

JULY 2001

LEGACY OPEN SPACE

OPEN SPACE CONSERVATION IN THE 21ST CENTURY

FUNCTIONAL MASTER PLAN

INTERIM REFERENCE EDITION

THE MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION

ABSTRACT

TITLE: LEGACY OPEN SPACE FUNCTIONAL MASTER PLAN -
Open Space Conservation in the 21st Century
INTERIM REFERENCE EDITION

AUTHOR: The Maryland-National Capital Park and Planning Commission
Montgomery County Department of Park and Planning

SUBJECT: Functional Master Plan for protecting significant open space
resources in Montgomery County

DATE: July 2001

**PLANNING
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ABSTRACT: This document contains the text, with supporting graphics for
the Preliminary Legacy Open Space Master Plan. It designates
certain sites for protection through acquisition or easement as
part of a public/private effort to protect significant open spaces
in Montgomery County.

LEGACY OPEN SPACE FUNCTIONAL MASTER PLAN

Open Space Conservation in the 21st Century

Policy Framework
Protection of Green Infrastructure
Project Recommendations
Implementation Strategy

Prepared by The Maryland-National Capital Park and Planning
Commission
Montgomery County Department of Park and Planning

Interim Reference Edition
July 2001

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland-National Capital Park and Planning Commission is a bi-county agency created by the General Assembly of Maryland in 1927. The Commission's geographic authority covers most of Montgomery and Prince George's counties. The Commission's planning jurisdiction, the Maryland-Washington Regional District, comprises 908 square miles; its parks jurisdiction, the Metropolitan District, comprises 75 square miles.

The Commission has three major functions:

- (1) The preparation, adoption, and, from time to time, amendment or extension of *The General Plan (On Wedges and Corridors) for the Physical Development of the Maryland-Washington Regional District within Montgomery and Prince George's Counties*.
- (2) The acquisition, development, operation, and maintenance of a public park system.
- (3) In Prince George's County only, the operation of the entire County public recreation program.

The Commission operates in each County through a Planning Board appointed by and responsible to the County government. The Planning Boards are responsible for preparation of all local master plans, recommendations on zoning amendments, administration of subdivision regulations, and general administration of parks.

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Council Approval Resolution

Interim Reference Edition

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LEGACY OPEN SPACE Executive Summary

Legacy Open Space is a bold, new program 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 program identifies natural resources, open space, farmland, and historic lands for conservation and creates a comprehensive strategy to protect the County's "green infrastructure." This focused endeavor heightens the County's commitment to open space conservation in rural, suburban, and urban areas.

This functional master plan establishes the program as a part of the General Plan for Montgomery County. The master plan includes criteria for identifying potential Legacy Open Space sites, an initial inventory of the sites known to meet the criteria, and a process for setting priorities for protection through acquisition of land or easements. The sites identified as appropriate for acquisition of land or easements are shown on page 25.

Open space lands offer quiet refuge, environmental protection, recreational and interpretational opportunity and, often, a setting reflective of our cultural heritage. It is clear that open spaces also define community character, protect our agricultural economy, activate urban neighborhoods, and revitalize suburban communities. Within this open space environment, there are certain lands that "rise above the rest" because of exceptional values they possess. *Legacy Open Space* targets lands of exceptional significance for protection, to assure current and future generations of their quality and availability.

As Montgomery County becomes increasingly developed and the population continues to grow, human activity encroaches upon open space lands, which become more precious and scarce. As stewards of Montgomery County open spaces, we have an important responsibility to conserve and interpret our open space heritage.

Legacy Open Space recognizes the critical need to act now to protect exceptional open spaces for our children and grandchildren. Prior to this plan, funding levels and open space protection programs were inadequate to protect critical open spaces. *Legacy Open Space* builds on our commitment to open space protection as a way to ensure the continued extraordinary quality of life in Montgomery County.

LEGACY OPEN SPACE

Significance of Recommendations

LEGACY OPEN SPACE is a bold program that builds on the existing park system to protect thousands of acres of exceptional open space lands and heritage resources throughout all of Montgomery County.

LEGACY OPEN SPACE...

- Safeguards thousands of acres of exemplary and diverse natural resources.
- Contributes to the protection of our water supply by reducing the development potential of thousands of acres of land in the Patuxent and Potomac River Watersheds.
- Creates a national model for heritage protection that embraces historic preservation within a broad interpretive setting.
- Connects new and existing open spaces to form a 100-mile "ribbon of green" trail from the Potomac River via the Patuxent River to the Northwest Branch.
- Greens our urban communities by creating "green boulevards" and protecting key natural open spaces.
- Assists farmers to maintain agricultural uses on "at risk" farmland.
- *Provides community outreach and provides educational opportunities to increase enjoyment and appreciation of these resources.*

Resolution No.: 14-97C
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 reduc[e] 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 HP Easement Program, MHP Easement Program		{Rural Neighborhood Zone, {Historic Preservation Ordinance, zoning strategies including the RNT 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 I] 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.

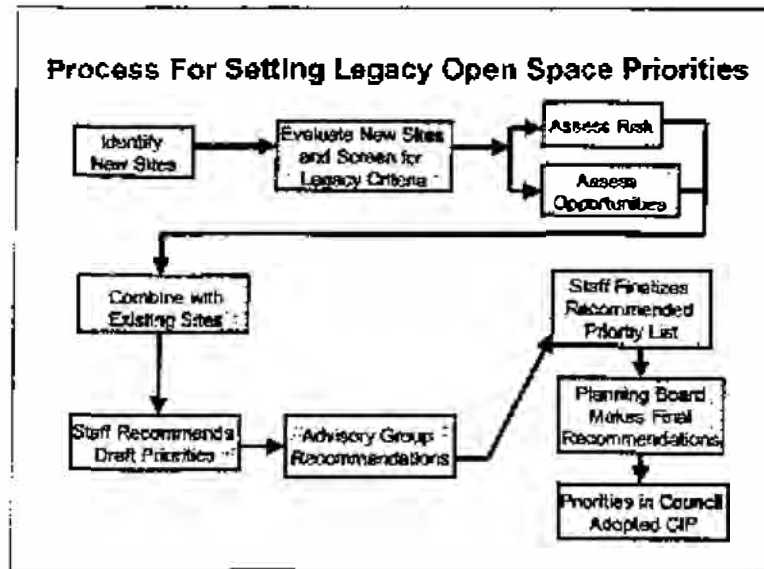
In the first year following the adoption of the plan, the staff of Legacy Open Space along with the Legacy Open Space Advisory Group and the advice of the public will develop a

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 Spring
- Maiden Lane Property, Bethesda

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 5. <u>Takoma Academy²</u> 6. <u>Maiden Lane Property³</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.
Green Boulevards Highest priority: MD 355 Georgia Avenue US 29 Other priorities: Connecticut Avenue	Create high quality green boulevards with special character along [visible arterial] <u>selected</u> major 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, or purchase.

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).

² 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 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 Branch)	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 Hawlings 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

ACKNOWLEDGEMENTS

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create a Legacy for all the city

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Thanks to all the Park and Planning

Special thanks to retired Chairman William F

Resolution No.: 14-97C
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 reduc[e] 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 HP Easement Program, MHP Easement Program		{Rural Neighborhood Zone, {Historic Preservation Ordinance, zoning strategies including the RNT 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	RDI 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 I] 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.

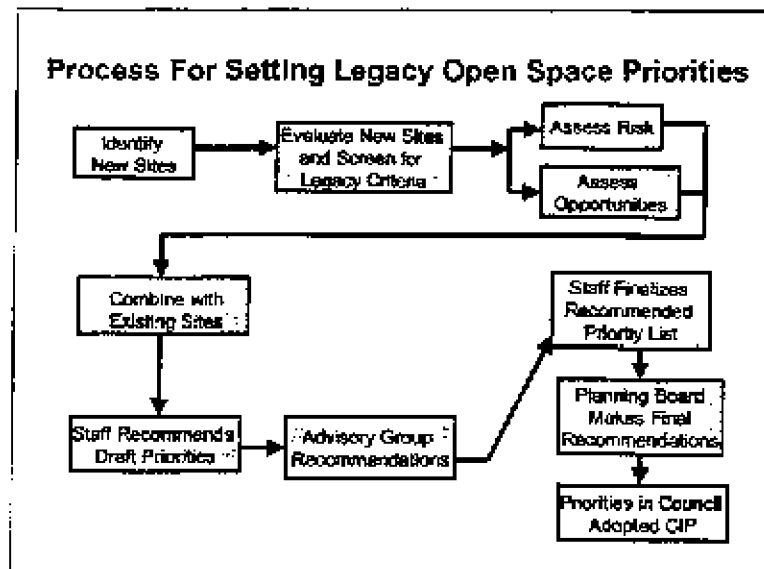
In the first year following the adoption of the plan, the staff of Legacy Open Space along with the Legacy Open Space Advisory Group and the advice of the public will develop a

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 Spring
- Maiden Lane Property, Bethesda

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 5. <u>Takoma Academy²</u> 6. <u>Maiden Lane Property³</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.
Green Boulevards Highest priority: MD 355 Georgia Avenue US 29 Other priorities: Connecticut Avenue	Create high quality green boulevards with special character along [visible arterial] selected major 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, or purchase.

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).

² 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 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 Branch)	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 Hawlings 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

POLICY AND PLANNING OVERVIEW

- ☐ *Nationwide Perspective*
- ☐ *County Perspective*
- ☐ *Public Opinion and Need*
- ☐ *Public Purpose*
- ☐ *Planning Framework*
- ☐ *Protecting the Green Infrastructure*

POLICY AND PLANNING OVERVIEW

I. NATIONWIDE PERSPECTIVE

Throughout the United States, voters are expressing ardent support for the dedication of tax revenues to preserve open space, natural resources, farmland and historic areas as a means of protecting state and local environments as well as state and local economies. Voters across America have sent a clear message of strong support for dedicated funding for open space protection to assure a high quality of life in rural, suburban, and urban areas.

There is a greater understanding that conservation and open space are investments rather than costs. Parks and protected open space are increasingly recognized as vital to the quality of life that not only offers environmental protection and recreational opportunity, but also fuels economic health. As the nation moves *toward a mixed economy based on services, light industry, consumer goods, and new technology businesses*, their employees no longer are tied to traditional employment centers. Today, businesses shop for appealing locations and they clearly prefer communities with a high quality of life, including an abundance of open space, nearby recreation, and pedestrian-friendly neighborhoods.

Across the country, voters in the November 1998 elections approved some 173 state, county, and local open space ballot measures. Approximately \$7.5 billion of new state and local bonds and dedicated revenues were authorized to protect rural, suburban, and urban open space. The clear message of the diverse ballot measures is that voters are enthusiastically endorsing programs to protect and enhance "green infrastructure." They show a willingness to help pay for comprehensive strategies to guide more environmentally sensitive growth - smart growth.¹

These initiatives were complemented by the strong private efforts of nonprofit land trusts along with broad coalitions of conservation, business, farming, historic preservation, and community organizations. Private and public partnerships effectively protect open spaces by providing excellent leverage of dedicated government revenues.

II. COUNTY PERSPECTIVE

Montgomery County's park, natural resource, farmland, and heritage conservation efforts have been a priority of the Montgomery County Planning Board since its inception in 1927. Conservation of these open space resources have contributed to

¹ Special thanks to the Conservation Fund and Land Trust Alliance for their national perspective and statistics.

the quality of life and community character that support the County's economic well-being.

Montgomery County has more than 50,000 acres of protected green open space including parkland and private conservation open spaces. Rural open spaces and farmland have also been protected by inclusion in Montgomery County's 96,000 acre Agricultural Reserve. In addition, a range of urban parks conserves open space in our more densely developed areas, while a small number of Special Parks include historic/cultural features. Heritage resources are also protected through designation on Montgomery County's *Master Plan for Historic Preservation* which includes 20 county historic districts and 356 individual historic sites. Appendix A provides an inventory of open spaces in Montgomery County, associated funding levels, and 2010 need assessment.

The Planning Board's early commitment to environmental stewardship and conservation of the stream valley system provided the policy framework for the "Wedges and Corridors" concept in the 1964 General Plan and subsequent 1993 General Plan Refinement. This open space framework has become an important policy underpinning that guides a wide range of planning and regulatory policies, programs, and projects.

For more than a half century, Montgomery County's investment in open space conservation has helped the County "grow smart" by —

- Guiding development from the wedge areas to designated growth areas, thereby averting the costs of development sprawl.
- Providing a high quality of life that attracts new residents, businesses, and tourists to our communities.
- Conserving stream valleys and floodplains, thereby saving millions of dollars that would otherwise be lost in property damage from floods or the costs of providing protection from floods.
- Promoting healthy stream conditions that contribute to the maintenance of stream ecology and protection of the Chesapeake Bay.
- Protecting and preserving sensitive environmental areas and heritage resources for the benefit of present and future generations.
- Providing extensive open space recreational opportunities.
- Safeguarding our agricultural economy by protecting more than 96,000 acres of farmland and rural open spaces in a designated Agricultural Reserve.

- Energizing and often revitalizing urban and suburban neighborhoods, while boosting the property values of nearby properties.
- Facilitating our ability to meet Federal and State environmental goals and regulatory responsibilities.
- Educating the present and future generations of environmental stewards.

III. PUBLIC OPINION AND NEED

Throughout the past half-century, Montgomery County citizens have voiced strong support for open space and heritage conservation. More recently, the voice has intensified in concert with the Planning Board's heightened commitment to open space protection beyond the park system and recognition of the great need to increase public awareness of historic resources.

Broad support and demand for open space and heritage protection and interpretation was echoed throughout the public opinion surveys that accompanied the 1998 *Park, Recreation, and Open Space (PROS) Master Plan* (Appendix B). The surveys represent an important gauge of need and demand, which resulted in two key PROS recommendations:

- Acquisition of natural areas should be a very high priority as evidenced by residents' strong interest in preserving forests, streams, and wildlife habitat.
- Priority should be given to nature center facilities and interpretative programs for natural areas and historic sites. Considerable interest was expressed in preservation of natural areas, visiting historic sites, and attending historic programs.

The PROS Plan also identifies future 2010 parkland acquisition need. A total of 4,470 additional park acres is proposed in the Long Range Park Acquisition Program. More than 80% of these lands are targeted for conservation use.

Only a small portion of the long-range program is included for acquisition in the proposed six-year Capital Improvement Program because of funding limitations (see Appendix C). Funding for the acquisition program has been limited to State Program Open Space Grant acquisition funds. The FY01-06 program totals nearly \$21 million (\$16.2 million for non-local parks and \$4.7 million for local parks). Based on past averages, this would allow acquisition of approximately 1,500 acres of land, of which 1,300 acres will be conservation acres -- primarily in the Upper Paint Branch, Great Seneca, Little Seneca, and other stream valley parks -- and acquisitions to secure property for master planned greenways, Black Hill Regional Park, and other park completions. This leaves the majority of the long-range program for acquisition in future years.

The M-NCPPC Park Acquisition Program is defined as a "level of effort" funding program that focuses primarily on the acquisition of lands that extend or enhance the existing park system with emphasis on stream valley protection. The Acquisition Program gives priority to sites (1) needed for park development, (2) master planned for acquisition and available from willing sellers, and (3) sites that will complete missing links in the park system or that represent opportunity acquisitions. Acquisition relies, as much as possible, on dedication and donations. In addition, CIP funding for historic resource protection focuses generally on renovation and stabilization.

This level of effort greatly limits the County's ability to proactively acquire large tracts of exceptional lands or easements that contribute to and safeguard Montgomery County's natural and heritage resources. The Legacy Open Space program includes a new funding strategy approved by the County Council to augment current CIP programs to protect vital County resources of significance. Legacy Open Space will rely on dedicated funding of public dollars from County government in concert with a broad range of state and federal government, private foundation and corporate funding sources and gifts.

IV. 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 open space lands include *quiet refuge, recreational and educational opportunities, and contributions to air quality improvement for all County residents. Open spaces also reduce non-point source pollution, protect the public water supply, provide significant wildlife habitat and biodiversity, and often preserve a setting reflective of our cultural heritage.*

Preserving our open spaces also makes good economic sense. Agriculture continues to be an important part of the County's economic base. Investing in open space and farmland helps to stabilize the tax rate by lowering the demand for expensive government services into the agricultural wedge areas. Open spaces also help Montgomery County compete in a global economy, where corporate executives assess quality-of-life issues for their employees when making decisions about locating, expanding, or maintaining job-creating facilities.

As the County grows and matures, the use of the land changes and there is a very real risk that Montgomery County will lose its open spaces, particularly those of exemplary conservation value. These lands should be set aside in public trust for all current and future generations. These open spaces will make a substantial and lasting contribution towards assuring all residents, present and future, the continued quality and availability of open spaces important to the values, interests, and heritage of County residents.

The balance between the built and unbuilt environments is important to our social and economic good health. The future well being of Montgomery County citizens depends upon maintaining the quality and availability of open space lands.

Recognizing the important linkage between conservation, quality of life, and economic vitality, an aggressive and coordinated program is essential to better assure that our open spaces enrich the lives of current residents and are passed on to future generations.

V. PLANNING FRAMEWORK

A broad spectrum of public and private initiatives guide open space conservation efforts in Montgomery County. However, no programmatic framework organizes the multitude of initiatives and overarching policies into a focused and coordinated land conservation effort. As a result, resources are protected on a case-by-case basis without benefit of comprehensive vision. Furthermore, many already protected resources are not available to the public for interpretative or educational opportunity.

Particularly troublesome is the realization that lands of exemplary conservation value, the lands that "rise above the rest", may be listed as needing protection in a multitude of documents, yet they are not part of a comprehensive open space protection strategy.

Open space initiatives receive policy and programmatic guidance from six pivotal documents² — (1) *the 1964 General Plan and 1993 General Plan Refinement*, (2) *the Park, Recreation, and Open Space (PROS) Plan*, (3) *"Parks for Tomorrow,"* (4) *the Functional Plan for the Preservation of Agriculture and Rural Open Space*, (5) *the Countywide Park Trails Plan*, and (6) *the Master Plan for Historic Preservation*.

The PROS Plan identifies open space, recreation, and heritage needs and provides guidance on acquisition, development, and operational policy, sets priorities for the CIP, and lists exemplary natural and heritage resource areas. The supplement to the PROS Plan, *"Parks for Tomorrow,"* highlights a series of park, open space, and heritage conservation, vision strategies, guidelines, and actions for the next seventy years. The *Functional Plan for the Protection of Agriculture and Rural Open Space* recommends land use and zoning strategies to protect more than 96,000 acres of farmland and rural open spaces. The *Countywide Park Trails Plan* recommends a vision and implementation strategy to deliver an interrelated trail network throughout the County. The *Master Plan for Historic Preservation* and Chapter 24A of the Maryland Code recommend specific sites and environmental settings necessary to

² These documents also include a broad range of private conservation initiatives as well as other public agency open space conservation programs.

protect and preserve significant historic and cultural resources. The recommendations and implementation strategies expressed in these documents are translated into site-specific projects in a variety of ways — PROS implementation studies, park master plans, community master plan park acquisition proposals, subdivision review, Capital Improvements Program, and planning/COORDINATING with other agencies or entities.

In addition to these planning documents, our open space plans are guided by the state's smart growth initiatives. Legacy Open Space will help shape the development envelope and protect sensitive areas, providing one means of implementing these initiatives.

The Legacy Open Space Functional Master Plan provides an overarching strategy to protect the exceptional open spaces that are key to the green infrastructure throughout the County, by organizing the myriad of policies, programs, and plans into an initiative encompassing six resource categories. These include: Protection of Sensitive Natural Resources, Water Supply, Heritage Resources, Greenway Connections, Farmland and Rural Open Space, and Urban Open Space.

VI. PROTECTING THE GREEN INFRASTRUCTURE

The green infrastructure of Montgomery County consists of our stream valleys, important forest, field and stream habitats, productive farmland, historic and rural vistas, our urban green spaces and access "corridors" for people and wildlife. The green infrastructure benefits water and air quality, provides habitat for many species of plants and animals, provides visual relief, and recreational opportunities for communities and individuals while allowing visual and physical access to our cultural and natural resources.

