



Agenda Action Form Overview

The Board is requested to approve the acceptance of an 8.2-acre conservation easement donation from James Tcheng and Marianne Powers at 5824 Garrett Road (REID 136160) for the purpose of permanently protected open space.

Background/Justification

Since the early 1990s, Durham County's Open Space Program has worked to enhance environmental and community well-being by protecting natural landscapes, conserving habitats, wildlife corridors, farmland, forestland, and cultural resources, and safeguarding biodiversity. To date, Durham County has protected 4,167 acres of land—1,450 acres owned outright, and 2,717 acres protected through 37 conservation easements.

The proposed 8.2-acre conservation easement at 5824 Garrett Road is located in southwest Durham County within a residential neighborhood. The property includes a 1-acre pond, two streams totaling 760 feet, approximately 6.5 acres of woodland, and 0.75 acres of open field surrounding the pond. Wildlife sightings on the property include a nesting pair of great blue herons, as well as deer, foxes, flying squirrels, and a variety of birds and waterfowl.

The parcel lies within the Falls of the Neuse/Jordan Lake Protected Area and contributes to water quality by filtering runoff that flows into New Hope Creek and Jordan Lake, a regional drinking water source. The easement will:

- Prohibit subdivision of the parcel
- Limit impervious surfaces to a small maintenance shed
- Restrict tree removal to diseased, damaged, or hazardous trees
- Protect large trees and tree canopy
- Preserve wildlife habitat
- Safeguard riparian areas and stream buffers

In June, staff from the [NC Natural Heritage Program](#) visited the property, documented a variety of plant and animal species, and affirmed the ecological value of protecting this tract. (*Report included as Attachment.*)

The landowners, James Tcheng and Marianne Powers, will retain ownership and manage the property for wildlife habitat. While the property will not be open to the public at this time, the owners are considering long-term options for future ownership and potential public access.

The Durham Open Space and Trails Commission (DOST) voted unanimously to support the County's acceptance of this conservation easement at their September 17 meeting.

Policy Impact

This land protection project aligns with several County policy priorities:



Strategic Plan Goal 4: Environment – Protect natural resources and support and promote community and economic viability for all residents of Durham County, through the Natural Resource Stewardship and Protection Objective.

- The 2023 Durham Comprehensive Plan includes policies to preserve significant natural areas, habitats, wildlife corridors, and drinking water sources.

Policy 78 Ensure that a minimum of 30% of the land area of Durham County is placed in permanent conservation by 2050. Encourage permanent conservation of land, especially publicly owned land, that is most suitable for permanent protection, such as natural heritage areas, forested tracts, and bottomlands.

Policy 79 Protect Durham’s most ecologically sensitive natural areas (including floodplains, wetlands, wildlife habitats, unique plant communities, hillsides, drinking water sources, critical watersheds, and natural heritage areas) from the impacts of development.

Policy 86 Protect Durham’s drinking water sources. Ensure that all residents have access to clean drinking water following equitable investment in water infrastructure. Protect water sources that provide drinking water for adjacent counties.

Policy 98 Encourage the creation and preservation of natural wildlife habitat and natural plant communities, particularly for pollinators and birds, on both public and private land.

Procurement (Acquisition) Background

n/a

Fiscal Impact

The owners’ donation is a generous commitment, with the estimated value of the easement at approximately \$480,000. Durham County’s only anticipated costs are related to closing and title work, estimated at no more than \$5,000. These expenses can be covered by existing funds in the Open Space and Real Estate Division’s operating budget, and no additional funding is requested.

County Manager’s Recommendation:

The County Manager recommends that the Board approve the acceptance of an 8.2-acre conservation easement donation from James Tchong and Marianne Powers at 5824 Garrett Road (REID 136160) for the purpose of permanently protected open space.