

ATTACHMENT A

**A RESOLUTION SPECIFYING FOLLOW-UP REGARDING THE REQUEST FROM
THE FRIENDS OF BOLIN CREEK REGARDING THE DEDICATION AND
ACCEPTANCE OF OPEN SPACE AREAS
Resolution No. 32/2006-07**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the Friends of Bolin Creek have provided a report on a possible policy change regarding the dedication of open space areas.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts the staff report on this matter and directs staff to continue with the existing practice of seeking voluntary offers of dedication for trails and public access in accordance with plans and policies for greenway trail development.

Memorandum

To: Carrboro Board of Aldermen

From: Friends of Bolin Creek

Subj: Dedication of Open Space

Date: June 20, 2006

Central goal. The central goal of Friends of Bolin Creek (FoBC) is to protect a substantial amount of land along Bolin Creek for future generations to enjoy and steward. Our goal is for local governments, UNC and the environmental community to embrace the concept of a preserve which goes beyond the present regulatory requirements for stream protection. We want Carrboro to continue to actively lead the effort to preserve for the future enjoyment of our citizens habitat for plants and animals along northern Bolin Creek.

We consider Carrboro's 2004 acquisition of the Adams Tract and the adoption of a Conservation Map in October 2005 as essential building blocks toward achieving a preserve for Northern Bolin Creek and its tributaries.

We envision that in the Conservation Map you adopted, the Town will take special steps toward protecting a natural area that is larger than the flood plain and buffers along the creek. Not only would the preserve connect the Creek's headwaters downstream to Little Creek, but it provides core natural areas of substantial acreage of both bottomland and upland habitats. When realized, it will provide the recreational, wildlife, and educational amenities, as well as a managed riparian ecosystem to protect water quality from upland runoff. This preserve can allow an individual to experience a woodland stream with habitat - a special experience rarely found near populated places.

Our petition. Carrboro's newly annexed areas in the urban services area have brought sewer lines to land previous thought undevelopable. Just as public interest in protecting Bolin Creek has increased, a number of proposed projects are lining up for permits. As recent developments have come before the Town, we have seen that the model most often used is for the developer to deed the open space along the Creek to the Homeowner's Association, reserving public access only for the width of a trail. Example: Claremont I.

Carrboro's greenway plans are underway, and we suggest that Town ownership of the land along Bolin Creek will facilitate planning, trail maintenance and amenities, such as special places along the stream where a bench could be placed. The recent collaboration between the Town of Chapel Hill and the North Carolina Botanical Gardens in the restoration of the Battle Creek Trail is a good example of what coordinated planning can accomplish.

We foresee that FOBC may be able to assist in maintenance activities in the future. It would be cumbersome and inefficient for Town staff or Friends of Bolin Creek members to approach each Homeowners' Association separately to plan for maintenance and amenities.

Tonight we ask you to adopt a policy to routinely request developers to dedicate open space from development to the Town. We believe this is the simplest way to ensure coordinated public access to these areas. The second step of the policy would be for the Town to accept all offers of dedicated open space from the developer. We have met several times with your staff to vet this proposal with them. The Planning Director and the Town attorney felt comfortable with us bringing forward this policy change.

Therefore, Friends of Bolin Creek requests that the Carrboro Board of Aldermen adopt as policy the following:

We recommend that Carrboro request a dedication for each new subdivision and development of low-lying areas along Bolin creek and its tributaries to cover all low-lying areas. We also request that Carrboro accept all offers of dedicated land along Bolin Creek. We envision that this policy would be integrated into the Town's Carrboro Vision 2020, the Facilitated Small Area Plan for Carrboro's Northern Study Area, and implemented through a change in the Land Use Ordinance which references the Conservation Map.

Thank you for considering this matter.

Friends of Bolin Creek is a non-profit 501(c)(3) organization.

Patricia J. McGuire

From: Michael Brough [m1brough@earthlink.net]
Sent: Thursday, July 27, 2006 10:50 AM
To: Patricia J. McGuire; Martin Roupe
Subject: FW: Friends of Bolin Creek Memorandum

-----Original Message-----

From: Michael Brough [mailto:m1brough@earthlink.net]
Sent: Friday, June 16, 2006 8:53 AM
To: Zaffron, Alex; Broun, Joel Hall; Chilton, Mark, Mayor; Coleman, Dan; Gist, Jacquelyn; Haven-O'Donnell, Rande; Herrera, John
Cc: 'SStewart@ci.carrboro.nc.us'; 'Roy M. Williford'
Subject: Friends of Bolin Creek Memorandum

