



**MEMORANDUM**

May 30, 2013

**TO:** Montgomery County Planning Board

**VIA:** Mary Bradford, Director of Parks *MBradford*  
 Mike Riley, Deputy Director of Parks *MR*  
 John E. Hench, Ph.D., Chief, Park Planning & Stewardship Division *JHench*  
 Mitra Pedoem, Chief, Park Development Division *MP FOR MP.*

**FROM:** Dominic Quattrocchi, Park Planning and Stewardship Division *DQ*  
 William E. Gries, Park Development Division *weg*  
 Brenda Sandberg, Legacy Open Space Program Manager *BS*

**SUBJECT:** Land Acquisition Recommendation, Legacy Open Space Program  
 Broad Run Stream Valley Park  
 David N. F. Fairbanks Living Trust Property (Fairbanks Property)  
 45.39 acres, more or less, unimproved

**STAFF RECOMMENDATION**

The staff recommendations with respect to the subject Fairbanks property are as follows:

- 1) Approve the designation of the 45.39 acre, unimproved Fairbanks property as a part of the Broad Run Stream System, a designated Natural Resource within the *Legacy Open Space Functional Master Plan* (2001).
- 2) Approve the resolution to acquire 45.39 acres of the Fairbanks property as an addition to the Broad Run Stream Valley Park for the negotiated purchase price of \$505,000.00 to be funded through the Legacy Open Space CIP.

Staff requests that the Board approve the acquisition of the subject property as conservation-oriented stream valley parkland. The Resolution is attached to this memorandum.

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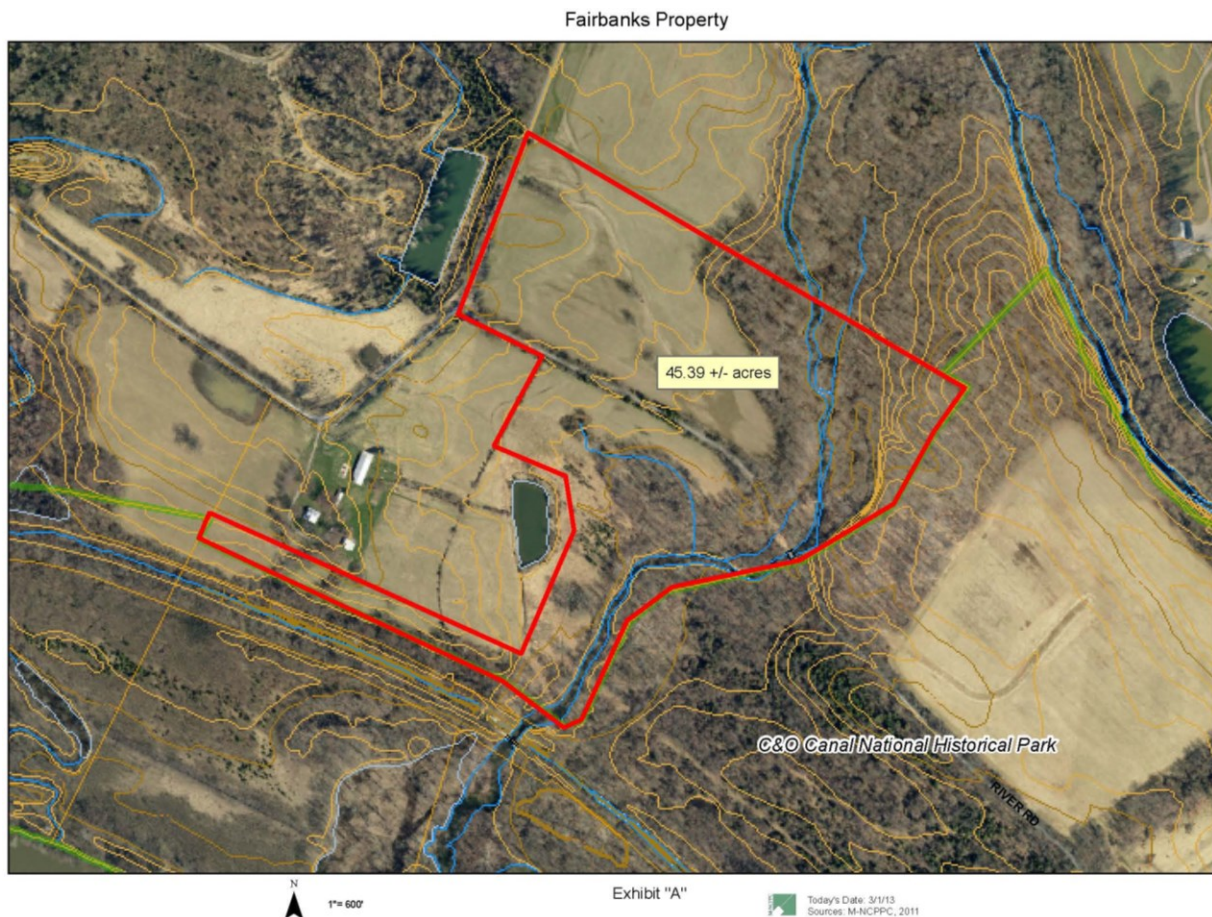
## BACKGROUND

