

## **..TITLE**

Vote to approve a request by Mark Ashness, P.E. on behalf of Shaddox Creek Developers, LLC for subdivision **Revised First Plat** review and approval of **The Conservancy at Jordan Lake**, consisting of 45 lots on 105 acres, located off Old US #1, SR-1011, parcel #66894, 5334, 5545, & 5557.

## **..ABSTRACT**

### **Action Requested:**

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### **Introduction & Background:**

**Zoning:** R-1

**Water System:** Private Water

**Sewer System:** Private on-site

**Subject to 100 year flood:** No special flood hazard area within the development.

**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 1.5 acres of useable area. The Planning Board has two (2) meetings in which to act on the proposal.

### **Discussion & Analysis:**

The request is for revised First Plat review and recommendation of The Conservancy at Jordan Lake Subdivision, consisting of 45 lots on 105 acres, located off Old US 1, S.R. 1011. A vicinity map showing the property location, attachment # 3, 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.

**Background:** The Board of Commissioners approved the First Plat for The Conservancy at Jordan Lake Subdivision on February 17, 2020. The project was approved for 47 lots on 105 acres with public water. The developer determined that the cost to extend off-site water impacts the feasibility of the project. The length of the off-site water line to the project is a little over 7,150 linear feet. The road layout, location of stormwater ponds, and buffer crossing is unchanged. The change to the project is each lot is proposed to have a private well and the overall project is reduced by two lots.

**Roadways:** The road is to be built as 20 foot wide travelway with a 60 foot wide public right-of-way and is to be state maintained.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. Ms. Wiggins corresponded by email dated November 18, 2019 and stated if anything of interest is discovered to please contact her. See attachment #4.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. Randy Drumheller, Chatham County Schools Director of Maintenance and Construction corresponded by email dated November 18, 2019. See attachment # 5.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated August 26, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 6 & 7. The letter states "A query of the NCNHP database, based on the project area mapped with your request, 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 or near 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 September 24, 2019 at New Hill Community Center, 3101 New Hill Holleman Rd, New Hill. Approximately seven people attended the meeting. Items/issues discussed included improving road condition of an existing easement, availability of public water to adjoining properties, plans for the remaining land, availability for natural gas, high speed internet, prices of the proposed homes, personal rifle range north of the proposed property, and private airfield adjacent to the proposed property.

**Technical Review Committee:** The TRC met March 18, 2020 to review the revised First Plat submittal. The applicant/developer was not present. Discussion included will there be street lighting, sign location, if a utility easement is needed for future water lines, and fire hydrant flow test has been performed but the county had to make a repair on the distribution system pressure reducing valve (PRV) upstream and will be performing an additional test later. Staff had no concerns.

**Septic:** A soils report and map, attachment #9, was submitted to Thomas Boyce, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were adequate for a First Plat review.

**Water:** Private well

**Road Name:** The road name Conservancy Parkway, Twisted Branch Lane, and Rustic Pine Lane has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval. A mail kiosk is proposed to be located near Lot 1.

**Water Features:** Kevin Murphrey of Environmental Services, Inc. (ESI), submitted the Riparian Buffer Review Application along with a riparian buffer map, dated June 2019, to Drew Blake, Senior Watershed Specialist for review. Mr. Blake and Mr. Murphrey completed an on-site riparian buffer review on August 12, 2019 to verify the consultant's findings. On October 8, 2019 Mr. Andy Williams of the US Army Corps of Engineers completed a site visit with ESI staff member. Streams SXC, SXF, and SXG were upgraded from ephemeral to intermittent streams. October 16, 2019 Mr. Blake issued a confirmation letter of his findings. The October 16, 2019 confirmation letter stated six (6) intermittent streams were found, seven (7) wetlands, and one (1) perennial stream. A 50-ft buffer will be required beginning at the flagged boundary and proceeding landward on all wetlands, a 50-ft buffer from top of bank landward on both sides of the feature for all intermittent streams and a 100-ft buffer from top of bank landward on both sides of the feature for the perennial stream. The Corp of Engineers Notification of Jurisdictional Determination was signed by Andrew Williamson February 11, 2020. Attachments 11 & 12.

**Stormwater and Erosion Control:** Three stormwater devices are proposed and will be placed by Lots 1, 35, 28 & 29 in the subdivision. As part of the stormwater permitting process additional information will be provided to the Watershed Protection Department. A Stormwater Permit and Sedimentation & Erosion Control Permit will be obtained from the Chatham County Watershed Protection Department prior to Construction Plan submittal. No land disturbing activity can commence on the property prior to obtaining Construction Plan approval.

