

Resolution No.: 17-1214
Introduced: July 29, 2014
Adopted: September 16, 2014

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: 10 Mile Creek and Clarksburg Special Protection Areas

Background

1. Ten Mile Creek is a tributary of the Little Seneca watershed that originates just north of MD 355 (Frederick Road) and flows into Little Seneca Lake. Seneca Creek then flows from the lake into the Potomac River, and then to the Chesapeake Bay.
2. Ten Mile Creek is a reference stream in Montgomery County, serving as a high quality benchmark against which other County streams are compared. Long-term monitoring indicates overall biological conditions to be healthy and diverse. Sensitive indicator organisms that occur in few other streams within the County are found here. Ten Mile Creek is part of a small group of high quality watersheds still remaining within the County (e.g., many Patuxent River tributaries, Bennett Creek, and Little Bennett Creek). As a result of its unique characteristics, Ten Mile Creek warrants extraordinary protection.
3. The majority of the streams within the Ten Mile Creek watershed are small and spring-fed with cool, clean groundwater. The drainage area of the mainstem is characterized by high concentrations of interior forest and wetlands. There is no evidence of widespread and long-term channel instability. In addition, the stream bed material is ideal to support a diverse, healthy benthic macroinvertebrate community.
4. Ten Mile Creek and its tributaries are designated as a Class I-P stream by the State of Maryland, defined as protection of water contact recreation, aquatic life, and drinking water supply.
5. Little Seneca Lake serves as a reservoir that provides additional water flow to the Potomac River, a public water supply, during drought periods. The portion of the watershed east of the Ten Mile Creek mainstem and north of West Old Baltimore Road is located within the Clarksburg Master Plan Special Protection Area (SPA). The Ten Mile Creek watershed within the Clarksburg Master Plan includes approximately 3,200 acres, 12 subwatersheds, and over 22 miles of streams.

6. Sustaining Ten Mile Creek's ecological health and water quality requires a combination of actions: protecting the largest possible area of undisturbed vegetation; improving ecological conditions in areas already developed or planned to remain in agricultural use; and instituting the highest standards of environmental protection for future development areas.
7. The County Council has recently approved the 10 Mile Creek Area Limited Amendment for the Clarksburg Master Plan and Hyattstown Special Study Area, establishing new standards for the protection of the Ten Mile Creek watershed that are different from the larger Clarksburg Special Protection Area. These include:
 - a. establishing two environmental overlay zones to limit imperviousness and establish minimum open space requirements;
 - b. requiring wider environmental buffers;
 - c. requiring additional forest protection; and
 - d. requiring that all buffers and protected forest be included in the protected open space.
8. As part of the preparation of and deliberations on the master plan amendment, studies were undertaken that indicated that development at the density projected by the 1994 Clarksburg Master Plan had the potential to modify the hydrology in the watershed, resulting in degradation of conditions in the stream. Subwatersheds LSTM110 and LSTM111 were identified as having very high quality stream conditions and contain very little existing impervious surface, contributing directly to the reference stream conditions.
9. The land that is zoned Rural Density Transfer within the Ten Mile Creek watershed in the Clarksburg Master Plan area is assumed to continue in agriculture or be developed at very low imperviousness, and such land would not need the additional protection afforded by Special Protection Area designation.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

To protect and manage the Ten Mile Creek Watershed as a very high quality Class 1-P watershed separate from the Clarksburg Special Protection Area, the County Council: 1) designates the Ten Mile Creek Watershed, as shown on the attached map, a Special Protection Area separate from the remainder of the Clarksburg Special Protection Area under Section [19-63(a)(4)] 19-62(a)(4), Montgomery County Code; 2) revises the boundaries of the Clarksburg Special Protection Area; [and] 3) requires each applicant proposing any land use disturbance activity within the Clarksburg Special Protection Area to submit a water quality plan unless exempt under the provisions of Section 19-63; and 4) as authorized under Sec.[p] 19-63(b), [Montgomery] the Council requires each applicant proposing any land disturbance activity within the Ten Mile Creek [and Clarksburg] Special Protection Area[s] to submit a water quality plan for review [in

