



February 19, 2015

MEMORANDUM

February 12, 2015

TO: Montgomery County Planning Board

VIA: Mike Riley, Director of Parks *MGR*
John E. Hench, Ph.D., Chief, Park Planning & Stewardship Division *JHench*
Michael Ma, Acting Chief, Park Development Division

FROM: Dominic Quattrocchi, Park Planning and Stewardship Division *DQ*
William E. Gries, Park Development Division *weg*

SUBJECT: Land Acquisition Recommendation, Legacy Open Space Program
Patuxent River Watershed Conservation Park; Burtonsville, Maryland
Mangums Branch Property, 36.52 acres, more or less, unimproved

STAFF RECOMMENDATION

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

- Approve the attached Resolution to acquire +/- 36.52 acres of the Mangums Branch Property as an addition to Patuxent River Watershed Conservation Park for the negotiated price of (\$900,000.00) to be funded through the Legacy Open Space CIP with County G.O. Bonds.

Background

Mangums Branch contains 36.52 acres of forested land that was subdivided into four recorded lots and two parcels along the west side of Old Columbia Pike (15700-15800 block), opposite the largely vacant Burtonsville Crossing Shopping Center in the unincorporated Burtonsville area. Mangums Branch Subdivision was approved on 19OCT2007. Its current legal description is Mangums Branch Subdivision, Lots 1 through 4, Block A, as recorded in Plat 23727, and Mangums Branch Subdivision, Parcels A and B, Block A, as recorded in Plat 23728. Development of each lot is dependent upon the installation of private well and septic systems and driveway extensions from Old Columbia Pike. It is estimated development of these lots and supporting infrastructure would remove approximately 5 acres of mature forest. The remaining 24.52 acres, not part of the 4 recorded lots, are encumbered by a Category 1 Forest Conservation Easement. Parcel A is west of the 4 recorded lots. Parcel B contains no public frontage and is separated from the remainder of the Mangums Branch Subdivision by Pepco powerlines.

Both parcels and portions of the recorded lots are encumbered by floodplain, wetlands and steep slopes and are part of the Patuxent River Watershed Primary Management Area (PMA).

Forest on the Mangums Branch Property is dominated by mature, good quality mixed oak and hickory association with chestnut, red and white oak, mockernut and pignut hickory representing dominant species. 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 a mainstem tributary of the Patuxent River, the presence of riparian forest, often on steep slopes, the occurrence of large areas of wetland and wetland seeps and proximity to other sections of Patuxent River Watershed Conservation Park produce a persuasive justification for parkland acquisition.



