



Chatham County, NC

Legislation Details (With Text)

File #: 18-2567 **Version:** 1

Type: Agenda Item **Status:** Approval of Agenda and Consent Agenda

File created: 4/2/2018 **In control:** Planning

On agenda: 4/16/2018 **Final action:**

Title: Vote on a request by Warren Mitchell, P. E. on behalf of Jones Ferry Properties, LLC for subdivision First Plat review of Morgan Ridge Subdivision, consisting of 16 lots on 52.20 acres, located off Jones Ferry Road, SR-1942 (entrance in Orange County), parcel #1443.

Sponsors:

Indexes:

Code sections:

Attachments: 1. More Information found on the Planning Board Website

Date	Ver.	Action By	Action	Result
4/16/2018	1	Board of Commissioners	approved	Pass

Vote on a request by Warren Mitchell, P. E. on behalf of Jones Ferry Properties, LLC for subdivision **First Plat** review of **Morgan Ridge Subdivision**, consisting of 16 lots on 52.20 acres, located off Jones Ferry Road, SR-1942 (entrance in Orange County), parcel #1443.

Action Requested:

Vote on a request by Warren Mitchell, P. E. on behalf of Jones Ferry Properties, LLC for subdivision **First Plat** review of **Morgan Ridge Subdivision**, consisting of 16 lots on 52.20 acres, located off Jones Ferry Road, SR-1942 (entrance in Orange County), parcel #1443.

Introduction & Background:

Zoning: R-1

Water System: Private on-site individual wells

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

Subject to 100 year flood: No floodable area

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 the Concept Plan review. The minimum lot size requirement for the project is 1.50 acres of useable area. 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 Morgan Ridge Subdivision, consisting of 16 lots on 52.20 acres, located off Jones Ferry Road, S. R. 1942. The entrance to the subdivision will be located in Orange County and is discussed later in the agenda notes. A vicinity map showing the property location, attachment # 3, 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. The applicant has provided a cover letter, attachment # 2, with details of the project.

Roadways: The road is to be built as a 50 foot wide public right-of-way, with a 20 foot wide travelway, will be approximately 2500 feet in length, and is to be a state maintained road. The entrance to the property will be located in Orange County (see attachment # 4). The location and acceptance of public right-of-way for the entrance is required to be reviewed by the Orange County Planning Board and approved by the Orange County Board of Commissioners. The applicant has submitted the required information to Orange County to begin the process for review and approval. The portion of the property located in Orange County is in Division 7 of the North Carolina Department of Transportation and the portion of property in Chatham is in Division 8 of the NCDOT. Per Justin Richardson, Assistant District Supervisor, Division 8-District 1, all of the roadway permitting will be reviewed and approved by the Division 8 Office in Asheboro and the entrance location onto Jones Ferry Road appears to be acceptable. A fifty foot wide right-of-way for possible future road extension is shown between Lots 11 and 12 to the adjacent property. This will be a dedication of right-of-way and will not be constructed by the developer of Morgan Ridge.

Historical: The applicant met on-site with Bev Wiggins, Chatham County Historical Association. Ms. Wiggins toured the property and was shown an old home place and several out buildings located on the property. The attached report includes pictures of the old structures. Per the applicant/developer, the structures will be removed and family members may have interest in repurposing some of the materials on their private properties. Per Ms. Wiggins report, attachment # 5, the property was owned by the Morgan families and the grave of William Morgan is believed to be on the property to the east of the subject property. The applicant has stated that no cemeteries/graves have been discovered on the subject property. Ms. Wiggins noted that there were several large trees located on the property and recommended saving them if possible. Mr. Mitchell contacted Grand Trees of Chatham regarding a large pine tree on the property. The organization measured the tree and said that the pine tree is not a champion tree but it is noteworthy. Mr. Mitchel stated that there were no plans to remove the tree by the developer.

Schools: Notification of the proposed development was provided to the Chatham County School System. See attachment # 6.

General Environmental Documentation: The developer submitted the General Environmental

Documentation and a letter, dated December 5, 2017 from North Carolina Department Environmental Quality Natural Heritage Program to Chatham County Land & Water Resources Division for review. See attachments 7 & 8. The letter states "A query of the NCNHP database, based on the project area mapped with your request, indicates that there are no records for rare species, important natural communities, natural areas, or conservation/managed areas with the proposed project boundary. Please note that although there may be no documentation of natural heritage elements within the project boundary, it does not imply or confirm their absence; the area may not have been surveyed. The results of this query should not be substituted for field surveys where suitable habitat exists." Rachael Thorn, Environmental Quality Supervisor, reviewed and approved the information submitted.

