



MCPB Item # _____

July 30, 2015

MEMORANDUM

July 23, 2015

TO: Montgomery County Planning Board

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

FROM: Brenda Sandberg, Legacy Open Space Program Manager *BS*
 William E. Gries, Park Development Division *weg*
 Josh Kaye, Park Development Division *JK*

SUBJECT: Land Acquisition Recommendation, Legacy Open Space Program
 Upper Paint Branch Stream Valley Park
 Thao Thanh Bui Property, operating as Good Hope Gardens (Bui Property)
 6.0342 acres, more or less, improved

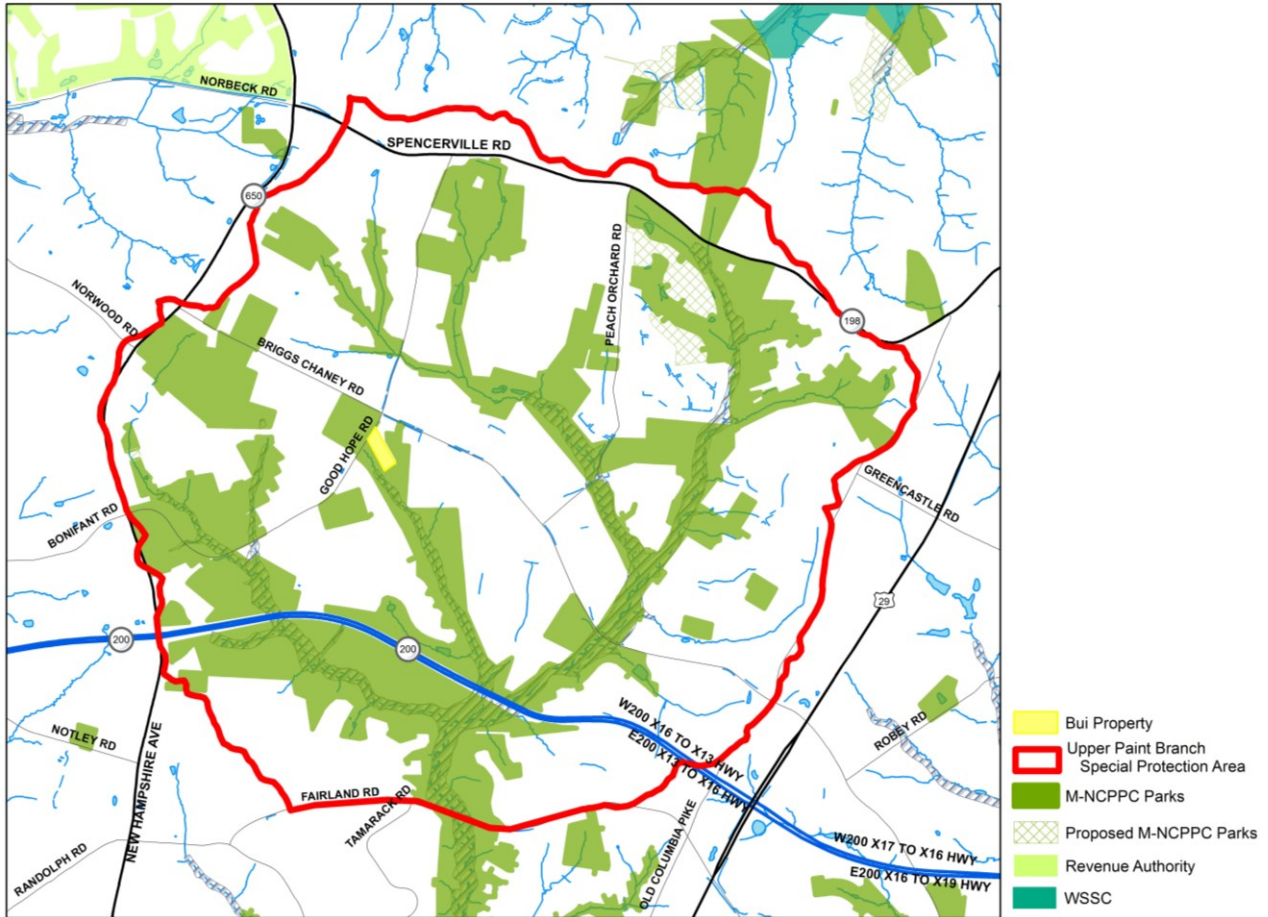
Staff Recommendation

Approve the attached Resolution to acquire the Bui property, 6.0342± acres, as an addition to the Upper Paint Branch Stream Valley Park for the negotiated purchase price of \$800,000.00 to be funded through the Legacy Open Space CIP with Park Bonds.

