

## **POLICY AND PLANNING OVERVIEW**

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## **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.

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

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\* 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 documents<sup>2</sup> — (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

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<sup>2</sup> 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/coordination 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.

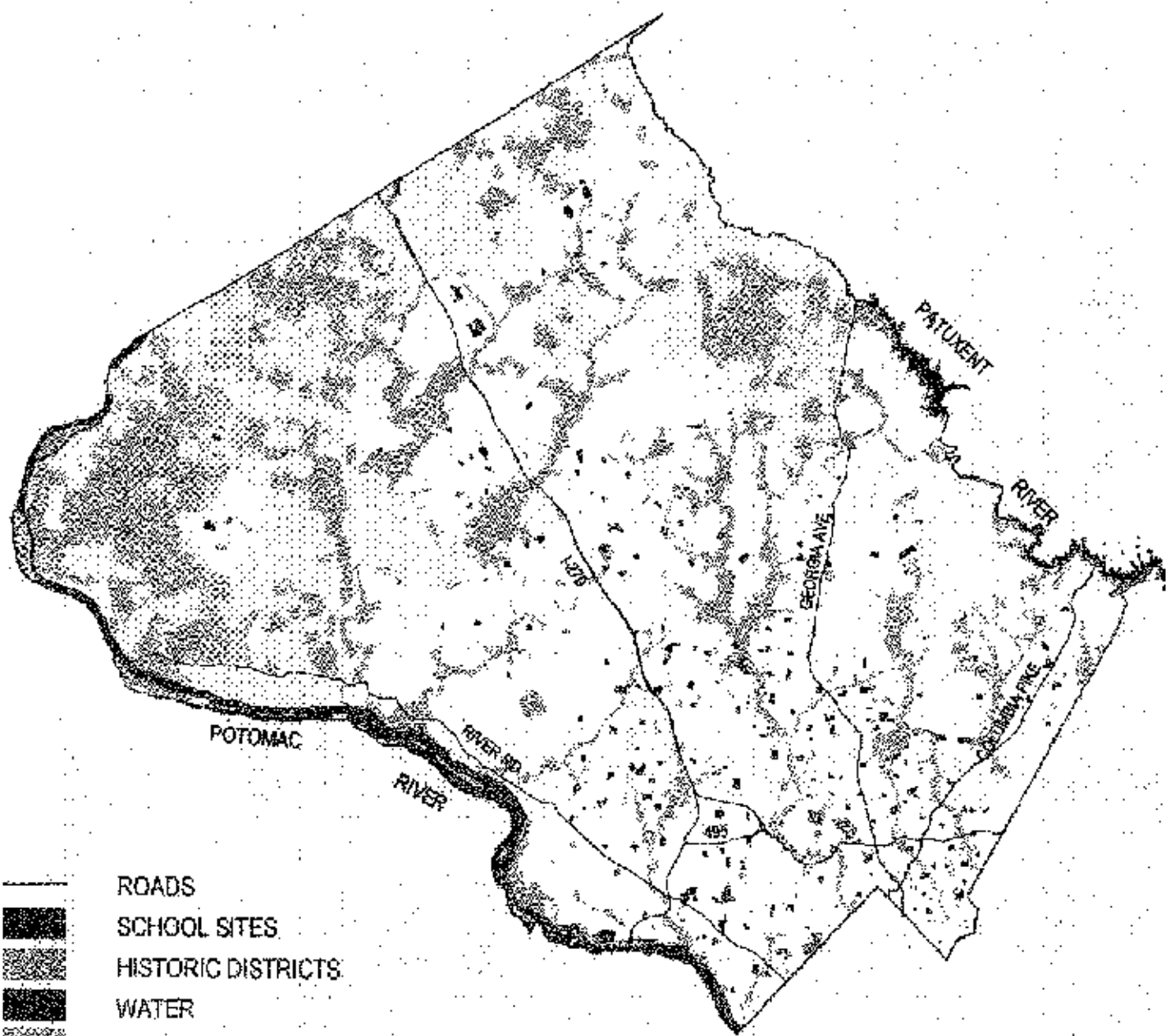
Even given all these tools, some open space resources are lost because they have not been identified, or because the tools and funding levels are insufficient. The Legacy Open Space Program has been developed to provide a unified mechanism for identifying and safeguarding these resources.

## **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: MARYLAND 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 Government Resources	Private Conservation Groups/Partnership	Local/State Regulatory Tools	Trusts/Endowments/Programs	State Funding for Conservation	Federal Funding for Conservation	Private Funding for Conservation	Private Land Acquisition
Natural Resources	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	County HP Easement Program, MHT Easement Program		Historic Preservation Ordinance, zoning strategies including RUI, zone, RNC zone, & clustering	Maryland Historic Trust Grant Program	Rural Legacy Maryland Historical Trust Easement Program	Land & Water Conservation Funds, TEA21	Corporate and Non-Profit Foundations, Corporations	Local Land Trusts (Keatsington Land Trust, Sandy Spring Greenspace, Inc.)
Farm Land and Rural Open Space	Agricultural Easement Program	Nature Conservancy, Potomac Conservancy, Isaac Walton League	RDT Zone, Conservation Subdivision, TDR Program, Environmental Certificates	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	Public Use easements	Nature Conservancy, Potomac Conservancy, Isaac Walton League	Dedication at subdivision, Environmental Guidelines, Reclamation Guidelines	Program Open Space	Rural Legacy	Land & Water Conservation Funds, TEA21	Corporate and Non-Profit Foundations, Corporations	
Urban Open Space			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.