

**MEMORANDUM**

September 4, 2014

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Marlene Michaelson, <sup>MM</sup> Senior Legislative Analyst

SUBJECT: Resolution to Create a 10 Mile Creek Special Protection Area and Revise the Boundaries of the Clarksburg Special Protection Area

Attached at © 1 to 6 is a resolution to create a new 10 Mile Creek Special Protection Area (SPA) and revise the boundaries of the existing Clarksburg SPA. The Clarksburg Master Plan included a recommendation to revise the boundaries of the Clarksburg SPA. This resolution establishes a separate SPA for 10 Mile Creek, since the Council created special requirements for development within this watershed. The resolution also revises the boundaries of the Clarksburg SPA to exclude land that will now be included in the 10 Mile Creek SPA. These actions are necessary to implement the recommendation of the recently Approved 10 Mile Creek Amendment to the Clarksburg Master Plan and Hyattstown Special Study Area.

A public hearing on the attached resolution will be held on September 9, 2014.

**Background Information on SPAs**

Under County law, a Special Protection Area (SPA) is defined as:

- a part of the County that has high-quality or unusually sensitive water resources (i.e., high quality streams, sensitive wetlands, and soil prone to erosion) or other environmental features; and
- where those resources or features are threatened by land use changes (such as development) unless extraordinary or special protective measures are being taken.

SPAs provide additional protection for sensitive areas by requiring increased buffer areas around resources such as streams and wetlands, forest conservation and, for 3 of the 4 SPAs, impervious surface area caps. Areas designated as SPAs require stream monitoring before, during, and after development; multi-agency review of land development projects to minimize adverse environmental impacts; a

conservation plan for each SPA (prepared by the Department of Environmental Protection) describing conditions of the major streams and identifying critical features that need to be protected; a water quality plan for each development (prepared by the property owner) that addresses site specific water quality performance goals related to minimizing runoff, water temperature increases, and sediment and nutrient loadings; and annual reports summarizing current and past land development activities and results of stream monitoring data.

## **Recommendation**

Pending any new information at the public hearing, Staff recommends the Committee support approval of the resolution to establish the Ten Mile Creek SPA and redefine the boundaries of the Clarksburg SPA, thereby implementing the recommendations in the Approved and Adopted 10 Mile Creek Limited Amendment to the Clarksburg Master Plan.

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Resolution No.: \_\_\_\_\_  
Introduced: July 29, 2014  
Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**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), Montgomery County Code; 2) revises the boundaries of the Clarksburg Special Protection Area; and 3) as authorized under Sec. p19-63(b), requires each applicant proposing any land disturbance activity within the Ten Mile

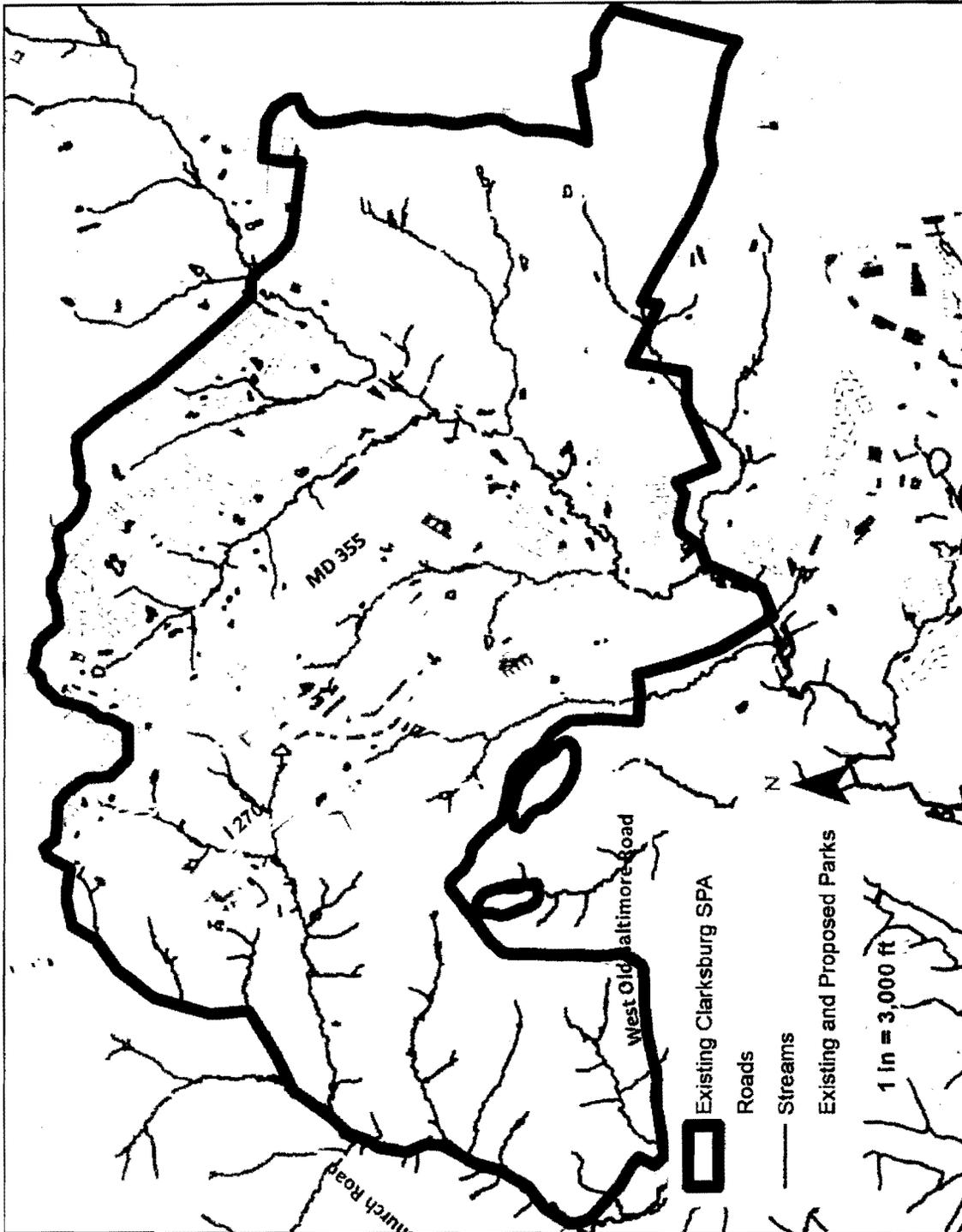
Creek and Clarksburg Special Protection Areas to submit a water quality plan for review in accordance with the Special Projection Area legislation.

