



**MONTGOMERY COUNTY PLANNING BOARD**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 21-086  
Water Quality Plan No. MR 2021028  
**Columbia Local Park**  
Date of Hearing: July 29, 2021

**AUG 11 2021**

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 19, Article V, water quality review in Special Protection Areas must be done in conjunction with the review of a development plan, diagrammatic plan, schematic development plan, project plan, preliminary plan of subdivision, site plan, mandatory referral, or special exception; and

WHEREAS, to avoid duplication of effort, the Montgomery County Department of Permitting Services (“DPS”) and the Montgomery County Planning Board each have responsibility for review and approval of different elements of water quality plan applications; and

WHEREAS, the Planning Board is responsible to review water quality plan applications to determine if environmental buffer protection, forest conservation and planting requirements, and site impervious limits have been satisfied; and

WHEREAS, in cooperation with DPS’ review and approval of those elements of the water quality plan for which DPS is authorized, the Planning Board is authorized to take final action on the water quality plan; and

WHEREAS, on May 12, 2021, The Department of Parks (“Applicant”) filed an application for approval of a water quality plan on approximately 25.2 acres of RE-1 and PD-2 zoned property located on Old Columbia Pike at the intersection of Oakhurst Drive (“Subject Property”) in the Upper Paint Branch Special Protection Area (“SPA”) within the Fairland Policy Area and 1997 Fairland Master Plan (“*Master Plan*”) area; and

WHEREAS, Applicant’s water quality plan application was designated Water Quality Plan No. MR2021028, Columbia Local Park (“Preliminary/Final Water Quality Plan” or “Application”); and

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Approved as to  
Legal Sufficiency: /s/ Delisa Coleman  
M-NCPPC Legal Department

WHEREAS, the Applicant also filed a Mandatory Referral application which is related to this Preliminary/Final Water Quality Plan; and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board dated July 16, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, the Staff Report included a copy of a letter dated October 25, 2019 from DPS conditionally approving the elements of the Preliminary/Final Water Quality Plan under its purview; and

WHEREAS, on July 29, 2021, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary/Final Water Quality Plan No. MR2021028 Columbia Local Park, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. The impervious surfaces are limited to 111,680 square feet or 10.34 percent of the 25.2-acre-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.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

*The Application satisfies all the applicable requirements of Montgomery County Code, Chapter 19, Article V – Water Quality Review in Special Protection Areas.*

A Forest Conservation Exemption and Tree Save Plan (42019022E) for the Property 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 Property.

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 (an 1,100 square foot area of parking lot) that currently exists in the buffer area. No additional impacts to sensitive areas are proposed as part of this project.

The Upper Paint Branch Special Protection Area Environmental Overlay Zone restricts development to eight percent (8%) imperviousness for new projects. Projects with lawfully existing imperviousness that exceeds the eight percent limit may retain the existing level. Overall, Columbia Local Park as an imperviousness of 10.52 percent. 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.

The Application meets applicable requirements for environmental buffer protection, forest conservation, and planting requirements under an approved Tree Save plan. As conditioned by this approval, site impervious limits have been satisfied. Therefore, the Application satisfies all the elements of the Preliminary/Final Water Quality Plan under the Board's purview.

The stormwater management plan, sediment and erosion control plan, and the water quality monitoring component have been reviewed and conditionally approved by DPS, in coordination with the Montgomery County Department of Environmental Protection, as the lead agencies for these components of the Water Quality Plan review.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 11 2021 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, July 29, 2021, in Wheaton, Maryland.



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Casey Anderson, Chair  
Montgomery County Planning Board