



MCPB
Item # 1
July 28, 2005

To: Montgomery County Planning Board
From: ICC Internal Review Team (301-495-4557)
Date: July 22, 2005
Subject: Intercounty Connector Study
Planning Board Briefing # 7

RECOMMENDATION: Approval of staff's proposed parkland replacement proposal to the Maryland Department of Transportation.

This memorandum describes staff's proposal for replacement parkland for the Intercounty Connector (ICC) in response to the July 11 announcement of a Locally Preferred Alternative by the Maryland Department of Transportation (MDOT).

Staff recommends that the Planning Board support the following parcels as satisfactory replacement parkland for the Locally Preferred Alternative:

- Casey Property at Hoyles Mill
- Llewellyn Property
- Peach Orchard/Allnut Property
- Southern Asia Adventist Property
- McNeill Property

BACKGROUND

The Maryland Department of Transportation has announced that Corridor 1 from the Draft Environmental Impact Statement is their preferred alignment. In making this selection the state has also taken significant steps to minimize impacts to parkland and natural resources. They have a preference for Rock Creek Option C which avoids Lake Needwood, Option A through Northwest Branch (which crosses the stream at respectful angles) and agreed to underground stormwater management through the Upper Rock Creek and Upper Paint Branch Special

Protection Areas. They had already agreed to construct bridges as recommended by resource agencies. It is now anticipated that the state will need to acquire 82.5 acres of parkland in addition to land acquired by the Park and Planning Commission through the Advanced Land Acquisition Program.

This memo is the staff's response to the conceptual mitigation package proposed by the state. The state seeks the Planning Board's concurrence on an acceptable package of mitigation for inclusion in the Final Environmental Impact Statement document which is expected in September.

The staff evaluation of parkland replacement strategies is guided by the 1989 Memorandum of Understanding (MOU) between M-NCPPC and the State Highway Administration (SHA), included as Attachment A. Two types of County-owned property are involved in the ICC land acquisition:

- Land acquired for transportation purposes in the ICC right-of-way using the Advanced Land Acquisition Revolving Fund (ALARF) will be transferred to the state upon a payment of our acquisition cost plus interest.
- Parklands needed by the state for ICC construction are to be compensated by state acquisition and transfer to M-NCPPC of equivalent replacement properties following the guidance of the 1989 MOU.

The 1989 MOU states that land will be replaced on an acre-by-acre basis. The MOU also contemplates that "replacement land will be of equal or greater natural resource, recreation, and economic value as the parkland taken for or impacted by the project." Therefore, in evaluating replacement property, M-NCPPC and state staffs have worked collaboratively to compare acreage, natural resource, recreation, and economic values.

SUMMARY OF IMPACTS

Exhibit 1 provides a tabular summary of these resource values for impacted parkland for the ICC Corridor 1 option recommended by MDOT, including Rock Creek Option C, Northwest Branch Option A, and the Layhill Road (MD 182) interchange. Exhibit 1 is divided into four parts:

- Part A itemizes ICC parkland impacts per MOU categories
- Part B demonstrates how the state's current parkland replacement proposal satisfies the MOU categories
- Part C demonstrates staff's counter-proposal
- Part D describes additional properties the Planning Board may wish to consider

Each of the MOU qualitative requirements are described below with relevant comparisons provided in Exhibit 1 for each property under consideration:

- **Acreage** is based upon the best available information source for each property, including tax records, deeds, and GIS computer analysis.

Exhibit 1. Intercounty Connector Parkland Replacement Evaluation

Part A. Impacted M-NCPPC Parkland

ICC Corridor 1 with Rock Creek Option C, Northwest Branch Option A, and MD 182 interchange
Based on Maryland DOT Estimates as of July 14, 2005

Park	Direct Parkland Impact (acres)	Interior Forest Impact (acres)	Active Recreational Amenities	Zoning
Mill Creek Stream Valley	3.9	0.0	none	R-90, R-200 RE-1, RE-2,
Rock Creek Regional	8.4	15.0	none	R-200, RNC
North Branch Stream Valley	17.5	39.1	none	RE-1, RE-2
Layhill Local	2.2	0.0	1 soccer field	RE-2, R-200
Northwest Branch Recreational	21.2	0.0	1 softball field	RE-2, R-200
Northwest Branch Stream Valley	22.9	60.5	none	RE-2, R-200 RE-2, RE-2C,
Upper Paint Branch Stream Valley	6.4	50.9	none	R-200
Little Paint Branch Stream Valley	0.0	4.3	none	Prince George's
TOTALS	82.5	169.8	2 fields	

