

October 12, 2001

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeffrey Zyontz, Chief
County-wide Planning Division

Jorge A. Valladares, P.E., Chief, Environmental Planning
County-wide Planning Division

FROM: Candy Bunnag, Planning Coordinator
Environmental Planning
County-wide Planning Division

SUBJECT: Special Protection Area (SPA) Combined Preliminary and Final
Water Quality Plan for Good Hope Community Spray Park
(Associated with Mandatory Referral MR# 01605-R-1)

RECOMMENDATION

Staff recommends approval of the SPA combined preliminary and final water quality plan with the following condition:

- Site imperviousness should not exceed 12.0 percent.

DISCUSSION

The project involves the construction of a small recreational water park by the Montgomery County Department of Recreation at Good Hope Local Park. The project will also convert some existing impervious surfaces to pervious, vegetated land. The disturbance area for the entire project area is small, encompassing roughly 0.18 acre (8000 square feet) of land within the 13.2-acre park. (see Attachments 1 and 2)

The local park and the proposed project lie within the Upper Paint Branch Special Protection Area.

Review for Conformance to the Special Protection Area Requirements

As part of the requirements of the Special Protection Area law, a preliminary and final water quality plan should be reviewed in conjunction with the mandatory referral. Under the provision of the law, the Montgomery County Department of Permitting Services (DPS) and the Planning Board have different responsibilities in the review of a water quality plan. DPS has reviewed and approved the elements of the combined preliminary and final water quality plan under its purview (see Attachment 3). The Planning Board responsibility is to determine if the site imperviousness, environmental buffer protection, and SPA forest conservation and planting requirements have been satisfied.

The Planning Board must act on the SPA water quality plan before it can review and act on the mandatory referral.

This memorandum is staff's review and recommendation on the SPA combined preliminary and final water quality plan for the proposed project. A separate memorandum, prepared by the County-wide Planning Division, Park Planning and Resource Analysis staff, covers the mandatory referral review.

Site Performance Goals

As part of the SPA regulations, performance goals must be established for a proposed project. For this project, the performance goals are:

- minimize stormflow runoff increases
- minimize sediment loadings

Site Imperviousness

The project proposes to create the water splash area (impervious surface) in the southeastern corner of the existing parking lot (i.e., on existing impervious surface). Part of the pavement for the parking lot will also be removed and planted in grass and other landscaped plants to physically and visually separate the water splash area from the parking lot. A 12-foot wide path will be created with grass pavers to connect a corner of the parking lot to the ballfields for use by M-NCPPC vehicles for ballfield maintenance.

The project is subject to the environmental overlay zone (see Attachment 4), which is coterminous with the Upper Paint Branch SPA. The environmental overlay zone has a 10 percent impervious limit for new development in the SPA. However, since the project is proposed on a site with lawfully existing impervious surfaces that are to remain, the 10 percent limit does not apply, and the project is subject to the following section of the environmental overlay zone (Section 59-C-18.152(a)(1)(A) of the zoning ordinance):

“Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 1997 that exceeds the 10 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.”

The proposed project will *decrease* Good Hope Local Park’s imperviousness from the current 12.6 percent to 12.0 percent, or a reduction of about 3223 square feet of impervious surface. Staff supports the reduction in overall impervious surfaces in the park. The resulting imperviousness also conforms to the environmental overlay zone.

Environmental Buffers

The subject site is located on uplands. There are no streams, wetlands, floodplains, or associated environmental buffers on or near the site. The nearest stream is roughly 500 feet away.

Forest Conservation

The eastern portion of the site contains forest. However, the disturbance associated with the spray park is located well away from the forest and will not result in any forest or tree clearing. Therefore, the project qualifies for a single lot exemption and is not subject to forest conservation requirements.

It should be noted that the proposed sewer line connection for the spray park has been located to avoid disturbance within the critical root zone of a large white oak near the community center building.

