

STONEY CREEK BASIN SMALL AREA PLAN

Submitted to:

**Orange County Board of Commissioners
Orange County Planning Board**

Submitted by:

Stoney Creek Basin Small Area Planning Group

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EXECUTIVE SUMMARY

On December 5, 1994, the Orange County Board of Commissioners adopted the following charge: "*To prepare a land use plan, including recommendations for implementation, for the Stoney Creek Basin Planning Area southeast of the town of Hillsborough.*" Since that time a 22 member Planning Group has worked on a land use plan for the 4,700 acre area that achieves two goals:

1. Preserve landowners' rights to get fair value for their property; and
2. Protects the area's "rural character."

The Planning Group identified key resource areas and then identified three levels of land-use intensity that would help protect these resources. The resources include Duke Forest, the Stoney Creek Wildlife Corridor, scenic road corridors, and existing farmland and neighborhoods. *Lower intensity* areas lie adjacent to most of the resource areas and best typify the area's remaining rural character; *intermediate intensity* areas are intended to provide a transition between lower and higher intensity; and *higher intensity* areas are adjacent to areas experiencing urban growth pressures and at some future date will likely be annexed by a municipality.

The Planning Group has recommended against traditional plan implementation strategies such as rezoning, opting instead for the voluntary *Flexible Development Options* (adopted by the County Commissioners on May 1 and effective July 1 as an alternative to conventional subdivision development) with the following modifications applicable within the Stoney Creek Basin Planning Area:

1. Projects preserving 33% to 50% open space can use half of their density bonus in the area while those preserving more than 50% can use it wherever desired.
2. Lower intensity areas are to be "sending" areas for density bonuses; intermediate intensity areas are to be "sending" and "receiving" areas; and higher intensity areas are to be "receiving" areas.
3. Density bonuses created in the Stoney Creek area can be sent out, but density bonuses from other areas cannot be transferred into the area.
4. Expedited review and approval of projects that preserve large amounts of open space and enhance rural character should be included as an incentive.

The Stoney Creek Basin Small Area Plan modifies/augments the 1988 plan for the area by introducing the three land use intensity levels discussed above. However, these will apply only where a landowner/developer chooses to use voluntary Flexible Development Options. Since no zoning changes are proposed, the zoning patterns as established by the current plan (1988) will remain in effect.

CHAPTER 1

INTRODUCTION

On December 5, 1994, the Orange County Board of Commissioners adopted the following charge: "*To prepare a land use plan, including recommendations for implementation, for the Stoney Creek Basin Planning Area southeast of the town of Hillsborough.*" Since March 16, 1995, a 22 member Planning Group of neighborhood representatives plus elected and appointed officials and seven alternates has met 17 times to prepare the *Stoney Creek Land Use Plan* (see Appendix A for a listing of the Planning Group members and alternates and Appendix B for Planning Group meeting dates and attendance).

The 4,696 acre Stoney Creek Basin area lies southeast of the town of Hillsborough. It is triangular in shape and is bounded generally by I-85 to the north, the University Spur of the Southern Railroad to the east, and NC Highway 86 to the west. Data for April 1995 indicated 795 dwelling units in the area with an estimated population of 2,135. Predominant land uses in the area include residential at 1,393 acres (30%), agricultural/managed forest at 1,033 acres (22%), and Duke Forest at 514 acres (11%). Commercial, industrial, institutional, and transportation uses comprise less than 10% of the area. The remainder of the area is classified as vacant/undeveloped and occupies 1,373 acres or 30% of the area.

Because of its proximity to existing and future employment centers and transportation corridors, as well as the available land supply, the population residing in the Stoney Creek area has the potential to grow rapidly in the near future. A small area plan is needed to manage growth consistent with the two goals of the Planning Group:

- 1. Preserve landowners' rights to get fair value for their property; and**
- 2. Protect the area's "rural character."**

The Stoney Creek Basin Small Area Plan modifies/augments the 1988 Land Use Plan amendments as the basis for County land-use policy in the area. Also (upon adoption), implementation strategies specific to the area such as modifications to

the Flexible Development Proposal will take precedence over the more general, countywide program on which they are based.

Note: The southern portion of the planning area is located in the Rural Buffer; plan recommendations will not be applicable there unless an amendment to the *Joint Planning Area Land Use Plan* is presented at public hearing and approved by the governing boards of Chapel Hill, Carrboro, and Orange County.

CHAPTER 2

VISION and VALUE

As part of their charge, the County Commissioners specified that the Planning Group be guided by the following general interests:

- Avoiding urban sprawl;
- Preserving protected watersheds and groundwater supplies;
- Encouraging bicycle and mass transit transportation in and between urban areas;
- Protecting and preserving farmland and open space;
- Developing an appropriate mix of residential and nonresidential development;
- Encouraging fiscally responsible development;
- Involving neighborhood residents in the planning process; and
- Diversifying the revenue base of the Town and County.

With the above interests in mind, the Planning Group identified two primary goals to guide development of the recommended plan:

- 1. To retain rural character; and*
- 2. Preserve landowners' rights to get fair value for their property.*

Two subcommittees (Vision and Value/Rights) were appointed to explore issues related to the goals and to prepare written statements for Planning Group consideration and endorsement. Each subcommittee met three times during the fall of 1995 to fulfill their assignments. The Planning Group reviewed extensively the subcommittee reports and adopted the work of both by consensus.

