MEMO

To: Planning Board & Board of Commissioners
Cc: Planning Board
From: Parks and Recreation Advisory Board (PARAB)
RE: Chatham Park

The Parks and Recreation Advisory Board strongly recommends that the Board of Commissioners consider five conditions for approval of Chatham Park's requested Planned Development District Rezoning. All five conditions are directly related to ensuring adequate land and funding to support parks and recreation needs within our rapidly growing community. If these recommendations prove to be unfeasible, we have an alternative recommendation for dealing with Parks, Recreation and Open Space within the Chatham Park Master Plan.

1) Conservation Buffer – Haw River
HONOR THE 2000 FOOT CONSERVATION - OPEN SPACE DESIGNATION ALONG THE HAW RIVER AS ADOPTED IN THE 2012 LAND USE PLAN.

The Land use Plan of 2012 designated a 2000 foot buffer along the Haw River as a "Open Space and Conservation" area." This "place type," describing the Town's vision for future development patterns, states on page 98 of the plan, that "Development in these areas is generally discouraged."

There appears to be some confusion regarding the fact that the conservation place type explains the provenance of the 2000 buffer. To avoid further confusion perhaps it's best to quote the relevant section in full:

> *Conservation includes floodplains, a 2,000 foot wide buffer along the Haw River, and public lands associated with Lake Jordan. The buffer along the Haw River is consistent with Chatham County's low density stream buffers, which limit density to one unit per five acres. Development in these areas is generally discouraged.*

It should be noted that none of the Future Development Pattern Map place type descriptions, including "Open Space and Conservation," recommend specific densities within a given place type. The Zoning Map describes specific densities and uses within zoning districts. The Zoning Map has not yet been updated to reflect the recommendations of the Land Use Plan. The Future Land Use Map and the Zoning Map cannot be used interchangeably, and should not be confused.

2) Open Space
REQUIRE 30% OF THE PROJECT TO BE DESIGNATED AS OPEN SPACE - NOT TIED TO FINAL BUILD OUT.
A LARGE, MULTI-HUNDRED ACRE NATURE PRESERVE WOULD BE IDEAL.

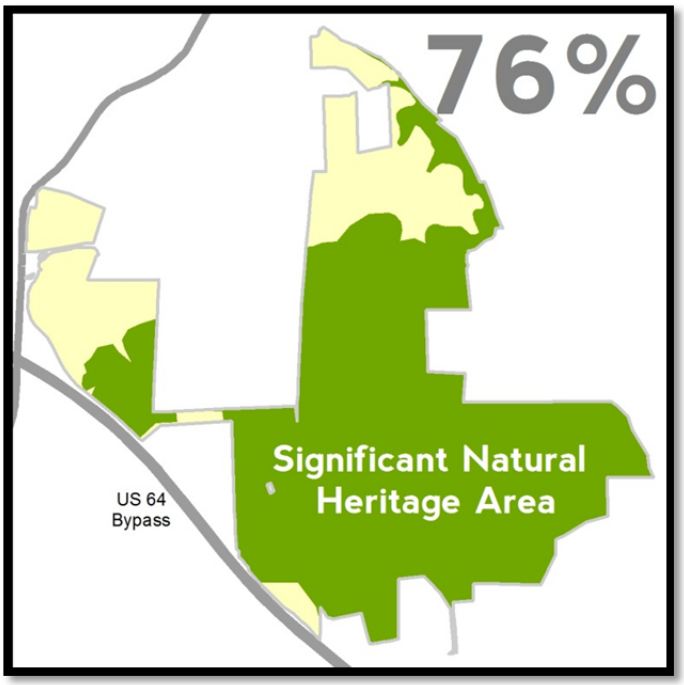
The Parks and Recreation Advisory Board concur with the recommendation from the Lawrence Group consultant to require 30% of Chatham Parks land area be set aside for conservation and open space. We have seen evidence that Pittsboro area citizens highly value conservation and feel that this provision is reflective of our community values for preserving land for its inherent value.

Wake County is aggressively pursuing an Open Space Plan with the goal of conserving 30 percent of the County's land area. To quote a recent News and Observer Article:

> *"While the goal of the program is to protect the county's water quality, the preservation of green space is considered an amenity that attracts homeowners and business, reduces pollution, helps prevent flooding, supports plant and animal diversity and provides opportunities for recreation."*
>
> *Read more here: http://www.newsobserver.com/2014/04/27/3816326/wake-countys-open-space-program.html?sp=/99/100/&ihp=1#storylink=cpy*

It is hoped that Pittsboro would be able to compete with Wake County in attracting and retaining employers and residents through the protection of great natural areas.