Site Description

The Bui property located at 14907 Good Hope Road is part of the Upper Paint Branch watershed in northeastern Montgomery County, a designated Special Protection Area under County law (see Figure 1). The site is located largely within the stream valley buffer and is at the headwaters of the Gum Springs tributary to the Upper Paint Branch. The property is immediately adjacent to forested Park property on two sides and is across Good Hope Road from park property as well. The property fronts to the northwest on Good Hope Road, and Murphy Lane, a 15' wide roadway, lies along the northeast border of the property. The surrounding stream valley parkland is identified as a Best Natural Area within the Park system.

Figure 1: Bui Property Location within Upper Paint Branch SPA and Parkland



The Bui Property (zoned RE-2C) is currently developed with a commercial garden center (Good Hope Gardens), consisting of several acres of impervious surfaces, a ca. 1947 Cape Cod single family house, and several outbuildings that serve the garden center (see Figure 2).

Figure 2: Photos of House and Garden Center



The site contains approximately three acres of forest, of which 1.64 acres is within a Forest Conservation Easement. Forest on the Bui Property is good to fair quality with moderate levels of invasive plant species.

The direct connection of these woods to the riparian forest and headwaters stream on the adjacent Park property, combined with the potential to remove significant acreage of impervious surfaces and remediate undesirable site conditions, produce a persuasive justification for parkland acquisition.

Figure 3: Photos of Garden Center Rear and Forest



Figure 4: Aerial Photo of Bui Property and Immediate Vicinity



Master Plan & Policy Support

Upper Paint Branch Preservation Efforts

The Upper Paint Branch SPA is a unique, fragile watershed that supports a naturally reproducing trout population in a developed down-county residential area, and has been the subject of a decades-long effort to preserve and improve the watershed. This protection effort has been supported by policies, programs and regulations at multiple levels of government, including several State and County agencies and many adopted plans and policies of the Planning Board. Protection efforts have also included acquisition of many forested and stream valley areas as parkland and removal of structures and impervious surfaces that are detrimental to the watershed's health.

Acquisitions that protect additional riparian forest and also provide for removal of impervious surfaces are supported by several studies that have come out of the overarching watershed protection effort, including the *Upper Paint Branch Watershed Planning Study* (October 1995) and the Final Report of the *Upper Paint Branch Technical Work Group* (June 2006). Thus, this acquisition contributes to the long-term effort to preserve and even improve this special watershed.

The primary importance of this property to the Upper Paint Branch SPA is that it is located at a critical location in the Gum Springs tributary. The Gum Springs tributary has numerous springs that provide cold clear water that supports the high quality watershed ecosystem, including providing for consistent and reliable trout spawning habitat. Brown trout are an indicator species that is very sensitive to pollution impacts, so the preservation of conditions that support trout result in preservation of an overall high quality ecosystem that support a large variety of flora and fauna in the area. The Bui property is one of the few remaining locations within Gum Springs or the entire Upper Paint Branch Best Natural Area that provides an opportunity to remove significant areas of impervious surfaces and restore the critical pervious forested condition that will maintain the cold springs and thus the high water quality of the watershed for decades to come.

Cloverly Master Plan

To support these overall efforts to preserve the Paint Branch, the Cloverly Master Plan adopted in 1997 generally recommends the acquisition of additional parkland for resource protection in the Upper Paint Branch watershed.

Legacy Open Space Functional Master Plan

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 Upper Paint Branch watershed was designated in the original master plan as an exceptional Natural Resource that should be supported through additional park acquisition via the Legacy Open Space (LOS) program, to continue the already significant protection efforts that had occurred prior to the LOS plan adoption in 2001. This property falls squarely in the recommendations of the LOS plan for additional opportunities to protect the Paint Branch watershed.

