



# Chatham County, NC

## Legislation Details (With Text)

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**File created:** 9/2/2021 **In control:** Planning  
**On agenda:** 9/20/2021 **Final action:**  
**Title:** Vote on a request from the Chatham County Planning Board and Environmental Review Advisory Committee to schedule a public hearing to consider amendments to the conservation subdivision standards in the Subdivision Regulations and Conservation Subdivision Guidelines for Conservation Space Selection.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Final Conservation Subdivision Guidelines-5-20-19, 2. Redlined Sections

Date	Ver.	Action By	Action	Result
9/20/2021	1	Board of Commissioners		

Vote on a request from the Chatham County Planning Board and Environmental Review Advisory Committee to schedule a public hearing to consider amendments to the conservation subdivision standards in the Subdivision Regulations and Conservation Subdivision Guidelines for Conservation Space Selection.

### Action Requested:

Consider a request from the Chatham County Planning Board and Environmental Review Advisory Committee to schedule a public hearing to consider amendments to the conservation subdivision standards in the Subdivision Regulations and Conservation Subdivision Guidelines for Conservation Space Selection.

### Introduction & Background:

The conservation subdivision option was adopted in 2008 and provides a 10-15% density bonus for the preservation of a minimum of 40% of the site as conservation space. The first conservation subdivisions were approved in 2014 (The Retreat at Haw River and US Steel) and one of those subdivisions has been constructed. Four additional conservation subdivisions (Ryan's Crossing, Firmage, Morgan Ridge Phase 2 and McBane) have been approved since 2014. One of those (Firmage) was an administrative approval which is allowed for conservation subdivisions of 15 or fewer lots. Currently, two conservation subdivision applications have been submitted to the county and are under review (Savannah Ridge and The Conservancy at Jordan Lake) and staff is working with applicants on 4 more conservation subdivisions (Pyewacket, Tripp property, Hamlets Chapel property, and 15-501 property).

### Discussion & Analysis:

There was a six-year gap between adoption of the conservation subdivision option and approval of the first subdivisions under this provision in 2014 and it has been used more frequently since then. As

a result of the increased use of this option, the Planning Board and Environmental Review Advisory Committee have identified sections of the regulations they think need to be amended. Staff has also identified parts of the standards that need to be re-evaluated and those are specifically focused on the procedure for preparing the fragmentation and on-site inventory maps and that these maps are prepared and approved prior to site plan layout.

The following is a brief overview of the proposed amendments:

#### **Subdivision Regulations**

- Section 1.13, Variances and Appeals: technical correction to add an appeal process for applicants.
- Section 2.3, Meaning of Specific Words and Terms: amend the definition for Lot Area (Useable) to remove “non-contiguous area” from the useable portion of a new subdivision lot. This is intended to prohibit off-site septic systems.
- Section 5.2(B)(1), Concept Plan: additional clarification to distinguish between conventional and conservation subdivisions.
- Section 5.2(C)(2)(b) Environmental Impact Assessment Review Process: Include the Environmental Review Advisory Committee in the review process for environmental impact assessments, in addition to the third-party peer review requirement.
- Section 7.7 Conservation Subdivision - Alternative Standards for Development: Clarify that the conservation space must be identified and On-Site Inventory and Fragmentation Maps must be prepared and approved before the applicant starts to design the subdivision layout; prohibit riparian buffers and floodplain from counting towards the 40% conservation space set aside; modify what is allowed or prohibited in conservation space; eliminate the agricultural preservation 5% density bonus; and add a 50’ perimeter buffer to the entire project boundary.

#### **Conservation Subdivision Guidelines for Conservation Space Selection**

- Include detailed steps for identifying conservation space, on-site and fragmentation map preparation and approval, site design, and submission requirements; clarify that the NC Natural Heritage Program must conduct a field survey to determine if any natural heritage program priority areas are contained within the site; and update conservation space criteria.

The Environmental Review Advisory Committee reviewed the proposed amendments during their regular meeting on August 12, 2021, and the Planning Board on September 7, 2021. Both boards recommended that the Commissioners schedule a public hearing to consider the amendments.

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

Preserve the rural character and lifestyle of Chatham County.

#### **Recommendation:**

Schedule a public hearing on October 18, 2021 to consider these amendments.