The Maryland Department of Natural Resources has developed a data base and a series of maps showing the green infrastructure strictly from a natural resources perspective. This information, along with local environmental inventories, state and local historical and archeological records, and information on farmland preservation were used to identify areas Montgomery recognizes as its own "green infrastructure." The green infrastructure, as the state defines it, consists of natural resources "hubs" containing important ecological communities or key resources, connected by corridors that have the greatest potential for connecting the hubs. A closer examination of this information for Montgomery County shows that many of the hubs and corridors are already partially protected, however, portions of some of the corridors have already been compromised by approved development. The Legacy Open Space Program will protect key elements of this green infrastructure and study how to protect the remaining areas.

The County's green infrastructure is protected in different ways (See map on page 11). Some land is protected by park ownership, ownership by conservation or land

trust organizations, and conservation easements dedicated to the county or to conservation groups. Agricultural easements in the Rural Density Transfer (RDT) zone protect agricultural uses and rural open space, however, landowners have the opportunity to buy back the easement after 25 years if they prove the land is no longer suitable for farming. While agricultural easements require the implementation of a soil and water conservation plan, clearing of land for farming may compromise some types of habitat. Certain zones (such as the RDT and Rural Neighborhood Cluster, or RNC zones) allow limited types and densities of development, especially to protect rural and agricultural areas. When development is approved in any zone, the M-NCPPC Planning Board's Environmental Guidelines are used to secure conservation easements on key environmental features. In some cases, the developer dedicates a portion of the property containing these environmental features to parkland. Figure 1 shows the protected portions of the county's green infrastructure.

Not all open spaces are the same. Different types of open space are needed to protect different types of resources and to provide for the many active and passive uses desired by the county's citizens. It is important to identify and provide the appropriate level of protection needed to assure a healthy and accessible natural and cultural environment.

Many different tools and funding sources are used to protect the green infrastructure (see Table 1). Legacy Open Space embraces these tools and provides a way to supplement them and prioritize their use in acquiring lands and easements to protect open space.

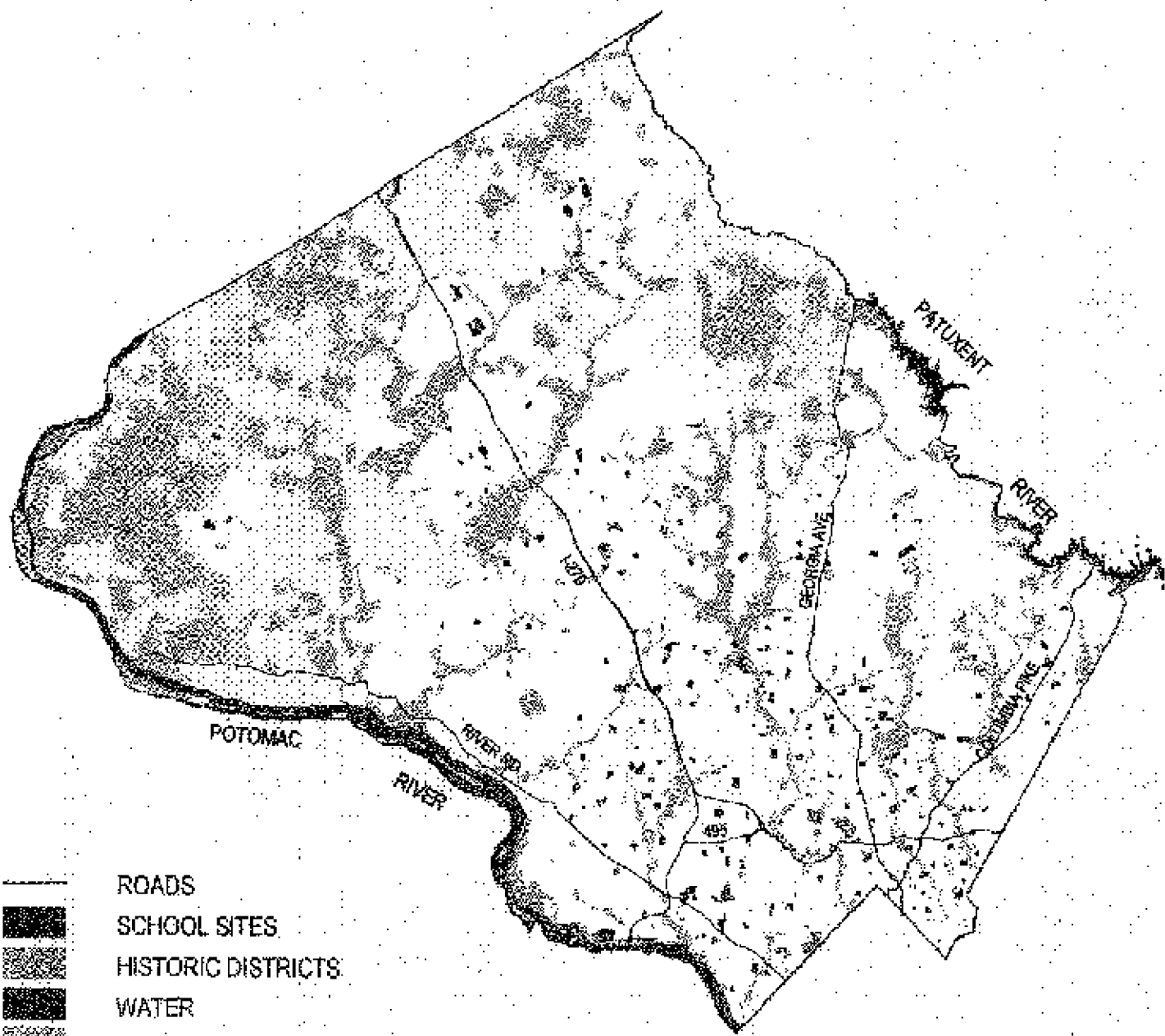
Even given all these tools, some open space resources are lost because they have not been identified, or because the tools and funding levels are insufficient. The Legacy Open Space Program has been developed to provide a unified mechanism for identifying and safeguarding these resources.








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. 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

CURRENT PATTERN OF PROTECTED OPEN SPACE



-  ROADS
-  SCHOOL SITES
-  HISTORIC DISTRICTS
-  WATER
-  EXISTING & PROPOSED PARKLAND,
EASEMENTS & TDRS
-  NOTE: THIS INCLUDES ISAAC WALTON LEAGUE &
THE NATURE CONSERVANCY PROPERTIES.
-  RDT & RNC ZONED PROPERTIES

SOURCES: MARY AND OFFICE OF PLANNING
 MONTGOMERY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT - AGRICULTURAL SERVICES
 MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING
 MONTGOMERY COUNTY DEPARTMENT OF INFORMATION SYSTEMS AND TELECOMMUNICATIONS



NOT TO SCALE

Table 1. Tools to Protect Green Infrastructure in Montgomery County

	Local Govt. Ownership	Local Govt. Easement to Protect Resource	Private Conservation Group Ownership	Local Land 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 HP Easement Program, M-IT Easement Program		Historic Preservation Ordinance, zoning strategies including RDT zone, SNC zone, & 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.)
Farm Land 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, Mt. 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

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. In addition, designation of a Legacy site 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.

CREATING THE LEGACY

- Legacy Framework
- Legacy Criteria

CREATING THE LEGACY

VII. LEGACY FRAMEWORK

- Legacy Open Space focuses and coordinates efforts to proactively protect and interpret open space lands of exceptional significance and value. This endeavor builds on the existing park system; it further heightens the Planning Board's conservation commitment to assure current and future generations of quality and availability of these exceptional resources.
- It is in the public interest to aggressively pursue an effort to bring these exceptional lands into the public domain, protect by easement, or, when appropriate, to create innovative partnerships with other government entities and private organizations to protect lands of mutual interest.
- Legacy Open Space supports and complements on-going open space protection initiatives, it is not intended to duplicate efforts. It promotes near-term priority protection for exceptional resources that are not included in other acquisition programs.
- The success of the Legacy Open Space program depends on well-funded acquisition and interpretative programs. Although Legacy Open Space will protect natural areas unique to Montgomery County or preserve properties commemorating our heritage, unless these areas are interpreted, their ability to educate future generations will be lost.
- Legacy Open Space depends on a dedicated revenue stream to support acquisition and foster innovative partnerships with private foundations, corporations, and organizations. Using revenue from park bonds along with funding from Federal, state, local, and private sources, the Legacy Open Space vision can become a reality.
- The primary emphasis, particularly in the early years, for the expenditure of Legacy funds derived from County general obligation bonds, is to protect open space through the acquisition of land and easements. As the program matures, it will be broadened to include activities to implement the education and stewardship goals of the program.
- Exceptional sites that are currently county-owned resources may be transferred to the M-NCPPC in order to assure protection, stewardship, or use as a park facility.
- County funds are intended to have a multiplier effect, leveraging other public funds and private contributions.

VIII. LEGACY CRITERIA

Resources of exceptional countywide significance are best defined by the conditions that elevate them to "rise above the rest". The following criteria provide the foundation for the Legacy Open Space priority recommendations:

- 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 viewsapes, architectural character, or historic association.
- The Resource is critical to the successful implementation of public policy such as the protection of the Agricultural Reserve and public water supply.
- The Resource is part of a "critical mass" of like resources that perform an important environmental or heritage function.
- The Resource makes a significant contribution to one or more heritage themes.
- The Resource provides human or ecological connectivity between significant park, natural or historic areas and/or corridors.
- The Resource helps to buffer and thereby protect other significant resources.
- The Resource represents an opportunity for broadening interpretation and public understanding of natural and heritage resources.
- 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.

DEFINING THE LEGACY

- Vision
- Open Space Elements
- Classification of Sites
- Process for Adding Sites
or Changing Classification
- Process for Setting Priorities
- Overview of Land Protection
Recommendations

DEFINING THE LEGACY

IX. LEGACY VISION

Legacy Open Space is framed by an open space vision to orchestrate existing and proposed conservation initiatives into a coherent, interrelated, countywide network of green. The vision provides an image of how the open space elements that comprise "green infrastructure" will evolve in the future, and establish a visual framework for decisions to make that vision become a reality.

The vision interrelates natural and heritage resources, rural and urban open spaces, farmland, and park and trail systems to create a pattern of open space with the following characteristics:

- Protected green space along the Patuxent and Potomac Rivers safeguards the water supply, natural resources, heritage clusters, and trail/wildlife corridors.
- Cross-county trail linkages between the Patuxent River, Potomac River, and the Northwest Branch of the Anacostia River provide important open space features for urban, suburban, and rural residents.
- Significant natural resources, primarily in the upper county, are protected. Additionally, smaller significant natural areas in the more urbanized portions of the county are protected and interpreted.
- The open space setting for significant heritage resources is protected.
- Important urban open spaces enhance the image of green boulevards along our major roads and provide new urban open space possibilities.
- Agricultural and rural open spaces are safeguarded and surround our developed areas.

The primary emphasis, particularly in the early years, for the expenditure of Legacy funds derived from County general obligation bonds, is to protect open space through the acquisition of land and easements. As the program matures, it will be broadened to include activities to implement the education and stewardship goals of the program. Capital improvements should be funded from other sources.

X. LEGACY OPEN SPACE ELEMENTS

Legacy Open Space recommendations are organized into six Resource Categories as follows:

Resource Category #1: Protection of Environmentally Sensitive Natural Resources

These are high quality natural areas where ecological processes are allowed to take place with limited human disturbance. These areas, which offer the user a high quality outdoor experience in a sufficiently quiet and tranquil setting, may include large contiguous forest land with a diversity of native plants and animals, good quality stream systems which support diverse aquatic communities, high quality wetlands or other unique habitats for plants and wildlife. Criteria for identifying these areas include:

- A. Unique or exemplary natural communities, including habitats for rare, threatened and endangered or watchlist species and/or those based on unique geological formations.
- B. Large areas of good quality, contiguous forest or large areas with a diversity of habitats that support a diversity of plants and wildlife.
- C. Land well suited to buffer sensitive resources or for use as a wildlife/human use corridor between significant natural areas.

Resource Category #2: Protection of Water Supplies

This category includes easements (or occasionally acquisition) of properties, preferably greater than 10 acres, bordering the mainstem or a tributary stream to the Patuxent River. Sites will continue to be identified where the risk of degradation to the streams draining into the drinking water supply is greatest. Ideally, properties or clusters of properties would be adjacent to, or upstream of, parkland. The following criteria would be used to identify properties under this category:

- A. The property contains land in the Patuxent Primary Management Area (1/4 mile from the Patuxent mainstem and 1/8 mile from all tributaries).
- B. Properties within priority subwatersheds identified by the *Countywide Stream Protection Strategy*, the Source Water Protection Program, or other studies indicating vulnerable areas.
- C. Properties (preferably greater than 10 acres) or groups of properties containing or adjacent to streams and adjacent to parkland.

Resource Category #3: Conservation of Heritage Resources

An individual historic site or a property located within a designated historic district with significant surrounding undeveloped or farm land that contributes to the historic character and aids in the interpretation of the historic property or area. Groupings of sites that will be emphasized in this category include significant open space surrounding Heritage Sites in the following areas:

- A. Underground Railroad/Quaker Cluster

- B. Farming History Cluster
- C. Industrial Heritage Cluster
- D. Rail Community Cluster

Resource Category #4: Protection of Greenway Connections

Any areas that help provide attractive, park-like connections between natural resources, heritage resources, rural, and urban open spaces. The character of these open space connections will vary depending on the type of landscape they traverse—they may be "green streets" in urban areas or wide contiguous areas of forestland in less developed areas. The criteria for identifying sites for Legacy Open Space Protection include:

Gaps in major natural surface trail corridors identified by the Countywide Park Trails Plan

Resource Category #5: Protection of Farmland and Rural Open Spaces

Farmland and Rural Open Space have been designated for protection and preservation in Montgomery County since the adoption of the original "Wedges and Corridors" General Plan in 1962. Montgomery County remains committed to a strong and evolving program of agricultural and open space preservation programs. Legacy Open Space proposes a new program designed to work as a complement to the existing TDR and Agricultural Easement (AEP) programs, as well as the use of Legacy funds to supplement AEP funding. The new program would be a Legacy Open Space easement for "exceptional" properties in the agricultural zones, and the easement would require a density reduction to at least 1 dwelling per 50 acres, but no TDRs would be transferred. This would achieve the open space and density reduction goals of Legacy, but allow the property owner to retain the ability to sell the TDRs separately. Criteria used to identify sites for this program include:

- A. Areas on the edges of the Agricultural Reserve.
- B. Active Farmland that could be protected through Agricultural Easements.

Resource Category #6: Protection of Urban Open Spaces

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, "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 highways.
- B. Vacant land within existing urban neighborhoods.

- C. Important urban natural areas, especially if they promote interconnection of the urban green infrastructure.

Additionally, this category includes a special need for a new mid-county regional park site. A regional park site should be over 200 acres in size and able to accommodate both conservation and recreation goals. See Resource Category #6 in next chapter for detailed criteria for site selection.

XI. 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 classes of sites to be considered as part of the master plan. Class I and II sites, detailed and mapped in each resource section (pages 33-80), are those that clearly meet the criteria and are considered appropriate for Legacy funding. Class III sites, listed 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. If 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. See Appendix F for a complete list of sites and target areas with their classification.

Sites in the various classes will be handled as follows:

Class I – Sites Included in Master Plan with reservation option

If a site is listed in the Natural Resources category (pages 41-43, excluding the Broad Run Stream System), the Greenway Connections category (pages 66-67) or in the Urban Open Space category (page 80) and mapped on page 30, it will be protected in the following ways:

- 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 will be identified for acquisition or easement.

- The site or a portion thereof will be targeted for legacy funding 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 the applicable master plan's land use and zoning. Emphasis will be placed on protection of as much of the resource of interest as possible through the development design process.

Class II – Sites Included in the Master Plan

All other sites not included in Class I and listed in the tables on pages 43 (the Broad Run Stream System only), 50, 59-61, 73, and 80 (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 will be identified for 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 the applicable land use master plans and zoning.

Class III – Sites Included in Appendix D

This 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.

- Whether owner- or staff- initiated, the study will determine whether 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 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 Class I resources. Examples of such properties include those in the Paint Branch area that 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 CLASSIFICATION 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 make an initial assessment at the time of application. Program Staff will discourage applications to purchase vacant lots that do not meet Legacy criteria.) 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.*

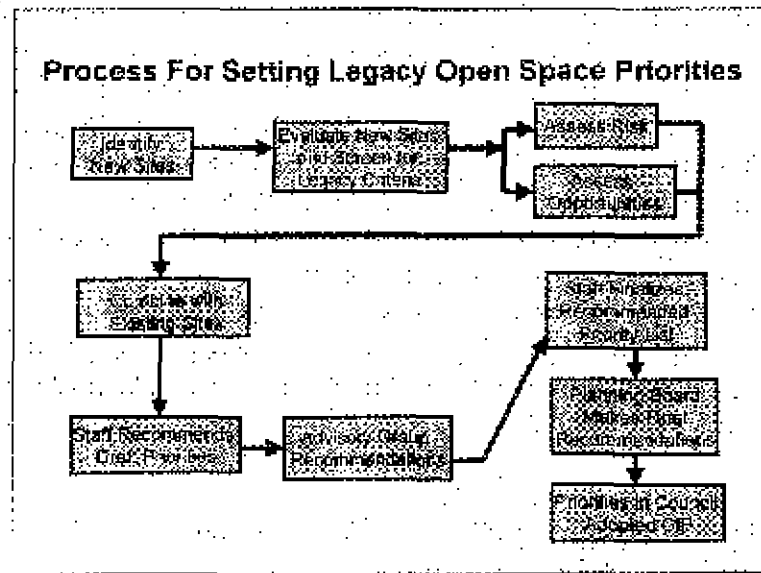
XIII. PROCESS FOR SETTING CAPITAL IMPROVEMENT PROGRAM PRIORITIES FOR LEGACY OPEN SPACE

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.

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.