Figure I: Mangums Branch Property (in red) and Immediate Vicinity

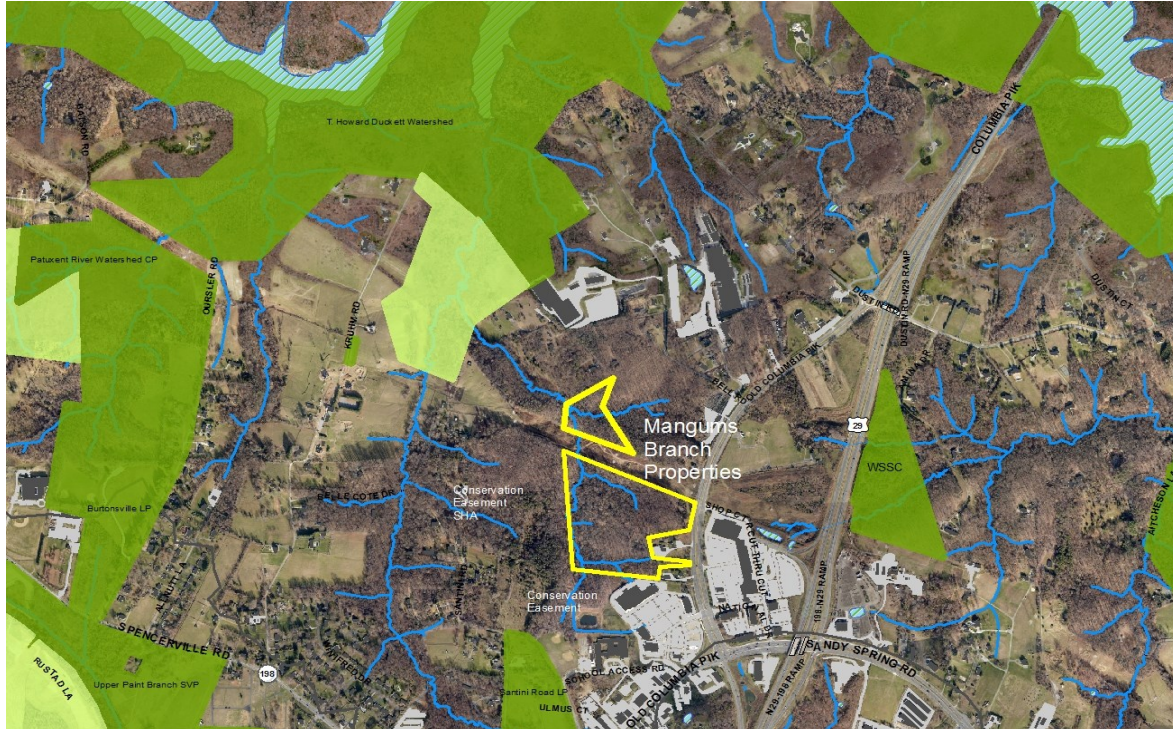


Figure II: Mangums Branch in Context with other Park Properties

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.” The Mangums Branch Property clearly meets Legacy Open Space Master Plan criteria as an exceptional resource under both the Water Supply and Natural Resources Category. 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 viewsapes, 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.
9. 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 viewscapes, architectural character, or historic association.
10. The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.
11. The Resource is part of a “critical mass” of like resources that perform an important environmental or heritage function.
12. The Resource makes a significant contribution to one or more heritage themes.
13. The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
14. The Resource helps to buffer and thereby protect other significant resources. The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.
15. 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 Mangums Property provides:

- More than 35 acres of high quality forest directly adjacent to other publicly owned or protected forests and hydrologically sensitive habitats. Mangums Branch, along with the Santini Properties (WSSC), the recently acquired Athey Property (Santini Road Local Park), adjacent Burtonsville Elementary School, and other adjacent forest in conservation easements, will represent a contiguous assemblage of public conservation land from the edge of Burtonsville to the Patuxent River in excess of 125 acres;



Figure III: Mangums Branch Woods

- Net benefits to the ecological functioning of the Patuxent Watershed by contributing to the “critical mass” of forest and open space, including maintaining water quality, habitat for Forest Interior Dwelling Species (FIDS) and forest buffers; forest preservation proximate to water supply reservoir areas is the best known land management technique for preserving and insuring water quality;
- Provides a destination area of large conserved public land with direct future access to Old Columbia Pike and the Burtonsville Town Center. The area will benefit current and future residents and office workers in Burtonsville. The site will provide resource based recreation for the planned villages of Burtonsville (residential/office mixed with retail) via a future natural surface trail network.

Legacy Open Space Water Supply Designation Criteria for Protection of Water Supply Resources includes the following:

- A. The property contains land in the Patuxent Primary Management Area (1/4 mile from the Patuxent mainstem and 1/6 mile from all tributaries).*
- B. Properties within priority subwatersheds identified by the Countywide Stream Protection Strategy, the Source Water Protection Program, or other studies indicating vulnerable areas.*
- C. Properties (preferably greater than 10 acres) or groups of properties containing or adjacent to streams and adjacent to parkland.*

Mangums Branch meets all three Water-Supply Criteria.

Impact of Development

If the four lot subdivision proceeds to building permit and construction, the development would have a disproportionately large environment impact for such a small number of units. This is in part due to the need for well and septic and road extension- all of which account for additional forest clearing beyond a typical single family home LOD. Proximity to the Rocky Gorge Reservoir (drinking water supply), resulting forest fragmentation of a High Priority Forest, direct adjacency to wetlands and a perennial stream and the potential runoff from constructed lots are important considerations.