Members of the Board:

The Board's June 20, 2006 agenda includes a memorandum from the Friends of Bolin Creek asking the Board to establish a policy that the Town would request that developers of projects along Bolin Creek and its tributaries dedicate to the Town open space areas required under the Land Use Ordinance. The memorandum states that the "Planning Director and the Town attorney felt comfortable with us bringing forward this policy change." Just for clarification, at the development review meeting where FOBC representatives broached this subject, I stated that, while the Town could not legally require dedication, the Town could request developers to dedicate all or a portion of the required open space, and that whether the Town chose to do so was a policy matter for the Board of Aldermen. I would not want the statement that I "felt comfortable with [the FOBC] bringing forward this policy change" to carry an implication that I endorsed this policy change. I merely pointed out that the FOBC, like any other individual or group, could request the Board to adopt a policy change.

Mike Brough



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: HAND MAIL FAX EMAIL

To: Steve Stewart, Town Manager
Mayor and Board of Aldermen

From: Patricia J. McGuire, Planning Administrator

Date: September 15, 2006

Subject: Staff analysis of Friends of Bolin Creek (FOBC) proposal regarding dedication and acceptance of open space

Following approval of the conditional use permit application for the Claremont architecturally integrated subdivision in November 2005, members of the FOBC met with staff to discuss the desirability of public dedication and eventual acceptance of the open space areas adjacent to Bolin Creek. As has been customary in the ongoing implementation of greenway planning, staff discussed such a scenario with the applicant during the development review process and the applicant had, by the time of conditional use permit approval, been willing to offer dedication to the public of a trail along Bolin Creek. It should be noted that whenever the request or offer of public dedication is made, staff weighs the benefits and limitations of an expanded area over which the town will have maintenance responsibilities and liability so that this information may be considered by the Board of Aldermen in deciding on the possible dedication.

FOBC members have also met with the developers of Claremont to request that when the final plat is submitted for approval the open space areas around Bolin Creek be offered for dedication in addition to the trail itself.

The FOBC prepared a memorandum proposing that the Board of Aldermen adopt a policy regarding offers of dedication and public acceptance of open space areas near Bolin Creek and made a presentation to the Board of Aldermen on June 20, 2006. The request notes that necessary policy and regulatory changes should be implemented. A staff analysis of this request has been prepared. The following report presents background information on offers of dedication and acceptance, highlights of open space and greenway planning and implementation, and describes relevant policies and benefits and limitations of expanding public dedication and acceptance beyond easements for trails and public access to larger open space areas.

Offers of dedication and acceptance

In early 2001, in consideration of the possibility of a county bond for open space acquisition, staff reviewed plats and permits and determined that 38 offers of dedication had been made to the Town since 1981. On April 24, 2001, the Board of Aldermen accepted 34 of those offers, the remaining four offers having been previously acted upon. In so doing, the Board of Aldermen added over 60 acres of land that could be used for public access. Much of this land is located along the Town's two major water bodies, Morgan Creek and Bolin Creek. The table below summarizes the total area that has been offered and accepted for public use to date, as shown in the Town's GIS database. The attached map (*Attachment D*) illustrates parks, private open space and public access properties in the upper Bolin Creek watershed.

Use	Acreage
Combination*	10.7
Pedestrian/Bike	14.4
Open Space	50.3
Pedestrian Only	.08
Greenway	1.8
Total	77.3

* Combination = Open Space/Pedestrian and Bicycle Access

Since 2001, additional offers of dedication have been made in conjunction with final plat approvals for the Lake Hogan Farms subdivision, Rose's Walk, Pacifica and conditional use permit approvals for several projects including Winmore, Claremont and the Jones Property. Although the bulk of these offers include easements for trails only, a condition associated with the approval of the Winmore Village Mixed use development (originally suggested by the developer) requires that the developer offer dedication of the entirety of the open space (27 acres) including an improved segment of the Bolin Creek greenway trail. Responsibility for management and maintenance of stormwater features and recreation facilities within the open space will remain with the Winmore Homeowners' Association. The conditional use permit for Claremont includes a condition for an arrangement to be established between the Town and the Homeowners' Association to allow access to the creek and tributaries for water quality monitoring.

Offers of dedication, once recorded, remain available to be accepted at any time thereafter, except that after 15 years the owner may formally withdraw the offer (via recordation of a document). There is no requirement for the property owner to notify the Town that the offer has been withdrawn, so it is in the community's best interest for offers of dedication to be accepted within 15 years. Town staff has been compiling the offers made since 2001 for consideration by the Board of Aldermen in upcoming months.

