

Date: April 12, 2005

To: Cal Horton -Chapel Hill Town Manager
Orange County Commissioners
Tara Fikes
Mr. Link -Manager Orange County
Mayor Foy
Chapel Hill Town Council

From: Doug Schworer – President Sunrise Coalition

We, the Sunrise Coalition, Inc. oppose the recommendation and approval of \$ 70,000 for Sunrise Ridge predevelopment cost from the 2005-2006 HOME program as submitted by Habitat for Humanity of Orange County (HHOC).

This memo is submitted as a public comment to agenda item 1-D HOME Program preliminary recommendation as publicly discussed at the Town of Chapel Hill budget meeting March 23, 2005. In accordance with the Chapel Hill Town Manager’s memo dated March 23, 2005 (Public Hearing: Preliminary 2005-2006 HOME Program), all comments submitted will be summarized and forwarded to HUD as part of the public comment process. We are requesting this document and all attachments be submitted to HUD in its entirety as part of the Consolidated Plan to HUD.

- 1. Memo dated October 12, 2004 to Town Council Members Chapel Hill, Re: Propose development off of Sunrise Road. From Dr. Band. (Attachment 1)
- 2. Letter dated January 13, 2005 to Mr. Link – Manager, Orange County, Subject Habitat for Humanity Sunrise Road Development Budgetary/Funding (Attachment 2)
- 3. Letter dated January 13, 2005 to Mr. Horton – Manager, Town of Chapel Hill Habitat for Humanity Sunrise Road Development Budgetary/Funding (Attachment 3)
- 4. November 4, 2004 petition submitted to the Town of Chapel Hill and signed by 197 surrounding neighbors. Signatures on file at Chapel Hill Town Hall. (Attachment 4)
- 5. Letter dated November 15, 2004 from The Brough Law Firm to Mr. John Terrell, President HHOC, RE: Sunrise Road Property. (Attachment 5).

In addition to the reasons submitted in the above referenced documents, we believe HHOC’s application itself lacks specific supporting documentation necessary for the Town of Chapel Hill, Orange County, and HUD to approve this \$ 70,000 application.

1. On March 23, 2005 neighbors of HHOC's Rusch Hollow development complained to the Chapel Hill Town Council that HHOC's building practices have caused significant problems in storm water run-off and failed septic systems, not to mention the destruction of the natural environment caused by clear-cutting the property. We have identified these same problems as likely consequences of HHOC's Sunrise Ridge development. We do not believe it prudent to provide any further funding for Sunrise Ridge until these complaints have been fully-investigated and addressed.

2. The application has no supporting documentation or evidence of how the design will meet HUD noise requirements as defined in Office of the Secretary, HUD §51.101 Subpart A-General Provisions §51.101 General Policy (a) It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence. In a funding request dated April 5, 2004 from HHOC to the Town of Chapel Hill, a request was made for \$ 2,500.00 to conduct an environmental study for HUD and \$ 4,000 for a noise study. Neither the HUD environmental nor the noise study results have been submitted with HHOC's application.

3. The application requests \$ 70,000 for predevelopment cost but lacks specific cost detail. The application does not have specific cost items or copies of supporting "bids" submitted by sub-contractors. HHOC's application does not provide any information about the review process for "competitive" bid selection and criteria or policies applied by HHOC for vendor selection.

4. The diagram submitted with the application is based on a "concept plan" that was presented to the Chapel Hill Town Council in October 2004 and is not representative of any approved application by the Town of Chapel Hill. No formal application or Special Use Permit (SUP) has been submitted to the Town of Chapel Hill for the development of this property. Therefore, the Town of Chapel Hill, Orange County, and HUD have no way to substantiate that this development will be approved or is a viable development. The applicant is requesting funds for a development based only on a concept plan. The Sunrise Ridge development has not been subject to the full Chapel Hill planning development process. A process that can take up to 18 months from application to approval.

