



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 23-4925      **Version:** 2

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

**File created:** 8/31/2023      **In control:** Planning

**On agenda:** 9/18/2023      **Final action:** 11/20/2023

**Title:** Vote to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Subdivision Regulations; amend Sections 4 Types of Subdivisions; 5.2 Major Subdivisions; and 5.3 Minor Subdivisions.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
11/20/2023	1	Board of Commissioners	approved	Pass
9/18/2023	1	Board of Commissioners	referred	

Vote to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Subdivision Regulations; amend Sections 4 Types of Subdivisions; 5.2 Major Subdivisions; and 5.3 Minor Subdivisions.

**Action Requested:**

Vote to approve a legislative request by the Chatham County Board of Commissioners to consider amendments to the Chatham County Subdivision Regulations; amend Sections 4 Types of Subdivisions; 5.2 Major Subdivisions; and 5.3 Minor Subdivisions.

**Introduction & Background:**

Periodically, it is necessary to amend the text of the Chatham County Subdivision Regulations to better align with the concerns and recommendations of the development community and county residents. These text amendments seek to remedy some of the ongoing issues with Major Subdivision approvals. There are also included some minor “housekeeping” adjustments to the regulations that stem from previous text amendments. They do not necessarily affect a policy change, but rather clean up a procedural process. The redline document attached shows the minor text changes to sections 5.3 and 5.4 of the regulations.

Staff are removing some redundant language from the sections that define a Minor Subdivision. In March of 2022 the BOC approved some Subdivision text amendments aimed at relieving the burden on staff and applicants for simple road or right of way extensions. In Section 4 Types of Subdivisions. B. Minor Subdivisions says Any subdivision containing 5 lots or less with access to an existing public street, not involving any new street or road. We have removed the creation of any public improvements, or the request for a variance. We removed similar language from Section 5.3. This is just removing language that should have been removed during the last text amendment.

Residential developers have been affected by the Global Covid-19 Pandemic, and it has made it difficult to maintain development timetables implemented in the past. Every step of the development process has been affected for a variety of reasons, and years have been added to the development schedules for all types of residential development. Engineering firms and other county departments relying on state and federal agencies for reports have had to face longer wait times.

When a first plat is approved by the BOC it is valid for 12 months. Planning Staff is suggesting the first plat approval be extended to two years. Developers will now have two years to submit their construction plans. This would apply to Major Subdivisions of 49 lots or less. For major subdivisions of more than 50 lots which have phases, or for planned unit developments, the approval period will be extended to three (3) years. Currently, applicants have two years from first plat approval to submit construction plans.

The goal of these amendments is to limit the number of times planning staff and developers have to come before this board with extension requests. This will not change the process of how major subdivisions are approved, only alter the administrative process after projects receive board approval.

### **Discussion & Analysis:**

The proposed changes to the subdivision approval process are in line with neighboring communities, but also anticipate the longer development timetables that will occur in the future. It is also important to remember and consider that development in Chatham County is subject to restrictions that other jurisdictions may not face. There are many nuances of development in Chatham that create longer timetables for engineering firms and state regulatory agencies. For instance, approving a private wastewater plant or extensive off-site septic can take longer than a regular well and septic subdivision.

Orange County approves concept plans for two years before the first plat is submitted and then 1 year between first plat and final. However, during the time between first plat and final plat, the approval can be extended administratively as long as there are no substantial changes to the site. If it is a phases subdivision, then extensions have to be approved by the BOC.

Wake County gives a two-year approval between first plat and construction plan, and then the project must be finished within 7 years. A first plat in Lee County is valid for two years but becomes void if the developer does not get final plat approval during that time. However, if it is a phased subdivision, the two-year clock starts for each phase.

The Board of Commissioners held the public hearing for this item at its September 18<sup>th</sup> meeting. The commissioners asked about how long developments are approved for in other jurisdictions. Staff said they would look into it and proceeded to study the ordinances of surrounding jurisdictions. Prior to the Planning Board meeting, Staff recommended Major Subdivisions of more than 50 lots have first plat approval extended to four years. The current approvals are for one and two years. Planning staff suggested doubling the time frame to two and four years after considering all the extension requests received for major subdivisions.

Jon Spoon, Vice Chair of the Planning Board, after reviewing the notes, asked why the approval

period for Major Subdivisions of 50 lots or more was extended to four years. He suggested that a three-year approval period between first plat and construction plan was more appropriate and would still be a significant increase for developers. This would give developers an additional year to work through the permitting challenges.

Planning staff understood the concerns of Mr. Spoon and changed the redline document and notes to align with his request. This item was on the agenda for the October 3<sup>rd</sup> Planning Board meeting. The planning board did not have any concerns about changing the development review timetables. There were a few questions regarding the need for the change, and planning staff explained the proposed changes were in line with neighboring communities and also anticipate the longer development schedules that could occur in the future. The goal of these changes is to maintain efficiency and prevent unnecessary staff and planning board review of the extension requests.

Ms. Colbert asked how many applications will be impacted from this text amendment change? Staff said there is about 10 to 15 applications that may come to the Planning Board for First Plat extensions if this text amendment is not revised. The board also had some discussion about the change from four years to three years.

The planning board recommended approval of the item unanimously.

Staff is also requesting that the proposed amendments apply retroactively to all major subdivision approvals that were valid as of August 1, 2023. This will add one additional year to the deadline to submit Construction Plans for all First Plat approvals. Staff is recommending this change based on our conversations with developers with First Plat approvals who have overwhelmingly indicated they will likely need to submit an extension request based on delays in obtaining regulatory permits.

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

Goal 9: Provide equitable access to high-quality education, housing, and community options for all. Specifically, providing housing and community options (types, locations, and prices) for all ages and incomes.

#### **Recommendation:**

The Planning Board voted unanimously to recommend approval an Ordinance Amending the Subdivision Regulations to amend Sections 4 Types of Subdivisions; 5.2 Major Subdivisions; and 5.3 Minor Subdivisions with the revision requested by the Vice-Chair of the Planning Board. Planning staff is also recommending that the expiration deadline for First Plat approvals apply retroactively for all major subdivisions that were valid as of August 1, 2023 resulting in one year being added to those approvals.