

November 9, 2018

ADDENDUM TO COMMENTS SUBMITTED BY NEW HOPE CREEK CORRIDOR ADVISORY COMMITTEE

October 25, 2018

Since submitting our comments on the draft plan/regulations for the Patterson Place Compact Neighborhood, we have had the opportunity to (1) review the revised planning and regulatory proposals brought forth by Durham Planning staff at the October 25 public meeting; (2) consult with several people with both significant professional qualifications and deep knowledge of the New Hope corridor in the vicinity of the property on the north side of 15-501 extending from SW Durham Drive and the creek floodplain and the 15-501 bridge.

Three of the people who gave us advice have Ph.D.'s in wildlife ecology/landscape ecology. Several others have Master of Environmental Planning or Master of Regional Planning or similar graduate degrees. All have specific experience with the New Hope, in four cases amounting to 30 years or more per person.

Here is what we learned:

(1) These experts confirmed our belief that the environmental value of this land does not lie in the presence of endangered species, but in its function as part of a regional wildlife corridor linking extensive lands, including four City of Durham/Durham County/Orange County parks, as well as Duke Forest and the Corps of Engineers land. Establishing these parks as well as acquiring other lands in the corridor involved millions of dollars in funding from the federal government, the state of North Carolina, the City and County of Durham, the town of Chapel Hill, Orange County and private sources. The 15-501 crossing is a major "pinch point" where the corridor narrows considerably, making the quality of land around the crossing of great regional importance.

(2) With regard to the subject property, our experts unanimously told us the following:

--the west side of the property, including the area where the developer proposes to build a road/bridge across an ephemeral creek, makes relatively little contribution to the corridor. Our experts did not consider water quality/runoff in the creek, which even now drains a large impervious surface and likely carries polluted water into the New Hope drainage. We trust that this will be considered in planning for the property and storm water management for specific projects.

--the long stretch of property on the north side, parallel to 15-501 has a significant amount of mesic hardwood forest on steep northward facing slopes. It does contribute to the function of the corridor.

--the most important part of the property from a corridor standpoint is the steep slope on the eastern end, both the slope itself and the forest area on top of it. This land has been extensively degraded by the recent clearcut, but if left ungraded and unbuilt on, natural values will fairly quickly return.

--the placement of buildings on the site, including lighting and building massing, is important even when part of the land is left undeveloped. There is a spillover of effects, our experts said, from portions of the property used for buildings and roads to the undeveloped part of the site.

--Our experts' "bottom line," offered unanimously, was that the original staff recommendation of a 300 foot setback from the floodway fringe and strict protection of steep slopes would offer the best protection of the corridor functions.

- (3) The New Hope Creek Corridor Advisory Committee is quite aware that environmental protection must be balanced with reasonable economic use of the site. We are therefore intrigued by the October 25 staff recommendation that there be (1) strict protection of slopes (2) a zone, measured from the edge of the compact neighborhood boundary in which any development would require a special use permit from Durham City Council. The staff recommends that this zone be 200 feet from the boundary. Based on our experts' input, we believe that 300 feet would be preferable. [Given that input, the boundary might be less than 300 feet on the western third of the property.]

What attracts us to the Special Use Permit idea is that it would allow debate over exactly what is proposed to be built on sensitive parts of the site, rather than a general rezoning. Specific tradeoffs could be discussed publicly between conservation and development, and creative design could be used to minimize impacts, while protecting economic values.

The developer has requested that, given use of such a zone, there be provision for very small case by case exemptions from the steep slope part of the ordinance, where that is necessary to designs that further both conservation and development objectives. We have no objection to such a provision.