



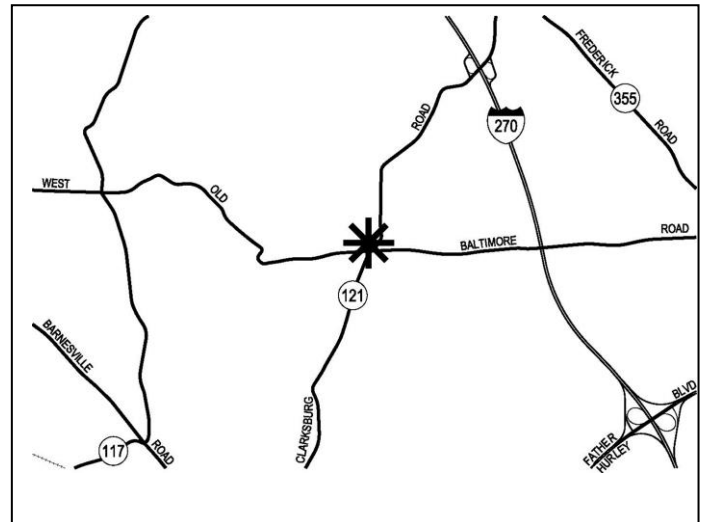
**Pre-Application No. 720130060 - Ten Mile Creek**

*RAW* Richard Weaver, Supervisor, Area 3 [richard.weaver@montgomeryplanning.org](mailto:richard.weaver@montgomeryplanning.org)  
*JAC* John Carter, Chief, Area 3 [john.carter@montgomeryplanning.org](mailto:john.carter@montgomeryplanning.org)

**Completed: 04-29-13**

**Pre-Application No.**

A Concept Pre-Preliminary Plan for 1,007 dwelling units (303 townhouses and 704 single-family detached units including 12.5 percent MPDUs), located along the west side of MD 121 between I-270 and West Old Baltimore Road, 538 acres, RE-1/TDR 2 and Rural Zones, Clarksburg Master Plan



**Staff Recommendation:** Object to the submission of a preliminary plan

**Submittal Date:** November 7, 2013

**Applicant:** Pulte Homes

**Summary**

- This Pre-Preliminary Application is a request for Planning Board discussion and guidance on how this concept may or may not conform to the Clarksburg Master Plan. In addition, the Applicant requests any Board advice on how this plan may or may not conform to the Subdivision Regulations and Zoning Ordinance.

## STAFF RECOMMENDATION

Staff objects to the submission of a preliminary plan. The Application is not in substantial conformance with the Approved and Adopted Clarksburg Master Plan and Hyattstown Special Study Area, and does not conform to all requirements of Chapter 50, the Subdivision Regulations. Any future Preliminary Plan application should, at a minimum, address the following issues:

- Development of the property must avoid disturbance to the Private Conservation Areas shown on the Ten Mile Creek Land Use Plan of the Clarksburg Master Plan.
- The total number of dwellings must be in substantial conformance with the recommendations of the Clarksburg Master Plan.
- The preliminary plan must identify the Historic Resource, Cephas Summers House (Resource 13/25) and located at 22300 Clarksburg Road. A minimum 5.0 acre lot and historic setting are recommended for this house.
- A preliminary plan must not be approved until the water and sewer categories have been advanced by the County Council.
- The preliminary plan and site plan should better address the fronting of residential units to MD 121 to provide better compatibility with street-fronting units planned in the Cabin Branch Neighborhood. (MP pgs. 28 and 29).
- The preliminary plan must include a traffic study to determine the impact of the development on the transportation system (Mont. Co. Code, Sec. 50-39-K). The traffic study is essential to determine the appropriate number of units and the roadway improvements required to accommodate the traffic generated by those units.
- The County Code (Chapter 49) requires the use of context sensitive road design standards. The width of the public rights-of-way must be sufficient to accommodate the new standards for stormwater management and context sensitive road design.
- The preliminary plan must show adjacent developable properties can be coordinated with the proposed road layout.
- The preliminary plan and site plan must provide additional windows into the stream valley buffers from new subdivision streets and MD 121. Applicant is advised to relocate lots to accommodate views from MD 121.
- The preliminary plan and site plan must improve the integration of town houses and MPDUs into the development.
- The site plan must not locate public trails on private lots.
- Sidewalks should be located on both sides of public streets unless waivers are granted.

## **DISCUSSION**

This Application was submitted pursuant to Section 50-33A – *Alternative procedure for preapplication submission*. The original application requested a decision by the Board on Master Plan conformance, zoning conformance and Subdivision Regulation conformance. In a letter dated April 3, 2013, the Applicant modified the application to rather have the Planning Board provide advice only on the following issues:

- 1) Does the Planning Board support the staff position that the Private Conservation Areas shown in the Land Use Plan, page 88 - figure 34, are the stream valley buffers that would be enforced as no disturbance and reforestation areas at the time of preliminary plan or does the Master Plan prescribe another lesser stream buffer width?
- 2) Is the maximum density calculated on the TDR-2 zoning (2 units per acre) as the Applicant argues or is density established by the Master Plan which recommends up to 900 units on approximately 600 acres in the Ten Mile Creek East TDR receiving area?
- 3) If density is calculated according to the Master Plan which means that the Applicant cannot achieve the density allowed under the TDR-2 zone, will the Planning Board allow MPDU's to be calculated in addition to the Master Plan density cap units?

The Application proceeded to the Development Review Committee (DRC) on April 8 where the Applicant received comments and heard from DRC members as to the Application's deficiencies and strengths. Planning Staff explained that the Application was not in conformance with the Master Plan for a number of reasons, as discussed in greater detail in this report. Most significantly, the Application shows lots, roads and units in locations that are specifically recommended to remain undisturbed and reforested by the Master Plan. The consensus of the Planning Staff was that the plan should be revised to remove development from these areas. Until the extent of the development was refined, all other comments provided by the DRC were essentially subject to change.

