



August 31, 2001

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
Countywide Planning DivisionJohn Hench, Supervisor *John Hench*
Park Planning and Resource Analysis UnitFROM: Brenda Sandberg, Legacy Open Space Program Manager *BS*
John Turgeon, Legacy Open Space Senior Planner *JT*

SUBJECT: Legacy Open Space Functional Master Plan approval

RECOMMENDATION: Approve MCPB Resolution No. 01-14 and forward as M-NCPPC Resolution No. 01-12 to the Full Commission for Adoption.

BACKGROUND

Attached, for your review and approval, is the Full Commission Resolution No. 01-12 (also labeled as Montgomery County Planning Board Resolution No. 01-14) to adopt the Legacy Open Space Functional Master Plan. Also attached, for your information, is the Montgomery County Council Resolution No. 14-970 dated July 24, 2001, approving the same.

Attachments

MCPB No. 01-14
M-NCPPC No. 01-12

RESOLUTION

WHEREAS, The Maryland-National Capital Park and Planning Commission, by virtue of Article 28 of the Annotated Code of Maryland, is authorized and empowered from time to time, to make and adopt, amend, extend and add to *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District Within Montgomery and Prince George's Counties*; and

WHEREAS, The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, pursuant to said law, held a duly advertised public hearing on November 2, 2000, on the Public Hearing Draft Legacy Open Space Functional Master Plan, being also an amendment of all area master plans countywide approved as of the date of the final adoption of the Legacy Open Space Functional Master Plan, to the extent that the Legacy Open Space Functional Master Plan designates additional sites that should be considered for park acquisition, easement protection or additional protection through the development process; and

WHEREAS, The Montgomery County Planning Board, after said public hearing and due deliberation and consideration, on December 8, 2000, approved the Planning Board Draft Legacy Open Space Functional Master Plan, recommended that it be approved by the District Council, and forwarded it to the County Executive for recommendations and analysis; and

WHEREAS, The Montgomery County Executive reviewed and made recommendations on the Planning Board Draft Legacy Open Space Functional Master Plan and forwarded those recommendations with a fiscal analysis to the District Council on February 28, 2001; and

WHEREAS, The Montgomery County Council, sitting as the District Council for the portion of the Maryland-Washington Regional District lying within Montgomery County, held a public hearing on May 8, 2001, wherein testimony was received concerning the Planning Board Draft Legacy Open Space Functional Master Plan; and

WHEREAS, the District Council, on July 24, 2001, approved the Planning Board Draft Legacy Open Space Functional Master Plan subject to modifications and revisions set forth in Resolution No. 14-970.

NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Planning Board and The Maryland-National Capital Park and Planning Commission do hereby adopt said Legacy Open Space Functional Master Plan,

together with the General Plan for the Physical Development of the Maryland-Washington Regional District as amended; and as approved by the District Council in the attached Resolution No. 14-970; and

BE IT FURTHER RESOLVED, that copies of said Amendment should be certified by The Maryland-National Capital Park and Planning Commission and filed with the Clerk of the Circuit Court of each of Montgomery and Prince George's counties, as required by law.

This is to certify that 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

_____ voting in favor of the motion, at its regular meeting held on Thursday, September 6, 2001, in Silver Spring, Maryland.

Trudye Morgan Johnson
Executive Director

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Maryland-National Capital Park and Planning Commission on motion of Commissioner _____, seconded by Commissioner _____, with _____ Commissioners _____ voting in favor of the motion at its regular meeting held on September 19, 2001, in Silver Spring, Maryland.

Trudye Morgan Johnson
Executive Director

Resolution No.: 14-970
Introduced: July 24, 2001
Adopted: July 24, 2001

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Approval of Planning Board Draft Legacy Open Space Functional Master Plan

1. On, December 19, 2000, the Montgomery County Planning Board transmitted to the County Executive and the County Council the Planning Board Draft Legacy Open Space Functional Master Plan.
2. The Planning Board Draft Legacy Open Space Functional Master Plan is a new plan to conserve Montgomery County's most significant open space as a means of protecting the County's environment, quality of life, and economic vitality. The functional master plan establishes the program as a part of the General Plan for Montgomery County.
3. On February 28, 2001 the County Executive transmitted to the County Council his comments on the Planning Board Draft Legacy Open Space Functional Master Plan.
4. On May 8, 2001, the County Council held a public hearing on the Planning Board Draft Legacy Open Space Functional Master Plan. The Master Plan was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On June 4, and June 11, 2001 the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Planning Board Draft Legacy Open Space Functional Master Plan.
6. On June 12, 2001 the County Council reviewed the Planning Board Draft Legacy Open Space Functional Master Plan and the recommendations of the Planning, Housing, and Economic Development Committee.

Action

The County Council for Montgomery County, Maryland sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Legacy Open Space Functional Master Plan, dated December 2000 is approved with revisions. Council revisions to the Planning Board Draft Legacy Open Space Functional Master Plan are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

Page 7: Amend heading and first paragraph under Section IV to read:

IV. [POLICY FRAMEWORK] PUBLIC PURPOSE

The Montgomery County Planning Board recognizes the need to examine the County's natural environment and cultural heritage and create a comprehensive open space protection strategy. The public purposes of [O] open space lands include [offer] quiet refuge, recreational and educational opportunities, and contributions[e] to air quality improvement for all County residents. [while] Open spaces also reduce[ing] non-point source pollution, protect the public water supply, [and] provide[ing] significant wildlife habitat and biodiversity, and often preserve a setting reflective of our cultural heritage.

