



## MCPB

Item No. 4A & 4B

Date: 07-29-21

### Columbia Local Park Preliminary/Final Water Quality Plan and Mandatory Referral, MR2021028

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Staff Report Date: 7-19-21

#### Description

A. Preliminary/Final Water Quality Plan and B. Mandatory Referral, both associated with Park Facility Plan for the Renovation of Columbia Local Park, Upper Paint Branch Special Protection Area.

**Location:** Intersection of Old Columbia Pike and Oakhurst Drive

**Acreage:** 25.2 acres

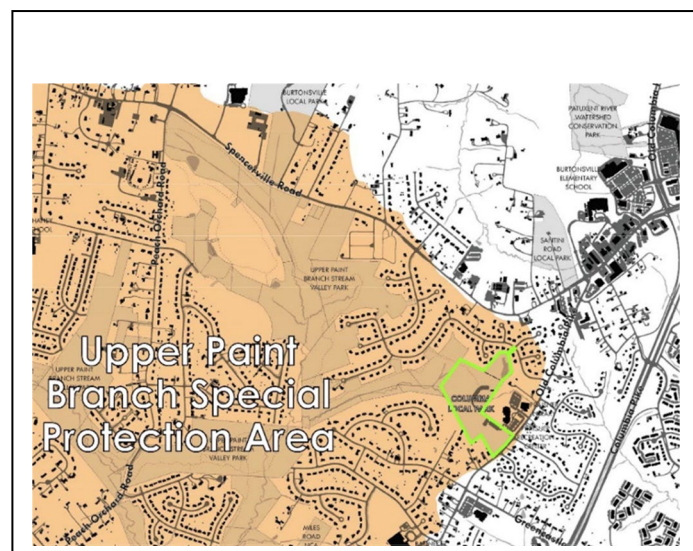
**Zone:** RE-1, PD-2 and Upper Paint Branch Overlay Zone

**Master Plan:** 1997 Fairland Master Plan

**Applicant:** Department of Parks

**Accepted Date:** May 12, 2021

**Review Basis:** Water Quality Plan - Chapter 19 and 22A of the Montgomery County Code for the Upper Paint Branch Special Protection Area (SPA); Mandatory Referral - 20-301 et seq. of the Land Use Article



#### Summary

- The review of this Project is in two parts:  
**Item A – Preliminary/Final Water Quality Plan MR2021028;** and  
**Item B – Mandatory Referral MR2021028,** which was required to tie the Water Quality Plan to the associated Park Facility Plan.
- This memorandum covers both Staff reviews and provides recommendations for the Water Quality Plan and Mandatory Referral. The Planning Board's actions on the Water Quality Plan are regulatory and binding, and the Planning Board must act on the Preliminary/Final Water Quality Plan prior to acting on the Mandatory Referral.
- A Forest Conservation Exemption and Tree Save Plan (42019022E) for the Property was approved on August 29, 2018 and recertified on April 29, 2021.
- Staff recommends **Approval with Conditions** of the Water Quality Plan and **Approval** of the Mandtory Referral.

## RECOMMENDATION

A. Approval of the Preliminary/Final Water Quality Plan subject to the following conditions:

1. The impervious surfaces are limited to 111,680 square feet or 10.34 percent of the Site, as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan.
2. The Applicant must provide tree protective measures and tree mitigation according to the approved Tree Save Plan and at the direction of the Forest Conservation Inspector.
3. The Applicant must conform to the conditions as stated in DPS' Preliminary/Final Water Quality Plan for the Columbia Local Park Renovation letter dated October 25, 2019.