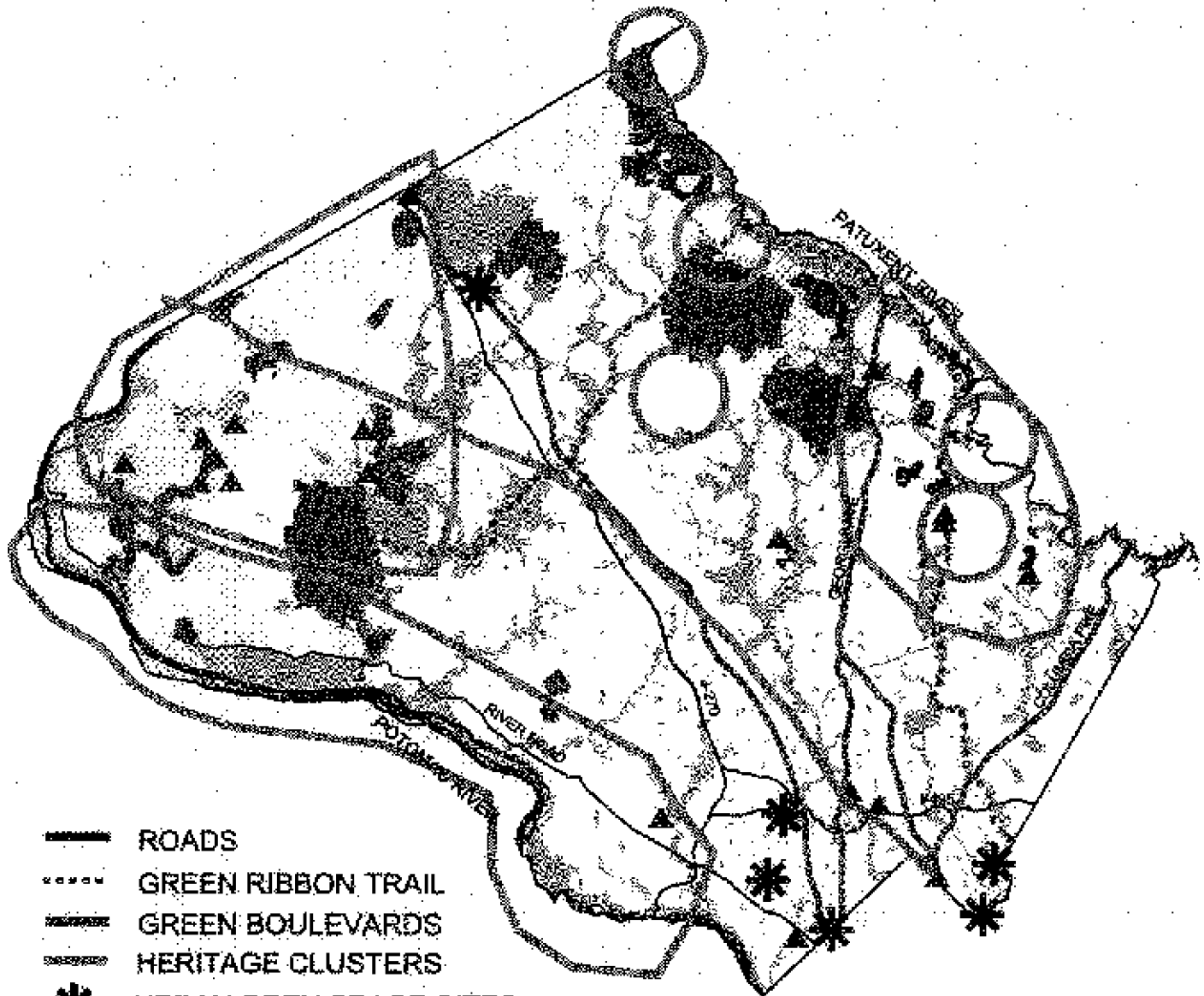
A meeting of the Legacy Open Space Advisory Group in the fall will highlight additional funding opportunities and targets for donations, and then the Advisory Group will make comments on the staff recommendations. The staff will then finalize the recommendations for Planning Board review every other 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, and other interested parties.














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. OVERVIEW OF LAND PROTECTION RECOMMENDATIONS

Using the six resource categories, specific sites or areas were identified that meet the criteria for Legacy Open Space (see map on page 30). The following chapter describes each resource category in detail and lists the sites that are recommended for protection. In some categories, general areas are targeted and specific criteria given for selection of sites within those areas. This is especially the case in the Water Supply and Farmland Protection categories where a fairly large number of landowners will be asked to consider voluntarily establishing easements or selling Transferable Development Rights.

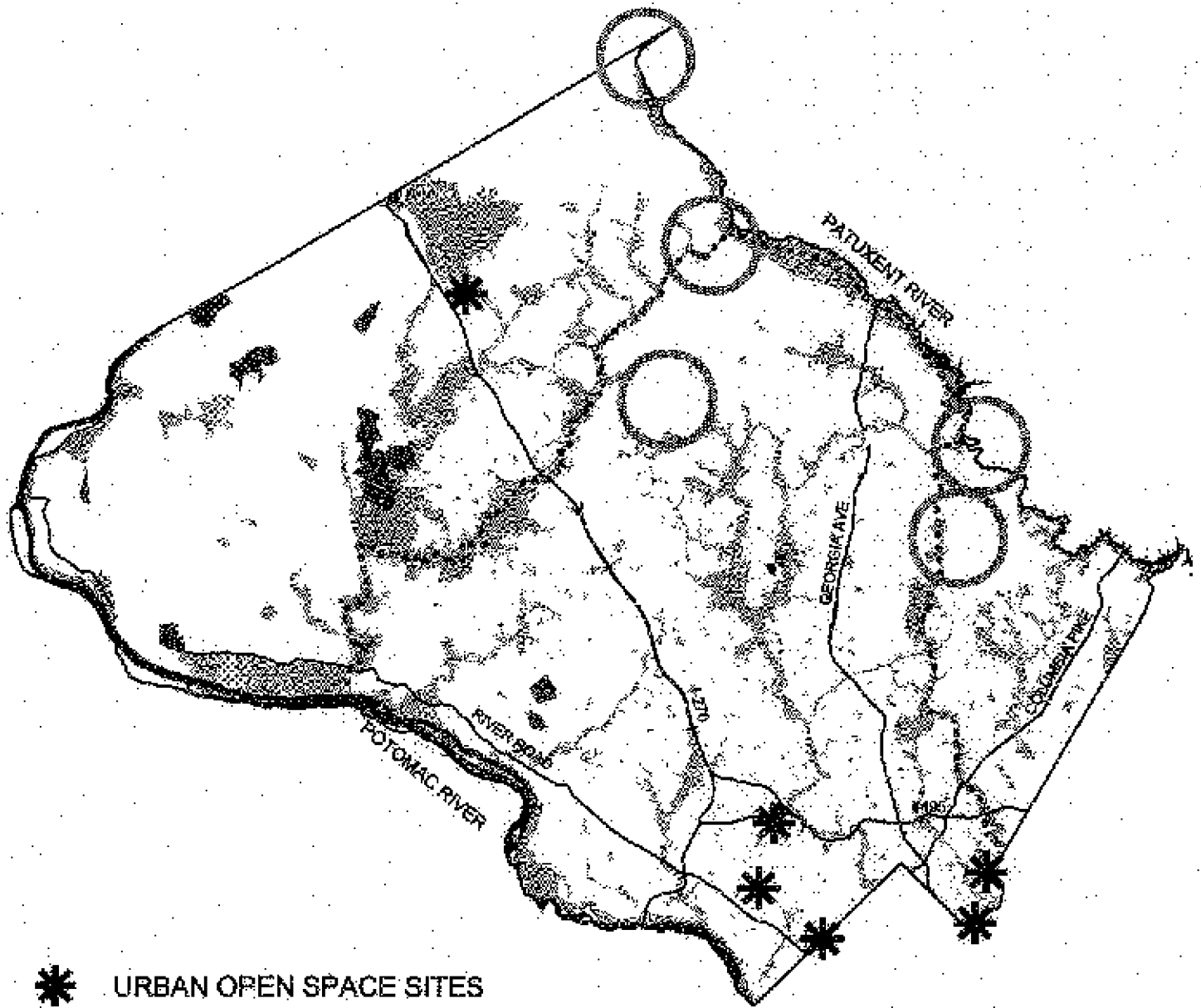
LAND PROTECTION RECOMMENDATIONS*










-  ROADS
-  GREEN RIBBON TRAIL
-  GREEN BOULEVARDS
-  HERITAGE CLUSTERS
-  URBAN OPEN SPACE SITES
-  HERITAGE RESOURCE SITES
-  WATER
-  PARKLAND
-  NATURAL RESOURCES SITES
-  FARMLAND & RURAL OPEN SPACE TARGET AREAS
-  WATER SUPPLY PROTECTION PROPERTIES (EXAMPLES)
-  EXISTING EASEMENTS & TDRS
-  GREENWAY PRIORITY AREAS

* INCLUDES CLASS I AND II (SEE TEXT PAGE 21)

CLASS I SITES WITH RESERVATION OPTION

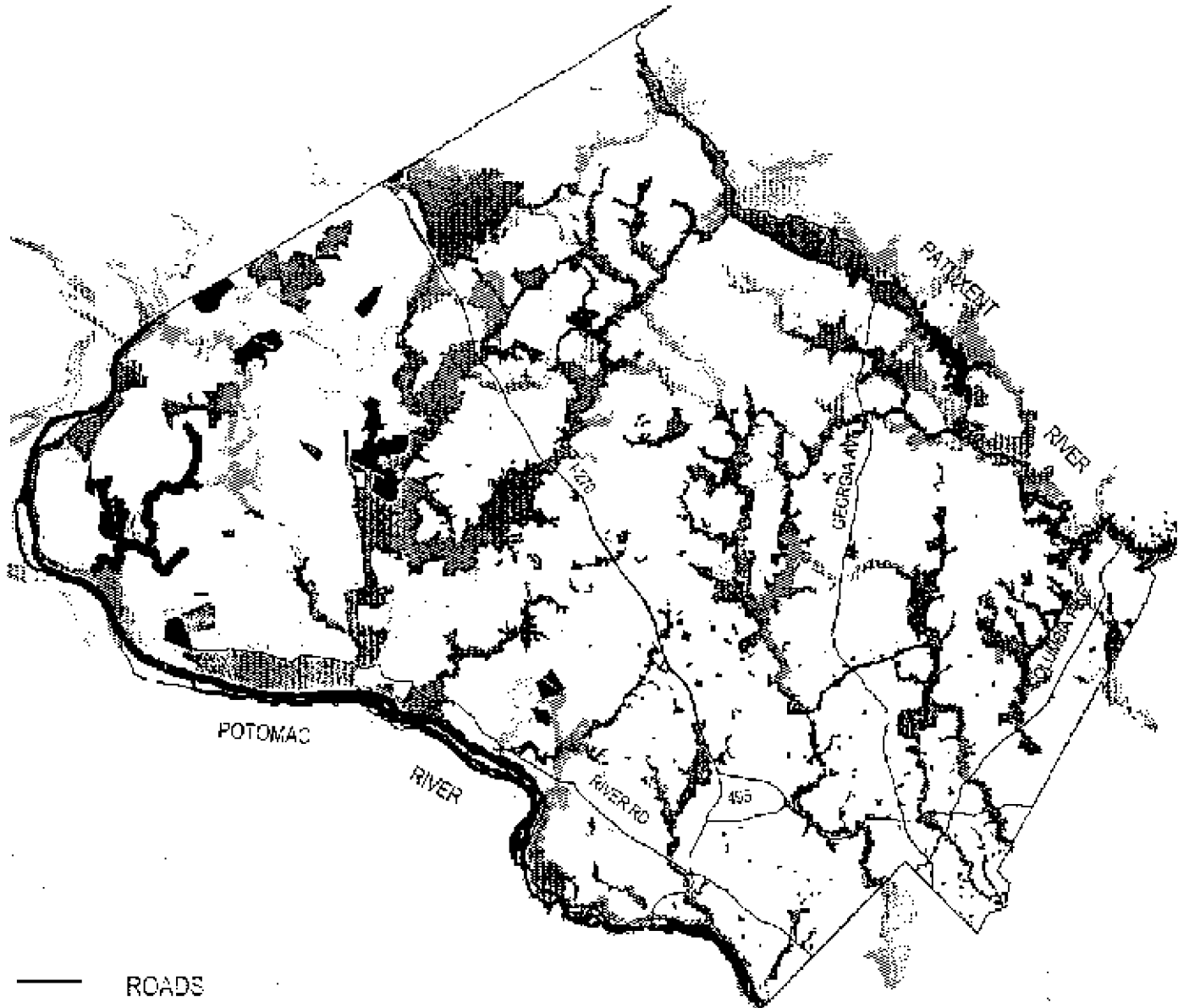


-  URBAN OPEN SPACE SITES
-  ROADS
-  WATER
-  PARKLAND
-  NATURAL RESOURCES SITES
-  GREENWAY PRIORITY AREAS
-  GREEN RIBBON TRAIL

RESOURCE CATEGORIES

- Protection of Environmentally Sensitive Natural Resources
- Protection of Water Supply
- Conservation and Heritage Resources
- Protection of Greenway Connections
- Protection of Farmland and Rural Open Spaces
- Protection of Urban Spaces

PROTECTION OF NATURAL RESOURCES



- ROADS
- NATURAL RESOURCES
- ▨ STATE GREEN INFRASTRUCTURE
- WATER
- ▨ PARKLAND



RESOURCE CATEGORY #1: PROTECTION OF ENVIRONMENTALLY SENSITIVE NATURAL RESOURCES

OVERVIEW

Montgomery County has a rich variety of natural resources that add considerable enjoyment and offer many educational experiences to its residents. The County has an impressive diversity of streams, wetlands, fields and forests, as well as varied topography and bedrock formations including (1) beautiful quartz outcrops, (2) deep cut ravines, (3) steep and rocky hills which support only the heartiest of plant species, and (4) areas *underlain with bedrock* such as serpentinite, diabase, limestone and Triassic red shale with resulting populations of unique vegetation. Many of our streams contain a good variety of aquatic plants and animals, and some support naturally reproducing populations of brown trout. The forests are filled with a diversity of understory plants (many with beautiful spring flowers) beneath a canopy of native trees, and the fields often have an impressive array of grasses, herbs and shrubs. Populations of rare, threatened, endangered, and watchlist species can also be found in a considerable number of our forests, fields and wetlands.

With the rapid growth throughout the metropolitan area, there has been a growing demand to develop many of these unspoiled areas and it can be expected that this demand will only continue to accelerate. The increased demand for development has contributed to escalating prices, and large tracts of land become more unaffordable the longer we wait to protect them. Increased human population and diminishing supplies of land create a more pressing need for the park system to acquire land with significant natural resources. Not only will this help protect valuable natural resources and maximize biodiversity, but it also will provide natural areas within which to relax and escape the fast paced metropolitan lifestyle. In these areas, County residents and future generations can enjoy a quiet and relaxed atmosphere as well as learning about the natural communities that live there.

EXISTING SITUATION

To date, Montgomery County can boast of many splendid stream valley parks as well as large regional, special, and conservation parks that preserve thousands of acres of high quality natural resources while providing for enjoyment of these resources by our County's residents.

Stream valley parks such as Paint Branch and Little Seneca support trout populations while lower Northwest Branch offers impressively steep sided stream valley topography. Rock Creek, Lower Paint Branch and Sligo Creek offer those with bikes and strollers a chance to appreciate our natural resources while those such as Watts Branch, Cabin John, North Branch and lower Muddy Branch offer a more rustic hiking experience. Some stream valley parks such as Cabin John, Watts Branch and Northwest Branch contain an impressive array of unique upland and wetland habitats including many rare, threatened, endangered and watchlist plants.

The County's regional, special and conservation parks include Black Hill and Rock Creek with their large forests and spectacular lake wildlife, Little Bennett and Woodstock with their diversity of habitats, Blockhouse Point and Rachel Carson with their rich forests and Green Farm with its considerable field habitat.

Protection of our most sensitive natural resources is not limited to parkland. The policy of M-NCPPC is to protect sensitive areas throughout the County from the adverse effects of development as required in Article 66B, section 3.05(a)(1)(viii) of the Annotated Code of Maryland. Sensitive areas include streams and their buffers, 100-year floodplains, habitats of threatened and endangered species, steep slopes, and other areas that a jurisdiction may elect to protect, such as the headwaters of high quality streams.

PROTECTION EFFORTS AND GOALS

Decisions and efforts are accordingly made in order to best protect these sensitive resources. Generally the most effective method of protecting the high quality and sensitive open space, while making it available for public use and enjoyment, is through acquisition of the land, although it may be possible to protect some of these areas through donation or purchase of easements. The aquatic resources in the County, for example, are best protected by park acquisition of wide buffer areas surrounding streams and wetlands to provide the surest, long-term protection while offering wonderful wildlife and human use corridors. Sensitive habitats necessary for threatened and endangered species are best protected by acquisition of large, contiguous natural areas which contain them, where they can be seen and enjoyed by the County's residents, but will be relatively buffered from surrounding development that can alter the sensitive environment they require. Wildlife, including forest interior birds, will significantly benefit and be best protected by additional acquisition of forestland.

Legacy Open Space provides a wonderful opportunity to fulfill some of these important protection goals. The value to the County and its residents that is derived from the acquisition of additional high quality open space natural areas cannot be overstated. Preservation of good quality open space increases biodiversity in the County, improves air and water quality, increases recreational opportunities available to its residents, and adds to the aesthetics of neighborhoods and communities. In fact, the addition of parkland has been shown to increase the property values of adjacent homes, properties and neighborhoods, and adds to the overall ability of the County to attract businesses and residents.

LEGACY OPEN SPACE OPPORTUNITIES

There are still many unprotected areas in our County that contain valuable, high quality sensitive natural resources. Criteria for identifying these areas for Legacy protection include:

- A. Unique or exemplary terrestrial and/or aquatic natural communities, including

- habitats for rare, threatened, endangered or watchlist species.
- B. Large areas of good quality, contiguous forest or large areas with a diversity of habitats that could support a diversity of plants and wildlife.
- C. Land well suited to buffer sensitive resources or for use as a wildlife / human use corridor between significant natural areas.

The Legacy Open Space Initiative offers an ideal opportunity to enhance the County's already impressive park system by adding valuable natural land that may otherwise be lost. Following are some examples of the opportunities that Legacy offers.

1. Exemplary Natural Communities

Terrestrial

The areas offering the best examples of terrestrial natural communities include the Serpentine Barrens, Hoyles Mill Diabase Area, and River Road Shale Barrens. These are particularly important for acquisition under Legacy Open Space since each lies on very uncommon bedrock formations, and there are no alternative properties of like quality and/or size in the County. These areas are of State, as well as County, significance. Ecologists from the Wildlife and Heritage Division of the Maryland Department of Natural Resources have inventoried all three areas and have identified numerous rare, threatened, endangered and watchlist plants, and have determined the protection of each area to be important in protecting and enhancing the biodiversity of the State of Maryland.

a. Serpentine Barrens

One of the unique bedrock formations that underlie only limited areas through the central portion of the County is serpentinite, a dark-green, dense rock generally formed by hydrous alteration of crystalline rocks very rich in magnesium and iron. This bedrock forms rocky uplands and weathers to a thin saprolite and shallow clay-rich soils which often only support hearty, unique species of plants, and which thwarts the full growth of trees. Plants that can grow in serpentine barrens such as this are often unable to compete with other plant species in richer soils found throughout most of the County. The only relatively undeveloped large block of this unique serpentine supported natural community in the County exists in Potomac off Piney Meetinghouse Road. A somewhat smaller area located just south of the Serpentine Barrens and referred to as the South Serpentine Area, is also included as a recommended Legacy property since it is underlain by serpentinite and also contains many unique plant species. Both of these areas contain many plant species that are listed as rare, threatened, endangered or watchlist. The Serpentine Barrens area is currently under intense pressure for use as a residential development, and if not acted on quickly, much of its unique, second generation climax forest vegetation will

be lost.

b. **Hoyles Mill Diabase Area**

A second type of unique bedrock is diabase, a hard, dense, dark-gray to black crystalline rock that is overlain by reddish to yellowish-brown, clay-rich soils with many boulders and outcrops common in the upland surfaces. *There are a couple of narrow bands, but only one large block of diabase bedrock in the County.* This block of unique land underlies the area in South Germantown we refer to as the Hoyles Mill Diabase Area. Hoyles Mill Diabase Area (South of Whites Ground Road) has been proposed for acquisition for quite some time, and Legacy proposes adding Hoyles Mill Diabase Area (North of White Ground Road) that contains similar habitat and diabase bedrock. The diabase bedrock and resulting soils support many unique plants, and in fact in the Hoyles Mill Diabase Area there have already been thirty-four (34) species of rare, threatened, endangered and watchlist plants identified. More are likely to be found as further inventories are taken. Acquisition of this beautiful forested area, which is rich in vegetation and aquatic life, would offer residents throughout the County the unique opportunity to appreciate and learn about this type of natural community.

c. **River Road Shale Barrens**

A third type of bedrock which supports a unique natural community is Triassic red shale, which is red to purplish brown in color, is readily eroded and forms rolling uplands covered with a thin red-brown soil with numerous exposed rock outcrops along steep-sided stream ravines. The soils typically have low nutrient levels and therefore support unique types of vegetation. The best remaining example of a red shale supported natural community in the County exists north of River Road and East of Mt. Nebo Road in an area called the Shale Barrens. The Maryland Department of Natural Resources surveyed this area in 1986 and 1987 and found nineteen (19) species of rare, threatened, endangered and watchlist plants including pursh's ruellia (*Ruellia purshiana*) which was thought to no longer exist in the State until found here.