Page 10: Amend Section VII to read:

VII. RELATIONSHIP TO AREA MASTER PLANS AND FUNCTIONAL MASTER PLANS

This functional plan amends all area master plans countywide approved as of the date of the final adoption of the plan to the extent that this plan designates additional sites that should be considered for park acquisition, easement protection or additional protection through the development process. All sites indicated in this plan are not guaranteed to receive funds or to be fully acquired through Legacy Open Space. [and] Rather, this plan identifies sites where some form of protection is desirable, including full or partial acquisition, purchase of easements, or dedication and other preservation in conjunction with development of the property.

There are numerous tools at the County's disposal for protecting important resources. Zoning, special protection area status, clustering, designated conservation easements and dedications are among the tools that do not require acquisition. Inclusion in the Legacy Open Space Functional Master Plan does not mean that these alternative options have been rejected as a feasible means of protecting the resource. For each Legacy Property,

the full range of tools available under the existing zoning should be considered before a decision is made to acquire a property.

For Legacy sites, this Plan does not alter zoning or other land use recommendations found in area master plans or functional master plans. During the review of area master plans, the Planning Board and Council should identify the best land use and zoning for each site, without allowing a Legacy designation to influence the evaluation of zoning options. Some Legacy sites may be developed in accordance with master plans and zoning if other funding priorities preclude protection. [For example] In addition, designation of a Legacy site [will] should not be the basis for denying or approving a proposed sewer and water category change to the County Sewer and Water Plan. Similarly, the availability of water and sewer to a property will not influence the decision to designate a Legacy site. The basis for evaluating sewer and water category changes is the Sewer and Water Plan and relevant area master plans.

Page 12: Amend Table 1 as follows:

Table 1. Tools to Protect Green Infrastructure in Montgomery County

	Local Gov't. Ownership	Local Gov't. Easement to Protect Resource	Private Conservation Group Ownership	Local Gov't. Regulatory Tools	State Funding for Purchase	State Funding for Easement	Federal Funding for Purchase	Federal Funding for Easement	Private Funding for Purchase	Private Funding for Easement
Natural Resources	Legacy Open Space, Park CIP	Conservation easement purchase or dedication	Nature Conservancy, Potomac Conservancy, Isaac Walton League	Environmental guidelines, Forest Conservation, zoning strategies including clustering	Program Open Space, Scenic Rivers Program, Rural Legacy	Rural Legacy, Maryland Environmental Trust	Land and Water Conservation Funds, TEA21		Corporate and Non-Profit Foundations, Corporations	Corporate and Non-Profit Foundations, Corporations
Water Supply	Legacy Open Space, Park CIP		Nature Conservancy, Potomac Conservancy, Isaac Walton League	Environmental guidelines, Forest Conservation, zoning strategies including clustering	WSSC, Program Open Space, Scenic Rivers	Rural Legacy, Maryland Environmental Trust	Land & Water Conservation Funds, TEA21, Safe Drinking Water Loans		Corporate and Non-Profit Foundations, Corporations	
Heritage Resources	Legacy Open Space, Park CIP	County IIP Easement Program, MHT Easement Program		Rural Neighborhood Zone, Historic Preservation Ordinance, zoning strategies including the RDT Zone, the Rural Neighborhood zone and clustering	Maryland Historic Trust Grant Program	Rural Legacy Maryland Historical Trust Easement Program	Land & Water Conservation Funds, TEA21	TEA21	Corporate and Non-Profit Foundations, Corporations	Local Land Trusts (Kensington Land Trust, Sandy Spring Greenspace, Inc.)
Farmland and Rural Open Space	Legacy Open Space	Agricultural Easement Program	Nature Conservancy, Potomac Conservancy, Isaac Walton League	RDT Zone, Conservation Subdivision, TDR Program, Environmental Guidelines	Program Open Space	Rural Legacy, Maryland Environmental Trust, Maryland Ag. Land Pres. Fund			Corporate and Non-Profit Foundations, Corporations, Private Land Trusts	Private Land Trusts
Greenway/Trail Connections	Legacy Open Space, Park CIP	Public Use easements	Nature Conservancy, Potomac Conservancy, Isaac Walton League	Dedication at subdivision, Environmental Guidelines, Recreation Guidelines	Program Open Space	Rural Legacy	Land & Water Conservation Funds, TEA21		Corporate and Non-Profit Foundations, Corporations	
Urban Open Space	Legacy Open Space, Park CIP			Environmental Guidelines	Program Open Space		Land and Water Conservation Funds, TEA21		Corporate and Non-Profit Foundations, Corporations, Private Land Trusts	Private Land Trusts

Page 15: Amend last bullet on page to read:

- The Resource provides a significant opportunity to a) increase access to public open space in communities with high population densities, b) to protect scarce open space in an urbanized community, or c) to improve the character of [an existing urban] a green boulevard of countywide or regional significance.