Community Meeting: A community meeting was held on January 10, 2017 at Opus Financial Advisors, 4421 Mann's Chapel Road. Three people attended the meeting. Items/issues discussed were notification of target shooting on the adjacent property owned by George Barrett, question regarding whether the project included any commercial zoning, and during large rain events, the water in the creek will back up and there is evidence on the property and downstream of old beaver dams. The applicant thanked the residents and duly noted that the owner of the adjacent property, Mr. Barrett, did practice target shooting on his property and would continue to do so; that the development project was residential only; and noted evidence of old beaver dams on the property. See attachment # 9. The adjacent property owned by Mr. Barrett and others is residential and has a non-conforming use that allows events to be held on the property several times a year along with a conditional use permit for a welding shop.

Technical Review Committee: The TRC met on January 24th to review the First Plat submittal. The applicant/developer was present. Items of discussion included that Chief John Strowd, North Chatham Fire Department, had met on-site with the developer and determined that the pond size and depth would make it unsuitable for a water point; that the Corps of Engineers had completed the on-site jurisdictional determination and made a determination that the existing pond was non-jurisdictional; that the applicant will meet with Environmental Quality staff to discuss buffer authorization requirements; that the interconnecting roadway to the adjacent property was not to be constructed at this time, but shown only as a right-of-way dedication; that stream buffers, but not the feature, had been counted in useable lot area; that NCDOT District 8 will review the road plans and construction of the road; that the applicant had submitted the required information to Orange County to begin the process for approval of the entrance.

Septic: A soils report and map, attachment 11, was submitted to Thomas Boyce, Chatham County Environmental Health, LSS, REHS, Chatham County Environmental Health, for review. Mr. Boyce stated that the report and map were adequate for a First Plat review. Several of the lots will have off-site septic and repair areas which will be considered a non-contiguous part of the lot. See attachment # 11.

Water: County water is not available. Each lot will have an individual well.

Road Name: The road name Morgan Ridge Way has been approved by Chatham County Emergency Operations Office as acceptable for submittal to the Board of Commissioners for approval.

Water Features: A riparian buffer report, dated 8/9/16, for parcel #1443 was prepared and submitted by David Gainey, Soil Scientist with Soil and Environmental Consultants, PA, along with a riparian buffer map, dated 6/22/16 to Drew Blake, Chatham County Environmental Quality Inspector for review. See attachment # 13. Mr. Blake and Mr. Gainey completed an on-site riparian buffer review on December 9, 2016 to verify the consultant's findings. Mr. Blake issued a confirmation letter of his findings dated December 12, 2016.

On December 20, 2017, Mr. Blake was provided a copy of the Approved Jurisdictional Determination dated July 21, 2017. Stream F, shown on the buffer map dated 6/22/16, as an ephemeral, was upgraded to an intermittent by the approved JD. Based on that information Mr. Blake revised his original confirmation letter and reissued the letter on December 22, 2017. The December 22, 2017 letter states that there are five (5) intermittent streams, one (1) perennial stream, and ten (10) wetlands. See attachment #14. Buffer authorizations and 404/401 permits will be obtained prior to Construction Plan submittal. The First Plat shows slight encroachments of the septic areas into the stream buffers on Lots 5 and 7. The developer has stated that the encroachments will be removed and that soils map provided to Chatham County does not show the encroachments.

Stormwater and Erosion Control: Two stormwater ponds are proposed and will be placed on private lots. A stormwater Permit and an Erosion Control Permit will be obtained from Chatham County Environmental Quality prior to Construction Plan submittal. No work can commence on the property prior to obtaining Construction Plan approval. Chatham County Environmental Quality will issue the stormwater and erosion control permits for the entire project including the property within Orange County.

Site Visit: Planning Department staff and various Board members attended a site visit on January 29 and 31, 2018. Warren Mitchell, P.E. was present to walk the property with staff and Board members and discuss the project. Areas of the property viewed were the intermittent and perennial streams, center line of the proposed road alignment, existing pond, and an old house and outbuildings. Area on the opposite side of the streams was not accessible due to amount of water in the streams due several days of rain prior to the site visits. Pictures of the site visit can be viewed on the Planning Department webpage at www.chathamnc.org/planning <<http://www.chathamnc.org/planning>>, Rezoning and Subdivision Cases, 2018.