Aquatic

The best examples of the major recognized aquatic natural communities include the Paint Branch stream system which lies entirely on silt loam soils, Little Bennett Creek stream system that lies on channery silt loam soils and Broad Run Stream System which lies on Triassic sedimentary bedrock derived soils.

a. *Paint Branch and Little Bennett Creek*

Both Paint Branch and Little Bennett Creek and tributaries, with their mostly good and excellent quality water, support populations of naturally reproducing brown trout as well as a diversity of other fish and macroinvertebrates. In fact, Paint Branch is considered to be one of the best natural, urban area fisheries in the State of Maryland. Consequently, these areas have been the focus of much of our natural area land purchases in recent years and additional parcels of land in these watersheds are continually being purchased as they come available using funds derived outside of the Legacy Open Space Initiative.

b. *Broad Run*

Broad Run offers an opportunity to acquire headwaters of a major stream system that lies entirely on Triassic sedimentary bedrock derived soils. Limited inventories and measurements of Broad Run have revealed it to have good quality water and a diversity of aquatic life. Legacy Open Space is a good opportunity, therefore, to begin protecting property along this stream system.

2. Large, Contiguous Habitat Areas

Forest land

Two large blocks of unprotected forestland include the Bucklodge Forest between Peach Tree Road and Slidell Road, and the Barnesville Forest on Route 109 just south of Barnesville. Both provide large, contiguous forestland that provides good habitat for forest interior dwelling birds and other wildlife. Additional Legacy properties referred to as the Hyattstown Forest Buffer Area are located to the east and west of Hyattstown at the Frederick Border and would add additional forest acreage to the upper northwest corner of Little Bennett Regional Park.

Habitat Diversity

The Hoyles Mill Diabase Area (North) and Hoyles Mill Diabase Forest Area contain a diversity of habitats including 1) large, good quality contiguous forest areas with a considerable diversity of native species, 2) Use III headwaters of Little Seneca Creek, 3) wetlands with diverse species of wetland vegetation and 4) field habitat to support field species of plants and wildlife. Consequently, the properties each support considerable biodiversity within their boundaries.

3. Ecological Connections/Buffer Land

Properties that would make important ecological connections between significant

natural areas and/or act as important buffers for sensitive natural resources include the Limestone Ecological Corridor and Broad Run Stream System in the western County, Furnace Branch Headwaters Area and the Hyattstown Forest Buffer Area adjacent to the border with Frederick County, and North Branch Buffer Area that enhances and buffers the high quality sensitive natural resources along North Branch. Often these ecological connections can serve dual uses as both stream buffer land and as open space parkland along which wildlife and people can travel between natural areas of interest.

One of our goals when acquiring land is to widen these wildlife corridors as much as reasonably possible. Wider corridors will allow for more of a buffer between sensitive resources and trails or other facilities, and will allow greater numbers and diversity of wildlife to move along them that can add to the biodiversity of otherwise isolated patches of habitat. Protecting wider corridors also helps to prevent the spread of alien invasive plants to the interior areas. Many of these potential connections and opportunities to widen wildlife corridors could be lost if we do not quickly act to protect sufficient land outside the stream buffers along these corridors.

Other Conservation Concerns

The many islands in the Potomac River are of special concern for both water quality and habitat considerations. State and federal governments own several islands, and a few are in the hands of private conservation organizations. The goals espoused for these islands are to protect them in their natural state, with minimal intrusions for purposes of environmental interpretation. The remaining islands are mostly undeveloped, with a few of the larger islands being used for agriculture. Most of these islands are in constant danger of flooding, and as a result, are prohibited from development. Public ownership of these islands, while desirable to assure their perpetual conservation, is not necessary to prevent development. Instead, Legacy Open Space proposes to work with state, federal, and private conservation organizations, and private landowners to determine the most appropriate means for island resource conservation.

OTHER SITES UNDER CONSIDERATION

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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

**RESOURCE CATEGORY # 1
NATURAL RESOURCES OF SIGNIFICANCE³**

NATURAL RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
1. Serpentine Barrens (258 acres)	A ⁴ <i>Natural Area of Countywide Significance</i>	Serpentinite bedrock resulting in soils which support unique vegetation. Large block of quality forested land with good wetlands. At least twenty-two species of rare, threatened, endangered or watchlist plants. Protection of area is important to State and regional biodiversity.	Development plans being actively pursued by current property owner. Zoning: RE-2
2. Bucklodge Forest (215.5 acres)	B ⁵ <i>Large Area of Contiguous Forest and/or Habitat Diversity</i>	Large, contiguous forest area. Located on Parr's Ridge and contains the headwaters of Bucklodge Branch.	Planned for development as a golf course. Zoning: RDT
3. Hoyles Mill Diabase Area (South of White Ground Road) (742 acres)	A <i>Natural Area of Countywide Significance</i>	Diabase bedrock with alkaline soils and resulting unique vegetation. Use III headwaters and mainstem of Little Seneca Creek in a large, contiguous, high quality forest. Greatest biodiversity in County outside of areas adjacent to Potomac River. Twenty-five species of rare, threatened, endangered and watchlist plants make preservation of Statewide importance.	New owner likely will want to use or develop land. Zoning: RDT, RURAL and R-200
4. River Road Shale Barrens (340 acres)	A <i>Natural Area of Countywide Significance</i>	Triassic red shale bedrock resulting in soils that support unique vegetation. Large block of contiguous forest cut with many steep sided stream valleys. Nineteen species of rare, threatened, endangered or watchlist plants make preservation of Statewide importance.	Steep, stream cut topography and no known plans for development. Zoning: RDT

³ 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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-25).

⁴ Category A is comprised of the best examples in Montgomery County of both the major recognized terrestrial natural communities, including habitats for rare, threatened and endangered species, and the best examples of recognized stream communities.

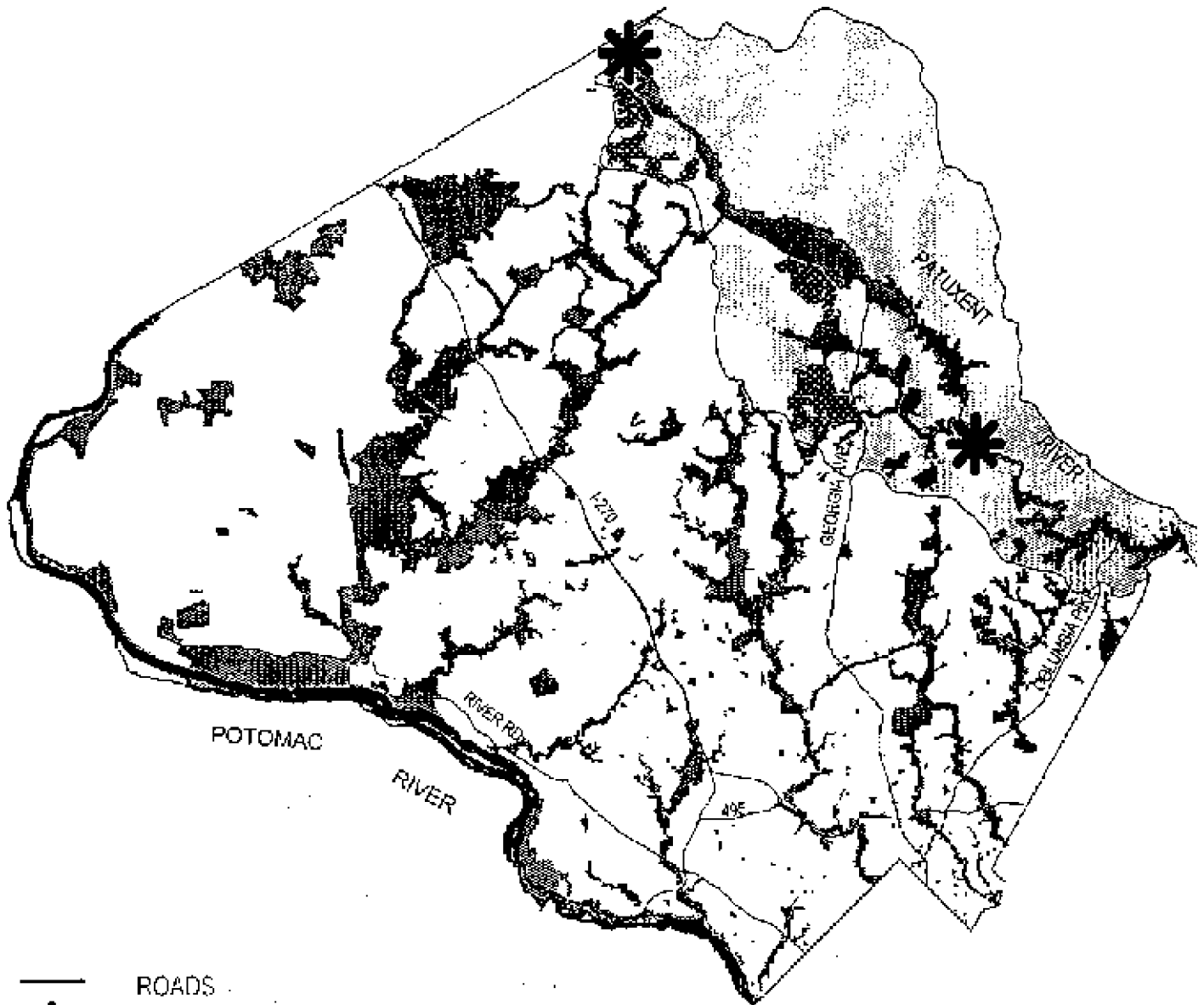
⁵ Category B includes properties that encompass a large, contiguous block (greater than 100 acres) of well developed upland and/or floodplain forest with high quality forest interior habitat for birds, and has a low ratio of edge to interior, or large properties that contain a diversity of habitat types such as fields, forest, wetlands, and streams.

NATURAL RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
5. Hoyles Mill Diabase Forest Area (Casey Property) (304 acres) & (Leet Property) (16 acres)	<u>B</u> <i>Large Area of Contiguous Forest and/or Habitat Diversity</i>	Much of property is underlain with diabase bedrock likely to result in unique vegetation. At least eight species of rare, threatened and watchlist plants have been identified. Large, good quality forest areas and some field habitat throughout. Contains cold headwater streams that feed into Use III Little Seneca Creek.	No known plans for development. <u>Zoning:</u> RDT
6. Limestone Ecological Corridor(100 acres)	<u>C⁶</u> <i>Ecological Connections and/or buffer</i>	Limestone bedrock and resulting soils support a considerable diversity of unique vegetation. Numerous wetlands throughout. Adjacent to Federal owned limestone bedrock parkland that connects to C&O Canal Park.	No known plans for development. <u>Zoning:</u> RDT
7. Hoyles Mill Diabase Area (North of White Ground Road) (500 acres)	<u>B</u> <i>Large Area of Contiguous Forest and/or Habitat Diversity</i>	Contains a diversity of habitats including large, good quality contiguous forestland with many native species. Use III headwaters of Little Seneca Creek, wetlands with diverse native vegetation and field habitat to support field species of plants and wildlife.	New owner likely will want to use or develop land. <u>Zoning:</u> RDT and RURAL
8. Furnace Branch Headwaters Area (440 acres)	<u>C</u> <i>Ecological Connections and/or buffer</i>	Use III headwaters area that connects with Monocacy Natural Area in Frederick County.	Currently being farmed and no known plans for development <u>Zoning:</u> RDT
9. Barnesville Forest (585 acres)	<u>B</u> <i>Large Area of Contiguous Forest and/or Habitat Diversity</i>	Large, contiguous, good quality forest area. Little Monocacy Tributary headwaters.	Is mostly in RDT zone and no known plans for development. <u>Zoning:</u> R-200 and RDT

⁶Category C contains properties that provide ecological connectivity between significant natural areas or help to buffer and thereby protect significant sensitive natural resources.

NATURAL RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
10. Broad Run Stream System (1,000 + acres)	A <i>Natural Area of Countywide Significance</i>	Headwaters of stream lying entirely on Triassic sedimentary bedrock derived soils, with good water quality and diversity of aquatic life.	Much of area is farmed. No known plans for development. <u>Zoning:</u> RDT
11. North Branch Buffer Area (122 acres)	C <i>Ecological Connections and/or buffer</i>	Good quality forest and field habitat that buffers and enhances the high quality sensitive natural area along North Branch.	No known plans for development. <u>Zoning:</u> RE-1 and RE-2
12. South Serpentine Area (145 acres)	A <i>Natural Area of Countywide Significance</i>	Serpentine bedrock resulting in soils which support unique vegetation. Good quality forestland with considerable species diversity, and includes seventeen species of rare, threatened, endangered and watchlist plants.	No known plans for development. <u>Zoning:</u> RE-2
13. Hyattstown Forest Buffer Area (85 acres)	C <i>Ecological Connections and/or buffer</i>	Good quality upland forest to the east and west of Hyattstown that buffers forest and aquatic resources which lie to the south and to the east in Little Bennett Regional Park.	Clarksburg Master Plan calls for a bypass road through the property to the east of town that must be accommodated. <u>Zoning:</u> RDT and RURAL

PROTECTION OF WATER SUPPLY



- ROADS
- * PARKLAND AND TRAIL GAP AREAS
- CRITICAL RURAL CLUSTER PROPERTIES
- ▨ CRITICAL AGRICULTURAL RESERVE PROPERTIES
- ▤ PARKLAND
- WATER
- PATUXENT WATERSHED



NOT TO SCALE

RESOURCE CATEGORY #2: PROTECTION OF WATER SUPPLY

OVERVIEW

Montgomery County relies on both ground water and surface water for raw water supply. The Washington Suburban Sanitary Commission owns and operates the piped water conveyance and treatment system in the County and relies on two principal sources of surface water: the Potomac River and the Patuxent River. Rockville; Fairfax County, Virginia; and the District of Columbia (Corps of Engineers) operate their own water treatment facilities drawing from the Potomac River within or below the influence of Montgomery County surface and groundwater.

Protection of the quality and quantity of water in these two river systems is vital to providing adequate, good quality water cost effectively. The nature of protection and the degree to which actions in Montgomery County can directly affect that protection is different for each river system.

EXISTING SITUATION: THE POTOMAC RIVER

The water withdrawn from the Potomac River comes from a very large watershed area, most of which is outside Montgomery County (including large areas in Virginia and West Virginia). Within Montgomery County, over 60 per cent of the land drains to the Potomac River above the raw water intakes for the Washington metropolitan area. Almost 20 per cent of the land in watersheds influencing the water supply is in public parkland, and there are substantial conservation easements. The Rural Density Transfer Zone (RDT zone) covers much of the upper watershed in Montgomery County and allows landowners to transfer development rights, leaving a reduced potential for development (one unit per 25 acres). Protection of the Potomac water supply is a multi-state and regional effort that is controlled by several detailed agreements among the responsible parties.

In comparison to the Potomac River, Montgomery County's portion of the Patuxent River watershed has a proportionately larger direct effect on the quality and quantity of the drinking water reservoirs. Legacy Open Space will focus on the Patuxent River watershed. Therefore, identification of parcels within the Potomac River watershed solely for water supply protection will not be considered in this Master Plan. Protecting parcels for the other resource categories, however, may also contribute to protecting the water quality of streams that flow through those parcels and ultimately become part of the Potomac River drinking water supply for the County. Also, if there are studies that indicate that protection of specific properties would sustain or improve the drinking water resource in the Potomac River, Legacy should consider protection of those properties through easement or acquisition in later years.

EXISTING SITUATION: THE PATUXENT RIVER

The Patuxent River is a relatively small watershed above the water supply withdrawal point. The Howard County/Montgomery County border bisects jurisdiction of the river with approximately half the watershed in each county. A small portion above the Rocky Gorge Dam lies within Prince Georges County. Approximately 20 per cent of the land in the Montgomery County part of the watershed is held as WSSC land, state or local parkland. All the land within the Patuxent watershed in Montgomery County (nearly 40,000 acres) drains into one of two water supply reservoirs. WSSC owns over 2,000 acres in Montgomery County around the two drinking water reservoirs. Most of the shoreline of the mainstem Patuxent River is held in public ownership, with notable gaps in the extreme headwaters and below Brighton Dam to Mink Hollow Road. The State has listed the reservoirs as mesotrophic to eutrophic from the level of nutrient inputs from agricultural and urban/suburban land uses in the watershed.

There are several interagency, regional efforts underway to model, monitor, and protect the Patuxent watershed as well as to inform its residents of the important role they play in stewardship of the land. The multi-agency Patuxent Reservoirs Watershed Technical Advisory Committee of the Patuxent Policy Group is promoting the use of agricultural easements and streamside buffers to control agricultural pollutants. The County and the WSSC have provided funding for a locally based cost-share program to enhance the implementation of streamside buffers and related agricultural best management practices. The Montgomery Soil Conservation District is administering this cooperative program. The Department of Environmental Protection is working with the Soil Conservation District to increase property owners' interest in using Conservation Reserve Program funds available from the State to pay for installing buffers and rental payments for taking that land out of agricultural production. Maryland state agencies are very active in the overall management of the entire Patuxent watershed, which extends to the Chesapeake Bay. The Patuxent River Commission has recently prepared an addendum to the *Patuxent River Policy Plan*, to include six new findings. This addendum, endorsed by the Planning Board, includes initiatives to protect and restore habitat, control sources of pollution, enhance environmental quality and promote stewardship. The *Countywide Stream Protection Strategy (CSPS)* prepared by MCDEP and M-NCPPC, identifies priority subwatersheds where stream channel instability can cause further degradation to stream habitat and biological resources. The role of M-NCPPC includes zoning, easement and land acquisition programs to protect agriculture and protect environmental features when development is proposed. Additional studies and modeling efforts are underway to identify protection measures that will maintain the quality of our drinking water supply and reduce the potential for nutrient pollution of the Chesapeake Bay.

About half the Patuxent watershed in Montgomery County lies in the Agricultural Reserve area of the County, with small, more intense development areas around the communities of Damascus and Olney. The area east of Georgia Avenue is zoned for rural cluster zoning (one dwelling per five acres) with more intensive uses around Burtonsville. The Agricultural

Reserve allows development up to a density of one dwelling unit per 25 acres, which may be reduced if Transfer Development Rights (TDR) are sold and transferred to other parts of the County. Generally, the overall density of Agricultural Reserve rural density transfer area is below the one unit per 25 acres due to the use of TDR's and agricultural preservation easements. If development is proposed, the Planning Board's Environmental Guidelines implement the *Functional Master Plan for the Patuxent River Watershed* by providing for additional protection in the "transition area" which extends beyond the stream buffer. This level of protection is generally sufficient for water quality protection from development. In areas where stream conditions are unstable due to existing or past uses, however, it is desirable to protect additional land. Protection or enhancement of wide forest and wetland buffers to streams is one of the preferred means of improving stream habitat stability and reducing sediment and nutrient runoff to the reservoirs. Existing agricultural easement programs, including the state's newest Rural Protection Program of the Rural Legacy Program, require the development of soil conservation and water quality plans to reduce the impact of agriculture on the reservoirs watershed.

LEGACY OPPORTUNITY AREAS

This category targets easements (or occasionally acquisition) of properties, preferably greater than 10 acres, bordering the mainstem or a tributary stream to the Patuxent River. Sites will continue to be identified where the risk of degradation to the streams draining into the drinking water supply is greatest. Ideally, properties or clusters of properties would be adjacent to or upstream of parkland. Criteria for selecting water supply properties for the Legacy program include the following:

- A. The property contains land in the Patuxent Primary Management Area (1/4 mile from the Patuxent mainstem and 1/8 mile from all tributaries).
- B. Properties within priority subwatersheds identified by the *Countywide Stream Protection Strategy*, the Source Water Protection Program, or other studies indicating vulnerable areas.
- C. Properties (preferably greater than 10 acres) or groups of properties containing or adjacent to streams and adjacent to parkland.

In the rural cluster area, park acquisition or easements should be considered for key properties where forest protection, wider stream buffers or restoration will significantly improve stream quality. In cases where the land adjacent to the mainstem of the Patuxent River is not in public ownership, acquisition should be considered to close the gaps.

