

The Honorable Sidney Katz, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville MD 20850

May 26, 2020

Dear Council President Katz and Councilmembers:

At this time of the COVID-19 pandemic, we are reminded that environmental health is essential to public health for all people. Here in Montgomery County and our region, we are fortunate to have clean drinking water supplies, including for use in hand-washing and disinfecting our spaces. Ten Mile Creek in Clarksburg is a crucial high-quality stream; it's the cleanest source of water to Little Seneca Reservoir, our region's only nearby emergency drinking water supply. We are writing in opposition to a proposed Zoning Text Amendment that would weaken existing clean water protections by exempting any master-planned bikeways from the Ten Mile Creek impervious surface limits. **We object to this false choice. We are for bikeways and for clean water protection.**

Public health protection requires full enforcement of existing clean water and clean air regulations. Many of us are cyclists, and we all support bikeways, recognizing that more Montgomery County residents need to bike and walk rather than drive, to stay healthy and help meet clean water, clean air, and climate goals. The way to provide bikeways while protecting clean water supplies, is to build the master-planned bikeways while keeping the sum total of all impervious surfaces in a given site plan within the impervious surface limits.

Accordingly, the Friends of Ten Mile Creek and Little Seneca Reservoir, and its 14 partner organizations, request that you reject the proposed Zoning Text Amendment that would weaken the core protection established by the County in 2014 – the impervious surface limits (6% cap in the Clarksburg West Environmental Overlay Zone and 15% in the Clarksburg East EOZ). The proposed ZTA would exempt ANY master-planned bikeway from the impervious surface caps - regardless of how a bikeway is funded. Under the existing Clarksburg Environmental Overlay Zones, privately-funded bikeways are subject to these caps, while publicly-funded bikeways are exempt from the caps.

We want to highlight our strong support for bikeways, including in the Ten Mile Creek watershed. Those who say “we must choose between bikeways and clean water” are offering a false choice. Maintaining and enforcing the Ten Mile Creek limits on impervious surfaces in no way should exclude bikeways.

**The Solution: We can have our bike trails, and maintain existing Ten Mile Creek protections, by building needed bikeways, and then reducing other impervious surfaces, in order to compensate for whatever is added by the proposed bikeways. Doing this enables us to protect Ten Mile Creek by staying within the science-based limits on additional hard, paved surfaces.**



When taking up environmental issues, we expect the County Council, County Executive, and Planning Board to strengthen – not try to weaken -- our local environmental protection laws and zoning codes. So, we were surprised to learn that on March 26, the Planning Board voted without public input to recommend a Zoning Text Amendment that would broaden the exemptions from the impervious surface caps in Ten Mile Creek.

The science-based limits on impervious surfaces are the core regulations in the clean water protections Montgomery County established in 2014 for Ten Mile Creek and its watershed. The proposed ZTA would amend the Clarksburg West and East Environmental Overlay Zones, so that development applications in these zones in the Ten Mile Creek watershed would not have to count pavement constructed for any master-planned bikeways as impervious surfaces subject to the limits. With existing exemptions, some categories of impervious surfaces to be built in Ten Mile Creek are already allowed to exceed science-based limits; the proposed ZTA would expand the scope of exemptions, allowing development projects to exceed those limits by even more.

On the procedural side, we are concerned that during the COVID-19 pandemic, the public is unable to participate fully in government decisions, so we support the Council's policy, also supported by County Executive Elrich, that public hearings on non-budget issues be delayed and that the focus be on essential items. We are glad that Council President Katz indicated agreement, in a phone call with Diane Cameron on May 1, 2020, that this protocol needs to be applied to the work of the Planning Board.



**In conclusion, we request that you reject the proposed ZTA, since it would weaken clean water protections the County placed on Ten Mile Creek in 2014.** We object on both procedural grounds due to the public's inability to fully participate in government decisions due to the COVID-19 pandemic, and on substantive grounds, since this proposal would weaken the County's science-based protections for Ten Mile Creek.

Yours for clean water and public health,

Anne James, President, and Diane Cameron, Advisor, Friends of Ten Mile Creek and Little Seneca Reservoir

Anne Ambler, Advocacy Chair, Neighbors of the Northwest Branch

Ginny Barnes, Vice Chair, Conservation Montgomery

David Blockstein, Representative, Takoma Park Mobilization Environment Committee

Bailey L. Condrey, Jr., President, Montgomery County Civic Federation, Inc.

Diana Conway, President, Safe Healthy Playing Fields, Inc.

Lauren Greenberger, President, Sugarloaf Citizens Association

Denisse Guitarra, MD Conservation Advocate, Audubon Naturalist Society

Susanne Lowen, Steering Committee Member, Takoma Alliance for Local Living Economy (TALLE)

Gino Renne, President, UFCW Local 1994 MCGEO

Deborah Sarabia, President, Seneca Creek Watershed Partners

Margaret Schoap, Organizer, TAME Coalition (Transit Alternatives to Mid-County Highway Extended)

Miriam Schoenbaum, President, Boyds Civic Association

Caroline Taylor, Executive Director, Montgomery Countryside Alliance

Nanci Wilkinson, Chair, Environmental Justice Ministry, Cedar Lane Unitarian Universalist Church

cc:

County Executive Marc Elrich

Planning Board Chair Casey Anderson and Planning Commissioners