Part B. MDOT Replacement Strategy as of July 14, 2005

Property	Direct Parkland Acquisition (acres)	Interior Forest Area (acres)	Active Recreational Amenities	Zoning	Adjacent to Existing Parkland
Casey Property at Hoyles Mill	458.8	214.2	none	RDT	Yes
Dungan Property North	44.9	0.0	none	RNC	Yes
Llewellyn Property	23.2	0.0	replacement fields	RE-2C	Yes
Peach Orchard Allnut Property	118.2	0.0	none	RE-1	Yes
Santini Road Properties	49.2	3.7	none	RC	No
TOTALS	694.3	217.9	multiple fields		

**Exhibit 1. Intercounty Connector Parkland Replacement Evaluation
(continued)**

Part C. Staff Suggested Replacement Strategy as of July 21, 2005

Property	Direct Parkland Acquisition (acres)	Interior Forest Area (acres)	Active Recreational Amenities	Zoning	Adjacent to Existing Parkland
Casey Property at Hoyles Mill	458.8	214.2	none	RDT	Yes
Llewellyn Property	23.2	0.0	replacement fields	RE-2C	Yes
Peach Orchard Allnut Property	118.2	0.0	none	RE-1	Yes
Southern Asia Adventist Property	23.2	0.0	none	RE-1	Yes
McNeill Property	36.2	0.0	none	RE-1	Yes
TOTALS	659.5	214.2	multiple fields		

Part D. Other Candidate Parkland by Watershed

Property	Direct Parkland Acquisition (acres)	Interior Forest Area (acres)	Active Recreational Amenities	Zoning	Adjacent to Existing Parkland
Paint Branch Watershed					
Erwin Property	51.7	8.0	none	RE-1	Yes
Anselmo Property	41.8	0.0	none	RE-1	Yes
Mitchell Property	36.1	6.0	none	RE-1	Yes
Lechluder Property	5.3	0.0	none	RE-2C	No
North Branch of Rock Creek Watershed					
Riggs Property	28.7	0.0	none	RE-1	Yes
TOTALS	163.6	14.0			

- **Natural resource value** is described in terms of interior forest loss, as presented to and accepted by the Planning Board at ICC Briefing #4 on July 15, 2004. As seen in Exhibit 1, the acreage of forest interior loss reflects the impact on forested areas outside the estimated limit of disturbance and is therefore substantially greater than the acreage of direct parkland impact.
- **Recreational value** is described in terms of playing fields. The ICC is expected to impact two playing fields that would need to be relocated to a new piece of parkland.
- **Economic value** has been estimated through use of assessed value from the Maryland Department of Tax Assessment and through other available estimates of current property value. Staff notes that the assessed values are highly imprecise due both to variable differences between assessed value and real market value. Nevertheless, through the use of assessed value and other estimates of property value available to staff, the evaluation indicates that both the state's proposed replacement parkland package and the staff's alternative proposal meet the MOU threshold for economic value replacement. Due to the imprecision of the assessed values and the sensitivity of using more accurate estimates of land value, estimated values for each property are not listed in Exhibit 1.

STATE PARKLAND REPLACEMENT PROPOSAL

As indicated in Part A of Exhibit 1, the state's recommended ICC alternative is estimated to impact about 82.5 acres of parkland (excluding ALARF properties) and would result in a loss of about 170 acres of interior forest acreage. These estimates are based on engineering refinements developed through April 2005 and reflect slightly lower impacts than presented in the November 2004 Draft Environmental Impact Statement. The state has proposed a replacement strategy consisting of five properties, summarized in Part B of Exhibit 1 and described below from west to east. Maps showing candidate parkland replacement sites described in this memorandum are included in Attachment B.