Roughly 76% of the Section of Chatham Park north of US 64 Bypass is considered by the state to be a "Significant Natural Heritage Area." The following is from NCDENR:



"Significant Natural Heritage Areas (SNHAs) are an area of land or water that is important for the conservation of the natural biodiversity of North Carolina. . . SNHAs are expected to contain the best populations of rare species, their habitat and exemplary natural communities. . . Information about SNHAs is provided to land owners, land managers, and land use planners to aid in decision-making. . . This information helps project planners and landowners make land use decisions that have the most benefit to society and the economy, while having the least ecological impact."

As such, a nature preserve within the designated significant natural heritage area, along the Haw River, with mature upland forests, would be ideally suited to provide a welcome respite from the higher density urban environments proposed within close proximity. The Town, a conservation group, or other third party entity could hold the land in trust, to be minimally developed with trails. Alternatively, as the area became more urban, this nature preserve or another additional tract could evolve into having

features consistent with parks within urban environments such as New York's Central Park. Central Park's 843 acres is an oasis in Manhattan and properties around it are highly coveted and highly valued.

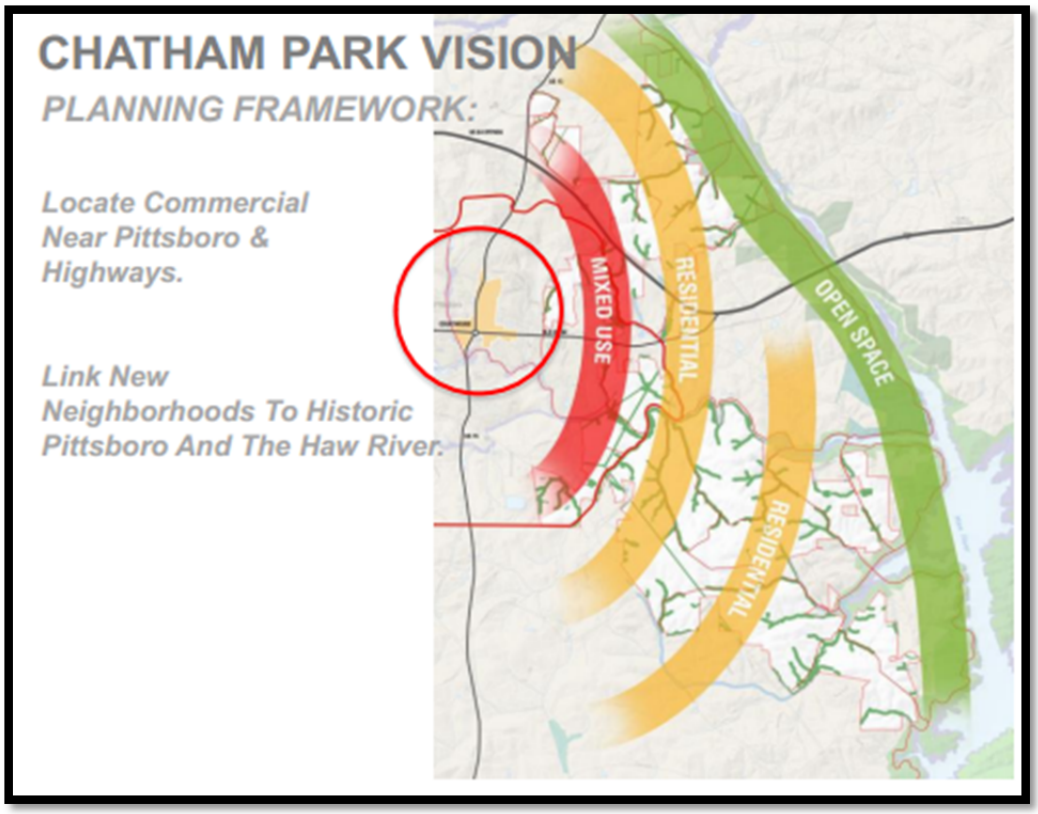
Indeed, the link between higher property values adjacent to conservation areas is well established across the country. One need merely look at the higher land values adjacent or proximal to Duke Forest for a local example. These higher property values translate into higher tax revenues for the Town.

