

To: Town Council

From: Land Use Committee

RE: Comments and recommendations on proposed dog exercise area

Date: July 5, 2018

At the May Council meeting, a group of residents asked the Town to study the feasibility of locating a dog exercise area within the Town and presented a petition with over 300 signatures in support of creation of such an area. The residents estimate the number of dogs in the Town to be around 600 and cited the benefits of dog exercise areas and the dearth of such areas in the vicinity of the Town. They would like to see creation of a fenced area which during restricted hours would be used as an off-leash dog exercise area and at other times would be used as a multi-use recreational area. Currently, the tennis courts at the Lawton Center and the Chevy Chase Elementary School grounds are used by some dog owners to exercise their dogs off-leash. The Town Council asked the Land Use Committee to study installation of a dog exercise area within the Town.

County Regulations for Dog Exercise Areas

In July, 2017, the Montgomery County Council changed the County code (Chapter 5, Section 5-101) to allow a dog to be off leash in an area that a municipality has identified as a dog exercise area.

Local Dog Parks and Dog Exercise Areas

According to the April 16, 2014 memorandum submitted to the Montgomery County Planning Board, about the County's proposed Ellsworth Urban Dog Park:

“About 40 dog parks are located in the D.C. metropolitan area. The majority are in residential neighborhoods where they are often located alongside fields, playgrounds and other community park facilities. Dog park amenities usually include fencing, trash cans and water fountains, bulletin boards, open shelters, benches, bag dispensers for dog wastes, and posted rules.”

The memo notes that nationally, dog parks “are located on a variety of terrains: from small neighborhood parks to portions of large regional parks to natural wilderness areas, trails and portions of beaches, lakes, rivers, and other bodies of water.»

Montgomery County recently opened the Ellsworth Urban Dog Park in Ellsworth Urban Park in Silver Spring (the County's first dog park inside the beltway). The dog park consists of two enclosed areas: a “passive” area of approximately 3,000 square feet for small, timid, or infirm dogs and an “active”



area of approximately 17,000 square feet for healthy, well-socialized dogs. Both areas are surrounded by a 5-foot fence, mostly surfaced with bark chips, and include a drinking fountain, artificial turf play mound, benches, shade structure, trash cans, and a variety of surfacing materials. A bioretention swale parallels the base of the dog park along its northern perimeter fence to hold and

treat the runoff from the park. The dog park was located in an under-utilized part of Ellsworth Park. The cost of removing existing structures, surfaces, and vegetation and installation of the dog park was estimated at \$225,000 in the proposal submitted to the Planning Board.

Chevy Chase Section 3's 10,000 square foot Gazebo park is designated as a dog exercise area for 1 ½ hours during the morning and evening. During those hours, dogs are allowed to be off leash within



the park. Gazebo park is sodded, has a gazebo in the corner, and is surrounded by a 4-foot wooden picket fence with two entrance gates. Section 3 resods the area twice a year at a cost of about \$25,000. The resodding is necessary because of damage to the grass caused by dogs running about (especially after it has rained) and digging. There are no lights, but there is an irrigation system. The dog area has been operational for more than ten years without complaint, although the park is very close to homes. Section 3 has not found non-residents using the park to be a problem, but it is not particularly visible to nonresidents and parking is problematic. Town Manager Andy Leon Harney stated that about 8 to 10 people use the park at any one time, that dog owners do not always abide by the posted hours, and that they are not particularly good about picking up their dog's feces. Nonetheless she is enthusiastic about the park and its use as a dog exercise area, stating that : "So many people have become good friends as a result of the interchange at the park." Section 3 residents do use the park for picnics and play during non-dog hours.

Chevy Chase Village is completing renovation of their half-acre Brookville Park to include a dedicated dog exercise area. The dog exercise area is surfaced with crushed stone dust over gravel, surrounded



by a 5-foot post and wire fence, and has a double-gated vestibule entrance. Dogs will be allowed in the dog exercise area between 7 a.m. and sunset. Brookville Park does abut some residences. The Village's contract to renovate Brookville Park included design of the park, installation of paths, benches, and landscaping. In addition, a service driveway, new fencing and surface for the dog exercise area ran to about \$106,000 plus design fees.