Pages 20-21: Amend text under “Resource Category #6: Protection of Urban Open Spaces” to read:

Urban open spaces are generally thought of as undeveloped outdoor spaces, defined by buildings or streets that provide attractive amenity spaces and natural areas in urban areas. While they are generally landscaped green areas, they may also include urban forest, “[urban] green boulevards”, private open spaces, school grounds, and parks that serve urban residents. Criteria for identifying sites in this category include:

- a) Key open spaces along major [boulevards] highways
- b) Vacant land within existing urban neighborhoods
- c) Important urban natural areas, especially if they promote interconnection of the urban green infrastructure

Pages 21-24: Amend sections XI and XII and add new section XII as follows:

XI. [SELECTION] CLASSIFICATION OF SITES

The master plan recognizes that not all sites suggested during the preparation of the master plan have been thoroughly evaluated for inclusion in the plan. This document, therefore, identifies [two groups] three classes of sites to be considered as part of the master plan. [Category 1 and 2] Class I and II sites, detailed and mapped in each resource section (pages 27-73), are those that clearly meet the criteria and are considered appropriate for Legacy funding. [Category 3] Class III sites, listed [and mapped] in Appendix D, require further study to determine whether they meet the criteria and to delineate the size and configuration of those portions of the properties that are most suitable for inclusion in Legacy Open Space. In addition, the potential for conflicts with other County goals must be evaluated. In case a portion of parkland proposed for acquisition under the Legacy program contains a County approved right-of-way for future transportation facilities, the Park and Planning Department will consider at time of acquisition whether that portion should be designated for future conveyance to the appropriate transportation authority.

[These] Sites in the various classes will be handled as follows:

Class I [Category 1] – Sites Included in Master Plan with reservation option

If a [specific] site is listed in the Natural Resources category (pages 35-37, excluding the Broad Run Stream System), the Greenway Connections category (pages 59-60) or in the Urban Open Space category (page 73) and mapped on page 26, it will be protected in the following ways:

- If development is proposed, [the entire site or a portion thereof may be put in reservation for a period up to three years.] the proposed development will be evaluated for the extent of resource protection provided through development design and various regulatory tools.
- If the determination is made that the site would be adequately protected by the development review process and resulting dedication or easements, the site may continue through the development process.
- If the determination is made that the site would not be adequately protected by the development review process, the entire site or a portion of the site will be identified for [dedication,] acquisition or easement.
- The site or a portion thereof will be targeted for legacy funding [or protection] according to the process for setting priorities.
- The entire site or a portion thereof may be put in reservation for a period up to three years.
- If necessary, condemnation power may be used to complete the acquisition.
- Available funding and the process for setting priorities may not necessarily result in acquisition of, or easements on, every property identified.
- If the County decides not to purchase a property at the expiration of the reservation period, the property may be developed according to the applicable master plan's land use and zoning. Emphasis will be placed on protection of as much of the resource or interest as possible through the development design process.

Class II [Category 2] – Sites Included in the Master Plan

All other sites not included in [Category 1] Class I and listed in the tables on pages 37 (the Broad Run Stream System only), 44, 52-54, [59-60,] 66, and 73 (Green Boulevards and Regional Park site) are considered part of the plan, but will not be considered for placement in reservation.

- If development is proposed, the proposed development will be evaluated for the extent of resource protection provided through development design and various regulatory tools.
- If the determination is made that the site would be adequately protected by the development review process and resulting dedication or easements, the site may continue through the development process.
- If the determination is made that the site would not be adequately protected by the development review process, the entire site or a portion of the site [may] will be identified for [dedication,] acquisition or easement.
- The site or a portion thereof may be targeted for legacy funding or protection according to the process for setting priorities.

- Available funding and the process for setting priorities may not necessarily result in acquisition of or easements on every property identified.
- If necessary, condemnation power may be used to complete the acquisition.
- If the County does not proceed with acquisition of the site, the property may be developed according to the applicable master plan's land use and zoning.

Class III [Category 3] – Sites Included in Appendix D

This [category] class includes sites that were nominated for inclusion in this plan but have not been fully evaluated. The master plan proposes a process for further study and potential incorporation into the Legacy Open Space program (see section XII for more details).

- Owners of Class III sites may initiate the process for further study of their properties by submitting a written request to staff. Staff will also conduct independent studies of existing Class III sites as part of the process for adding new sites, changing the level of protection outlined in Section XII, or if development is proposed or the resources on the site are threatened.
- [If development is proposed or the resources on the site are threatened, the site may be studied to] Whether owner- or staff- initiated, the study will determine whether [it] a site meets the Legacy Criteria and make recommendations to the Planning Board and County Council, as appropriate.
- Staff will attempt to complete owner-initiated studies of Class III sites and report to the Planning Board its recommendations within 90 days. Some natural resources category and other properties may require longer, seasonally-determined study periods; in no case shall such studies run longer than one year from the date of owner request.
- If the site meets the criteria, it may be recommended for addition to the Legacy acquisition program as a Class I or II site and targeted for priority funding according to the process for setting priorities.
- Key resources on [some of these] sites that are not added to the Legacy Program may be protected through the development process.

Voluntary Reservation

Property owners of sites that are identified for acquisition in either Class I or II may be able to enter into a voluntary reservation contract with M-NCPPC. Voluntary reservation, which requires the consent of both parties, provides tax benefits to the property owner during the period that M-NCPPC is seeking funding sources to acquire the property in reservation. Voluntary reservation is usually a one-year contract that is renewable on an annual basis and can be renewed indefinitely. Voluntary reservation entered into under this master plan does not inhibit the Commission from placing a Class I property in involuntary reservation for the time allotted by law. See the subdivision regulations (Section 50-31 of Montgomery County Code) for current information on voluntary and involuntary reservation.

Properties Being Acquired Using Other Funding Sources

There are numerous properties that the County has acquired or will review for acquisition using funding sources other than Legacy Open Space that may otherwise have been candidates for inclusion in the Legacy Open Space Functional Master Plan as a Class I resource. Examples of such properties include those in the Paint Branch area which have and would be purchased to protect natural resources. These purchases are equally significant as those identified in this Plan and have the same status as Class I resources in this Plan. Should other funding for these resources become unavailable, M-NCPPC should use Legacy Open Space funds to pay for such exceptional ongoing acquisition or protection efforts. No master plan amendment or additional study approvals would be required for M-NCPPC to pursue acquisition or use reservation authority for Paint Branch properties.