- The **Casey Property at Hoyles Mill** satisfies the MOU requirements for natural resource value protection. The 459-acre site contains a total of 341 acres of forest including 214 acres of interior forest. The site is adjacent to Hoyles Mill Conservation Park and contains some forest on rare diabase rock outcroppings in addition to a large stretch of the Little Seneca Creek stream valley. Staff also understands that there is general state and federal agency staff support for acquiring this property for the purposes of protecting forest interior dwelling species (FIDS), recognizing that the property adds to the overall value of the park system. Although this property is not within the same watersheds as the ICC, it is a significant property that can replace the forest habitat loss from the ICC. Similar opportunities for interior forest replacement do not exist in the watersheds directly affected by the ICC.
- The **Dungan Property North** is the portion of the Dungan property in Upper Rock Creek located north of the ICC right-of-way. This area would become landlocked by the ICC.

The site is partially forested and adjacent to the North Branch Stream Valley Park with the large complex of wetlands located in that stream valley.

- **The Llewellyn Property** is the platted but undeveloped portion of the Llewellyn Fields subdivision in Cloverly located south of Norbeck Road Extended. These parcels are currently owned by the State of Maryland and provide the opportunity for replacement playing fields. Staff finds that the proposed Llewellyn Fields property is an appropriate location for future active recreational use and may be able to accommodate up to 5 playing fields. The state will need to replace the playing fields that they acquire for the ICC.
- **The Peach Orchard Allnut Property** is the platted but undeveloped subdivision located in Fairland on the south side of Spencerville Road (MD 198) and east of Peach Orchard Road. The State of Maryland currently owns both the recorded lots (on approximately 40 acres) and the remaining land along the stream valleys on the site (approximately 75 acres) that are indicated on a recorded plat as dedicated to M-NCPPC parkland. This site is in the Upper Paint Branch Special Protection Area and has been identified as a potential Legacy Open Space site. Using the entire site for replacement parkland would reduce impervious levels and preserve additional forest and groundwater recharge areas in the Right Fork of Paint Branch.
- **The Santini Road Properties** are in the platted but undeveloped subdivision located in Fairland on the north side of Spencerville Road (MD 198) directly northwest of the Burtonsville Elementary School. The site is partially forested, contains a very small area of interior forest, and drains to the Patuxent River watershed.

Staff finds that the state proposal satisfies each of the equivalency metrics of the MOU, but that it contains shortcomings that warrant some revisions.

STAFF COUNTER-PROPOSAL

Staff's principal focus with its counter proposal is augmenting the park system in the Paint Branch. The Upper Paint Branch is a County Council designated Special Protection Area. Staff recommends that the Planning Board consider two amendments to the state proposal that better reflect staff parkland replacement priorities and satisfy public interest in protecting pervious surfaces in the Upper Paint Branch Special Protection Area. See Exhibit 1, Part C for a listing of the complete replacement strategy proposed by staff.

- Remove the **Dungan Property North** and the **Santini Properties** from the MDOT parkland replacement package
- Add the **Southern Asia Adventist Property** and the **McNeill Property**, two adjacent properties in the Paint Branch watershed, to the parkland replacement package

Staff believes that the Dungan Property North is likely to be dedicated to M-NCPPC in the near term as part of the pending Casey-Dungan property subdivision. A pre-preliminary plan for the

properties (No. 7-05042) is currently being reviewed administratively and proposes dedication of the entire Dungan property to parkland (other than the ICC ROW). Staff therefore recommends that the Dungan Property North be removed from the parkland replacement package.

Similarly, staff does not find that value is added to the park system by the offer of the Santini properties as replacement parkland. Staff finds that these properties are not contiguous to any other public park resources nor do they contribute to the achievement of any particularly unique natural resource protection objectives. The site includes minimal interior forest of low resource value and is located within the Patuxent River Watershed. As such, putting these properties into parkland would not preserve a significant area of interior forest or contribute to preserving water quality in the Paint Branch, two of the key natural resource objectives of the mitigation process. Staff recommends that the Santini Properties be removed from the parkland replacement package.