Vision for the Stoney Creek Small Area Plan

The process of defining a "vision" is in many ways like trying to define beauty; it is largely in the eye of the beholder. The beginning stages reveal a variety of individual visions, each equally valid, but often in conflict with one another. However, any vision if zealously pursued to the extreme will preclude the possibility for other equally valid visions to be incorporated in the final plan. Therefore, we have defined our collective vision as a result of significant

compromise, creativity, flexibility, and fairness with all who will have a hand in shaping the future of the Stoney Creek Basin.

The development of a "vision" for the Stoney Creek Small Area Plan has considered the natural, cultural, visual, and economic resources of the area in the context of diverse viewpoints expressed during the planning process. Two key themes have been prominent and seem central to development of the plan. These are, first, that it is important to retain elements of the present rural character for the area and second, that property owners should receive fair value for their land should they choose to sell or develop it in some way.

Existing land use patterns in the Stoney Creek area reflect the nature of its rural heritage. Expanses of agricultural (active and inactive) and forest land are interspersed with residential development of varying scales, most of which occurs on lots exceeding one acre in size and served by single wells and septic systems. An expanding municipality on the area's periphery and its location between two interstate highways enhance its attractiveness for development and contribute to pressures for change.

The Stoney Creek Small Area Plan should serve to guide future changes in the Stoney Creek Basin area while recognizing its rural heritage, cultural, historical, and natural resources, and the rights of individual property owners. In this regard, the goals of the Orange County *Rural Character Study* (initiated in the late 1980's to address preservation of rural open space with minimal impact on affected property owners) seem particularly relevant in defining the vision for the area. Specifically, they focus on balancing development with agricultural preservation, protection of natural, cultural, and visual resources, and managed growth, while maintaining flexibility for landowners.

Elements of the plan should address the following:

- Development of mechanisms which will encourage preservation of rural landscapes such as active farms, forests, and visual openness.
- Continued identification, evaluation and inventory of significant cultural and historical features and the development of criteria and incentives for encouraging their preservation.

- Continued identification, evaluation and inventory of natural terrain features, visual resources, and sensitive ecological areas and the development of criteria and incentives for encouraging their protection.
- Recognition of the generations of land stewardship by rural landowners and the protection of their property rights and land values by providing a variety of development options which will allow for flexibility and creativity in design.
- Protection of the character of existing neighborhoods from abrupt changes in density or land use by providing gradual density transitions. Also, provision should be made to direct growth that is not rural in character toward more urbanized areas where it can take advantage of existing infrastructure.

We recognize and acknowledge that we have a responsibility to balance all aspects of the character of this area including its rural heritage, rights of landowners, and likelihood of future change. The Stoney Creek Basin Land Use Plan should, therefore, seek to preserve important elements of rural character and special natural features, while still allowing for quality development of rural and country suburban neighborhoods; concurrent with this development should be a recognition of the need for affordable housing and opportunities for active and passive recreation through the provision of a community park. Finally, the plan should not preclude the possibility of some very limited, internally oriented, commercial and service locations compatible with preserving rural character and consistent with "Flexible Development" options that may be available for the area. This must all be done without unfair or unreasonable financial restrictions or burdens either for the landowners who may desire to develop their property, or for the taxpaying citizens of the area who may have to pay for any negative effects or excess costs for public infrastructure of ill-planned development.

Property Value/ Property Rights

Several areas of concern related to property rights, property values, and flexibility of development were identified and discussed extensively by the Planning Group.

Property Rights and Property Values

Private landowners have the right to develop their property as understood under the U.S. Constitution and within the limits of community or public standards described by current zoning and other ordinances.

In addition to rights, a landowner has responsibilities. There must be a balance between what a landowner can do and what the larger community can expect. Zoning, public health, and other rules regulating development help express this balance and encourage responsible stewardship of the land.

The property's financial value is determined on the open market, when a buyer and a seller voluntarily agree on a sale price. Value is influenced by many factors, including supply and demand, zoning, development possibilities, natural features, neighborhood character and community quality-of-life.

Perceived versus Actual Rights

Zoning and public health rules define the maximum number of housing units that can be built per acre. The R-1 zoning in most of the Stoney Creek Basin region limits density to one housing unit per 40,000 square feet (about one acre) if the land supports a septic tank, drainage system, and well. Because so much of the region has soil that can't support septic drainage systems, the actual density achievable under current law is usually less than one unit per one acre.

Landowners may perceive that they have a "right" to build one unit per one acre, but, because of soil conditions, the reality is that current ordinances and health regulations generally give them a right to build fewer units. If much land is in the flood plain or steep slopes or other restricted areas, the density by right could be even lower. A "yield plan" shows how many units a particular piece of land actually will support under current regulations.

Property rights include protection from an arbitrary decrease of density (downzoning); but they do not include the automatic right to any particular density nor the right to a greater density than permitted by current regulations through the use of government enhancements, such as rezoning or new water and sewer service. Generally speaking, changes of density, up or down, absent arbitrariness, are policy decisions, not rights.

Flexibility of Development

Landowners traditionally cherish the ability to develop their land as they see fit. Today, most landowners recognize the need for community standards -- or

regulation -- of development, because the actions of one neighbor can have a large impact on others.