XII. PROCESS FOR ADDING NEW PROPERTIES OR CHANGING LEVEL OF PROTECTION FOR EXISTING LEGACY PROPERTIES

The Legacy Open Space Functional Master Plan provides guidance for a dynamic program, which will constantly adapt to new information and new directions as set by the Planning Board and County Council. The sites identified in this document represent the inventories and analyses completed to date with significant public participation. Input from a broad range of interest groups will be considered along with staff recommendations when making further site selections.

As the program matures, new sites may emerge as environmental, historic preservation and other inventories are completed and updated over time. In addition, new master plans, offers from landowners, suggestions from citizens and new needs identified by advisory and decision-making bodies will present new opportunities for the program.

Proposals to include new sites in the program or to move an existing Legacy site to a higher level of protection may be submitted at any time provided that they appear to meet Legacy criteria. (To avoid the time associated with the review of a large number of applications for sites that do not meet legacy criteria, the Park and Planning Department Staff will have to make an initial assessment at the time of application. Program Staff will need to discourage applications to purchase vacant lots that do not meet Legacy Criteria.) [Any] Individuals, agencies or groups wishing to have sites evaluated will submit a standard application locating the property and explaining how it meets the Legacy Open Space criteria.

Staff will screen and evaluate all suggestions according to the Legacy criteria prior to recommending changes to the Planning Board and/or County Council. Recommended changes to the program will be one of two types:

- A. New properties that are recommended for addition to the program as Class II sites or existing Class III properties that are recommended for being moved to Class II may be added to the Legacy Open Space program by approval of the

Planning Board. Changes to the program of this type will not add the use of the reservation power over affected properties. The County Council will have general review over these changes to the program through the CIP review process.

B. New properties that are recommended for addition to the program as Class I sites or existing Class II or III properties that are recommended for being moved to Class I will require approval of both the Planning Board and the County Council with the exception of Paint Branch Properties which are addressed elsewhere in this Plan. These changes to the program involve adding the potential use of reservation on affected properties. The review of proposed new Class I properties by both entities will provide a fuller opportunity for public notice and comment and thorough discussion in front of the Planning Board and County Council prior to approval of the study recommendations.

The Park and Planning Department will notify property owners when their properties are being considered for inclusion into the Legacy Open Space program or for a change of status within the Legacy program.

In the spring of every odd-numbered year starting in FY01, a special effort will be made to encourage identification of new sites (see diagram below showing the Priority-Setting Process). In addition, staff will conduct further evaluation of existing Class III sites to determine if they should be upgraded to Class II or I sites or removed from the Plan. By the fall, staff will assemble all suggestions and screen all new sites according to the Legacy criteria, assessing risks and opportunities associated with the sites. Based on this screening and evaluation process, a determination will be made whether any Class II recommendations need to be presented to the Planning Board and whether any Class I recommendations need to be presented to the Planning Board and County Council. In addition, such a study process may be initiated by staff on an ad hoc basis to address significant properties where timing is critical.

XIII [XII]. PROCESS FOR SETTING CAPITAL IMPROVEMENT PROGRAM PRIORITIES FOR LEGACY OPEN SPACE

[The Legacy Open Space Functional Master Plan provides guidance for a dynamic program, which will constantly adapt to new information and new directions as set by the Planning Board and County Council. The sites identified in this document represent the inventories and analyses completed to date with significant public participation. Input from a broad range of interest groups will be considered along with staff recommendations when making further site selections.] Legacy Open Space Capital Improvement Program priorities and the order of protection will depend upon the threat to the resources on the sites and opportunities presented by funding sources, willing sellers and other factors.

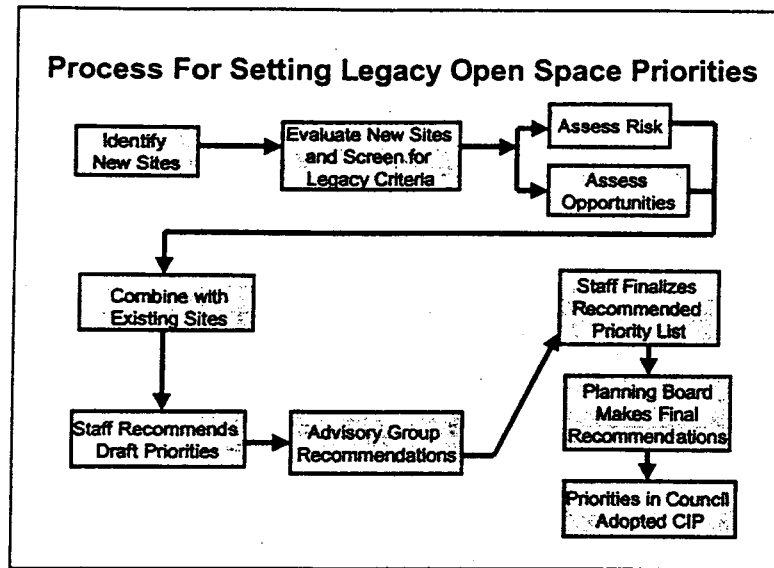
In the first year following the adoption of the plan, the staff of Legacy Open Space along with the Legacy Open Space Advisory Group and the advice of the public will develop a

systematic rating system for the six resource categories that are included in the Master Plan to assist in setting priorities. The staff will make recommendations for the rating system to the Planning Board for approval prior to setting priorities for the FY03-08 Capital Improvement Program Legacy funds. Any rating system prepared will retain sufficient flexibility to allow timely protection of sites based on opportunities and threats described below.