For purposes of protection of the water supply in the Patuxent River watershed, focus has been given to identifying parcels in the CSFS priority sub watersheds. It is essential that the current instability in these areas be addressed immediately to reduce or eliminate the potential for degradation of the streams, and consequently the reservoirs. In addition to the measures taken by other agencies to apply best management practices and agricultural easements, protection of tributary streams and their buffers is essential. In the *Agricultural Reserve*, acquisition of easements should be sufficient to protect water quality (see

discussion of Rural Legacy below). In the *rural cluster areas*, key properties have been identified where acquisition (of all or portions of properties) or easements can reduce the development potential, provide large areas of forest to buffer the effects of the higher density development on water quality, and provide a wider greenway corridor for wildlife. Due to the potential for higher densities in these areas, they are under greater threat by development. Higher property values lead to subdivision, and often stream buffer areas are part of individual lots. While some lots may have forest conservation easements, often significant forest areas (above the forest conservation threshold and outside the conservation easements) are cleared for septic fields and private use of the property. Protection of these areas is essential to comprehensive program of water supply protection. Any proposed acquisition of properties or easements should be coordinated with the activities of the Patuxent Reservoirs Watershed Protection Group.

The master plan recommends a primary focus on three geographic areas for protection to assure the quality of the Patuxent water supply reservoirs. Properties indicated on the maps are examples of some properties that fit these criteria.

1. Rural Cluster Area

Three groups of critical properties in the Rural Cluster Zones are identified in priority subwatersheds where purchase of farms or undeveloped properties (or key portions thereof) or easements are necessary to secure the protection of tributaries in these subwatersheds.

- Lower Hawlings River Properties
- Ednor and Foxes Branches Properties
- Lower James Creek Properties

Specific properties are identified near existing or proposed park property where tributaries have insufficient forest buffers as well as properties with large areas of forest buffer that should be maintained to assure stream quality. Other properties in the rural cluster zone, identified as providing additional protection to the reservoirs, may be considered. Planting or allowing natural forest regeneration in insufficient buffer areas will reduce the instability of stream channels. The combination of acquisition and reforestation, especially in the lower Hawlings River will also provide a wider greenway corridor for wildlife, with potential for linkage to the Northwest Branch stream valley park.

2. Mainstem Gap Areas

There are two gaps along the mainstem of the Patuxent in the public ownership of the shoreline. Water supply protection would benefit from complete ownership of the mainstem of the river. Most of these properties are not under threat of

development at this time, and some of them cross county boundaries. Further study of these areas is recommended to identify an appropriate acquisition strategy. These areas will be targeted for acquisition later in the Legacy Open Space Program. They include:

- The headwaters gap, near the intersection of Montgomery, Frederick and Howard counties, and key headwater tributaries; and
- The gap between the reservoirs, between Brighton Dam and Mink Hollow Road.

3. Critical Areas in the Agricultural Reserve

In the Agricultural Reserve area of the watershed, Legacy Open Space focuses on property owners willing to apply conservation easements to protect existing forest and wetlands or to allow natural regeneration of wider forested buffers in the following subwatersheds identified as *CSPS* priority areas:

- Patuxent River Headwaters Tributaries (Mid Upper Branch and Upper Scotts Branch Properties)
- Other Priority Subwatersheds (Hights Branch, Middle Mt. Zion Tributary, and Reddy Branch Properties)
- Other areas identified as part of reservoir watershed studies

Easements on these properties will be focused on protecting or restoring wide forest and wetland buffers to reduce stream channel instability, but should allow for public, natural surface trails in selected areas shown on the Countywide Park Trails Plan. For the headwaters tributary properties easements are an interim strategy. Eventually, as funds and willing sellers are available, the headwaters should be purchased and allowed to reforest.

OTHER SITES UNDER CONSIDERATION

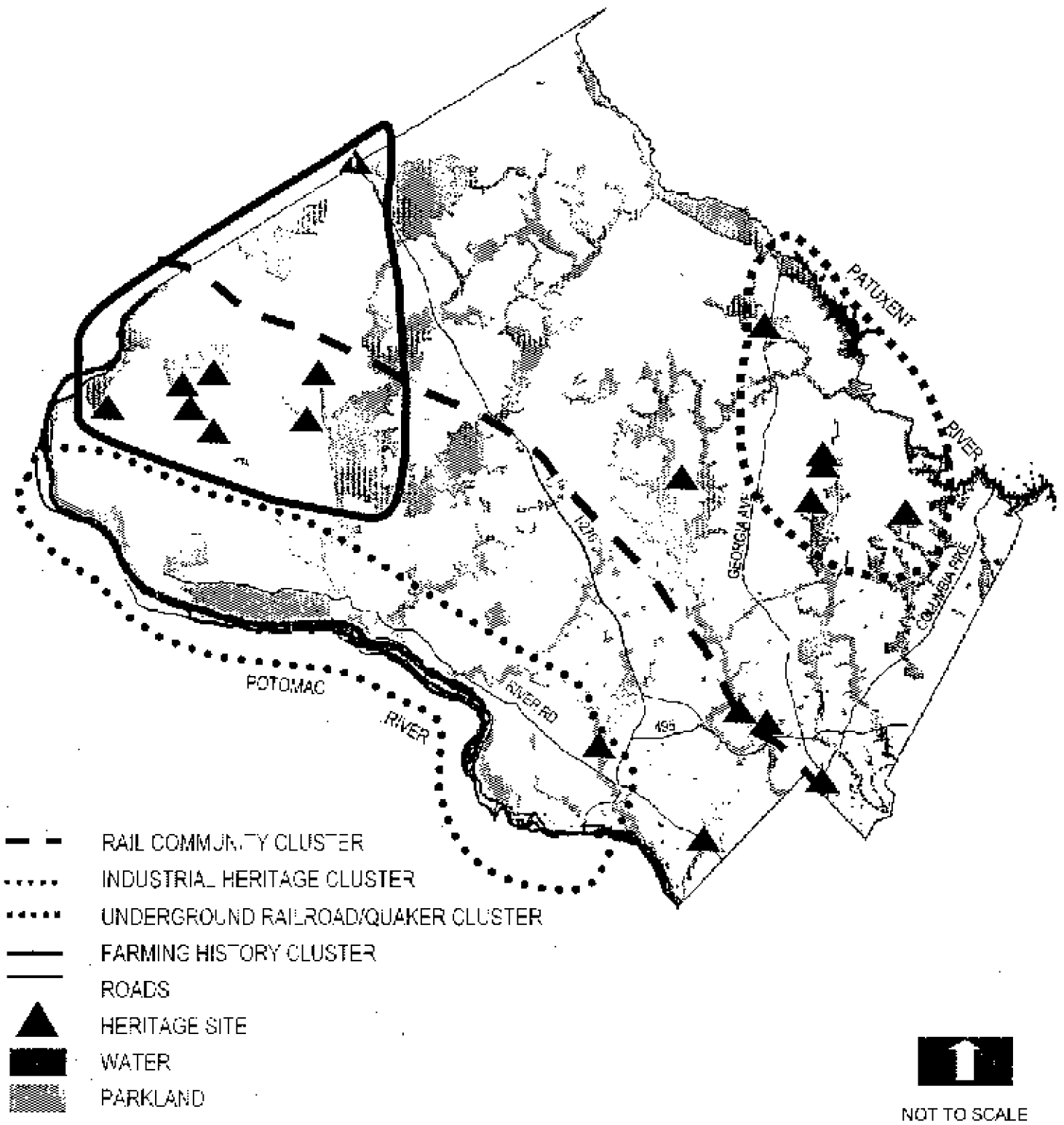
Appendix D contains a list of sites that will be studied for inclusion in the Legacy Open Space Program. These and other new sites will be considered according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

**RESOURCE CATEGORY #2
WATER SUPPLY RESOURCES OF SIGNIFICANCE⁷**

WATER SUPPLY PROTECTION RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
<p>Critical Properties in the Rural Cluster:</p> <ul style="list-style-type: none"> • Lower Howlings River Properties • Ednor and Foxes Branches Properties • Lower James Creek 	<p>Water supply protection, wildlife corridor, natural surface trail connection</p>	<p>Tributary streams with unforested buffers, significant forest and wetland areas</p>	<p>Potential for subdivision and conversion to 5-acre lots: at risk</p>
<p>Mainstem Gap Properties:</p> <ul style="list-style-type: none"> • Gap between the reservoirs • Headwaters gap 	<p>Water supply protection, wildlife corridor, natural surface trail connection</p>	<p>Some unforested buffers, mainstem forest and wetland areas</p>	<p>Between the reservoirs: Potential for subdivision and conversion to 5-acre lots. Headwaters gap: <i>Agricultural Reserve</i>, RDT: minimizes risk</p>
<p>Critical Properties in the Agricultural Reserve</p> <ul style="list-style-type: none"> • Patuxent River mainstem headwaters tributaries • Middle Mt. Zion, Hights and Reddy Branches • Other areas identified by studies 	<p>Water supply protection, wildlife corridor</p>	<p>Some unforested buffers, mainstem forest and wetland areas</p>	<p><i>Agricultural Reserve</i>, RDT: minimizes risk</p>

⁷ 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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-29)

PROTECTION OF HERITAGE RESOURCES



NOT TO SCALE

RESOURCE CATEGORY #3: CONSERVATION OF HERITAGE RESOURCES

OVERVIEW

The protection of heritage resources and protection of open space are compatible and complementary goals. Montgomery County's heritage resources are located in agricultural/rural areas as well as in more developed parts of the county. However, in both cases, open space often defines the environmental setting of the resources and, together, the resource and its setting convey a sense of historic time and place. Many resources lose significance when the contextual open space around them is changed or built upon. The Legacy Open Space Program offers an additional tool for addressing this important issue.

There is a synergy between the desire to preserve parts of our county's history and the desire to retain important open spaces. Protection of open space enhances the preservation of heritage resources by maintaining appropriate environmental settings, and historic preservation provides another important rationale for protecting significant spaces, vistas, stands of trees, etc. which are of interest to the public.

In addition to being essential components in the maintenance of a community's character, heritage resources - both public and private - can also play a significant role in developing economic benefits from heritage tourism. This is a new concept for a county that has thought of itself as primarily suburban; however, it is an idea whose time has come.⁸

EXISTING SITUATION

Montgomery County has done an excellent job of identifying and designating as historic many of the important heritage resources in the county. There are currently over twenty locally-designated historic districts in Montgomery County and over 350 individually-designated landmark sites. Chapter 24A of the Montgomery County Code (the Historic Preservation Ordinance) has laid out a strong preservation program. Although a great deal has been done in terms of identification and designation, not enough has been done in terms of interpretation for the public - and this is a major goal for the future of the county's preservation program.

⁸The Maryland Legislature passed House Bill 1 in 1996 and created the Maryland Heritage Preservation and Tourism Areas Program. This program is designed to assist communities in using cultural tourism as a way to build their economies while protecting their cultural, historical, and natural resources. The program provides a number of different kinds of grants to communities that apply for and get approval as Certified Heritage Areas. The Montgomery County Historic Preservation Commission applied for and received a grant from the Maryland Historical Trust for preparation of an application for Recognized Heritage Area status. This application has been prepared and will be submitted to the Maryland Heritage Areas Authority in the Fall of 2000. It includes ideas and recommendations that involve many public and private historic properties throughout the county.

However, it is important to note that even designated heritage resources can be altered and protection of the environmental settings of properties is one of the most difficult goals to achieve. If a property is subdivided and new roads and structures are built – for either residential or commercial use – the delineation of an appropriate setting for the historic resource is always controversial as most developers seek to maximize the density of their project. Even in the best case, subdivision changes the context of the historic resource, many of which are rural, and the resource, as well as its ancillary historic structures, loses some degree of historicity.

Chapter 24A does include a provision for donation of historic preservation easements to the county which would allow for the preservation of open space and environmental settings; however, only one property owner has taken advantage of this option to date.

In addition to protecting the environmental settings of privately-owned heritage resources through the Legacy Open Space Program, it is essential that those historic properties which are already in public ownership receive appropriate stewardship and interpretation. Some of the publicly-owned heritage resources which have been noted by citizens as being in particular need of attention and stewardship include: the agricultural buildings associated with Gothic Barn at Linden Farm near Dickerson, Edward Chiswell Farm on Wasche Road near Dickerson, Moneysworth Farm near Clarksburg, James and Macie King Dairy Barn at South Germantown Recreational Park, the southbound station of the Silver Spring B&O Railroad Station, Jesup Blair Park in Silver Spring, Norwood Park structures in Bethesda, Clarence Israel Park in Rockville, and Carver School in Rockville. In the short term, the primary goal of Legacy Open Space is to protect open space around heritage resources that may be at risk because of private development by means of outright purchase or through easement acquisition. At some point in the future, the program may be able to expand the focus of its attention to include stewardship issues related to these publicly-owned heritage resources, as well as the other more than 100 historic properties in public ownership throughout the county.

LEGACY OPPORTUNITY AREAS

Each historic site or property is significant on its own; however, the public's understanding and appreciation of the county's heritage is enhanced by looking at resources as part of a group which more fully explains the historic context and development of particular properties.

An important part of the county's plans for heritage tourism activities is the identification of groupings of historic and cultural sites that may be interpreted as a whole. Linking heritage resources together thematically allows for more efficient marketing and attracts a broader audience.

The master plan has identified four major Heritage Clusters: (1) the Underground Railroad/Quaker Cluster, (2) the Farming History Cluster, (3) the Industrial Heritage Cluster, and (4) the Rail Community Cluster.

1. Underground Railroad/Quaker Cluster

Montgomery County played an important role in the Underground Railroad, both because this area includes a number of the routes that escaping slaves may have traveled as they moved north through Maryland to freedom, and because of the strong Quaker communities in the county that supported free black settlements.

There is a significant cluster of resources in eastern/northern Montgomery County that help to depict and interpret the history of the Underground Railroad and the Quaker presence. Communities such as Sandy Spring and Brookeville are representative of late 18th and 19th century Quaker settlements, while individual properties such as Woodlawn, Oakley Cabin, and Edgewood have ties to Underground Railroad history. Other community resources, such as the Sandy Spring Museum, Dr. Winston Anderson's Sandy Spring Slavery Museum, and the Sharp Street Church, are also important in understanding the history of African-Americans in 19th century Montgomery County. An additional emphasis of this cluster is early African-American free black settlements such as the Mt. Zion and Howard Chapel areas.

2. Farming History Cluster

The focus of this cluster would be to celebrate Montgomery County's agricultural heritage, which is the primary force which shaped this county from its inception in 1776 through the early part of this century. Individual farms, early farming communities, and different types of agricultural outbuildings would be highlighted and interpreted.

An important focal point for this cluster would be the Bussard Farmstead at the Agricultural History Farm Park. In addition, farmsteads in the western part of the county - such as the Joseph White House, the Edward Chiswell House, the Matthews Farm/Linden Farm, etc. - reflect different periods in our county's rural past. Farming communities, such as Hyattstown on the Old Frederick Road, Boyds and Dickerson on the B&O Railroad line, and crossroads like Beallsville and Barnesville, would be featured in this cluster as well.

3. Industrial Heritage Cluster

This cluster would help the public to understand and interpret the early industries that helped Montgomery County to grow and prosper. Some of the heritage resources are archaeological resources.

Some of the resources which would be emphasized in this cluster would be early quarries, some of which have prehistoric origins, mill sites, mining sites, distillery sites, and - of course - the vital transportation lines along the C&O Canal.

Some noteworthy resources in this cluster include the Cabin John Aqueduct, the Great Falls Tavern, the Maryland and Rock Run Gold Mines, the DuFief Mill site and the Black Rock Mill, Blockhouse Point, the Cabin John, Stoneyhurst, and Seneca Quarries, the Poole General Store, Whites Ferry, and the Monocacy Aqueduct.

4. Rail Community Cluster

Completed in 1873, the Metropolitan Branch of the B&O Railroad linked the city of Washington to the countryside in Montgomery County and points west. In doing so, it brought renewed prosperity to the post-Civil War landscape. The rail "boom" upcounty attracted mills, dairy farms and stores, and downcounty it spawned the building of early suburban communities such as Takoma Park, Kensington and Garrett Park - all of which include wonderful Victorian residences and designated local historic districts.

The alignment of the rail line influenced the subsequent development of industrial areas along the tracks during the middle part of the next century in places like Silver Spring and Germantown. This early rail line is still in operation today as both a commuter MARC train line and a CSX freight line. The alignment touches many of Montgomery County's earliest and most important communities, such as Rockville, the county seat, and Gaithersburg, an important market town, as well as the early suburban towns such as Takoma Park, Silver Spring and Kensington, and the summer ex-urban towns such as Garrett Park and Washington Grove. The rail line also provides access to farming communities in the upcounty such as Boyds, Barnesville, and Dickerson.

RECOMMENDATIONS

The master plan recommends the following properties be considered for protection through the Legacy Open Space Program:

1. Underground Railroad/Quaker Cluster

Holland House and Store (Red Door Store)
16400 Layhill Road

Auburn
17617 Meetinghouse Road

Harewood
17600 Meetinghouse Road

Edgewood
16101 Oak Hill Road

Greenwood
21315 Georgia Avenue

2. Farming History Cluster

Land to east and west of Hyattstown

Darby House and Store
19811 Darnestown Road

White/Carlin Farm (part of Bardon Property)
920 Old Bucklodge Road

Friends Advice
19001 Bucklodge Road

Wallace Poole Farm
18511 Beallsville Road

Hilliard Farm
20520 West Hunter Road

Soloman Simpson Farm
19000 Beallsville Road

Warren ME Church Historic Site
22625 White's Ferry Road

J.H. Cashell Farm (Casey Property)
Upper Rock Creek

3. Industrial Heritage Cluster

Loughborough House
5312 Allendale Road

4. Rail Community Cluster

Carroll Place
10231 Carroll Place, Kensington

Capitol View Park Historic District
East side of Capitol View Avenue, north of Beechbank and south of Leafy

National Institute of Drycleaning
Georgia Avenue and East-West Highway, Silver Spring

OTHER SITES UNDER CONSIDERATION

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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

**RESOURCE CATEGORY # 3
HERITAGE RESOURCES OF SIGNIFICANCE⁹**

HERITAGE RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
<i>Underground Railroad/Quaker Cluster</i>			
Holland House & Store	Preserve early commercial building and provide important gateway to Sandy Spring and this cluster area.	Mid- 19 th century store and house on 96 acres of land. Across from Woodlawn.	Important open space - acquire to preserve gateway to Sandy Spring & to maintain Woodlawn's historic setting.
Auburn	Preserve historic farmstead and open space adjacent to Sandy Spring Meetinghse. and Rural Legacy Trail.	Early 19 th century house and significant outbuildings. Key location along Rural Legacy Trail.	Possible to preserve through easement rather than acquisition. Also meets trail objective.
Hardwood	Preserve historic farmstead and open space adjacent to Sandy Spring Meetinghse. and Rural Legacy Trail.	Late 18 th century house associated with Stabler family & Dean Acheson. Key location along Rural Legacy Trail.	Possible to preserve through easement rather than acquisition. Also meets trail objective.
Edgewood	Preserve historic resource directly related to the Underground Railroad	Mid-19th century Quaker farmstead associated with Stabler family and believed to be a stop on the Underground Railroad.	Should be acquired and interpreted. Currently operated as a bed and breakfast inn, the owner may be putting the house up for sale soon.
Greenwood	Preserve very early farmstead that exemplifies pre-Civil War plantation life.	Began in mid-18th century and associated with Davis family.	Excellent history of slave life on this farmstead - good opportunity for interpretation.