The list of permitted land uses in an area may provide more flexibility than a community wants, or may restrict other uses that seem desirable. For example, in the Stoney Creek Basin, the areas zoned R-1 permit construction of a large country club or government office building, and, with a special-use permit, an airport, sewage treatment plant, or land fill. But the ability to build an open-space, cluster-style development is limited. Current law also does not allow landowners to use the incentives and design guidelines in some of the large-lot options recommended by the Rural Character Study Committee.

Stoney Creek Basin landowners should be able to choose from a variety of development options that are consistent with good land stewardship, community health standards, and Rural Character design guidelines. Offering landowners constructive alternatives to meet these objectives is better than forcing them into a very narrow range of options.

Recommendations

- Preserve the density permitted under current zoning and public health standards, i.e., the density based on a yield plan for the land;
- Provide an array of flexible development options that will encourage landowners to preserve open space and rural character such as those in the Rural Character Study and Randall Arendt's open space development plans;
- Consider some of the creative tools available to direct dense development into urban growth areas rather than beyond and to create incentives for landowners and developers to preserve some undeveloped open land in the majority of the Stoney Creek Basin which is beyond current urban growth boundaries. Tools that can be considered within Orange county's jurisdiction include density bonuses and penalties, speedy approval processes, adjustments to requirements for private roads, adjustments to rules about sharing and placement of septic fields, tax breaks, and purchase of development rights. Tools that may require changes in state law include transferable development rights; and

- Educate the entire community about land uses and densities that are currently permitted; about how new tools of land use policy work; and about the advantages and disadvantages of different development options.

CHAPTER 3

THE RECOMMENDED PLAN

On September 14, 1995, the Stoney Creek Basin Small Area Planning Group appointed three subcommittees, Vision, Value/Property Rights, and Preliminary Design. Following reports to the Planning Group on October 19 by the Vision and Value/Property Rights Subcommittees, the Preliminary Design Subcommittee was assigned the task of preparing a conceptual land use plan for the group to consider on November 16.

Background

The Preliminary Design Subcommittee met three times following October 19. The first meeting on October 25 was to define objectives/guidelines and determine map and data needs. At the second meeting on November 1, the subcommittee began the task of defining areas on a map. On November 9, a third meeting was held to refine the map and review a first draft of this report.

Our objective was to create a vision of orderly land use compatible with the statement of the Vision Subcommittee. We realize the ultimate achievability of this land use vision is based on finding an acceptable means to implement this within the Value/Property Rights Subcommittee guidelines.

Guidelines

The draft Vision Statement served as the starting point for defining guidelines and additional areas for focus were drawn from previous work, primarily the Rural Character design prepared in May. The subcommittee based its assumptions on the realization that the vision statement was still evolving. The draft vision statement was the source for the following numbered statements and the bulleted (·) items in *italics* came primarily from the Rural Character design alternative.

1. Encourage preservation of rural landscapes including as much forested and agricultural land - and active farming - as economically feasible for the landowner.

- *Provide density transition around active farms (Strayhorn)*

2. Encourage preservation of significant cultural and historical features.
 - *As identified in inventories*

3. Protection of natural terrain features and sensitive ecological areas.
 - *Duke Forest*
 - *Wildlife corridors along Stoney Creek*
 - *Identified natural areas in inventories*

4. Protection of area's visual resources.
 - *Vistas along New Hope Church Road and Strayhorn Farm*
 - *Vistas along Old NC 10 and former Guernsdale Dairy*

5. Protection of character of existing neighborhoods from incompatible land uses/densities and direction of growth not rural in character toward municipal/transition areas.
 - *Provide density transition between existing neighborhoods and areas where future development may occur*
 - *Density should be generally higher in areas to north and west near Hillsborough, lower to south and east near Rural Buffer*
 - *No new commercial development in the planning area*

In applying the guidelines to the planning area, we identified resource areas and then in order to protect those resources, we developed three land use intensity categories.

Resource Areas

Duke Forest: Primary area on which to focus preservation efforts. It serves as a major area for teaching and research, outdoor recreation, filters water flowing into Stoney Creek, and provides habitat for wildlife. Dense development adjacent to forest degrades it and increases predation on wildlife by house pets. Our strategy is to locate the lowest intensity uses practicable adjacent to Duke Forest.

Wildlife Corridor: Defined in the 1988 *Inventory of the Natural Areas and*

Wildlife Habitats of Orange County, North Carolina prepared by Dawson Sather and Stephen Hall for the Triangle Land Conservancy. The corridor lies 100 meters (328 feet) on each side of Stoney Creek and connects Duke Forest and the Eno River. Wherever practicable, we recommend low intensity uses adjacent to the corridor, although there are some areas proposed for intermediate and higher intensity adjacent to the corridor.

