

Planning Presentation

Planning Board Well Subcommittee Meeting

Wednesday 3/3



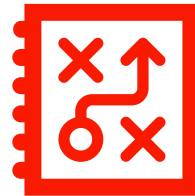
Well Subcommittee

- **Evaluate the impact of residential well use on ag operations and develop a list of recommendations to amend the Subdivision Regulations regarding the number of allowed wells for the Planning Board to Consider.**
- **The Subcommittee will be focusing on well water use as it relates to quantity only and not quality. (i.e. contaminants which fall under County Health Department regulation.)**

Questions



Current Regulations &
Processes?



Comprehensive Plan?



Unified Development
Ordinance?

➤ Framework for local government regulations

➤ Authorized by the Legislature through NC General Statutes (160D formerly 153A for counties)

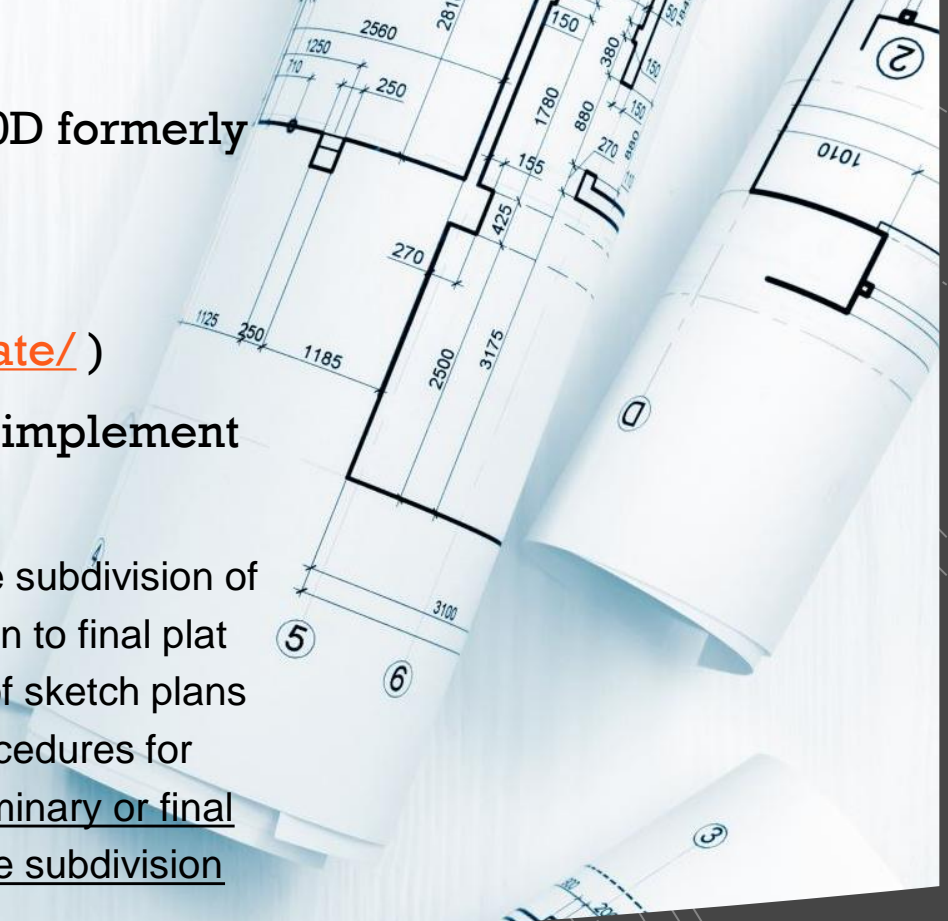
➤ Home Rule, Dillon's Rule, or Broad Construction

(<https://canons.sog.unc.edu/is-north-carolina-a-dillons-rule-state/>)

➤ Article 8 authorizes, but does not require, local governments to implement subdivision regulations

