



DURHAM OPEN SPACE AND TRAILS COMMISSION

AGENDA

January 15, 2019, 7:00 p.m.
Committee Room, 2nd Floor, City Hall
101 City Hall Plaza, Durham, NC

I. Call to Order

Members present: Dave, Randy, Derrick, Kamela, Luis, Justin, Reynolds, Lakisha, Laura, LaDawna, Kristen

Call to order: 7:04

II. Approval of Minutes

Approved unanimously

III. Excused Absences

Annette, Keshia, Keith

IV. Adjustments to the Agenda

none

V. Presentations

none

VI. Old Business

none

VII. New Business

a. Kendrick Estates Annexation – Carl Kolosna

this went second (b) - carl introduces annexation

dec 2019 annexation request went to city council, request for direct translational zoning, number of community members brought up concern for impact on nature there

request is for single family development, annexation will allow connection to water and sewer which will allow full building. if not annexed, will use well, and would limit the number of units that could be built (there is a limit on size of lots of well-using units)

city council wants input of dost and other groups to review this and make an advisory recommendation

-annexation cannot have any proffers tied to it, has to be 'yes or no' , cannot put limits on developer, etc

-site plan cannot be approved without annexation approval, but we have a site plan, which we usually don't get before annexation. we have no legal mechanism to change or recommend changes in the site plan.

-city requires control of 1, 2, and 10 year flood and just control nitrogen and phos load; county only requires 1 year flood control, not required to control nitro or phos

-community member Kari Bishop-Kohn - public access easements are steep slopes, worried access to the park will be too steep for access from the community. also donate want to have a bunch of individual trails, want to keep a buffer from the yards and the park. also worried about the wildlife in that area being lost when build development, hopes to have low lighting to support wildlife, motion detection on lighting

-Nil Ghosh (spelling?), attorney representing the developer - homes along randolph road are already served by city utilities even though they are in the county, not annexed. wants to take advantage of existing infrastructure for environmental reasons. backing up to the hollow rock nature preserve is important, they want to preserve it for the current residents and the future residents of the development. they don't necessarily plan to clear cut the land, they will try to preserve some trees adjacent to the park. can't identify which areas of trees can or cannot come out. developer is willing to leave some trees to make the buffer as wide as possible along hollow rock nature park. does acknowledge that one connection is quite steep, will be important to figure out how to make that connection safe and useful. since some houses back up to steep grade, many homes won't be able to have connections from their yards to the park.

-lakisha asked why it matters that people can access park from their own yard

-cary - people will dump yard waste into the park, pets running from house to park, encroachment of sheds and buildings in their yards, it becomes an extension of their backyard instead of a park; need to protect the environmental space

-jane - very common for people to walk right back to the park, 'social trails'; that does have negative impact on environment of that section; also hard to manage 15 trails. also people dump stuff back there. want quality of park to be as minimally impacted by development as possible. every park that abuts developments in durham has these problems.

-lakisha - would be 15 unit difference if not annexed, 15 less built

-community member Lois Allen - lives in soltara and uses the park a lot. she saw lots of 'junk' in back of lots of houses that are already there. hoping for diffuse lighting as well.

-community member John - this is a very important wildlife corridor and we need to preserve it

-ladawna - units built without annexation around 15, this plan with annexation is 38. are the trail requirements any different city vs county?

-carl - no.

-ladawna - lighting requirements different city v county?

-carl - no.

-ladawna - buffer requirements different city vs county?

-carl - no.

-ladawna - fence requirements diff city v county?

-carl - no. there is no requirement for fences

-ladawna - could city help by providing an additional access point?

-jane - place you want additional access is wetland, not park, so would impact wetland. city or county can't require a fence.

-neil - developer is choosing to do a 'cluster subdivision', with bigger buffer; however it could be developed as a traditional subdivision, which would have a buffer that is zero.

-cary - being a good neighbor is a good thing

-neil - we have met with soltara neighborhood, have been open to suggestions, have asked for soltara's covenant to not use pesticides; we are open to using native plants, asked for info on that and haven't received it. has been surprised by no response by neighborhoods.

-laura - knowing native plants vs noninvasive can be found easily

-neil - biggest pause is asking for the fence, it's unclear to me why a social trail is a bad thing; also unclear that a fence will be a cure to that. fence would prevent wildlife movement of nature preserve. fence is the most difficult to understand. we're happy to do downlighting.

-john - on the board of new hope audubon, met with developers a couple weeks ago; told them they do have lists of native plants. very important for native birds and pollinators. i will send the information on the native vs nonnative plants.

-laura - what is our objective for this evening?

-making a statement of whether the annexation should be approved or not.

-laura - wants there to be housing b/c already a shortage of housing, also would like to develop on already developed land; since this parcel is in private lands, we just have to decide what rules we want to hold this property to. social trails have big impact. i can't imagine someone abutting up to private property and saying 'oh it doesn't matter if people have social trails onto that private property'.

-kamela - applaud the good neighbor attempt to consider requests of neighborhood. why concerns about the fence?

-neil - fences prohibit movement, so generally not well liked for wildlife corridors, so confusing that people want to protect the wildlife corridor and also want to build a fence. fence is a temporary solution, nothing would require fence to be there indefinitely. developer has nothing to do with the fence's longterm stability.