B. Approval of the Mandatory Referral

## SITE DESCRIPTION

Columbia Local Park is 25.2 acres within the Fairland Planning Area just south of the Burtonsville commercial core. Located west of Route 29 and Old Columbia Pike, the park is within the eastern boundary of the Upper Paint Branch Special Protection Area and adjacent to Upper Paint Branch Stream Valley Park. The Park was developed in 1974 and is located immediately adjacent to the Marilyn J. Praisner Community Recreation Center and the Marilyn J. Praisner Library. Columbia Local Park ("Site") consists of Parcel 655, (22 acres and zoned RE-1) and Parcel B (3.2 acres and zoned PD-2). Parcel B is primarily a stormwater management pond and was dedicated to the Department of Parks as part of the Briarcliff Manor subdivision in 1990. The remainder of the park is bisected by a forested stream valley



Figure 1: Aerial Photograph of Vicinity



effectively splitting the park into two distinct spaces. Active recreation facilities include basketball courts, softball/baseball fields, and play area on the southern portion of the park near Old Columbia Pike. The northern portion of the park includes three tennis courts. The Site is within the boundaries of the 1997 *Fairland Master Plan*.



Figure 2 Bird's Eye View

### Project Description

The Department of Parks (“Applicant”) proposes to renovate the northern portion of Columbia Local Park with the objective of promoting active recreation, expanding park uses, renewing existing infrastructure, and improving site access and safety. The renovation will include the following:

- Convert the two existing tennis courts into a dog park. The dog park will consist of a shaded, 200-square-foot large dog area and a 2,700-square-foot small dog area, both accessed via a central, double-gated vestibule. Both areas will be paved and have benches, dog drinking fountains, and trash receptacles. In addition to shade structure, trees will be planted along the exterior perimeter for shading and cooling.
- Convert a large, abandoned paved area into a tennis court, four pickleball courts, a futsal court, and a small shaded gathering area. The tennis court will have a pickleball overlay to allow dual use as needed.
- Enhance the paved area just south of the futsal court and west of the pickleball courts with a drinking fountain, benches, picnic tables, and a shade structure. The area will provide space for players to congregate while waiting for a court to or to socialize after a match. The existing large shelter south of the proposed dog park will be painted and additional picnic tables will be added.
- Enhance pedestrian access to the northern portion of Columbia Local Park to the surrounding neighborhood with a set of stairs built into the steep slope just north of the dog park.

## **SPA WATER QUALITY PLAN ANALYSIS AND FINDINGS**

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code for the Upper Paint Branch Special Protection Area (SPA).

### Review for Conformance to the Special Protection Area Requirements

This project is located within the Upper Paint Branch SPA and on publicly owned property. It is required to obtain approval of a water quality plan under Section 19-62(c) of the Montgomery County Code. This section of the code states:

*Publicly owned property. Before engaging in any land-disturbing activity on publicly owned property in an area designated as a special protection area, the applying agency or department should prepare a combined preliminary and final water quality plan.*

As part of the requirements of the Special Protection Area law, a SPA Water Quality Plan should be reviewed in conjunction with a Mandatory Referral. Under Section 19-65 of the law, the Montgomery County Department of Permitting Services (MCDPS) and the Planning Board have different responsibilities in the review of a Water Quality Plan. MCDPS has reviewed and conditionally approved the elements of the water quality plan under its purview. The Planning Board's responsibility is to determine if environmental buffer protection, SPA forest conservation, and planting requirements, and minimization of impervious surfaces have been satisfied.

### County DPS Special Protection Area Review Elements

In a letter dated October 25, 2019, MCDPS found that the elements of the SPA Preliminary/Final Water Quality Plan under its purview were acceptable (Attachment 1).

### *Site Performance Goals*

As part of the Preliminary/Final Water Quality Plan, the following performance goals were established for the Property:

1. Minimize storm flow run off increases.
2. Minimize increased to ambient water temperature.
3. Minimize sediment loading.

### *Stormwater Management*

Stormwater management goals for the Project will be met with an overall reduction in sit imperviousness and micro bioretention to provide maximum environmental site design.

### *Sediment Control*

An engineered sediment control plan must be submitted to DPS for this project prior to permitting.

### *BMP Monitoring*

Stream monitoring fees are required by the DPS.