5. The application lacks specifics about what 10 units will be developed. It only states, the first ten units. The application is predicated on the assumption that a SUP for this property will be approved. Our Coalition believes this request for predevelopment funding is premature. HHOC has not responded to public comments from the concept plan presentations to the Community Design Committee (CDC) and Town Council. The meetings were held in September and October 2004 respectively. Additionally, a petition was submitted in November 2004 to the Town of Chapel Hill signed by 197 surrounding neighbors opposing the 50 unit concept plan that was presented to the Town

Council. Without responses to these public meetings, conclusions from the studies and a concrete application, we the public do not know if any units will be approved for the property. Thus, the applicant is making the assumption that 10 units can be built and will not be impacted by the results of noise, soil, traffic, environmental studies or environmental constraints,

6. On May 10, 2004 the Town of Chapel Hill approved \$ 30,000 from the trust fund to be used as predevelopment cost for Sunrise Ridge. To date, HHOC has not submitted a request to be reimbursed for any of the \$ 30,000 the Town of Chapel Hill approved. The money was targeted for engineering cost, traffic study, noise study, and HUD environmental, surveying, and soil studies. We believe all studies identified in HHOC's April 5, 2004 letter to Cal Horton should be complete and make public prior to approving any additional funds for this project. The development process and corresponding expenditures should be tied to the completion of sequential steps (completion of studies) during the development process. These studies need to be made public so they can be independently validated. No additional expenditures should be committed until this validation has occurred.

7. At the April 26, 2004 Chapel Hill Town Council meeting finalizing the use of HOME and Community Development Block Grant funds, the committee concluded, "*When the project is closer to implementation funds could be considered*". Based on the above factors, we believe the project is no closer to implementation than it was in 2004 when the "affordable housing committee" reached this conclusion.

Our coalition does support using this \$ 70,000 to meet the immediate needs for correcting the problems identified by the Rush Hollow/Rogers Road surrounding neighbors of this development at the Chapel Hill Town Council March 23, 2005 budget meeting. We believe that HHOC should not be provided with funds for planning a new development until the Town, HHOC, and County have investigated and corrected all problems associated with the Rush Hollow/Rodgers Road project. Additionally, HHOC should be required as part of the Sunrise Ridge development to prove their development will not cause the same sorts of problems experienced by the Rush Hollow/Rodgers Road community.

- cc: Mike Brough – Brough Law Firm w/o attachments
- Chapel Hill News w/o attachments
- Daily Tar Hill w/o attachments
- Chapel Hill Herald w/o attachments

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From: Larry Band
3812 Sweeten Ck. Rd.
Chapel Hill, 27514
493-7546
lband@nc.rr.com

To: Town Council Members
Chapel Hill

Re: Proposed development off of Sunrise Rd.

10/12/04

I am writing with respect to the proposed development by Habitat for Humanity off of Sunrise Road. This letter is drawn from previous comment to the CDC. I am addressing potential environmental impact with respect to site drainage, vegetation, soils and wetlands, and implications for residents of the development, without commenting on the viability of the full project.

Presence of wetlands on the property

In December 2002, the Orange County Board of Supervisors considered a funding request from HOH to help with the purchase of the property. At the time the property was being considered for purchase, HOH had a local environmental consultant evaluate the property for development restrictions. The consultant found no major restrictions other than an intermittent stream (what is now mapped as the perennial stream on the property). However, a map provided to Orange County as part of the funding request by HOH suggests the site was not carefully reviewed. The map shows the stream as emanating from a pond on the Henry property, with the stream marked as a "dry creek bed." The "pond" is actually the Henry's front lawn, directly adjacent to Sunrise Road. Extensive wetlands surrounding the stream were also not mapped, nor were wet areas on the eastern end of the property. It is understandable that HOH personnel, having found what appeared to be a 17 acre developable parcel at an apparently low price, and not trained in environmental impact assessment, may not have recognized the more severe limitations of the site at this time. They were made aware of the property and considered its potential at the end of the extreme drought that ended in Fall 2002, at which time the property was likely at its driest state in decades. It should be noted that previous developers had evaluated the property and decided not to go forward with development.

In response to local residents (and others) pointing out inconsistencies with the first representation of the property filed with Orange County, HOH had a second consultant come in to map wetlands. The second HOH consultant mapped extensive wetlands around the perennial and intermittent streams, and these maps were used in presentations for the design charrette HOH ran last year. While I have no direct knowledge of the criteria the consultant used for wetland designation, the presence of numerous soil

borings and my knowledge of the site suggest wetlands were mapped on the basis of evidence of high water tables and surficial soil properties that show features of extended periods of saturation.