Dog Exercise Area Size

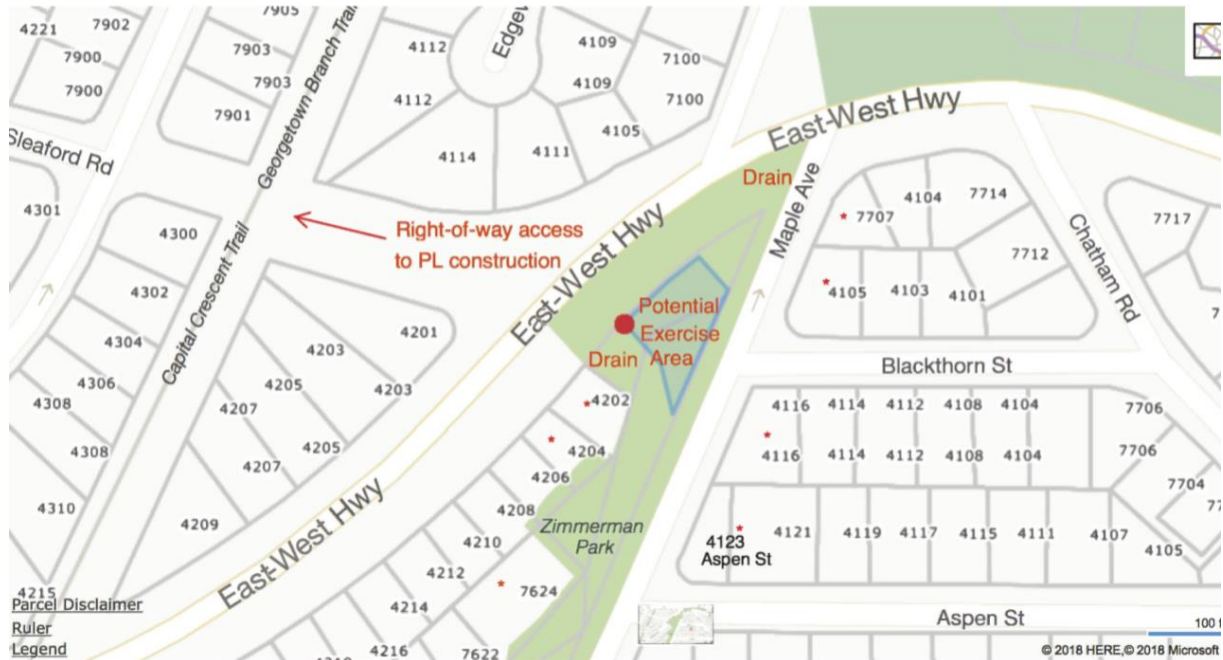
There is no standard or ideal size for a dog park/dog exercise area. According to the April 16, 2014 Memorandum to the County Planning Board regarding the County's Ellsworth Urban Dog Park, "Nationally, dog parks range from about 5,000 square feet to 70 acres in size" .

Large active dogs benefit from larger areas than small, old, or infirm dogs and puppies. The two Lawton Center tennis courts used by some residents as an unofficial off-leash dog exercise area comprise a total of 5,616 square feet. Town residents who proposed the establishment of a dog

exercise area within Zimmerman Park estimate that there is room for an area of up to 7,000 square feet (LUC did not attempt to confirm this).

Location of a Dog Exercise Area within the Town

The north end of Zimmerman Park was identified as the only area within the Town that is large enough for a dog exercise area. The map below was drawn by the Town residents proposing the Zimmerman Park dog exercise area and is simply meant to illustrate the concept of such an area.



In its current form, Zimmerman Park is under-utilized. Use of the norther portion of it as a dog exercise area will not reduce actively-used park space within the Town; rather it likely will result in more resident use of this portion of Zimmerman Park. Also proposed for Zimmerman Park is a Sustainable Garden in honor of Lee Dennison. With the Lynn Path no longer available, a sidewalk across the park (between the proposed garden and the proposed dog exercise area) leading to stairs up to the East-West Highway sidewalk is also under consideration to assist B-CC students and residents walking to downtown Bethesda. An informal path already exists. These three uses should complement each other and serve to make the park a more inviting area for residents.

Coquelin Run runs under Zimmerman Park in a 60-inch diameter concrete storm drain pipe with several inlets in the park. The downgradient inlet to this pipe nearest the proposed dog exercise area location is about 100 feet northeast, approaching the intersection of East-West Highway and Maple. A very large downgradient inlet, including an area conveying the stormwater flowing down Maple and the box culvert taking Coquelin Run under East-West Highway, is further away from the dog park location directly at the intersection between East-West and Maple. Both of these downgradient inlets are far enough from the dog park location so that runoff from the dog park seems unlikely to reach them, but this should be confirmed by an expert and could become more of an issue if the dog park area becomes compacted and percs less well over time. Designers of dog parks elsewhere in the country have advised maintaining a vegetated buffer between the dog park and surface waters, with the recommended buffer width varying between 30 and 100 feet. Our potential location would appear to meet this criterion.