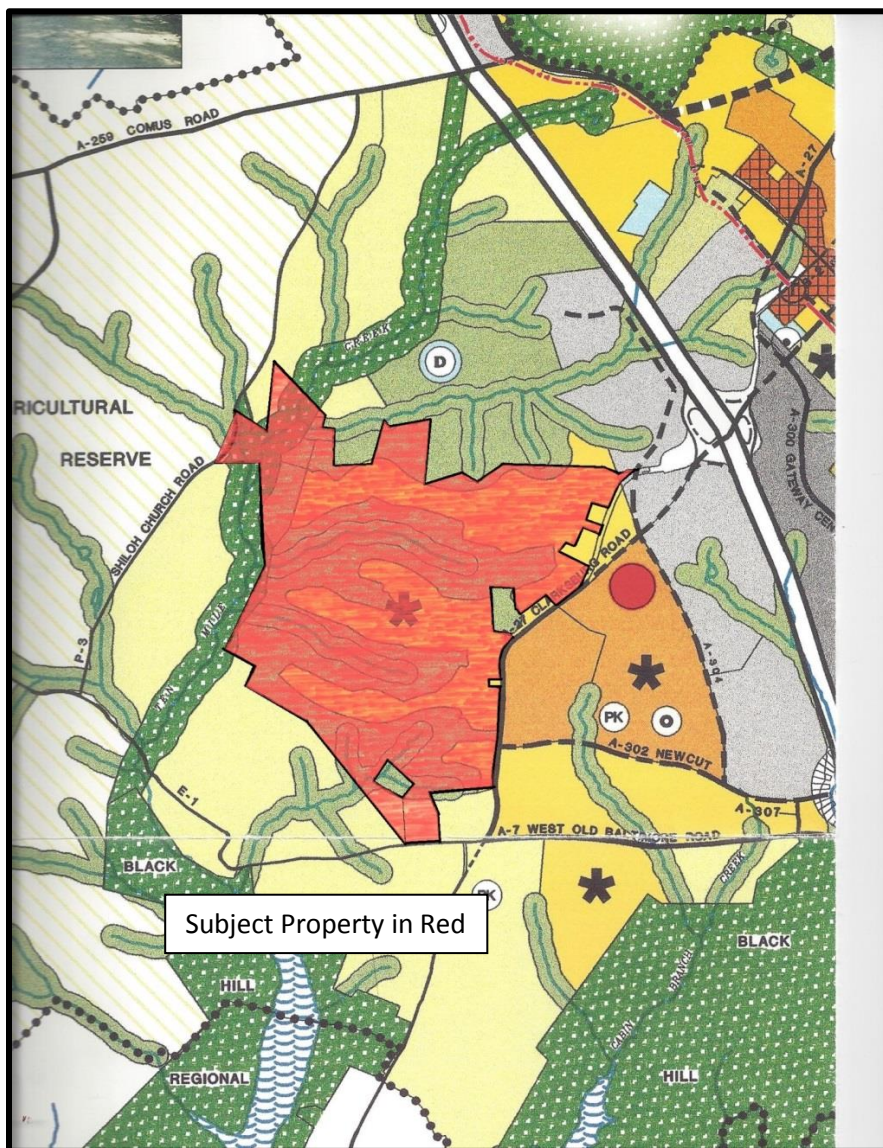
At the conclusion of the DRC meeting, the Applicant was not inclined to modify the plan drawings to address comments from the DRC members and requested that the plans proceed to the Planning Board unchanged from the original submission.

### **Property and Vicinity Description**

The property is comprised of approximately 538 acres located on the north and west side of Clarksburg Road (MD 121), north of West Old Baltimore Road and southwest of Interstate 270. A small portion of the property extends to Shiloh Church Road far to the west. The Ten Mile Creek, however, generally defines the property's western border. Approximately 16.4 acres are zoned Rural and the remaining 521.6 acres are zoned RE-1/TDR-2 ("Subject Property"). The Subject Property is located in Development Area - Stage 4 as identified by the Master Plan and in water and sewer categories, W-6 and S-6. A historic resource exists on the Subject Property, known as the Cephass Summers House (Resource 13/25) and located at 22300 Clarksburg Road. It is a one family, Greek revival style house, with a 65 acre setting that was established at the time it was designated on the Master Plan for Historic Preservation. The house is without available septic or water and is in a state of disrepair.

The Subject Property has rolling topography with slopes that range from slight to steep. The majority of the upland is in active agricultural use as either pasture or crop production. A large area of the upland in the northern reaches of the site is in forest cover and the majority of the near stream and riparian areas are also in forest. In total, over 243 acres of the 538 acre Subject Property (45.3%) is forested. The Subject Property contains two home sites with various farm buildings located around the homes.

Ten Mile Creek is a Use I-P stream the begins off-site to the north on the east side of I-270 and flows from northeast to southwest into the Little Seneca Lake located approximately one mile to the south. Located across MD 121 is the Cabin Branch development which is currently undergoing grading to prepare the land for development of residential homes, schools, roads, parks and the realignment of MD 121. To the south, across West Old Baltimore, low density residential uses dominate with some new subdivisions and older homes. To the west, across Ten Mile Creek, land uses are predominantly agricultural with land zoned in one of the agricultural zones.