Subsequently, and also after requests from the town and local residents, HOH requested the US Army Corps of Engineers to evaluate the site for regulatory wetlands. The USACE interpretation was less extensive than the HOH consultant mapping, restricting wetland interpretation to a set of areas around the perennial stream and a pocket in the eastern section bordering the Potted Plant. The USACE is charged with protecting navigable waters, and as part of that has an interest in watershed and wetland protection. The definition of "regulatory wetlands" used by the USACE requires evidence of site inundation, soil saturation and wetland vegetation. Wetlands are more likely to be regulated if they are directly connected to perennial stream channels. Other agencies (e.g. Fish and Wildlife) do not have as restrictive criteria. However, the site is still seasonally wet, with the presence of areas that are inundated to depths of 6" and extensive evidence of seasonally high water tables.

Note that the area is mapped on the Orange County Soil Report as Appling Silt Loam (as represented on the HOH submission to the CDC). The Appling is considered suitable for urban development. However, the Appling occurs in association with the Helena silt loam, another soil that is poorly drained with high seasonal water tables, and is considered to be severely restricted for urban development. Soil maps typically contain a set of soil series included in any "mappable unit," but with the soil designation as that soil covering the largest area. A soil unit mapped as Appling can also contain a set of other soils, such as Helena, just as a soil unit mapped as Helena can contain sections with Appling soils. The types of soils in the eastern end of the property and particularly around the intermittent stream, mapped by the second HOH consultant, are consistent with the Helena soil. These can pose both important constraints to development, and potentially ongoing problems for residents. One of the stormwater detention ponds is sited directly in one of the seasonally inundated areas, and this can lead to significant reductions in the effectiveness of this facility without extensive fill and drainage engineering. While this area has been declared "high and dry," clear evidence of seasonal inundation, saturated soils and seepage are present.

The Appling soil is predominantly present in the broad slope towards the central part of the property, and this is a good area for development. This is the area that is "high and dry."

Intermittent stream designation

As part of the LUMO requirements for perennial and intermittent stream designation, in 2003 the town engineer determined the presence of the perennial stream entering the property from across Sunrise Road, and another short section of intermittent stream in the eastern end of the property (see the attached map). Last spring, HOH, with a new consultant, requested the town reconsider its interpretation of the intermittent stream

designation for the reach on the eastern end of the property. Another inspection by the town engineer found the reach to have channel and site properties sufficient for intermittent stream designation, but to be disconnected from the drainage network. On this latter basis, the intermittent designation was removed. This interpretation may still be questionable as a section of LUMO does account for special cases of urban streams that are disconnected from downstream sections due to disturbance, sedimentation, and other features characteristic of streams in developed areas. This section was added to the LUMO in recognition that these streams still perform important functions in retaining sediment, nutrients and other contaminants. Inspection of the disconnected portion of the stream shows that it becomes diffuse in an area that was previously developed either as a terrace, stocking pond or roadway when the area was farmed (the remnants of a retaining wall are present), with the area just below this adjacent to and disturbed by construction of I-40. It appears that this reach meets the standards of the LUMO and is very similar to a designation of the intermittent reach draining into Morgan Creek, specifically considered by Council.

Any stream can technically be piped or filled, but the recent LUMO seeks to control these practices. Even if the reach is not formally designated an intermittent stream due to interpretation of its connectivity to the perennial stream, it is still a wet swale with a channel running through it and high groundwater tables. At best, the area might be used as a swale drain BMP for stormwater management.

Removal of forest stands

The dominantly loblolly pine stand, which is estimated to be 40-50 years old will be clear cut in the current plans. There is nothing remarkable or uncommon about this stand – its extent is shown in the aerial photograph, below. However, while clear cutting the stand is to a great extent necessary for the current design, it will increase runoff. This is the drainage area of the intermittent stream. The pine stand currently evaporates significant amounts of water, with the evergreen trees functioning throughout the year. Replacement of the stands with turf and pavement would significantly reduce evaporation, leaving the remaining water as increased runoff and wetness in the low lying areas of the already wet portions of the eastern end of the property. This is not to argue that tree removal should not take place, but points out that it may augment the saturation levels around the swales and low lying areas.

