

Resolution No.: 17-1167

Introduced: July 15, 2014

Adopted: July 15, 2014

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
WITHIN MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Correction to Resolution 17-1048, Approval of Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area

**Background**

1. On March 4, 2014, the Council approved by straw vote the following text for inclusion in the 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area (the Plan):

Unless a greater amount is required under the Planning Board's *Environmental Guidelines for Development*, environmental buffers (protected through the development review process) should include:

- 200 feet on both sides of perennial and intermittent streams and springs and seeps at a minimum, expanded to include:
    - All slopes 15 percent or greater that begin within the 200 foot buffer
    - All erodible soils (with a erodibility factor of 8 or greater as identified by the NRCS)
    - A minimum buffer of 50 feet from all wetlands. Buffer will be expanded to include all slopes 15 percent or greater that begin within the wetland buffer.
    - All ephemeral streams, not including roadside drainage ditches, plus an additional 50 feet. Buffer will be expanded to include all slopes 15 percent or greater that begin within 50 feet of the ephemeral stream.
2. During the week of March 21, 2014, Staff circulated a draft resolution with the purpose of conforming the proposed Plan to Council's straw votes. That draft was circulated among Council offices to determine if any changes were necessary.
  3. The March 21 draft included an undiscovered error; "wetlands" was added to the list of natural resources that required a 200 foot buffer.

4. Resolution 17-1048 did not delete the word “wetlands” from the list of natural resources that required a 200 foot buffer, even though the Council straw vote did not include all wetlands in the natural features that required a 200 foot buffer.
5. Resolution 17-1048 approved the Planning Board Draft 10 Mile Creek Area Limited Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area, which amended the Approved and Adopted 1994 Clarksburg Master Plan and Hyattstown Special Study Area, as amended. The Plan also amended the General Plan (on Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District in Montgomery and Prince George’s Counties, as amended; the Master Plan of Highways and Transitways within Montgomery County, as amended; the Countywide Bikeways Functional Master Plan, as amended; and the Legacy Open Space Functional Master Plan, as amended.
6. On April 1, 2014, the Council approved Resolution 17-1048 with the unintended addition of the word “wetland” in the 200 foot buffer requirement, which created an inconsistency; in one line, the Plan recommended wetlands have a 200 foot environmental buffer for wetlands, and in a separate bullet, the Plan recommended a 50 foot buffer for wetlands.
7. The Council wants to correct the error and potential conflict to avoid unintended consequences.

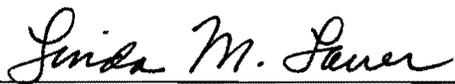
**Action**

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

Resolution 17-1048, page 11, under “Throughout Ten Mile Creek:”, the first bullet, line 3 is corrected nunc pro tunc April 1, 2014 to read as follows:

streams and adjacent to springs and seeps, buffers must be a minimum of 200 feet, and

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council