[As the program matures, new sites may emerge as environmental, historic preservation and other inventories are completed and updated over time. In addition, new master plans, offers from landowners, suggestions from citizens and new needs identified by advisory and decision-making bodies will present new opportunities for the program.]

[Proposals to include new sites into the program may be submitted at any time. Any individual, agency or group wishing to have sites evaluated will submit a standard application locating the property and explaining how it meets the Legacy Open Space criteria.]

[In the spring of every odd-numbered year starting in FY01, a special effort will be made to encourage identification of new sites (See diagram below showing the Priority-Setting Process). By September, staff will assemble all suggestions and screen all new sites for Legacy criteria, assessing risks and opportunities associated with the sites. The screened sites will be added to the existing list of priorities, and] Based on the results of the rating system, staff will prepare an initial ranking of all sites into high, medium and low priority, with recommended priorities for the following two fiscal years. Priorities will be established for all six open space elements. These priorities will be based, in part, on relative threats and opportunities. Threats include the likelihood of imminent development and existing use of the site that jeopardizes the resource to be protected. Opportunities include special funding sources targeted to a specific resource or type of resource, partial donations requiring a funding match, stewardship contributions or sales of properties that present an opportunity for a substantially reduced cost. Sites that meet criteria for more than one resource category will be considered as higher priorities. Staff recommendations will include at least one project for each open space resource category.



A meeting of the Legacy Open Space Advisory Group in the fall will highlight additional funding opportunities, and targets for donations, and then the Advisory Group will make comments on the staff recommendations. The staff will then finalize the recommendations for Planning Board review every other year prior to drafting the Capital Improvement Program. With input from the Planning Board, a Project Description Form (PDF) will be prepared for the Capital Improvement Program. The Capital Improvement Program has its own public participation process to allow additional comment from the general public, parks and recreation advisory groups.

In addition to setting CIP priorities, this priority list will be used to focus county efforts for pursuing federal, state and private funding sources for open space protection.

XIV [XIII]. OVERVIEW OF LAND PROTECTION RECOMMENDATIONS

Page 25: Correct the "Land Protection Recommendations" graphic to add the Green Ribbon Trail

Page 25: Amend map entitled "Land Protection Recommendations" to include Takoma Academy, and Maiden Lane sites.

Page 26: Amend the "Category 1 Properties" graphic to add the locations of the identified Greenway Connections and correct the natural resources locations

Page 26: Amend map entitled "Category 1 Properties May Be Placed In Reservation" to include Takoma Academy, and Maiden Lane sites.

Page 55: Amend the Overview Section under "RESOURCE CATEGORY #4: PROTECTION OF GREENWAY CONNECTIONS" as follows:

OVERVIEW

Trails and greenways have become an increasingly popular component of open space systems at the national, state, county and local level. Trails and greenways offer opportunities for recreation, conservation and preservation, linking important community assets together and teaching both children and adults about natural resources and the principles of environmental stewardship.

At the *state level*, the Maryland Greenways Commission [is preparing a "Green Infrastructure" concept map] has published the *Maryland Atlas of Greenways, Water Trails, and Green Infrastructure* to help protect and link Maryland's remaining ecologically valuable lands. [This map] It is intended to help local governments, land trusts, citizens and scientific experts to identify a potential Green Infrastructure network for the state. Elements of the network include large contiguous tracts of forest lands, important wildlife habitats, wetlands, riparian corridors and areas that reflect key elements of Maryland's biological diversity. Linkages are proposed between these areas. These greenways will make possible an interconnected greenway network that will form a protected natural infrastructure through the County, helping to sustain wildlife and maintain ecological processes.

Page 67: Amend the Overview Section under "RESOURCE CATEGORY #6: PROTECTION OF URBAN SPACES" as follows:

OVERVIEW

Montgomery County has a strong tradition of establishing significant urban open spaces, creating green boulevards and providing regional parks. As Montgomery County continues to grow, the importance of these urban open spaces, green boulevards, and regional parks intensifies. Regional parks serve county-wide needs for active recreation and conservation. Urban open spaces serve local neighborhood needs. These urban open spaces include parkland within existing neighborhoods.

In addition to regional parks and urban open spaces, several green boulevards serve to provide recognizable linear green areas. [Locating] Major open spaces next to these green boulevards (e.g., the frontage of the National Institutes of Health) also helps to establish a unique character for both the green boulevards and the adjacent neighborhoods.

The combination of urban open spaces, green boulevards, and regional parks provides an important community building element within Montgomery County, and directly contributes to community livability and character. They have been obtained through direct purchase, transfer of sites from other agencies, and through the regulatory process [or] and are held by public agencies.

Page 67-68: Amend the "Boulevards" subheading under "Existing Situation" as follows:

Green Boulevards – A green boulevard, for this plan, is defined as the environs of a major highway containing an emphasis on landscaping within the right-of-way and open spaces outside the right-of-way. The open spaces can be provided through private actions, public ownership, or some combination of the two. The designation of a green boulevard does not affect the transportation function of the major highway within the green boulevard. Green boulevards provide both linear green space and in some locations serve as gateways to Montgomery County. They provide both a first impression of Montgomery County and serve to establish the character of the adjacent neighborhoods. [They are one the most recognizable community building features.] Undeveloped open spaces that define these green [along these major] boulevards also contribute to the character of [both the boulevards and] these major thoroughfares and the adjacent neighborhoods. [and they also serve to provide a welcome relief to the development along the boulevards while providing] Open spaces alongside green boulevards can also provide an important buffer between commercial and residential uses. [areas and adjacent neighborhoods.]