Property Valuation

A contract has been secured to acquire the 6.0342 acre, more or less, Bui Property for \$800,000 using Commission Bonds in the Legacy Open Space CIP.

Start-Up Costs & Operating Budget Impact (OBI)

Costs for the management of this acquisition in both short and long term will be on the higher end of the expected range due to the large portion of the property needing remediation and restoration to natural conditions. Start-up costs to add this property to the Stream Valley Park system will fall into two categories:

- 1) Site Cleanup: Demolition and removal of all structures and impervious surfaces
- 2) Natural Restoration: Reforestation of all remediated areas and Non-Native Invasive (NNI) control as necessary

Operating Budget Impact will fall into three primary categories: Park Operations, Park Police, and Natural Resource Management (deer and NNI control). After restoration of the site is complete, park operating expense for this relatively small 6-acre addition to the Upper Paint Branch Stream Valley Park are expected to be minimal.

Resource Management and Public Access

As discussed above, the Bui property is important to the Upper Paint Branch Stream Valley Park as a location for removal of conditions that degrade stream quality and restoration of natural conditions that will support the Parks' Best Natural Area and the high quality watershed. Park staff from across the Department (including park operations, property management, natural resource management, resource analysis/aquatics, etc.) will collaborate to plan and conduct the site cleanup and restoration to reach the desired long-range condition for this new parkland.

Public access is generally provided to Best Natural Areas and sensitive Stream Valley Parks through a natural surface trail system that allows for natural resource-based recreation. Numerous park studies and policies have identified the desire for more natural surface trails to provide citizens with access to natural areas for the health and wellness of residents of our communities, including *Vision 2030* (2010) and the *Parks Recreation and Open Space Plan* (PROS, 2012).

The Department of Parks has not planned and implemented a natural surface trail network in the Upper Paint Branch Stream Valley Park other than at Maydale Nature Center. Unpaved paths also exist in a few small neighborhood parks with the SPA. In order to improve public access to parks in this portion of Montgomery County, a Natural Surface Trail Plan for the Upper Paint Branch Stream Valley Park is proposed in the four-year work program of the Park & Trail Planning Section, Park Planning and Stewardship Division. That future trail plan will identify appropriate ways to establish natural surface trails that provide public access to and allow interpretation of this unique Best Natural Area while simultaneously protecting sensitive resources that make parkland in this area of the County especially worthwhile to visit and experience.

In summary, this proposed addition to the Upper Paint Branch Stream Valley Park is a unique opportunity to add parkland in this sensitive watershed and to restore previously degraded natural systems in a critical headwaters location within that watershed.

cc: John Nissel
Bill Tyler
Steve Chandlee
Tom Nelson
Kristi Williams
Antonio DeVaul
Jim Poore
Michelle Grace
David Vismara
Megan Chung
Shuchi Vera
Kip Reynolds
Brooke Farquhar
Chuck Kines

Attachment A: Planning Board Resolution 15-104

MCPB
15-104

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, the Montgomery County Planning Board received and considered a recommendation from staff of the Commission, in closed session on July 20, 2015, that it approve the acquisition of 6.0342 acres of land, more or less, improved, (the “Property”) from Thao Thanh Bui (“Bui”), located at 14907 Good Hope Road, Silver Spring, MD 20905, as an addition to Upper Paint Branch Stream Valley Park; and

WHEREAS, there are sufficient Commission bond funded Legacy Open Space (LOS) monies available in the Commission’s FY-16 Legacy Open Space Acquisition Program (CIP) to pay the \$800,000 negotiated purchase price for the Property; and

WHEREAS, the property meets parkland acquisition criteria as an addition to the Upper Paint branch Stream Valley Park;

NOW THEREFORE, BE IT RESOLVED, that the acquisition of the Property from Bui as described above, for a purchase price of \$800,000.00, in accordance with a proposed Land Purchase Agreement between the Commission and Bui, is hereby approved by the Montgomery County Planning Board on this 23rd day of July, 2015 and the Executive Director is authorized to execute said Agreement on behalf of The Maryland-National Capital Park and Planning Commission.

* * * * *

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, July 23, 2015 in Silver Spring, Maryland.

Casey Anderson, Chair
Montgomery County Planning Board