

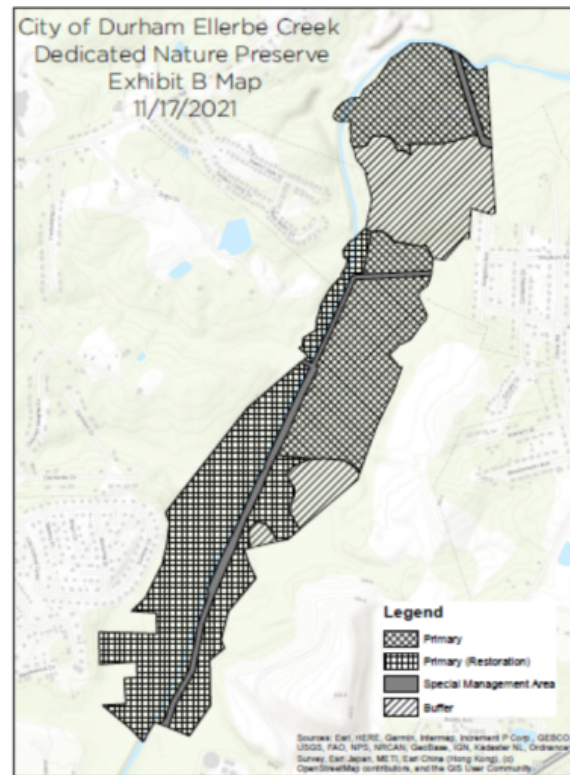


Great Egret; Source: ECWA, Dan Kaplan

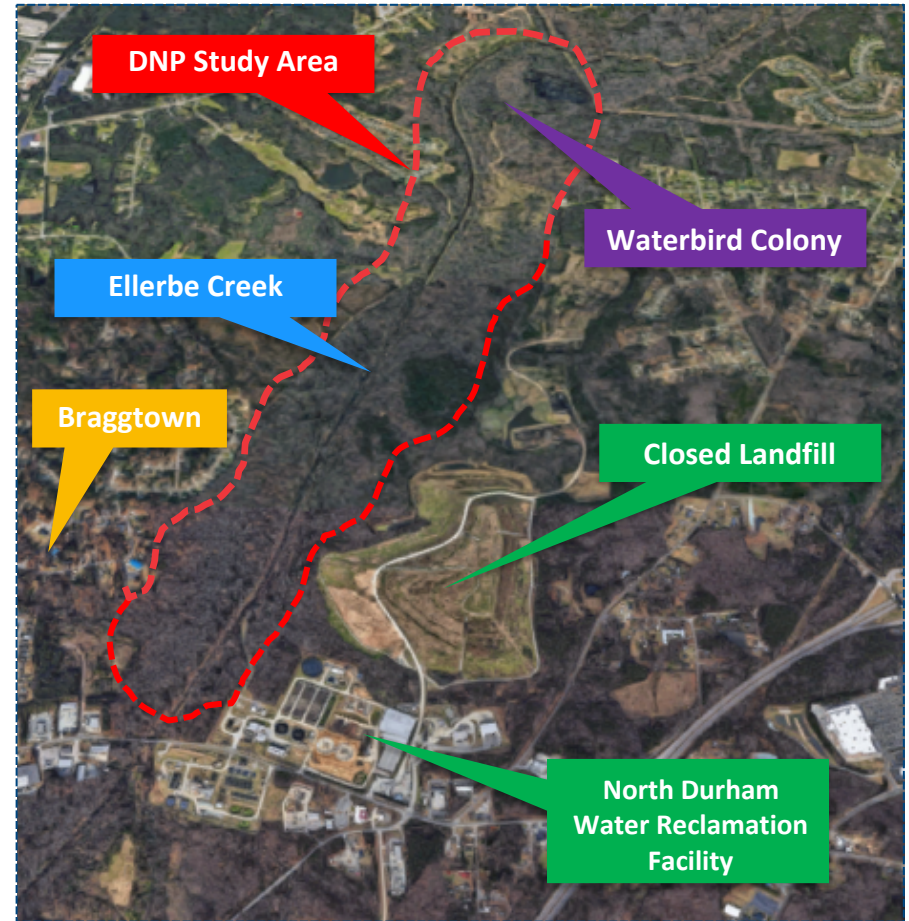
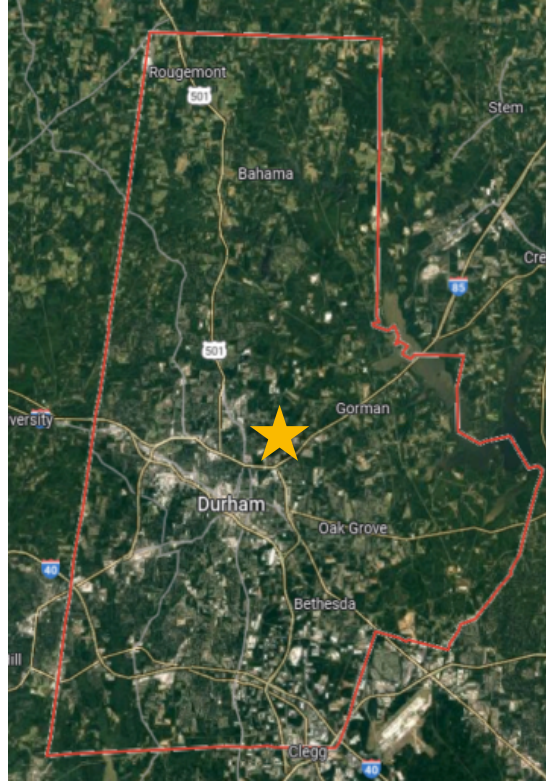
## **Ellerbe Creek Watershed Association Dedicated Nature Preserve Proposal Alternative**