New Hope Presbyterian Church: A portion of the land on which New Hope Presbyterian Church and cemetery is located extends into the planning area immediately south of the NC 86/New Hope Church Road intersection. This is part of a much larger series of contiguous tracts comprising almost 200 acres and containing Camp New Hope. The subcommittee recognizes the historical and cultural significance of these properties and to the maximum extent practicable, recommends low intensity uses adjacent thereto. **Note: This portion of the planning area is located in the Rural Buffer and contains approximately 270 acres; plan recommendations will not be applicable there unless an amendment to the *Joint Planning Area Land Use Plan* is presented at public hearing and approved by the governing boards of Chapel Hill, Carrboro, and Orange County.**

Proposed Scenic Road Corridors: Two sections of road in the planning area are proposed for scenic corridors. These include all of New Hope Church Road in the study area and Old NC 10 from its intersection with University Station Road west to the railroad overpass in the vicinity of Strayhorn Hills. The winding nature of the roads, vistas of existing and former farmland, and repeated transitions of forest-to-open (especially along New Hope Church Road) contribute to scenic qualities along the two roads.

Existing Farmland: The Strayhorn farm is currently the primary active farm in the study area and contains about 125 acres. The subcommittee has chosen not to establish a separate category to set it apart from surrounding properties. They felt one of the best ways to keep the land in farming was by reducing impacts when land adjacent to it developed. The strategy has been to propose the lowest intensity uses practicable adjacent to the farm. For the most part, this is a continuation of existing development patterns on adjacent lands. In total, there is slightly over 1,000 acres in the Stoney Creek Basin Area assessed under agricultural use value taxation, the overwhelming majority of it being classified as managed forest land.

Existing Neighborhoods: The subcommittee placed a high priority on the character of existing development and proposed that future development be compatible in scale. New adjacent development should, wherever practicable, be of the same density. Where this is not possible, a gradual density transition from lower-intensity to higher-intensity areas should be provided.

Land Use Intensity Categories

In undeveloped portions of the planning area where residential development might ultimately take place, the subcommittee defined three land use intensity levels: higher, intermediate, and lower.

Higher Intensity Areas: These areas are generally synonymous with the ten and twenty year transition areas in the existing Land Use Plan (adopted 1981, amended 1988) or they are adjacent to areas proposed for future development on an urban scale. At some future date, they will most likely be incorporated into the municipalities of Hillsborough and Durham through the annexation process. A mix of land uses is possible in these areas and they will be served by water and sewer. They could be viewed as "receiving areas" for lower density areas to the south.

Most Higher Intensity Areas lie in the west and northwest parts of the planning area. There is however, one smaller portion situated on the eastern tip of the area adjacent to the I-85/US 70 EDD. Density in these areas will be determined by the availability of water and sewer. Higher Intensity Areas cover approximately 700 acres of the planning area.

Intermediate Intensity Areas: These areas are intended to provide a transition between Higher and Lower Intensity Areas. They are envisioned as being predominantly residential with density being determined in large part by the character of existing development; water and sewer extension is unlikely. The largest area of intermediate intensity includes Strayhorn Hills and Wyngate and intervening areas bordering I-85. Smaller areas of intermediate intensity lie west of University Station Road between I-85 and Old NC 10 and on both sides of University Station Road south of Old NC 10. A third very small section separates the southwestern corner of Duke Forest along NC 86 from higher intensity to the west adjacent to the I-40/Old NC 86 EDD. Intermediate Intensity Areas cover approximately 1,210 acres of the planning area.

Lower Intensity Areas: These areas comprise a substantial part of the planning area and contain most of the "Resource Areas" delineated on the draft plan. The current character of these areas is residential development on relatively large lots, a considerable number of large undeveloped tracts (both open and forested), and the only active farm in the area. Lower Intensity Areas best typify the area's remaining rural character. These are the areas where many of the plan's protection goals (natural resource, visual, and neighborhood) will be achieved. Lower Intensity Areas are proposed to have the lowest average development densities in the future, to be determined in part by the character of existing development. Implementation tools that may be applied will probably go beyond limitations on density and could include features such as buffers and easements. Extension of water and sewer service to these areas is not envisioned.

Lower Intensity Areas lie in the central and southern part of the study area adjacent to Duke Forest, the Strayhorn farm, New Hope Church Road, and the Rural Buffer area to the southwest, south, and southeast. A portion of the area also extends north to I-85 in the undeveloped area east of Strayhorn Hills to provide a low-density separation between the future urban expansion of Durham and Hillsborough. Lower Intensity areas cover approximately 2,500 acres of the planning area (this includes approximately 750 acres contained in Duke Forest and the Stoney Creek wildlife corridor). **Note: The southern tip of the planning area is located in the Rural Buffer and contains approximately 270 acres; plan recommendations will not be applicable there unless an amendment to the *Joint Planning Area Land Use Plan* is presented at public hearing and approved by the governing boards of Chapel Hill, Carrboro, and Orange County.**

Features From Other Plans

Two features from other plans covering the area are retained in the draft small area plan:

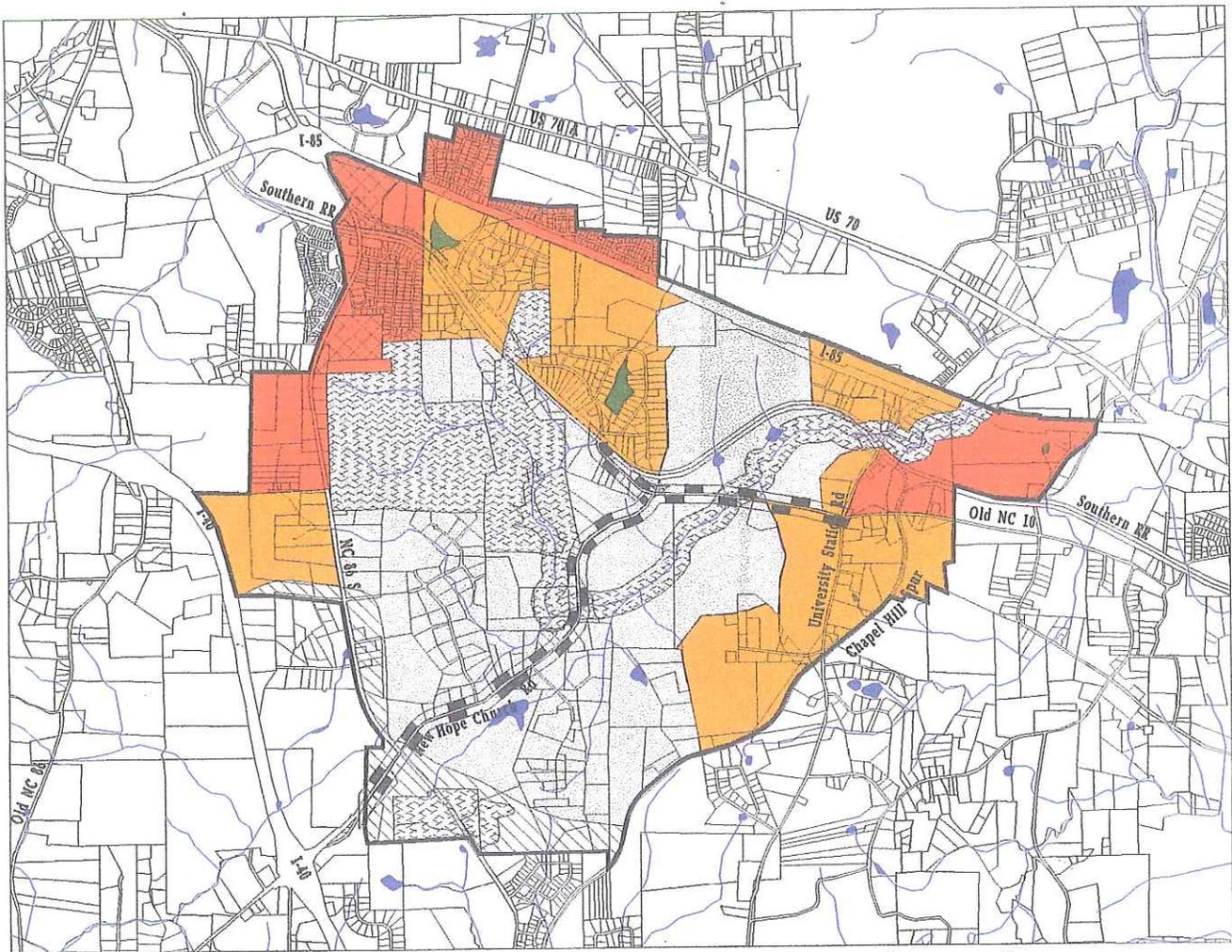
Community Park: A recommendation of the Orange County *Master Recreation and Parks Plan* (1988) is a "community park" in the vicinity of New Hope Church Road and Old NC 10. Such a park would contain areas for active (athletic fields and courts) and passive (wooded areas and trails) outdoor recreation, generally some type of water body, and be approximately 25 acres in size. The park will be implemented either through land dedication or purchase of land from payment-in-lieu funds. Also, effective April 1, 1996, the County Commissioners substantially increased payment-in-lieu fees for parkland acquisition.

Commercial-Industrial Activity Node: The *Land Use Element - Orange County Comprehensive Plan* states the following about the node located at I-85 and NC 86:

This node, focused on the intersection of an Interstate and arterial road, contains a number of existing commercial and industrial uses. A satellite to this node exists farther south on NC 86, separated from the rest of the node by a medium density residential neighborhood. There are no major environmental constraints to hinder more intensive development in the main portion of the node. With the possible exception of the area immediately to the south of the intersection of Old NC 10 and NC 86, there would be no disruption of areas with a residential character. Additional development in the satellite should be restricted to avoid adverse impacts on Duke Forest and neighboring residential communities. Although the ability of NC 86 to handle additional traffic may hinder some development, the existence of sewer service and the road system within the node make it a good site for new commercial and industrial development.

A plan map depicting the above-referenced resource and land use intensity categories is presented on the following page.

Stoney Creek Basin Planning Area



Land Use Plan

Adopted by Orange
County Commissioners 8-5-96

Legend

- Lower Intensity Land Uses
- Intermediate Intensity Land Uses
- Higher Intensity Land Uses
- Rural Buffer
- Resource Areas
- Commercial/Industrial (Current Plan)
- Scenic Road
- Possible Park Site

Planning & Inspections
Department
Information Services Division
1-31-97 BRMc



•Plan recommendations not applicable
in Rural Buffer. Rural Buffer boundaries
based on Joint Planning Area Land Use Plan
adopted October 13, 1986

Presented at 5-28-96 Quarterly Public Hearing, Planning Board recommendation 7-9-96

CHAPTER 4

IMPLEMENTATION STRATEGIES

Two key themes have guided development of the Stoney Creek Basin Small Area Plan. These are, first, that it is important to retain elements of the present rural character for the area and second, that property owners should receive fair value for their land should they choose to sell or develop it in some way. The plan reflects a substantial commitment of time, resources, and efforts at consensus building by the Stoney Creek Planning Group.

