



MCPB Item # \_\_\_\_\_

May 21, 2015

**MEMORANDUM**

May 14, 2015

**TO:** Montgomery County Planning Board

**VIA:** Mike Riley, Director of Parks *MR*  
Mitra Pedoeem, Acting Deputy Director of Parks  
John Hench, Chief, Park Planning & Stewardship Division  
Michael Ma, Acting Chief, Park Development Division *mm*

**FROM:** Brenda Sandberg, Legacy Open Space Program Manager, PPSD *BBS*  
Dominic Quattrocchi, Planner Coordinator, PPSD *DQ*  
William E. Gries, Senior Land Acquisition Specialist, PDD *weg*  
Josh Kaye, Land Acquisition Specialist, PDD *jk*

**SUBJECT:** Land Acquisition Recommendation, Legacy Open Space Program  
North Branch Stream Valley Park, Unit 4  
The Oaks, LLC property (Oaks Property)  
17.01 acres, more or less, unimproved

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**STAFF RECOMMENDATION**

The staff recommendation with respect to the subject Oaks Property is as follows:

- 1) Approve the designation of the Oaks Property as a Natural Resource within the *Legacy Open Space Functional Master Plan (2001)*.
- 2) Approve the attached Resolution to acquire the Oaks Property (P.575, 17.01 acres) as an addition to the North Branch Stream Valley Park, Unit 4, for the negotiated purchase price of \$724,000 to be funded through the Legacy Open Space CIP with County G.O. Bonds.



Vicinity of Oaks Property,  
North Branch Stream  
Valley Park

Figure 1: Location Map with Nearby Parks



## SITE DESCRIPTION

The Parks Department has an opportunity with the acquisition of the Oaks property to add important headwater resources to the existing North Branch Stream Valley Park and to provide more options for resource-based recreation and trails in the Rock Creek-North Branch trail system. Staff has negotiated a contract to acquire the 17.01-acre Oaks Property (P. 575, outlined in green in Figures 1 & 2). The Property (zoned RE-1) is located in the upper reaches of the Rock Creek watershed situated between existing North Branch Stream Valley Park, Unit 4, and Olney-Laytonsville Road (Route 108) just east of Muncaster Road. The site is also in close proximity to and provides connectivity between Mount Zion Local Park, Upper Rock Creek Local Park, and Rock Creek Stream Valley Park.

Significantly, the Oaks property is located in the ultimate headwaters of the North Branch of Rock Creek watershed in a designated Special Protection Area (SPA; see description below). The proposed acquisition area consists of open fields (around 10 acres) alongside 7 acres of forest and wetlands adjacent to a first order headwaters stream. Forest on the Oaks Property includes mature, good quality mixed oak and hickory with a good quality native understory, areas dominated by maturing tulip tree forest with a mixed oak component, and other areas with a young tulip tree-red maple forest. Much of the forest acreage is also non-tidal wetlands, increasing the importance of the entire parcel to the water quality of the North Branch.

Future residential development of an adjacent property that will remain in the ownership of The Oaks LLC (P.870, 28.66 acres, blue outline in Figures 1 & 2) should result in dedication to Parks of approximately 15 additional acres (yellow outline in Figure 2) of high quality wetlands and buffer along another first-order headwaters stream, resulting in a total of around 32 acres of The Oaks LLC properties protected as conservation-oriented stream valley parkland. Staff believes this balanced approach to protecting the important water quality resources on the properties provides the best balance of environmental benefit to the watershed and recreation benefit to the public while minimizing expenditure of acquisition dollars.