Plan Chatham Evaluation:

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 an area of the county identified as Conservation on the Future Land Use and Conservation Plan Map. The description for Conservation includes development that is primarily residential, is sensitively integrated into the landscape with overall low density, and encourages conservation subdivisions to protect natural resources while not disturbing agricultural

practices. Although the proposed subdivision is not a conservation design it meets the adopted riparian buffer and stormwater control standards of the county, minimizes creek crossings, and has an average lot size of 3 acres. 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 none were identified in their records. Additionally, Grand Trees of Chatham was contacted to evaluate a large pine tree on the property and representatives from that organization determined it did not qualify as a champion tree, but is noteworthy. The cover letter indicates this tree will not be removed as part of the road or utility construction. 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.

The Planning Board met on February 6, 2018 to review the request. Warren Mitchell, P. E. and Wesley Lloyd were present to answer questions. Also present were several adjacent property owners. The staff report was provided followed by a presentation from Warren Mitchell and Wesley Lloyd.

Mr. Mitchell addressed the Board and stated that the land had belonged to Mr. Lloyd's great Aunt and when she passed away, they purchased the property; that a minor subdivision had been completed in Orange County on a portion of the property adjacent to Morgan Ridge that created 5 lots called 'The Enclave'. The road serving those 5 lots is Kieran Lane. A second minor subdivision on the opposite side of Jones Ferry Road from proposed Morgan Ridge was also approved creating 2 lots from one parcel in Orange County. This second minor subdivision was created simultaneously with the 5 lot Enclave Subdivision. Mr. Mitchell stated that a mail kiosk will be placed on common land to be owned by the homeowners association; that approximately 1/3 of the property was in stream buffers; that stream crossings will be designed with as small an impact to the stream as possible; that there were three (3) buffer crossings proposed; that he had met with Rachael Thorn and Environmental Quality staff to discuss the necessary steps to obtain the buffer authorizations; that the pond would be drained for safety and liability reasons; that the entrance to the development was in Orange County because that was the safest location on Jones Ferry Road located midway between 2 curves; that a stub-out had been provided to a landlocked property to the south; and that there were nine (9) on-site septic systems and seven (7) off-site septic systems.

A Public Hearing was then held as required in the Subdivision Regulations, Section 5.2C(4).

Mr. James Baca spoke and stated that he is an adjacent property owner; that his property is located in Orange County; and that his lot was created as part of the 'Enclave' minor subdivision. Mr. Baca stated he was concerned about his privacy and requested that the developer plant trees along the common boundary line between the properties.

Mr. George Barrett spoke and stated that he is an adjacent property owner with approximately 1700 feet of common boundary with Morgan Ridge; that he has a business on his property and he has a safety concern that individuals living in Morgan Ridge might trespass onto his property if the common property line is not clearly marked. Mr. Barrett requested that the boundary line be clearly marked and that signage be installed.

Mrs. Tanith Kirkley spoke and stated that she and her husband are adjacent property owners; that

there are 5 off-site septic systems proposed next to their property; that their existing septic system is old and if it needs to be replaced or repaired in the future that their existing well may also need to be relocated and that the proposed off-site septic systems in Morgan Ridge may limit where they could drill a new well.

The Public Hearing was closed. There were several issues/questions discussed by the Board listed below. After the Board discussion, the Planning Board tabled the request until the March 6th meeting to allow the developer time to meet with the Kirkley's to discuss their concerns regarding a possible future location of a new well on their property in relation to the location of the 5 off-site septic systems proposed by the developer adjacent to their property. Answers to the questions raised by the Board are provide by Mr. Mitchell and Mr. Lloyd and are shown in italics.

*How many lots total will be developed out of the original tract? *There will be 23 total counting the minor subdivision in Orange County.*

*How will the off-site septic area for Lot 7 be accessed? *Access will be across the stream and wetland area.*

*Can Lot 5 accommodate the septic area for Lot 6? *There is not sufficient room for an additional off-site septic system on Lot 5 since the stormwater pond is also located on Lot 5.*

*Will pumps be necessary to reach off-site septic systems. *Yes. Pumps are also required for many on-site systems when the septic field is higher than the house. Pumps are located close to the house which makes replacing the pump an easier task.*

*Distance of off-site septic systems and long term maintenance. *Mr. Lloyd stated that pump systems are required to be inspected every 5 years by Chatham County Environmental Health.*