Finally, I point out that nesting a residential development, and specific residences, in the midst of a set of wetlands (regulatory and non-regulatory) and seasonally wet pockets has the potential to create a mosquito exposure problem with associated health hazards. It is important to consider elements of the development not only in terms of off site effects, but also in terms of on site effects for the residents. There may be a greater responsibility to avoid these problems for assisted housing developments. Unfortunately, these developments are often sited in substandard locations as property costs are lower, or they are extended into areas that are marginal for development to maximize development

(21)

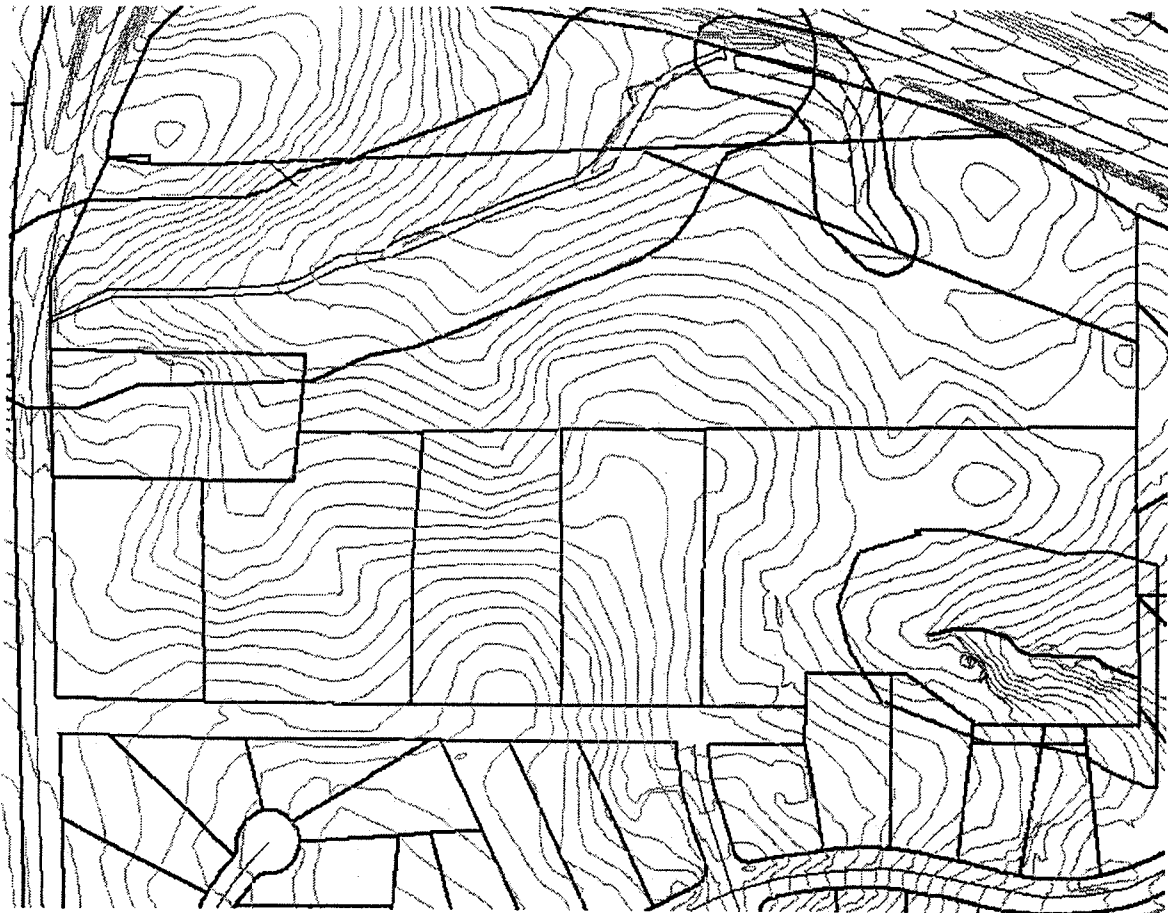
numbers. However, the net effect of locating communities in these settings is often to (unintentionally) set a lower standard for where people in assisted housing may live, and create potential problems in terms of exposure and ongoing structural (foundation and drainage) maintenance requirements. It is important to consider the legacy and precedence set by siting affordable housing in areas of lower quality.

As you are well aware, affordable housing is a very significant issue in communities like Chapel Hill and is not simple or inexpensive to solve. Solution should not be based simply on finding inexpensive land, but on a set of criteria that promotes viable, healthy communities. The current issue is complex and multi-faceted. I wish you the best in deciding on this particular case and in planning for future solutions. As always, I am happy to speak further with you regarding these issues.



Aerial photograph of the site with parcel boundaries. The loblolly stand can be seen in the eastern half of the property.

