



MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Division Chief, Countywide Planning Division
John Hench, Supervisor, Park Planning and Resource Analysis

FROM: Brenda Sandberg, Legacy Open Space Program Manager

DATE: May 7, 2004

RE: Legacy Open Space Recommendations for New Sites and Reclassification of Class III sites: Recommend the addition of three sites to Legacy Open Space out of 13 sites studied

Recommended Action

Staff recommends that the Planning Board approve the addition of the following three sites to the Legacy Open Space program:

- Hyattstown lots, Frederick Road, Clarksburg (Heritage Resource, Class II)
- Cochran & Casey Farms, West Offutt & Mt. Nebo Roads, Poolesville (Farmland and Rural Open Space target area, Class II)
- Cahoon Property, Glen Road, Potomac (Natural Resource, Class I)

Staff further recommends that the Planning Board approve the removal of the following two sites from the list of Class III sites in the appendix of the *Legacy Open Space Functional Master Plan*:

- Brigham Property, Ashton Road, Ashton
- Verbits Property, Blackburn Road, Burtonsville

Staff recommends that the Planning Board defer a decision regarding five sites contained within the Upper Paint Branch SPA, including the following two Class III sites:

- Left Fork Headwaters, Good Hope and Spencerville Roads, Colesville (Natural Resource, Class I)
- Peach Orchard/Allnut Subdivision, Right Fork of Paint Branch, Peach Orchard & Spencerville Roads, Colesville

See the table following the text for a summary of the analysis conducted on all thirteen sites and attached maps showing each site.

Background

Staff has completed an evaluation of 13 sites for potential addition to the Legacy Open Space program. The *Legacy Open Space Functional Master Plan* directs staff to conduct outreach in every odd-numbered year to identify new sites that should be considered for Legacy Open Space. As a result of a public outreach effort in the spring and summer of 2003, eight new sites were identified for review. Five Class III (Appendix D) properties were added to the list for evaluation at this time. Class III Legacy sites were previously nominated for inclusion in the *Master Plan* but had not been completely evaluated for full incorporation into the Legacy Open Space program.

The public outreach effort started in the spring of 2003 with a kickoff meeting with the Legacy Open Space Advisory Group. Two public forums were held in the upper and lower County to publicize the search for new sites. Meetings were also held with Commission and other public agency staff to solicit nominations, including the Upper Paint Branch Technical Work Group.

Nominated sites were put through an initial screening process followed by field work and GIS evaluation to evaluate natural, historic, and other site resources. Many Commission staff members were involved in the evaluation process from Parks, Natural Resources, Countywide Planning, and Community Based Planning. Other public agencies were consulted as appropriate. The draft and final staff recommendations were reviewed with the LOS Advisory Group at the summer and fall quarterly meetings.

Site Analysis

The overall philosophy of Legacy Open Space is to identify resources of exceptional countywide significance for preservation efforts: those that “rise above the rest”. The 13 sites before you today have been reviewed according to the general criteria spelled out in the Legacy Open Space Functional Master Plan. In addition to these criteria, specific factors relevant to each resource category (e.g., Heritage or Natural Resources) were also evaluated.

The Legacy criteria from the functional master plan are as follows:

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.

A summary of the analysis for each site is contained in the attached table. The three sites recommended for addition to the Legacy program and the one site recommended for deferral are highlighted in the table. The next section provides more detailed analysis of these four sites.

Analysis of Overall Legacy Criteria and Resource Category Factors for Selected Sites

Hyattstown lots, Frederick Road, Clarksburg (Heritage Resource, Class II)

Hyattstown is an important historic farming community in Montgomery County. When Hyattstown was established, a double row of lots was recorded on each side of Route 355 (Frederick Road) with the thought (at the time) of potential new roads being built to the east and west of Rte. 355. As the town developed over the past 200 years, however, the pattern of the town has been homes that front directly on Frederick Road with outbuildings on the back lots. These back lots that make up the backyards of many historic homes in the Hyattstown Historic District are significant open spaces that contribute to the character of the town and the Farming History Cluster. The Legacy Open Space master plan already contains the large forested properties east and west of Hyattstown as both a Natural Resource site and a Heritage Resource because of their importance for buffering the historic town. The addition of the back residential lots to Legacy is a logical extension of the open space sites already identified within the plan.

