

New Hope Creek Corridor Advisory Committee—Minutes of meeting of Jan. 11, 2007

(Attending: Joe Blackley, Floyd Bridgwater, Walter Fowler, Bob Healy, John Goebel, Beth Timson [Durham Parks and Rec. Dept.], Bill Olive, Charlie Welch, Rich Shaw, Hildegard Ryals, Wendy Jacobs, Bo Glenn, Ed Harrison, Jeff Masten [Triangle Land Conservancy], Helen Youngblood [Durham City-County Planning], Jim Worrell [Mimosa Drive resident])

Resolution, passed by unanimous vote: See below for context—“The New Hope Creek Corridor Advisory Committee appreciates the efforts made by the Durham Parks and Recreation Department to take impacts on the New Hope into account in its plan for the new park adjoining Githens Middle School. However, we are deeply concerned that the proposed location of one of the soccer fields in the latest version of the park proposal will have an adverse impact on the beech floodplain ecosystem on one portion of the property. This is a globally significant plant community and a natural heritage site recognized by the Durham Natural Areas Inventory. We urge that an alternative location be found for this soccer field.”

- (1) Healy announced that Charlie Welch had been appointed by Durham as NHCCAC representative to the Hollow Rock Area planning committee. John Goebel will be DOST representative. Orange County has not yet made its appointments.
- (2) Githens Park. Beth Timson of Durham Parks and Recreation Dept. offered a response to the issues raised by NHCCAC in its written comments on the park plan. (see memo [below] from Parks and Rec.) The plan, she said, has varied greatly over time (e.g. swimming pool and dog park have been dropped) and the present plan has gone through three revisions. Beth said the design is driven to a great extent by the needs of the school—they have certain facilities they want in the park and the school does not want any of the parking on its land. One consideration for the school is that additional parking on school land might raise impervious surface on their site, limiting future school expansion. School also does not want the public on the school site during evenings or on weekends. The Durham schools have site-based management—Parks and Recreation has been working with principal Emmett Tilley and Mark Vick, of Durham Schools downtown office, who oversees site management for system. Jacobs and other raised a concern about the impacts of one of the soccer fields on the endangered beech floodplain ecosystem. Helen Youngblood, of Durham City-County Planning Department, raised the idea of moving this field toward the front of the property, on the former Easterling house site. There was general interest in this idea and Healy encouraged Parks and Rec. to continue informal communication with the NHCCAC (through Wendy Jacobs) as various alternatives are considered.

Youngblood made the general suggestion that the NHCCAC encourage the schools and the parks department to work more closely together.

The above resolution regarding the Githens School Park was unanimously passed by the NHCCAC.

- (3) Leigh Farm Park. Timson said that Leigh Farm had \$300,000 in bond issue funds to stabilize the old structures. A consultant (Edwards-Pittman Environmental) prepared a detailed report earlier this year on specific things that would have to be done, and an indication of priorities. Additional funding is needed. The state wants the site open as a park by 2010. Parks and Recreation would like to see less parking than envisioned in the original Coulter plan for the park. It was noted that Leigh Farm Park has a great location with regard to drawing people from I-40, with appropriate signage at the intersection.

The full consultant's report may be found at

http://www.durhamnc.gov/departments/parks/park_assessment_leighfarm.cfm

- (4) Hollow Rock/Penny Lands. Healy passed on the news that on Dec. 29, Wade and Carolyn Penny conveyed conservation easements on 29 acres of their property in Durham County that is adjacent to the future park and the additional land they sold to TLC/Orange County earlier this year. The easements provide severe development limitations and impervious surface restrictions. Shaw said that Orange County staff will come before the County Board Jan. 29 with a proposed easement on the remaining 7 acres of the Pennys' land in OC. It would allow no structures. Shaw also reported recent purchase by Orange County of 26 acres from Trinity School.

Olive asked about the schedule for moving Hollow Rock Store. It was noted that this was one of the things to be considered by the new Hollow Rock Area planning committee, which is just now being appointed.

A question was raised about status of the west side of the main stem of the New Hope, since all land acquisition has been on the east. One activity on the west side has been the restoration of wetlands on the Brown farm property. Healy offered to contact the environmental consulting firm that has done the restoration work to arrange a tour for the NHCCAC.

A hike to explore possible trail routes along the New Hope just north of 15-501 will be held Saturday, Jan. 13, meeting at 9 am at Bojangles in Oak Creek Shopping Center. We have permission to visit the back side of the Garrett Land, where a development is proposed by Trammell Crow Residential. All are invited.

- (5) Ryals mentioned the desirability of the NHCCAC having a small fund to finance various activities. TLC has offered to be the repository of such funds. Durham City and County have competitions for small grants—we will have to look for deadlines.
- (6) Harrison said that the Durham County Board voted 3-2 last Monday to turn down a development proposal that would have involved running a sewer line across Leigh Farm. He is concerned that this kind of proposal may happen again and asked for vigilance and for development of a vision of what we want Leigh Farm Park to be.
- (7) Jeff Masten of Triangle Land Conservancy brought up the potential role of the NHCCAC in encouraging the local jurisdictions to implement the public recreation portions of our plan. Jeff cautioned that we avoid promoting trails that would put undue pressure on Duke Forest. He also would like to see coordination of New Hope trails with the Mountains to the Sea Trail. He also noted the need for a conversation with the Corps of Engineers on how trails might be built along the New Hope on their land. The possible availability of funding for trails from the U.S. Department of Transportation was noted.