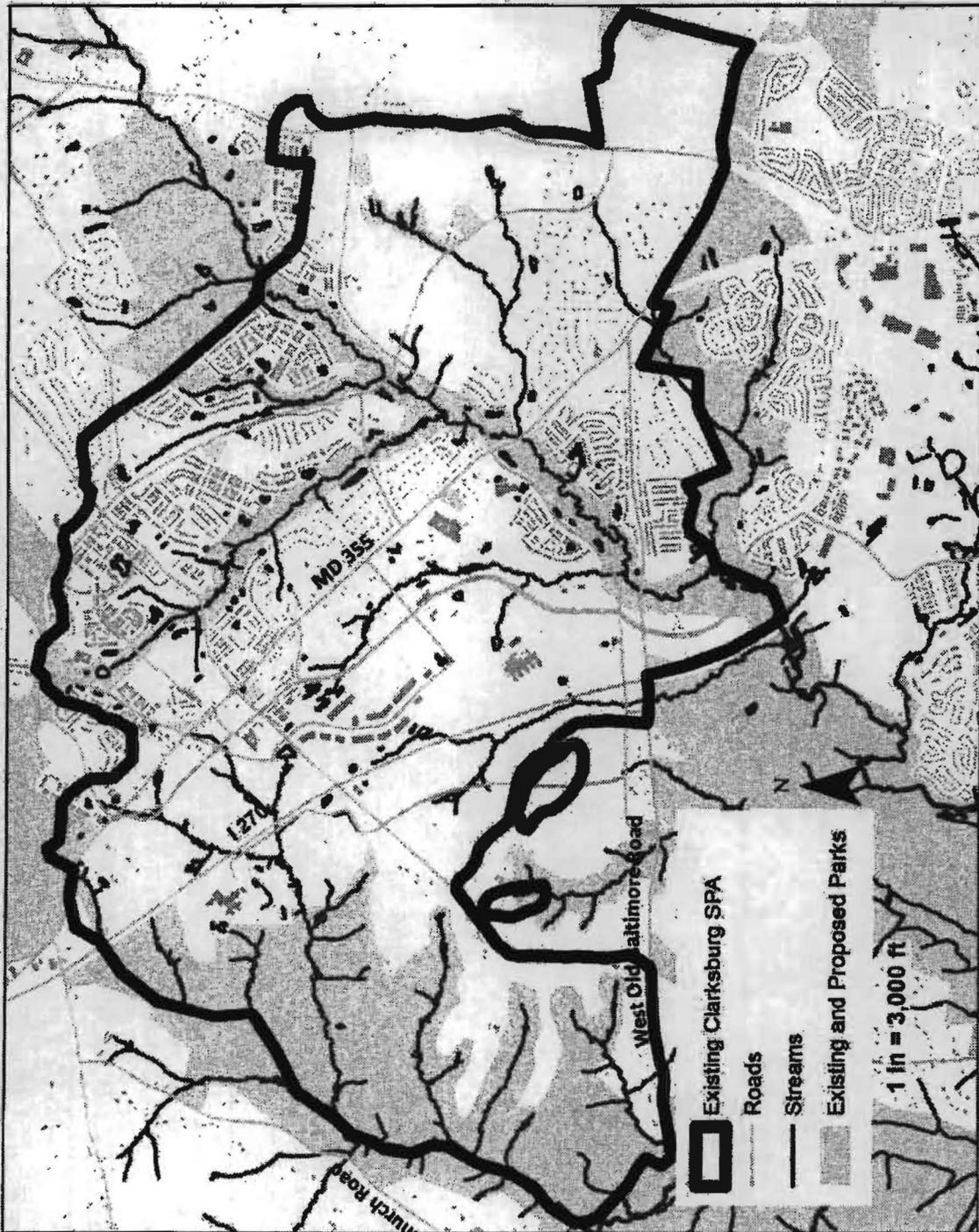
accordance with the Special Protection Area legislation] under Chapter 19, except for private property exempted from the applicable Clarksburg East or Clarksburg West Environmental Overlay Zone.

This is a correct copy of Council action.