Staff has identified two properties within the Upper Paint Branch Special Protection Area (SPA) as appropriate substitute properties for Santini and Dungan on the parkland replacement list. The two adjacent properties, the **Southern Asia Adventist Property** and the **McNeill Property**, total 59 acres and are located in Cloverly on the south side of Spencerville Road (MD 198) and east of Good Hope Road. Both properties are in the Upper Paint Branch Special Protection Area and are Class I Natural Resource sites within the Legacy Open Space program. All of the McNeill Property and part of the Southern Asia Adventist Property are identified in the 1997 Cloverly Master Plan for park acquisition. The 1995 *Upper Paint Branch Watershed Planning Study* identified the entirety of both properties for park acquisition to preserve water quality. The site contains extensive areas of stream valley buffer and good quality forest. Most importantly, the site contains the critical headwater wetland complexes of the Left Fork of the Paint Branch. Both properties are important to maintain as open land to keep impervious surfaces low and protect the cold-water flow in the entire watershed. For these reasons, staff believes that these sites are the highest priority sites for acquisition after the Peach Orchard/Allnut Property.

The staff counter-proposal also satisfies each of the equivalency metrics of the MOU.

ADDITIONAL REPLACEMENT PARKLAND CANDIDATES

Should the Planning Board wish to consider additional or different replacement parcels for their preferred parkland replacement list, staff has identified additional high-priority properties within the Paint Branch and North Branch watersheds. The sites are listed in order of priority and staff finds that each property is more valuable to the County's natural resource protection goals than are the Santini Properties.. A summary of the sites is listed in Part D of Exhibit 1 and maps of the sites are in Attachment B.

Paint Branch Sites

Erwin Property

- 52 acres, RE-1
- Cloverly Master Plan (1997) indicates park acquisition of entire parcel

- Contains significant areas of the stream valley in the Left and Right Forks and closes a critical gap in park ownership
- Site entirely forested

Anselmo Property

- 41.8 acres, RE-1
- Contains stream valley and wetlands, some forest
- Potential to reduce impervious levels in Left Fork watershed and preserve groundwater recharge areas
- Opportunity for reforestation and wetland restoration on open land
- Connects Cloverly Local Park with the Upper Paint Branch Stream Valley Park

Mitchell Property

- 36.1 acres, RE-1
- Contains large block of good quality forest and wetlands
- Adjacent to Upper Paint Branch SVP and Maydale Nature Center
- Potential to preserve forest, reduce impervious levels in Left Fork watershed and preserve groundwater recharge areas

Lechliden Property

- 5.3 acres, RE-2C
- Property may not be subject to SPA 10% imperviousness cap
- Potential to reduce impervious levels in Good Hope Tributary and preserve groundwater recharge areas

North Branch Site

Riggs Property

- 28.7 acres, RE-1
- Contains large wetlands in headwaters of North Branch
- Adjacent to recently dedicated forested parkland
- Potential for wetland and forest retention and restoration
- Property may not be subject to SPA 8% impervious cap (if developed without sewer service)

STATUS OF OTHER MOU CRITERIA

The 1989 MOU identifies 18 specific areas of conceptual parkland mitigation measures. This memorandum focuses on only the first area, replacement parkland acquisition. Certain measures relating to a parkway-like setting, best management practices, and impacts minimization have been incorporated into the state's preferred alternative. Other measures relate to detailed design, construction, and maintenance practices that apply during later stages in project implementation. These measures will be described in greater detail during future Planning Board briefings.

Staff notes that the MOU states that “existing and proposed equestrian, pedestrian, and bicycle trails will be accommodated within the design of the project”. The ICC bike path is a key element of the master planned transportation and recreation system. Both the Planning Board and County Council have repeatedly stressed the need to include and implement a complete east-west bike path as part of the ICC project.

At the westernmost end of the project, both the Planning Board and County Council concurred during spring 2005 that the bike path need not be constructed through the Mill Creek Stream Valley Park. The state’s Locally Preferred Alternative for the ICC includes construction of portions of the bike path through the North Branch Stream Valley Park. However, the state has made no provisions for proposed east-west bike path connections through the Northwest Branch or Paint Branch Stream Valley Parks. Staff reminds the Planning Board that the lack of a continuous east-west bike path either within, or proximate to, the ICC right-of-way in the Northwest Branch and Paint Branch Stream Valley Parks remains an outstanding concern. Staff finds, however, that outstanding issues relating to the bike path should not affect the evaluation of replacement parkland quantity or quality.

Attachments:

- Exhibit 1: Intercounty Connector Parkland Replacement Evaluation
- Attachment A: MOU between SHA and M-NCPPC regarding parkland replacement, 10/11/89
- Attachment B: Maps of candidate replacement parkland sites
- Attachment C: Planning Board Briefing Schedule
- Attachment D: Related correspondence