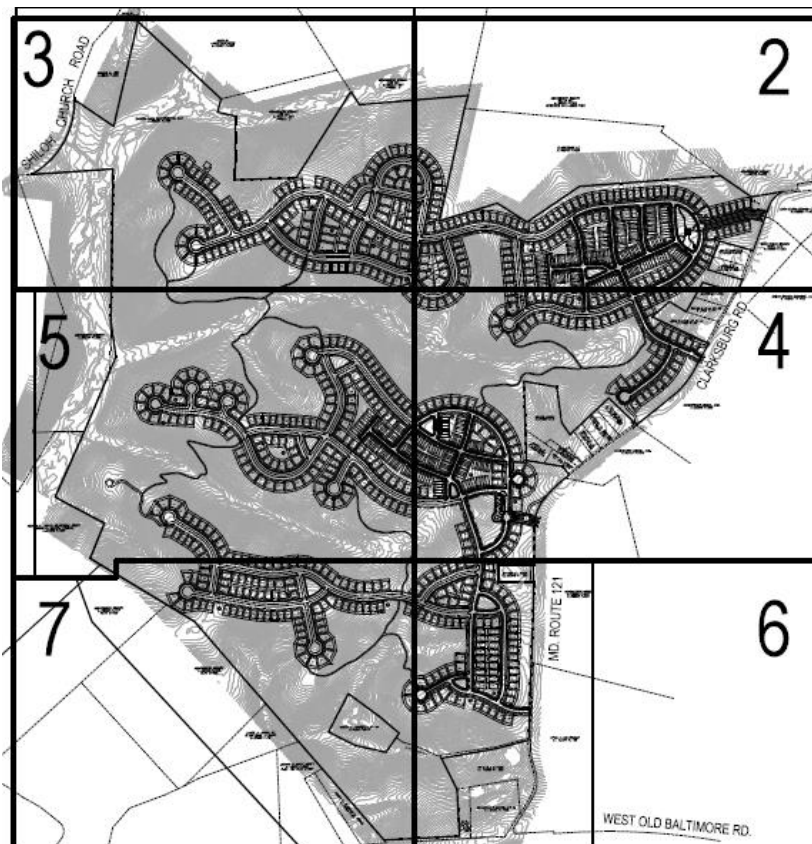


## Project Description

The Application shows 1,007 units at a mix of 70% detached and 30% attached units. In general, the units are located on three, upland fingers of land separated by intervening stream valleys. Access is provided at four locations along MD 121. The townhouse units are located in two distinct locations and contain all 126 of the MPDU units which constitute 12.5% of the 1,007 units shown on the plan. The layout includes primary, secondary and tertiary streets, depending on the amount of traffic carried by each roadway. Some of the roadways are open section and some are closed section. There is limited roadway connectivity between the fingers of development because of the environmental sensitivity of the intervening stream valleys that would have to be bridged to provide such roads. Street access to undeveloped and underdeveloped properties appears to be lacking. Opportunities exist to improve this situation.

The Application relies on public water and sewer, which has yet to be approved for the Stage 4 area of Clarksburg. Two sewage pump stations are shown on the plan near the western terminus of the northernmost finger and the southernmost finger. Sewage would be pumped to the east, under MD 121, and into the Cabin Branch development where sewer lines are likely to be under construction and sewer mains have been built.

The plan shows trail connections between the intervening stream valleys to provide public access for residents. The trails connect to sidewalks located along the public streets. Access and views to the stream valleys are restricted to certain locations by the continuous walls of houses that line most streets.



## ANALYSIS

- 1) Does the Planning Board support the staff position that the Private Conservation Areas shown in the Land Use Plan, page 88 - figure 34, are the stream valley buffers that would be enforced as no disturbance and reforestation areas at the time of preliminary plan or does the Master Plan prescribe another lesser stream buffer width?**

### Master Plan and Private Conservation Areas

#### Overview

The 1994 Clarksburg Master Plan recommends the I-3, RE-1/TDR and Rural zones for the Ten Mile Creek East Area. This mix of zoning was established to achieve balance between environmental concerns, County housing needs and the importance of the I-270 high-technology employment corridor. Approximately 600 acres of land area within Ten Mile Creek East is recommended for residential uses in the RE-1 zone as a TDR receiving area using public water and sewer. The Master Plan recommends the TDR-2 designation to provide for the transfer of TDR's and to allow residential densities above those possible under the RE-1 base zone. However, in recognition of Ten Mile Creek as a fragile stream, with a delicate ecosystem, low base flow, and highly erodible soils, the Master Plan recommends an extensive level of environmental mitigation and specifically places a limitation on the number of units within the Ten Mile Creek TDR receiving area that is well below that the density that the TDR-2 zone otherwise allows under the provisions of the Zoning Ordinance.

#### Vision for the Future

This first Chapter of the Master Plan places an emphasis on the protection of sensitive environmental features throughout the entire planning area. Ten Mile Creek is consistently recommended for, and provided, a higher level of protection. *This Plan recommends that Clarksburg's natural features, particularly stream valleys, be protected and recommends that Ten Mile Creek and Little Seneca Creek be afforded special protection as development proceeds.* (Pg. 6)

The Master Plan discusses the conflicts created by the 1992 General Plan Refinement which identifies the I-270 Corridor as a major development area yet also stresses protection of sensitive areas. The General Plan suggests that decisions about individual parcels are appropriately made in the context of a master plan. *The balance struck by the Clarksburg Master Plan is to propose a transit-oriented town scale of development largely east of I-270.* (pg. 12)

This chapter establishes the protection of the environment, particularly stream valleys, as a cornerstone for decisions to be made by the Plan and suggests that, *Environmental concerns are the single most important reason why Clarksburg is proposed as a town rather than a larger corridor city.* A balance between sufficient densities to support Plan goals yet moderate enough to protect resources is a common theme. *Achieving this rather delicate and imprecise balance is a difficult goal but one which must be achieved if Clarksburg's outstanding environmental setting is to be preserved.* (pg. 18)

The Plan identifies Ten Mile Creek as an environmentally sensitive area of County-wide significance and places no such significance on any other watershed within the planning area. The Plan recommends that streams likely to suffer from development shall be identified ahead of development and recommends special protection measures to mitigate impact and maintain high functioning streams. Specifically, *development in the most sensitive watershed (Ten Mile Creek) occur only after the implementation and evaluation of the water quality review process has been completed* (pg. 18). Policy 10 of the Vision for

the Future section recommends a Staging mechanism to address fiscal concerns, community building, infrastructure limitations, market conditions and water quality. One of the reasons cited for the need for staging is the, *Environmental concerns in Ten Mile Creek* (pg. 34).