Olive, Blackley, Edeburn and Healy will meet with Corps representatives on Monday, Jan. 22 at 9 am at the Jordan Dam Interpretive Center to discuss the history of Jordan Lake. This will also enable us to start the broader conversation requested by Masten. All are invited.

**Next meeting--Thurs. Feb. 8 5 pm Forest View
Elementary School**

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**Attachment—Memo from Durham Parks and
Recreation Dept. to NHCCAC re. Githens School Park:**

Old Chapel Hill Road Park Project

This project was initially funded by a combination of money from the 1996 bond and impact fees from Parks and Recreation Zone 1 (\$508,000 from the bond, \$497,000 from impact fees). The adopted Capital Project Ordinance of 2000 allocating this money to the project describes it as follows:

...a community park developed on a site adjacent to Githens Middle School. The park will provide future joint recreational use of school and park facilities under an agreement with the Durham Public Schools. Development of the park will provide athletic fields, rest rooms, picnic

areas and play areas. The Parks and Recreation Master Plan identifies this new park as the location of a proposed new recreation center/swimming pool serving SW Durham (CIP 2001-2006).

The contract approved by City Council with Haden Stanziale to design the park was signed November 15, 2000 for \$78,000; it included design of a natatorium with associated parking facilities. Because of the environmental constraints of the site and the unwillingness to create the necessary large parking lots, the idea of a pool and recreation center on this site was abandoned after initial scoping meetings. However, the community was still very much in favor of a park on this site; at public meetings held in 2001, residents noted that there was no active recreation park south of MLK Jr. Parkway, between US 15/501 and NC 751 despite the area's rapid population growth. Seven years later, there is still no park in this area.

While the ultimate design of the project was stalemated, \$268,612 was spent on land acquisition, including acquiring an additional parcel adjacent to the park; and other uses for the site (such as Durham's first dog park) were discussed. A portion of the project's funding (\$300,000) was moved to another park project that was moving faster.

In 2004, the contract with Haden Stanziale was amended; it was increased to \$307,860, and the firm was asked to re-design the entire park so that the other approved features could be constructed: athletic fields, rest rooms, play areas, and shelter. After discussions with Githens School and another round of community meetings, the possibility of an Environmental Education center was added into the site planning. In this year also, Council approved the issuance of the Two-Thirds Bond and allocated an additional \$3,433,476 to the project as described, without the pool.

An initial plan was created that reflected both DPR's and DPS's programmatic needs (Jan 25, 2004 master plan). After subsequent discussions with the school (who requested, for instance, that all the new parking lot be on the City's property), and after discussions with Planning about the updated floodplain maps of the area, the plan was revised significantly (Feb 10, 2006 master plan). Following more comments from DOST, Planning, and the New Hope Creek Corridor Advisory Committee, the site plan was revised again to its current submitted version (Jan 9, 2007).

Far from being insensitive to environmental concerns, it has been environmental concerns that have driven much of the design of this site over the years. In response to environmental concerns, the City has

- eliminated the natatorium and recreation center with their associated parking
- removed two of the originally proposed athletic fields from the plan
- agreed to requests NOT to site a dog park in this facility
- purchased the adjacent 1.67 acre parcel between the park and the Corps of Engineers property to protect it from development

- relocated the intensive development as far north and west onto the property as is possible
- shifted the eastern athletic field as far from the edge of the site as is possible
- created a bio-retention area to collect run-off from the parking and field areas
- removed the proposed environmental education facility from the plan
- specified that the trails in the floodplain area will not be impervious surface

In response to specific requests from the NHCCAC, the City staff and consultants suggest the following responses:

NHCCAC: (1) All proposed facilities/construction/land disturbance proposed in site plan within New Hope Creek floodplain must be removed

City: all facilities not in conformance with the City's UDO have been removed.

NHCCAC: (2) The soccer field and basketball court must be relocated within the site plan. One possible location is north and west of the existing school track, within the 15-501 bottomlands and closer to privately owned tract to the north that will be developed in the future. The proposed parking areas to the west may need to shift to the west or southwest and one of the 2 proposed baseball fields may need to be eliminated. Any new proposed facilities shown in the site plan must be relocated west of the sewer easement/outside of the floodplain.

City: Location of the parking area is a response to DPS requirement for shared school/park use; the shortage of baseball fields in the area, plus DPS needs, necessitates a minimum of two ball fields.

NHCCAC: (3) All 100 year floodplain areas must be kept protected and undisturbed in accordance with the New Hope Creek Master Plan to 1) maintain a continuous wildlife corridor, 2) maintain an intact plant habitat, 3) maintain a natural walking trail corridor, 4) protect the watershed and water quality of New Hope Creek.