MASTER PLAN CONSISTENCY & OTHER POLICY SUPPORT

Burtonsville Crossroads Neighborhood Plan (December 2012) and Legacy Open Space Master Plan (July 2001)

Mangums Branch was designated as a Legacy Open Space Water Supply Resource as part of the approval and adoption of the Burtonsville Crossroads Neighborhood Plan (December 2012). Implementation through acquisition as conservation parkland was the stated protection technique.

Rustic Roads Functional Master Plan (RRFMP, 1996)

This Property is proximate to a rustic portion of Santini and Kruhm Roads. Acquisition as parkland helps guarantee a rustic setting and eliminates subdivision that would impact the setting of these unique rustic roads.

Comprehensive Outdoor Recreation and Open Space Plan (Maryland Office of Planning 1977)
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 30 years ago, recommending this area as a Natural Area Park envisioned for public.

Agency and Citizen Support

WSSC supports Parks acquisition of the Mangums Branch Property, sighting proximity to the Rocky Gorge Reservoir, inclusion within the Patuxent Watershed Primary Management Area and concerns of existing runoff coming from the shopping center at the northwest corner of Rt. 29 and 198 (Conversation with Martin Chandler, WSSC, April 2012). WSSC acknowledged forest preservation in a priority subwatershed, proximate to reservoir areas as the best land management technique for preserving and insuring drinking water quality.

The Legacy Open Space Advisory Group and the LOS Implementation Team unanimously supported designation of the Mangums Branch Property as a Legacy Open Space Resource and acquisition as parkland. This acquisition is further supported by management staff of the Department of Parks, and Parks Region managers and Area 3 Planning Department staff.



Figure V: Two species of club moss in the Mangums Branch Forest- indicators of good quality forest.

PROPERTY VALUATION

A contract has been secured to acquire this 36.52 acre property for \$900,000.00.

PROPOSED USE OF THE PROPERTY

The acquisition of the Mangums Branch Property is intended to protect and preserve a significant forest and hydrologic resource and build upon prior acquisitions made as part of Patuxent River Watershed Conservation Park. In addition, acquisition of Mangums Branch is envisioned to facilitate future natural surface trail alignments for natural resourced based recreation, directly adjacent to the heart of the Burtonsville Town Center.



Figure IV: Royal Fern, NY Fern and other wetland plants in low lying areas of the Mangums Branch Property.

OPERATING BUDGET IMPACT (OBI) ESTIMATE

OBI for the management of this acquisition in both short and long term will be minimal. As conservation-oriented parkland, 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 cleanup, posting the property and control of small amounts of non-native invasive (NNI) plants where necessary.

In summary, the Mangums Property is an important natural resources link from the Burtonsville CBD to the Patuxent River, representing an opportunity to increase the size of existing high quality parkland forest and provide meaningful water quality protection of the nearby Rocky Gorge Reservoir. The property is master planned for acquisition as part of the approved and adopted Burtonsville Crossroad Master Plan (2012).

Attachment: 15-22 Resolution

cc: John Nissel
Mitra Pedeem
James Poore
Doug Ludwig
Brenda Sandberg
Kristi Williams
Antonio DeVaul
Kristin O'Conner
Mike Little
Megan Chung
David Vismara

MCPB
15-22

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, 15820 O.P., L.L.C. (“the L.L.C.”), owns certain property identified as Tax Account #05-03617435, Tax Account #05-03617446, Tax Account #05-03617457, and Tax Account #05-03617468 and Mangums Branch Homeowners Association, Inc. (“the HOA”) owns certain property identified as Tax Account #05-03617470 and Tax Account #05-03617481, all located in Burtonsville Maryland, containing a combined total of 36.52 acres, more or less, unimproved (collectively the “Property”), which meets parkland acquisition criteria as a Non-Local Park suitable for acquisition as an addition to the Patuxent River Watershed Conservation Park which will serve all of Montgomery County; and

WHEREAS, the Property was designated as a Legacy Open Space Water Supply Resource as part of the Burtonsville Crossroads Neighborhood Plan approved and adopted by the Montgomery County Planning Board in December of 2012; and

WHEREAS, the Montgomery County Planning Board on behalf of the Commission recommends that the County acquire the property from the L.L.C. and the HOA; 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 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 L.L.C. and the HOA using Legacy Open Space CIP funds, for a total purchase price of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) 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, February 19, 2015 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board