The most expedient way to implement the plan recommendations would be to amend the zoning ordinance to create higher, intermediate, and lower intensity districts with required minimum lot sizes consistent with the plan recommendations. However, this is perceived by the Planning Group to be at odds with the underlying premises of the Plan and could undermine efforts at achieving consensus both within the Planning Group and within the larger community.

The Property Value/Rights Subcommittee states that, "*Stoney Creek landowners should be able to choose from a variety of development options that are consistent with good land stewardship, community health standards, and Rural Character design guidelines. Offering landowners constructive alternatives to meet these objectives is better than forcing them into a very narrow range of options.*" The Flexible Development proposal presented at public hearing on November 27, and currently being considered by the County Commissioners, is consistent with this statement and offers an alternative to wholesale rezoning of the area.

It needs to be emphasized that Flexible Development is NOT a transferable development rights program! The provisions related to density bonuses are based, in part, on existing regulations applicable to affordable housing, the recommendations of the Rural Character Study Committee, and the proposed *Preliminary Recommendations for a Regional Transit Plan* as prepared by the Triangle Transit Authority. Both affordable housing and open space bonus options have similar provisions; e.g., affordable units or additional open space may be provided on-site or off-site.

Flexible Development Options Summary

The basic provisions of Flexible Development presented at the public hearing are:

- The existing one-acre minimum lot size would be retained.
- The provision of open space would be optional, however a developer seeking conventional development would be required to submit two concept plans - one for a conventional subdivision and another for a "flexible" or open space subdivision.
- If a Flexible Development option is chosen, at least one-third (33%) of the land within a subdivision must be preserved as open space which may be preserved through:
 - ◇ An "estate lot" approach where all land is subdivided into lots four (4) acres or greater in size, building limits (50%) are established for each lot, and the open space outside such limits is preserved through restrictive covenants and/or conservation easements; or
 - ◇ A "conservation" approach where all land is subdivided into lots, and open space is preserved through the use of conservation easements held by the County or a land conservancy; or
 - ◇ A "cluster" approach where lot sizes are reduced and the land saved through such reductions is dedicated to the County or a land conservancy, or owned and maintained by a homeowners' association.
- Density bonuses, while limited by the type of water supply/sewage disposal service available to the development, may be achieved by:
 - ◇ Providing greater amounts of open space than required; or
 - ◇ Providing affordable housing units either as part of the development or at an off-site location; or
 - ◇ Purchasing the development rights on farm or forest lands, natural areas, and similar resources; or

- ◇ Some combination of the above.
- Water supply/sewage disposal service may include:
 - ◇ Individual wells and septic systems on each lot or located off-lot within a recorded easement, including subsurface disposal or spray irrigation on open land; or
 - ◇ A community water and/or sewage disposal system, including subsurface disposal or spray irrigation on open land, designed, constructed, and maintained in conformity with all applicable state, federal, and local rules and regulations; or
 - ◇ Connection to a water and/or sewage disposal system operated by a municipality, association, or water or sewer authority. As part of such service provision, public water and sewer extensions would be permitted to defined "transit corridors" and "transition areas."

Flexible Development defines two types of open space, *Primary Conservation Areas* and *Secondary Conservation Areas*. Primary areas consist of wetlands, floodplains (100 year) and alluvial soils, steep slopes (>25%), natural areas, wildlife habitats and corridors, and historic and archaeological sites listed on the National Register of Historic Places. Secondary conservation areas consist of woodlands, farmland, slopes of 15% to 25%, other historic and/or archaeological sites, public and/or private recreation areas and facilities, and scenic views. The map at the end of this chapter depicts primary and secondary conservation areas for the Stoney Creek Basin.

It is important to remember that Flexible Development options are voluntary and landowners still have the choice of conventional subdivision development! By offering incentives, the plan aims to encourage types of development that protect rural character and the landowner's economic value.

Planning Group Recommendations

The Planning Group suggests the following modifications to Flexible Development to make it specific to the Stoney Creek area:

1) Flexible Development allows a **density bonus** of an additional housing unit for every acre of open space preserved above the 33% minimum. For Stoney Creek:

- Up to 50% open space allows half of the bonus units to be used in the Stoney Creek area (for example, if two bonus units are allowed, one can be used in the Stoney Creek area, but the other has to be used outside the area); and
- preserved open space in excess of 50% permits the owner to use the bonus units wherever desired (for example, if two bonus units are allowed, both can be used in Stoney Creek, or one inside and one outside, or both outside).

2) **Where** density bonuses can be used:

- The lower intensity area is a sending area for density bonuses, i.e., bonus units resulting from open space preserved here cannot be used here, but must be transferred elsewhere;
- the intermediate intensity area is a sending and receiving area, i.e., density bonuses originating here can be used here as well as density from lower intensity areas;
- the higher intensity area is a receiving area for density transferred from the lower and intermediate areas; and
- density bonuses created in the Stoney Creek area can be utilized as stated above, but density from other areas cannot be transferred into the Stoney Creek area.

3) Flexible Development allows 50% of **active recreation** land to count toward open space. The Planning Group recommends that active recreation uses continue to be permitted in the lower intensity areas, but that they not count toward open space.