### SITE DESCRIPTION

This property located at 23300 River Road is part of the Broad Run watershed and located in Montgomery County's Agricultural Reserve. The Fairbanks Property proposed for acquisition is a 45.39-acre portion of a larger 68-acre parcel owned by the Fairbanks Living Trust. The larger Fairbanks Living Trust parcel is bounded on the north by the 513-acre National Institutes of Health Animal Center, on the east and south by the C & O Canal National Historic Park (National Park Service), and on the west by private property (a separate parcel also owned by the Fairbanks Living Trust). The proposed 45.39 acre acquisition is outlined in red on Figure 1 below.

The Fairbanks Living Trust parcel is zoned RDT and is a working farm that includes a potentially historic house (circa 1900), a tenant house, outbuildings, active farmland, and a farm pond. The proposed Fairbanks Property acquisition excludes all of the structures and the farm pond, leaving in the Living Trust ownership a functioning small farm of approximately 20 acres. The 45.39 acres of the property that is proposed for acquisition includes nearly 20 acres of mature high quality riparian forest, approximately 20 acres of farm fields, streams and wetlands, and approximately 2500 linear feet of the mainstem of Broad Run. The proposed acquisition area also fronts the C&O Canal for 1500 linear feet.

**Figure 1: Fairbanks Property and Immediate Vicinity**



A 1600-foot linear section of unpaved River Road runs through the Fairbanks Property acquisition. This portion of River Road is designated as Exceptionally Rustic in the County's Rustic Roads Master Plan. A linear portion of the southern property boundary has a National Park Service (NPS) scenic easement running parallel to the C & O Canal.

Forest on the Fairbanks Property is dominated by mature, good quality mixed oak and hickory association with red and white oak, mockernut and pignut hickory representing dominant species (Figure 2). At least a century in age, these woods include a significant number of specimen trees with many commonly exceeding 30 inches in diameter at breast height (DBH). The direct connection of these woods to the mainstem of Broad Run as riparian forest, often on steep slopes, coupled with their adjacency to National Park Service Property (C&O Canal) produce a persuasive justification for parkland acquisition.

**Figure 2: Mature Woods and Steep Slopes**



**Figure 3: Broad Run Mainstem on Property**



Almost immediately upon leaving the Fairbanks Property, Broad Run flows under the nationally historic C&O Canal's Broad Run Trunk (Figure 4). The Broad Run Trunk was a wooden aqueduct built in the winter of 1856-1857 to replace a two- arch culvert destroyed by a flood in Broad Run earlier that year. The wooden trunk was set on stone abutments and is the only wooden aqueduct on the entire Chesapeake and Ohio Canal's 186 mile length.

