



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item #5
6/5/03

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Steve Federline, Supervisor, Environmental Planning *SFA*

FROM: Mark Pfefferle, Planning Coordinator *MP*

DATE: May 30, 2003

SUBJECT: Preliminary Water Quality Plan for Cabin Branch Development Plan Associated with Zoning Application G-806

Recommendation

Environmental Planning staff recommends approval of the Special Protection Area (SPA) preliminary water quality plan subject to the following conditions:

- Conformance to the conditions as stated in the Montgomery County Department of Permitting Services (DPS) letter approving the elements of the SPA water quality plan under its purview. This letter will be received prior to the Planning Board hearing.
- At the preliminary plan, the Preliminary forest conservation plan shall be expanded to incorporate the remainder of the project within the SPA beyond the area of the development plan and rezoning application. The preliminary forest conservation plan must expand to incorporate all special SPA forest requirements.

Discussion

This memorandum contains staff's review and recommendation on the preliminary water quality plan for the Cabin Branch development plan in Clarksburg. The development plan associated with rezoning application G-806 does not include all land areas of the project within the Clarksburg Special Protection Area and therefore the preliminary water quality plans must be revised to include these land areas, at preliminary plan.

The Planning Board must act on the SPA water quality plan before taking action on the development plan and rezoning application per Section 19-62(b) and 19-65(b)(1&2) of the Montgomery County Code.

REVIEW FOR CONFORMANCE TO THE SPECIAL PROTECTION AREA REQUIREMENTS

The Special Protection Area regulations require development applications to prepare and submit preliminary and final water quality plans to M-NCPPC and DPS for review. This review is for a preliminary water quality plan that will be refined and include the entire project at time of preliminary plan. Under the SPA law, DPS and the Planning Board have different responsibilities in the review of the water quality plan. DPS has reviewed and conditionally approved the elements of the preliminary water quality plan under their purview. The Planning Board's responsibility is to determine if the environmental buffer protection, SPA forest conservation and planting requirements, and applicable site imperviousness limits are satisfied.

Natural Resources

The subject properties located in this development plan/zoning map amendment are located in the Clarksburg Special Protection Area. The site includes tributaries to Little Seneca Creek (Use IV-P stream), Cabin Branch (Use I-P stream), and Ten Mile Creek (Use I-P stream). The current land uses include active agricultural, abandoned agricultural, and forest. The natural resources for the subject properties are characterized in Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) plans 4-02008, 4-02009, and 4-02010. Staff approved the NRI/FSDs in February 2002 and revised plans in April 2003.

The subject properties contain 14.31 acres of wetlands, 31.56 acres of floodplains, 85.11 acres of stream valley buffers, and 133.84 acres of forest. This includes natural resources features within land areas subject to the development plan and outside the development plan, but would be included in the preliminary plan. There are steep slopes (> 25%) on the property and highly erodible soils. Not all steep slopes and erodible soils are hydraulically connected to Waters of the United States. Those that are hydraulically connected to Waters of the United States are included in the stream valley buffers.

Forest Conservation

The applicant submitted preliminary forest conservation plans as part of the rezoning application. M-NCPPC staff reviewed the preliminary forest conservation plans and conceptually approves of the plans. The Planning Board's approval of the preliminary forest conservation plans will coincide with future preliminary plans of subdivision.

The applicant is proposing to utilize an optional method of development for portions of the subject properties. Section 22A-12(f) of the Montgomery County Code requires planned use developments utilizing an optional method of development to meet either the afforestation or the conservation threshold onsite. The preliminary forest conservation plans submitted indicate that the development plans will meet the appropriate thresholds onsite.

Environmental Guidelines

Staff reviewed the development plan for consistency with the environmental guidelines. The applicant has not proposed any encroachment into stream buffers, as part of the rezoning case and development plan, except for necessary utility connections and stormwater discharge locations. The applicant will reforest those parts of the stream valley buffer that are not currently forested, as required by the Environmental Guidelines for properties in Special Protection Areas.

Site Imperviousness

There is no impervious limitation on this property. The impervious amount proposed within the SPA is 38 percent and 41 percent for the entire Cabin Branch development area. The amount of imperviousness subject to the development plan is unknown at this time. There are TDRs and MPDUs proposed for the site and therefore comparable locations that take into consideration the commercial and residential mix proposed are not available. In subsequent reviews, staff will explore options for minimizing imperviousness throughout the development.

Site Performance Goals

As part of the pre-application water quality plan meeting, several site performance goals were established for the project. These include:

- Maintain stream base flow
- Protection of stream/aquatic life
- Protect seeps, springs and wetlands
- Maintain natural on-site channels
- Minimize storm flow increases
- Identify and protect stream banks subject to erosion and slumping
- Minimize sediment loadings
- Control insecticides, pesticides, and toxic substances.

Stormwater Management

The applicant must provide onsite stormwater management. The Maryland Stormwater Management Design Manual requires “that the annual recharge from post-development mimics the annual recharge from pre-development conditions.” Stormwater management will be refined as part of the revised Preliminary Water Quality Plan that includes all portions of the properties within the Special Protection Area.