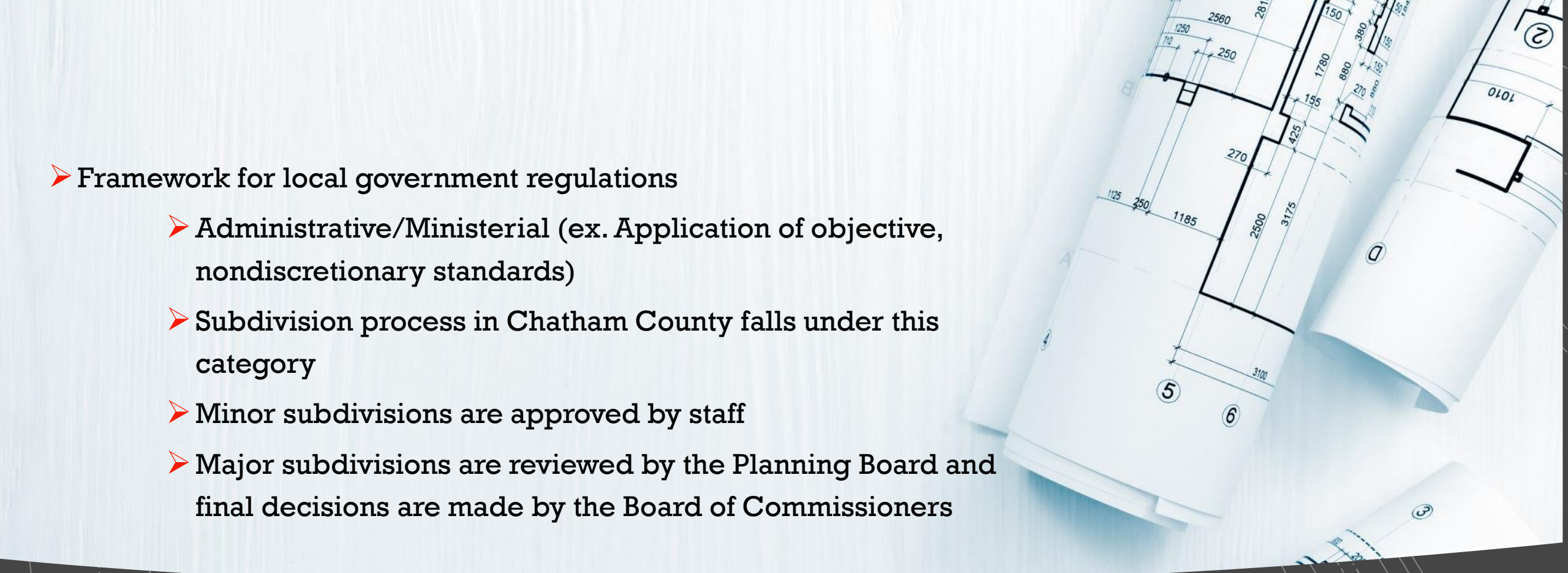
➤ § 160D-801. Authority A local government may by ordinance regulate the subdivision of land within its planning and development regulation jurisdiction. In addition to final plat approval, the regulation may include provisions for review and approval of sketch plans and preliminary plats. The regulation may provide for different review procedures for different classes of subdivisions. Decisions on approval or denial of preliminary or final plats may be made only on the basis of standards explicitly set forth in the subdivision or unified development ordinance.

Subdivision Regulations



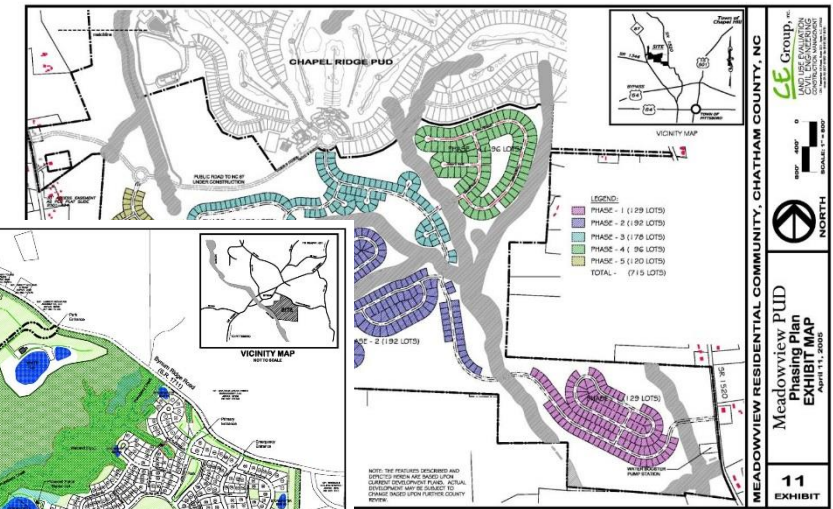
- 
- Framework for local government regulations
 - Types of decisions in local government land use
 - Legislative (ex. Adopt, amend, or repeal ordinances)
 - Quasi-Judicial (ex. Special use permits, variances)
 - Advisory (ex. Recommendations but no final decision making authority)
 - Administrative/Ministerial (ex. Application of objective, nondiscretionary standards)

Subdivision Regulations

- 
- **Framework for local government regulations**
 - **Administrative/Ministerial (ex. Application of objective, nondiscretionary standards)**
 - **Subdivision process in Chatham County falls under this category**
 - **Minor subdivisions are approved by staff**
 - **Major subdivisions are reviewed by the Planning Board and final decisions are made by the Board of Commissioners**

Subdivision Regulations

- Exempt
- Minor (5 lots or less)
- Major
 - Pre-2008 Process
 - **Post-2008 Process (includes conservation option)**
- Planned Unit Developments (includes a parallel special use permit process)
- Compact Community (includes a parallel special use permit process)



