



# Chatham County, NC

## Legislation Details (With Text)

**File #:** 19-3156 **Version:** 1

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

**File created:** 6/25/2019 **In control:** Planning

**On agenda:** 7/15/2019 **Final action:** 7/15/2019

**Title:** Vote on a request to approve request by David Johnson for subdivision First Plat review of Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, SR-1714, parcel #80855.

**Sponsors:**

**Indexes:**

**Code sections:**

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

Date	Ver.	Action By	Action	Result
7/15/2019	1	Board of Commissioners	approved	Pass

Vote on a request to approve request by David Johnson for subdivision First Plat review of Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, SR-1714, parcel #80855.

### Action Requested:

Vote on a request to approve by David Johnson for subdivision First Plat review of Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, SR-1714, parcel #80855.

### Introduction & Background:

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 an average of five acres with no lot smaller than 3 acres. 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 Fern Creek Subdivision Section II, consisting of 4 lots on 21.05 acres, located off Sugar Lake Road, S. R. 1714. An aerial 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.

This request is to create four additional lots off of Fern Creek Trail that will be accessed by a county standard private road as provided in Section 7.2 D(1)(b) in the Subdivision Regulations. To use this option requires that the lot sizes average 5 acres in size with no lot containing less than three acres.

All of the lots proposed with this request are greater than 5 acres. The private road provision allows for lots in a subdivision to be accessed by a private road meeting the design criteria in Section 7.2 D (3) that include a 60' right-of-way, 18' wide travel way width, and other standards that require verification from a licensed professional engineer. Fern Creek Trail ranges in width from 16' to 18' and the developer will have to upgrade the existing road to meet the design criteria. The developer has indicated that the project engineer has evaluated the existing road and determined that the road construction meets the road construction standards, with the addition of approximately 2 feet of additional compacted gravel in certain areas.

In 2005 Mr. Johnson submitted a variance request to the Board of Commissioners that Running Deer Trail, which accesses Fern Creek Trail, not be upgraded to the county private road standard. The request was submitted as part of an application for a four lot minor subdivision that required the extension of Fern Creek Trail. The Board of Commissioners approved the variance and allowed Mr. Johnson to subdivide 4 lots off of Fern Creek Trail, which was completed in 2006.

**Roadways:** The Fern Creek Trail right-of-way is 60 feet wide, portions of the travelway currently range between 16 and 18 feet wide. The travelway shall be 18 feet wide consistently from the beginning of Lot 5 to the end of Lot 8 and shall be unobstructed. The developer will voluntarily widen the travelway to 18 feet wide to the cul-de-sac, north of Lot 8. The design and construction of the private road shall be certified by a licensed engineer. A road maintenance agreement shall be provided prior to final plat.

**Historical:** The applicant contacted Bev Wiggins, Chatham County Historical Association. There are no old structures or cemeteries on the property per the applicant, if old structures or gravesites are found Ms. Wiggins asked to be contacted. No additional historical information was received.

**Schools:** Notification of the proposed development was provided to the Chatham County School System. See attachment # 4.

**General Environmental Documentation:** The developer submitted the General Environmental Documentation and a letter dated January 15, 2019 from North Carolina Department of Natural and Cultural Resources Natural Heritage Program to the Chatham County Watershed Protection Department for review (see attachments 5 & 6). The letter states "A query of the NCNHP database, indicates that there are no records for rare species, important natural communities, natural areas, and/or conservation/managed areas within 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, Watershed Protection Director, reviewed and approved the information submitted.

**Community Meeting:** A community meeting was held on December 27, 2018 at The Well Community Church, 130 Farrar Circle, Pittsboro. Three people attended the meeting. Items/issues discussed focused an easement not related to this project and there were no issues from others in attendance.

**Technical Review Committee:** The TRC met on May 15, 2019 to review the First Plat submittal. The developer was present and items discussed included the public hearing for the First Plat submittal, financial guarantee process, widening the travelway, and the cul-de-sac radius. Billy Judson, Chatham County Deputy Fire Marshal, asked for documentation for the gravel compaction

and Mr. Johnson stated he will provide it.

**Septic:** A soils report and map, attachment #8, 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 sufficient for a First Plat review.

**Water:** County water is not available and the lots will be served by private wells.

**Road Name:** The road name Fern Creek Trail has been approved by Chatham County Emergency Operations Office. Fern Creek Trail is an existing road and the name was approved in 2006.

**Water Features:** Julie Davidson of Agri-Waste Technology, Inc. identified two (2) ephemeral streams, one (1) intermittent stream, and two (2) perennial streams. Drew Blake, Chatham County Watershed Protection Inspector reviewed the site on March 11, 2019, changes were made to the findings. All parties agreed to remove two (2) ephemeral streams. Ephemeral stream #1 was a relict erosional gully that was heavily covered with pine straw and showed no recent flow and ephemeral stream #2 lacked a defined channel. Mr. Blake issued a confirmation letter dated March 13, 2019, his findings are one (1) intermittent segment and two (2) perennial segments (see attachment #9).

**Stormwater and Erosion Control:** Since the project does not meet the land disturbance threshold for stormwater controls none are required for this project.

**Site Visit:** Site visits were scheduled for May 9 and 14, 2019 for Planning Department staff and various Board members to attend. David Johnson 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 and a barn. 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, 2019.

### **Planning Board Discussion:**

The Planning Board met on June 4, 2019 to review the request. Mr. David Johnson, Developer and Mr. Samir Bahho, P.E. were present to answer questions. A public hearing was held, Mr. Mars Davis spoke of his concerns with the plat. Mr. Davis' property is adjacent to proposed Lot 6. The plat shows State Road 1714 and a 60' wide ingress/egress easement, which appears to be on his property. Mr. Davis had no concerns with the proposed subdivision. Several board members commented that the proposed plat wasn't final and the plat recorded at the Register of Deeds for Mr. Davis parcel was the lot of record.

Board discussion followed, comments and questions from the Board included the location of the potential ephemeral streams that were removed from the riparian buffer determination; the perennial stream Temple Creek; number of total lots; and if the proposed lots would have shared driveways. Board members were shown where the two ephemeral streams were removed and the location of Temple Creek. Mr. Johnson created four lots in 2006 and with the additional of the proposed lots there will be a total of eight lots for Fern Creek Subdivision. Mr. Johnson stated the land owners may place the driveways where they want and if owners wanted to share driveways that wouldn't be a problem.

After the Planning Board meeting staff met with Mr. and Mrs. Davis and Mr. Johnson on June 20, 2019 to review the 60' wide ingress/egress and State Road 1714 referenced on the plat. The

referenced 60' wide ingress/egress and State Road 1714 on the plat, show how the 60' wide easement is connected to the state road and isn't located on their property. Mr. and Mrs. Davis expressed their appreciation to staff for explaining the how the easement was depicted on the survey.

### **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 an area of the county identified as Rural on the Future Land Use and Conservation Plan Map. The description for Rural includes low density development, single family homes on large residential lots, agriculture, home-based and small scale businesses, and public open space. The proposed lot sizes are greater than 5 acres.

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 unanimous vote recommends granting approval of subdivision **First Plat for Fern Creek Subdivision Section II** 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
2. Road maintenance agreement shall be submitted prior to final plat.