[At least two competing interests threaten the character of our existing boulevards. As Montgomery County continues to develop, pressure increases to widen roads and modify intersections to serve proposed traffic. These modifications to existing roads often influence the boulevard character and serve to decrease the desirability of the adjacent neighborhoods. If the character of the road is modified, the pressure to convert adjacent housing to commercial uses increases and the roads become less desirable as places to live or locate businesses.]

Remaining undeveloped open spaces along these boulevards [are also threatened. These open spaces] presently include land regulated by setback requirements, land purchased for parkland, and undeveloped land. Examples of these spaces provided through a deliberate County policy include purchase of Woodside Park next to the Silver Spring CBD, and the creation of buffer areas located on the NIH property next to Wisconsin Avenue through the regulatory process. These open spaces are valuable resources worthy of protection [contribute to the positive character of the boulevards and the adjacent neighborhoods.]

Page 68: Amend the map and title “Protection of Urban [Open] Space And Green Boulevards” to include Takoma Academy and Maiden Lane sites.

Page 70: Under the subheading “Urban Open Spaces” add the following to the list of sites with accompanying footnote:

- Takoma Academy Silver Spring¹
- Maiden Lane Property, Bethesda¹

¹ It is expected this property will be purchased through other programs and funding sources. However, Legacy tools, including purchase, can be used to protect and preserve this property.

Page 70: Amend the “Boulevards” subheading under “Legacy Opportunity Areas” as follows:

Green Boulevards – This plan focuses on several [major] green boulevards and a series of other key sites along major highways [linear roads] as follows:

1. *MD 355 (Wisconsin Avenue/Rockville Pike/Frederick Road)* – This highway [boulevard] began as a primary route to the western frontier. Existing markers that celebrate this role included the Madonna of the Trails located in the Bethesda CBD, and the eighteenth century Washington, D.C. Boundary Marker located in Friendship Heights. Private sector efforts during the development of the area along MD 355 (Wisconsin Avenue) between the Friendship Heights CBD and the Bethesda CBD establish a positive character for the adjacent neighborhoods. [More recent efforts along MD 355 (Rockville Pike) in portions of North Bethesda and Shady Grove have been less successful in creating boulevards, but this project is currently in progress.] To the north, the Clarksburg Triangle site is also an important green space along MD 355 near the future Clarksburg Town Center.
2. *MD 97 (Georgia Avenue)* – This green boulevard continues to provide a major access into Washington, D.C. It [provides a positive] defines the character for the neighborhoods between the Silver Spring CBD and Montgomery Hills, [the high traffic volumes along Georgia Avenue constitute a major threat to adjacent areas] as well as the neighborhoods between the commercial centers of Wheaton, Glenmont, and Olney.
3. *US 29 (Colesville Road and Columbia Pike)* – This green boulevard serves as a major connection between Baltimore and Washington, D.C. It also provides a first impression for the adjacent neighborhoods. [If traffic volumes increase along this boulevard, pressure to provide intersection improvements and additional travel lanes will increase.] Recent efforts to improve its character include the improvements to Colesville Road through the Four Corners area. Purchase of the WSSC parcel next to Northwest Branch has already occurred, providing opportunities to augment and reinforce the boulevard character.
4. *Other Key Sites and [Major] Green Boulevards* - The existing golf course located along New Hampshire Avenue next to the future site of the Food and Drug Administration is one example of a site that [adjacent to another major boulevard. This site] should be retained as open space. Connecticut Avenue from Aspen Hill [Kensington] to the District of Columbia is also an important green [urban] boulevard.

Page 72: Amend the “Boulevards” subheading under “Acquisition Mechanisms” as follows:

Green Boulevards - The implementing mechanisms include a variety of techniques. Purchase of selected sites along major highways [urban boulevards] is one mechanism to establish [improve] the green boulevard concept [character of specific portions of the boulevards] in Montgomery County. Establishing regulations for setbacks, access, and landscaping provides another mechanism to improve the green boulevard. Finally, actions within the right-of-way, such as [creating a] street tree planting and maintenance programs, can also improve green boulevards. [that targets the improvement of specific urban boulevards is another mechanism.]

Page 73: Amend table for Resource Category #6 as follows:

**RESOURCE CATEGORY #6
PROTECTION OF URBAN OPEN SPACES¹**

Urban Open Spaces	OBJECTIVE	SIGNIFICANCE	COMMENTS
Regional Parks	Initiate site search to meet post 2010 need in County.	Provides active and passive open space necessary to serve the expanding population.	More than 200 Acres will be required. Move quickly; otherwise options lost as development encroaches.
Parkland in existing neighborhoods 1. Bush Property 2. Sligo Mill Property 3. Wohlfarth Property 4. Clarksburg Triangle <u>5. Takoma Academy⁴</u> <u>6. Maiden Lane Property⁴</u>	Preserve existing undeveloped parcels in existing neighborhoods. Provide a transition between existing central business districts and adjacent residential neighborhoods.	These open spaces include some of the last remaining undeveloped parcels in the existing neighborhoods. They represent a rare opportunity to retain existing green open spaces.	Include publicly owned sites to be studied as sites are considered surplus.
<u>Green Boulevards</u> Highest priority: MD 355 Georgia Avenue US 29 Other priorities: Connecticut Avenue	Create high quality <u>green</u> boulevards with special character along [visible arterial] <u>selected major</u> highways.	These boulevards establish the initial impression of Montgomery County. They also serve to maintain and reinforce the existing character of the adjacent neighborhoods.	Primary Methods of Implementation – [Providing street trees, sidewalks, and] building setbacks <u>achieved</u> through regulatory review, and dedication, <u>or purchase</u> .