There are other inlets to the Coquelin Run storm drain and to a storm drain running downhill along the south side of East-West Highway that are closer to the proposed location of the dog park, but

these other inlets all appear to be up-gradient and hence would not expect to receive runoff from the dog park.

We assume that the Coquelin Run storm drain pipe is structurally sound and cannot receive inflow from points other than the designed inlets, and thus water percolating or draining directly downward from the dog park would also likely not reach Coquelin Run.

In sum, water falling on the dog park or reaching the dog park as runoff from elsewhere seems unlikely to carry pollutants from the dog park to Coquelin Run.

At present, the soils in the potential dog park portion of Zimmerman Park appear to perc well despite this area's low elevation. The great majority of rainfall or runoff to the dog park area appears to infiltrate downward into the soil below reasonably rapidly with little surface runoff and little ponding or pooling. By our observation the grassy area where the dog park could be was not soggy after one of the recent heavy rains, though the owner of the home immediately upslope of the dog park area reports that the area does become wet enough after some rains that her dog returns home quite muddy after playing there. The soil in dog areas tends to become compacted over time due to dog and human traffic and sometimes due to management of the dog park surface (e.g., equipment used to maintain or replace the surface), in which case it will not perc as well. This compaction and the media used to surface the dog exercise area may reduce the rate of percolation and increase the quantity of stormwater that runs-off from the dog exercise area and could result in the dog park itself being wet, in wet areas below the dog exercise area, and/or in pollutant runoff the Coquelin Run. We need to have an expert assess the ability of the dog park area to perc and drain both now and in the future.

Water Quality Concerns

Dave Walton spoke with Dominic Quattrocchi, a planner in the Montgomery Parks department, about Park and Planning's dog park design requirements related to pollutant runoff. Mr. Quattrocchi indicated that the County does not have any special requirements for dog parks because it has not found that runoff from dog parks leads to significant increases in pollutants in waterways. He noted, however, that the County has installed bioretention systems at the downgradient edge of all dog park areas to catch pollutants and minimize runoff into storm drains or directly into surface waters. LUC has tried unsuccessfully to reach Mr. Quattrocchi with a few follow-up questions, most notably whether the County's policy of installing bioretention systems for dog parks is due to concern specifically for the potential adverse water quality impacts of dog parks or is more generally a function of the County's desire at all County facilities to keep more storm water on site.

Although it is unlikely that stormwater run-off from the dog exercise area would be able to enter Coquelin Run (see above), the Town may wish to install a bioretention swale along the low end of the dog exercise area to catch and filter the run-off. It is common to install bio-filters or vegetated swales at the low edge of a dog area to catch run-off, so that pollutants, particularly bacteria which is the primary problem with dog areas, can be filtered and contained.

Dog parks have been found in some instances (most notably locally along Four Mile Run in Arlington, VA) to be significant contributors to degraded surface water quality. In general, adverse water quality impacts can be avoided if: 1) The dog park is sited appropriately; 2) There is adequate buffer area between the dog park and storm drains and surface waters; 3) Runoff from the dog park is prevented from reaching storm drains and surface waters; 4) The dog park is managed appropriately, meaning a) the dog waste is picked up consistently and disposed properly and b) saturated conditions and pooling of water occurs within the dog park only at locations where that is intended to occur.

Parking

Zimmerman Park's location on the northern edge of Town is relatively far from many Town residences. Therefore, it is likely that many Town residents would drive to the Park to use the dog exercise area and to visit the Sustainable Garden. Currently, parking is not allowed on the Zimmerman Park side of Maple Avenue. Permit parking is in place on Maple Avenue (except for one block) and the nearby streets. Thus, some provision for parking for visitors to Zimmerman Park will be needed.

Dog Exercise Area User Fees

The residents proposing establishment of the dog exercise area explored the idea of a voluntary annual contribution by dog owners: to defray the maintenance costs. They posted a single questionnaire on Town Neighbors listserv to gauge interest and had responses from 60 dog owners who expressed willingness to contribute \$50 a year. The choice of the media used to surface the dog exercise area likely will determine the need to pursue implementation of an annual user contribution/fee. If the dog exercise area is surfaced with grass with its annual maintenance cost of \$25,000, collection of contributions may be needed to help fund this; whereas, if it is surfaced with stone dust, contributions most likely will not be needed.