Subdivision Regulations

➤ Minimum lots sizes

➤ Zoning

➤ 1 to 5 acres

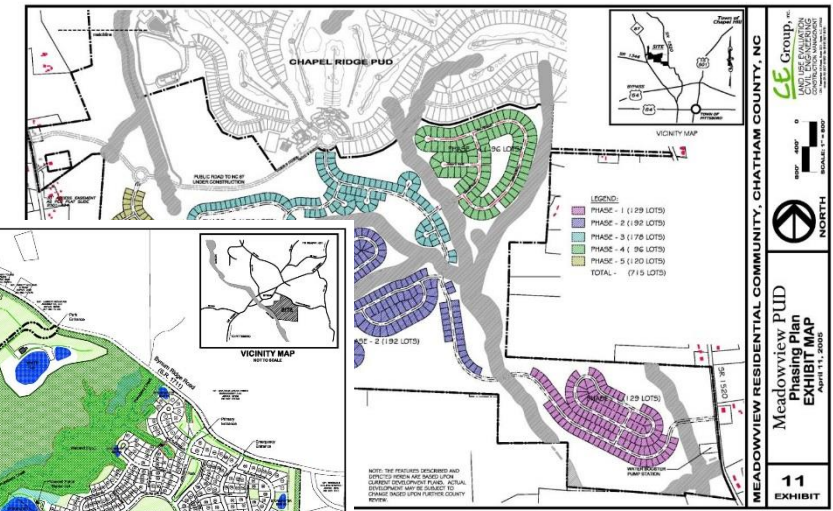
➤ Watershed

➤ 1 to 5 acres

➤ Subdivision

➤ 40,000 sq. feet with county water

➤ 1.5 acres with well and septic



Subdivision Regulations

Concept Plan

First Plat

Construction Plan

Final Plat

Subdivision Regulations

- Major subdivision process

➤ Concept Plan

- Developer holds a community meeting to present the proposal prior to preparing an application for submittal
- Notification letters provided to staff 30 days prior to the meeting

➤ First Plat

- Formal submittal to the county of a detailed proposal
 - Review by the Planning Board
 - Final decision by the Board of Commissioners
- 50 or more lots triggers and environmental impact assessment that is peer reviewed (60 days provided for peer review)
- Application submitted 46 days prior to the Planning Board meeting
- Approval allows the developer to proceed with detailed engineering and permitting Construction Plan
- Plans are submitted to regulatory agencies for permitting (USACE, NCDEQ, Chatham County Watershed Protection, etc.)
- Administrative approval
- Application submitted 21 days prior to the Technical Review Committee meeting

➤ Final Plat

- Submitted when a minimum of 75% of the infrastructure is installed
- Administrative approval
- Application submitted 21 days prior to the Technical Review Committee meeting

Subdivision Regulations

- Major Subdivision Process

- Monthly Meetings
- Developer attends
- Departments
 - Planning
 - Public Works
 - Water
 - Sedimentation and Erosion Control
 - Storm water
 - Riparian Buffers
 - Environmental Health Division of the Health Department
 - Central Permitting
 - Building Inspections
 - Fire Marshal
 - Emergency Operations

- Notifications
 - NCDOT
 - Corps of Engineers
 - School System
 - Chatham County Historical Association
 - Sheriff's Department
 - Economic Development Corporation

Subdivision Regulations

- Technical Review Committee

➤ Permitting agencies

- NC Department of Transportation – Public Roads
- NC Department of Environmental Quality
 - Utility Extensions (Water and Sewer)
 - 401 Permit
- Chatham County Watershed Protection
 - Sedimentation & Erosion Controls
 - Stormwater
- Chatham County Utilities –Public Water
- US Army Corps of Engineers – 404 Permit
- Environmental Health Division of the Health Department
 - Well
 - Septic



Subdivision Regulations

- Agency Reviews

➤ Comparison of subdivision water sources (2015-2020)