### The Environmental Plan

Consistent with all preceding chapters of the Master Plan, the Environmental Chapter of the Master Plan identifies Ten Mile Creek as the most sensitive of all watersheds in the planning area and recognizes that all studies performed in preparation of the master plan effort agree that Ten Mile Creek exhibits characteristics that make it prone to environmental degradation from development. The chapter recognizes the different public policy objectives that have shaped the Land Use maps and overall recommendations for the Ten Mile Creek. Those policies include: environmental concerns, farmland preservation, a Town Center near the historic district, the technology corridor along I-270 and the County's housing needs for one family, detached homes. In consideration of these conflicts, the Master Plan discusses achieving *a compromise* where the west side of the stream is to be maintained in agriculture to lower overall watershed imperviousness, and to place imperviousness caps in other parts of the watershed. Most significant to this discussion is that extensive stream buffers in concert with a staging mechanism are implemented to mitigate the effects of development.

Mitigation strategies that are specific to the Ten Mile Creek East, RE-1/TDR-2 zoned area are found on page 144:

*Extensive green space beyond standard stream buffers are recommended for the area bounded by Ten Mile Creek and MD 121 where substantial development is proposed. This expanded green space, as shown in the Land Use Plan, will become part of the undisturbed stream buffer and should be afforested/reforested by the developers during the subdivision process, if not earlier.*

*Public parkland dedication will be required for the Ten Mile Creek mainstem stream buffers and possible for buffers for the first and second order tributaries.*

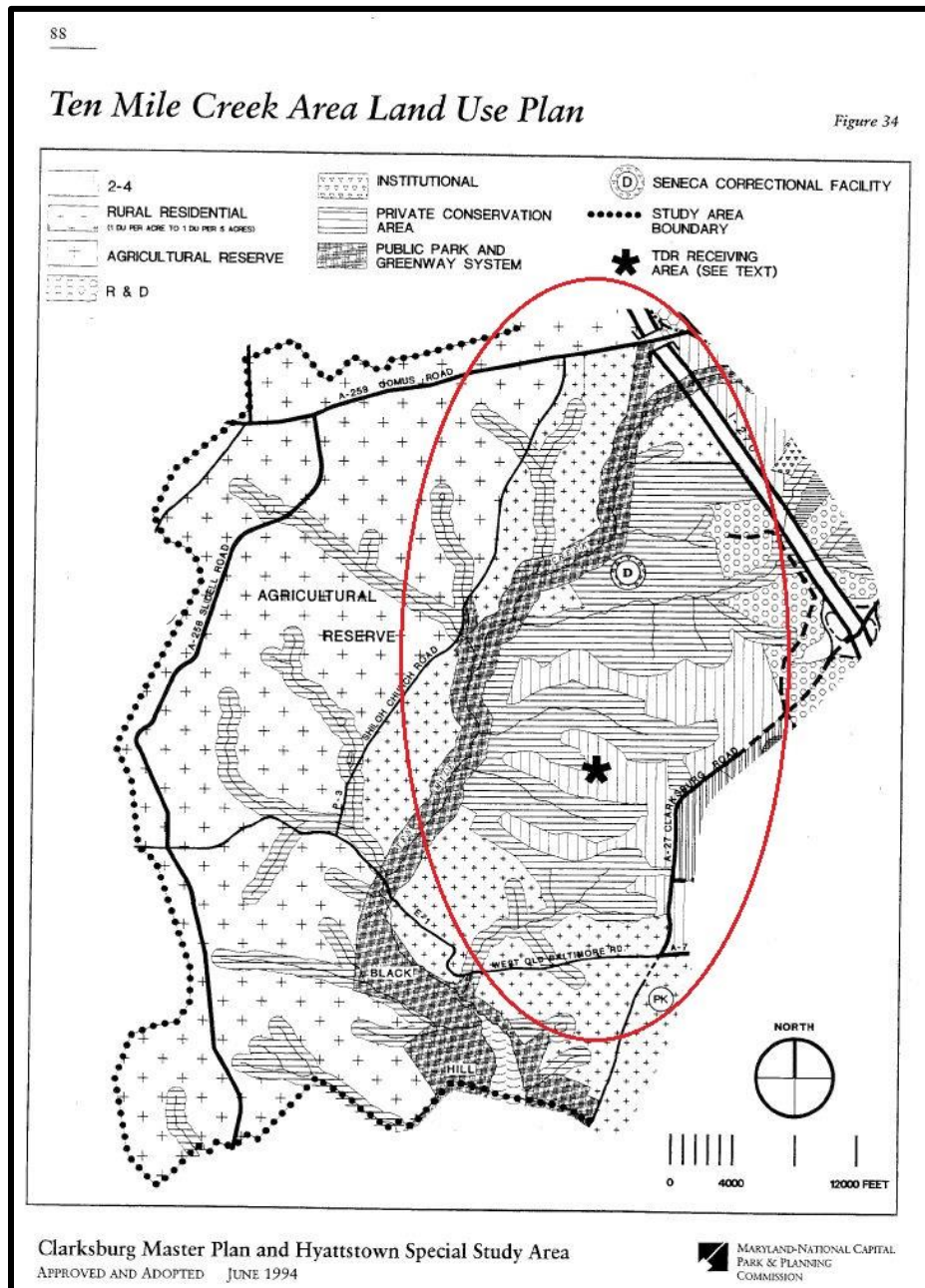
The Master Plan recommends to, *Protect environmentally sensitive areas such as mature hardwood forests, wetlands, areas of unique vegetation, and prime wildlife habitat. The Master Plan's environmental analysis underscores the importance of tree cover to water quality in the form of continuous forested buffers along stream valleys.* (pg. 144) Of the 240 acres of forest located on the Subject Property, this Application proposes to remove 74 acres including a significant area of interior forest.