### Planning Board Special Protection Area Review Elements

Staff recommends Planning Board approval of the following elements of the SPA Water Quality Plan under its purview.

### *Forest Conservation*

A Forest Conservation Exemption and Tree Save Plan (42019022E) for the Property was approved on August 29, 2018 (See Attachment 2) and recertified on April 29, 2021. The proposed development is a modification for an existing non-residential property, disturbs no forest, and does not require the approval of a preliminary plan of subdivision. In addition, the development does not increase the developed area of the property.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law.

### *Environmental Guidelines and Stream Buffer Protection*

Columbia Local Park is bisected by a tributary to Paint Branch. The stream valley for this tributary is forested with the exception of an existing driveway stream crossing that connects the northern and southern areas of the Park. Although this driveway will remain in place, the plan proposes to remove five parking spaces (1,100 square foot area of parking lot) that currently exist in the buffer area. No additional impacts to sensitive areas are proposed as part of this project.

### *Impervious Surfaces*

A main goal for development in all SPAs is to minimize impervious surfaces. The Upper Paint Branch Special Protection Area Environmental Overlay Zone restricts development to eight percent for new projects. Projects with lawfully existing imperviousness that exceeds the eight percent limit may retain the existing level. Overall, Columbia Local Park has an existing imperviousness of 10.52 percent on 25.2 acres of land. Although under SPA regulation the Park may remain at this impervious level, this plan proposes a net reduction of approximately 2,000 square feet of imperviousness, lowering the impervious level to 10.34 percent (see Figure 3).

The Department of Parks has minimized the total amount of impervious surface while maintaining and enhancing the Park function and purpose.

