

3. Sensitive Areas

Cumberland's natural features - in particular the Potomac River and Wills Creek and the steep, forested mountainsides surrounding them - have played a major role in shaping the pattern of human settlement in the City. Cumberland's historic roots largely derive from its strategic position at both a gap in the mountains and the confluence of the Potomac River and Wills Creek. As the route of the Baltimore & Ohio Railroad and Chesapeake & Ohio Canal, the Potomac River corridor continued to be an important part of Cumberland's history. Since initial settlement in the mid-eighteenth century, construction of the City has largely been confined to the valley floors and bases of the surrounding mountains. By contrast, the mountains have remained relatively free of development. Today the forested slopes of these mountains provide a scenic background and striking contrast to Cumberland's urban areas.

The Economic Growth, Resource Protection, and Planning Act of 1992 (State Planning Act) requires Maryland's communities to include in their Comprehensive Plans:

"...a sensitive area element that contains goals, objectives, principles, policies, and standards designed to protect, from the adverse effects of development, sensitive areas, including the following: 1) streams and their buffers; 2) 100-year floodplains; 3) habitats of threatened and endangered species; and 4) steep slopes." (Section 3.05(a)(1)(viii) of Article 66B, Annotated Code of Maryland)

The State Planning Act encourages local jurisdictions to direct growth away from the four types of sensitive areas. According to guidance published by the Maryland Office of Planning and the Department of Natural Resources, if it is not possible to direct development away from sensitive areas, communities should focus on measures to minimize the adverse impacts of development and redevelopment.¹ Flexible and innovative development regulations are encouraged to accommodate both planned growth and environmental protection.

Sensitive areas in Cumberland, including rivers and streams, the 100-year floodplain, and 25 percent or greater slopes, are shown on Figure 6.

Streams and Their Buffers

Cumberland's surface drainage pattern is defined by the North Branch of the Potomac River and Wills Creek. The Potomac River is bordered by relatively large areas of floodplain and natural habitat in South Cumberland, while further upstream its natural floodplain has been altered by a 1950s US Army Corps of Engineers (USACE) flood control project. As part of the same project, the natural streambed of Wills Creek was transformed into a concrete channel with flood walls.

Most stream tributaries of the Potomac River and Wills Creek within the City limits have been removed by urban development. Three streams have been mapped in the City. Dry Run runs

¹ Maryland Office of Planning and the Department of Natural Resources, *Preparing a Sensitive Areas Element for the Comprehensive Plan*, May 1993, p. 4

parallel to Valley Road in northwest Cumberland before disappearing into a culvert in the vicinity of Fairview Avenue. The second stream, Willow Brook, runs beneath I-68 and along Willowbrook Road before emptying into the third stream, Evitts Creek. Portions of Evitts Creek run through recently annexed areas to the east, eventually joining the Potomac River.

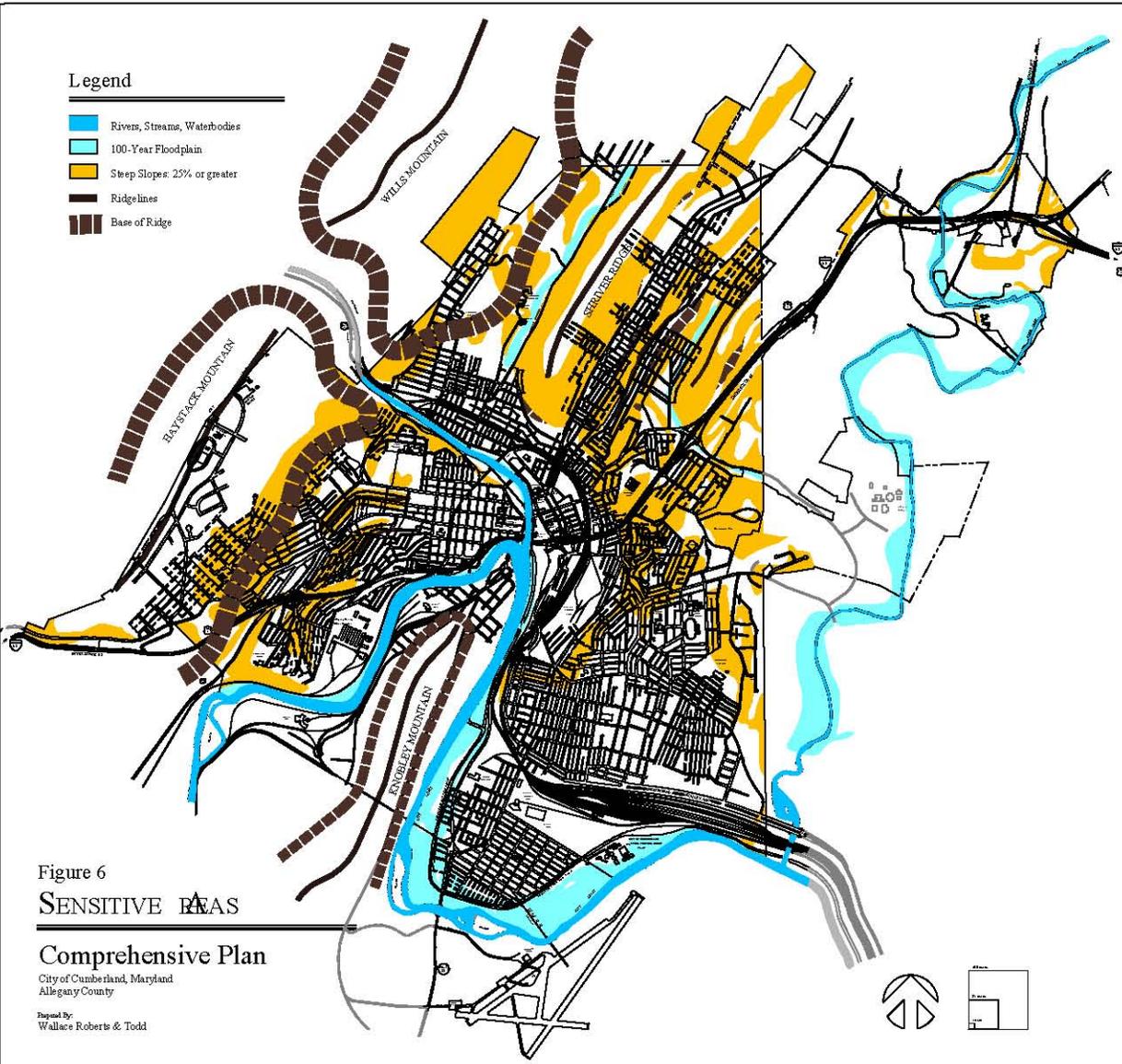
Cumberland's Floodplain Management Ordinance contains the following flood protection setback and vegetation buffer requirements for construction adjacent to streams:

- minimum 100-foot setback (maintained in natural vegetation) from the top of bank of any watercourse delineated as having a floodplain on the Floodway or Flood Insurance Rate Map;
- minimum 50-foot setback from the top of bank of any stream which has no designated floodplain and a drainage area larger than 400 acres; and
- minimum 25-foot setback from all other streams and drainageways, including intermittent streams.

Both the Potomac River and Wills Creek have historically suffered from water quality problems caused by mining, industry, and other sources of pollution. Although water quality has improved in recent years, these watercourses continue to be affected during wet weather by overflows of stormwater diluted sewage from the City's combined sanitary/stormwater drainage system. Of particular concern is the Howard Street regulator, located at the end of Howard Street next to the terminus of the C&O Canal National Historical Park. This control structure receives stormwater flows from the downtown, North End, and a substantial area in Allegany County, resulting in frequent overflows to the Potomac River.

- Issues:**
- The Potomac River is a major environmental, scenic, cultural, and recreational asset of Cumberland. However, the 1950s flood control project and other urban development have affected the natural habitat value, visual appearance, and accessibility of the River.
 - Cumberland's Floodplain Management Ordinance adequately addresses the protection of streams through setback and vegetated buffer requirements. However, given the scarcity of developable land in the City and the configuration of some land holdings adjacent to streams, consideration should be given to providing some flexibility in the review of development activities that would not damage the integrity of the adjacent watercourse.
 - The City's combined sanitary/stormwater drainage system is of concern because of its effects on the water quality of the Potomac River and Wills Creek. As required by the U.S. Environmental Protection Agency's (EPA) Combined Sewer Overflow (CSO) Control Policy, the City has developed a *Long-Term Control Plan* to reduce sewer overflows to acceptable levels. The first phase of the plan involves replacement of the Howard Street Regulator and associated pipes.
 - The 1950s flood control project dramatically altered the visual appearance and accessibility of Wills Creek.

100-Year Floodplain



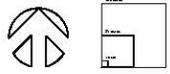
Legend

- Rivers, Streams, Waterbodies
- 100-Year Floodplain
- Steep Slopes: 25% or greater
- Ridgelines
- - - Base of Ridge

Figure 6
SENSITIVE AREAS

Comprehensive Plan
City of Cumberland, Maryland
Allegany County

Prepared By:
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Areas of 100-year floodplain mapped by the Federal Emergency Management Agency (FEMA) occur along the Potomac River, Wills Creek, and the tributary streams noted above. The most extensive floodplain occurs adjacent to the Potomac in South Cumberland, where the floodplain extends into some developed areas. Further upstream, the 100-year floodplain is confined to relatively narrow areas next to the River and Wills Creek by the 1950s USACE flood control project.

Cumberland has in place a floodplain management ordinance that regulates construction within the 100-year floodplain in accordance with FEMA standards. In addition, most of the 100-year floodplain associated with the Potomac River is zoned Conservation, a category that prohibits urban development.

Issue: • The Conservation zoning district does not include some developed areas within the 100-year floodplain in South Cumberland. However, these areas are relatively small. Areas of 100-year floodplain associated with Evitts Creek in recently annexed parts of the City are not zoned Conservation.