### The Land Use Plan

The Master Plan breaks the entire planning area into eight Analysis Areas: Town Center District, Transit Corridor District, Newcut Road District, Cabin Branch Neighborhood, Ridge Road Neighborhood, Brink Road Transition Area, Hyattstown Special Study Area and the Ten Mile Creek Area. Each Analysis Area includes a detailed discussion and recommendation for land use, density, intensity of commercial and residential, unit mix and location, transit stations, etc. Each Analysis Area also contains a separate Land Use Plan map to identify these features as well as the location of public parks, greenways and PCA. The Ten Mile Creek Land Use map (pg. 38, figure 17) shown below, recommends a density for the majority of the Ten Mile Creek area east of the stream at 2-4 dwelling units per acre. This density is to be achieved with a unit mix recommendation for no multi-family, 0-30% attached units and 70-100% detached units

(see Table 1, pg. 39). Under the densities envisioned, the entire 3,588 acre Ten Mile Creek Watershed is to accommodate 1,240 dwelling units. (See Table 2, pg. 40)

Every Analysis Area map contains a consistent horizontal pattern to delineate the recommended PCA. (See pgs. 43, 55, 59, 65, 72, 77, 80 and 88) The PCA tends to follow the streams that were identified for each area at the Master Plan level. The PCA on every Analysis Area map is generally consistent with the regulatory stream buffer contained in the Environmental Guidelines. The exception is that the PCA recommended for the Ten Mile Creek Area is substantially larger than that for any other stream in any other Analysis Area.





As suggested by preceding sections of the Master Plan, Ten Mile Creek is to be treated with increased environmental caution. The entire watershed exhibits characteristics which make it environmentally sensitive, including extensive woodlands, fragile stream banks and steep slopes. The Master Plan focused the continuation of agriculture to the areas west of the Ten Mile Creek, noting the existence of large parcels under common ownership creating a contiguous critical mass for farming. Although soils are generally fair to poor for farming, the areas west of Ten Mile Creek form the transition from the I-270 corridor to the more productive farm land further to the west. The Master Plan placed an addition 1,800 acres west of Ten Mile Creek in the Agricultural Reserve.

The Master Plan recommends a *land use pattern east of Ten Mile Creek which balances environmental concerns, County housing needs, and the importance of I-270 as a high-technology employment corridor.* (pg. 89) Because the Ten Mile Creek East Area was separated by the stream from the larger Agricultural Reserve, opportunities to provide County housing and jobs, while balancing the water quality issues in Ten Mile Creek became the focus for this area. *The Master Plan recommends an extensive level of environmental mitigation because all of the environmental studies done as part of this Master Plan process have identified Ten Mile Creek as a fragile stream due to its delicate ecosystem, low base flow, and highly erodible stream banks. In this respect, Ten Mile Creek differs from other streams in the Study Area and merits special consideration.* (pg. 89)

The following quotations from the Master Plan provide guidance on the development potential of the Subject Property: (pg. 91)

*Recommend residential land uses west of MD 121 and include development guidelines to help address environmental concerns and to ensure a predominance of single family detached units.*

*This Plan recommends that approximately 600 acres be designated RE-1/TDR with a base density of one unit per acre....*

*Up to 900 dwelling units would be appropriate through the purchase of TDR's if the following environmental and housing mix guidelines can be achieved.*

- *Development should achieve a minimum of 70 percent single-family detached units.*
- *The open space and conservation areas along Ten Mile Creek's mainstem and tributaries shown on the Master Plan should remain undeveloped and should be afforested.*
- *Dedication to M-NCPPC will be required for the open space and conservation areas along Ten Mile Creek's mainstem. At the time of subdivision, M-NCPPC will decide whether the open space along the tributaries will also be required for dedication to parkland or will become homeowners' common land.*


**2) Is the maximum density calculated on the TDR-2 zoning (2 units per acre) as the Applicant argues or is density established by the Master Plan which recommends up to 900 units on approximately 600 acres in the Ten Mile Creek East TDR receiving area?**

The Zoning Plan

As discussed above, the limitation on the total number of units for the TDR receiving area is less than the maximum allowed under the RE-1/TDR-2 zone. This strongly suggests a compromise was recommended to provide for the transfer of TDR's and housing but to also restrict development to portions of the watershed that were suitable for development purposes. The table below (pg.101) identifies the number of acres for individual TDR receiving areas. For the Ten Mile Creek East Area, the 593 acres would provide a maximum of 194 TDR's.

Summary of TDR Zone Recommendations				Table 3
Area	Acres	Recommended Zone	Maximum Potential Development Rights	
Cabin Branch Neighborhood	355	RMX-1/TDR RE-1/TDR-2 *	734	
	165		31	
Newcut Road	670	R-200/TDR-3	670	
MD 355 Corridor	175	R-200/TDR-4	350	
Transit Corridor	41	R-200/TDR-7	205	
Ten Mile Creek East	593	RE-1/TDR-2 *	194	
Total	1,999		2,184	

\* The owners/representatives of these properties have requested the TDR designation. The Master Plan establishes density caps of less than the full density allowed by the zone on these properties.