The developers highlight in their master plan the 45,000 acres of preserved land along the Haw River and in Jordan Lake, but these exist due to public expenditures and the efforts of conservation groups. As of yet the developers are offering no significant land dedication of their own. The one park offered along the Haw River is bisected by a high tension power line; the other is downstream from the waste lagoon of the former Townsends chicken processing plant. The amount of active parkland being proposed is consistent with our existing minimum standards – but it is not raising the bar.

The proposed open space detailed on Potential Open Space Map largely illustrates lands which already have regulatory constraints (to satisfy water quality buffers) or lands which are otherwise undevelopable due to steep slopes, wetlands, etc. The expectation for a required conservation area is that would contain prime land, not simply undevelopable leftovers.

To require the developer to provide a several hundred acre, contiguous, natural area, within the Haw Conservation Buffer, containing upland mature hardwood forests would demonstrate great vision, great leadership and would yield a legacy for future generations of Pittsboro's citizens. Citizens and leaders in Raleigh have gone to great efforts to secure the 306 acre Dorothea Dix property for their central park. Cary manages Bond Park which is in excess of 300 acres.

An early graphic from a Chatham Park promotional PowerPoint shows a pattern consistent with the Land Use Plan and the Parks Advisory Board Proposal. Unfortunately substance backing this concept is absent in the actual Master Plan.



3) Payment for Parks

REQUIRE THE DEVELOPER TO PAY FOR IMPROVEMENTS TO THE PARKLAND DEDICATED TO THE TOWN.

The PARAB once again concurs with the Town's consultant who reiterated on the April 14 BOC meeting, (starting at 1:44:00 in audio minutes file) that, as written there was no expectation that parks would be improved before they would be reserved or dedicated to the Town. He stated that the units being built in Chatham Park would create the demand and need for new parks. It is very common, he continued, to require that those parks be improved and not simply turned over and let the Town pay for the improvements at some point in the future. Otherwise you might face a situation where the land would be reserved and dedicated then 10 years later the Town would have the tax funds to build the parks. The clear tie between demand generated and needed improvements is comparable to that of transportation improvements, (which the developer funds). He suggested that the Town consider requiring the developer to pay for improvements.

PARAB recommends implementing the consultant's original statement on page 18 of his review of Chatham Park, namely: "It should be understood, and therefore explicitly stated, that park land (not conservation areas) should be improved for the final expected programming." Thus, we recommend along with the consultant that the developer pay for the improved park infrastructure just as it will have to pay for the provision of water, sewer, and transportation infrastructure. Providing just the land for the installation of the water and sewer pipes or road networks without providing or installing the pipes or roads would not be a very good deal for the Town, neither would just providing the land for future parks without the concomitant park infrastructure.

What this translates into in real terms is tens of millions of dollars in park infrastructure within Chatham Park which would be subsidized by taxpayers throughout the Town if not provided for by the developer. Impact fees for parks could be incorporated as a required element of the development agreement.

The Town's consultant did emphasize at the April 14 meeting that all around the Triangle, communities have park impact fees in addition to land dedication requirements. He details this a bit more on page 18 of his initial review of Chatham Park, describing what several other communities in our area require. Requiring the developer to fund these improvements is prudent, fiscally conservative, legally sound, standard practice in surrounding communities, and in the best interest of the public/ taxpayers and the Town's bottom line.

Regardless of Chatham Park, we recommend that the Town move rapidly to fund a study focused on assessing impact fees, as well as a study creating a defendable methodology for assessing dedication fees in lieu. The developers have verbally consented to meet whatever current standards are required at the time of site plan submittal; this should be explicitly stated in the Master Plan.

4) Treat Greenways as part of the Transportation Network
REQUIRE THE DEVELOPER TO PAY FOR THESE IN FULL AS THEY WILL THE REST OF THE TRANSPORTATION NETWORK INCLUDING ROADS AND SIDEWALKS

This is accepted practice in many communities and would be appropriate for Pittsboro. If the private developer doesn't provide these greenways the expectation is that the public at large will subsidize their construction, existing residents as well as new ones.

