The Application requests an amendment to the approved Preliminary/Final Water Quality Plan No. 220061410 and approval of a Preliminary/Final Forest Conservation Plan SC2017003 to construct an additional parking lot to serve the existing religious institution located in the Upper Paint Branch Special Protection Area and the Upper Paint Branch Overlay Zone. The Applicant will mitigate for impervious surfaces in excess of the 10 percent limit by removing existing impervious surfaces from an offsite location within the Upper Paint Branch Overlay Zone.

The Application is subject to a settlement agreement for a water quality plan violation. This regulatory action brings the subject property into compliance with the water quality and forest conservation laws.
RECOMMENDATIONS AND CONDITIONS

A. PRELIMINARY/FINAL WATER QUALITY PLAN AMENDMENT NO. 220061410: Staff recommends approval, with the addition of the following new conditions. All original conditions of approval from Preliminary/Final Water Quality Plan No. 220061410 remain valid, unchanged, and in full force and effect, except as modified herein.

1. Impervious surfaces are limited to no more than 24 percent of the subject property within the SPA as shown on the Impervious Surface Plan Portion of the Preliminary/Final Water Quality Plan.
2. Prior to any demolition, clearing or grading, the Applicant must enter into a revised agreement with the Planning Board to limit impervious surfaces to no more than 24 percent on the subject property and demonstrate conformance to the impervious surface limits.
3. The Applicant must conform to the conditions as stated in the Montgomery County Department of Permitting Services ("MCDPS") Preliminary/Final Water Quality Plan for the Islamic Society of the Washington Area letter dated August 8, 2016, unless otherwise amended by MCDPS provided the amendments do not conflict with other conditions of the approval.

B. PRELIMINARY/FINAL FOREST CONSERVATION PLAN NO. SC2017003: Staff recommends approval, subject to the following conditions:

1. Prior to issuance of the sediment control permit by MCDPS, and at the direction of the M-NCPPC forest conservation inspector, the Applicant must install permanent split rail fencing or equivalent acceptable to M-NCPPC Staff, along the conservation easement boundary where it abuts the onsite parking lot as shown on the approved Preliminary/Final Forest Conservation Plan.
2. Prior to issuance of the sediment control permit by MCDPS, and at the direction of the M-NCPPC forest conservation inspector, the Applicant must install permanent conservation easement signage along the perimeter of the Category I Conservation Easement except where it abuts existing Category I conservation easement, or as determined by the M-NCPPC forest conservation inspector. Signs must be installed a maximum of 100 feet apart with additional signs installed where the easement changes direction.
3. The Final Sediment Control Plan must depict the limits of disturbance (LOD) consistent with the LOD on the approved Preliminary/Final Forest Conservation Plan.
4. The Applicant must comply with all tree protection and tree save measures shown on the approved Preliminary/Final Forest Conservation Plan. Tree save measures not specified on the approved Preliminary/Final Forest Conservation Plan may be required by the M-NCPPC forest conservation inspector.
SITE LOCATION AND PROJECT DESCRIPTION

The property is a 5.28-acre parcel, located at 12700 Briggs Chaney Road, on the south side of Briggs Chaney Road approximately 1,200 feet west of Old Columbia Pike (“Property” or “Subject Property”) (Figure 1). The Property is zoned R-200, located in the Fairland Master Plan (“Master Plan”), and identified as Parcel P220 on Tax Map KR342.

The Subject Property is currently improved with a structure that is used as a religious institution, a parking lot located behind the structure, and a private access driveway from Briggs Chaney Road (Figure 2). The remainder of the Property is undeveloped with existing forest and tree cover. The Property is in the Upper Paint Branch watershed, which is classified by the State of Maryland as Use Class III waters. It is also located within the Upper Paint Branch Special Protection Area (SPA) and the Upper Paint Branch Overlay Zone, where impervious surface for new development is limited to eight percent. An intermittent stream flows in a westerly direction through the southern portion of the Property. The stream system includes wetlands along the banks of the stream, and an associated stream buffer. There are approximately two acres of forest and additional tree cover on the Property, and there are several large trees located throughout the site. All of the forest and the entire stream buffer are protected within an existing Category I conservation easement.

Figure 1 - Vicinity Map
PREVIOUS APPROVALS

A Minor Subdivision Record Plat and Special Protection Area Preliminary/Final Water Quality Plan for the Property were approved by the Montgomery County Planning Board in October 2006. The approval of the Water Quality Plan included a condition that the Islamic Society of the Washington Area (“Applicant”) enter into an agreement with the Planning Board to limit impervious surfaces to no more than 10 percent, the limit set by the Upper Paint Branch Environmental Overlay Zone at the time of the approval. The approval also required a Category I conservation easement over the stream buffer area and some tree planting within the conservation easement. The Property received an exemption from submitting a forest conservation plan at the time of this approval (42006029E).