¹ Appendix D contains a list of sites that will be studied for inclusion in the Legacy Open Space Program. These and other new sites will be considered as part of the "Selection of Sites" and "Process for Setting Priorities" (See page 21-22).

⁴It is expected this property will be purchased through other programs and funding sources. However, Legacy tools including purchase can be used to protect and preserve this property.

Page 77: Amend first paragraph under Section XV to read:

XV. ACQUISITION OF LAND AND EASEMENTS

This plan identifies various sites for potential County purchase or acquisition of easements. The Plan does not require the County to purchase all of the identified parcels or preclude development under existing zoning. A property owner may choose to place a property in voluntary reservation through agreements with the Commission to gain tax benefits while funding sources for acquisition are identified. If a property owner seeks to develop one of the properties identified in this plan, the County will consider acquisition of the property or an easement at that time, including the placement of the property in reservation (for [Category 1] Class I properties only) pending completion of the purchase. For all sites in [Category 1 or 2] Class I or II, the County may decline to purchase the property and allow the proposed development to proceed. In certain cases, where the Legacy Open Space objectives can be accomplished through cluster development and dedication of the remainder of the property, this option may also be considered under various cluster zoning tools.

Technical Appendix D: Amend title page and first page to reflect the designation of Appendix D properties as Class III

Technical Appendix F: Add new Appendix F consisting of "Index to Legacy Open Space Sites", to read as follows:

LISTING OF LEGACY OPEN SPACE SITES

SITE NAME	LEGACY OPEN SPACE RESOURCE CATEGORY	SITE CLASSIFICATION	PAGES
Auburn	Heritage Resource	Class II	<u>49, 52</u>
Bachelors Forest Tributary of Northwest Branch	Natural Resource	Class III	<u>Technical Appendix D</u>
Barnesville Forest	Natural Resource	Class I	33, 36
Bennett Stream Headwaters	Natural Resource	Class III	Technical Appendix D
Boyds Negro School – White Ground Road	Historic Resource	Class III	Technical Appendix D
Bradley Boulevard (between Connecticut & Wisconsin Avenues)	Urban Open Space	Class III	Technical Appendix D
Brigham Property	Water Supply Protection	Class III	Technical Appendix D
Broad Run Stream System	Natural Resource	Class II	33, 37
Bucklodge Forest	Natural Resource	Class I	33, 35
Cahoon Property	Natural Resource	Class III	Technical Appendix D
Canada Dry Building on East-West Highway	Historic Resource	Class III	Technical Appendix D
Capital Crescent/Metropolitan Branch Trail Gaps	Greenway Connection	Class III	Technical Appendix D
Capitol View Park Historic District	Heritage Resource	Class II	51, 54
Carroll Place	Heritage Resource	Class II	51, 54
Carver School – Rockville	Urban Open Space	Class III	Technical Appendix D

Casey Farm – Washington Grove	Natural Resource	Class III	Technical Appendix D
J.H. Cashell Farm (Casey Property)	Heritage Resource	Class II	50, 53
Chevy Chase Club	Heritage Resource	Class III	Technical Appendix D
Clarksburg Extension	Natural Resource	Class III	Technical Appendix D
Clarksburg General Store (Indian Trading Post)	Historic Resource	Class III	Technical Appendix D
Clarksburg Triangle Property	Urban Open Space	Class I	70, 73
Darby House & Store	Heritage Resource	Class II	50, 53
Easement Purchase Area: Properties East of Poolesville to Seneca Creek State Park	Farmland and Rural Open Space	Class II	65, 66
Easement Purchase Area: Properties North of Clarksburg Master Plan Area and East of Little Bennett Regional Park	Farmland and Rural Open Space	Class II	65, 66
Easement Purchase Area: Properties North of Clarksburg Master Plan Area and West of I-270	Farmland and Rural Open Space	Class II	65, 66
Easement Purchase Area: Properties North of Damascus Master Plan Area Within the Patuxent River Watershed	Farmland and Rural Open Space	Class II	65, 66
Easement Purchase Area: Properties Northwest of Laytonsville	Farmland and Rural Open Space	Class II	65, 66

Easement Purchase Area: Properties West of Georgia Avenue and North of Brookeville Road (between the Hawlings River and Reddy Banch)	Farmland and Rural Open Space	Class II	65, 66
Edgewood	Heritage Resource	Class II	48, 50, 52
Ednor Branch Rural Cluster Area Properties	Water Supply Protection	Class II	42, 44
Ednor Farms	Natural Resource	Class III	Technical Appendix D
Erdle Property – across from Denit	Water Supply Protection	Class III	Technical Appendix D
Fox Branch Rural Cluster Area Properties	Water Supply Protection	Class II	42, 44
Fraley Farm – Eastern Portion	Natural Resource	Class III	Technical Appendix D
Freeman Property – Upper Rock Creek	Natural Resource	Class III	Technical Appendix D
Friends Advice	Heritage Resource	Class II	50, 53
Furnace Branch Headwaters Area	Natural Resource	Class I	33, 36
Green Boulevard: Bush Property	Urban Open Space	Class I	70, 73
Green Boulevard: Connecticut Avenue From Aspen Hill to District of Columbia	Urban Open Space	Class II	71, 73
Green Boulevard: Georgia Avenue (MD Route 97)	Urban Open Space	Class II	71, 73
Green Boulevard: Maryland Route 355	Urban Open Space	Class II	70, 73
Green Boulevard: New Hampshire Avenue near Sligo Creek	Urban Open Space	Class III	Technical Appendix D