To date, the Town has accepted the land or easements offered for dedication in their entirety. These areas have typically included fairly narrow corridors along creeks with some exceptions (e.g. Morgan Creek floodplain, open space lots in Fair Oaks). During consideration of the Winmore development application and the eventual condition that all the open space would be offered for dedication, the possibility of accepting only a portion of the offer was raised. It appears that this is possible. If the decision to accept less than the entire offer is made prior to final plat approval, the plat could be prepared clearly identifying the reduced land area for public dedication. If the decision were made at a later date, a survey or plat identifying the reduced land

area would be needed. In either case, the change would also likely require modification of the permit for the development.

Highlights of open space and greenway planning and implementation

For over 20 years, Town staff has worked with designers and developers of property to identify sites that are suitable for public use. Open space requirements incorporated into the Town's Land Use Ordinance in 1980 targeted certain natural areas for preservation, emphasizing the potential for contiguous tracts to ultimately create open space corridors. Throughout the 1980s, Town staff worked with developers to designate areas, generally along stream corridors, as private open space. These areas often included possible trail locations and many of these were the easements and properties summarized in the table above that were offered to the Town for dedication. With the development of a Master Parks and Recreation Plan in 1994, the major stream corridors associated with Bolin and Morgan Creeks were specifically designated as the basis for a Town greenway system. In 1995 and 1999, revisions to the open space provisions in the Land Use Ordinance expanded those corridors; steep slopes and hardwood areas and other desired conservation areas were further designated for open space preservation.

Relevant policies

Three Town policy and planning documents have relevance to the Bolin Creek watershed: *Carrboro Vision2020*, *Facilitated Small Area Plan for Carrboro's Northern Study Area*, and Conservation Map for Upper Bolin Creek. These documents address open space designation and preservation, as presented below. Policies or other actions that seem particularly relevant to the FOBC request are shown in bold text.

Policies from: Carrboro Vision2020: Policies Through the year 2020

- 1.14 The town should practice and encourage ecologically sound and sustainable maintenance of open space, including parks and greenways.
- 2.21 The Town should continue to require the preservation and maintenance of open space when land is developed, to enforce restraints on clear-cutting, and to require adequate buffers.
- 2.22 Where development is deemed acceptable, there should be well defined dense development with areas of well preserved open space.
- 5.31 Carrboro should work to preserve open space and greenways through all available means, such as direct purchase, conservation easements, donations, and federal and state grants.**
- 5.32 The town should map a connected series of greenways that are large enough to serve as wildlife corridors.

Objectives and Strategies from the Facilitated Small Area Plan for Carrboro's Northern Study Area

Goal 2. Patterns of Growth Which Allow for the Efficient Provision of Town Services

OBJECTIVES:

- 2.A. Restructure impact fees to reflect true current and future costs of new development to the community, with the exception of assessing impact fees which conflict with Goal 4.

2.B. Investigate and implement various mechanisms for the acquisition of land for the purposes of providing open space, creating trail and bikeway linkages, and preserving environmentally sensitive areas.

Implementation: Explore all methods for acquisition and development of land needed for park space, community facilities, open space, and trail and bikeway linkages. Particularly, explore methods other than fee simple purchase of land in order to most efficiently acquire needed land.

Goal 3. Conservation of Natural and Environmentally Sensitive Areas, and the Protection of Environmental Quality

OBJECTIVES:

3.C. Identify strategies for various types of acquisition or dedication that would protect important natural areas, including Bolin Creek.

3.D. Mitigate potential impacts of development on streams and creeks. (e.g. erosion, sedimentation, pollution)

Implementation: In addition to acquisition strategies outlined under Goal 2, measure 4 above, encourage the active participation of land trusts in conserving environmentally sensitive areas in the Study Area.

Explanatory notes on the *Conservation Map for Upper Bolin Creek*. The map illustrates a 524-acre FOBC proposed preserve along the portion of Bolin Creek between Estes Drive and Tallyho Trail. The map was adopted as a guide by the Board of Aldermen on October 4, 2005, with the following explanation: **“Conservation areas shown on the map will be preserved to the extent required by the town of Carrboro Land Use Ordinance.”**

Benefits and limitations of expanded dedication requests and acceptance

Public ownership of the lands around Bolin Creek would afford great flexibility for planning trails, providing access and maintenance, and supporting programs and amenities. Local, public ownership could also be a source of community pride, strengthening the commitment to protection of the unique resources that are Bolin Creek.