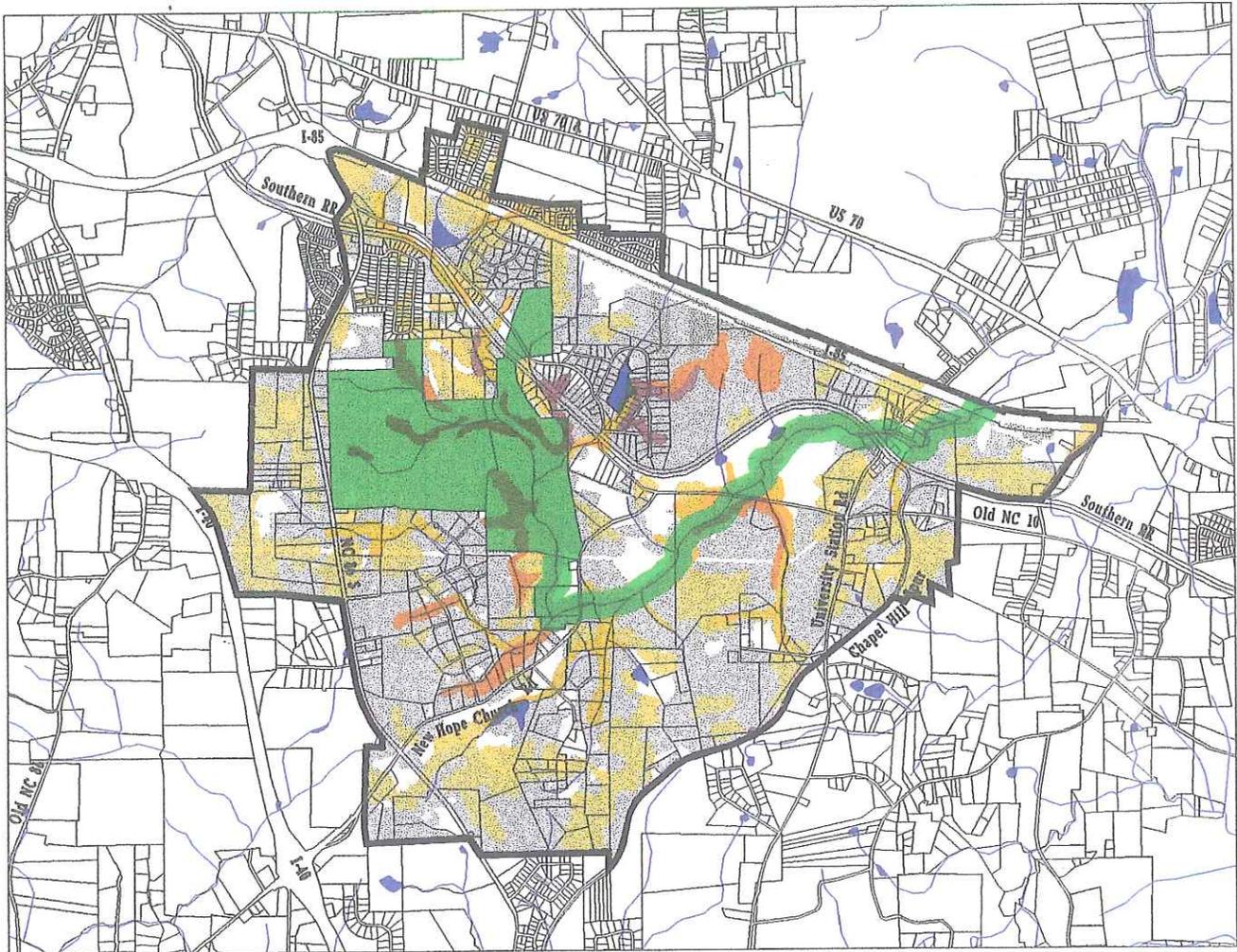
4) To encourage the use of Flexible Development, a package of **incentives** has been included. As an added incentive the Planning Group recommends expedited review and approval of projects that preserve large amounts of open space and enhance rural character. As currently envisioned, expedited review would entail review and approval of projects by County staff as opposed to the more lengthy process of Planning Board review and County Commissioner approval. Currently, minor subdivisions (the creation of five lots or less) and projects consistent with Economic Development District guidelines receive expedited review. Care must

be taken when considering activities for expedited review because an important element of public oversight is foregone.

Two areas in which the group has consensus regarding expedited review are for:

1. Developments that preserve 70% open space; and
2. Rural subdivisions with lot sizes averaging five acres or more that follow the Flexible Development Rural Design Guidelines and ensure against further subdivision of lots.

