

..TITLE

Vote on a request by Warren Mitchell on behalf of Morgan Ridge Partners, LLC to approve for **six (6) months extension of first plat to extend the current first plat expiration date for Morgan Ridge Conservation Subdivision Phase 2 from January 12, 2023 to June 30, 2023, consisting of 36 lots**, located off Jones Ferry Road, S. R. 1942, parcels #1435 and #69883.

..ABSTRACT

Action Requested:

Vote on a request by Warren Mitchell on behalf of Morgan Ridge Partners, LLC to approve for **six (6) months extension of first plat to extend the current first plat expiration date for Morgan Ridge Conservation Subdivision Phase 2 from January 12, 2023 to June 30, 2023, consisting of 36 lots**, located off Jones Ferry Road, S. R. 1942, parcels #1435 and #69883.

Introduction & Background:

Zoning District: R1

Water System: Community Private Well

Sewer System: Private on-site and off-site septic and repair areas

Watershed District: WS-IV Protected Area and Jordan Lake watershed/riparian buffers

Road type: Public

Within the 100-year flood plain: No floodable area in parcels 1435 and 69883

This subdivision is review under the current Subdivision Regulations. The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. Morgan Ridge Conservation Subdivision Phase 2 received First Plat approval on November 18, 2019. Section 5.2 C (6) "Approval of a First Plat shall be valid for a period of twelve (12) months following the date of approval by Board of Commissioner. Approval shall remain valid provided the Construction Plan application is submitted during the time period. A one-year extension may be granted if the application demonstrates that delays beyond their control are responsible for the lapse and have the extension submitted and reviewed following the process outlined in Section 5.2(D) (4) prior to the expiration of approval."

The first plat approval for 36 lots will expire on January 12, 2023, unless the Board of Commissioners approve an extension request. If the first plat expires, any future development of the property will be reviewed and approved under the current Subdivision Regulation.

Discussion & Analysis:

The previous deadline for submission of the construction plan was November 18, 2020. The original expiration date, November 18, 2020, was extended by the adoption of Senate Bill 704, adopted by the General Assembly and approved by the Governor in

response to COVID-19 crisis, until January 12, 2023. The request before the Board is for a six-month extension of first plat to extend the first plat expiration date from January 12, 2023, to June 30, 2023. The developer, Morgan Ridge Partners, LLC, has stated in the extension request letter, the reason for the extension request is based on a state permit needed for the community well system. The applicant expresses in the letter dated October 17, 2022, engineering for the water system has begun and plan to submit to the Division of Water Quality by November 1, 2022. The applicant believes the state permit needed for the water system will be complete in a few weeks and will not take the full 6-months extension request. With the holidays approaching, the applicant did not want to risk not having the needed state permit for the community well. The applicant also states, "The reason why we don't have the State permit for the water system today is due to delays associated with getting the public well-constructed."

Planning Board Discussion:

Planning Board met December 6, 2022. Mr. Warren Mitchell, P.E., was present. The following items were discussed:

- The Board asked Mr. Mitchell to compare the approved Morgan Ridge Conservation Phase 2 with the current conservation rules. Mr. Mitchell provide the board with a letter and attachments describing some of the regulatory differences and how the approved plan compared to each of them.
- One member asked why it has taken 2 years to submit the Construction Plan application and Mr. Mitchell stated it took longer than he expected due permitting for the community well, that NC Department of Environmental Quality issues those permits and their permitting process takes longer than county permitting, and that he hoped the permit would be issued before the First Plat expiration.
- Two community wells were proposed, only one well will be needed per Mr. Mitchell due to the number of lots and well yield which was in excess of 200 gallons per minute.

How does this relate to the Comprehensive Plan: n/a

Recommendation:

The Planning Board voted 7-2 to recommend approval of the extension request.