix E of the Guidelines for additional guidance on ephemeral streams and other stream types.)

Forest Protection

- Minimize disturbance of natural resources throughout the Ten Mile Creek watershed, especially forests in the headwater areas. Forest conservation plans for properties in the Ten Mile Creek watershed should protect:
 - All forest required by the County Forest Conservation Law and Regulations (includes environmental buffers as previously described and minimum retention requirements), as well as areas defined in the 10 Mile Creek Master Plan Amendment (2014):
 - All interior forest (as defined by the Maryland Department of Natural Resources)
 - On the Miles-Coppola properties, the forest bounded by the two northernmost environmental buffer areas on the north and south, I-270 on the west, and the existing agricultural fields on the east
 - On the Pulte/King properties, all forest that begins within or abuts environmental buffers
 - All forest on County-owned properties

Other Draft Updates

Other updates have been drafted to reflect technical changes that have been approved at the County and State level since the last update to the Guidelines in 2000. Examples include the addition of references to new Special Protection Areas (SPAs) and Overlay Zones, updated mapping of County watersheds and subwatersheds, updates related to the County's definition of impervious surface, revisions to the State's Water Use-Classes, and revisions to the State's Water Quality Criteria for the Water Use-Classes. Throughout the Guidelines, text references and other minor changes needed to reflect and refer to the material in the new Chapter VIII and other technical updates have been drafted as well.

Attachments

1. Red Markup of Draft Updates to the Environmental Guidelines