



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB
Item # 7
7/9/09

MEMORANDUM

TO: The Montgomery County Planning Board

VIA: Rollin Stanley, Director *RS*

Mark Pfefferle, Acting Chief *MP*
Green/Environmental Planning Division

Glenn Kreger, Acting Chief *GK*
Community Based Planning Division

FROM: Mary Dolan, Master Planner Supervisor (301-495-4552) *MD*
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SUBJECT: Next Steps for Clarksburg Development Stage 4 - Recommendation to County Council

RECOMMENDATIONS: Staff recommends that:

1. The County Council defer action on water and sewer category changes pending a master plan amendment that provides adequate protection for Ten Mile Creek;
2. The County Council add a new master plan amendment for Clarksburg Stage 4 and the associated Ten Mile Creek watershed to the Planning Department work program. The goal of the master plan amendment is to:
 - a. determine how state-of -the-art Environmental Site Design and Low Impact Development can be used in the Ten Mile Creek watershed to best achieve sustainability and the original master plan environmental protection and community building goals;
 - b. involve all stakeholders in assessing the lessons learned from what has been approved and what still needs to be done; and
 - c. incorporate current county policy initiatives and new environmental approaches for smarter growth.
3. The work program is for a two-year period starting on the date of the Council approval, and that funds totaling \$500,000 for each year be assigned. This \$1,000,000 would include \$600,000 for Departmental staff time as well as \$400,000 for consultant services; and
4. The Department of General Services should contract with a site selection consultant using funds from the current design budget to assist in determining if there is an alternative site outside of the Clarksburg Special Protection Area; and

5. **The selection process for an alternative site should be coordinated with the Planning Department and occur within a nine month period** from the date a site selection consultant is chosen. If, at the end of that period, an alternative site has not been located then the Council shall determine:
 - a. if the North County Maintenance Depot should proceed ahead of the completion of the master plan amendment, and
 - b. whether they would consider water and sewer category changes for the North County Maintenance Depot.

Context for Decision

The 1994 *Clarksburg Master Plan* was adopted with a specific staging plan, “to address fiscal concerns and to be responsive to community building and environmental protection objectives.” Key among these was environmental concern for the Ten Mile Creek watershed. Development in Ten Mile Creek is the last stage of the master plan (Stage 4). The staging triggers have been met to consider whether to allow development to go ahead in Stage 4, and the County Council must make a determination to grant water and sewer category changes for this area (with or without special conditions), or to delay those actions pending further study or land use actions.

The Ten Mile Creek watershed (a tributary of the Little Seneca watershed) was identified in the 1994 master plan as having the greatest constraints for development of the Little Seneca’s tributaries and the most prone to environmental degradation by development. Sampling data collected in the process of preparing the master plan indicated that Ten Mile Creek had good water quality that supported a diverse environmental community. The master plan identified the combination of relatively healthy streams, existing wetlands, significant woodland and diverse land cover as providing valuable habitats, while at the same time, steep slopes and poor soils limited opportunities for development. These conditions led planners and the County Council to delay development in this watershed until the last stage of implementation. That consideration was to be held until sufficient information was available to determine that the creek’s special qualities could be protected, considering the impact of development in other portions of the Little Seneca watershed (as well as other monitoring in similar watersheds). **The time for this decision has arrived.**