City: see #1 above

NHCCAC: (4) The New Hope Creek Master Plan shows a natural walking trail along the existing sewer easement that has already been cleared and currently functions as a nature trail. This proposed greenway in this city adopted plan should be shown on the proposed site plan. Why is it not shown? The noted "paved road" on sheet 2 of the site plan and referred to as "10' natural soil paved trail " on C-2.2 and "10' compacted natural soil pavement trail" on C-2.3 of the site plan, should only follow the sewer easement and must only be of natural materials. There must be no intrusion into the floodplain for any type of paved trail and no need for additional land disturbance if an existing cleared area for a trail already exists.

City: plan inconsistency will be corrected; all trails in floodplain will be natural surface

NHCCAC: (5) The grading and erosion control plan shown on C-3.2 and C-3.3 of this site plan show extensive clearing, fill and grading of areas in the floodplain surrounding the proposed grass soccer field and paved basketball court, including clearing and grading all the way to the boundary with the Army Corp land to the east. This is an unacceptable negative impact on the natural functioning of the New Hope Creek floodplain, this important wildlife corridor and the integrity of the plant habitat in this area. There should be explicit plans shown for any soil erosion and sedimentation control measures and future storm water management that will use the best recommended practices for controls in sensitive environmental areas. The city should be a role model in this area.

City: only minimal grading necessary will be done in the area; bio-retention area is shown on revised site plan.

NHCCAC: (6) According to biologists who have studied this section of the New Hope Creek Bottomlands Registered Natural Heritage Area, the most notable aspect of the floodplain within City ownership and in Federal (Army Corps) ownership in this specific area is the "beech floodplain" natural community. The proposed technical name of this community type in North Carolina is "Mesic Mixed Hardwood Forest, Floodplain Variant." The non-floodplain (normal) version of that community is generally on north-facing slopes, which is where beech grows most frequently in Piedmont North Carolina. The floodplain variant is considerably rarer, having been documented by a NC Natural Heritage Program (NHP) biologist in only two places on New Hope Creek and only two others elsewhere in the Jordan Lake project's floodplains. The "type locality" where the community type was first identified is New Hope Creek. NCNHP staff say that "Triassic Basin floodplains in good condition are rare." The good-to-excellent condition of the Jordan Lake project lands on New Hope Creek is the reason that they were honored with Registered Natural Heritage Area status in the early 1980s. A rare community type within a larger natural community which is rarely found in good condition, is, therefore, extremely uncommon. NatureServe, an international scientific organization (with an office in Durham), classified it as G 3, Globally Vulnerable, since they assume there are fewer than 100 occurrences on the entire planet. The Registered natural area is given "Statewide importance" and since the plant communities extend onto City property, the forest there as well should have that status.

City: the City is preserving approximately 15 acres of the 23 acres site in tree save areas.

NHCCAC: (7) The location of the southeast corner of the proposed grass soccer field is shown on sheet C-2.3 as 20.76 feet from the Army Corps boundary and 15.95 feet from Corps land in sheet C-3.3. The long term pre-existing land use on the Corps property is NC Wildlife Resources Management for hunting, in recent years restricted to bow and crossbow. Corps personnel say that this is highly unlikely to change to a non-hunting use. Bow hunting is most often done in the Fall, the same time as heavy soccer field usage. There are clearly uncompatible uses being proposed here. Has the ACOE seen this proposed plan and been given the opportunity for comment? In the past, the Corps has recommended a safe boundary of at least 100 feet between Corps land where hunting is permitted and dissimilar adjacent uses. If all park facilities remain west of the sewer easement, this minimum safety buffer can be implemented.

City: the location of the athletic field has been shifted further from the Corps boundary.

NHCCAC: (8) The City of Durham has a responsibility to uphold and implement the 1991 New Hope Creek Corridor Master Plan. If the city does not uphold the plan, how can we expect anyone else to? The city must be a role model as a steward of the environment to protect the health of New Hope Creek and the water quality of Jordan Lake, the future water supply for citizens of Durham. We know that the best way to protect water quality is to protect the watershed including the floodplain. If we ask developers to not disturb the floodplain, our city government must uphold these standards as well. We recognize the need to for active recreation to meet the needs of Durham citizens. But not at the expense of our environment and open space preservation, our unique plant and animal habitats, our water quality and our opportunity for protected natural walking trails for citizens to enjoy for passive recreation.

City: see above for the measures the City has taken on this park site to meet the spirit and the letter of the New Hope Plan, both in the past and with the current plan.

NHCCAC: We are confident that much of the proposed facilities in the park site plan can be reconfigured and relocated within available land without any infringement into the 100 year floodplain of New Hope Creek.

City: What the City is not able to do and still satisfy citizen needs or respond to the mandate from the Council is to eliminate the second athletic field as the NHCCAC is requesting. The City's adopted Unified Development Ordinance (8.4.4.B) does specifically allow in flood plain areas, with DRB approval required, "active ...recreational activities" when those are designed to minimize negative impacts on water quality as this field is.

Update from meeting between City staff (Beth Timson, DPR, and Helen Youngblood, Planning) with NHCCAC: City and consultant from H-S will look at moving the eastern athletic field to the southern portion of the site, the former "Easterling tract" to evaluate whether or not that is possible and feasible.