# Background

- **January 20, 2022: ECWA and State Presentation**
  - An item without a staff recommendation was brought forward by the Planning Department.
  - The proposal was to create 284 acres of Dedicated Nature Preserve (DNP) across 12 City parcels.
  - The proposal requested protection of a waterbird rookery, of Ellerbe Creek, and of a mature forestland.
  - DNP area was proposed to be dedicated through a permanent conservation easement.



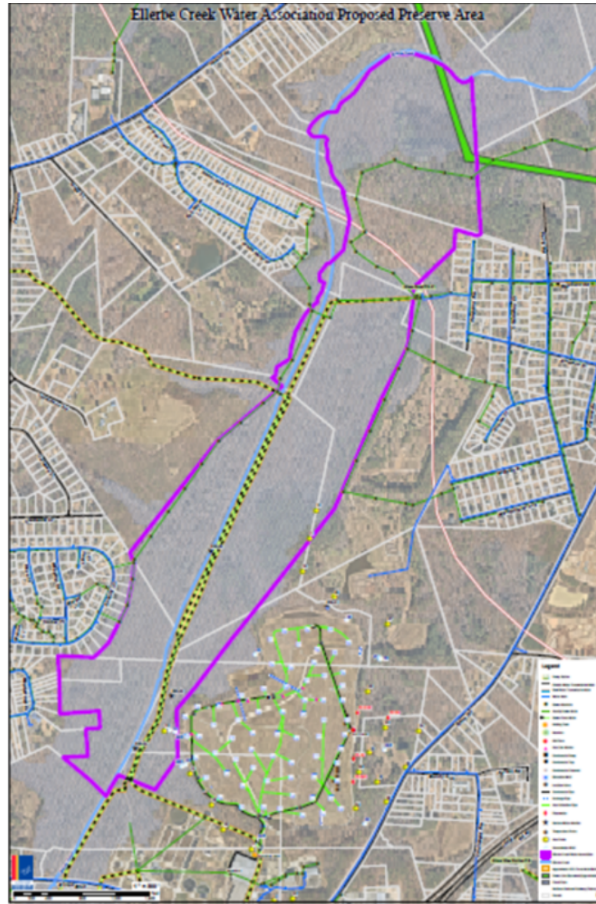
# Site Context





# Next Steps Taken

- Site visits with ECWA & State NCR
- Conferred with other jurisdictions who underwent DNP process
- 25+ meetings with partners
- Met with: CAO, GSD, NIS, DPR, Planning, Public Works, Solid Waste, Transportation, WM, MPO
- Mapped infrastructure with WM and roads with Transportation
- Obtained estimates for title work, appraiser, and surveys



