



Chatham County Planning Board Agenda Notes

Date: June 4, 2019

Agenda Item: VII-1

Attachment #: 10

- Subdivision**

 Conditional Use Permit

 Rezoning Request
 Other:

Subject:	Request by David Johnson for subdivision First Plat review of Fern Creek Subdivision Section II , consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, SR-1714, parcel #80855.
Action Requested:	See Recommendation
Attachments:	<ol style="list-style-type: none"> 1. Major Subdivision First Plat Application 2. Aerial of Parcel 80855 3. Report from the Chatham County Historical Association 4. Notification to Chatham County Schools 5. Copy of Environmental Documentation Submittal 6. Letter from North Carolina Department of Natural and Cultural Resources, Natural Heritage Program, dated January 25, 2019 7. Community Meeting Report Form dated December 27, 2018 8. Detailed Soil Scientist Report, Soils Map, and approval from Thomas Boyce, Chatham County Environmental Health, R. E. H. L., L. S. S. 9. Riparian Buffer Report, dated March 13, 2019 10. First Plat titled 'Fern Creek Subdivision Section II', prepared by McKim & Creed, dated 10/31/18

Introduction & Background:	
Zoning:	R-1
Water System:	Individual Well
Sewer System:	Private on-site septic and repair areas
Subject to 100 year flood:	No floodable area
General Information:	The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. The applicant has completed the community meeting and the Concept Plan review. The minimum lot size requirement for the project is an average of five acres with no lot smaller than 3 acres. The Planning Board has two (2) meetings in which to act on the proposal.

Discussion & Analysis:

The request is for First Plat review and recommendation of Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, S. R. 1714. An aerial showing the property location, attachment # 2, is included in the agenda packet. Per the Subdivision Regulations, Section 5.2C(4), a Public Hearing shall be held at the first Planning Board meeting to receive comments on the proposed subdivision. Item (b) states that following the Public Hearing, the Planning Board shall review the proposal, staff recommendation, and public comments and indicate their recommendation for approval, disapproval or approval subject to modifications. As stated above, the Planning Board has two (2) meeting to act on the proposal.

This request is to create four additional lots off of Fern Creek Trail that will be accessed by a county standard private road as provided in Section 7.2 D(1)(b) in the Subdivision Regulations. To use this option requires that the lot sizes average 5 acres in size with no lot containing less than three acres. All of the lots proposed with this request are greater than 5 acres. The private road provision allows for lots in a subdivision to be accessed by a private road meeting the design criteria in Section 7.2 D(3) that include a 60' right-of-way, 18' wide travel way width, and other standards that require verification from a licensed professional engineer. Fern Creek Trail ranges in width from 16' to 18' and the developer will have to upgrade the existing road to meet the design criteria. The developer has indicated that the project engineer has evaluated the existing road and determined that the road construction meets the road construction standards, with the addition of approximately 2 feet of additional compacted gravel in certain areas.

In 2005 Mr. Johnson submitted a variance request to the Board of Commissioners that Running Deer Trail, which accesses Fern Creek Trail, not be upgraded to the county private road standard. The request was submitted as part of a request for a four lot minor subdivision that lead to the extension of Fern Creek Trail. The Board of Commissioners approved the variance and allowed Mr. Johnson to subdivide 4 lots off of Fern Creek Trail, which was completed in 2006.

Roadways: Fern Creek Trail right-of-way is 60 feet wide, portions of the travelway are currently range between 16 and 18 feet wide. The travelway shall be 18 feet wide consistently from the beginning of Lot 5 to the end of Lot 8 and shall be unobstructed. The developer, voluntarily, will widen the travelway to 18 feet wide to the cul-de-sac, north of Lot 8. The design and construction of the private road shall be certified by a licensed engineer. A road maintenance agreement shall be provided prior to final plat.

Historical: The applicant contacted Bev Wiggins, Chatham County Historical Association. There are no old structures or cemeteries on the property per the applicant, if old structures or gravesites are found Ms. Wiggins asked to be contacted. No additional historical information was received.

Schools: Notification of the proposed development was provided to the Chatham County School System. See attachment # 4.

General Environmental Documentation: The developer submitted the General Environmental Documentation and a letter, dated January 15, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to the Chatham County Watershed Protection Department for review (see attachments 5 & 6). The letter states “A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists.” Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

Community Meeting: A community meeting was held on December 27, 2018 at The Well Community Church, 130 Farrar Circle, Pittsboro. Three people attended the meeting. Items/issues discussed were about an easement not related to this project and there were no issues from others in attendance.

Technical Review Committee: The TRC met on May 15, 2019 to review the First Plat submittal. The developer was present. Items discussed included public hearing for the First Plat submittal, financial guarantee process, widening the travelway, and the cul-de-sac radius. Billy Judson, Chatham County Deputy Fire Marshal, asked for documentation for the gravel compaction and Mr. Johnson stated he will provide it.

Septic: A soils report and map, attachment #8, was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were sufficient for a First Plat review.

Water: County water is not available and the lots will be served by private wells.

Road Name: The road name Fern Creek Trail has been approved by Chatham County Emergency Operations Office. Fern Creek Trail is an existing road and the name was approved in 2006.

Water Features: Julie Davidson of Agri-Waste Technology, Inc. identified two (2) ephemeral streams, one (1) intermittent stream, and two (2) perennial streams. Drew Blake, Chatham County Watershed Protection Inspector reviewed the site on March 11, 2019, changes were made to the findings. All parties agreed to remove two (2) ephemeral streams. Ephemeral stream #1 was a relict erosional gully that was heavily covered with pine straw and showed no recent flow and ephemeral stream #2 lacked a defined channel. Mr. Blake issued a confirmation letter dated March 13, 2019, his findings are one (1) intermittent segment and two (2) perennial segments (see attachment #9).

Stormwater and Erosion Control: Since the project does not meet the land disturbance threshold for stormwater controls none are required for this project.

Site Visit: Site visits were scheduled for May 9 and 14, 2019 for Planning Department staff and various Board members to attend. David Johnson was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the intermittent and perennial streams and a barn. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamnc.org/planning, Rezoning and Subdivision Cases, 2019.

Plan Chatham Evaluation:

Plan Chatham was adopted by the Board of Commissioners in November 2017 and is a comprehensive plan that provides strategic direction to address the most pressing needs in the county. This property is located in an area of the county identified as Rural on the Future Land Use and Conservation Plan Map. The description for Rural includes low density development, single family homes on large residential lots, agriculture, home-based and small scale businesses, and public open space. The proposed lot sizes are greater than 5 acres.

It should be noted that Plan Chatham is not intended to be used as a regulatory tool, but is a policy document. When reviewing subdivision applications the boards can use the plan as a tool to identify future regulatory changes.

Recommendation:

The Planning Department recommends granting approval of subdivision First Plat for **Fern Creek Subdivision Section II** with the following conditions:

1. Approval of the First Plat shall be valid for a period of twelve (12) months following the date of approval by the Board of Commissioners and the Construction Plan approval shall be valid for a period of twenty-four (24) months from the date of approval by the Technical Review Committee or Board of Commissioners
2. Road maintenance agreement shall be submitted prior to final plat.