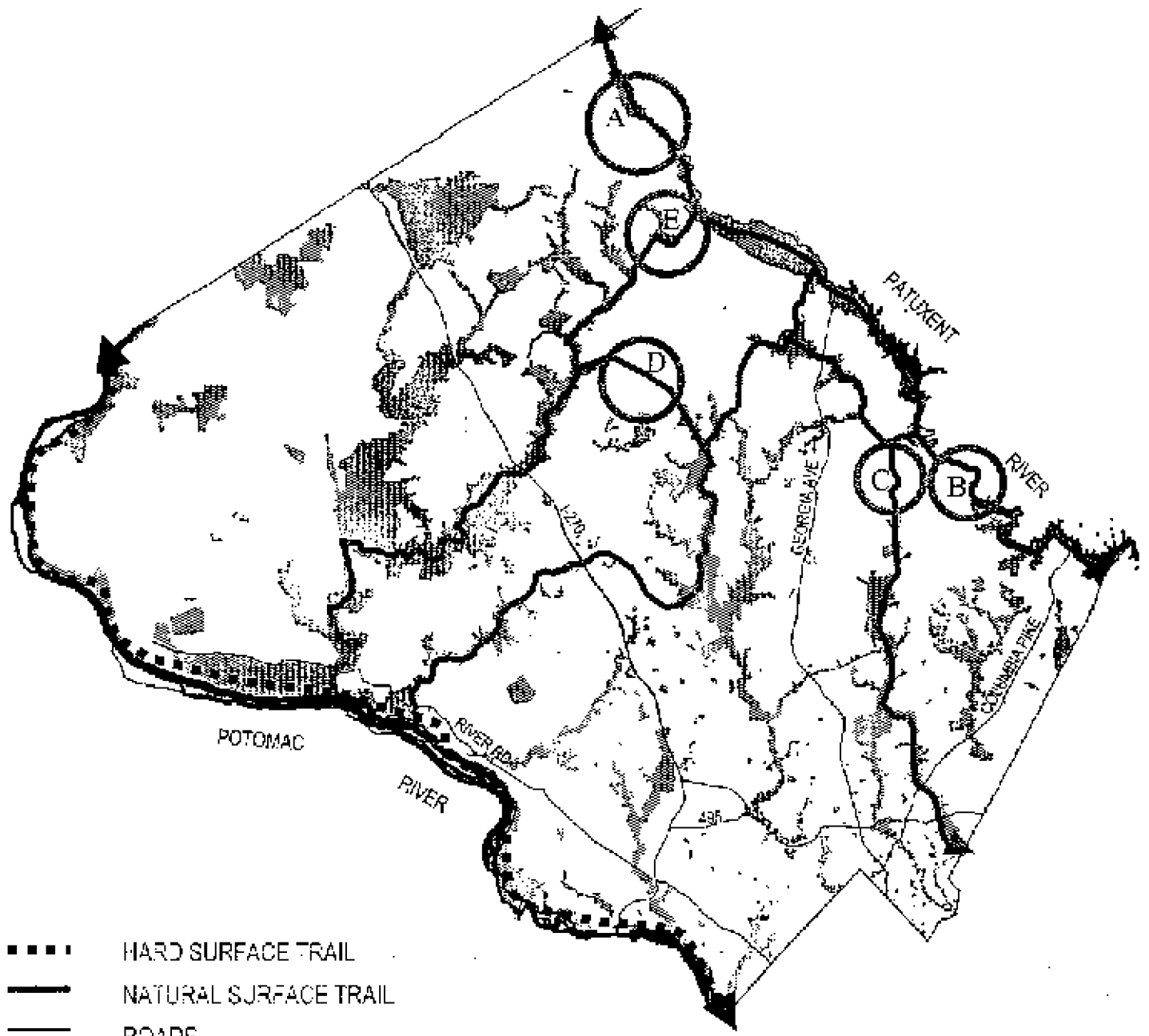
⁹ Appendix D contains a list of sites that will be studied for inclusion in the Legacy Open Space Program. These and other new sites will be considered according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

HERITAGE RESOURCE	OBJECTIVE	SIGNIFICANCE	COMMENTS
<i>Farming History Cluster</i>			
White/Carlin Farm	Preserve important historic farmstead adjacent to Boyds Historic District.	Early 19 th century farmstead with notable bank barn. Associated with White family.	Key open space in relation to Boyds. Part of Bardon property. Also meets natural resource objective.
Darby House & Store	Preserve early commercial building and key corner of Beallsville crossroads.	Mid-19th century store with extremely intact interior features. Essential resource for Beallsville Historic District.	No development plans known. Store is vacant and deteriorating rapidly.
Land to east and west of Hyattstown	Expand Little Bennett Park and provide buffer to protect Hyattstown Historic District.	Open space to the east and west of Hyattstown is essential to maintaining the community's rural character.	No development plans known, however, increasing pressure expected with development occurring in Frederick County.
Friends Advice	Preserve important historic farmstead.	National Register property with over 700 acres.	No development plans known – potential easement.
Wallace Poole Farm	Preserve important historic farmstead.	National Register property. Main house gone, significant outbuildings.	No development plans known – potential easement.
Hilliard Farm	Preserve important historic farmstead.	Locational Atlas Property	No development plans known – potential easement.
Soloman Simpson Farm	Preserve important historic farmstead.	Locational Atlas Property	Approved for subdivision. Historic house remains on substantial acreage.
Warren M. E. Church Historic Site	Preserve unique African American historic site/collection of buildings	One of last vestiges of Martinsburg community. Includes Church, School and Social Hall.	Being put on market; community group wishes to purchase.
J.H. Cashel Farm (Casey Property)	Preserve Historic site		Being studied for alternatives as part of Upper Rock Creek Master Plan
<i>Industrial Heritage Cluster</i>			
Loughborough House	Preserve very early (18 th century) down county historic site.	National Register property with over two acres of land as setting.	No development plans known – potential easement.

Rail Community Cluster

Carroll Place	Preserve heart of National Register Kensington Historic District.	18 lots in center of Kensington - reads as town green, but really includes 18 recorded lots. Nursing home on site is located in historic Brainard Warner house (founder of Kensington).	No development plans known, but essential to preserve this space before development is contemplated. Possible to preserve through easement rather than acquisition.
Capitol View Park Historic District	Preserve key area of open space at entry to this local historic district.	Approximately 15 lots on Capitol View Ave. between Beechbank and Leafy, which includes one historic house and which are a heavily-treed entry into the community.	Owners have begun exploring development options. Potential easement.
National Institute of Dry Cleaning	Preserve early Silver Spring institutional Building, site of National School. Model Plant. Research Lab	Established in 1927 by Clarence C. Hubbard, pioneer in dry-cleaning, possibly designed by Arthur Heaton.	Owned by WMATA.

PROTECTION OF GREENWAY CONNECTIONS



- ■ ■ ■ HARD SURFACE TRAIL
- NATURAL SURFACE TRAIL
- ROADS
- PRIORITY AREAS
- WATER
- ▨ PARKLAND



NOT TO SCALE

RESOURCE CATEGORY #4: PROTECTION OF GREENWAY CONNECTIONS

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 has published the *Maryland Atlas of Greenways, Water Trails, and Green Infrastructure* to help protect and link Maryland's remaining ecologically valuable lands. 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.

At the *county level*, the Countywide Park Trails Plan for Montgomery County is based upon the concept of an interconnected system of greenways and trail corridors. The Plan identifies a 250-mile network of natural and hard surface trails within 8 generalized trail corridors (See Appendix E: Trail Network). In general, the corridors are supportive of the State's Green Infrastructure Network.

One of the most exciting components of the Park Trails Plan is the proposed connection of the *Patuxent and Potomac Rivers by cross-county, natural surface trails*. Natural surface trails within these areas will traverse existing and planned population centers, so that thousands of residents will be able to walk to the Patuxent or Potomac from urban, suburban and rural neighborhoods.

The *Countywide Park Trails Plan* also proposes a network of hard surface trails. None of these hard surface trail corridors is proposed for study or acquisition in Legacy Open Space at this time. The Countywide Park Trails Plan identifies corridors for these hard surface trails; planning and design of final trail locations will be done as part of the county park planning program. Engineering and environmental studies must first be done to better define trail locations within the corridors. As these studies are completed, Legacy Open Space or park acquisition funds could be considered in later years.

EXISTING SITUATION

The concept of linking the Potomac and Patuxent Rivers by a series of natural surface trails can only occur if public use is assured within the identified corridors either by public ownership of land or by public use easements across private land.

After adoption of the Countywide Park Trails Plan by the Montgomery County Planning Board, the park acquisition plan was modified to include those properties needed to make connections and close gaps.

These properties will be acquired over time as willing sellers come forward or as development occurs and the areas are dedicated to M-NCPPC.

LEGACY OPPORTUNITY AREAS

The primary criterion for selecting greenway connections for Legacy Open Space protection is closing gaps in major natural surface trail corridors identified by the Countywide Park Trails Plan. Another goal of Legacy is to provide attractive, park-like connections between natural resources, heritage resources, rural, and urban open spaces. As a result of the Legacy Open Space effort, certain trail corridors have gained a greater importance because they support multiple resource protection goals and objectives. These corridors are where the master plan is recommending planning initiatives.

Priority Planning: Northwest Branch Corridor. In this area (see Area C on map) the natural surface trail network would achieve a number of open space objectives. Not only will a natural surface trail in this area provide access to the Patuxent River, the trail would also help educate users about the role of Montgomery County in the Underground Railroad (see Heritage Resources section). Exciting opportunities exist in this area for a trail that transports people back to the era of the Underground Railroad and actually allows them to recreate the experience of moving through the countryside in search of freedom. More work is needed to identify where the trail should go, which historic elements it should link and what properties should be considered for public acquisition.

Priority Planning: Seneca Greenway Link to the Rock Creek Corridor (See D on map). The Countywide Park Trails Plan simply identifies a "desire line" for such a connection. As a result of Legacy Open Space and analysis as part of the State Greenway Infrastructure Concept, a new area has emerged where such a connection could occur. This general location requires further planning immediately.

Priority Acquisition: Seneca Greenway (See E on map). Completing the connection between Seneca Stream Valley Park and the Patuxent River is a high priority acquisition needed for the completion of the Seneca Greenway Trail. Funds are included in the park CIP to complete this acquisition as properties become available. The Legacy Open Space Program would provide an additional source of funding in case many willing sellers in the Seneca Greenway Corridor came forward at one time.

Priority Planning: Patuxent River Corridor. As noted in the section on the Protection of Water Supply, acquisition should be considered to close the existing gaps in public ownership where forest protection or restoration will significantly improve stream quality. This recommendation reinforces the Countywide Park Trails Plan recommendation that public acquisition occur to allow continuous trail access along the entire length of the Patuxent. How to close the gaps along the Patuxent will involve coordination with neighboring jurisdictions and the State of Maryland and should be undertaken immediately. The affected areas are identified as A and B on the accompanying map.

OTHER SITES UNDER CONSIDERATION

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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

RESOURCE CATEGORY #4
Greenway Connections of Significance¹⁰

TRAIL CORRIDOR	OBJECTIVE (From Countywide Park Trails Plan)	SIGNIFICANCE	COMMENTS
Northwest Branch	Provide a natural surface trail from the Beltway north to the Patuxent River that provides a high-quality passive recreational experience.	<p><i>Close the gap from MD 108 to Hawlings River</i></p> <p>The Countywide Park Trails Plan proposes a natural surface trail the entire length of the Northwest Branch corridor from the Beltway to the Patuxent. At present, the Countywide Park Trails Plan and the Sandy Spring Ashton Master Plan both suggest easements as a potential way of providing the trail north of Md 108. Acquisition of this important segment of the Northwest Branch corridor is necessary given its potential to be part of the Underground Railroad/Quaker Heritage Resource cluster. Map reference C.</p>	<p>Priority for acquisition rather than reliance on easements north of MD 108.</p> <p>This area has been identified as element of Underground Railroad Heritage area and should be part of park system to allow interpretation.</p>
Rock Creek and Seneca Greenway	Explore ways to connect the Rock Creek natural surface trail system to the Seneca Greenway	Identify a trail connection that incorporates natural resource areas identified in State Greenway Infrastructure Study. Map reference D.	HIGH priority due to development activity in this area.
Seneca Greenway	Provide a continuous natural surface trail in the Seneca Greenway from the Potomac to the Patuxent.	Complete connection between Great Seneca Stream Valley and Patuxent River. Map reference E.	Acquisition funds for all years of Legacy Open Space to supplement, as needed, park CIP acquisition funds.
Patuxent River	Provide a continuous natural surface trail along the Patuxent	<p><i>Expand public ownership of Patuxent River frontage to Montgomery County line.</i></p> <p>This portion of the Patuxent includes the boundary marker identifying where Carroll County, Frederick County, Montgomery County and Howard County all intersect. Map reference A.</p>	This area is important to four counties and the State of Maryland. Planning funds are needed to initiate a cooperative planning study to identify how this area can be incorporated into the Patuxent River Trail Corridor

¹⁰ 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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

TRAIL CORRIDOR	OBJECTIVE (From Countywide Park Trails Plan)	SIGNIFICANCE	COMMENTS
Patuxent River (con't)		<p><i>Close the gap between T. Howard Duckett and Triadelphia Reservoirs</i></p> <p>There is a critical gap between WSSC's Duckett and Triadelphia Reservoirs. These two reservoirs total 4,200 acres of protected land and include areas for shore fishing, horseback riding, boating and hiking. A gap in public ownership occurs in the vicinity of the Haviland Mill Road Trail connectivity along the Patuxent River is dependent upon trail access being provided through this area. There are no funds allocated for acquisition in the WSSC budget. Map reference B.</p>	<p>Trail easements may be acceptable alternative to acquisition. However, if purchase or easements prove unsuccessful, alternative trail locations must be identified to assure a continuous trail.</p>

PROTECTION OF FARMLAND AND RURAL OPEN SPACE



- ROADS
- TARGET AREAS FOR TDR PURCHASES
- WATER
- PARKLAND
- ▨ AGRICULTURAL RESERVE



NOT TO SCALE

RESOURCE CATEGORY #5: PROTECTION OF FARMLAND AND RURAL OPEN SPACES

OVERVIEW

Montgomery County's efforts to protect farmland and rural open spaces began in 1964 when *The General Plan* was adopted. This plan envisions a land use pattern where intensive development is confined to a series of Corridor Cities located along major transportation arteries and separated by wedges of rural open space, low-density residential uses, and farmland. When the agricultural wedge concept was introduced, its function was to protect large open spaces for farming, recreational opportunities, mineral extraction, and other natural resource activities; and to conserve and protect the public water supply.

Throughout the years Montgomery County has remained committed to the protection of the Agricultural Wedge by implementing a broad range of policies, plans, and regulations in concert with state easement programs and private conservation initiatives. In 1980, the range of efforts to protect the Agricultural Wedge was solidified by the adoption of the *Preservation of Agricultural and Rural Open Space Functional Master Plan*. This plan focused on the protection of farmland and rural open spaces by using County, State and private easement purchase programs together with two zoning techniques -- the Rural Density Transfer (RDT) Zone in conjunction with a Transfer of Development Rights (TDR) system. The Plan recognized the importance of preserving critical masses of contiguous farmland and rural open spaces to better insure the survival of the agricultural economy at the urban fringe and the vision of the "wedges and corridors" General Plan.

Approximately 96,000 acres of farmland and other rural open spaces are included in the area that comprises Montgomery County's Agricultural Reserve. To date, over 50,000 acres of farmland and rural open spaces have been protected in perpetuity by the TDR Program and other county and state easement purchase or donation programs. The County has targeted a goal of procuring protective easements on 70,000 acres of land in the Agricultural Reserve by 2005.

EXISTING SITUATION

In July 1999 the Planning Board transmitted to the County Council a comprehensive assessment of farmland and rural open space initiatives designed to improve the effectiveness of preservation programs and meet the county goal for protection. An important aspect of the assessment focused on the critical need to enhance the economic incentives to sell TDRs and included a suggestion that TDR easements be purchased by the government. The recommendations of the assessment package are still under consideration, but it is appropriate for the Legacy Open Space Plan to comment on effective means of protecting those farmlands that are identified as critical to this plan.

Use of Legacy Open Space funds to acquire the TDRs on these lands (assuming the owners wish to sell them) at prices substantially above their market value will have no effect on the ultimate use of the land unless the last TDRs from each tract are purchased. Owners need only retain one development right for each 25 acres they own to develop their farms as permitted by the RDT zone. Because these last development rights are far more valuable than all the other rights (estimates range from 5 to 25 times as valuable), public purchase of them is infeasible. Without them, purchase of all the other rights will have no effect on the use of the land.

Consequently, this plan recommends that the Legacy Open Space program concentrate its resources in the Agricultural Reserve in the acquisition of perpetual agricultural or open space easements on critical properties. This should be done by using LOS funds to supplement the County Agricultural Easement Program funds to enhance the attractiveness of easements that restrict the use of the property to agricultural and open space uses and to limit development to densities no greater than one unit for each 50 acres. This easement would allow an owner to retain all the TDRs assigned to the property under the RDT zone (i.e., 1:5 acres), for subsequent sale at their market value.

The master plan also recommends supplementing the funding for the Montgomery County Agricultural Easement Program. This program requires the transfer of all TDR (beyond those required for existing dwellings and child lots) to the County as a condition for the easement agreement.

LEGACY OPPORTUNITY AREAS

The master plan recommends that Legacy Open Space funds be targeted for the following initiatives:

1. Funds to augment the County's Agricultural Easement Program. This program requires the transfer of all TDRs (beyond those required for existing dwellings and child lots) to the County as a condition of the easement agreement. Since the AEP program is targeted specifically for working farms, contributing to it demonstrates a dual commitment to preservation of both working farmland and rural open space land in the Agricultural Reserve; and assists a successful program that has had to contend with fluctuating funding. These funds would add no requirements beyond the AEP's existing standards.
2. Funds to purchase easements for "exceptional" properties in the agricultural zones. "Exceptional" properties would be defined as those with excellent agricultural potential, outstanding rural vistas, or other environmental or historic characteristics. Agricultural potential can be determined by the existence of prime/productive soils in open fields, and outstanding rural vistas are encompassed along Rustic or Exceptional Rustic Roads. Additional weight would be given to properties at or near the "borders" of growth areas or near access areas along I-270 in the Agricultural Reserve.

Easement requirements would include:

- Density reduction to no greater than one unit per 50 acres, but no transfer of TDRs – property owner keeps all TDRs to sell later.
- Non-residential development limited to agricultural related or home based businesses.
- No “child” lots allowed that would increase density above 1/50.
- If currently or in future actively farmed, must develop farm management plan with SCS.
- If horses are kept on site, must develop a stabling management plan with Soil Conservation District.
- Protection for critical environmental areas or historic sites if applicable.
- Trail easement dedicated if indicated in Countywide Park Trails Master Plan.

This initiative will work in conjunction with AEP, which is only targeted for actively farmed land. The Legacy Open Space easements will be available for farmed and non-farmed land, and will allow TDRs to remain on the land. It could be combined with AEP or other easements with different criteria -- such as allowing additional cash for an easement to protect a “critical” environmental area on an AEP protected property. The easement could also be combined with Rural Legacy easements, but this would be a very time consuming and complicated process, requiring juggling time frames for the two programs.

CRITICAL PROTECTION TARGET AREAS FOR LEGACY OPEN SPACE EASEMENTS

The critical mass of rural open space necessary to protect agricultural activities and the rural character in the Agricultural Reserve will best be protected by limiting the use of Legacy Open Space funds for LOS easements to those meeting certain criteria that follow. However, if there is interest in the program beyond these areas, and all funds are not expended easements should be considered elsewhere in the RDT Zone. The target area criteria include:

- Properties with prime or productive soils adjoining properties already protected by easements. Protecting these soils is important because the best farmland is usually the easiest to develop.
- Properties of 25 or more acres in the RDT within Priority Sub-Watersheds identified in the Countywide Stream Protection Strategy. Retaining low levels of imperviousness will help to protect these sub-watersheds, which currently exhibit high levels of streambank instability. Protection of these endangered watersheds is an important County and State environmental priority.
- Properties with prime or productive soils or natural features near threatened border areas and I-270 access roads. This would primarily be applicable to undeveloped

properties of 25 or more acres within one mile of a "growth area" or access road to I-270.