CURRENT APPLICATION

Proposal
The applicant, Islamic Society of the Washington Area has requested approval for a Preliminary/Final Water Quality Plan Amendment and a new Preliminary/Final Forest Conservation Plan (“Application”).
The Islamic Society of the Washington Area currently operates out of the existing building on the Property. The existing parking lot is not adequate to meet their needs as expressed by both members of the Applicant’s congregation and the surrounding community as well as evidenced by the parking that has occurred on unpaved surfaces outside of the current designated parking lot. The Application does not qualify for a forest conservation plan exemption, including the previously approved exemption under Section 22A-5(t) because the modification increases the developed area by more than 50 percent.

Preliminary/Final Water Quality Plan Amendment 220061410
The Application proposes to expand the existing parking lot to include an additional 100 spaces and reconfigure the walkways around the parking lot, requiring the addition of 31,193 square feet of impervious surface on the Property. The proposed additional impervious surface would result in a total of 54,193 square feet of impervious surface, or 23.6 percent of the 5.28-acre Property, as shown on the Impervious Surface Exhibit (Attachment A). The Applicant proposes to mitigate for the additional impervious surface at an offsite location within the same watershed by contributing to the acquisition and restoration of a developed property, including the removal of existing impervious surfaces equal to the amount of impervious surfaces being added to the Subject Property. The mitigation site is recently acquired M-NCPPC parkland located in the Upper Paint Branch Special Protection Area and the Upper Paint Branch Overlay Zone. The park site will be completely restored, planted, and maintained as a conservation park. Approval of the amended Water Quality Plan, as conditioned, would result in a new Impervious Surface Agreement between the Applicant and the Planning Board, limiting impervious surfaces on the Subject Property to 24 percent.

Preliminary/Final Forest Conservation Plan SC2017003
A Preliminary/Final Forest Conservation Plan was submitted for review on August 31, 2016 (Attachment B). The Subject Property contains approximately 2.1 acres of existing forest that is protected along with the onsite stream, wetlands and stream buffer, by an existing Category I conservation easement. There is no disturbance proposed within the forest and there is no forest planting required to expand the parking facility for this Application. Approval of the Forest Conservation Plan, as conditioned, will require that a fence be erected along the northern perimeter of the conservation easement where it abuts the proposed parking lot. In addition, signs identifying the limits of the conservation easement will be installed along the perimeter of the conservation easement, with the exception of the eastern side where it abuts an existing, offsite conservation easement.

ANALYSIS AND FINDINGS

1. The Application satisfies all the applicable requirements of the Montgomery County Code Chapter 19 for Water Quality Reviews in Special Protection Areas and Montgomery County Code Chapter 59 for the Upper Paint Branch Overlay Zone.

Special Protection Area Preliminary/Final Water Quality Plan
As part of the requirements of the Special Protection Area Law, a Special Protection Area Water Quality Plan must be reviewed in conjunction with this project’s request for a sediment control permit. Under the provision of the law, MCDPS, the Planning Board, and the Montgomery County Department of Environmental Protection (MCDEP) have different responsibilities in the review of a Water Quality Plan. MCDEP may require payment by the Applicant for the Special Protection Area monitoring and/or Best Management Practices monitoring fees. MCDPS has reviewed and conditionally approved the elements of the Preliminary/Final Water Quality Plan under its purview as outlined in a letter dated August 8, 2016 (Attachment C). As part of this Application, the Planning Board...
Board’s responsibility is to determine if stream buffer protection, SPA forest conservation and planting requirements, and site imperviousness limits have been satisfied.

Planning Board Special Protection Area Review Elements

Stream Buffer Protection
Approximately 1.5 acres of the Property is located within the stream buffer, which includes an existing onsite stream and associated wetlands. The entire stream buffer is protected in an existing Category I conservation easement.

Forest Conservation and Planting Requirements
This Property meets all applicable requirements of Chapter 22A of the County Code. All of the existing forest on the Property is protected in a Category I conservation easement. The stream buffer is currently vegetated with tree and forest cover, and there are no additional forest planting requirements.

Imperviousness
Impervious surface restrictions for development projects in the Upper Paint Branch Special Protection Area (SPA) are set forth in the Overlay Zone for the Upper Paint Branch SPA. As per Chapter 59, Section 4.9.18, the imperviousness for the Application may not exceed 8.0 percent. This Property originally obtained approval of a Preliminary/Final Water Quality Plan in 2006 when the impervious surface limit was 10.0 percent. At that time, the Applicant entered into an Impervious Surface Agreement with the Planning Board limiting their impervious surfaces to 10.0 percent. As previously mentioned, the parking provided under that original approval has proved to be inadequate to meet the needs of the congregation and parking was occurring outside of the previously approved impervious areas. This Application proposes to amend the Preliminary/Final Water Quality Plan to allow the construction of an additional parking lot, requiring 31,193 square feet of additional impervious surfaces on the Property to alleviate the existing parking shortage. The Application results in a total of 54,193 square feet of impervious surface, or 23.6 percent of the 5.28-acre Property.