**Figure 4: Broad Run Trunk, C&O Canal**



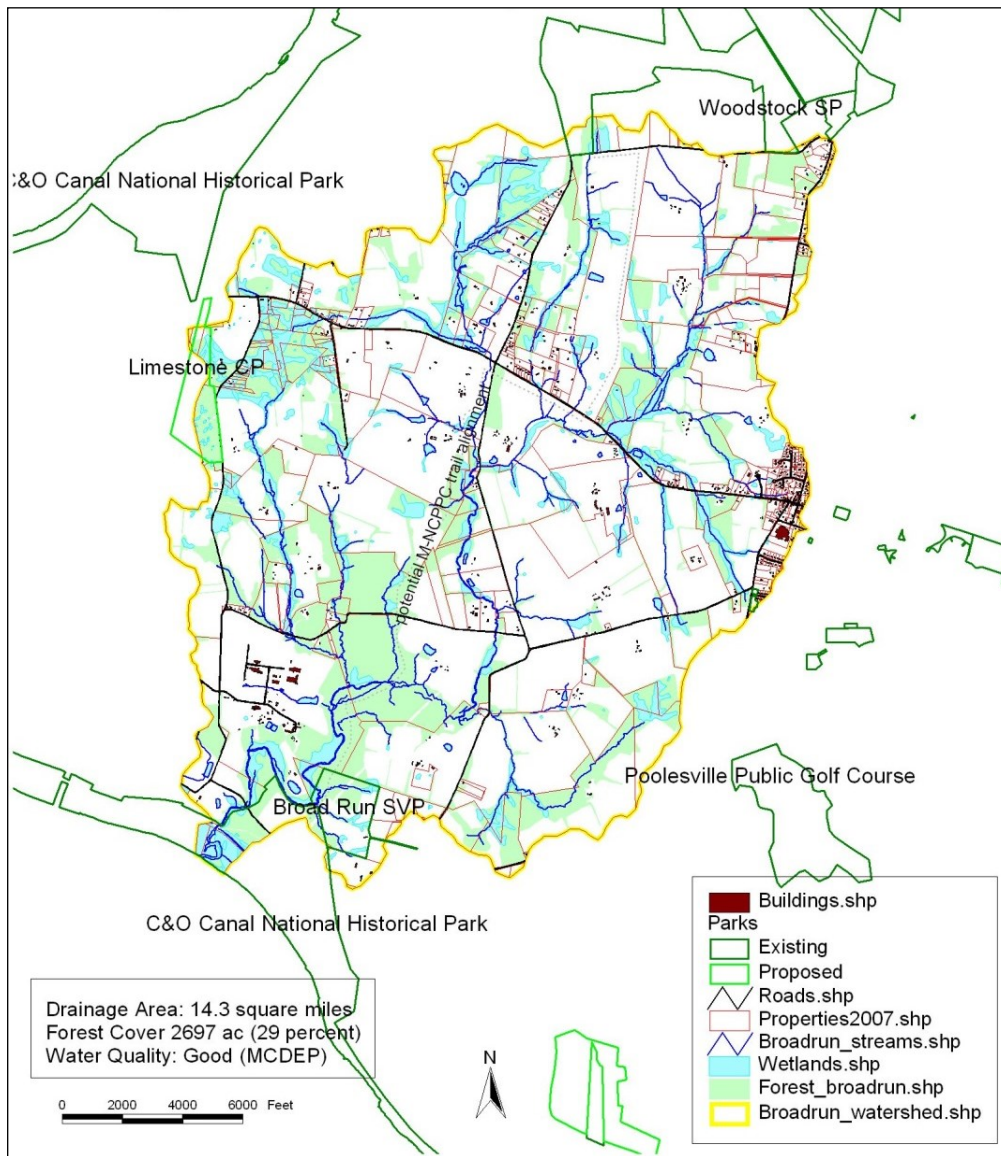
**Figures 5: Broad Run with Dr. David Fairbanks**



**BROAD RUN WATERSHED**

The Broad Run watershed (See Figure 6) is entirely within Montgomery County and represents an important aquatic and natural resource deserving of protection and enhancement. The Broad Run originates west of Poolesville near Wasche Road and West Hunter Road. Flowing south toward the Potomac River, the Broad Run passes through a part of Montgomery County that has changed little in 100 years. The watershed is characterized by rolling topography, prominent red Triassic sandstone, good water quality, and areas of exceptional natural resources. The Broad Run watershed is considered an important natural area in the County because of its unique geology and plant communities, overall rural character and high recreational value. These factors resulted in the entire watershed being identified in the *Legacy Open Space Functional Master Plan (2001)* as a Natural Resource site to be protected through a variety of tools, including park acquisition.