➤ Well

➤ 5 submittals for a total of 142 lots

➤ County Water

➤ 6 submittals for a total of 211 lots

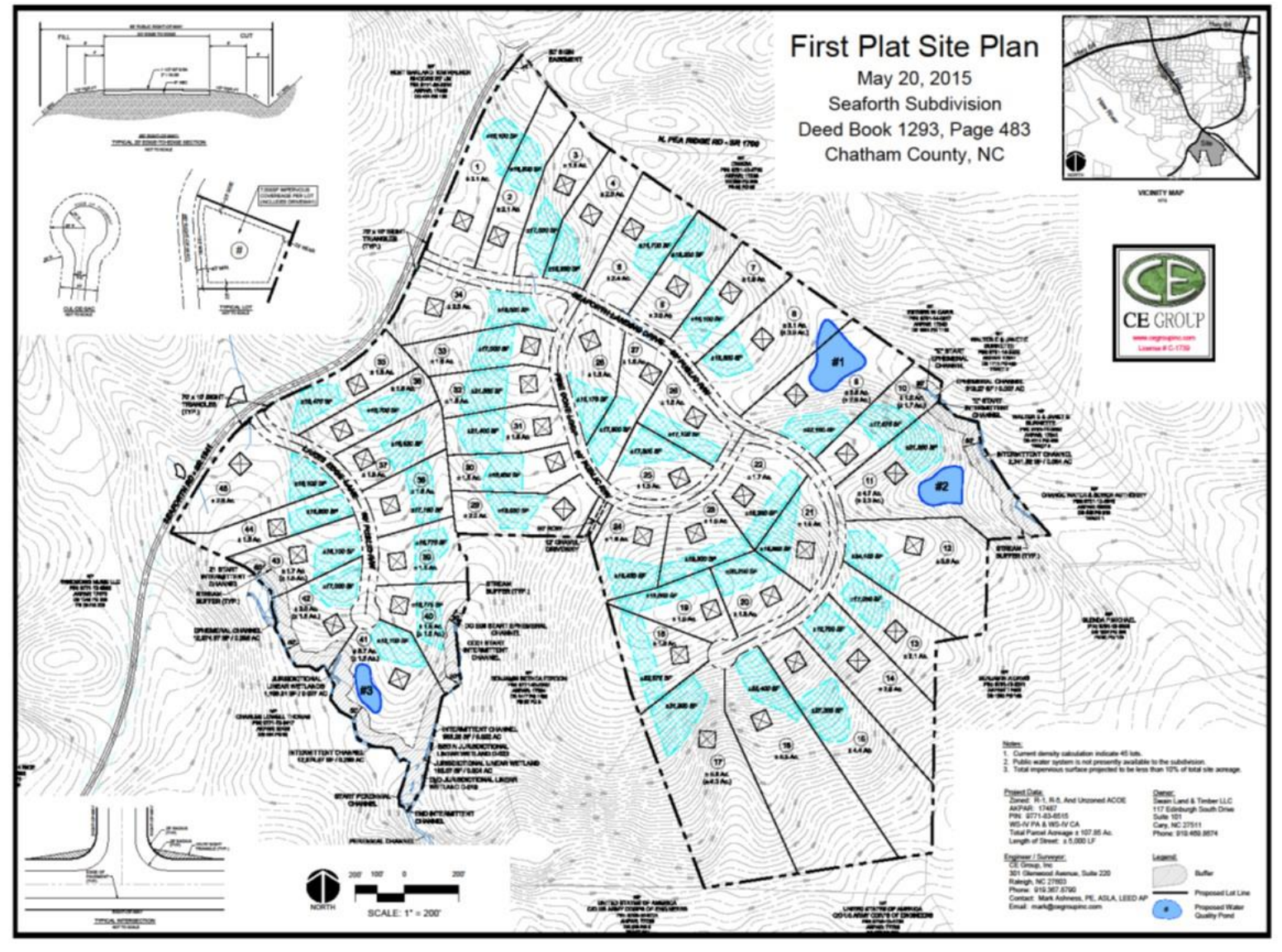


Subdivision Regulations

➤ **Seaforth Landing Subdivision**

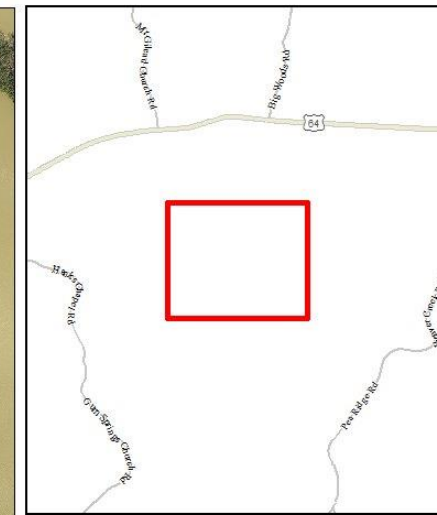
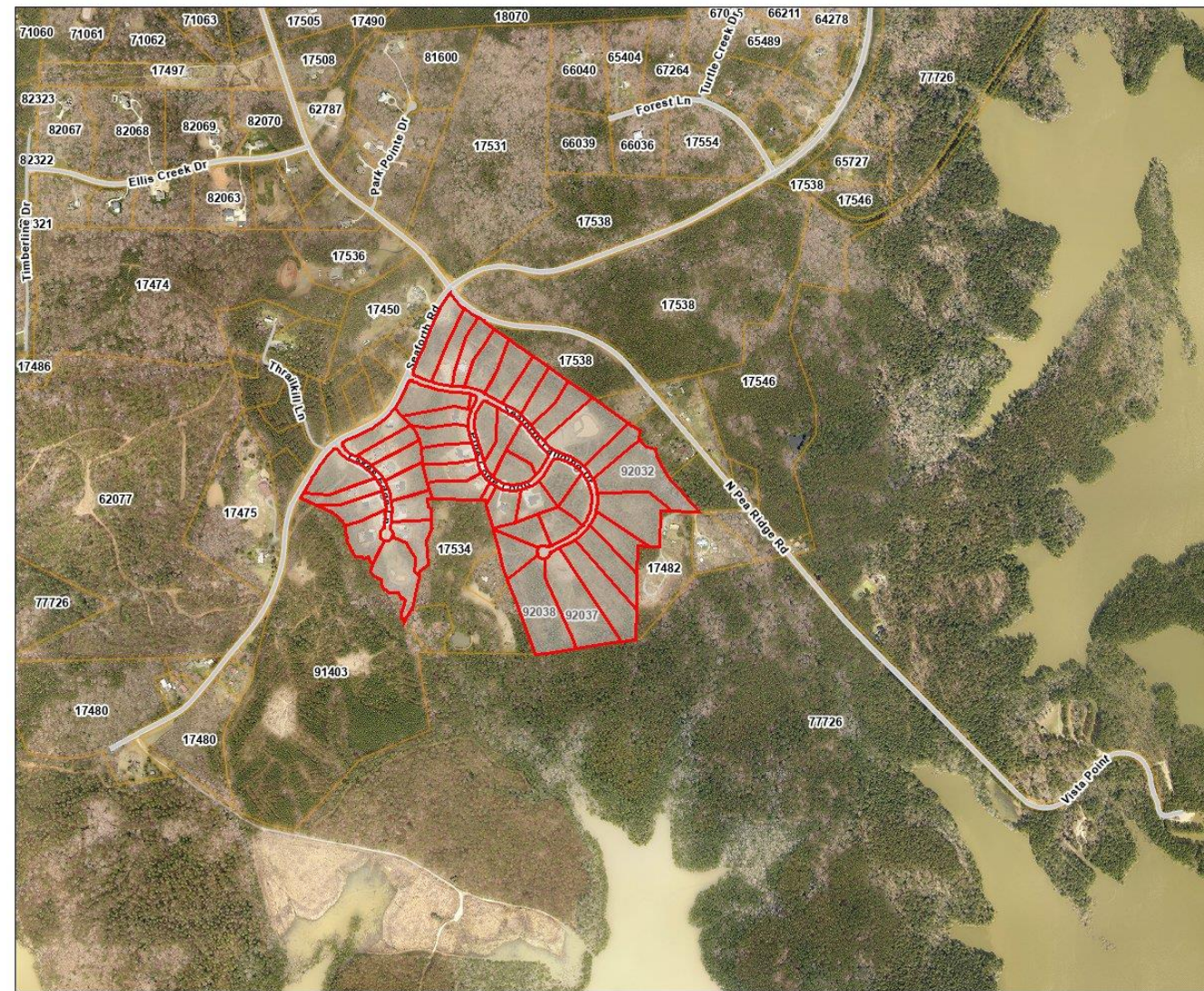
- 45 lots
- 107.85 acres
- Min. lot size 1.5 acres
- Max. lot size 5.59 acres
- Avg. lot size 2.29 acres

- Individual Wells
- On-site septic
- NCDOT Roads
- First Plat approval in 2015



Subdivision Regulations

- **Seaforth Landing Subdivision**
 - 45 lots
 - 107.85 acres
- Individual Wells
- On-site septic
- NCDOT Roads
- First Plat approval in August 2015
- Final Plat approval December 2016



Legend

Parcel Subdivision Name_Query result	Local
RoadCenterlines_9K	Parcels
Freeway	
Highway	
Major Arterial	
Minor Arterial	
Collector	



Service Layer Credits: Esri, Inc., City of Naperville, Illinois, Chatham County, Chatham County Tax Department