The Applicant will enter into a new Impervious Surface Agreement with the Planning Board limiting their impervious surfaces to 24.0 percent. The Applicant proposes mitigation for the additional onsite impervious surfaces by removing an equal amount of impervious surface from another property located within the Upper Paint Branch SPA and Overlay Zone. This mitigation approach is similar to what has been allowed for other institutional uses such as Montgomery County Public Schools.

Montgomery County Department of Permitting Service Special Protection Area Review Elements
MCDPS has reviewed and conditionally approved the elements of the SPA Final Water Quality Plan under its purview (Attachment C). These elements include site performance goals, stormwater management, sediment and erosion control, and monitoring of Best Management Practices.

- Site Performance Goals
  As part of the Water Quality Plan, the following performance goals were established for the site: minimize storm flow runoff increases and sediment loading.

- Stormwater Management Concept
  The approved stormwater management concept plan utilizes pervious pavement to meet required stormwater management goals for the parking lot addition.
- **Sediment and Erosion Control**  
  A detailed sediment control plan must be submitted and the existing infiltration trench on site must be protected from sediment contamination during construction.

  Staff finds that the Preliminary/Final Water Quality Plan as amended satisfactorily protects the stream buffer on the Property, satisfies the SPA forest conservation and planting requirements, and meets the imperviousness limits established in the Upper Paint Branch SPA.

2. **The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code Chapter 22A.**

**Forest Conservation**

**Natural Resource Inventory/Forest Stand Delineation**  
A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420161200 was approved for the Property on April 26, 2016. The NRI/FSD identifies the environmental features and forest resources on the Property. A stream, wetlands, and associated stream buffer lie in the southern portion of the Property. The approximately 1.5-acre stream buffer includes some forest and tree cover. The stream buffer and all of the forest is protected in an existing Category I conservation easement. There are sixteen trees greater than or equal to 24” Diameter at Breast Height (DBH), four of which are 30” DBH and greater.

**Preliminary/Final Forest Conservation Plan**  
The Application meets the requirements of Chapter 22A of the Montgomery County Forest Conservation Law. A Forest Conservation Plan (FCP) (Attachment B) was submitted as required with the review process for a sediment control permit. There are approximately 2.0 acres of forest on the Property currently protected in a Category I conservation easement. The Application proposes to retain all of the forest and there are no impacts proposed to any trees 24” DBH and greater, therefore, no tree variance is required. The Applicant will install permanent fencing along the northern limit of the conservation easement where it abuts the proposed parking lot and permanent signs along the southern and western limits of the easement. The eastern side of the conservation easement is adjacent to an offsite conservation easement.

**CONCLUSION**

The proposed Preliminary/Final Water Quality Plan Amendment and Preliminary/Final Forest Conservation Plan meet all requirements established in the Montgomery County Code. Therefore, approval of the Applications with the conditions specified herein is recommended.

**ATTACHMENTS**

Attachment A – Impervious Surface Exhibit – Preliminary/Final WQP Amendment  
Attachment B – Preliminary/Final Forest Conservation Plan  
Attachment C – MCDPS Preliminary/Final WQP Approval Memo, August 8, 2016
NOTE:
Previously approved plan #220081410. Includes a Forest Conservation Exemption and Tree Save Plan with Impervious Surface Exhibit and Calculations. This plan has been used as attachment for the previously approved Compliance Agreement.

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August 8, 2016

Mr. Rafik Bazikian, PE
Bazikian Civil, LLC
P.O. Box 100
Saint Michaels, Maryland 21663

Re: COMBINED PRELIMINARY/FINAL WATER QUALITY PLAN Request for Islamic Society of the Washington Area
SM File #: 281924
Tract Size/Zone: 5.28 acres/RE-1
Total Concept Area: 5.28 acres
Lots/Block: Not Provided
Parcel(s): Not Provided
Watershed: Upper Paint Branch SPA

Dear Bazikian:

Based on a review by the Department of Permitting Services Review Staff, the Combined Preliminary/Final Water Quality Plan for the above mentioned site is acceptable. The plan proposes to meet required stormwater management goals for the parking lot addition via the use of pervious pavement.

The following conditions will need to be addressed during the final stormwater management design plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. The existing infiltration trench on site must be protected from sediment contamination at all times during construction.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

This list may not be all-inclusive and may change based on available information at the time.

The performance goals that were established at the pre-application meeting are to be met through the implementation of the Preliminary/Final Water Quality Plan. They are as follows:

1. Minimize storm flow run off increases.
2. Minimize sediment loading.
Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is **not required**. Payment of the Special Protection Area Stream monitoring and/or the BMP monitoring fees may be required, and will be determined prior to issuance of the sediment control permit.

This letter must appear on the final stormwater management design plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. 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.

Sincerely,

Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: Img

cc: C. Conlon
SM File # 281924

| ESD Acres  | 1.0 |
| STRUCTURAL Acres | 1.0 existing |
| WAIVED Acres  | 0 |