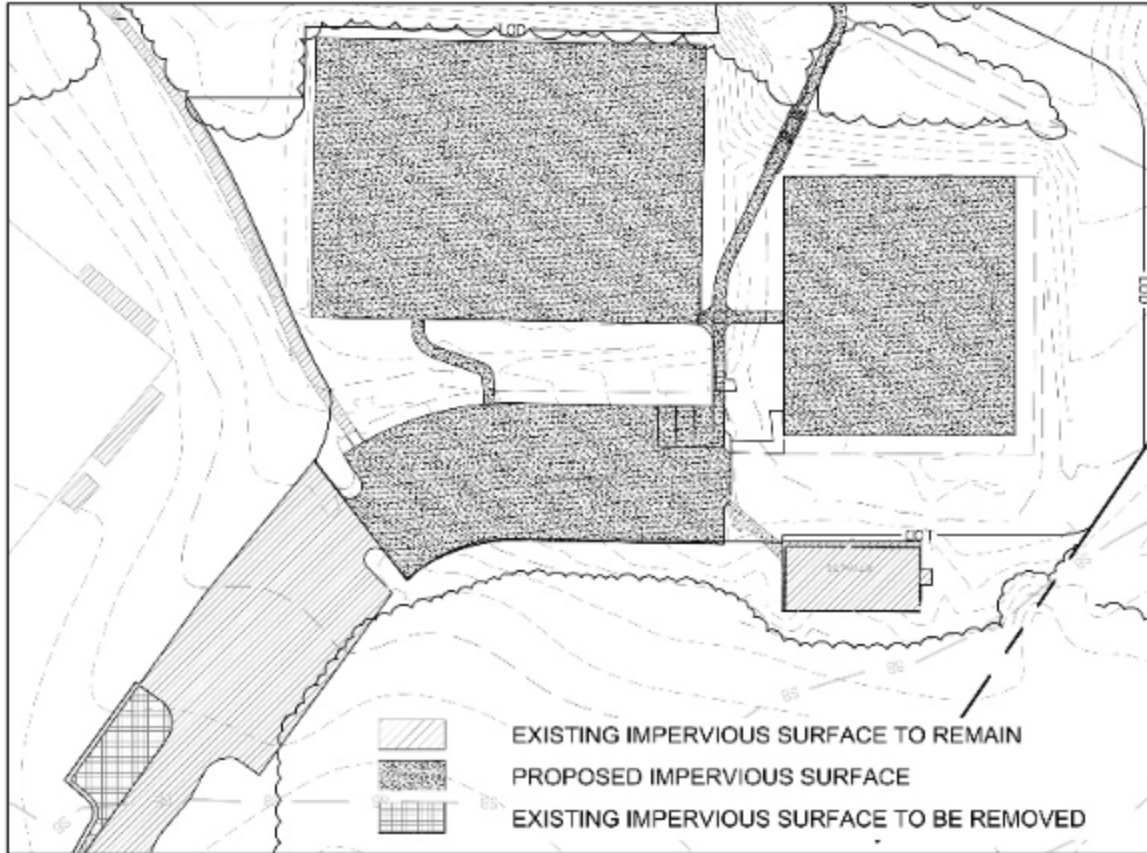


Figure 3 Changes to Site Imperviousness

### MANDATORY REFERRAL ANALYSIS

While the associated Park Facility Plan covers the purpose of the Mandatory Referral; the Mandatory Referral was filed by the Parks Department for review by Planning Staff for the purposes of having a mechanism and plan number assigned for review the Water Quality Plan.

#### Environment

##### *Special Protection Area Preliminary/Final Water Quality Plan*

The Application meets the Water Quality Plan requirements of Chapter 19 of the Montgomery County Code and the requirements of the Upper Paint Branch Special Protection Area.

##### *Forest Conservation*

A Forest Conservation Exemption (42019022E) for the Site was approved on August 29, 2018, and recertified on April 29, 2021. The proposed development is a modification for an existing non-residential property, disturbs no forest, and does not require the approval of a preliminary plan of subdivision. In addition, the development does not increase the developed area of the Site.

The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law (see the associated Water Quality Plan staff report).

### Master Plan

The 1997 *Fairland Master Plan* carried forward the park use, and while the plan did not have any specific recommendations for Columbia Local Park, the plan contains a general objective to, “Provide adequate and accessible recreational opportunities for the residents of the Fairland area.” The proposed enhancements, recreational amenities, and additional connections to the park are consistent with the use and recreational opportunities envisioned in the plan.

### Zoning

The proposed park facilities and associated parking are consistent with the intent and requirements of the RE-1, PD-2, and Upper Paint Branch Overlay Zones. Please see the associated Park Facility Plan report for additional information.

### Compatibility with the Neighborhood

The proposed park facilities' size, shape, scale, height and arrangement, and design are compatible with the surrounding neighborhood and properties. Please see the associated Park Facility Plan report for additional information.

### Transportation

The additional trail connections are proposed to encourage pedestrian and bike opportunities to the park. While staff is hopeful the proposed enhancements and recreational amenities will support greater use of the park, the slightly reconfigured parking facilities, including accessible spaces, and the existing access are adequate to support the proposed enhancements and amenities. Please see the associated Park Facility Plan report for additional information and analysis.

## **COMMUNITY OUTREACH AND NOTIFICATION**

The Parks Department has complied with all noticing requirements and has held community meetings and extensive outreach for this project (see the associated Park Facility Plan report for more information). Planning Department staff have received no community comments as of the date of this staff report.

## **CONCLUSION**

Based on the information provided by the Department of Parks and the analysis contained in this report, Staff concludes that the proposed Water Quality Plan and Mandatory Referral No. MR2021028, associated with the Park Facility Plan for the enhancements and modifications to Columbia Local Park, meet all applicable requirements and findings of Chapters 19, 22A, and the Land Use Article. Therefore, Staff recommends **approval with conditions** of the Preliminary/Final Water Quality Plan and **approval** of the Mandatory Referral. The Planning Board’s action on the Preliminary/Final Water Quality Plan is regulatory and binding.

### Attachments

- A. DPS Approval Letter
- B. Exemption and Tree Save Plan Approval Letter