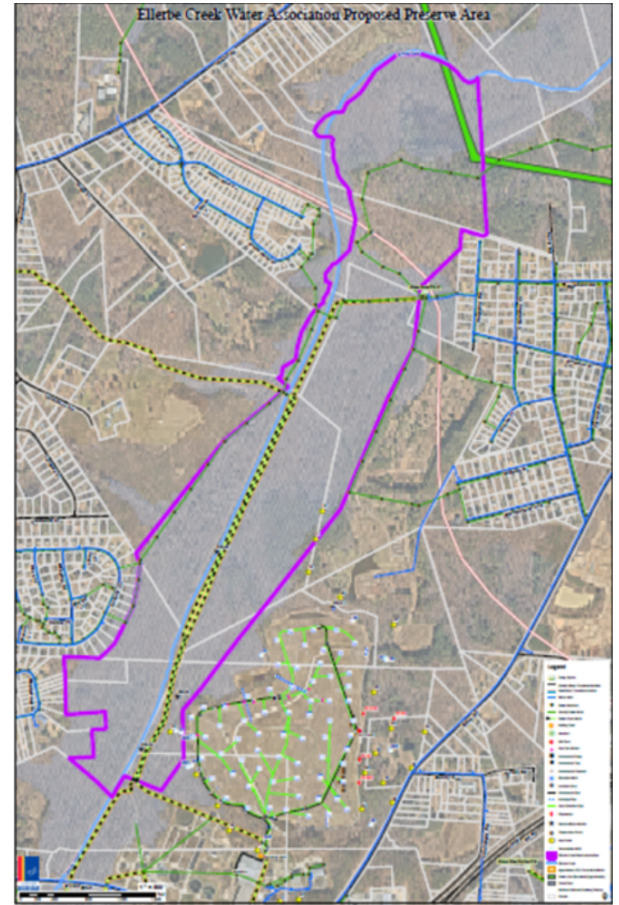
# Due Diligence

- **Staff conducted due diligence processes:**
  - Impacts to existing City operations?
  - Impacts to future City operations?
  - What City infrastructure is here?
  - What City future infrastructure is planned?
  - What obligations does it create?
  - What restrictions does it create?
  - What costs will be incurred?



# Key Issues from Due Diligence

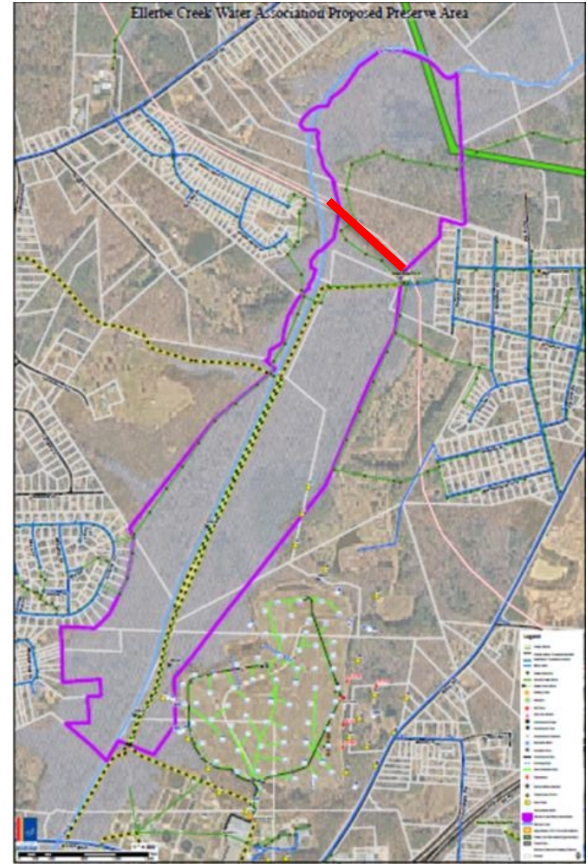
- Boundary should be moved northward away from closed landfill and NDWRF
- Ensure WM can continue, by-right, to access, maintain, add/remove, and upgrade existing and any potential future infrastructure
  - Two force mains, several gravity lines, gas probes, water sampling wells-which require maintenance and oversight
- Make sure primary areas are free of infrastructure and that City maintains by-right ability for utilities in non-primary areas
- If approved, DNP process would require a management plan
- 35 developable acres to be placed in nature preserve
- Will assist with tree canopy metrics, Falls Lake credits, grant matches