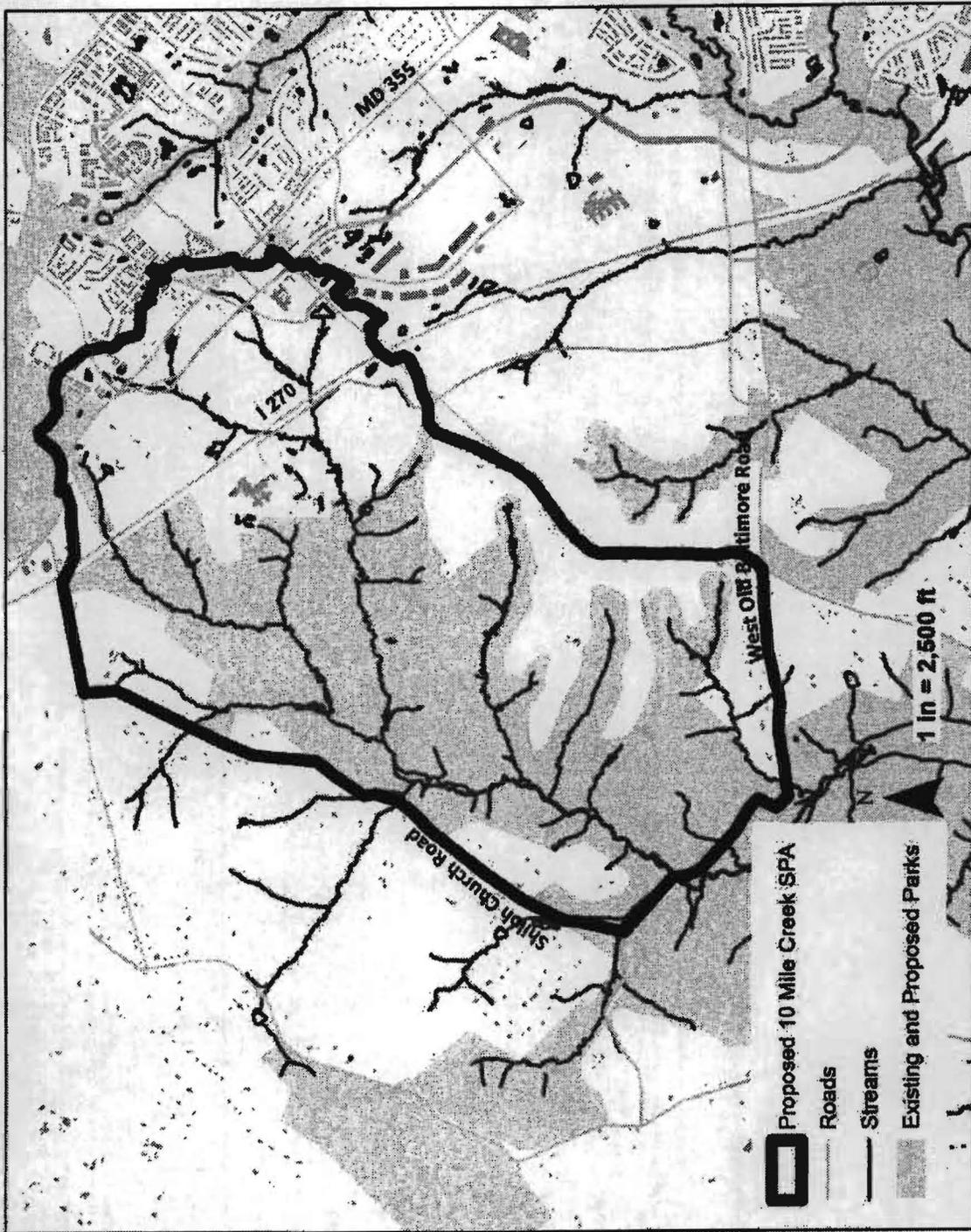
A handwritten signature in cursive script that reads "Linda M. Lauer". The signature is written in black ink and is positioned above a horizontal line.

Linda M. Lauer, Clerk of the Council

Existing Clarksburg SPA



Proposed 10 Mile Creek SPA



Revised Clarksburg SPA

