



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: June 10, 2004

RE: Legacy Open Space Recommendations for New Sites and Reclassification of Class III sites in the Paint Branch watershed: Recommend the addition of two sites to Legacy Open Space out of 5 sites studied

Recommended Action

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

- Left Fork Headwaters, Good Hope and Spencerville Roads, Colesville (Natural Resource, Class I)
- Mitchell Properties, Thompson & Peach Orchard Roads, Colesville (Natural Resources, Class I)

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

- 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 five sites and attached maps showing each site.

Background

Staff has completed an evaluation of five sites within the Paint Branch Special Protection Area 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, three new sites in the Paint Branch were identified for review. Two 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.

Analysis Criteria

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 five sites before you today have been reviewed according to the general criteria spelled out in the Legacy Open Space Functional Master Plan and more specific factors relevant to the Natural Resources category.

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 two sites recommended for addition to the Legacy program are highlighted in the table. The next section provides more detailed analysis of these two sites.

Site Analysis

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. The *Legacy Open Space Functional Master Plan* (2001) indicates that the Upper Paint Branch aquatic system is considered a significant natural resource that meets the Legacy Open Space criteria. As a result, any proposed parkland that has been previously designated in land use master plans qualifies for protection with Legacy Open Space funding.

Since the adoption of the local area master plans, additional study of the watershed has resulted in the expression of some interest in using additional tools to protect the watershed, including expanded park acquisition to further limit the increase in impervious surfaces in the watershed. As a result, these five sites were nominated to the Legacy Open Space program for consideration. Of the five sites, two are considered to be significant enough natural resources to be added to the Legacy program.

Left Fork Headwaters, Good Hope and Spencerville Roads, Colesville (Natural Resource, Class I)

The Left Fork Headwaters consists of 58 acres of forest, streams and wetlands on two properties: the McNeill property and the Southern Asia Adventist property. The headwater seeps and springs on the site are important to preserving the water quality of the Left Fork. Staff analysis of the Left Fork Headwaters properties and their 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 unique aquatic resources in the Upper Paint Branch Special Protection Area.
- The resource provides ecological connectivity to significant natural areas in the Upper Paint Branch Stream Valley Park.
- The resource helps to buffer and thereby protect other significant resources in the Paint Branch.
- The resource contains good quality forest and a diversity of habitats to support wildlife.

Parts of this area were previously identified in the Cloverly Master Plan (1997) for park acquisition. The Legacy recommendation is that the headwater forest and springs/seeps on these properties make them important enough to consider the entire area a Legacy site and protect through park acquisition.

Mitchell Properties, Thompson & Peach Orchard Roads, Colesville (Natural Resource, Class I)

The Mitchell Properties encompass 36 acres of good quality forest immediately adjacent to the Paint Branch Stream Valley Park along the Left Fork of the Paint Branch. Staff analysis of the Mitchell Properties and their 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 unique aquatic resources in the Upper Paint Branch Special Protection Area.
- The resource provides ecological connectivity to significant natural areas in the Upper Paint Branch Stream Valley Park.
- The resource helps to buffer and thereby protect other significant resources in the Paint Branch.
- The resource contains good quality forest and a diversity of habitats to support wildlife.

These properties were not identified in the Cloverly Master Plan (1997) for park acquisition. The Legacy recommendation is that this large block of contiguous forest adjacent to parkland is significant enough to merit Legacy designation and protection through dedication or acquisition.

Highway Project Coordination

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 impact the feasibility of taking protective action on any sites that are added to the Legacy program. The importance of these properties to the health of the watershed leads staff to recommend the addition of these sites to the Legacy program. However, uncertainty regarding the outcome of these road studies and their effect on these properties and the SPA watershed as a whole leads staff to recommend full coordination with SHA prior to taking any protective action on either of these properties.

Implications of Legacy Open Space Designation

The two sites described above are recommended for Class I status within the Legacy Open Space program. This recommendation is consistent with the existing designation pattern of most Natural Resources sites as Class I. 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. A new designation or reclassification to Class I requires the approval of both the Planning Board and County Council.

Preservation may be accomplished for these two 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.