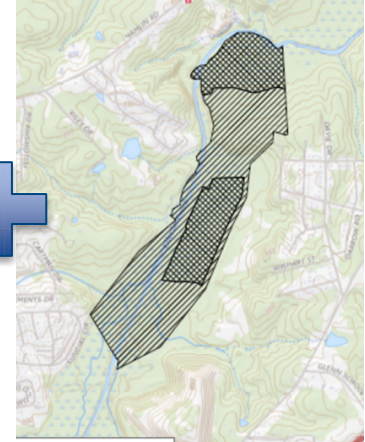
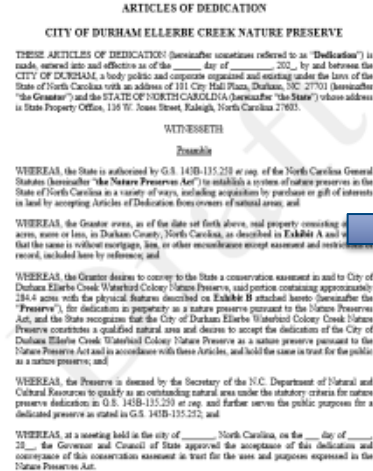
# The Northern Durham Parkway (NDP)

- The Northern Durham Parkway (NDP) is listed on the DCHC MPO and NC Board of Transportation adopted Comprehensive Transportation Plan (CTP).
- The route of the NDP bisects the proposed area for dedication.
- Transportation recommends maintaining the existing reservations for the NDP corridor consistent with the adopted Comprehensive Transportation Plan (CTP) of the DCHC MPO.
- The NDP is not currently funded.



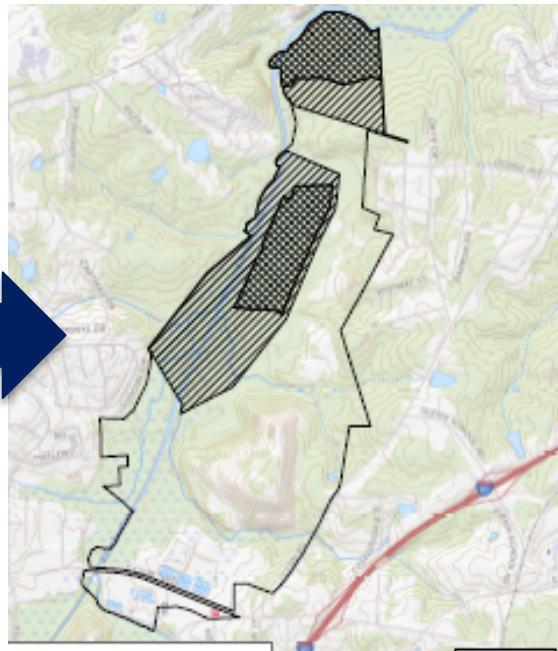
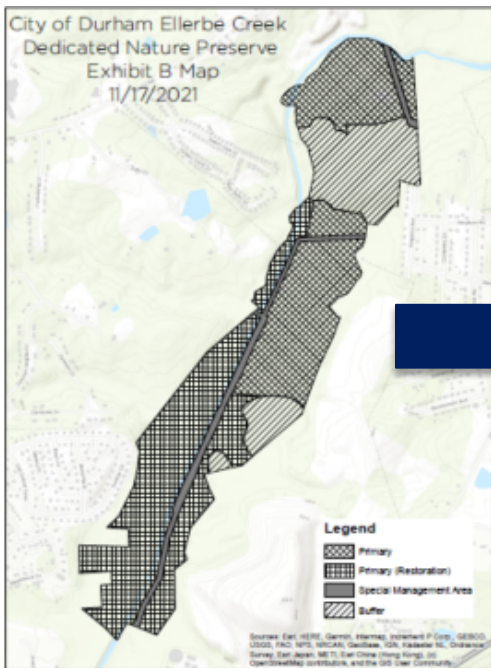
# Costs and Timeline