**Site Visit:** Site visits were scheduled for December 11, 2019 for Planning Department staff and various Board members to attend. Mark Ashness was present to walk the property with staff and Board members and discuss the project. Pictures of the site visit can be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), Rezoning and Subdivision Cases, 2020.

### **Planning Board:**

The Planning Board reviewed the application during their June 2, 2020 meeting (please note that the meeting was held remotely due to the Covid pandemic). Planning Board discussion included questions regarding if another community meeting was held, location of the open space, adequate well capacity, future development with wells, Lots 3-6 wells being clustered around the headwaters of a wetland, if Lot 31 septic is crossing the stream, federally endangered bird and dragonfly, and will potential buyers be informed of the private rifle range and private airstrip. Mr. Mark Ashness and Brad Zadell were present and addressed the questions asked of the board. Staff explained a new community meeting wasn't warranted with minimal change to the project.

Mr. Ashness explained to the board the proposed project is two lots less than when it was approved by the County Board of Commissioners on February 17, 2020 and each lot will have private wells. The community mail kiosk and stormwater ponds are located in the open space. Per, Mr. Ashness there's a positive yield for wells in this area and wells are drilled 400-500 feet deep with less than a gallon per minute, this provides adequate storage in the well column. Board members had concerns about the wells and the impact of the water table. The wells should not be impacted and the typical home uses 100-125 gallons per day of ground water. Ground water is reintroduced back into the soil structure on site and it's not a circumstance where the water is being pulled and then letting that water go into a different direction. The water is reentering the ground at a low loading rate. Mr. Ashness explained there has been no evidence in the area of failing wells. Board members had concerns about future development being on wells. If there's future development of 50-60 lots on well water, Mr. Ashness stated, that the number of lots wouldn't affect ground water. However, 300 lots on wells would probably not be sustainable.

Mr. Ashness stated the wells on Lots 3-6 may appear to be clustered by the wetlands, but Chatham County Environmental Health Department has specific setbacks for wells near streams and wetlands. An old timber road created the wetlands in the area where Lots 3-6 are located. Lot 31 septic is across the riparian buffer and the septic line will follow the shoulder along the road.

North Carolina Natural Heritage Program (NCNHP) cover letter stated there's a historic record for a federally endangered bird and dragonfly within a mile of the project. NCNHP letter states if a federal listed species is found within one mile radius NCNHP recommends contacting U.S. Fish and Wildlife Service (USFWS) for guidance. It was asked of the developer if the USFWS had been contacted. Mr. Ashness stated the environmental consultant contacted both NCNHP and NC State Historic Preservation Office and based on the proximity and the fact there is no mass grading on the site, no clearing of the entire site, and the impervious coverage being what it is, in their opinion wasn't an issue with the habitat impact. The red-cockaded woodpecker was last observed in 1984 and the regal darter was last observed pre-2004 based on information provided by the environmental consultant from NCNHP. Board members wanted to see the guidance document provided from USFWS, Mr. Ashness stated he would need to contact the environmental consultant for additional information.

Potential buyers will be informed of the private rifle range and private airstrip located on adjacent property.

**How does this relate to the Comprehensive Plan:**

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. These properties are located in an area of the county identified as Rural and Agriculture on the Future Land Use and Conservation Plan Map and Strategy 5.2. The description for rural includes low density, single family homes on large lots, agriculture, home-based & small scale businesses, regional greenway trails, and conservation easements. The description for agriculture includes large-scale working farms, related processing facilities, supporting commercial and service uses, and single family homes.

The proposed conventional subdivision meets the adopted riparian buffer and stormwater control standards of the county. The developer also contacted the NC Natural Heritage Program to review their database for any rare species, important natural communities, natural areas, or conservation/managed areas within the project boundary and none were identified in their records. 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 Board by 6-5 vote and Planning Department recommends granting approval of the road names Conservancy Parkway, Twisted Branch Lane and Rustic Pine Lane and granting approval of the revised subdivision First Plat for **The Conservancy at Jordan Lake Subdivision** 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. Guidance documentation shall be provided from U.S. Fish and Wildlife Service of the rare species with the submittal of the Construction Plans and planning staff will determine if the construction plan will be reviewed administratively or by the Planning Board and Board of Commissioners.