MARYLAND-NATIONAL CAPITAL  
PARK & PLANNING  
COMMISSION

Clarksburg Master Plan and Hyattstown Special Study Area

APPROVED AND ADOPTED JUNE 1994

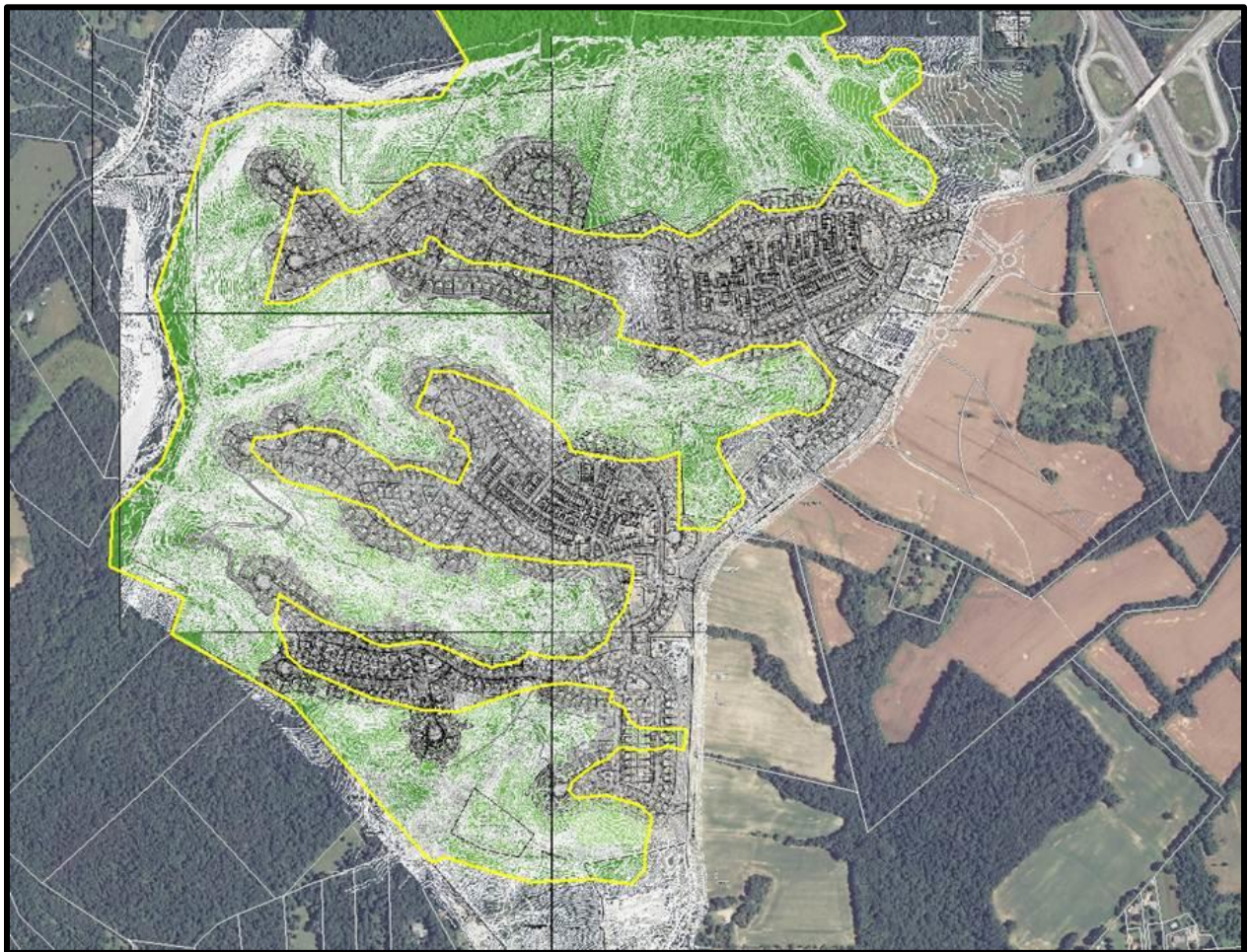
The following calculation identifies the number of units recommended by the Master Plan, the minimum number of MPDU's, and the number of TDR's required to achieve the bonus density above the base density. These calculations clearly show that a 900 unit maximum was envisioned by the Master Plan.

593 acres zoned RE-1 = 593 base units  
900 unit cap by Master Plan

900 units maximum X .125 = 113 MPDU's @ 12.5%  
900 units maximum – 113 MPDU's = 787 market rate units  
787 market rate units – 593 base units = 194 TDR's required to reach Master Plan TDR density

**3) If density is calculated according to the Master Plan which means that the Applicant cannot achieve the density allowed under the TDR-2 zone, will the Planning Board allow MPDU's to be calculated in addition to the Master Plan density cap units?**

It is Staff's interpretation of the Zoning Ordinance that a density bonus is not permitted if only the minimum 12.5% MPDU's are provided.



## **CONCLUSION**

To conclude, the illustration above clearly shows that the proposed development encroaches into the Private Conservation Areas. The Master Plan specifically states that these areas should remain undeveloped and reforested. For this reason, staff has recommended that the plan must be revised to avoid disturbance to the Private Conservation Areas. The number of proposed units does not substantially conform to the maximum number of units recommended for the 593 acre TDR receiving area. In addition, Staff has highlighted other issues that must be addressed at the time of preliminary plan including: water and sewer category changes, context sensitive road design standards, building orientation, traffic studies, coordination of future roads, and views into stream valley buffers. All of these considerations may affect the total number of lots that can be accommodated on the Subject Property.

Attachments



ideas that work

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ATTACHMENT 1

April 3, 2013

Carol Rubin, Esq.  
Associate General Counsel  
Maryland-National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910

Re: Pulte at Ten Mile Creek – Pre-Application Concept Plan (No. 720130060)

Dear Carol:

We are writing to you today in order clarify certain aspects of this application based upon your discussion last Friday with me. More specifically, you raised questions about the density requested, the location of the proposed development on the site with respect to forest areas, and the provisions of Section 50-33A which effectively make certain aspects of the Planning Board's review, binding in connection with the potential filing of a full Preliminary Plan of Subdivision.