- Request for appropriation of ~\$100,000:
  - \$50,000 survey and plat
  - \$10,000 appraisal
  - \$10,000 title work
  - \$20,000 consulting fees
  - \$10,000 boundary signage & markings
- Timeline for State approval of any preserve is 9 to 12 months after City staff is able to procure the survey and other items listed.





# ECWA's Refined Proposal



	January 2022	April 2023
<b>Overall Acreage</b>	284 acres	215 acres
<b>Primary Acreage</b>	227 acres	83 acres

- Use Primary only for most valuable areas
- Simplify boundaries
- No existing or planned WM infrastructure in, or within 100' of Primary boundaries
- New by-right for City within Buffer area for all utility infrastructure, landfill monitoring, and future bike/ped infrastructure; Primary would require State approval
- Easier to add land in future than remove

# Existing Conservation Preserves & Areas

## Dedicated Nature Preserves

- Jordan Lake Game Lands
- Eno River State Park
- Eno River Diabase Sill Plant Conservation Preserve

## Registered Heritage Areas

- Bennett Place Forest
- Duke Forest
- Eno River Association Blue Wild Indigo Slope
- Hill Forest (NCSU)
- Penny's Bend/Eno River Bluff

# Advantages Comparison

## Dedicated Nature Preserve

- Permanent Protection of Property
- The State and others can be made aware of the City's intention for protection through a Public-Facing Inventory
- Fulfills the City's Comprehensive Plan goals for Open Space needs
- Perpetual protection of the heron/waterbird rookery and other features

## Registered Heritage Area

- Protection of Property
- The State and others can be made aware of the City's intention for protection
- Fulfills the City's Comprehensive Plan goals for Open Space needs
- Protection of the heron/waterbird rookery and other features
- City Council retains control of City property and future use



# Concerns Comparison

## Dedicated Nature Preserve

- Can only be unfurled by the Governor and Council of State
- Initial cost of \$100,000
- The City could be cited by the State for violations
- Ongoing management expenses and liability
- Inflexibility as to future or unforeseen uses by the City for Landfill Management, Recreation Uses, and Water Distribution System

## Registered Heritage Area

- Protection could be reduced or reversed by future governing bodies.
- Future Development Pressure

# Recommendation

- To direct staff to enter negotiations with the State of North Carolina Department of Natural and Cultural Resources to draft a voluntary agreement to register the subject property as a Registered Heritage Area; and
- To direct staff to craft City Code of Ordinance language to protect the area through self-directed action; and
- To authorize the City Manager to make changes to the area preserved as further investigation is completed before finalizing any registration or protection of the property.

# Alternatives

## Alternative 1:

- Defer the ECWA/State request for a permanent Conservation Easement per the State's Nature Preserves Act taking no action at this time. This Option retains the City's full use and discretion of the property.

## Alternative 2:

- City Council could direct staff to dedicate the property for protection under the State's Dedicated Nature Preserve program.



# QUESTIONS?



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