Stoney Creek Basin Planning Area



Primary & Secondary Conservation Areas

(As defined in the Flexible Development Proposal)

Orange County Planning & Inspections Department

Information Services Division 5-13-96 brm



Legend

Primary Conservation Areas

- Wetlands
- Floodplains (100-year) and alluvial soils
- Steep Slopes (greater than 25%)
- Natural areas/wildlife corridors

Secondary Conservation Areas

- Prime agricultural soils
- Steep slopes (15% - 25%)
- Woodlands

APPENDICES

STONEY CREEK BASIN PLANNING GROUP

<u>NEIGHBORHOOD</u>	<u>REPRESENTATIVE</u>	<u>ALTERNATE</u>
Colonial Hills	Steve Price 1801 Washington St. Hillsborough, NC 27278 732-2005	Kim Price 1801 Washington St. Hillsborough, NC 27278 732-2005
Joppa Oaks	Bobby Nicholson 2436 Lonnie Circle Hillsborough, NC 27278 732-8348	Kenneth Maynard 2439 Lonnie Circle Hillsborough, NC 27278 732-7142
NC 86 Area	Trudy Cuffe 3630 NC 86 South Hillsborough, NC 27278 732-7554	None
New Hope/ Powder Mill/ Bumphus Road	Michael Warner 100 Europa Drive Suite 250 Chapel Hill, NC 27514 383-8213 James Bumphus 4118 Bumphus Road Chapel Hill, NC 27514 383-4673	Trish Rafalow 4512 Powder Mill Rd. Chapel Hill, NC 27514 382-2950
Old NC 10 South	Gary Hanker 2622 Hoot Owl Drive Hillsborough, NC 27278 644-7199	John Ringland 2512 Hoot Owl Drive Hillsborough, NC 27278 644-2977
Stoney Creek	Meg McKean 3711 Stoneycreek Rd. Chapel Hill, NC 27514 Unlisted Number	Dan Kenan 3522 Bluestone Ct. Chapel Hill, NC 27514 732-4607
Strayhorn Hills	Dan Teichman 2310 Stagecoach Dr. Hillsborough, NC 27278 644-0874 David Yelton 3035 Carriage Trail Hillsborough, NC 27278 732-4672	Irene VanDyke 3015 Carriage Trail Hillsborough, NC 27278 732-8014
University Station Road Area	Curtis Bane 3809 University Station Rd. Chapel Hill, NC 27514 383-1559	None
Wyngate	Dean Zehnder 2121 Old Forest Dr. Hillsborough, NC 27278 644-8365	Thea Wilson 2108 Old Forest Trail Hillsborough, NC 27278 732-5421
Old NC 10 North	None	None
Stoney Creek Farms	None	None

STONEY CREEK BASIN PLANNING GROUP (CONTINUED)

<u>AGENCY</u>	<u>REPRESENTATIVE(S)</u>
At Large	Bob Strayhorn 2103 New Hope Church Rd. Chapel Hill, NC 27514 967-1467
	Dr. Angelaurelio Soldi 4317 Cedar Pass Chapel Hill, NC 27514 383-2853
	Lee Rafalow 4512 Powder Mill Rd. Chapel Hill, NC 27514 382-2950
Duke University	Judson Edeburn School of the Environment Duke University PO Box 90328 Durham, NC 27708 613-8014
Orange County School Board	Keith Cook 419 Calvary Ct. Hillsborough, NC 27278 644-1657
Economic Development Commission	Bob Hall 5706 Old Stony Way Durham, NC 27705 489-1931
Triangle Land Conservancy	Bill Bracey Arbor Realty 431 W. Franklin St. Chapel Hill, NC 27516 967-4116
Orange County Planning Board	Clint Burklin 3811 Stoneycreek Rd. Chapel Hill, NC 27514 732-4379
	Renee A. Price 1701 Riverside Dr. Hillsborough, NC 27278 383-5284
Orange County Commissioners	Dr. Stephen Halkiotis 1007 Panther Ct. Hillsborough, NC 27278 644-6863
	Don Willhoit 203 Lexington Rd. Chapel Hill, NC 27516 942-2571

Stoney Creek Basin Meeting Attendance

(3/16/95 - 4/18/96)

Name	1 3/16/95	2 4/6/95	3 4/27/95	4 5/18/95	5 6/15/95	6 7/20/95	7 8/17/95	8 9/14/95	9 10/19/95	10 11/16/95	11 12/14/95	12 1/25/96	13 2/15/96	14 2/28/96	15 3/14/96	16 4/4/96	17 4/18/96	TIMES ATTENDED	Attendance %
MEMBERS																			
Bane, C	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	86%
Bracey, B.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	29%
Bumphus, J.*									1			1	1	1	1	1	1	6	35%
Burklin, C.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	82%
Cook, K.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	9	53%
Cuffe, T.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4	24%
Edeburn, J.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	11	65%
Halkiots, Dr. S.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6	35%
Hall, B.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	82%
Hanker, G.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	29%
McKean, M.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	15	88%
Nicholson, B.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	12%
Price, R.**									1	1	1	1	1	1	1	1	1	6	35%
Price, S.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	8	47%
Rafalow, L.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16	94%
Rosemond, C**	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	12%
Soldi, Dr. A.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	82%
Strayhorn, B.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17	100%
Teichman, D.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14	82%
Warner, M.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	7	41%
Willhoit, D.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	3	18%
Yelton, D.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	12	71%
Zehnder, D.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	12	71%
ALTERNATES																			
Kenan, D.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	7	41%
Maynard, K.																		0	0%
Price, K.				1	1	1	1	1	1	1	1	1	1	1	1	1	1	5	29%
Rafalow, T.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	7	41%
Ringland, J.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	6%
VanDyke, I.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	13	76%
Wilson, T.																		2	12%

* James Bumphus was appointed as a representative late, and attended his first meeting in his new position on 10/19/95.

** Cherie Rosemond was replaced by Renee Price beginning at the 7/20/95 meeting.