Such flexibility is not without limitations. Costs associated with planning for, managing, and maintaining the property must be considered. Costs for recent initiatives related to planning for Town facilities and actions are noted below:

Initiative	Cost
Downtown Visioning Charrette and Report	\$27,000
Master Recreation and Parks Master Plan Update	\$20,000

These projects also required participation by Board members, staff and citizens, a cost which is not included in the figures above. The in-house preparation of a management plan for the Adams’ Tract required over 100 hours of staff and task force member effort.

The cost for planning/designing and constructing a greenway along Bolin Creek between Estes Drive and Homestead Road is estimated in the Town’s Capital Improvement Program (November 2005) as \$800,000, with \$160,000 to come from local sources between FY 08 and FY10. The remainder of the support for those efforts is slated to come from the Surface Transportation Program – Direct Allocation funds distributed through the Durham Chapel Hill Carrboro

Metropolitan Planning Organization. The budget describes assumes no cost for property or easement acquisition.

Purchase of the Adam's Tract was accomplished through a partnership made up of the property owners, the Town, Orange County, and the Clean Water Management Trust Fund. The bulk of the \$1.5 million purchase price is being covered by property owners in Carrboro (\$550,000) and Orange County, including the incorporated areas (\$750,000 from greenway bond funds). The Adam's Tract Management Plan included an estimate of hard costs associated with operating the property. The plan estimates the maintenance of trails and infrastructure on the 27-acre parcel to total between \$10,000 and \$15,000 per year (approximately \$370/acre), excluding debt service on the purchase price of the property. Costs of a slightly lesser magnitude might occur in association with the maintenance of trails and forests on larger tracts as the need for trimming and detailed forest maintenance may be less intensive. The costs would, of course, ultimately depend on how the property was intended to be used and managed. In light of this uncertainty, the value of the resource and the costs that citizens, property owners, and visitors might be able and willing to bear should be assessed and used to select acquisition and management strategies that are most appropriate.

Staff offers the following summary comments on this topic:

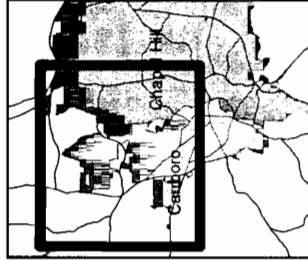
1. Implementation of greenway trail development has, to date, proceeded as a result of the combined efforts of the development community and the town. Efforts to obtain offers of dedication for public use have been pursued in hopes that the adverse impact on the ownership and enjoyment of property would be minimized and that the resulting trail system would be cost effective to build and maintain.
2. Town policies, plans, and regulations support and require the protection of important, natural areas around Bolin Creek and elsewhere in Town.
3. The current structure includes mechanisms for the perpetual protection and maintenance of significant land areas, and especially those considered of primary conservation value such as the low-lying areas along Bolin Creek, as well as stands of hardwoods. This structure emphasizes the private management of such areas by a Homeowners' Association or similar entity but does not preclude management by another group or access and use by the public. It should be noted that such regulations do attempt to be reasonable in the extent to which the private use of land is constrained.
4. Adopted policies and plans identify the need for various strategies to be used to develop greenway trails and to manage and protect other important lands and specifically note that a variety of entities might be involved in such actions.
5. It is important for the Town's policies and actions to be clear, particularly in relation to the development process. To adopt a policy requesting the voluntary offer of dedication for all open space implies to the developer, future residents, and the larger community that the Town intends to accept such offers. Yet, the Town's ability to accept such offers, to effectively plan for, manage, and maintain these areas will be limited by the conditions in place at the time of acceptance.

The FOBC request seeks for a large share of conservation areas around Bolin Creek to be in public ownership. Town acceptance of offers of dedication for extensive acreage along Bolin

ATTACHMENT D-6

Creek or elsewhere in town could over time have a significant impact on the Town's ability to properly manage all town-owned properties. An alternative to the FOBC request includes two components. First, the Town could continue in its existing practice. This practice implements adopted policies and plans related to trail development by seeking voluntary offers of dedication from property owners in the course of the development review process. Second, the Board could request that property owners consider the voluntary donation of their open space areas, other than those portions sought for greenway and trail development, to a non-profit, conservation entity, subject to the stipulation that the entirety of the open space remains available for public use.

Parks, Private Open Space and Public Access in the Upper Bolin Creek Watershed



- Carrboro City Limits
 - Planning Jurisdiction
 - Streets
 - Streams
 - Water Bodies
 - Dedicated Public Access
 - Parks
- Watersheds**
- | NAME |
|--------------|
| BOLIN CREEK |
| BOOKER CREEK |
| MORGAN CREEK |

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
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