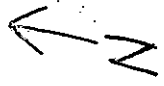
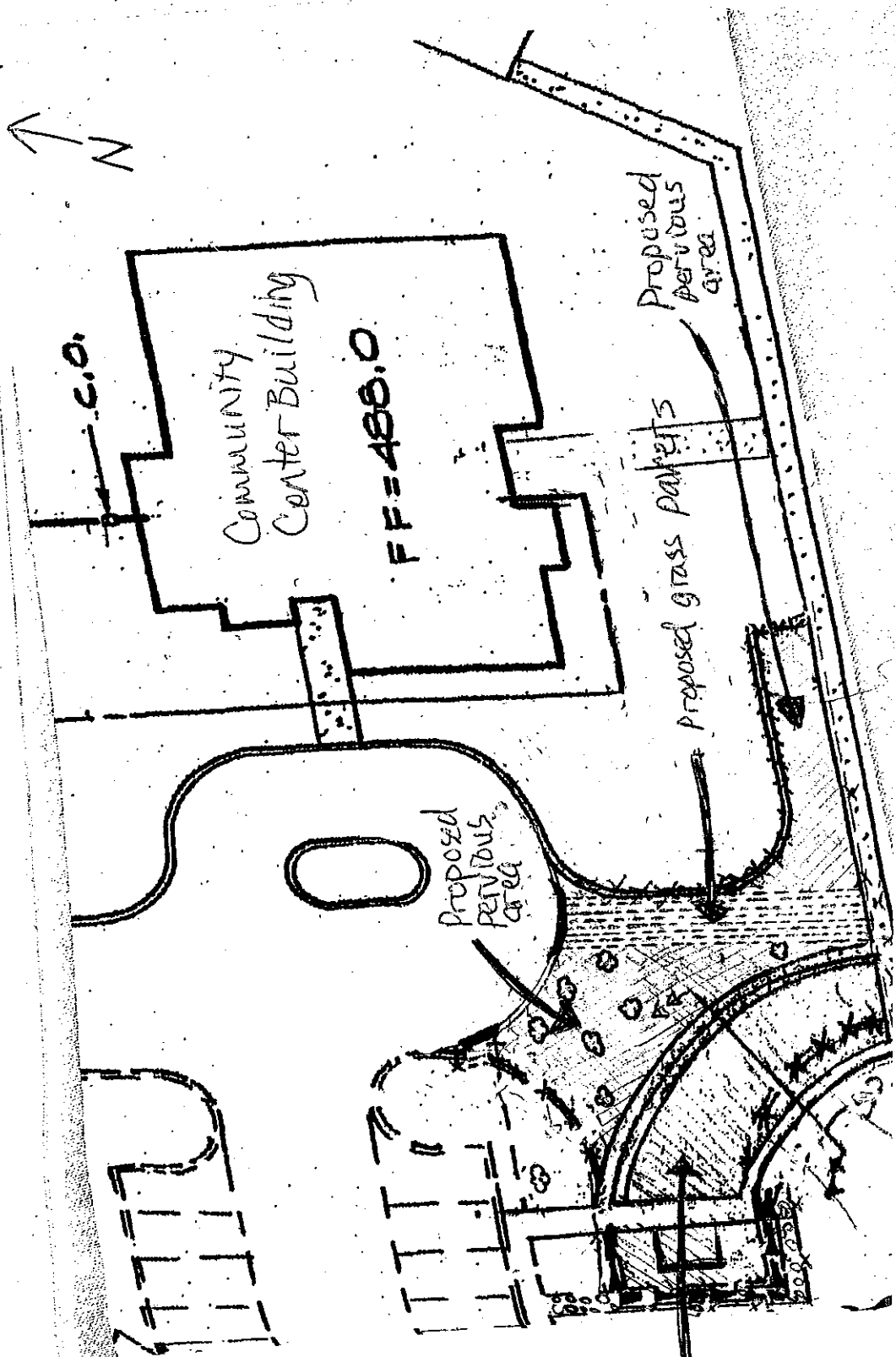
Stormwater Management Concept

Since the disturbance area is small and the project will decrease the site’s imperviousness, DPS is not requiring any stormwater management controls. There will be no surface water runoff generated from the operation of the spray park, since water from the fountains will be conveyed to the community sewer system.

Monitoring of Best Management Practices

Since there are no stormwater management structures required for the project, monitoring is not required.

PROPOSED SPRAY PARK



c.o.

Proposed pervious area

Proposed pervious area

Proposed splash pad area

1" = 40'

DPS Draft

October 11, 2001

Mr. Bill Stevens
Department of Recreation
12210 Bushey Drive
Silver Spring, MD 20902

Re: **Preliminary/Final** Water Quality Plan for Good
Hope Community Center Spray Park
SM File #: 204118
Watershed: Upper Paint Branch

SPECIAL PROTECTION AREA

Dear Mr. Stevens:

Based on a review by the Department of Permitting Services Review Staff, the Preliminary/Final Water Quality Plan for the above mentioned site is hereby approved.

Site Description: The site is located in the existing Good Hope Park on Good Hope Road and is within the Upper Paint Branch Special Protection Area (SPA). The project will consist of an addition of a spray park and the removal of existing impervious surface. The total area of disturbance will be approximately 0.18 acres.

Stormwater Management: Due to the relatively small amount of proposed development, a waiver of on-site quantity control is hereby granted. Quality control will be provided via sheet flow through the adjacent vegetation. The shortest distance of overland flow from the sidewalk to a receiving stream is several hundred linear feet. This overland flow will allow for infiltration of runoff to promote groundwater recharge and pollutant removal.