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Perennial and intermittent drainages with approximate set backs. The red line is the approximate extent of the 67 db contour. The lower end of the intermittent drainage ends in a swale just above, and partially buried by construction for, I-40.

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Attachment 2

SC, Inc.
P.O Box 16722
Chapel Hill, N.C 27514
919 401-3554

January 13, 2005

Mr. J. Link
County Manger - Orange County
200 South Cameron St.
Hillsborough, N.C 27278

Chapel Hill, N.C 27516

Subject: Habitat for Humanity Sunrise Road Development
Budgetary/Funding Request

Dear Mr. Link:

It is our understanding that Habitat for Humanity of Orange County (HHOC) will be requesting funds to either cover predevelopment or development costs of their Sunrise Road (Sunrise Ridge) property. In October 2004, HHOC presented a concept plan to the Town Council. This plan included 50 dwelling units.

As is well documented, the Sunrise Coalition has many concerns with HHOC's plan. Some of our concerns were expressed independently by members of the Community Design Commission during their two meetings concerning this project.

We are most concerned about the number of proposed units and the lack of buy-in and support from the surrounding community. At the November 4, 2004 Town Council meeting, our coalition presented a petition signed by 197 surrounding neighbors. This petition clearly demonstrates lack of support for the concept plan presented by HHOC. The petition included signatures from all adjacent property owners, as well as many neighbors living within 2,000 feet of the proposed development. The number of signatures and the quality of the comments by surrounding neighbors clearly shows that, despite rhetoric to the contrary, the neighbors do not support Habitat's Sunrise Road project as submitted.

We believe:

1) any request from HHOC for additional public funding would be premature until HHOC produces a revised concept plan that addresses the concerns expressed by the Sunrise Coalition and Community Design Committee(CDC); files a formal application; and obtains an approved site plan and necessary permits.

2) public funding should not be provided prior to the approved site plan given the fact that the Town of Chapel Hill and Orange County are the regulatory authorities that in fact will be approving the site/development plans. The public record will show that the Sunrise Coalition has been concerned for over two years about the legal issue of the Town and County funding a project for which they will eventually review in a quasi-judicial hearing.

As has been stated many times, publicly and privately, the Sunrise Coalition is not opposed to affordable housing and could support a project on Sunrise Road. The core issue is density. The Coalition has been attempting--so far without success--to enter into a series of meetings and/or mediation concerning our differences with Habitat, and we sincerely hope that Habitat will reconsider their refusal to enter into a productive dialogue with us.

If you have any questions, I can be reached at 919 401-3554.

Sincerely,



Doug Schworer

cc: Mayor Foy
Chapel Hill Town Council
Chapel Hill Planning Department
Cal Horton - Town of Chapel Hill Manager
Orange County Commissioners
Mike Brough - Brough Law Firm

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Attachment 3

SC, Inc.
P.O Box 16722
Chapel Hill, N.C 27514
919 401-3554

January 13, 2005

Mr. C. Horton
Town of Chapel Hill Manager
306 N. Columbia Street
Chapel Hill, N.C 27516

Subject: Habitat for Humanity Sunrise Road Development
Budgetary/Funding Request

Dear Mr. Horton:

It is our understanding that Habitat for Humanity of Orange County (HHOC) will be requesting funds to either cover predevelopment or development costs of their Sunrise Road (Sunrise Ridge) property. In October 2004, HHOC presented a concept plan to the Town Council. This plan included 50 dwelling units.

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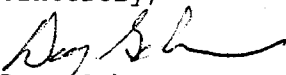
As you prepare your budgets for the upcoming years, the Sunrise Coalition, Inc. is requesting the following:

1) That no public funds from the Town of Chapel Hill, from Orange County, or from Bonds issued by Orange County or the State of North Carolina on behalf of Orange County, or federal funds be budgeted, authorized or otherwise approved for the Sunrise Road HHOC development until HHOC has sufficiently documented that the surrounding community supports their plan,

2) That no additional public monies be budgeted, authorized, or otherwise approved for Habitat's Sunrise Road project until Habitat has submitted a final plan application and site plan/zoning permits have been approved and issued by the Town of Chapel Hill.