Interagency Working Group

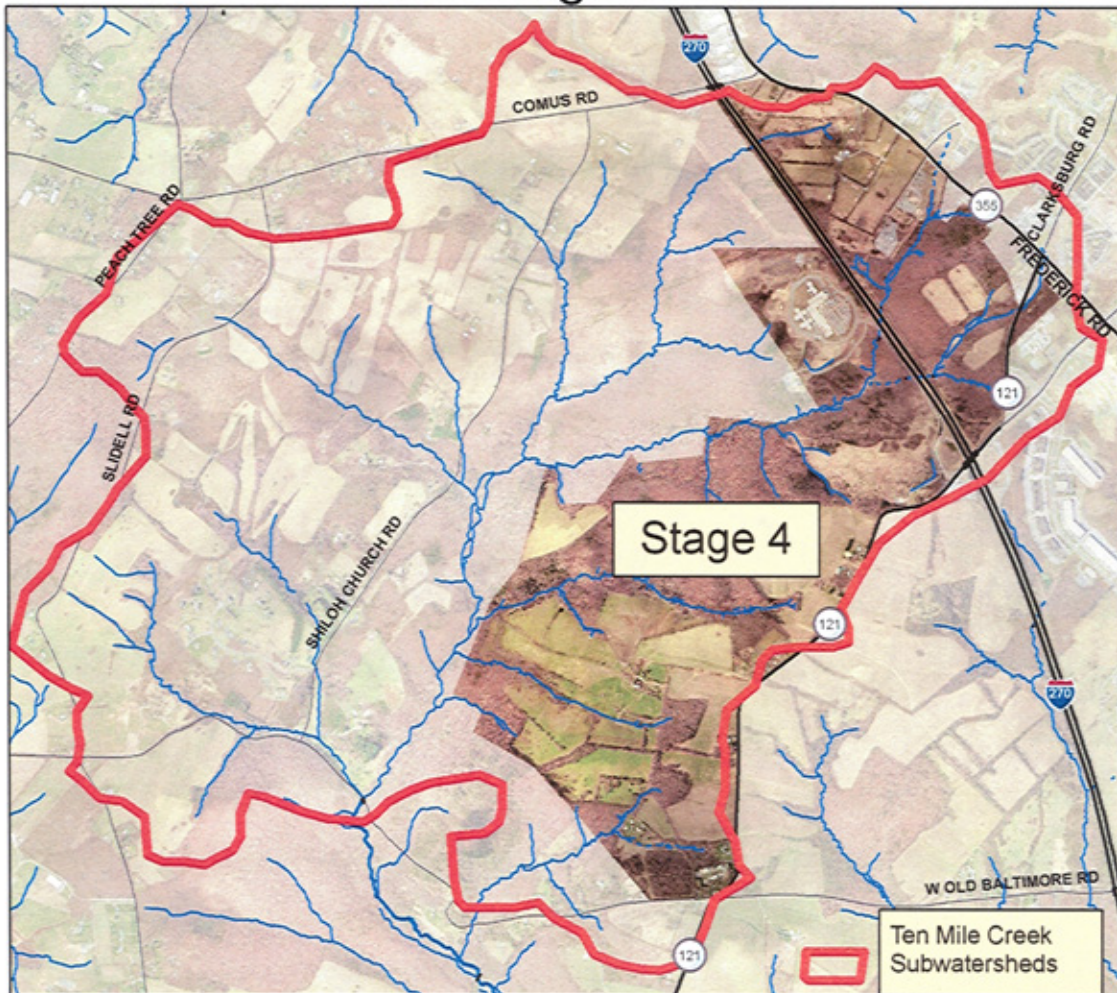
In February, the Executive presented the results of monitoring in the Clarksburg Special Protection Area, the last implementation trigger for Stage 4. In consultation with County Council staff in March, an interagency working group (including County and Commission staff) led by the Department of Environmental Protection and the Planning Department was convened to prepare information and form recommendations for actions related to the Clarksburg Stage 4 Ten Mile Creek East area. **The findings listed below were prepared by this group.**

Findings

Detail and background information on these findings are provided in **Attachment 1: Analysis of Current Conditions and Projected Development in Clarksburg Stage 4**. The Planning Department Staff and the County Executive staff find that:

- **The staging triggers** for consideration of Stage 4 in Clarksburg (with the exception of the provision of sewer and water infrastructure in the first 4 years of the CIP) **have been met.**
- **Ten Mile Creek retains its environmental value and sensitivity**, but it is already feeling the effects of development in its watershed.