Sediment Control: Disturbance of the site is to be done in phases so that the area of disturbance does not exceed 4,000 square feet at any time. Additional sediment control measures will be required in the field as deemed necessary by the DPS inspector.

Payment of the stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required. If a stormwater management fee had been required, an estimated fee of \$2940.00 would have been due.

Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Leo Galanko at (240) 777-6242.

Attachment 3
(continued).

Sincerely,

Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB: enm: CN200087

cc: C. Bunnag
M. Shaneman
S. Federline
L. Galanko
SM File # 200087
SM Log # 00-046

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

Division 59-C-18

(Ord. No. 13-52, § 1.)

Sec. 59-C-18.15. Environmental Overlay Zone for the Upper Paint Branch Special Protection Area.

59-C-18.151. Purpose.

It is the purpose of this overlay zone to:

- (a) Protect the water quality and quantity of the Upper Paint Branch Watershed and its tributaries, as well as the biodiversity situated in these resources. The resources consist of the headwater tributary areas—Good Hope, Gum Springs, Right Fork and Left Fork—and the segment of the main stem of the Paint Branch north of Fairland Road.
- (b) Regulate the amount and location of impervious surfaces in order to maintain levels of groundwater, control erosion, and allow the ground to filter water naturally and control temperature.
- (c) Regulate land uses that could adversely affect this very high quality, cold water stream system resource that is afforded the highest order of resource protection (Use III Waters) under the State of Maryland's watershed classification system.

59-C-18.152. Regulations.

- (a) **Development standards.** The development standards of the underlying zone apply except as modified by the requirements of this overlay zone.
 - (1) **Restriction on Impervious Surface.** Any development must not result in more than 10 percent impervious surface of the total area under application for development.
 - (A) Any impervious surface lawfully existing pursuant to a building permit issued before July 1, 1997 that exceeds the 10 percent restriction, may continue or be reconstructed under the development standards in effect when the building permit was issued.

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- (B) Any impervious surface which results from construction pursuant to a building permit application pending before the Department of Permitting Services on July 1, 1997, may continue or be reconstructed under the development standards in effect when the building permit was issued.
 - (C) Any expansion of an impervious surface above the 10 percent restriction is not allowed, except in accordance with the waiver provisions of Subsection (a)(2) or as provided under Subsection (a)(1)(D).
 - (D) Any impervious surface resulting from an addition or accessory structure to an existing one-family residential dwelling must not be counted against any calculation of the 10 percent impervious surface restriction.
- (2) **Waiver.** The Director may grant a waiver from the 10 percent impervious surface restriction subject to the following standards and procedures:
- (A) **Written Request.** An applicant may apply for a waiver from the 10 percent impervious surface restriction if enforcement would result in undue hardship to the applicant. The request must be in writing to the Director.
 - (B) **Review and action.** The Director may grant a waiver from the 10 percent impervious surface restriction if the applicant shows by clear and convincing evidence that:
 - (i) the 10 percent impervious limitation would result in undue hardship to the applicant because of events or circumstances not caused or facilitated by the applicant;
 - (ii) the applicant complies with all applicable federal, state, and county water quality standards; and
 - (iii) the relief sought is the minimum needed to prevent the hardship and the Director must consider alternative techniques.

MONTGOMERY COUNTY CODE
ZONING ORDINANCE
Chapter 59

§59-C-18.15

Division 59-C-18

Land use. All permitted or special exception uses allowed in the underlying zones are allowed in the overlay zone except that:

- (1) The following special exception uses are allowed subject to the requirements of Article 59-G and specified environmental protection requirements:

- Landscape contractor.¹
- Retail nursery or garden center.¹
- Wholesale nursery or greenhouse.¹
- Golf courses and country clubs.²
- Golf driving range.²
- Riding stables.³

- (2) The uses in Section (1), if validly existing on July 1, 1997, may be continued under the regulations in effect at the time the use was established. Any expansion requires compliance with the provisions of this overlay zone.

- (3) The following uses are prohibited in the overlay zone:

- Airstrips, in common open space.
- Helistops.
- Pipelines, aboveground.⁴
- Pipelines, underground.⁴
- Automobile filling stations.
- Automobile fluid maintenance stations.
- Automobile repair and services.

¹ If certified as an organic grower by the State of Maryland or another approved certifying body.
² Must have an Integrated Pest Management program.
³ Must have an approved Soil Conservation Water Quality Plan from the Montgomery Soil Conservation District.
⁴ Pipelines used for interstate transmission of petroleum products.

(Legislative History: Ord. No. 13-64, § 1.)