First, Section 50-33A(b) allows an applicant to file a Preliminary Plan application within 90 days of the Planning Board's decision on a Pre-Application Concept Plan and to effectively accept the Planning Board's findings as binding. We submitted the Pre-Application Concept Plan in order to seek a full and open review of the proposed development with respect to its conformity to the Clarksburg Master Plan, the Zoning Ordinance, the Subdivision Regulations, forest conservation regulations and other related rules and policies. We are prepared to seek a waiver of the provision in Section 50-33A that enables the applicant to submit a Preliminary Plan of Subdivision within 90 days of the Board's action and effectively to not take the Board's action as binding. Assuming the Planning Board considers this application in either May or June, 2013, we do not anticipate submitting a Preliminary Plan of Subdivision within 90 days of that period of time. Rather, we would intend to work with Park and Planning Staff and other agencies on any issues related to development of this property in order to ensure that its development meets all Community Planning, Environmental land use policies.

Second, you have questioned the number of units being requested (1,007) based on a recommendation in the Master Plan for up to 900 units in this area. As you are aware, the subject properties are almost entirely within a TDR receiving area and, based on the underlying zoning of one unit per acre and the TDR potential for two units per acre, the 1,007 units is actually below the zoning density. Additionally, the 1,007 units include Moderately Priced Dwelling Units and we believe any Master Plan density recommendation must allow the addition of MPDUs to that density in order to remain Constitutional. We believe this methodology (with MPDUs being considered in addition to the master plan number) is normal, including other sites in Clarksburg. On the other hand, if Planning Staff believes the proposed density does not conform with the Zoning Ordinance or the Master Plan, then we would like to have this issue addressed by the Board at the Pre-Application Concept Plan review. The potential number of units is a threshold issue for the development of this property and the very reason that we submitted a Pre-Application Concept Plan, rather than a Preliminary Plan. Therefore, we ask that Staff indicate the density which it believes is allowed under the Zoning Ordinance and the Master Plan, if it is not 1,007 units, and we can seek review and advice on the question by the Board. In any respect, we do not want this to simply result in a recommendation of denial, but rather advice on how to proceed.

Carol Rubin, Esq.  
April 3, 2013  
Page 2

Third, you also commented, as did Mary Dolan previously, that the Land Use Plan at page 88 of the 1994 Master Plan recommends private conservation areas along some of the stream areas, extending beyond the designated sensitive areas to be protected by stream buffers as development occurs, described at page 144 of the Master Plan and depicted at page 147. Page 144 of the Master Plan states “the Master Plan strongly encourages land owners to allow stream buffer areas within 175 feet of the stream to remain undisturbed and to permit trees to regenerate in the area if the area is not presently wooded.” The Pre-Application Concept Plan we submitted responds specifically to that recommendation and conforms with the sensitive areas identified for protection at page 147. It has been our belief that the Land Use Plan at page 88 is illustrative only and that the areas suggested there for private conservation are not binding. We have reviewed this application under the County’s Forest Conservation Regulations (Chapter 22A of the County Code) and the Park and Planning Commissions’ Environmental Guidelines. We believe the application meets both these regulations and Guidelines by establishing the 175 foot stream valley buffer and by its combination of forest conservation and afforestation including, in particular, afforestation of areas within the stream valley buffer where there now is no forest. Therefore, a second key component of this Pre-Application Concept Plan review is the consideration of the applicant’s conformity with regulatory requirements. To the extent Staff believes the recommendation at page 88 of the Master Plan controls, rather than those at page 144 and 147 as well as the forest conservation regulations and the environmental guidelines, we want to discuss this with the Board.

We look forward to further review of this application with Staff and the Board.

Cordially yours,



Robert R. Harris

cc: John Carter  
Mary Dolan  
Fred Boyd  
Val Lazdins  
Steve Collins  
Adam Nelson  
Mike McCann  
K.C. Reed  
Chuck Pace



April 16, 2013

**TO:** Richard Weaver, Supervisor, Area 3: Up-County and Rural Planning

**VIA:** John E. Hench, Ph. D., Chief, Park Planning and Stewardship Division *J. Hench*

**FROM:** Brooke Farquhar, Master Planner/Supervisor, Park and Trail Planning *Brooke Farquhar*  
 Brenda Sandberg, Planner Coordinator, Legacy Open Space *BS*  
 Geoffrey Mason, Senior Natural Resources Specialist, Resource Analysis *Geoffrey Mason*

**SUBJECT:** Ten Mile Creek Pre-Preliminary Plan 720130060 Pulte Homes

**Recommendation:**

Department of Parks staff recommends a 362 acre park dedication as part of the Ten Mile Creek Pre-Preliminary Plan (720130060) in Clarksburg. This dedication matches the areas identified for “public park and greenways” and areas identified for “private conservation areas” in the approved and adopted 1994 Clarksburg Master Plan and Hyattstown Special Study Area (Figure 1).

**Background:**

1994 Clarksburg Master Plan

The Clarksburg Master Plan (Page 91) states that at the time of subdivision the areas shown as “private conservation areas” in the land-use plan may be required for park dedication:

*Dedication to M-NCPPC will be required for the open space and conservation areas along Ten Mile Creek’s mainstem. At the time of subdivision, M-NCPPC will decide whether the open space along the tributaries will also be required for dedication to parkland or will become home owners associations’ common land.*

Department of Parks staff recommends that the areas shown in the 1994 plan as “public park and greenways” and the areas shown as “private conservation areas” be dedicated as public parkland as part of this development project.

With the aid of GIS, Park and Planning staff created a map (Figure 2) that illustrates the recommended parkland dedication mentioned above and compares it with the development pattern proposed in Pre-Preliminary Plan 720130060. The results of this mapping exercise revealed numerous areas of “encroachment” of the proposed development into areas recommended for parkland dedication. Park staff strongly discourages this encroachment.