**Figure 6. Broad Run Watershed Extent**



The Commission currently owns and maintains one section of the Broad Run Stream Valley Park (SVP), a 106-acre parcel directly abutting the National Institutes of Health Animal Center (NIHAC) located upstream of the Fairbanks Property. The Broad Run SVP is envisioned long-term as contiguous stream valley park system from the C&O Canal near Edwards Ferry to the C&O Canal near Dickerson with a connection to Woodstock Special Park. This vision is dependent upon acquiring a key assemblage of properties. A key area of future assemblage is approximately 550 acres of mature forest, currently part of five separate properties near Club Hollow Road and the mainstem of Broad Run, including the Fairbanks Property. A public natural surface trail system is envisioned along the entire length of the future Broad Run Stream Valley Park.

## LEGACY OPEN SPACE CRITERIA ANALYSIS

The *Legacy Open Space Functional Master Plan* (2001) establishes a program to conserve the “most significant open space as a means of protecting the County’s environment, quality of life, and economic vitality” (p. 1). As noted above, the Broad Run watershed is designated in the original master plan as an exceptional Natural Resource deserving of further study and protection through a variety of tools (p. 39):

*Broad Run offers an opportunity to acquire headwaters of a major stream system that lies entirely on Triassic sedimentary bedrock derived soils. Limited inventories and measurement of Broad Run have revealed it to have good quality water and a diversity of aquatic life. Legacy Open Space is a good opportunity, therefore, to begin protecting property along this stream system.*

As a property that includes the mainstem of the Broad Run near its confluence with the Potomac River, the Fairbanks Property clearly meets Legacy Open Space Master Plan criteria as an exceptional Natural Resource. The Property meets six of the eight overall Legacy Criteria (p. 17), identified by underlining below:

1. The Resource has particular countywide, regional, or national significance in terms of (a) known or potential habitats for rare, threatened, or endangered species; (b) a “best example” of terrestrial or aquatic community; (c) unique or unusual ecological communities; (d) large, diverse areas with a variety of habitats; or (e) exceptional viewsscapes, architectural character, or historic association.
2. The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.
3. The Resource is part of a “critical mass” of like resources that perform an important environmental or heritage function.
4. The Resource makes a significant contribution to one or more heritage themes.
5. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
6. The Resource helps to buffer and thereby protect other significant resources.
7. The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.

8. The Resource provides a significant opportunity (a) to increase access to public open space in communities with high population densities, (b) to protect scarce open space in an urbanized community, (c) to improve the character of a green boulevard of countywide or regional significance, or (d) to provide for a new regional park facility.

More specifically, acquisition of the Fairbanks Property provides:

- Nearly 20 acres of high quality forest directly adjacent to a Parks designated “Best Natural Area” and existing National Park Service Property, contributing to a large area of diverse habitats;
- Protection of viewsapes to the historic C&O Canal, rural viewsapes unique to Montgomery County, and functioning agriculture through the reduction of one buildable TDR in an exceptional rustic location;
- Net benefits to the ecological functioning of Broad Run watershed by contributing to the “critical mass” of forest and open space, including maintaining habitat for Forest Interior Dwelling Species (FIDS) and forest buffers to the stream itself;
- Improved future public access including critical areas of alignment for the Broad Run and the future Broad Run Trail to provide ecological and human connectivity, plus increased opportunities for increased interpretation of natural and cultural resources in the area.

In summary, the Fairbanks Property is an important link in the Broad Run Stream Valley Park, representing an opportunity to increase the size of existing high quality Park forest adjacent to Broad Run and to secure in public ownership the southern “bookend” section of the Broad Run watershed. This is an opportunity for M-NCPPC acquire in the public trust high quality riparian forest and nearly 2500 linear feet of the mainstem of the Broad Run adjacent to its confluence with the Potomac River. The property clearly meets Legacy Open Space Master Plan criteria as an exceptional Natural Resource.

## **MASTER PLAN CONSISTENCY & OTHER POLICY SUPPORT**

### ***Rustic Roads Functional Master Plan (M-NCPPC, 1996)***

This Property is adjacent to an Exceptionally Rustic portion of River Road. Acquisition as parkland helps guarantee a rustic bucolic setting and eliminates subdivision potential that would impact the setting of this unique rustic road.

### ***Countywide Park Trails Plan (2008)***

The 2008 *Countywide Park Trails Plan* (CWPTP) does not include a recommendation for Broad Run. However, as part of the amendment to the CWPTP currently underway, the Parks Department is exploring ways to increase trails level of service in underserved areas of the county including the Agricultural Reserve. The CWPTP Amendment will identify the Woodstock Equestrian Park as a major destination to which multi-use natural surface trail connections are desired. The C&O Canal Towpath, to which the Broad Run Trail would connect, is an existing regional destination and Montgomery County’s most used trail. Natural surface trails along Broad Run are envisioned as a link between different destinations along the C&O Canal Towpath and Woodstock Equestrian Park.