This is a correct copy of Council action.

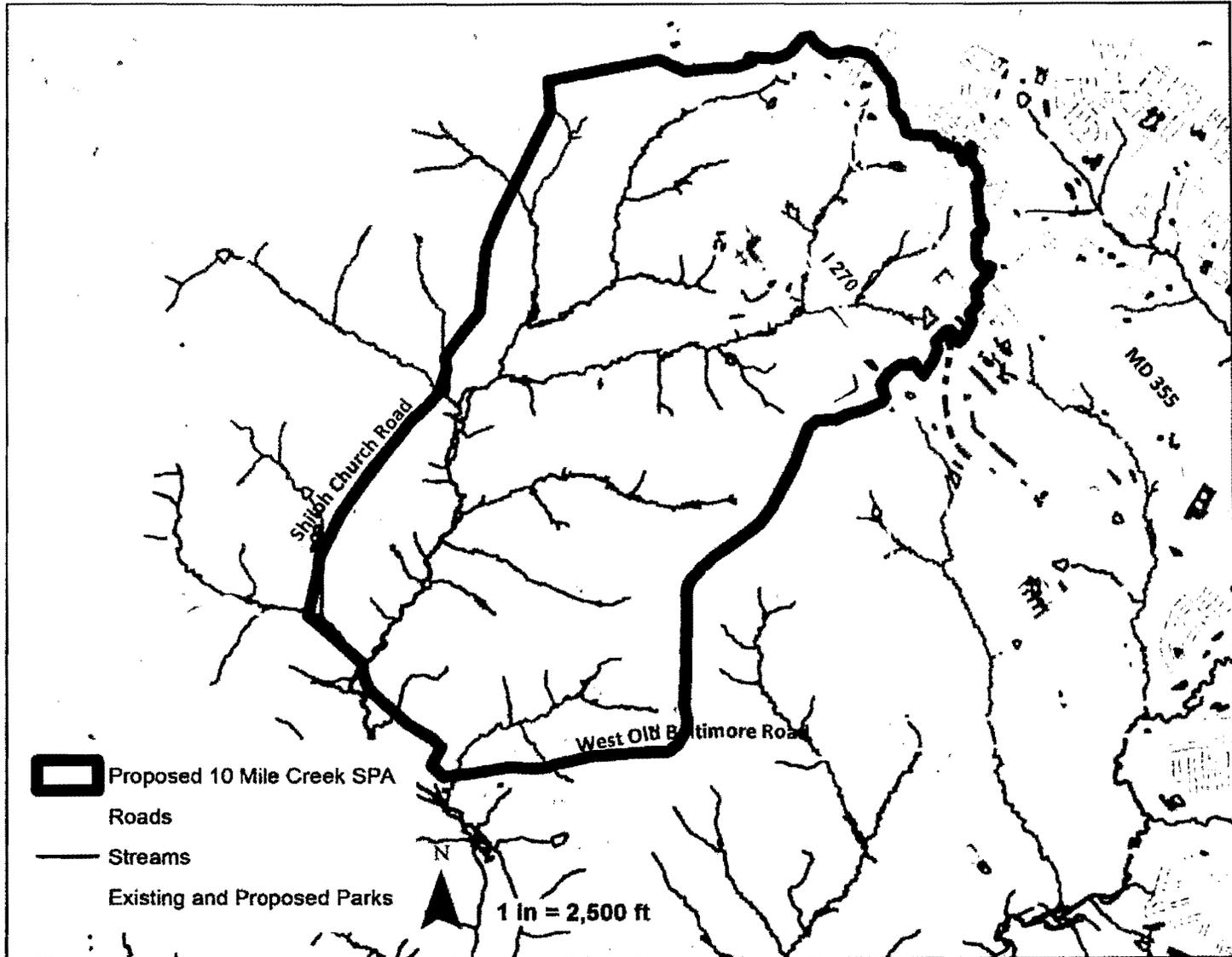
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Linda M. Lauer, Clerk of the Council

# Existing Clarksburg SPA



# Proposed 10 Mile Creek SPA



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# Revised Clarksburg SPA

