



Resolution #20211011-6.B

## RESOLUTION

### Amending the Collins Ridge Master Plan Affordable Housing & Greenway Conditions

**WHEREAS,** The Hillsborough Town Board approved the Master Plan authorizing the development of the neighborhood named Collins Ridge on September 28, 2015; and

**WHEREAS,** Condition Three of the approval resolution detailed the developer's offer to provide for affordable housing within the community to be built by CASA on land donated by the developer; and

**WHEREAS,** The North Carolina Housing Finance Agency's highly competitive Low-Income Housing Tax Credit program is the primary funding source CASA pursues for new construction projects; and

**WHEREAS,** The Program has specific requirements for applicant parcels including distances from interstate highways, railroads, and overhead transmission lines; and

**WHEREAS,** The developer and CASA worked together to identify a workable three-acre tract within the neighborhood that is well-qualified to receive Low-Income Housing Tax Credits, but that site has been determined to be unsuitable to qualify for the Low-Income Housing Tax Credit program; and

**WHEREAS,** The developer and CASA have identified a substitute tract that meets the Program's spacing requirements, is adjacent to Collins Ridge, and can be designed and integrated into the Collins Ridge neighborhood;

**WHEREAS,** The developer and CASA have jointly requested the Town Board to amend Condition Three of the Collins Ridge Master Plan to allow the approximate 3.5 acre tract adjacent to Collins Ridge (as shown on the sketch plan attached to this Resolution; the sketch is intended only to show the location of the 3.5 acre tract and proposed road connections, but not actual site design) meet the affordable housing commitment of the developer. This 3.5 acres sites meets CASA's approval;

**WHEREAS,** Condition Six (f) of the approval resolution detailed the developer's offer to provide walking and biking trails in the neighborhood. A portion of that trail was proposed to be located within the Duke Energy transmission line that bisects the project. Duke Energy has declined to allow this improvement within their right of way;

**WHEREAS,** The Developer has provided the attached sketch plan proposing an alternative trail location that is acceptable in concept to the town as the trail has not been designed; and

**WHEREAS,** The Master Plan approved in 2015 authorized 950 market-rate dwellings in Collins Ridge. This modification does not change the market-rate unit authorization.

**NOW, THEREFORE,** be it resolved the Hillsborough Board of Commissioners amends Condition Three of the Collins Ridge Master Plan to read as follows:

3. Affordable Housing.

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The Collins Ridge Master Plan provides for a range of housing types at varying price points. The availability of single-family homes, townhomes and multi-family units is naturally conducive to affordable housing as these varying home types and sizes will appeal to residents with a range of incomes and housing needs.

In order to provide additional opportunities for housing for Low-Income Households (“Affordable Housing”), as defined by the North Carolina Housing Coalition below, the developer shall offer to donate and convey without charge at least three (3) acres of land available to support eighty-eight (88) multi-family dwellings to CASA or its assignee at a mutually agreeable location with a deed restriction ensuring the property will be used for Affordable Housing for Low-Income Households (“Affordable Housing Property”). Specifically, the deed into CASA for the Affordable Housing Property shall require each of the following: (i) the parcel be used for a minimum of sixty (60) and a maximum of eighty-eight (88) Affordable Housing units, including but not limited to Veterans with Disabilities; (ii) CASA, or its assignee, shall accept all types of rental subsidies; (iii) CASA, or its assignee, will apply for federal and/or state funding for construction within two (2) years of receipt by CASA of fee title to the property; (iv) that CASA will use its best efforts to obtain funding for construction of rental units as described above; and (v) if CASA has not received at least one building, grading or other related construction permit on the fifth (5<sup>th</sup>) anniversary of the date CASA takes ownership of the Affordable Housing Property, ownership of the parcel shall, at the Town of Hillsborough’s formal written request and at no cost to the town of Hillsborough, be transferred to the Town of Hillsborough. The Developer shall provide the Town with a copy of the recorded deed of the property conveyed to CASA within thirty (30) of recordation on the deed.

The developer and CASA may agree to a different location (as generally depicted on the attached sketch plan) for the Affordable Housing Property outside the boundary of Collins Ridge as shown on the current Collins Ridge Master Plan if such location better meets the criteria of the Low-Income Housing Tax Credit program. In that event, the declaration of restrictions and covenants for Collins Ridge must specifically and irrevocably include the substitute location so residents of the Affordable Housing Property have full rights as if they were residents within the Collins Ridge. Deed restrictions shall also be applied to the substitute parcel to ensure the conditions listed in paragraph 2 above, the commitment of CASA or its assignee to pay a fair share of the assessments and dues to the association, and the commitment of CASA or its assignee to participate and maintain membership in the association.

The developer of Collins Ridge, and its successors or assigns, shall ensure that the Affordable Housing Property, whether on-site or off-site, has vehicular and pedestrian access to public streets and on-site access to all public utilities that are available to the remainder of the Collins Ridge Community. The design and location of such vehicular and pedestrian access must be approved by the Town under the specified review process at the time of review. CASA or its assigns commits that the design of amenities and landscape features on the Affordable Housing Property shall be consistent with and of quality and quantity equal to all other parcels in Collins Ridge. The Affordable Housing Property shall be conveyed to CASA at no cost by December 31, 2021.

The developer of Collins Ridge shall ensure that the Affordable Housing Property to be conveyed to CASA (or its assignee), or to the Town of Hillsborough in the event that CASA has not received its first construction permit by the fifth anniversary date of the date CASA takes ownership of the Affordable Housing Property, shall be fully integrated into the Collins Ridge Community so that residents of Affordable Housing units shall have access to all amenities in Collins Ridge on the same basis and to the same extent as all other residents of Collins Ridge.