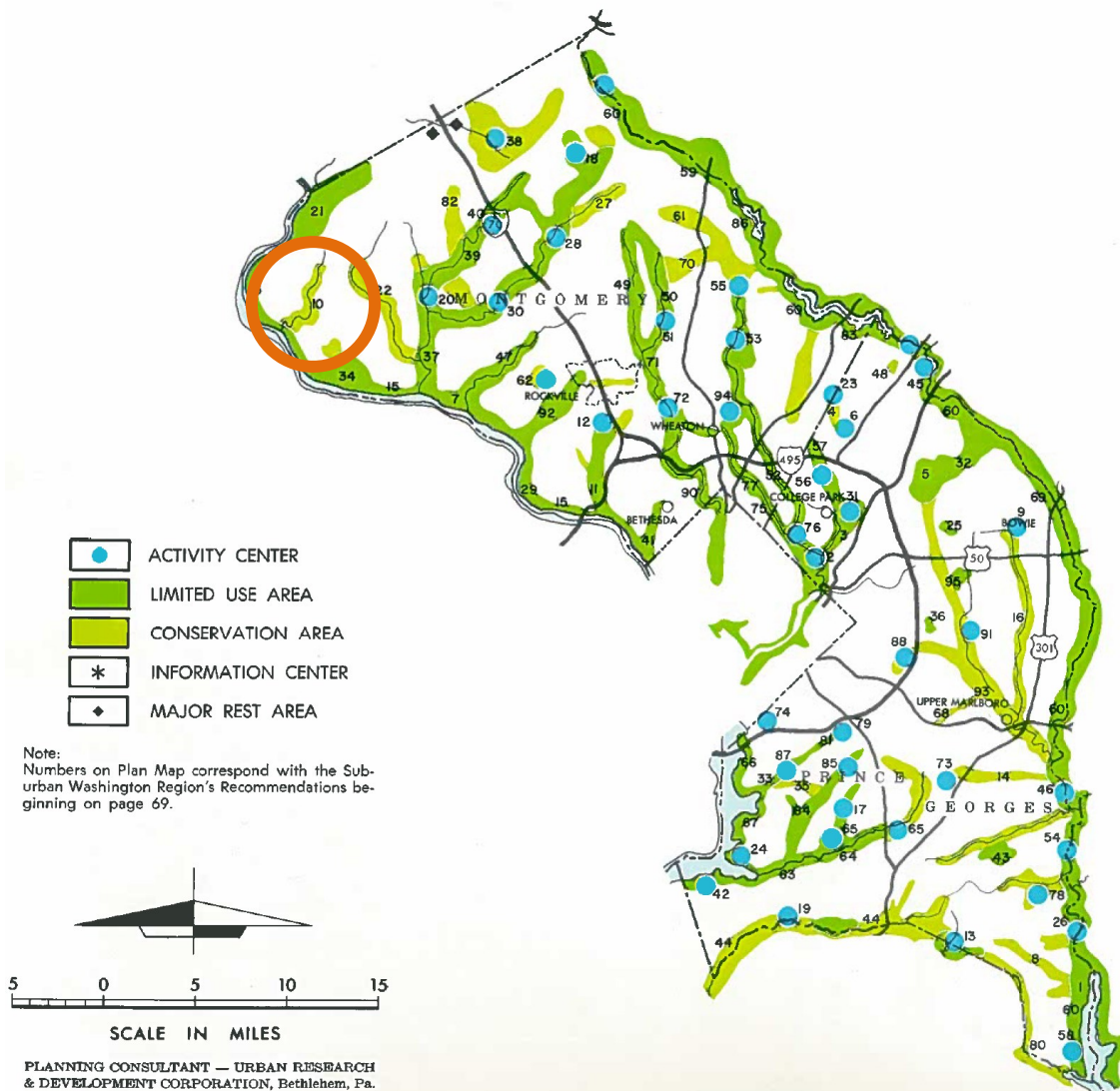
**Comprehensive Outdoor Recreation and Open Space Plan (Maryland Office of Planning, July 1971)**

The State of Maryland's Comprehensive Outdoor Recreation and Open Space Plan recognized the importance of this area for passive recreation and resource protection over 40 years ago, recommending this area (No. 10 on map inset) as a Natural area Park envisioned for public use for hiking and bird-watching.