Date: 3/2/2021
Time: 6:04:10 PM

Subdivision Regulations

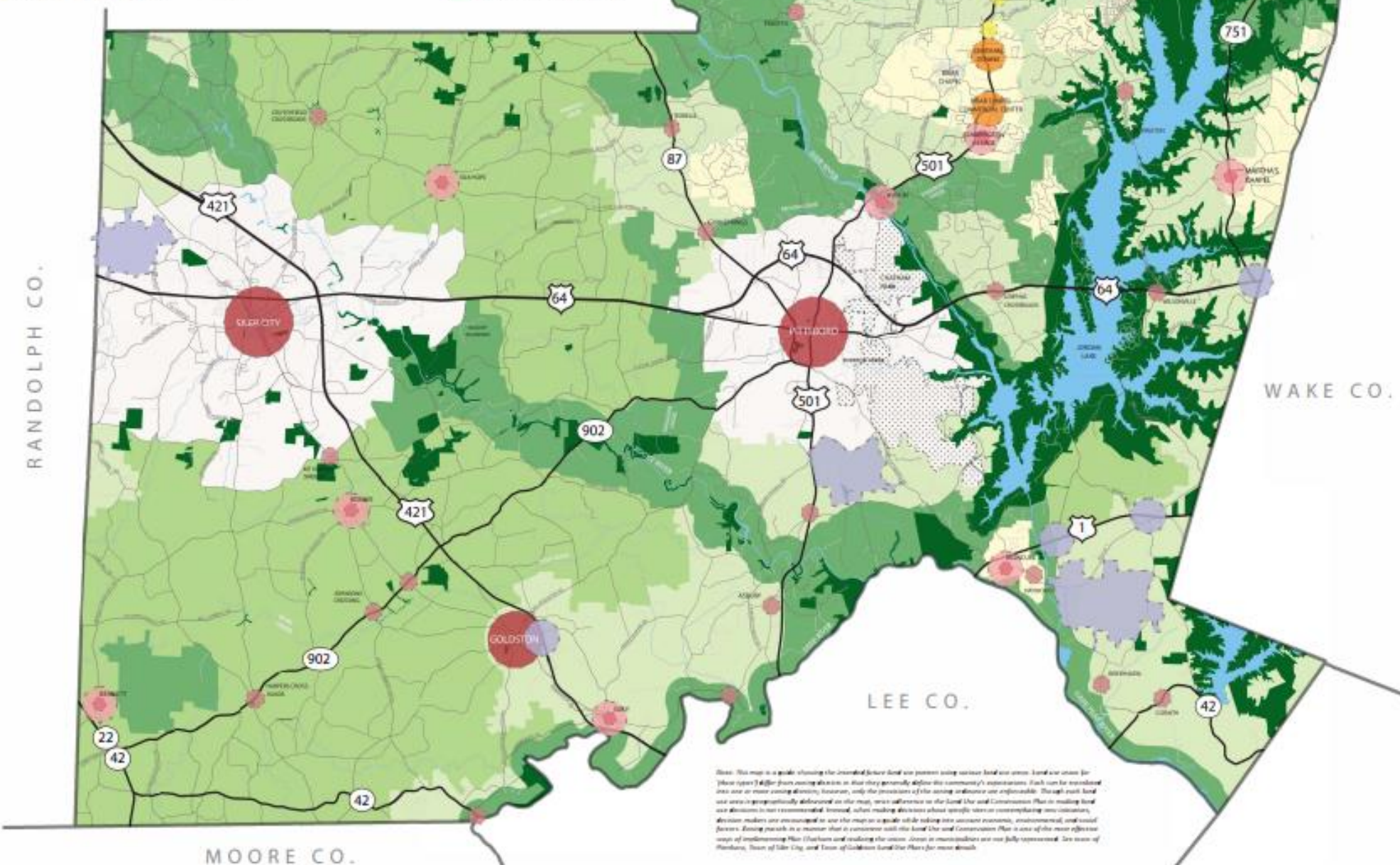


Comprehensive Plan

- Policy Guidance
- 2015-2017

LEGEND

- TOWN CENTER
- EMPLOYMENT CENTER
- COMMUNITY CENTER
- NEIGHBORHOOD CENTER
- VILLAGE & VILLAGE CENTER
- CROSSROADS COMMUNITY
- COMPACT RESIDENTIAL
- ETJ
- RURAL
- AGRICULTURE
- CONSERVATION
- PARK / PROTECTED LANDS



Future Land Use & Conservation Map

- Reinforce/Direct growth to towns
- Compact, walkable mixed use areas with focused residential growth
- Designated Employment Centers to recruit jobs and diversify the tax base
- Rural and Agricultural Areas—where lower density development is key to protecting rural character and farming operations
- Conservation Areas meant to protect water quality, wildlife habitat, and property rights

Agriculture Element

- **Big Idea:** Agricultural areas designated on future land use map and policies
- **Goal:** Preserve, Protect, and enable agriculture and Forestry.
- **Recommendation 02:** Promote Agriculture as a key feature of the County and component of the local economy and discourage conversion of areas with viable agricultural operations for development.
- **Ag Policy 4: Ensure Agriculture has long term access to water supplies**
 - **Strategy 4.1: Improve understanding of ground water uses and availability in Agricultural Areas**

Subcommittee Meetings

Articles & Presentations

Data Needs

Mapping

Case Studies

Agriculture Element

■ **Ag Policy 4: Ensure Agriculture has long term access to water supplies (continued)**

- **Strategy 4.2:** Consider impacts of new development on ground water and surface water resources during development approval process by **encouraging residential development in areas served by utilities**
- **Strategy 4.3:** Establish Utility Policies that reduce potential conflicts over ground water
 - Discourage community wells in strategic agriculture areas
 - **Establish policies** for extending utilities into strategic agricultural areas.
 - Policies could include:
 - ✓ **Allow** utility extensions (water & sewer) for villages and Crossroad Communities, denoted on the future land use map
 - Providing water for Ag operations and possibly certain types of storage, transfer or processing facilities
 - Providing water to encourage decentralized wastewater systems for Agriculture Friendly Developments with an overall lower density than those allowed on wells via by right zoning
 - × **Do not allow** utility extensions for serving major conventional subdivisions over a certain size.