*Will one septic contractor install all of the off-site septic lines? *Per Mr. Lloyd that has not yet been determined. Mr. Mitchell stated that if there are separate utility easements for each septic line, that there would be more clearing required, but, each line would have its own dedicated easement and it would be easier for a homeowner to identify which easement is theirs in case that is a problem in the future, that if separate utility easements are used, each property owner/builder will be responsible for installation of the septic line versus if there is only one utility easement for multiple lines, then one contractor is required by Environmental Health to install the lines and meet other requirements.*

*Is there a requirement for disclosure to a property owner that the lot has an off-site septic system? *Homeowners are only required to disclose that they have a septic system. But the buyer and seller's real estate agents have to disclose any material facts that they are aware of regarding the property. Also, the off-site septic systems will be a non-contiguous part of the main lot. The agent would explain his to the buyer.*

* Are septic easements recorded at Register of Deeds Office? Staff discussed this with Kim Warren, Chatham County Environmental Health Program Supervisor. Ms. Warren stated that off-site non-contiguous septic areas and off-site septic easements are shown on a final plat by metes and bounds and recorded at the Register of Deeds office. No other documentation is required by Environmental Health.

*What is rational for draining and filling in the pond? *The pond will be very close to the proposed homes on lots 3 and 4. This will create a liability for anyone with children and would likely prevent anybody with children from buying one of those lots. Also, children living in houses nearby will be curious and would likely explore the pond. So it could still create a liability for the owners on lots 3 and 4 even if they do not have children. The safest solution is to fill in the pond.*

*What happens to the water if pond filled? *Wesley Lloyd is one of the developers and will be the contractor who builds the subdivision. He has experience filling in ponds and the process is very simple. He will pump the water out of the pond into the adjacent stream. He will fill in the pond and grade a slope inside the pond to allow any surface water to drain to the intermittent stream. This procedure will have a detailed sequence which becomes a component of the erosion control plan that the Chatham County Environmental Quality Department must approve.*

*Is pond considered a wetland after pond is drained? *No. The pond is drained and immediately filled in. There is no period of time between these actions that would allow the pond to be considered a wetland.*

*Is it possible to use the pond as a stormwater pond? *No. The proposed road is on the eastside of the ridgeline. The existing pond lies on the west side of the ridgeline. The stormwater from the road cannot drain to the existing pond.*

*If the pond is drained, what happens to the small portion of the pond that is located within the riparian buffer? *None of the trees will be removed along that edge of the pond. If any of the existing pond is currently in the buffer, then trees will be allowed to grow back in the stream buffer.*

*Where will pond drain? *The pond will drain into the intermittent stream adjacent to the pond.*

*Can stormwater feature on Lot 5 be relocated in order to allow Lot 5 to have an off-site septic area for Lot 6? *We looked at this again and we don't see a better or alternate location for the stormwater facility. The topography falls gradually from Jones Ferry Road to Meadow Branch and the pond is at the lowest point of the road before Meadow Branch.*

*Can trees be planted along the common boundary of proposed Lot 7 and the James Baca property in Orange County? *Yes, the developer agrees to plant trees along this property boundary in the clearing. Pine trees will create a visual buffer quickly and blend with the pine trees that grow naturally. We agree to plant pine trees.*

*George Barrett, an adjoining property owner, expressed concerns regarding trespass onto his

property and asked if the 1700 foot common boundary of his property and the subject property would be clearly surveyed and marked? *The developer agrees to mark the common property boundary with George Barrett (Story Book Farm) when the lots are surveyed. This will be done before home construction.*

*Can signage be installed along the common boundary with Mr. Barrett? *We will install no less than 10 signs noting private property.*

*Is there a responsibility by the builders or realtors to disclose to potential buyers that Mr. Barrett's property has special events, a welding shop, and that Mr. Barrett target shoots on his property? *No.*

*Where are the beaver dams? *There are signs of old beaver dams on George Barrett's property and the Morgan Ridge property near the common boundary.*

*Per the Comprehensive Plan, the property is located in a Conservation Area that encourages farm land to be preserved? What would have made the property more desirable to be used as farm land instead of residential development? *We understand the residential lot market and there is demand in this area for single family lots. We don't know what makes good farm land, but an extended Morgan family member mentioned the hardpan soil in this area is not ideal for grown crops.*