Staff analysis of the undeveloped back lots in the Hyattstown Historic District and their significance to the overall Legacy Criteria and the Heritage Resources Criteria has determined that:

- The resource has particular countywide and regional significance in terms of architectural character and historic association.
- The resource is part of a “critical mass” of like resources that perform an important heritage function – the open space surrounding an historic farm town.
- The resource makes a significant contribution to the Heritage theme of the Farming History Cluster.
- The resource helps to buffer and thereby protect the significant heritage resources in the Hyattstown Historic District.

The recent extension of sewer service to Hyattstown has resulted in significant pressure to develop these back lots into new residential units, potentially resulting in permanent and incompatible changes to the fabric of the Historic District. The goal of this proposed Legacy

designation is to help maintain the overall pattern of a single row of residential homes along Frederick Road and to prevent an inappropriate double row of residential structures. Several vacant front lots on Frederick Road are considered appropriate locations for additional development within the Historic District, and this Legacy designation is not intended to limit that potential development in any way. Easements are the recommended primary method of preservation for these lots, either donated (which is preferable) or purchased. Acquisition may be considered in limited circumstances to achieve the desired protection.

Note that several of these back lots are currently owned and used by institutional and commercial organizations. Two churches, a firehouse, several commercial buildings, and other non-residential uses are located within the Historic District. This proposed Legacy designation is not intended to prevent those institutional or commercial uses from expanding their buildings or operations onto back lots they may own. As long as institutional and commercial expansion into any back lots occurs with the proper zoning, development approvals, and/or approvals from the Historic Preservation Commission, this Legacy Open Space proposal does not recommend limiting that development.

Cochran & Casey Farms, West Offutt & Mt. Nebo Roads, Poolesville (Farmland and Rural Open Space target area, Class II)

The Casey and Cochran properties are two large farms located off Mt. Nebo and West Offutt Roads southwest of Poolesville, in the heart of Montgomery County's Agricultural Preserve. The properties contain large areas of open farmland and many significant forest areas that contain unique wetland communities. The farms are adjacent to the Potomac River and contribute to the natural and wildlife corridors in that area. A Green Infrastructure corridor as identified by the State of Maryland flows through much of the Cochran property and the southern portion of the Casey property. In addition, the historic house on the Cochran property (Thomas Chiswell House, Locational Atlas Resource #17/47) is a significant part of the farming heritage of Montgomery County.

Staff analysis of the Cochran Farm and its importance to the Legacy Criteria and the Farmland and Rural Open Space category has determined that:

- The resource has particular countywide significance in terms of known or potential habitats for rare, threatened, or endangered species, and in terms of exceptional views and historic association.
- The resource is critical to the implementation of the public policy to protect the Agricultural Reserve.
- The resource provides ecological connectivity between significant natural areas near the Potomac River.

Staff analysis of the Casey Farm and its importance to the Legacy Criteria and the Farmland and Rural Open Space category has determined that:

- The resource has particular countywide significance in terms of known or potential habitats for rare, threatened, or endangered species.
- The resource is critical to the implementation of the public policy to protect the Agricultural Reserve.
- The resource provides ecological connectivity between significant natural areas near the Potomac River.

The farms are recommended for addition to the Farmland and Rural Open Space target area and for protection through agricultural easement programs (County AEP, Maryland Rural Legacy, or MALPF easement). The significant natural and historic resources on these farms lead Legacy staff to deem them “exceptional” under the plan. As a result of this designation, Legacy Open Space could supplement the agricultural easement programs to make easement purchase more attractive, or direct easement purchase through the Legacy program could be considered.

The Casey Farm is currently under contract purchase to Winchester Homes and a pre-preliminary plan (#7-03023) has been submitted for the property. Legacy staff will work with the applicant during the development review process to achieve the maximum possible protection of the agricultural and forest resources on the property.