Habitats of Threatened and Endangered Species

The Natural Heritage Program of the Maryland Department of Natural Resources (DNR) maintains records of occurrences of federal and state listed rare, threatened, and endangered species. Based upon coordination with DNR, no species listed as threatened or endangered have been documented to occur within Cumberland municipal limits. One animal and two plant species of concern are recorded as occurring within the City associated with limestone or forested ridges:

Porcupine (<i>Erethizon dorsatum</i>)	Status: highly rare in the state; in need of conservation
Harebell (<i>Campanula rotundifolia</i>)	Status: rare in the state
Shaved sedge (<i>Carex tonsa</i>)	Status: highly rare in the state

DNR also has records for four plant species of concern at the Narrows just northwest of the municipal boundary. These records include one endangered, one threatened, and two special concern species. In addition, the Administration has indicated that large areas of contiguous forest - particularly on undeveloped ridges and mountainsides such as Shriver Ridge - may be utilized as breeding areas by Forest Interior Dwelling birds. Conservation of the habitat of Forest Interior Dwelling birds is not mandated outside of the Chesapeake Bay Critical Area. Nevertheless, loss of this habitat through fragmentation related to urban development and forestry activities is a concern in the State of Maryland and elsewhere in the northeast.

Issue: • Although no threatened or endangered species are documented to occur within Cumberland, the forested cover of the City's undeveloped mountains provides valuable wildlife habitat.

Steep Slopes

The City of Cumberland is located in the Valley and Ridge physiographic province of the Appalachian Highlands. The major features of this province are northeast trending ridges and valleys formed by rivers cutting through sandstone into softer shale and limestone bedrock. In and around Cumberland, these ridges - Wills Mountain (in Allegany County), Shriver Ridge, and McNamee Hill to the northeast and Haystack Mountain and Knobley Mountain (in West Virginia) to the southwest - provide a striking natural setting for the City. The approximate locations of the bases and ridgelines of these features are shown on Figure 6. The gap known as "The Narrows," cut by Wills Creek through Haystack and Wills Mountain, is an especially dramatic topographic feature located immediately northwest of the City.

The sides of ridges such as Haystack Mountain have extremely steep slopes ranging up to 30 to 40 percent. Despite significant problems regarding access and construction, a significant amount of development has occurred in some steep slope areas, particularly in portions of the East and West Sides. More typically, most of the City's development has occurred on the relatively level valley floors, for example in the downtown area, South Cumberland, and along Wills Creek.

Issue:

- A significant portion of Cumberland's undeveloped land consists of forested ridges and mountainsides with extensive steep slope areas. In addition to difficulties of access and construction, these slopes provide a variety of amenities including scenic quality (especially valued by visitors), erosion control, maintenance of water quality, and provision of wildlife habitat. Development of these areas must be carefully managed to protect environmental quality and preserve critical viewsheds. To address this issue, the City adopted steep slope development guidelines in the 1997 Zoning Ordinance Revision.

Goals, Objectives, and Actions (Sensitive Areas)

Goal 1

Preserve and enhance Cumberland's critical natural resources and guide development to less sensitive areas.

Objective 1.1

Preserve and enhance the Potomac River, Wills Creek, and other waterways.

Action 1.1.1

Work with the Maryland Department of Natural Resources (DNR) and US Army Corps of Engineers (USACE) to restore natural habitat along and improve recreational access to the Potomac River, including possible development of a greenway beyond Canal Place as proposed by the Maryland Atlas of Greenways, Water Trails and Green Infrastructure (see Action 5.3.1).

Action 1.1.2

As part of Action 1.1.1, work with the Maryland DNR to acquire undeveloped, privately-owned land within the Potomac River floodplain in South Cumberland through Program Open Space.

Action 1.1.3

Continue to implement the Long-Term Control Plan to reduce and eliminate the impacts of combined sanitary/stormwater sewer overflows (see Action 5.6.1).

Action 1.1.4

In coordination with the USACE and Maryland DNR, explore the feasibility of a long-term strategy to provide recreational access to and improve the aesthetic appearance of Wills Creek.

Action 1.1.5

Enforce the flood protection setback and vegetated buffer requirements for new construction contained in the Floodplain Management Ordinance and consider granting setback variances in cases of hardship where the applicant can demonstrate that the adjacent watercourse will not be adversely affected.

Action 1.1.6

Encourage the retention and planting of trees and other natural vegetation as buffers along streams and drainageways.

Objective 1.2

Control development within the 100-year floodplain.

Action 1.2.1

Enforce the requirements of the Floodplain Management Ordinance with respect to new development and redevelopment within the 100-year floodplain.

Action 1.2.2

Rezone 100-year floodplain areas within the Evitts Creek annexation areas to Conservation.

Objective 1.3

Protect forested habitat and steep slope areas from incompatible development.

Action 1.3.1

Enforce the steep slope development guidelines contained in the Zoning Ordinance.

Action 1.3.2

Encourage cluster development in environmentally sensitive areas to maintain forested habitat, steep slopes, and other resources as open space.

Action 1.3.3

Work with the Maryland DNR to acquire forested lands on Haystack and Wills Mountain, which is designated as a Green Infrastructure "Hub" under Maryland's GreenPrint Program (see Actions 3.4.5 and 3.4.6).