*Concern by an adjacent property owner, Tanith Kirkley, regarding the 5 off-site septic areas along the common border with her property. Ms. Kirkley explained that their existing septic is old and there is a concern that it may need to be replaced and a possibly a new well would need to be drilled near the common boundary where the 5 off-site septic areas are proposed and that with the distance requirement that a well cannot be within 100 feet of a septic or repair area, she is concerned that she will not have a location on her property to locate another well. *The developers discussed the issue with Tanith and Robert Kirkley after the Planning Board meeting and made plans to meet at the Kirkley's house. Mrs. Kirkley later e-mailed a letter from a licensed soil scientist, Jeff Vaughan at Agri-Waste Technology, Inc. dated March 31, 2015. Warren Mitchell and Wesley Lloyd met with Robert Kirkley at their home located at 4020 Jones Ferry Road on Wednesday 2/14/18. Robert showed Warren and Wesley the location of the septic tank drainfield and the well location. We noticed that the existing septic field showed no signs of failure. It appears to be working correctly at this time. The Kirkley's are concerned about their options when and if the septic system fails in the future. The letter from Jeff Vaughan states that the only repair septic system suitable for this lot is a surface wastewater discharge system. These types of systems are state approved systems. Mr. Mitchell has designed several of these systems and Mr. Lloyd has installed many of these systems. The system will treat the wastewater first with the septic tank and next with a sand filter or proprietary system like the Advantex by Orenco Systems. This system would be installed next to their existing septic system and the treated wastewater would discharge into the small creek behind their house. It appears that their existing well could remain where it is in the northeast corner of their property.*

There are other possible locations for another well on their property but the system proposed by Mr. Vaughn doesn't require the well to be relocated or abandoned. Their existing well is approximately 75 feet from our common property line where we show the proposed septic systems for Lots 1, 2, 3, 4 and 6. We prepared a sketch of the system that Mr. Vaughan proposed for the Kirkley's septic

system repair.

Staff Note: After the 2/6/18 Planning Board meeting and during discussion regarding the off-site septic areas with the developer, it was discovered that the original soils map included in the First Plat submittal and prepared by Central Carolina Soil Consulting, PLLC did not identify the well located on the Kirkley's property that is 75 feet from the common boundary line with Morgan Ridge and the location of the 5 proposed off-site septic areas. Chatham County requires a 100 foot separation between a well and a septic system unless there is a 'fixed lot condition' which may allow the distance to be reduced to 50 feet. Per Environmental Health, this is not considered a 'fixed lot condition'. Thomas Boyce requested a revised soils map showing the Kirkley's existing well and showing a 100 foot separation from the proposed 5 off-site septic areas. Jason Hall, Soil Scientist, provided a revised map, see attachment # 16. Mr. Boyce reviewed and stated that "the septic layout now meets the 100' setback to the neighboring well". See attachment # 17.

*Development is located in an area designated as a Conservation Area in the newly adopted Comprehensive Plan. Did the developer consider doing a Conservation Subdivision which is encouraged in a Conservation Area? A Board member noted that there are limitations on a Conservation Subdivision when wells and septic systems are required. We like the Conservation Subdivision concept but we don't think that this property is ideal for that type of design. The natural features, namely the stream buffers and wetland are linear in shape. The usable area on the property is also linear like the buffers. This makes it difficult to cluster the homes together in a compact manner. The roadway would be the same length in a conservation layout on this property because over half of the useable area is across Meadow Branch Creek.

*Concern that Meadow Branch drains to Terrell's Creek which drains to the Haw River and there is a rare species in the river and this is a sensitive watershed. Acknowledged.

*Show wetland designated as W-2 on S&EC delineation map on Construction and Final plats. Acknowledged

*Can road be realigned to avoid the crossing of the intermittent stream? To route the road around the intermittent stream, the road would need to pass between the septic systems and wetland stream buffer. The narrowest section is also the steepest section which falls about 8 feet in 65 feet. There is not adequate space for the road and the septic field easement required for access to the field and the force mains. However, we will use a concrete headwall on both sides of the road culvert to reduce the length of the intermittent stream disturbance.

*A Conservation Subdivision would have much more open space and the stream buffers could possibly be located within the open or natural space instead of being located on individual lots. In addition to the justification we previously mentioned, stormwater runoff can be reduced with a conventional subdivision layout versus a conservation subdivision. On a 3 acre lot, stormwater runoff has an opportunity to infiltrate on the lot before entering a creek. This is a benefit of a conventional subdivision over a conservation subdivision.

*Are riparian buffers clearly marked so that installation of septic systems does not encroach? The

riparian buffers will be clearly marked and orange tree fencing will be installed along the boundary adjacent to the septic systems to protect the buffer.