**Figure 2: Aerial Photo with Acquisition Area (P.575) and Potential Future Dedication Area (on P.870)**

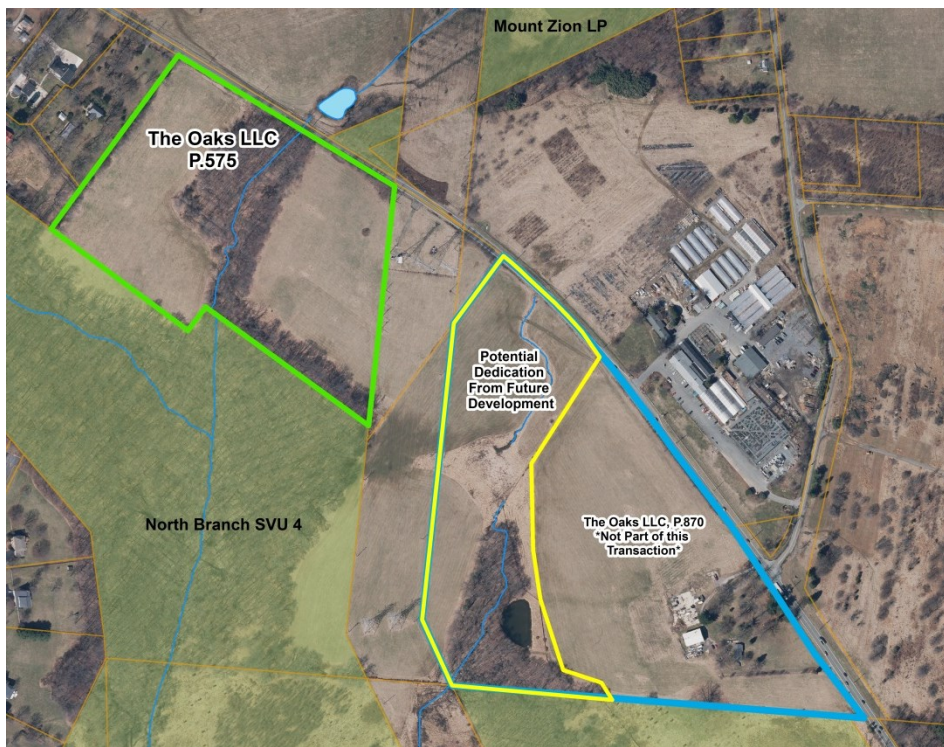


Figure 3: Pictometry Oblique View of Oaks Property



## 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). The Oaks property provides an opportunity to conserve critical portions of the ultimate headwaters of the North Branch of Rock Creek, thus meeting the Legacy Open Space Master Plan criteria as an exceptional Natural Resource. The Property meets four 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 views, 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 Oaks Property provides the following key benefits:

- **Conserving nearly 7 acres of quality forest and wetlands** directly adjacent to existing parkland, contributing to a large area of diverse habitats across the entire North Branch & Rock Creek watersheds.
- Providing **water quality protection to the Rock Creek SPA** in the North Branch watershed by contributing to the “critical mass” of forest and undeveloped open space in the ultimate headwaters.
- Creating **better public access and trail alignments** to provide human connectivity between area parks, including helping to resolve a trail connection pinchpoint.
- Providing **opportunities for increased interpretation** of natural and cultural resources in the area.
- Providing a **suitable location for future reforestation or wetland creation** to further improve watershed quality over time.

In summary, the Oaks Property is an important link in the very upper reaches of the North Branch and represents a key opportunity to increase water quality protection and public access to resource-based recreation.

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

### ***SPA Designation, Upper Rock Creek Area Master Plan, 2004***

This acquisition is strongly supported by the overall environmental focus and specific recommendations throughout the *Upper Rock Creek Area Master Plan*. The Upper Rock Creek watershed, including this area of the North Branch, was designated as a Special Protection Area (SPA) in the Master Plan to protect the “high quality and unusually sensitive” (p. 46) forest, streams, and wetlands from the impacts of proposed residential development. The purchase of this undeveloped property is a significant opportunity to provide water quality protection in the ultimate headwaters of the SPA.

In addition the SPA designation, specific recommendations for the North Branch portion of the Master Plan area include:

- “Reduce potential imperviousness as much as possible while retaining large, contiguous areas in their natural undisturbed state” (p.51)
- Recommend additional properties “be added to the park system to provide buffers for these resources and areas for forest or wetland restoration” (p.84)

Acquisition of the Oaks Property assists in meeting the goals of the SPA designation and the specific recommendations by removing some potential imperviousness from developable land, preserving contiguous natural areas, adding the land to parks to buffer downstream resources, and creating areas for future forest or wetland restoration.