5) Private Parks do not equal Public Parks
PRIVATE PARKS AND RECREATION SPACES SHOULD NOT COUNT TOWARD MEETING PUBLIC PARK REQUIREMENTS

As proposed, private parks within Chatham Park would be counted toward meeting public recreation requirements. Private parks are not necessarily open to the public and hence do not meet the needs of the general public. Private parks and recreation facilities are welcomed, but should not count toward meeting the Town's public parks requirement. Morrisville has language in their subdivision ordinances which would be a good model for the Town in clarifying this policy, should the Board of Commissioners feel that it is appropriate.

Summary
In summary, the consultant stated that "The provision of parks and green space, along with a coherent transportation network, are the most important foundational elements to the quality of a community." The Parks Advisory Board agrees with this assessment. The PDD as a zoning category has always been predicated on providing a superior end product and not relying on the minimal standards of a Town whose standards are already in most respects lower than surrounding communities in the Triangle.

We would recommend that the standards for Chatham Park in relation to parks, recreation, open space, natural areas and conservation raise the bar and not default to minimal standards. We feel that following these recommendations would make Chatham Park and Pittsboro more competitive, improve the quality of life of Pittsboro's citizens, and help build a fiscally sustainable parks system for future generations.

To reiterate, the five recommendations are to (1), honor the 2000' buffer along the Haw River. (2), require that 30 percent of the project be set aside for open space, not merely undevelopable land, specifically in the form of one or more several hundred acre nature preserve/ Natural Parks, which would border the Haw River, which would be within the area designated as significant natural heritage area, which would contain mature upland hardwood forests, and which would be set aside in trust as parkland. (3), require the developers to pay their fair share for park infrastructure, which their development will clearly create the need for. (4), greenways are part and parcel of the transportation system and should be funded as such, in full, by the developer. (5), private parks should not be considered as meeting the Town's public park requirements.

The developer has much to gain from this rezoning; the PDD rezoning will instantly and substantially increase the value of this property. Long term maintenance of all public infrastructure associated with this project will be a public, not a private expense. Dedicated land would come with a substantial tax break which would benefit the developer.

Creating a better community, through tightly integrating parks, greenways and nature preserves as an integral component of a master planned community would positively affects the long term bottom line of the town, would improve the long term chance of success for this project, and enhance economic development opportunities for the region.

We've raised five serious issues, and in our minds serious problems and deficiencies, related to parks in the proposed masterplan. But rather than just point out these deficiencies we provide a path for rectifying them by suggesting that the Board of Commissioners make the 5 recommendations conditions for approval for the master plan.