The general location of properties that best meet these criteria include (as noted on the map):

- Areas west of Georgia Avenue and north of Brookeville Road - between the Hawlings River and Reddy Branch.
- Areas north of the Damascus Master Plan area within the Patuxent River watershed.
- Areas east of Poolesville to Seneca Creek State Park.
- Areas north of the Clarksburg Master Plan, east of Little Bennett Regional Park.
- Areas northwest of Laytonsville.
- Areas west of I-270 at Hyattstown.

OTHER SITES UNDER CONSIDERATION

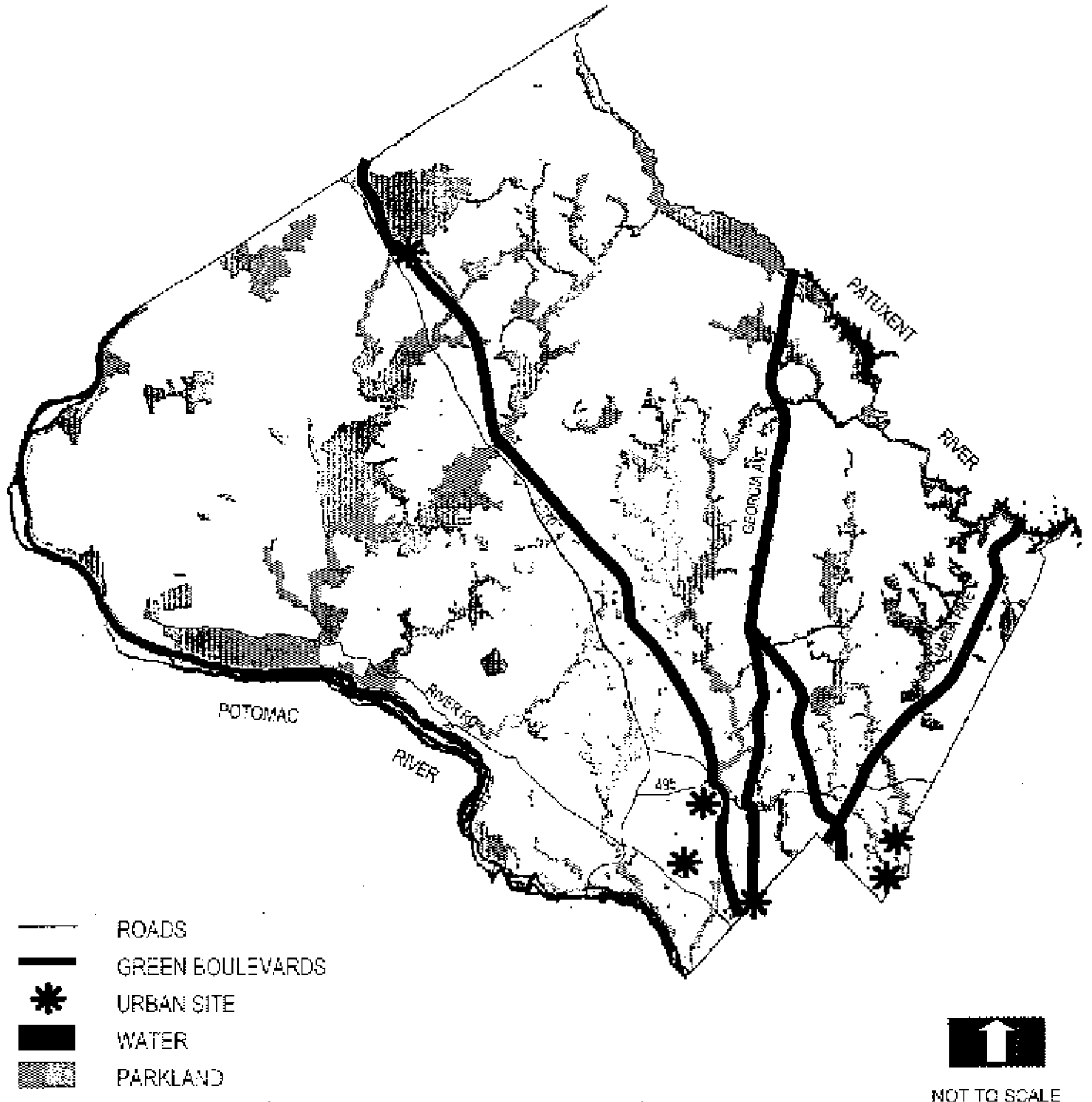
Appendix D contains a list of sites that will be studied for inclusion in the Legacy Open Space Program. These and other new sites will be considered according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

**RESOURCE CATEGORY #5
Protection of Farmland and Rural Open Spaces¹¹**

Easement Purchase Area	Objective	Significance
Properties west of Georgia Avenue and north of Brookeville Road - between the Hawlings River and Reddy Branch.	Protect and enlarge clusters of open land not protected by other programs, near already protected areas, near threatened border areas and within Priority Watersheds.	<ol style="list-style-type: none"> 1. Prime and productive soils 2. Near areas already protected by easements 3. Near threatened border areas. 4. Within Priority Watersheds identified in the County Stream Protection Map.
Properties north of the Damascus Master Plan area within the Patuxent River watershed.		<ol style="list-style-type: none"> 1. Prime and productive soils 2. Near areas already protected by easements. 3. Near threatened border areas. 4. Within Priority Watersheds identified in the County Stream Protection Map.
Properties east of Poolesville over to Seneca Creek State Park.		<ol style="list-style-type: none"> 1. Prime and productive soils 2. Important natural features 3. Near areas already protected by easements 4. Near threatened border areas.
Properties north of the Clarksburg Master Plan area and east of Little Bennett Regional Park.		<ol style="list-style-type: none"> 1. Prime and productive soils 2. Near areas already protected by easements 3. Near threatened border areas. 4. Within Priority Watersheds identified in the County Stream Protection Map.
Properties northwest of Laytonsville.		<ol style="list-style-type: none"> 1. Prime and productive soils 2. Near areas already protected by easements. 3. Near threatened border areas. Undeveloped properties.
Properties north of the Clarksburg area and west of I-270		<ol style="list-style-type: none"> 1. Prime and productive soils 2. Near areas already protected by easements. 3. Near threatened border areas. Undeveloped properties.

¹¹ 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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

PROTECTION OF URBAN SPACE AND GREEN BOULEVARDS



RESOURCE CATEGORY #6: PROTECTION OF URBAN SPACES

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 countywide 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. 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 and are held by public agencies.

EXISTING SITUATION

Urban Open Spaces - These open spaces establish important green areas and natural resources within existing neighborhoods. They are provided both through direct purchase of sites within existing neighborhoods, and transfer of publicly owned land. These sites include undeveloped land in private or public ownership within existing neighborhoods. Buffer areas located within neighborhoods and at the edge of central business districts establish a green area between high-density central business districts and the adjacent neighborhoods. Other privately owned sites include undeveloped sites located adjacent to existing stream valley parks.

Open spaces and natural resources owned by the public include several closed school sites. The primary challenge to protection comes from the private organizations including schools that need sites in existing neighborhoods. As improvements are provided, the existing users request to purchase these sites. Several of these sites have already been purchased. Retaining surplus school sites as public open space so that they can continue to serve as neighborhood green infrastructure is a significant challenge.

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. Undeveloped open spaces that define these green boulevards also contribute to the character of these major thoroughfares and the adjacent neighborhoods. Open spaces alongside green boulevards can also provide an important buffer between commercial and residential uses.

Remaining undeveloped open spaces along these boulevards 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.

Regional Parks - Regional parks play a key role in conserving natural areas, and in providing active and passive recreation opportunities. These large parks serve many more people than local parks and retain a large portion of the site for conservation. This large conservation space is what differentiates regional parks from the other large county-wide park category, recreational parks, which have a greater emphasis placed on the provision of active recreation opportunities. Characteristics of regional parks include:

1. Land mass over 200 acres
2. Reserve at least two-thirds of its acreage for conservation related purposes.
3. Provide a large range of active and passive recreational opportunities such as picnicking, fishing, hiking, and camping.

Montgomery County currently has five developed regional parks (over 7,800 acres). All of the existing regional parks include picnic and playground areas, trails, and nature centers. Two of these parks serve the lower County areas and also are unique in that they include athletic complexes and significant active recreation areas. Wheaton, the first regional park, was opened to the public in 1961. It has a large botanical garden and is easily reached by lower and eastern County residents. Cabin John serves the southwestern portion of the County. Many recreational facilities are provided including lighted tournament quality athletic fields, year-round tennis courts, ice rinks, trains and a carousel. The three parks serving the mid and northern County area have large amounts of conservation land and provide other types of recreational opportunities. All three of these regional parks have golf courses and Little Bennett also includes a campground. Black Hill and Rock Creek offer boating and other water oriented activities.

The challenge to providing regional parks is to identify the future need and establish appropriate locations before the large sites are developed. Finding land suitable for both active recreation and conservation areas needed for regional parks is also a challenge.

LEGACY OPPORTUNITY AREAS

Urban Open Spaces - Transfer or purchase of selected sites is needed to serve the local open space needs of existing neighborhoods. Criteria used to identify urban sites for Legacy Open Space include:

- A. Key open spaces along major highways.
- B. Vacant land within existing urban neighborhoods.
- C. Important urban natural areas, especially if they promote interconnection of the urban green infrastructure.

The master plan recommends that the following list of sites be included in Legacy Open Space:

- Bush Property, Bethesda
- Sligo Mill Property, Takoma Park
- Wohlfarth Property, Friendship Heights
- Clarksburg Triangle Property, Clarksburg
- Takoma Academy, Silver Spring¹²
- Maiden Lane Property, Bethesda¹²

In addition, the County currently owns many small urban open spaces that result from unutilized rights-of-ways, changed road alignments, closed schools or school properties that were never built. Remnants of subdivisions also constitute valuable open spaces for our urban neighborhoods. If the County proposes to sell any of these properties, they should be evaluated for protection through Legacy Open Space. The Legacy program will consider these and other opportunities in urban areas for their potential as neighborhood open space links – or green infrastructure – as they are identified. Land purchase criteria to consider include connectivity, community purpose and special natural or cultural resources.

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

1. *MD 355 (Wisconsin Avenue/Rockville Pike/Frederick Road)* - This highway 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. To the north, the Clarksburg Triangle site is also an important green space along MD 355 near the future Clarksburg Town

¹² It is expected these properties will be purchased through other programs and funding sources. However, Legacy tools, including purchase, can be used to protect and preserve these properties.

Center.

2. *MD 97 (Georgia Avenue)* – This green boulevard continues to provide a major access into Washington, D.C. It defines the character for the neighborhoods between the Silver Spring CBD and Montgomery Hills as well as the neighborhoods between the commercial center 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. 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 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 should be retained as open space. Connecticut Avenue from Aspen Hill to the District of Columbia is also an important green boulevard.

Regional Parks - There is a long-term need to identify a new regional park to serve future generations that includes active recreation opportunities as well as conservation areas. Although the PROS Plan indicates that countywide recreation needs will be met by current park proposals through the year 2010, a new regional park will be needed after that time. It should be located to serve the area, where the greatest expansion of County population is anticipated.

This plan recommends that a site selection process should be undertaken so that development doesn't preclude optimum site selection. The search process should include the following:

- Identification of high need areas
- Identification of undeveloped sites of 200 acres or more (greater than 350 acres is preferable)
- Evaluation of potential sites with respect to environmental opportunities and constraints
- Identification of suitable land for recreation purposes on the site
- Opportunities for connectivity to other public parkland or private conservation land
- Site constraints such as sewer and water, transportation network, adjacent

conflicting land uses, and potential safety concerns

- Community and user group input on potential sites
- Approved regional park guidelines described in the PROS Plan

ACQUISITION MECHANISMS

Urban Open Spaces - A variety of implementation mechanisms exist. Several of these sites will require purchase by the public. Opportunities to transfer existing publicly owned sites to permanent green space or historic resources status should also be considered if the property was not acquired to protect a significant resource identified by the Legacy Open Space Program. If existing private schools plan to relocate from existing publicly owned sites, these sites should be studied for possible inclusion in the Legacy Open Space Program. The main goal is to retain existing public sites in public ownership, and to preserve local open space and recreation opportunities. Instead of purchase by private organizations, the Legacy Open Space Program would implement a transfer of these sites to the M-NCPPC as leases expire and the school is no longer appropriate for private use. This transfer could be achieved either through direct transfer without cost or as a purchase.

Green Boulevards - The implementing mechanisms include a variety of techniques. Purchase of selected sites along major highways is one mechanism to establish the green boulevard concept 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 street tree planting and maintenance programs, can also improve green boulevards.

Regional Parks - Direct purchase of land is the primary strategy to provide an additional regional park. A purchase could also be combined with a gift of land or limited dedication.

OTHER SITES UNDER CONSIDERATION

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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

**RESOURCE CATEGORY #6
PROTECTION OF URBAN OPEN SPACES¹³**

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 5. Takoma Academy ¹⁴ 6. Maiden Lane Property ¹⁴	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.
Green Boulevards Highest priority: MD 355 Georgia Avenue US 29 Other priorities: Connecticut Avenue	Create high quality green boulevards with special character along selected major 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: <ul style="list-style-type: none"> • Building setbacks achieved through regulatory review • Acquisition through dedication or purchase

¹³ 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 according to the processes for changing the classification of sites and adding new sites outlined in the previous section (see pages 23-28).

¹⁴ 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.

IMPLEMENTING THE LEGACY

- Leveraging and Funding
- Stewardship
- Inventories
- Measuring Progress

XV. LEVERAGING AND FUNDING APPROACH

Montgomery County has pioneered many innovative techniques to conserve open space and manage the effects of growth on the County's open space assets. While there are common elements in these programs, each program has been designed to achieve a desirable outcome or to resolve a problem. Legacy Open Space is a comprehensive, visionary approach that brings together in one planning document the protection of critical environmental, water, heritage, and land resources. The funding strategy must be equally innovative and visionary.

The leadership for approving and funding such an initiative is primarily a County and governmental responsibility. The primary purpose of Legacy is the protection of significant resources on behalf of the public's interest on multiple levels, now and into the future. This purpose is one of the fundamental missions of government. No other entity, foundation, or corporation has this purpose as its essential or sole mission.

Funding of the Commission's general capital improvement program (CIP) is supported by a variety of sources including County general obligation bonds, Commission general obligation bonds, County current receipts, Commission current receipts, municipal funding sources, grants and donations. In the early years, it is anticipated that the Legacy Program will need to rely heavily on public dollars of the County and/or the Commission until the accomplishments and resulting significance of the program is recognized and embraced by outside groups. In later years, the revenue sources will be diversified to spread the funding responsibility of this critical program by accessing sources similar to those available to our CIP and take advantage of other sources that are identified through research. It is the intent of this program that County funds will have a multiplier effect, leveraging additional funds from state and federal sources, as well as private contributions of funds, lands, and easements.

To support open space acquisition, the County has used a wide range of mechanisms, including fee-simple purchase, purchase and donation of easements, dedications, transfer of development rights, and purchase of development rights, providing that open space conservation goes hand in hand with sustainable economic benefits. Building on these past successes, Legacy Open Space includes a number of funding and implementation assumptions.

- Legacy is a multi-year program.
- Legacy must provide a dedicated public revenue stream to support acquisition of critical land, water, and heritage resources.

- Legacy will pursue funding from County/State/Federal programs. Illustrative examples include the County's Agricultural Easement Program, the State's Rural Legacy and the Federal Land and Water Conservation Fund.
- Legacy will establish a major capital campaign through the Montgomery Parks Foundation to raise funds and generate donations of land and easements. The Foundation will establish a Legacy Fund to facilitate the capital campaign.
- Legacy will establish a relationship with a non-profit organization to negotiate easements with willing landowners to protect resources identified in this master plan.
- Legacy will establish partnerships with specific land trusts, non-profit organizations, municipal, state and federal agencies to jointly fund protection of sites of mutual interest.
- Legacy will work with other agencies, land trusts and conservation organizations to manage and interpret the resources protected through the program.
- Legacy will not undermine or compete with Program Open Space funding for master plan parks outside the Legacy Open Space Plan.

XVI. 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 Class I properties only) pending completion of the purchase. *For all sites in 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.

There may be cases where only part of a property or an easement is necessary to protect the Legacy resource, but the entire property must be purchased to secure it in a timely fashion. If this is the case, the staff report to the Planning Board will clearly indicate the intent to re-sell the property on the open market in whole or in

part after an easement has been recorded against the property. Any proceeds for the sale would be used to purchase other Legacy properties and easements.

Ownership of sites may be held by other agencies or organizations (i.e., the Trust for Historic Preservation, the Conservation Fund, the Washington Suburban Sanitary Commission, County Executive Agencies, etc.) by agreement with the Department of Park and Planning if appropriate to protect the Legacy resource. Any agreement will clearly indicate measures necessary to assure protection of the resource.

XVII. STEWARDSHIP

There are several aspects to stewardship under the Legacy Open Space Program. One is stewardship of the land protected under this program. This includes both protection of the physical resources on the land as well as educating the public to increase their enjoyment and appreciation of those resources. Another aspect is promoting the awareness among all Montgomery County residents about the value of the County's "green infrastructure."

In order to protect the resources on land acquired under this program, property may be managed or maintained by another public agency, a land trust or conservation organization with specific guidance placed on its maintenance and use by the Department of Park and Planning. If protection is secured through an easement, maintenance and use guidance must be included in the easement agreement. While every effort will be made to reduce the potential for operating budget impacts, sufficient funds must be allocated to preserve the desired resources that are added to the park system.

As the Legacy program evolves, management plans for each resource will be developed. The management plan will clearly indicate protection goals for the site as well as the range of uses anticipated for the site. The program will set up a process for resolving any existing problems or access issues with the site; as well as any capital, management or interpretation needs for appropriate use and/or protection of the site. These programs will be designed to help the staff, volunteers and managers responsible for the use and maintenance of the acquired property preserve it in a manner that will assure that the county and the region receive the most environmental and/or cultural benefit possible from the acquisition of the property.

Interpretive and educational outreach of these open space resources is an important element of stewardship. Legacy provides an opportunity to expand these activities. A program will be developed through the Montgomery County Public Schools and libraries, private conservation, preservation and community groups, as well as county programs to educate and inform Montgomery County residents about the

value and the need for responsible stewardship of the County's "green infrastructure."

XVIII. INVENTORIES

While the recommendations regarding sites in this master plan were made with the most accurate information available, many questions remain unanswered. What is the appropriate amount of key open space resources needed to maintain biodiversity, maintain clean drinking water and safe streams, secure our cultural heritage, provide adequate greenways and a network of major trails, protect key farmland and important urban open spaces? A series of inventories and analyses are underway that will continue to provide insight into these questions. This master plan recommends that this work continue to be supported to further refine the implementation of this program.

XIX. MEASURING PROGRESS

An annual report will be made to the County Council detailing progress and current activity in the implementation of the Legacy Open Space Master Plan. This report will document expenditure of County funds, state and federal funding, donations of land or easements and funds and services donated by the private or non-profit sector. When the opportunity exists to sample public opinion of the program, the Planning Board will measure customer satisfaction with the program.

