



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 20-3407      **Version:** 1

**Type:** Agenda Item      **Status:** Passed

**File created:** 1/31/2020      **In control:** Planning

**On agenda:** 2/17/2020      **Final action:** 2/17/2020

**Title:** Vote on a request to approve by Mark Ashness, P.E. on behalf of Swain Land & Timber, LLC for subdivision First Plat review and approval of Seaforth Place, consisting of 17 lots on 64.71 acres, located off Seaforth Road, SR-1941, parcel #91403.

**Sponsors:**

**Indexes:** Comp Plan Goal 5: Conserve natural resources.

**Code sections:**

**Attachments:** 1. More information on the Planning department website.

Date	Ver.	Action By	Action	Result
2/17/2020	1	Board of Commissioners	approved	Pass

Vote on a request to approve by Mark Ashness, P.E. on behalf of Swain Land & Timber, LLC for subdivision **First Plat** review and approval of **Seaforth Place**, consisting of 17 lots on 64.71 acres, located off Seaforth Road, SR-1941, parcel #91403.

**Action Requested:**

Vote on a request to approve by Mark Ashness, P.E. on behalf of Swain Land & Timber, LLC for subdivision **First Plat** review and approval of **Seaforth Place**, consisting of 17 lots on 64.71 acres, located off Seaforth Road, SR-1941, parcel #91403.

**Introduction & Background:**

**Zoning:** R-1 and R-5

**Water System:** Private Water

**Sewer System:** Private on-site and off-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 Concept Plan review. The minimum lot size requirement for the project is 40,000 square feet of useable area for R-1 zoning and 5 acre minimum lot size in the R-5 zoning. 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 Seaforth Place Subdivision, consisting of 17 lots on 64.71 acres, located at Seaforth Road, S.R. 1941. A vicinity map 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.

**Roadways:** The road is to be built as a 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 is discovered to contact her. See attachment #3.

**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 April 3, 2019. See attachment # 4.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated April 29, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 5 & 6. The letter states "A query of the NCNHP database, indicates that there are records for rare species, important natural communities, natural areas, and/or conservation/managed areas within the proposed project boundary. Rare species and natural communities have been documented within a one-mile radius of the property boundary. The proximity of these records suggest that these natural heritage elements may potentially be present in the project area if suitable habitat exists."

Rachael Thorn, Watershed Protection Director, reviewed and approved the information submitted.

**Special Buffers:** Chatham County Conservation Viewer shows the proposed project is in a smoke awareness area and hunter safety buffer along the back portion of the land. These are not regulatory buffers, but notifications from the NC Forestry Service and Wildlife Resources Commission regarding activities that occur on the adjoining property owned by the Corps of Engineers.



three (3) ephemeral streams were removed E-1, E-2, and G-eph. One (1) ephemeral stream, three (3) intermittent streams and one (1) perennial stream were found. The ephemeral stream requires a 30-ft buffer measured from top of bank, the intermittent streams require a 50-ft buffer from top of bank, and the perennial stream requires a 100-ft buffer from top of bank. All buffer widths apply to both sides of the feature and are measured from the top of bank of the feature. See attachment #10

Email correspondence from Andy Williams, Regulatory Project Manager US Army Corps of Engineers, dated September 12, 2019, states the updated maps are consistent with his notes from the site visit on April 8, 2015.

**Stormwater and Erosion Control:** Two stormwater devices are proposed and will be placed on open space between Lots 15 and 16 and on Lot 11 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 and December 18, 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) <<http://www.chathamnc.org/planning>>, Rezoning and Subdivision Cases, 2020.

**Planning Board:**

The Planning Board reviewed the application during their January 7, 2020 meeting. Mr. Ronald Rice, an adjacent property owner, spoke in favor of the development. Mark Ashness, P.E., was present to answer questions. The board discussed the no-build areas, if septic lines for Lots 11, 16 and 17 would run across other properties to the septic field, will the property have curb and gutter, if there were more plans to develop, and will septic areas be cleared on steep slopes for some of the lots. The no-build areas are split zoned areas on the lots and no dwellings, sheds, or pools will be constructed in the areas. The no-build areas will allow a driveway, clearing for landscaping, and play areas. The septic line for Lot 11 will follow the driveway and septic lines for Lots 16 and 17 will run parallel with the public right-of-way. The project will be ditch and shoulder, not curb and gutter. The developer currently has no other development plans for this area. Septic areas on steep slopes should not be cleared, per Mr. Ashness. Concern was expressed about the proximity of this development to Jordan Lake and the use of off-site septic systems.

**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. This property is located in a split area of the county identified as rural and conservation in the Conservation on the Future Land Use and Conservation Plan Map and a 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 conservation includes single family and attached homes, low density, protect natural resources,

passive recreation areas, and greenway trails.

Although the proposed subdivision is not a conservation residential design, it is a low density design and 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 rare species 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 Department and Planning Board by a 7-4 vote recommends granting approval of the road name Seaforth Place Drive and granting approval of subdivision First Plat for **Seaforth Place** 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.