Green Boulevard: University Boulevard	Urban Open Space	Class III	Technical Appendix D
Green Boulevard: US 29 (Colesville Rd. & Columbia Pike)	Urban Open Space	Class II	71, 73
Greenwood	Heritage Resource	Class II	50, 52
Hights Branch Properties	Water Supply Protection	Class II	43, 44
Harewood	Heritage Resource	Class II	50, 52
Hendry Property	Greenway Connection	Class III	Technical Appendix D
Hilliard Farm	Heritage Resource	Class II	50, 53
Holland House & Red Door Store	Heritage Resource	Class II	49, 52
Hoyles Mill Diabase Forest Area	Natural Resource	Class I	33, 36
Hoyles Mill Diabase Area (North of White Ground Road)	Natural Resource	Class I	32, 33, 36
Hoyles Mill Diabase Area (South of White Ground Road)	Natural Resource	Class I	32, 35
Hyattstown Forest Buffer Area	Natural Resource	Class I	33, 37
Jolles Property on East-West Highway	Urban Open Space	Class III	Technical Appendix D
Land to East and West of Hyattstown	Heritage Resource	Class II	50, 53
Limestone Ecological Corridor	Natural Resource	Class I	33, 36
Link Between Rock Creek and Seneca Greenway Trail Corridors	Greenway Connection	Class I	57, 59
Little Bennett Headwaters	Natural Resource	Class III	Technical Appendix D
Loughborough House	Heritage Resource	Class II	50, 53
Lower Haulings River Rural Cluster Area Properties	Water Supply Protection	Class II	42, 44

Maiden Lane Property	Urban Open Space	Class I	70, 73
Lower James Creek Rural Cluster Area Properties	Water Supply Protection	Class II	42, 44
Middle Mt. Zion Tributary Properties	Water Supply Protection	Class II	43, 44
National Institute of Dry Cleaning	Heritage Resource	Class II	51, 54
North Branch Buffer Area	Natural Resource	Class I	33, 34, 37
Northwest Branch Trail Corridor	Greenway Connection	Class I	57, 59
Northwest Corner of MD Route 355 and Montrose Road	Urban Open Space	Class III	Technical Appendix D
Paint Branch Church Site	Natural Resource	Class III	Technical Appendix D
Paint Branch/Patuxent River Connection	Greenway Connection	Class III	Technical Appendix D
Paint Branch Peach Orchard Lots	Natural Resource	Class III	Technical Appendix D
Patuxent River Mainstem Gap Areas	Water Supply Protection	Class II	42, 44
Patuxent River Headwaters Tributaries Area	Water Supply Protection	Class II	43, 44
Patuxent River Trail Corridor	Greenway Connection	Class I	57, 59, 60
Potomac Bend Forest	Natural Resource	Class III	Technical Appendix D
Rachel Carson Extension	Water Supply Protection	Class III	Technical Appendix D
Reddy Branch Properties	Water Supply Protection	Class II	43, 44
Regional Park	Urban Open Space	Class II	69 – 73
River Road Shale Barrens	Natural Resource	Class I	32, 35
Seneca Greenway Trail Corridor	Greenway Connection	Class I	57, 59

Serpentine Barrens	Natural Resource	Class I	31, 35
Sligo Mill Property	Urban Open Space	Class I	70, 73
Soloman Simpson Farm	Heritage Resource	Class II	50, 53
South Serpentine Area	Natural Resource	Class I	31, 37
Stream Protection Area along Ten Mile Creek	Natural Resource	Class III	Technical Appendix D
Takoma Academy	Urban Open Space	Class I	70, 73
Trail Connections along MD Route 355	Urban Open Space	Class III	Technical Appendix D
Triadelphia Lake Area	Water Supply Protection	Class III	Technical Appendix D
Verbits Property	Natural Resource	Class III	Technical Appendix D
Wallace Poole Farm	Heritage Resource	Class II	50, 53
Walter Reed – Forest Glen	Urban Open Space	Class III	Technical Appendix D
Warren M.E. Church Historic Site	Heritage Resource	Class II	50, 53
Webb Tract	Urban Open Space	Class III	Technical Appendix D
White/Carlin Farm	Heritage Resource	Class II	50, 53
Wohlfarth Property	Urban Open Space	Class I	70, 73


General

The Council directs the Planning Staff to work with Council Staff to review the current requirements for preliminary plan submission and determine whether these requirements should be modified in cases where M-NCPPC is planning to purchase the property. The Staff review should determine whether certain required elements of the preliminary plan submission are not

necessary if the property will not be developed (e.g., traffic analysis). Park and Planning Department Staff should prepare a memorandum for submission to the Council summarizing their conclusions together with any changes in law or regulation that would be necessary to implement the recommended changes. Since the Council has not identified any reason to require different development submissions for Legacy purchases as compared to other purchases for public purposes, this review should consider development submissions for all types of County purchases of land.

All figures and tables included in the Plan are to be revised where appropriate to reflect District Council changes to the Planning Board (Final) Draft Legacy Open Space Functional Master Plan. Maps should be revised where necessary to conform with Council actions. The text is to be revised as necessary to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Legacy Open Space Functional Master Plan.

This is a correct copy of Council action.



Mary A. Edgar, CMC
Clerk of the Council