*How will roadway crossing of streams be handled? Will any wetlands be impacted by road crossings? *The stream crossings will use culverts with headwalls to reduce the*

stream impact. In certain locations like the perennial stream crossing over the wetland, the developer will use retaining walls to limit the disturbance of the wetlands and the riparian buffer. Wetland will be impacted with the roadway crossing of the perennial stream.

*Show sight triangles on Construction Plan and Final Plat on Lots 11 & 12 for future road extension. *Acknowledged.*

*Verify with NCDOT that the type of stream crossings, using head walls, proposed by the developer is acceptable. *The developer spoke to Justin Richardson from NCDOT on 2/8/18 and verified the use of retaining walls to cross the streams with the public road. Justin confirmed the use of moment walls (pour in place concrete) and segmental retaining walls (keystone) are acceptable.*

*Stormwater ponds need to comply with Chatham County Stormwater Ordinance requirements. *Acknowledged.*

*Can number of septic utility easements be minimized? *We researched having combined easements and we believe it to add additional complication for the homeowners. Something we can and will do is to install the forcemains close to each other but on separate easements. That will allow us to leave some trees on the outside of each easement.*

The Planning Board met on March 6 to discuss the request which was tabled from the February 6, 2018 Planning Board meeting. The request was tabled to allow time for the developers to meet with the Kirkley's to discuss their concerns regarding a possible future location of a new well on their property in relation to the location of the 5 off-site septic systems proposed by the developer adjacent to their property. Staff provided a report and stated that the developers met on site with the Kirkley's to review their concerns; that the developers in their opinion did not think that the Kirkley's well would need to be relocated if the system as described by the soil scientist was required to be installed in the future; and that the current septic system appeared to be working properly. Staff stated that the developer had provided Chatham County Environmental Health with a revised soil map showing the Kirkley's well location and showing that the 5 off-site septic systems would meet the 100 foot separation requirement from the existing well. Staff also stated that the Kirkley's applied to Chatham County Environmental Health for a site evaluation to determine if there were suitable soils for a county approved system. James Tiger, Chatham County Soil Specialist, visited the property on March 2, 2018 and did find an area of suitable soils that will allow a 3 bedroom county approved septic system or repair area. Mr. Tiger stated to staff that the location of the approved site will not require the Kirkley's well to be relocated. Mrs. Kirkley was present and verified that this is correct. Staff has received a copy of the septic improvement permit which is dated March 6, 2018. Mrs.

Kirkley stated that from her measurements her well may be closer than 75 feet to the boundary line as was originally stated. Planning staff stated that when the septic improvement permits are requested for the 5 off-site septic systems, that Environmental Health will require the systems to meet the 100 separation requirement from the Kirkley's well.

Ms. Weakley clarified that Stream F / shown on the S&EC soil map as feature W2 had been upgraded by the Corp of Engineers from an ephemeral to intermittent and recommended that Condition # 4 reflect this change. Staff agreed and stated that Mr. Blake's original riparian buffer report dated December 12, 2016 had been revised on December 22, 2017 and stated "based on the Preliminary Jurisdictional Determination (PJD) and Approved Jurisdictional Determination (JD) dated July 21, 2017, Stream F was upgraded from ephemeral to intermittent by the USACE. Condition # 4 was revised to make the correction.

How does this relate to the Comprehensive Plan: This property is located in an area of the county identified as Conservation on the Future Land Use and Conservation Plan Map. The description for Conservation includes development that is primarily residential, is sensitively integrated into the landscape with overall low density, and encourages conservation subdivisions to protect natural resources while not disturbing agricultural practices. Although the proposed subdivision is not a conservation design it meets the adopted riparian buffer and stormwater control standards of the county, minimizes creek crossings, and has an average lot size of 3 acres. The developer 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 none were identified in their records.

Recommendation: The Planning Department and Planning Board by a vote of 8 - 1 recommend granting approval of the road name 'Morgan Ridge Way' and granting approval of subdivision First Plat for **Morgan Ridge Subdivision** with the following conditions:

1. The developer must obtain subdivision Concept and Preliminary Plan approval from Orange County prior to submittal of the Construction Plan to Chatham County.
2. All septic area encroachments shown within riparian buffer areas shall be removed.
3. Stormwater features shall meet all Chatham County Stormwater Ordinance requirements.
4. The Construction and Final plats shall show feature W2 / Stream F as shown on the Stream & Wetland Delineation Sketch Map prepared by S&EC as an intermittent stream with a 50 foot riparian buffer per side which was upgraded from ephemeral to intermittent by the USACE.
5. The Construction and Final plats shall show the sight triangles on Lots 11 & 12 for future road extension.

