

Resolution No.: 12-01
Introduced: 1/11/12
Adopted: 2/8/12
Effective Date: 2/8/12

TOWN OF CHEVY CHASE

LAND CONSERVATION PROGRAM RESOLUTION

WHEREAS, a Land Conservation Program was adopted by way of a Resolution, dated May 11, 2004; and

WHEREAS, under the provisions of Article IX, Section 901 of the Town Charter and Maryland Code, Article 23A, Section 2(b)(24), the Town of Chevy Chase (the "Town") may acquire real property for any "public purpose" by purchase, gift, lease or other means; and

WHEREAS, a "public purpose" includes the preservation of open space, the protection of environmentally sensitive areas, the preservation and enhancement of the Town's existing tree canopy and the preservation of the character of the Town; and

WHEREAS, the State of Maryland enacted the Stormwater Management Act of 2007 for the stated purpose of reducing the adverse effects of stormwater runoff such as stream channel erosion, pollution, siltation and sedimentation, and local flooding, so as to safeguard life, limb, property, and public welfare; and

WHEREAS, Montgomery County adopted the Strategic Watershed Management Program, the Watershed Restoration Effort, and the Rainscapes Program for the stated purpose of controlling stormwater runoff from additional urban surfaces in the County and reducing the environmental damage it causes; and

WHEREAS, Maryland Code, Natural Resources Article, Section 5-425 states that: "*The General Assembly finds and declares that forests and trees are an important and necessary part of the urban and community environment and that the retention, enhancement, and management of these forests and trees by local governments is in the best interest of the citizens of this State*"; and

WHEREAS, Montgomery County adopted the Forest Preservation Strategy (2000), and more recently, the Forest Preservation Strategy Update (2004), for the stated goals of increasing riparian forest in the County, increasing the amount of protected upland forest in the County, increasing the amount of urban and suburban forests and canopy cover on private properties in the County, and ensuring the long-term health and protection of forested areas on public land; and

WHEREAS, the Strategic Plan for the Town of Chevy Chase (2006) adopted by the Town Council, states that the Town: "*protects the Town's distinctive neighborhood character*"

(Principle 2); “*seeks to be a model community in the stewardship of its natural resources*” (Principle 4), specifically, “*preserves and expands the tree canopy*” (Principle 4, Goal 2), “*protects and expands open spaces and natural resources*” (Principle 4, Goal 3), and “*in partnership with other governmental entities...resolves water management problems*” (Principle 4, Goal 5); and

WHEREAS, the Town enacted a Water Drainage Ordinance in 2006 for the stated purpose of controlling the adverse impacts associated with stormwater runoff, such as stream channel erosion, and local flooding on streets and nearby properties, and maintaining after development, the pre-development runoff characteristics; and

WHEREAS, the Town enacted an Urban Forest Ordinance in 2006 for the stated purpose of preserving, protecting, and maintaining its mature tree canopy, and recognized that the canopy is an intrinsic part of the fabric of the community, and is a defining feature of its character which delivers numerous benefits to residents, such as reducing air pollution, stabilizing soil and reducing stormwater runoff, moderating climate extremes, and muffling noise.

NOW THEREFORE, BE IT RESOLVED this ____ day of _____, 2012, that, pursuant to and in fulfillment of the above governmental policies, the Town Council for the Town of Chevy Chase hereby adopts objectives, guidelines and procedures as additional Town policy to implement a Land Conservation Program to enable Town residents to give a gift of open space to the Town that will protect that open space in perpetuity by entering into conservation easement agreements or other agreements under which the Town is the named beneficiary or by conveying land to the Town in fee simple, all of which the Town Council has determined will yield significant public benefits, upon the terms and conditions set forth below.

I. Program Objectives

The Land Conservation Program is established to promote the public health, safety and welfare by accomplishing one or more of the following State, County or Town objectives:

1. Protect and expand open spaces and natural resources;
2. Reduce the adverse effects of stormwater runoff such as stream channel erosion, pollution, siltation, sedimentation, and local flooding;
3. Control stormwater runoff and reduce the environmental damage it causes;
4. Retain, enhance and manage forests and trees;
5. Increase riparian forest, upland forest, urban and suburban forests and canopy cover and ensure the long term health and protection of forested areas on public land;
6. Protect the Town’s distinctive neighborhood character;
7. Provide stewardship of natural resources in the Town;
8. Preserve and expand the tree canopy;
9. Resolve water management problems; and
10. Maintain the Town’s mature tree canopy which reduces air pollution, stabilizes soil, reduces stormwater runoff, moderates climate extremes and muffles noise.

II. Eligibility Guidelines

The Town will maintain and update eligibility guidelines, consistent with this Resolution, for accepting donations of conservation easements or land in fee simple, which further the Program Objectives. These guidelines will describe to potential donors the conservation purposes of the program, and give examples of the types of properties that will be eligible for the program.

Donations of conservation easements to the Town on the following types of property, or conveyances in fee simple, will further Program Objectives of protecting these valuable types of open space:

1. Areas that can be used for “pocket parks” for outdoor recreation by the general public
Examples (non-exclusive): side lots in the interior of the Town that are adjacent to streets or sidewalks; areas adjacent to Town parks;
2. Areas that provide scenic enjoyment for the general public, or visual relief from closely-built environment
Examples (non-exclusive): side lots in the interior of the Town that are adjacent to streets or sidewalks; areas adjacent to Town parks;
3. Areas with significant mature trees
Examples (non-exclusive): frontage lots along the historic Meadow Lane corridor; high grove of trees on hill between Leland Street and Aspen Street, west of Meadow Lane; lots adjacent to the Oakridge/Maple Ravine, which is bordered by Oakridge Avenue and Maple Avenue/Terrace, and Leland Street and Thornapple Street;
4. Areas with natural water management or drainage features, such as a pond, stream bed, underground stream, or ravine
Examples (non-exclusive): properties bordering Coquelin Run; properties backing up to the Oakridge/Maple Ravine;
5. Signature green spaces that are integral to the Town’s character
Example (non-exclusive): large frontage lots along the historic Meadow Lane corridor;
6. Areas that buffer or screen the Town’s residential community from urban development and/or heavy traffic at its borders
Examples (non-exclusive): large side lots along Connecticut Avenue, East-West Highway and Bradley Lane; properties bordering the Capital Crescent Trail, lots bordering Zimmerman Park;
7. Areas that embody planning principles for landscaping and open space that are intrinsic to the Town’s history and character
Examples (non-exclusive): large frontage lots along the historic Meadow Lane corridor; natural landscapes along the Oakridge/Maple Ravine; large side lots along Connecticut Avenue and Bradley Lane, the “Estate Edge” of Town;
8. Historic properties that are listed on the National Register of Historic Places or contribute to the significance of a National Register historic district.

III. Town of Chevy Chase Conservation Board

The Town Council will serve as the Town of Chevy Chase Conservation Board to oversee and administer land acquisition and coordinate enforcement of conservation easements by the Town.

IV. Open Space Inventory

The Town will maintain and update an Open Space Inventory. This inventory will describe certain open spaces in Town that may lend themselves to being protected from development through the Land Conservation Program.

BE IT FURTHER RESOLVED, that to the extent that there are any inconsistencies, the foregoing Resolution shall supersede the Resolution of May 11, 2004; and

BE IT FURTHER RESOLVED, that the foregoing Resolution shall take effect on the 8th day of February, 2012.

I, Al Lang, Secretary of the Town Council of the Town of Chevy Chase, hereby certify that the foregoing Resolution was adopted by the Town Council at its meeting on 8th day of February, 2012.



, Secretary