2001 Legacy Open Space Functional Master Plan

The Ten-Mile Creek area is also listed in Appendix D of the 2001 *Legacy Open Space Functional Master Plan*. Appendix D includes sites that meet Legacy criteria but require additional study prior to including specific properties in the plan. The Legacy Open Space Plan (see pages 24-25 therein) directs staff to evaluate sites in Appendix D when development is proposed. Doing so allows staff to determine whether or not a site meets Legacy Open criteria (see pages 36-37 in the plan for an explanation of the criteria), and if so, to subsequently determine the appropriate method for protecting the site.

Preliminary study results suggest that the area identified for conservation (see Figure 1) does meet Legacy Natural Resources criteria. Accordingly, park staff anticipates working in close coordination with Planning Department staff on a Legacy recommendation that would be brought to the Board concurrent with the Clarksburg Limited Master Plan for the Ten Mile Creek Watershed.

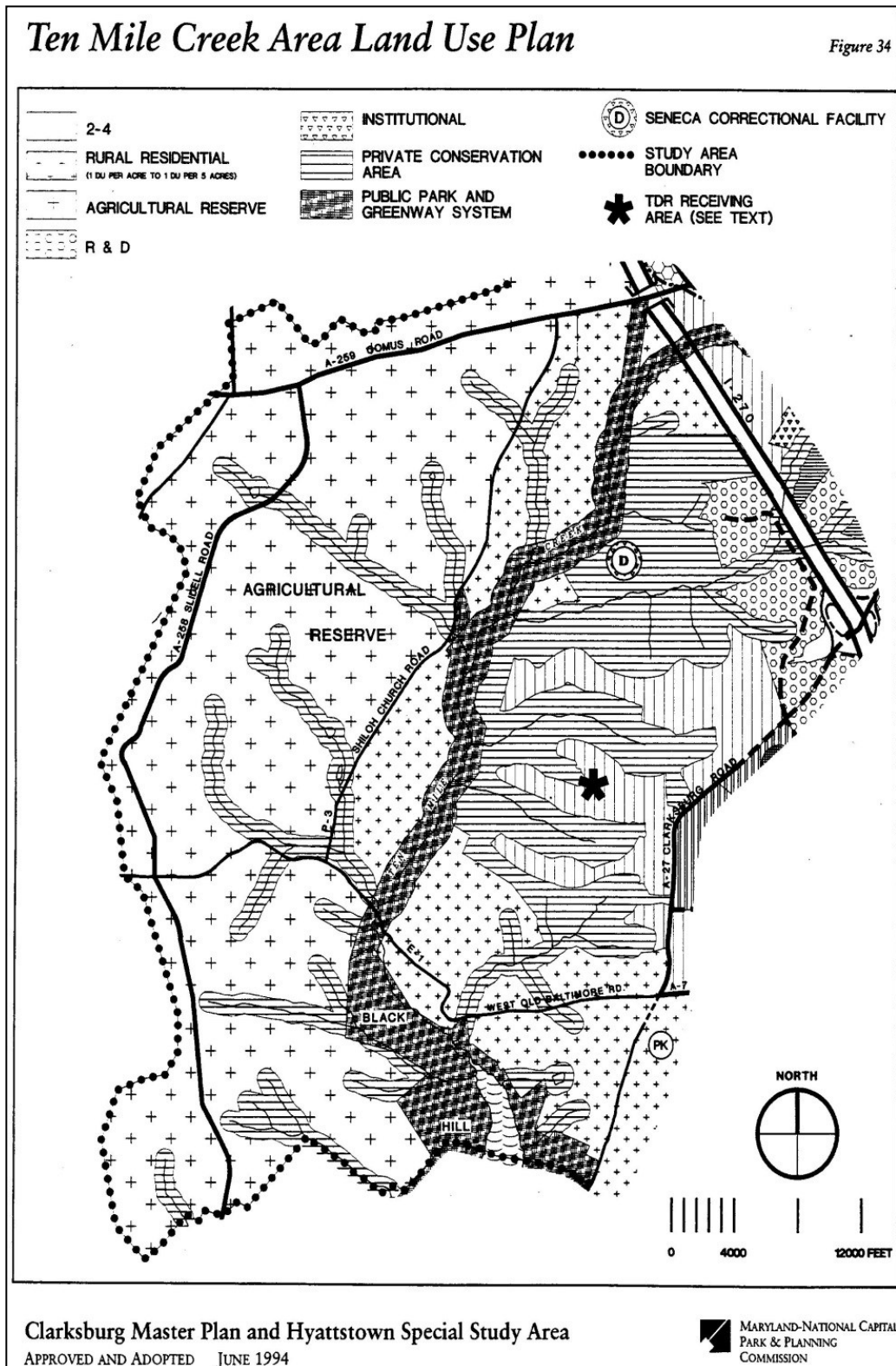
1998, 2008 Countywide Park Trails Plan

The proposed 362 acre park dedication would facilitate park stewardship efforts on existing parkland to the south of the current project site. In addition, the proposed dedication would allow for the construction and maintenance of a shared-use natural surface trail proposed in the *Countywide Park Trails Plan* (1998, 2008) along Ten Mile Creek. This shared-use natural surface trail will eventually link Black Hill Regional Park with Little Bennett Regional Park. The area of proposed dedication would allow the trail to be located largely outside of environmentally sensitive areas, e.g., floodplains, non-tidal wetlands, steep slopes, and highly erodible soils. Preliminary trail planning efforts suggest that the trail can be routed along the higher edges of the stream valleys, thereby avoiding environmentally sensitive areas below.

**CC:** Mary Bradford  
Michael Riley  
John Nissel  
Mitra Pedoeem  
Bill Gries  
Mike Horrigan  
Jim McMahon  
Dominic Quattrocchi  
Mary Dolan  
Valvis Lazdins



Figure 1. 1994 Clarksburg Master Plan and Hyattstown Special Study Area - Ten Mile Creek Land Use Plan



**Figure 2.** Proposed park dedication based on an overlay of 1994 Clarksburg Master Plan/10 Mile Creek Land Use Plan with Pre-preliminary Plan number 720130060