CASA, or its assignees, shall be responsible for constructing, managing and maintaining the dwelling units, including submitting and obtaining development approval for development of the site.

The definition of the term “Low-Income Households” is derived from the North Carolina Housing Coalition and set out in its entirety below.

**Low-Income Household(s)** – Household(s) whose income does not exceed Eighty Percent (80%) of the median income for the area as determined by HUD.

**BE IT FURTHER RESOLVED**, the original Master Plan limit of 950 market rate dwelling units remains in effect for the Collins Ridge property.

**BE IT FURTHER RESOLVED**, the Hillsborough Board of Commissioners amends Condition Six(f) of the Collins Ridge Master Plan to read as follows:

f. Walking/Biking Trails. The developer shall construct at least 6,000 linear feet (1.1± miles) of walking/biking trails, in addition to sidewalks. Walking/biking trails shall be constructed generally as shown on the "Collins Ridge Multi-Use Path Map", dated October 1, 2021 and part of the October 11, 2021 amendment to the master plan. The final path alignment shall be shown on construction drawings reviewed and approved by the Town of Hillsborough prior to trail development. The developer and the Town may agree to minor trail location modifications that provide a superior product for the town prior to development. Walking/biking trails shall be at least ten feet (10') wide and constructed of asphalt in accordance with Town of Hillsborough greenway standards, including the Access Board Guidelines. Walking/biking trails located within the perimeter buffer of Collins Ridge shall be dedicated to the Town of Hillsborough and accepted by the Town of Hillsborough for maintenance. This trail shall be constructed and ready for dedication prior December 31, 2027.

Approved this 11<sup>th</sup> day of October 2021.

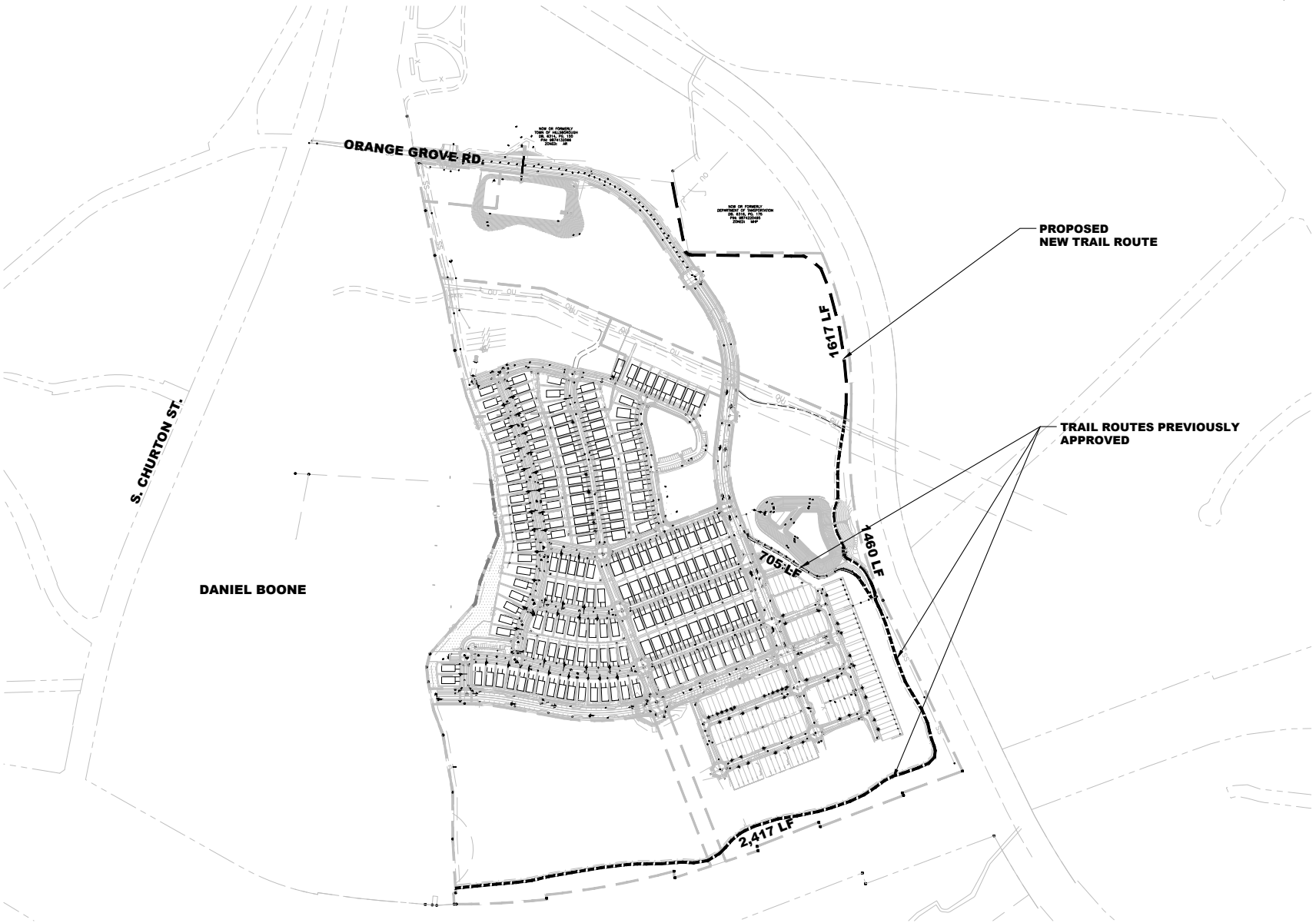


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Jenn Weaver, Mayor  
Town of Hillsborough



TOTAL LENGTH OF TRAIL AS SHOWN - 6,199 LF



October 1, 2021

**CRITERIA  
DEVELOPMENT**

**COLLINS RIDGE  
MULTI-USE PATH  
EXHIBIT**