**Figure 7: State of Maryland's Comprehensive Outdoor Recreation and Open Space Plan (1971)**

**COMPREHENSIVE OUTDOOR RECREATION AND OPEN SPACE PLAN**

Suburban Washington Region





**Agency and Citizen Support**

The Legacy Open Space Advisory Group and the Legacy Open Space Internal Implementation Team unanimously support designation of the Fairbanks Property as a Legacy Open Space Natural Resource and acquisition as parkland. This acquisition is further supported by management staff of the Department of Parks, Northern Parks managers and Area 3 Planning Department staff.

**PROPOSED USE OF THE PROPERTY**

The acquisition of the Fairbanks property is intended to protect and preserve a significant forest and hydrologic resource adjacent to existing parkland as an addition to Broad Run Stream Valley Park and provide for the future alignment of a natural surface trail system.

**OPERATING BUDGET IMPACT (OBI) ESTIMATE**

OBI for the management of this acquisition in both short and long term will be minimal. As conservation-oriented Stream Valley Park, the only anticipated improvements would be natural surface trails and an associated trailhead consisting of a small gravel parking area with a kiosk and signage. Initial OBI may include some minor expenses for posting the property and control of small amounts of Non-Native Invasive (NNI) plants where necessary.

The portions of the property that are currently farmed will be evaluated to determine if they are suitable for farming or if they should be returned to native meadow or forest habitat. M-NCPPC may enter into an agricultural lease agreement for those areas determined to be appropriate for farming.

cc:

John Nissel	Jim McMahon	Katherine Holt
Mike Horrigan	Kate Stookey	Megan Chung
Jim Humerick	Antonio DeVaul	Sean Dixon
Janis Thom	Callum Murray	



**MONTGOMERY COUNTY PLANNING BOARD**  
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MCPB  
13-99

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Maryland Code Annotated, Land Use §17-101 (formerly Article 28, Section 5-101 of the Annotated Code of Maryland) to acquire, develop, maintain and operate a public park system within the Maryland-Washington Metropolitan District; and

WHEREAS, Montgomery County, Maryland (the “County”), has appropriated certain funds from the County’s General Obligation Bond proceeds to fund the Commission’s Legacy Open Space Acquisition Program; and

WHEREAS, the Commission identifies properties that are eligible for acquisition with funds from the Legacy Open Space Acquisition Program and recommends that the County acquire such properties with such funds; and

WHEREAS, the David N. F. Fairbanks Living Trust (“the Trust”), owns certain property, identified as Tax Account #03-001-00033751, located in Poolesville, Maryland, containing a total of 68.36 acres, more or less, improved, of which 45.39 acres, more or less, unimproved, meets parkland acquisition criteria as a Non-Local Park suitable for acquisition as an addition to Broad Run Stream Valley Park which serves all of Montgomery County; and

WHEREAS, the Broad Run watershed was designated an exceptional Natural Resource deserving of further study and protection through a variety of tools by the Montgomery County Planning Board under the Legacy Open Space Functional Master Plan of 2001; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the 45.39 acres of unimproved property (the “Property”) from the Trust; and

WHEREAS, there are sufficient monies available in the Commission’s Legacy Open Space Acquisition Program CIP to pay for the acquisition of the Property.

NOW THEREFORE BE IT RESOLVED that the Montgomery County Planning Board hereby designates the Property as a Natural Resource Area within the Legacy Open Space Functional Master Plan of 2001; and

BE IT FURTHER RESOLVED that the Montgomery County Planning Board recommends that the County execute a Land Purchase Agreement, on such terms acceptable to Commission, to acquire the Property from the Trust using Legacy Open Space CIP funds, for a total purchase price of Five Hundred - Five Thousand Dollars (\$505,000.00) and other valuable consideration.

\* \* \* \* \*

This is to certify 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 \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, with Commissioners \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ voting in favor of the motion, at its regular meeting held on Thursday, June 6, 2013 in Silver Spring, Maryland.

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Françoise M. Carrier, Chair  
Montgomery County Planning Board