-jane - 8 acres of common space that requires hoa maintained land; large stormwater pond maintained as part of hoa, would think developer could manage to maintain a fence if they wanted to put that requirement into the hoa covenant. this abuts an important wildlife corridor, we don't want deer or wildlife running through the development, so the fence concerns limited wildlife movement doesn't apply as much. many homeowners complain that the deer eat plants in their yard. fence could help reduce that for homes.

-neil - if professional staff is advocating for a fence, you can do it in an email, not public forum

-jane - that was just a statement of facts, not advocating for anything

-carl - no way to make proffers binding

-ladawna - up to faith of developer to honor proffers

-laura - fences help mitigate impact of residential developments

-reynolds - we were asked to prepare statement on open space. we do recommend that we support this development, we endorse this request for annexation, the neighbors have water and sewer, it's a matter of equity. we want them to have water, but we have serious concerns about some things.

-group read statement from DOST

-reynolds - changes to statement: we believe some form of 'opaque fence' 'maintained in perpetuity by the hoa' is necessary. read over various changes made to the dost statement. dogs running lose in there on social trails are a big problem.

-derrick - developer is baker residential, do they have reputation for maintaining nature preserves?

-reynolds - they seem very willing to be accommodating

-john - i think that's fair, agrees.

-derrick - seems like they have a strong resistance to the fence, concerning for him.

-laura - recommend making bullet points to be easier to read for city council. this should be done to protect the purposes of a public asset.

-kristen - not trusting abilities of hoas to do maintenance on fences, can we encourage them to use artificial wood for an easier to maintain fence?

-ladawna - i'll be supporting b/c county permit would require less.

-justin - was originally planning to vote no but since it will be built whether we vote yes or no (its on private property) and because the city annexation is the only way to more rigorously regulate the environmental impact, i will vote yes for more environmental protection

-reynolds - i move we adopt the statement as amended

-all in favor - ayes win, no nays

-DOST statement is approved unanimously.

b. Matching Grants – Brendan Moore

this went first (a) - had 4 applicants, matching grants committee has approved them all for funding for total of \$76,700

ellerbe creek watershed, el futuro, maureen joy charter school, durham parks foundation - gave info sheet on details of each project

-kamela - el futuro said this project would benefit african american community in lakewood, said what is couched as welcoming to one community, may not be perceived as welcoming; she contacted el futuro and they had not reached out to african american communities in lakewood

-ladawna - wonders how we might publicize matching grants more, to raise profile of the program, would like to have not enough grant money to award so we could ask for more money in the future, any ideas to do that?

-brendan - natural limitation on who is eligible (nonprofit, open to public, space to do a project), finite number of groups who are eligible. they send via social media, they send out to various non

profits. 'there has to be a dedicated group with a project in mind to get it off the ground'. he has targeted every nonprofit in durham with emails, usually doesn't hear back from most.

-kamela - has suggested pairing an established nonprofit with a smaller group who otherwise wouldn't apply on their own.

-laura - many groups have access to fundraising now, maybe less dependent on these, maybe why they aren't coming to dost for easement acquisitions

-jane (not dost member) - there are other big grant sources than there were 20 years ago, might be why not as many people apply as they used to. contracting process has become more difficult over the years, not less. have talked about a mini grant program that doesn't have as many hoops to jump through.

-reynolds - does project have to be about open space or trails? gives example of sandy creek trail needing pipes fixed, could that be done?

-brendan - that is not eligible. has to be recreation or open space amenities.

-dave - procedure is to vote to recommend these?

-reynolds - i move that we fund this project

-kamela - seconded

-passed - matching grant applications were approved by DOST

c. Comprehensive Plan Liaisons – Carl Kolosna

-comprehensive plan on engagement with the public - invitation to every board in the county on jan 30, reps from every board, commission, and committee for durham. would like to point a person to rep, dave volunteered himself to be that person.

VIII. Updates

a. Updates from staff

-jane -none

b. Updates from liaisons

-none

c. Updates from committees

-Derrick - nia rogers from general services came to last dost-e meeting, shared some progress around equitable engagement around r kelly bryant. reflected some of the challenges of engaging, also built relationship where she committed to coming back, part of a brain trust to have better experiences.

-Randy - alta moved forward with study of 9 priority trails, just emailed to him this afternoon. next trails committee meeting will deal with that in february.

IX. Adjournment

Adjourned at 8:59p

DOST Priorities

1. Advocate for increased funding to build out and maintain priority trails and open space
2. Support the implementation of the Durham Beltline Master Plan with a specific focus on equitable community engagement for the components of the plan that can still be addressed
3. Examine the Matching Grants process to encourage applications that reflect the racial and economic diversity of Durham
4. Support implementation of the Trails and Greenways Master Plan with a specific focus on equity.
5. Encourage implementation of the Urban Open Space Plan
6. Pursue ongoing professional development on trends in equitable development of trails and open spaces.
7. Proactively research and implement open space and trails acquisition best practices for ordinances and policy.

DOST Committees

Committee	Chair	Meeting Date/Location
Development Review	Annette Montgomery	
Matching Grants	Annette Montgomery	
Open Space	Reynolds Smith	
Trails	Randy Akin	
Equity	Derrick Beasley	