As has been stated many times, publicly and privately, the Sunrise Coalition is not opposed to affordable housing and could support a project on Sunrise Road. The core issue is density. The Coalition has been attempting--so far without success--to enter into a series of meetings and/or mediation concerning our differences with Habitat, and we sincerely hope that Habitat will reconsider their refusal to enter into a productive dialogue with us.

If you have any questions, I can be reached at 919 401-3554.

Sincerely,

Doug Schworer

cc: Mayor Foy
Chapel Hill Town Council
Chapel Hill Planning Department
John Link - Manager Orange County
Orange County Commissioners
Mike Brough - Brough Law Firm

ATTACHMENT 4

(2)

November 8, 2005
Town of Chapel Hill
Council Meeting
AGENDA # 3b(1)

November 4, 2004

To: Mayor and Town Council:

From: Doug Schworer

On November 8, 2004 you will be asked to vote on a request by Habitat For Humanity of Humanity (HHOC) for an expedited review of the Sunrise Ridge plan. In a memo dated November 8th, the Town Manager recommends adopting the petition for expedited processing of special use permit application for the Sunrise Road Habitat for Humanity Development. The Sunrise Coalition along with many of the surrounding community residents oppose both the concept plan and approval of adopting this petition.

At the October 18th Town Council meeting the Sunrise Coalition requested mediation as a means to develop a modified plan that will addresses concerns that have been well documented by members of the surrounding community. We believe that now is the correct time for mediation as it allows the greatest flexibility to the concept and the least amount of cost to the applicant, the Town of Chapel Hill, and the committees who will be reviewing these plans. During this same meeting, the Council questioned the level of support for the Sunrise Coalition, and the level of opposition to the concept plan from the surrounding neighborhoods, implying that there was not enough neighborhood buy-in to even consider mediation as requested by the Coalition.

The Sunrise Coalition will be presenting a petition on November 8, signed by members of the Coalition, property owners living within 1,000 – 1,500 feet of the property, and other concerned citizens. The signatures on this petition attest to the fact that a very high percentage of the immediate neighbors to the proposed project oppose the 50 dwelling concept plan that was presented. We believe the signatures on our petition also show overwhelming support for mediation as a vehicle to address the numerous problems associated with this concept plan. Finally, the petition does not support approval of an expedited processing of this special use permit, because there are too many serious issues associated with this concept plan that must be thoroughly studied and addressed before moving forward. There is a risk that expediting the process will cause many of these issues to be overlooked. The petition is worded as follows:

"We, the undersigned, oppose the concept plan that Habitat for Humanity of Orange County presented to the Chapel Hill Town Council on October 18 for a 50 unit development off Sunrise Road. There are many serious problems associated with this design. These issues were raised at the CDC review of the project and make such a high density design undesirable on this piece of land. Because of the complexity of the issues, we do not support HHOC's request for an expedited review. Furthermore, we fully support the Sunrise Coalition's efforts to date regarding this project, and would support their mediation with HHOC on the neighbors' behalf."

197 Signatures on File
Town of Chapel Hill

THE BROUGH LAW FIRM

1829 E. FRANKLIN STREET • SUITE 800-A
CHAPEL HILL, NORTH CAROLINA 27514
TEL (919) 929-3905 • FAX (919) 942-5742

(2)

MICHAEL B. BROUGH
WILLIAM C. MORGAN, JR.
G. NICHOLAS HERMAN
ROBERT E. HORNIK, JR.
T.C. MORPHIS, JR.

brough@broughlawfirm.com
morgan@broughlawfirm.com
herman@broughlawfirm.com
hornik@broughlawfirm.com
morphis@broughlawfirm.com

November 15, 2004

Mr. John Terrell, President
Habitat for Humanity of Orange County, NC
Post Office Box 459
Hillsborough, North Carolina 27278

Re: Sunrise Road Property

Dear Mr. Terrell:

The purpose of this letter is to request that Habitat participate with the Sunrise Coalition in mediation, in an attempt to come to an agreement on a development proposal that can be supported by the neighborhood. Enclosed is a copy of a petition signed by 197 residents of the surrounding community, all stating that they are opposed to the concept plan that Habitat has submitted for a 50-unit development, and supporting the Sunrise Coalition's efforts in general and the attempt to engage Habitat in mediation in particular.

The type of mediation I envision would be similar to that which is required across the State when lawsuits are filed in superior court. The parties meet with a trained mediator in an attempt to resolve their differences and find common ground. My experience is that mediation of this sort often resolves a dispute, even under circumstances when, going in, the parties expectation of success is very low. In many cases, when each party understands what the others' concerns are, solutions can emerge that had not previously been considered.