Strategic Farmland Map

Resulted in Agricultural Areas on the Future Land Use and Conservation Plan. The factors that were considered include:

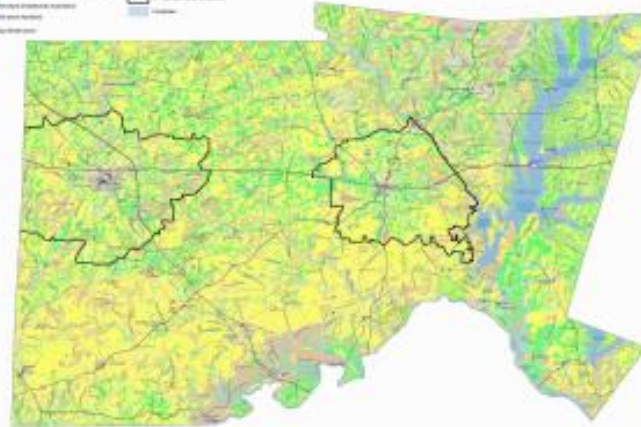
- Present Use Value Program Enrollment
- Proximity to Voluntary Agricultural Districts
- Soil quality (prime farmland of state significance based on Natural Resource Conservation Service (NRCS) data)
- Proximity to conserved farms
- Size of properties

Weights for each input were assigned based on input from the Agricultural Survey conducted in the fall of 2016.