Screening from East-West Highway

Additional screening of the dog exercise area from East-West Highway is desirable. There are some mature trees and some evergreen shrubbery in place now, but more would be needed. The Town is working on a Memorandum of Understanding with the State Highway Administration to allow both installation of the stairs for the path and vegetation in the highway right-of-way. Additional evergreen vegetation along East-West Highway which could provide visual and noise screening would benefit Blackthorn and Maple Avenue residents.

Town Liability

The County and local municipalities with dog exercise areas all have statements posted notifying dog owners that they are legally and financially responsible for any damage or injury inflicted by their dogs. The Town's liability insurance would provide the Town with further coverage. The Town's insurance company does not require any special features be in place for the dog exercise area or stipulate specific rules for the area.

Montgomery County law requires dogs over four months old to be licensed with the County and to be current with vaccinations against the rabies virus. Rules for municipal dog exercise areas often reiterate these county regulations.

Miscellaneous

The fencing around the dog exercise area should be open so that views into the dog area are not obstructed. Open fencing also will ensure that views to and from the path (to East-West Highway) will be unobstructed.

There are pros and cons for each of the three surfacing materials used in local dog parks/exercise areas (grass, bark chips, crushed stone dust) and these will need to be carefully considered when deciding which to use..

While no lighting is proposed for the dog exercise area, lighting along the path and the stairs would be needed. The lighting could be motion-activated.

It may be desirable to install a sidewalk along Maple Avenue on the Zimmerman Park side of the street and to mark pedestrian crossings across Maple at Blackthorn and Aspen streets. To assist residents walking to Zimmerman Park from other parts of Town, provision of a sidewalk along the north side of Maple Avenue between Oakridge Lane and Lynn Drive should be considered.

It is important that dog fecal material be picked up and disposed of properly to minimize risk of dog-to-dog and dog-to-person disease transmission. Section 3 has found that not all dog owners pick up their dog's feces. Measures to keep the area clean must be considered.

Dog urine can damage trees and other vegetation due to its concentrated nitrogen. Location of the dog area will need to consider proximity to roots of vulnerable trees.

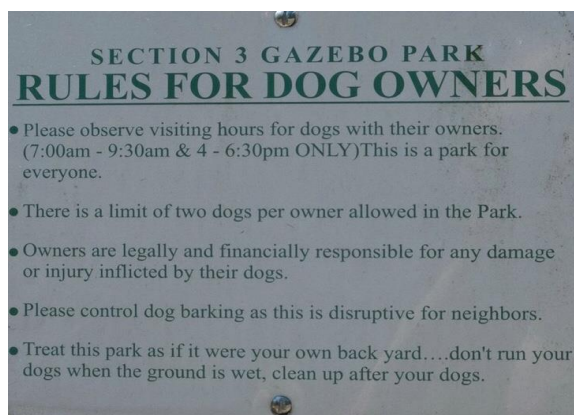
Will drinking water for dogs or people be provided near the dog exercise area? There are existing water sources in the park, one of them relatively close to the proposed location of the dog exercise area. Provision of water may lead to problems with water pooling and mud among other things. Most dog parks have a rule against grooming dogs (presumably including bathing them) at the dog exercise area.

The dog exercise area would be visible from East-West Highway which could attract a large number of non-Town residents, particularly given the concentration of apartments/condominiums in downtown Bethesda and the lack of park space (much less fenced dog exercise areas) in Bethesda. Section 3 places no restrictions on entry to Gazebo Park, though they do not have a problem with nonresident usage. The Village also has no restrictions on nonresident use of Brookville Park. Rockville and Gaithersburg recently lifted their resident-only requirement for access to their dog parks deciding that enforcement is expensive and unnecessary. The Town may wish to monitor usage to determine if access by non-residents is problematic.

A board for posting the dog exercise area usage rules will be needed. The Town may wish to use this board to post other Town information or event announcements.

Usage Rules

The rules governing use of the dog exercise area will need to be determined. Section 3 has a very short set of posted rules. Montgomery County has a longer list of rules and Chevy Chase Village rules incorporate most of the County rules plus a few additional rules.



Town Dog Exercise Area Committee

If the dog exercise area is established, it is recommended that the Town monitor its use closely for at least the first year of its existence to identify any problems with use or maintenance and to determine if there is a need to modify usage hours, the rules, and the maintenance schedule or type of maintenance. The Town should consider forming a committee for this purpose, consisting of interested dog owners and non-dog owners.