

..TITLE

Vote on a request by Craig Nursey on behalf of Swain Land & Timber, LLC to approve a **twelve (12) month extension of First Plat to extend the current first plat expiration date for McBane Park Subdivision from August 16, 2023 to August 16, 2024, consisting of 149 lots**, located off Old Graham Road, S. R. 1520, parcel #85448.

..ABSTRACT

Action Requested:

Vote on a request by Craig Nursey on behalf of Swain Land & Timber, LLC to approve a **twelve (12) month extension of First Plat to extend the current first plat expiration date for McBane Park Subdivision from August 16, 2023 to August 16, 2024, consisting of 149 lots**, located off Old Graham Road, S. R. 1520, parcel #85448.

Introduction & Background:

Zoning District: R-1

Water System: Public Water (Aqua)

Sewer System: Public Wastewater (Aqua)

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

Road type: Public

Within the 100-year flood plain: Floodable area on parcel 85448

This subdivision is reviewed under the current Subdivision Regulations. The subdivision process is a four (4) step process: Concept Plan, First Plat, Construction Plan, and Final Plat. McBane Park received First Plat approval on August 16, 2021. 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 the 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 149 lots will expire on August 16, 2023, unless the Board of Commissioners approves 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 deadline for submission of the construction plan is August 16, 2023. The request before the Board is for a twelve-month extension of First Plat approval to extend the first plat expiration date from August 16, 2023, to August 16, 2024. WithersRavenel, representative for Swain Land & Timber, LLC, has stated in the extension request letter, the reason for the extension request is based on permits needed from various agencies. The applicant expresses in the letter dated May 22, 2023, the first round of comments

has been issued by the various agencies and the second resubmittals to Chatham County Watershed Protection Department, NCDOT, and Aqua has been submitted. The first review with NCDOT took nearly 3 months and staff turnover with Aqua has delayed reviews. Once approvals by Aqua for water and sewer permits are received they can then be submitted to the NC Department of Environmental Quality and the approximate turnaround time is 6-8 weeks. There's an uncertainty of the timeframe with the various agencies due to the status of various agencies' staff turnovers and delayed reviews.

Permits are actively being pursued and a twelve-month extension is requested to allow additional time to obtain the required permits in the unforeseen circumstance that permits are not received prior to construction plan deadline on August 16, 2023. It is not anticipated for the permit approvals to take the entire twelve months request.

Planning Board Discussion:

The Planning Board met June 6, 2023 and Ms. Alicia Albini with WithersRevenel was present on behalf of the developer and Hadley Kirkland, Developer was present. The following items were discussed:

- Staff stated more extensions may be submitted for other developments and the Board wanted to know if the County needs to explore more options to extend the requirements.
- The Chair and Vice-Chair gave a brief overview of the project to the new Board members.
- The Board had questions about when the permits were submitted to the different agencies. Ms. Albini outlined when the permit applications were submitted and noted that several agencies were slow to respond due to staffing issues. She also commented that their office had also had turnover and trying to find staff was an on-going issue within the industry.
- A board member asked what effect denying the extension would have on a future redesign of the project. Staff responded that the conservation subdivision guidelines have been amended since the project was approved which would require a redesign of the project. The current regulations now require a 50' perimeter buffer and to maintain the number of approved lots, the developer would have to develop areas that have been set aside as natural space on the current approval. The areas that have been set aside were deemed to be of high quality by the NC Natural Heritage Program and those areas are protected under the current approval but could be impacted by a redesign.

How does this relate to the Comprehensive Plan: N/A

Recommendation:

The Planning Department does not make recommendations on extension requests as this is a policy decision for the Board of County Commissioners. The Planning Board by an 8-1-1 vote recommends granting approval of the 12-month extension.