Ten Mile Creek Subwatersheds and Stage 4 Area

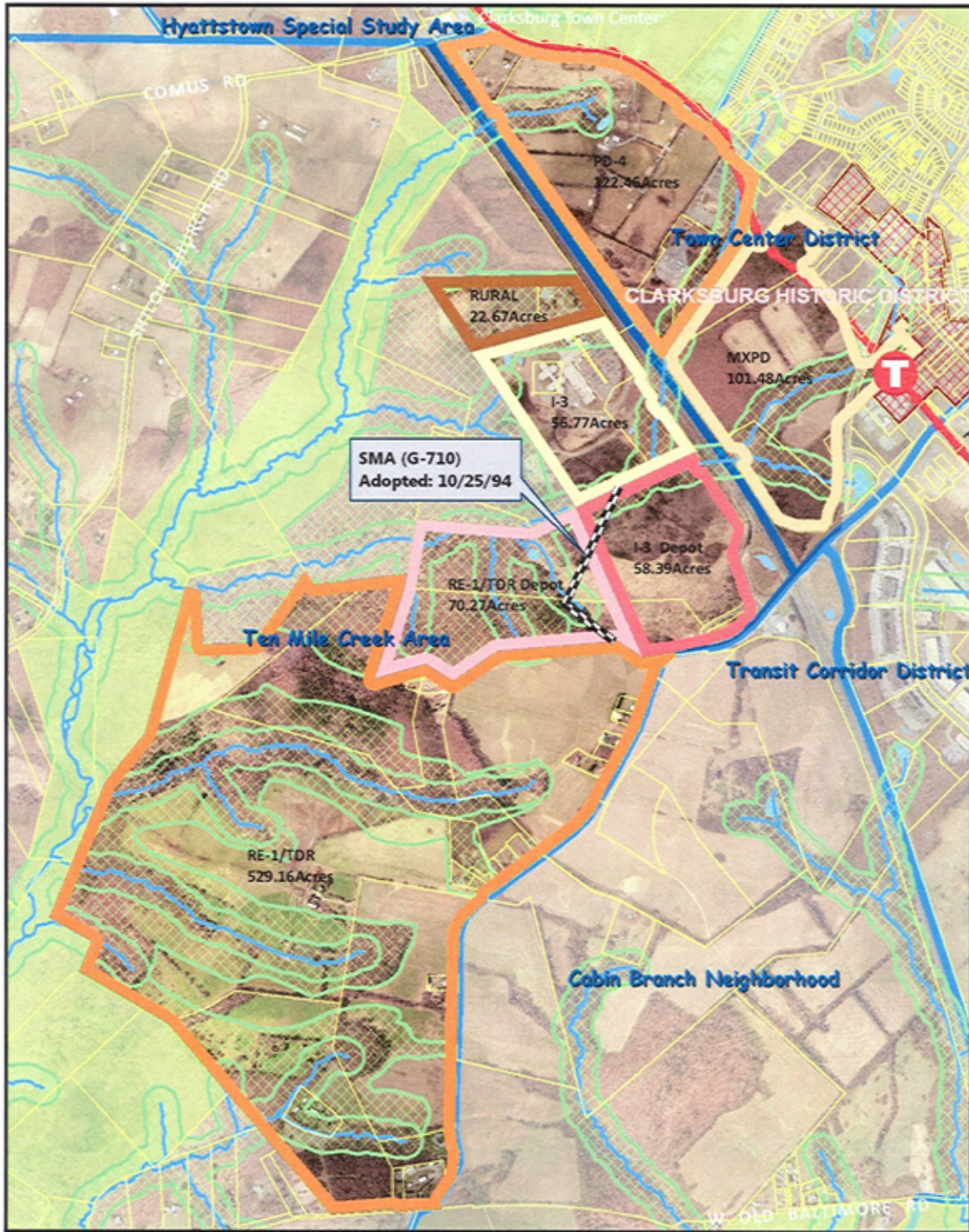


- There is **significant residential, employment and retail development capacity remaining in the Town Center** that has not been approved and **very little land area outside Stage 4 that has not already been approved for development** in the Town Center. The Stage 4 Town Center headwaters properties, currently zoned R-200, **will require re-zoning** to MXP and PD-4 (as designated in the master plan) before they can achieve densities approaching the remaining development capacity.
- There is **sufficient developable land area** to potentially accommodate all the remaining employment and retail and half of the remaining residential capacity planned for the Town Center **on the Stage 4 properties**.
- West of I-270, the **existing Detention Center** occupies one of the two sites designated for employment, office and Research and Development uses. This site is **limited to 15% imperviousness**.

- The **North County Maintenance Depot** is proposed to occupy the other R&D site. A facility of this type is necessary to support expanded transit service in the county and smart growth policies. The R&D site is **limited to 15% imperviousness**. The CIP allocates \$9.7 million for planning, design and supervision of this project.
- West of I-270, the **developable land area of the RE1/TDR2 properties can accommodate** to the limit of **900 units**, with the potential for up to **25% imperviousness** (based on imperviousness of residential development of a similar density). These properties **do not require re-zoning**.
- **Available monitoring data** for Stages 1-3 of Clarksburg and other sensitive watersheds **demonstrated the ineffectiveness of current stormwater management practices** in protecting stream quality in subwatersheds **with high imperviousness levels**. This is because:
 - The development process creates significant changes to the landscape and hydrology.
 - Most projects have yet to convert from sediment and erosion control to stormwater management control.
 - Projects that have converted have done so recently, so the resulting record is limited.
 - Stormwater management techniques have advanced since these projects were approved.
- **No sewer is currently available** for any of the properties in Stage 4 (with the Exception of the County Correctional Center), as well as parts of the Historic District that are outside Stage 4, but drain to Ten Mile Creek. Some homes have failing septic systems and would need to be served by a **public sewer system that would be built by developers** in Stage 4.