Summary Chart of Parkland and Open Space Acreage*

*(As of 10/01/99)

I. EXISTING M-NCPPC CONSERVATION AND RECREATION PARKLAND ACREAGE			
	<u>Conservation</u>	<u>Recreation</u>	<u>Total</u>
1. M-NCPPC			
Stream Valley	12,325		12,325
Regional	5,242	2,582	7,825
Recreational		2,854	2,854
Conservation	2,178		2,178
Special		881	881
Misc.		128	128
Urban		20	20
Neighborhood		628	628
Local		1,992	1,992
Neighborhood Conservation Area	250		250
TOTAL M-NCPPC	19,995	9,086	29,081
PERCENT	68.76%	31.24%	100.00%
II. EXISTING STATE, FEDERAL, AND PRIVATE OPEN SPACE ACREAGE			
1. State of Maryland	11,166	1,201	12,367
2. National Park Service (C&O Canal)	1,573	1,573	3,146
3. WSSC	3,100		3,100
4. Private Open Spaces	2,746		2,746
TOTAL NON - M-NCPPC	18,585	2,774	21,359
TOTAL ALL SOURCES	38,580	11,860	50,441
PERCENT	78.49%	23.51%	100.00%
III. ESTIMATED FUTURE PARK ACQUISITION			
A. Next 5 Years '99 - '06 CIP	<u>1900</u>	<u>200</u>	<u>1500</u>
B. Long Range Program (includes '99 - '06 CIP)			
Stream Valley	2,971		2,971
Regional	184	91	275
Recreational		316	316
Conservation	498		498
Special		75	75
Misc.		0	0
Urban		0	0
Neighborhood		0	0
Local		334	334
Neighborhood Conservation Area	0	0	0
TOTAL FUTURE PARK ACQUISITION	3,653	816	4,469
PERCENT	81.74%	18.26%	100.00%
IV. SUMMARY			
M-NCPPC EXISTING	19,995	9,086	29,081
NON - M-NCPPC EXISTING	18,585	2,774	21,359
FUTURE M-NCPPC	3,653	816	4,469
TOTAL PRESENT AND FUTURE ACREAGE	42,234	12,676	54,910
PERCENT	76.92%	23.08%	100.00%

SUMMARY CHART OF MONTGOMERY COUNTY PARK ACQUISITIONS

COSTS OF PARK ACQUISITIONS
1927 - 1999 BY TYPE OF PARKLAND

Type of Parkland	Category Costs	Acres
Local	\$11,097,459.41	
Urban	\$4,375,702.56	
Neighborhood	\$5,786,111.07	
Neighborhood Conservation Area	\$0.00	
Recreational Parks	\$8,890,140.00	
Regional Parks	\$27,915,283.31	
Conservation parks	\$9,393,511.07	
Stream valley parks	\$82,438,005.88	
Special, miscellaneous parks	\$7,342,275.64	
Total	\$137,238,588.94	= 29,061

PARKLAND ACQUIRED BY GIFT AND DEDICATION

(INCLUDED IN TOTAL ABOVE)

1927 - 1999

January 1, 1927 - August 30, 1989

4,745 acres

Appendix B

The Planning Board has expanded efforts to include greater consideration of open space protection in all aspects of planning and regulation. Throughout the development of the PROS Plan and its supplement, "Parks for Tomorrow," the Planning Board urged the Department to examine Countywide park and open space policies. They asked the Department to look beyond the park system at open space in its entirety, including public and private lands, and develop visions and strategies regarding open space that further enhances Montgomery County's quality of life.

The 1997 M-NCPPC survey of public opinion indicates broad support and demand for resource protection. The exceptionally high level of concern raised by County residents for natural and heritage resource protection was reflected in the 1998 PROS Plan which indicated the need to focus significant and programmatic attention on this issue.

The PROS recommendations and survey findings that illustrate the high demand for resource protection as follows:

- **Acquisition of natural areas should be a very high priority as evidenced by residents' strong interest in preserving forests, streams, and wildlife.**

Informal Park Use: Over three-fourths of the survey respondents indicated that they had visited a County park in the last year just to enjoy nature or the outdoors, rather than to participate in a sport or use a recreational facility. This is important to note, because it indicates that there are large numbers of informal park users enjoying our park system that may not be reflected in other park user surveys that concentrate on developed parks. The amount of usage varied, with 60% visiting parks to enjoy nature 1-9 times; over 25% visiting 10-29 times; and 13% visiting more than 30 times over the last year.

Natural Area Priorities: Preserving natural areas was deemed extremely important by County residents who were surveyed. The protection of streams was ranked high priority by 55% of respondents, protection of forests 52%, and protection of rare or endangered species 43%. Ninety-three percent of survey respondents agreed/strongly agreed on setting aside some parkland for the protection of wildlife habitat.

- **Priority should be given to nature center facilities and interpretative programs for natural areas and historic sites. A considerable interest was expressed in preservation of natural areas, visiting historic sites, and attending historic programs.**

Appendix B
Page 2

Visits to Historic Sites or Areas: In 1997, 30% of persons surveyed indicated that they had been to a Montgomery County park to visit historic buildings or sites such as restored houses, mills, or farm museums. This would include facilities such as Woodlawn Manor and the Agricultural History Farm Park. These types of visits were reported to occur between one and nine times per year by 85% of those respondents.

Interest in Increasing Historic Programs: Persons surveyed were asked about their interest in a number of new types of historic programs. Their responses were as follows:

- Interest in guided tours - 87%.
- Interest in self-guided tours - 87%.
- Interest in self-guided tours from one site to another - 74%.
- Interest in live demonstrations about local history - 86%.
- Interest in lectures about historic sites - 74%.

Funding Priorities: Protection of historic buildings and sites were rated a high priority by 31% of the persons surveyed. A slightly higher priority was given to providing information to County residents regarding wildlife (39%) than history (35%), but this difference is small and indicates that respondents felt both were important.

Several questions were placed in the survey specifically to measure the importance County residents place on preservation of natural and historic areas. Most County residents feel that placing land in environmental and historic preservation is important. Ninety-three percent agreed that some parkland should be set aside for wildlife habitat protection, 65% gave priority to protecting endangered species, and 75% to protecting forests and streams. Most people (65%) felt that protection of historic sites was important.

M-NCPPC LONG TERM ACQUISITION PROGRAM

Proposed Capital Improvements Program FY 01 to FY 06

The M-NCPPC Long Term Acquisition program targets natural extensions of our County's Stream Valley Park System as well as expansions of regional and recreational parks and parkland needed for local recreation. The following list includes parks in which acquisitions are most likely to be pursued within the upcoming FY 01-06 depending on availability and need for parkland development. The bulk of the six-year program is in the proposed acquisition of non-local conservation land. Included in these acquisitions are properties remaining to be acquired in the Upper Paint Branch, Great Seneca, and Little Seneca Stream Valley Parks, proposed greenways, and Black Hill Regional Park. Several local park sites are also included within the six years. These properties will be supplemented by a significant amount of acreage that will be received through dedication or donation.

A. Non-Local Parkland Program (FY 01-06)

1. Stream Valley Parks

Bucklodge Branch Stream Valley Park
 Dry Seneca Stream Valley Park
 Great Seneca Stream Valley Park
 Hawlings River Stream Valley Park
 Little Bennett Stream Valley Park
 Little Seneca Stream Valley Park
 Muddy Branch Stream Valley Park
 North Branch Stream Valley Park
 Northwest Branch Stream Valley Park
 Reddy Branch Stream Valley Park
 Rock Creek Stream Valley Park
 Upper Paint Branch Stream Valley Park
 Wildcat Branch Stream Valley Park

2. Greenways

Clarksburg Greenway
 Little Seneca Greenway
 Ovid Hazen Wells Greenway
 Ten Mill Creek Greenway

3. Conservation Area Parks

Hoyles Mill Special Protection Area (North of White Ground Road)
Oak Ridge Conservation Park
Patuxent River Watershed Conservation Park
Rachel Carson Conservation Park

4. Regional Park Additions

Black Hill Regional Park
Little Bennett Regional Park
Rock Creek Regional Park

5. Recreational Park Additions

Fairland Recreational Park
South Germantown Recreational Park

B. Local Program (FY 01-06)

Airy Hill Local Park
Damascus Valley Local Park
King Local Park
New neighborhood park in Takoma Park
Norbeck-Muncaster Mill Local Park
Sandy Spring Green

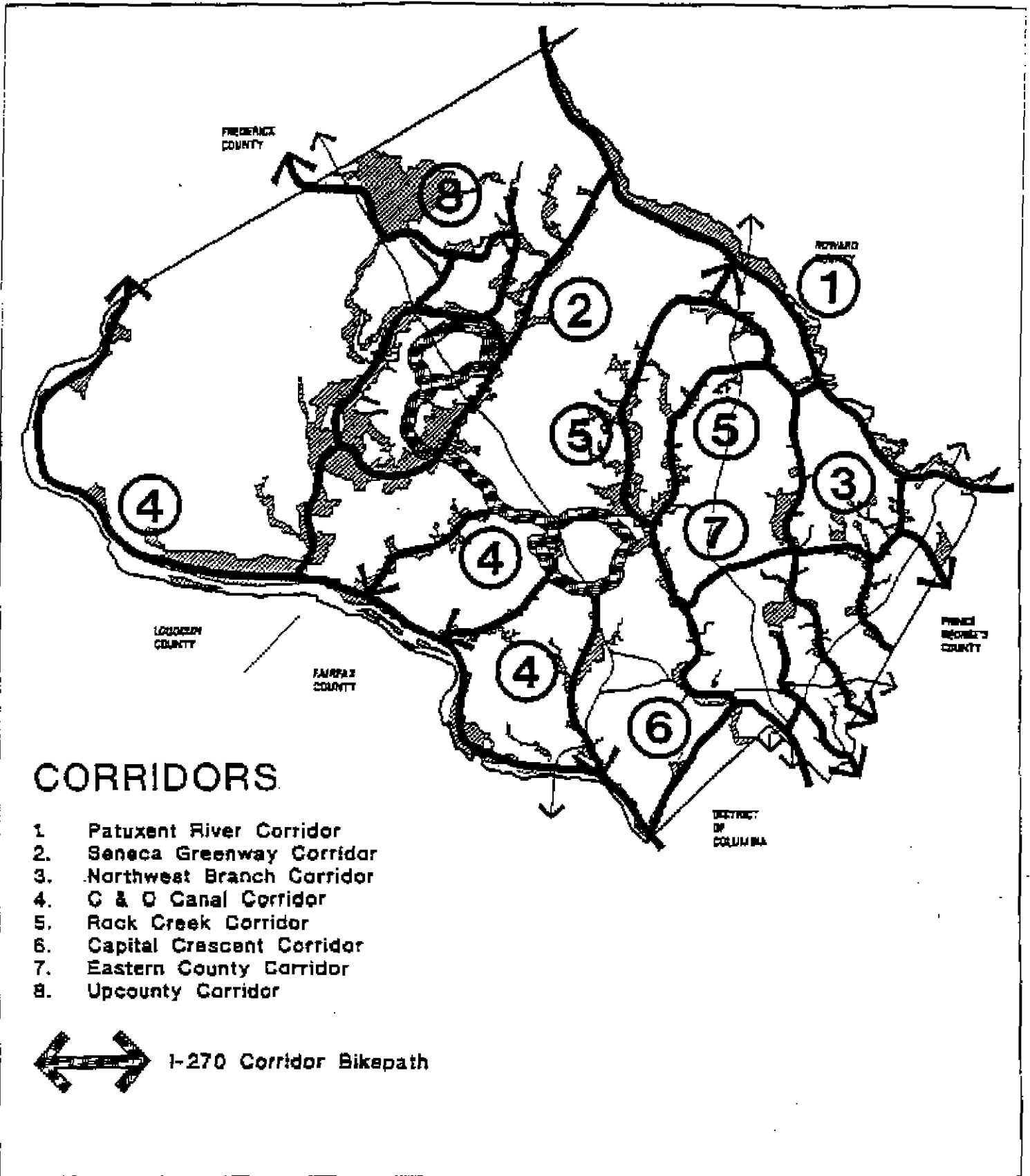
Appendix D
Class III Sites For Additional Study For
Potential Inclusion in Legacy Open Space

Natural Resources:	
Cahoon Prop. - Glen Rd. in Potomac's Glen	Needs Further Study- May be Part of Park Acquisition Through Master Plan
Extension of Clarksburg	Meets Criteria But Needs Further Study
SPA along 10 Mile Creek	Needs Further Study - Selection of Specific Properties
Casey Farm - Wash. Grove	Further Study Needed (possible archeological site)
Verbits Property	May Contain RTE's
Paint Branch Peach Orchard Lots	Would Involve Buying Platted Lots
Paint Branch Church Site	Church may not be willing to sell
Potomac Bend Forest	Meet Criteria, But Needs Further Study - Selection of Specific Properties
Ednor Farms	Further Study Needed
Bennett Stream headwaters	Meet Criteria, But Needs Further Study - Selection of Specific Properties
Little Bennett headwaters	Meet Criteria, But Needs Further Study - Selection of Specific Properties
Freeman Property - Upper Rock Creek	Protection for trail and wildlife corridor to be evaluated as part of the Upper Rock Creek Master Plan
Bachelors Forest Tributary of NW Branch	Determine Specific Properties
Fraley Farm - Eastern Portion	Could be designated as part of Upper Rock Creek Master Plan
Water Supply:	
Brigham Property	Review with Patuxent Reservoir Group
Triadelphia Lake Area	Review with Patuxent Reservoir Group
Erdle Prp - across from Denit	Review with Patuxent Reservoir Group
Rachel Carson Extension	Review with Patuxent Reservoir Group

Heritage Resources:	
Boyd's Negro School - White Ground Rd.	Owned by Private Historic Preservation Non-Profit Group
Chevy Chase Club - on Connecticut	Determine if Easement is Feasible
Canada Dry Bldg - E/W Highway	AT&T Owned
Clarksburg General Store (Indian Trading Post)	
Farmland and Rural Open Space:	
none	
Trails and Greenway Connections:	
Hendry Property - URC	Could Get Trail Via Development Process
Paint Branch/Patuxent River Connection	Most Properties Subdivided, Private Homes Built
Capital Crescent/Metropolitan Branch Trail Gaps	Important trail connection. alignment to be determined
Urban Open Space:	
Bradley Blvd btwn Conn & Wisconsin	Chevy Chase Club Side. study how to protect view from road
NW corner Montrose Rd/ MD 355	Need More Information
N.Hampshire Ave - near Sligo Creek	Need More Information
Trail Connections Along MD 355	Need More Information
Walter Reed - Forest Glen	May Get in Park Dedication
Carver School - Rockville	
Connecticut Ave - Along Beltway to Aspen Hill	Need More Information
Jolie's Property - on East-West Highway Next to Red Cross bldg	May Get Through Dedication or Easement
University Blvd	Recommended in Master Plan; Streetscape Study in Progress
Webb Tract*	Regional Park, Study MP Implications/ Need To Study w/ Other Sites

*While this site was suggested as a possible regional park site (in combination with the Green Farm Conservation Park) that could be acquired through Legacy Open Space, the site search/selection process has not yet begun for a new regional park. This site will be added to the list for analysis when that process begins (estimated start in FY02).

COUNTYWIDE TRAIL CORRIDORS



LISTING OF LEGACY OPEN SPACE SITES

SITE NAME	LEGACY OPEN SPACE RESOURCE CATEGORY	SITE CLASSIFICATION	PAGES
Auburn	Heritage Resource	Class II	56, 59
Bachelors Forest Tributary of Northwest Branch	Natural Resource	Class III	Technical Appendix D
Barnesville Forest	Natural Resource	Class I	39, 42
Bennett Stream Headwaters	Natural Resource	Class III	Technical Appendix D
Boyd's 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	39, 43
Bucklodge Forest	Natural Resource	Class I	39, 41
Bush Property	Urban Open Space	Class I	77, 80
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	58, 61
Carroll Place	Heritage Resource	Class II	58, 61
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	57, 60

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	77, 80
Darby House & Store	Heritage Resource	Class II	57, 60
Edgewood	Heritage Resource	Class II	55, 57, 59
Ednor Branch Rural Cluster Area Properties	Water Supply Protection	Class II	48, 50
Ednor Farms	Natural Resource	Class III	Technical Appendix D
Erdle Property – across from Denit	Water Supply Protection	Class III	Technical Appendix D
Foxes Branch Rural Cluster Area Properties	Water Supply Protection	Class II	48, 50
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	57, 60
Furnace Branch Headwaters Area	Natural Resource	Class I	39, 42
Green Boulevard: Connecticut Avenue From Aspen Hill to District of Columbia	Urban Open Space	Class II	78, 80
Green Boulevard: Georgia Avenue (MD Route 97)	Urban Open Space	Class II	77, 80
Green Boulevard: Maryland Route 355	Urban Open Space	Class II	77, 80
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	78, 80
Greenwood	Heritage Resource	Class II	57, 59

Hights Branch Properties	Water Supply Protection	Class II	49, 50
Harewood	Heritage Resource	Class II	56, 59
Hendry Property	Greenway Connection	Class III	Technical Appendix D
Hilliard Farm	Heritage Resource	Class II	57, 60
Holland House & Red Door Store	Heritage Resource	Class II	56, 59
Hoyles Mill Diabase Forest Area	Natural Resource	Class I	38, 39, 42
Hoyles Mill Diabase Area (North of White Ground Road)	Natural Resource	Class I	38, 39, 42
Hoyles Mill Diabase Area (South of White Ground Road)	Natural Resource	Class I	38, 41
Hyattstown Forest Buffer Area	Natural Resource	Class I	39, 43
Hyattstown, land to East and West	Heritage Resource	Class II	57, 60
Jolles Property on East-West Highway	Urban Open Space	Class III	Technical Appendix D
Limestone Ecological Corridor	Natural Resource	Class I	39, 42
Little Bennett Headwaters	Natural Resource	Class III	Technical Appendix D
Loughborough House	Heritage Resource	Class II	57, 60
Lower Hawlings River Rural Cluster Area Properties	Water Supply Protection	Class II	48, 50
Lower James Creek Rural Cluster Area Properties	Water Supply Protection	Class II	48, 50
Maiden Lane Property	Urban Open Space	Class I	77, 80
Middle Mt. Zion Tributary Properties	Water Supply Protection	Class II	49, 50
National Institute of Dry Cleaning	Heritage Resource	Class II	58, 61
North Branch Buffer Area	Natural Resource	Class I	39, 42
Northwest Branch Trail Corridor	Greenway Connection	Class I	64, 66
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	48, 50
Patuxent River Headwaters Tributaries Area	Water Supply Protection	Class II	48, 50
Patuxent River Trail Corridor	Greenway Connection	Class I	64, 66, 67
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	49, 50
Regional Park	Urban Open Space	Class II	76, 78-80
River Road Shale Barrens	Natural Resource	Class I	38, 41
Rock Creek and Seneca Greenway Trail Corridors Link	Greenway Connection	Class I	64, 66
Rural/Ag. Easement Area: Properties East of Poolesville to Seneca Creek St. Pk.	Farmland and Rural Open Space	Class II	72, 73
Rural/Ag. Easement Area: Properties North of Clarksburg and East of Little Bennett Reg'l Park	Farmland and Rural Open Space	Class II	72, 73
Rural/Ag. Easement Area: Properties North of Clarksburg and West of I-270	Farmland and Rural Open Space	Class II	72, 73
Rural/Ag. Easement Area: Properties North of Damascus within the Patuxent River Watershed	Farmland and Rural Open Space	Class II	72, 73
Rural/Ag. Easement Area: Properties Northwest of Laytonsville	Farmland and Rural Open Space	Class II	72, 73

Rural/Ag. Easement Area: Properties West of Georgia Avenue and North of Brookeville Road	Farmland and Rural Open Space	Class II	72, 73
Seneca Greenway Trail Corridor	Greenway Connection	Class I	64, 66
Serpentine Barrrens	Natural Resource	Class I	37, 41
Sligo Mill Property	Urban Open Space	Class I	77, 80
Soloman Simpson Farm	Heritage Resource	Class II	57, 60
South Serpentine Area	Natural Resource	Class I	37, 43
Stream Protection Area along Ten Mile Creek	Natural Resource	Class III	Technical Appendix D
Takoma Academy	Urban Open Space	Class I	77, 80
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	57, 60
Walter Reed – Forest Glen	Urban Open Space	Class III	Technical Appendix D
Warren M.E. Church Historic Site	Heritage Resource	Class II	57, 60
Webb Tract	Urban Open Space	Class III	Technical Appendix D
White/Carlin Farm	Heritage Resource	Class II	57, 60
Wohlfarth Property	Urban Open Space	Class I	77, 80