### ***Vision 2030 and 2012 PROS***

The Vision 2030 strategic plan (2011) and the 2012 PROS Plan both reflect findings that there is increased demand countywide for trails and resource-based recreation opportunities in the County. Both of these needs can be supported through acquisition of the Oaks Property.

### **Countywide Park Trails Plan, 2008**

This acquisition will help with the implementation of the *Countywide Park Trail Plan's* vision of a natural surface trail loop through the major parks in this area. As detailed in the *Upper Rock Creek Trail Corridor Plan* (2008), the recommended trail loop connects Lake Needwood, Lake Frank, the stream valley parks of Rock Creek and North Branch, and the as-yet developed Upper Rock Creek Local Park along Route 108. This property will provide acreage that will allow for a better alignment of the natural surface trail through an area with significant wetlands and other trail constraints, plus create the option of providing trailhead access in this area along Rt. 108.

In addition, this acquisition with significant frontage along Route 108 will allow the natural surface trails to connect directly to the future bike path along Rt. 108 between Olney and Laytonsville.

### **Agency and Citizen Support**

The Legacy Open Space Advisory Group and the Legacy Open Space Internal Implementation Team support acquisition of the Oaks Property to protect the sensitive resources of the North Branch and to provide additional resource-based recreation opportunities for the residents of north-central Montgomery County.

### **START-UP COSTS & OPERATING BUDGET IMPACT (OBI)**

Costs for the management of this acquisition in both short and long term is expected to be minimal and in line with other stream valley parkland acquisitions. Start-up costs to incorporate this parkland into the Stream Valley Park will fall into three categories that can be funded through existing CIP funds:

- 1) Park cleanup, security and signage: Removal of any fences or other unwanted debris, placing security gates at access points along public roads, and installing MNCPPC property signage. In addition, an existing concrete culvert in poor condition appears to need repair, replacement or removal and associated stream restoration work.
- 2) Non-Native Invasive removals: NNI work will be conducted when the parkland is first acquired, focusing on forest edges and former farm fields, to arrest any NNI populations.
- 3) Natural surface trails and trail access points: This parkland will include natural surface trails as one of its main features, and may be the preferred location for a gravel parking lot with kiosk and trail signage.

The Legacy Open Space PDF includes funds for "One-Time Costs" (usually \$250,000 per year) that will be more than adequate to cover start-up expenses in the first two categories above, and the final category will be funded through the Natural Surface Trails Implementation PDF.

Park operating expenses (OBI) for adding this relatively small acreage to an existing stream valley park also is expected to be minimal. Expenses would fall under three major categories: Park Operations, Park Police, and Natural Resource Management (deer and NNI control).

Attachment: Planning Board Resolution #15-56

cc: John Nissel  
Doug Ludwig  
Antonio DeVaul  
Kristi Williams  
Jim Poore  
Dave Vismara  
Megan Chung

MCPB  
15-56

**RESOLUTION**

WHEREAS, The Maryland-National Capital Park and Planning Commission (“Commission”) is authorized by Maryland Code Annotated, Land Use Article §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 Oak’s, LLC, owns certain property, identified as Tax Account #08-00710947, located at 5280 Olney-Laytonville Road, Olney, Maryland, 20832, in the Olney (8<sup>th</sup>) Election District, containing a total of 17.01 acres (“the Property”), more or less, unimproved, which meets parkland acquisition criteria as a Non-Local Park suitable for acquisition as an addition to North Branch Stream Valley Park, to protect important headwater resources of the Rock Creek Watershed Special Protection Area (SPA), and to provide more options for resource-based recreation and trails in the Rock Creek-North Branch trail system which will serve all of Montgomery County; and

WHEREAS, the Property meets the criteria defined in the Legacy Open Space Functional Master Plan of 2001 as a high quality natural resource deserving of protection through a variety of acquisition tools; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the Property from The Oak’s, LLC; 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 Oak’s, LLC using Legacy Open Space CIP funds, for a total

purchase price of Seven Hundred Twenty-Four Thousand Dollars (\$724,000) 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, May 21, 2015 in Silver Spring, Maryland.

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Casey Anderson, Chair  
Montgomery County Planning Board