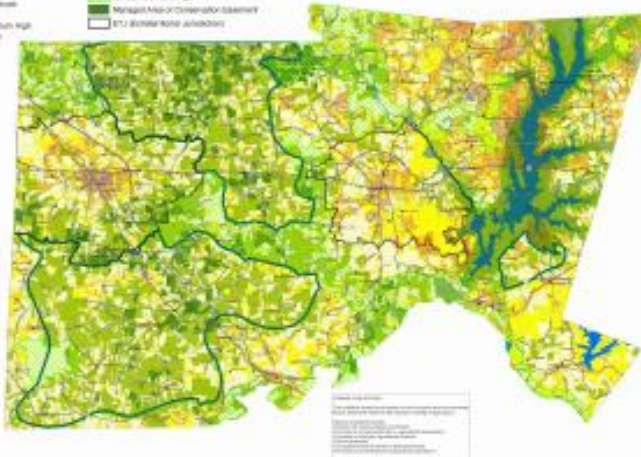
PRESENT USE VALUE



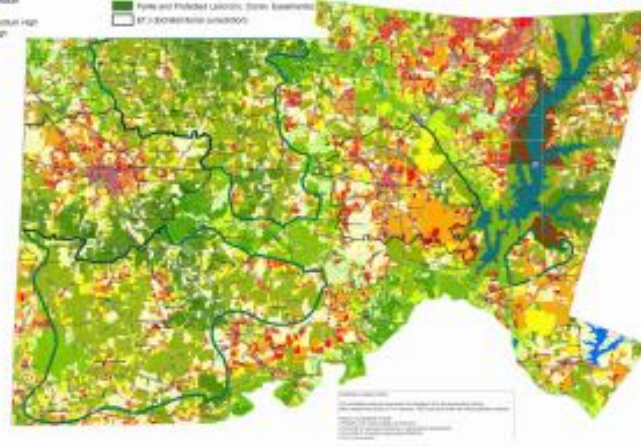
PRIME FARMLAND



AG SUITABILITY ANALYSIS - EVEN WEIGHTS

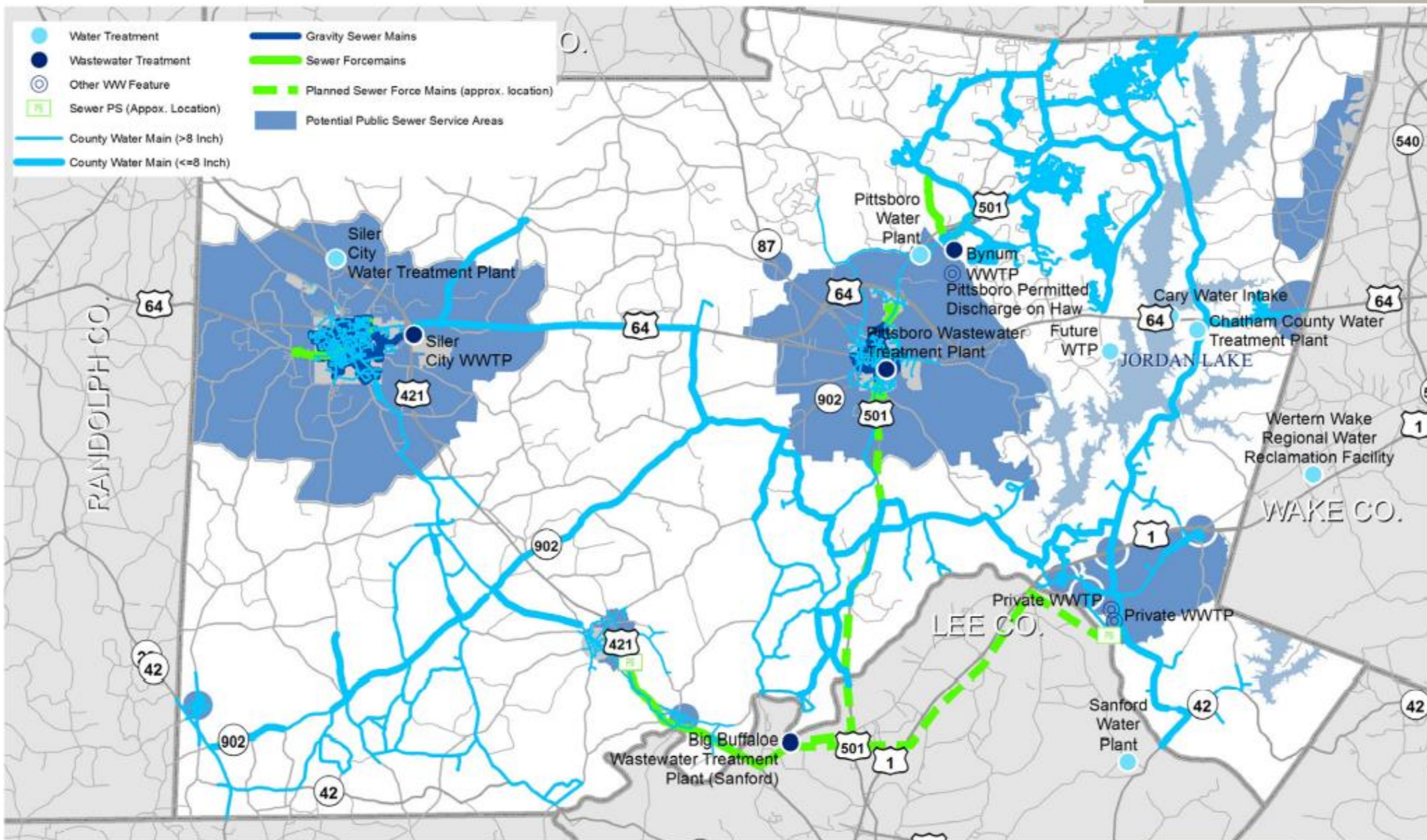


AG SUITABILITY ANALYSIS - WEIGHTS FROM AG SURVEY



Infrastructure

- **Big Idea:** Define urban service areas & update policies to accomplish economic development and environmental goals.
- **Goal:** Provide infrastructure to support desired development and support economic and environmental objectives.
- **Recommendation 02:** Support environmental, economic and other objectives with utility policies and public services.
- **Utilities Policy 5: Support Agricultural Operations with Utilities Policies.**
- **Strategy 5.1:** Limit utility extensions or upgrades in key agricultural areas (Agricultural Areas on the Future Land Use Plan and concentrations of agricultural areas shown on the strategic farmland map).
- **Strategy 5.2:** Discourage community well systems in Agricultural Areas (SUP requirement).
- **Strategy 5.3: Improve understanding of groundwater usage and availability in Agricultural Areas.**
 - Create an accurate, spatial inventory of permitted wells
 - Improve permitting process



Potential Future Public Utility Service Areas

- Existing Public and Private Services
- Municipal Services, Agreements, and Resolutions

FIGURE 29: MAP IDENTIFIES POTENTIAL FUTURE PUBLIC UTILITY/URBAN SERVICE AREAS.



Unified Development Ordinance

- Implementation
- 2021-2025

Agricultural District

- Strategy 2.3: Create an **agricultural district that allows agricultural uses; discourages residential subdivisions over a specified scale or density** (establish caps for project acreage, total lots, and/or dwelling units per acre); **and allows a wide range of complementary uses, including businesses that can supplement income, provided**
 - (1) performance standards are met to avoid or mitigate impacts (see rural business recommendation in the Land Use section above), and
 - (2) adequate utility service is or will be available.
- Evaluate modifications to zoning regulations to allow for supporting non-residential uses in Agricultural Areas. **These could include the addition of flexibility via performance-based standards.**
- Determine the need for an agricultural zoning district that codifies the recommendations above, and if such district is warranted, **consider performance standards that emphasize compatibility over specific land use restrictions.**

Ag Friendly Design & Conservation Subdivisions

- Policy 6: Encourage Ag Friendly Design.
 - Strategy 6.1: Encourage Agriculture Friendly Design in new residential developments that reduce groundwater usage and protect adjacent working lands
 - Encourage low density development in Agricultural Areas
 - Encourage site design that produces potential for conflicts through the preservation or establishment of vegetative buffers between residential uses and agricultural operations, and the location of open space and natural areas to provide separation between residential and agricultural operations
 - Strategy 6.2: Amend land development regulations to create more compatible edge conditions where new development adjoins parcels in agricultural use.
 - Strategy 6.3: Modify Subdivision Process to encourage Agriculture Friendly Developments
 - Reevaluate the allowances for and definitions of major and minor subdivision in the Agriculture area.
 - Consider allowing administrative approval of minor subdivisions up to 15 lots in rural/agricultural areas as long as design criteria is met
 - **Require all major subdivisions, or just those receiving county water to be designed as Agriculture friendly developments**
 - Include specific recommendation for conservation subdivisions and agricultural subdivisions – relaxation of roadway standards might be an incentive.
 - Strategy 6.4: **Study Sliding Scale Zoning as a way to balance preservation of property rights with reduced conflict over traffic, groundwater, etc.**