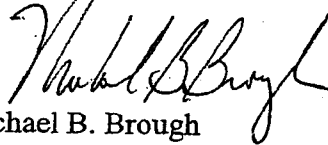
The advantage of mediating now, rather than in the context of litigation, is that a reasonable compromise can be reached at this stage in a manner that is far less costly to both parties than would be the case following the initiation of litigation. In short, since mediation is almost certain to occur sooner or later, both parties have nothing to lose and everything to gain by engaging in this process sooner rather than later.

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I appreciate your consideration of this request, and look forward to hearing from you.

Sincerely,

THE BROUGH LAW FIRM



Michael B. Brough

MBB:las

cc: Susan Levy
Doug Schworer

③

From: DSchworer@aol.com
Sent: Monday, March 21, 2005 5:10 PM
To: edithwiggins@nc.rr.com; vfoushee@co.orange.nc.us
Cc: tfikes@co.orange.nc.us; Loryn Barnes; raleighconservatory@earthlink.net;
richard.surwit@duke.edu; mnelson@northcarolina.edu; sherman@nc.rr.com; alucier@ncasi.org
Subject: HHOC \$ 70,000 HOME APPLICATION

Date: March 21, 2005

To: Council Member Wiggins
Commissioner Foushee

Subject: Habitat for Humanity of Orange County (HHOC) Funding for Sunrise Ridge

We received and have reviewed the Town manager's memo dated March 23, 2005 with the recommendations for allocating 2005 HOME funds. We believe the affordable housing committee acted correctly and applied HUD General policies (see below) when the application by HHOC for \$ 70,000 to cover Sunrise Ridge predevelopment cost was not supported or recommended.

Several years ago, as part of the I-40 widening NC DOT conducted a noise study. The results of this study were published in the Categorical Exclusion. Data from this study has been provided to HHOC, Town of Chapel Hill and Orange County. Using the study data, we have concluded that much of the buildable area of the Sunrise Ridge property is subject to noise levels over 65 dba. An average day/night level reading which HUD deems unacceptable for residential housing. According to HUD general policies, EPA recommends 55 dba as a goal for outdoors or residential use.

At the September 2004 Community Design Committee (CDC) concept plan presentation for this development, a citizen presented a matrix using noise data from the NCDOT study and concluded many of the triplexes and duplexes were being built in areas exceeding 65 dba. The matrix associated a specific noise level to each triplex and duplex. HHOC opted to discount the noise issue and presented the same 50 unit concept plan to the Town Council in October 2004.

Any Sunrise Ridge property design must take into consideration Federal, State, and Local noise policies and guidelines. In addition, the developer must consider how their design and implementation will effect noise levels on surrounding property owners. HHOC publicly stated at the February 14th Town Council meeting they were conducting a noise study. HHOC should disclose the results of this study in a timely fashion.

We believe no Federal/State/Local or Trust funds should be provided to HHOC until they meet the criteria as outlined in our January 13, 2005 to both Mr. Link and Mr. Horton.

Doug Schworer
Sunrise Coalition
919 401-3554

HUD GENERAL POLICY

Office of the Secretary, HUD §51.101

4/1/2005

(32)

Subpart A-General Provisions

§51.101 General Policy

(a) It is HUD's general policy to provide minimum national standards applicable to HUD programs to protect citizens against excessive noise in their communities and places of residence.

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(7) HUD support for new construction. HUD assistance for the construction of new noise sensitive uses is prohibited generally for projects with unacceptable noise exposures and is discouraged for projects with normally unacceptable noise ensure, (Standards of acceptability are contained in § u.1Q3(c).) This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, manufactured home parks, nursing homes, hospitals, and all programs providing assistance or insurance for land development, redevelopment or any other provision of facilities and services which are directed to making land available for housing or noise sensitive development.

(8) Exterior noise goals. It is a HUD goal that exterior noise levels do not exceed a day-night average sound level of 55 decibels. This level is recommended by the Environmental Protection Agency as a goal for outdoors in residential areas. The levels recommended by EPA are not standards and do not take into account cost or feasibility. For the purposes of this regulation and to meet other program objectives, sites with a day-night average around level of 65 and below are acceptable and are allowable (see Standards in §51,103(o)) §51.102