Cahoon Property, Glen Road, Potomac (Natural Resource, Class I)

The Cahoon property consists of 8.3 acres of forest, much of it on steep slopes, that is largely surrounded by existing parkland (Watts Branch Stream Valley Park and Adventure Conservation Park). The property is a key link in the greenway corridor along the Watts Branch. Staff analysis of the Cahoon Property and its importance to the Legacy Criteria and the Natural Resources Category has determined that:

- The resource is part of a “critical mass” of like resources that perform an important environmental function – the protection of the Watts Branch stream system.
- The resource provides ecological connectivity between significant natural areas in the Watts Branch Stream Valley Park.
- The Resource helps to buffer and thereby protect other significant resources in the Watts Branch.

The Cahoon Property is already identified for park acquisition in the Potomac Master Plan (2001). The Legacy recommendation for acquisition reinforces the Potomac Master Plan recommendation and adds a potential funding source for acquisition of the property.

Paint Branch Properties

The Upper Paint Branch is a significant, cold-water aquatic resource in Montgomery County that has been protected to date through a variety of tools, including Special Protection Area (SPA) designation, an overlay zone, stream restoration projects, and significant parkland acquisition over the past decade. Two sites within the Paint Branch SPA were listed in Appendix D of the *Legacy Open Space Functional Master Plan* as Class III sites that should be evaluated for addition to the Legacy program. As part of the outreach conducted for this search for new Legacy sites, three additional properties within the SPA were nominated for consideration. At least one of these five sites has been deemed by staff to meet the criteria for Legacy Open Space designation, the Left Fork Headwaters area. However, for several reasons outlined below, **staff recommends deferral of the Planning Board decision regarding Legacy Open Space for all five of these Paint Branch sites.**

Two highway projects currently under study will have impacts on the Paint Branch watershed and direct impacts on at least two of these five potential Legacy Open Space sites.

Protection of this watershed, including decisions regarding these five sites among others, will need to be coordinated with SHA and other agencies as part of the ICC planning process and the MD28/198 Corridor Study. Should the Northern Alignment be selected as the preferred alternative for the ICC, the roadway may cross through two of the five sites (Left Fork Headwaters and the Peach Orchard/Allnut Subdivision). Options under consideration for the MD28/198 Corridor Study may also affect portions of these two sites directly.

Both studies may result in decisions that directly impact the feasibility and desirability of Legacy designation on the sites, as well as the appropriate protection tools if any of the sites should be recommended for designation. The significant uncertainty regarding the outcome of these studies and their effect on these properties and the SPA watershed as a whole leads staff to recommend that the Planning Board not act at this time on a Legacy Open Space designation for these properties.

Implications of Legacy Open Space Designation

The three sites described above are recommended for either Class I or Class II status within the Legacy Open Space program. The Hyattstown back lots and the Casey & Cochran Farms are recommended for Class II status and the natural resource site (Cahoon Property) is recommended for Class I status.

The only difference between Class I and Class II properties is whether one tool will be available for the protection of the site: the use of involuntary reservation is provided for Class I sites but not for Class II sites through the Legacy Master Plan. In all other respects, the same tools are available for preservation efforts for both Class I and Class II properties. In general, most Natural Resources, Urban Open Spaces, and Greenway Connections are identified as Class I while most Heritage Resources and all land within the Farmland & Rural Open Space and Water Supply Protection target areas are identified as Class II properties. Today's recommendations are consistent with those general designation patterns.

Note that a different classification does not mean a difference in the quality or importance of the resource. The difference is simply that for Class II properties, a policy decision has been made that protection is likely to be achieved without the use of involuntary reservation. For instance, Heritage Resources (Class II) are not inherently lesser quality or less important than Natural Resources (Class I), but were placed in Class II because most of the sites can be preserved through easement without the use of in-fee acquisition.

Preservation may be accomplished for these three sites by donation or purchase of easements, protection of the resource through the development review process, or acquisition through dedication or purchase. Specific protection options for each property are described in the attached table.