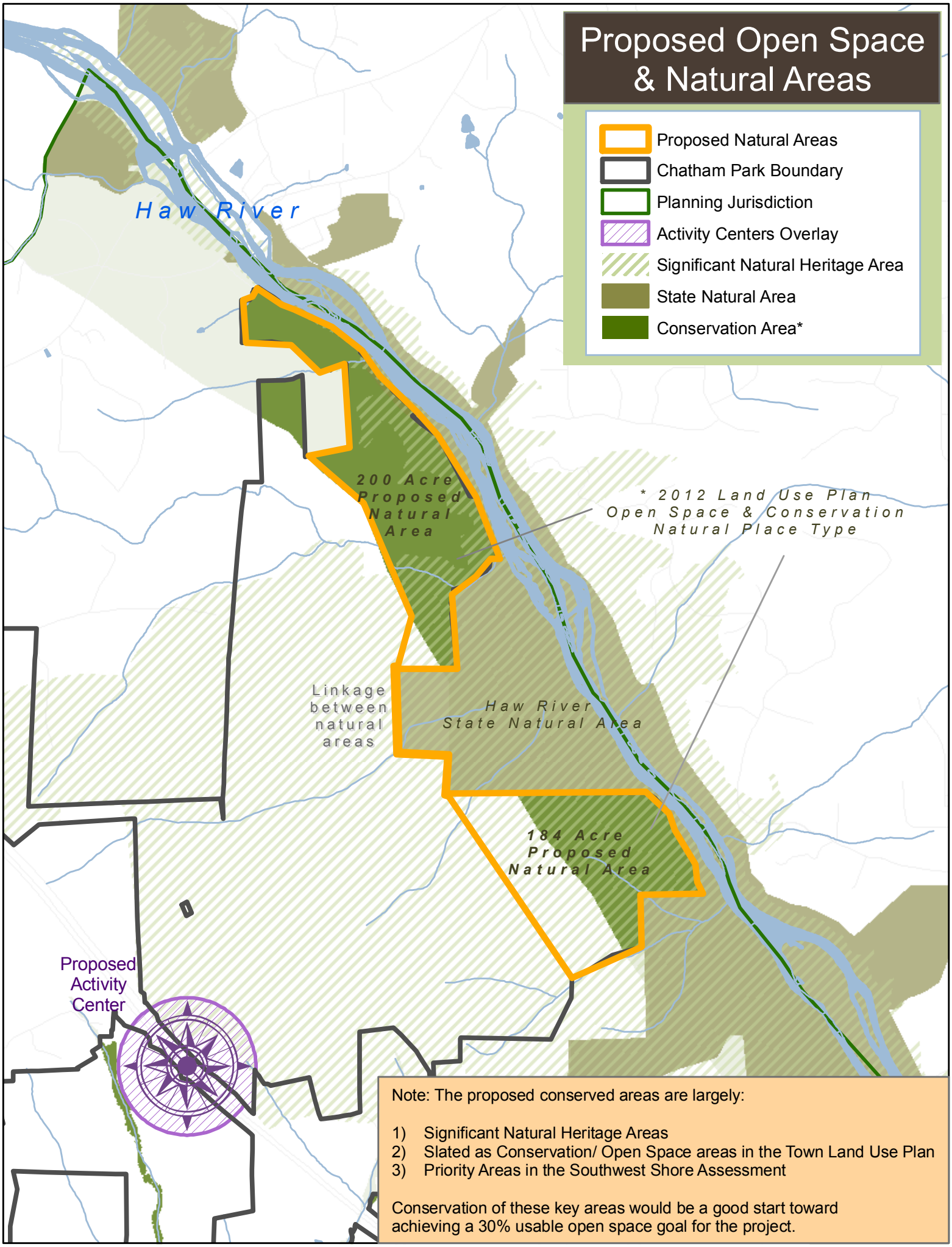
Alternative Proposal
STRIKE THE PARKS SECTION FROM THE MASTER PLAN

If the Town does not see fit to require the recommended conditions for approval, then we propose an alternative solution, namely to strike the entire section and verbiage related to Parks, Recreation, Greenways and Open Space from the proposed Master Plan. This would have many benefits.

Striking the Parks section allows the five prior recommendations to be possibly worked out in a development agreement. Perhaps preferably though, it would suffice to have whatever Town policies governing the subdivision process related to parks, open space, and greenways, at the time of subdivision submittal, be the law of the land for all Chatham Parks subdivisions as they are submitted. This allows the Town's policies and ordinances to evolve and grow through the upcoming UDO process and beyond without locking in a Chatham Park entitlement enshrining our current minimal standards. Since the proposed standards don't raise the bar in any significant way, the Town wouldn't lose anything by striking the entire section. This recommendation has lots of upside, very little downside.

This project will take decades to build out. We trust that the public's desire for great recreational opportunities will increase along with the increased population. Other developers who will develop in parallel to Chatham Park will be subject to evolving higher standards, but as proposed, Chatham Park would just have to meet standards which are equivalent to our current very minimal standards for providing the public with the parks needs which they're creating the demand for. We're not sure that this would be particularly fair to the other developers, and would create an artificial distortion in the market. We would recommend having a level playing field for all developers.

We are confident that these recommendations are in the public's best interest. They mirror recommendations from the Town's consultant and are standard practice in many of our surrounding communities. We love the idea of raising the bar. Thank you for considering these proposals.


Proposed Open Space & Natural Areas
Proposed Natural Areas
Chatham Park Boundary
Planning Jurisdiction
Activity Centers Overlay
Significant Natural Heritage Area
State Natural Area
Conservation Area*
Haw River
200 Acre Proposed Natural Area
* 2012 Land Use Plan Open Space & Conservation Natural Place Type
Linkage between natural areas
Haw River State Natural Area
184 Acre Proposed Natural Area
Proposed Activity Center
Note: The proposed conserved areas are largely:
1) Significant Natural Heritage Areas
2) Slated as Conservation/ Open Space areas in the Town Land Use Plan
3) Priority Areas in the Southwest Shore Assessment
Conservation of these key areas would be a good start toward achieving a 30% usable open space goal for the project.