Issues

- If all the development capacity in the Stage 4 headwaters area is built, **the imperviousness levels will be above 25% in parts of the headwaters**, resulting in poor water quality where it is most critical to protect. Most of the **tributaries in the remaining portions of Stage 4 will likely exceed 15% imperviousness**.
- There is **no definitive evidence of success in sustaining good water quality** in sensitive watersheds with high levels of imperviousness in and near the headwaters as evidenced by the monitoring of Stages 1-3 of Clarksburg in Little Seneca Creek and other Special Protection Areas.
- **Levels of imperviousness that were predicted for development under the 1994 plan were underestimated** due to a proffer at the time for a voluntary limit of 15% imperviousness on the RE1/TDR2 properties (the properties have since changed hands) and additional transportation improvements will add to the totals.
- Scientific evidence now indicates that **watershed imperviousness must be lower than was assumed in 1994 to maintain** stream quality.
- **Property owners voluntary measures are limited** to recommendations for Environmental Site Design practices (soon to be required by County ordinance), but some property owners have also **agreed to consider other measures** such as staging of development, stream restoration, forest planting or modified agricultural practices in the Ten Mile Creek watershed to protect water quality.



Choices

The 1994 Clarksburg Master Plan gives the County Council four options for moving ahead with Stage 4 of development in Clarksburg:

Council Options in Considering Stage 4

1. Grant water and sewer changes without placing limiting conditions.
2. Grant water and sewer changes, subject to property owners' commitments to take additional water quality measures.
3. Defer action on water and sewer category changes pending further study or actions.
4. Consider such other land use actions as are deemed necessary.

If Option 1 or 2 is chosen, it will be very difficult to achieve levels of imperviousness and other measures that would assure the health of Ten Mile Creek. The Planning Board (and County Council for those that require rezoning) would have to review each plan and evaluate proposed levels of development, assessing how much imperviousness may be allowed without an overlay zone or specific regulatory guidance. Development decisions on a case-by-case basis would have the potential for perceived or actual inequities between property owners. Also, because development is not examined comprehensively, it is very likely that the cumulative impacts from each development would **result in unacceptable degradation of Ten Mile Creek.**

The Planning Staff recommends a combination of Options 3 and 4. Depending on County Council priorities for master planning, we recommend that a master plan amendment with additional land use and environmental studies and guidelines be prepared as soon as possible for the Ten Mile Creek watershed, including parts of the Town Center District and all of the Ten Mile Creek Area. This would involve approximately 1100 acres of the 10,200 –acre Clarksburg Master Plan area. If the Planning Board and County Council wish **to accelerate the completion of this plan, additional resources must be allocated** or other master plans postponed to accommodate the additional workload. This would include the Planning Department retaining consultant services to analyze the best combination of Environmental Site Design, urban design guidelines, zoning and land use while working with the Executive staff and all the stakeholders.

A Master Plan Amendment will allow the Planning Board and County Council to take a fresh look at the 1994 plan. The plan is now 15 years old and there is a need to involve all stakeholders in assessing the lessons learned from what has been approved and what still needs to be done **to achieve the original environmental protection and community building goals.** Current county policy initiatives and new environmental planning guidelines for smarter growth need to be incorporated as well. Focusing the master plan amendment on the Stage 4 area will stabilize and encourage the already-approved areas of the Town Center **and will not delay improvements sought by the residents of Clarksburg.**

The desired outcomes of a master plan amendment will include:

- Providing an opportunity to create a new paradigm for **the best balance between community building priorities and the protection of fragile and valuable environmental assets, implementing the extensive provisions of the 1994 master plan for the Ten Mile Creek watershed;**
- Use of a **full public process to involve all stakeholders,** including residents, businesses, landowners and their development teams, environmental groups, and County agencies;
- **Allowing the Town Center approved development outside the Ten Mile Creek watershed to stabilize and public facilities and amenities to be completed;**

- **Allowing County study of the Clarksburg Town Center CCT station and establish the alignment** for the extension of Observation Drive north of Clarksburg Road;
- **Evaluating methods, facilities, and practices for water quality protection** currently being used in Clarksburg and elsewhere in the County and State;
- **Identifying and evaluating rapidly evolving best management practices** including Environmental Site Design (ESD) and Low Impact Development (LID);
- **Considering master plan provisions** together with existing and approved development levels and **with current private and public development plans;**
- **Planning for infrastructure** priorities including water and sewer, and roadways to serve the planned development.

Staff recommends that the **County undertake a new site selection process** for the North County Maintenance Depot to determine if there is an alternative site outside of the Clarksburg Special Protection Area. This work **should be coordinated with the Planning Department**. If another site cannot be found through this effort, the County Council should consider whether a water and sewer category change is appropriate for the currently proposed site.

Timeline and Costs

The master plan process would require approximately two years from the start approved by the County Council for the Planning Department work program. Intensive stakeholder involvement, close interagency staff coordination and specialized consultant expertise and experience in ESD and LID will be required. Approximately 3 Planning Department workyears per year and \$200,000 per year for consultant services would be required.