

..TITLE

Vote on a Request by Michael Poe for a twenty-four (24) month extension of preliminary plat to extend the current preliminary plat expiration date for Cattail Creek Subdivision from November 15, 2017 to November 15, 2019, consisting of 21 remaining lots, located off White Smith Road, S. R. 1506, Hadley Township, parcel #60065

..ABSTRACT

Action Requested:

Request by Michael Poe for a twenty-four (24) month extension of preliminary plat to extend the current preliminary plat expiration date for Cattail Creek Subdivision from November 15, 2017 to November 15, 2019, consisting of 21 remaining lots, located off White Smith Road, S. R. 1506, Hadley Township, parcel #60065

Introduction & Background:

Zoning District : R-1

Watershed District: WSIV-PA / Jordan Lake Buffer Area

Water Source: Private wells

Septic: On-site and off-site septic and repair areas

No floodable area

General Information:

This subdivision is review under the Pre-2008 Subdivision Regulations. Cattail Creek received Sketch Plan approval in 2004 for 76 lots and Preliminary Plat approval in 2005 for 72 lots. There are 21 lots remaining to be final platted. *The current preliminary plan for the remaining 21 lots will expire on November 15, 2017 unless an extension request is approved by the Board of Commissioners.* If the current preliminary plat expires, any future development of the property will be reviewed and approved under the current Subdivision Regulation.

All lots in Cattail Creek Subdivision in Phases 1 through 5 (this includes a 5 lot minor subdivision approved in 2004 prior to the major subdivision submittal) have received final plat approval and to date 55 homes have been constructed. The minimum lot size is 1.50 acres with an average lot size of approximately 2 acres. The Permit Extension Act of 2009 extended the preliminary plat expiration date to November 15, 2013 and the developer has requested and received two (2) additional extension requests to establish the current preliminary plat expiration date of November 15, 2017.

Discussion & Analysis:

The request before the Board is for a twenty-four month extension of preliminary plat to extend the preliminary plat expiration date from November 15, 2017 to November 15, 2019. The developer, Michael Poe, has stated in his extension request letter that the reason for the extension request is based on the past housing market decline in the Siler City area, but the current housing market appears strong enough to support

completion of the project. As stated above there have been 55 homes built to date in Phases 1 - 5. Mr. Poe is marketing the balance of the property and has a potential buyer that is interested in completing the project as originally approved.

In 2008, the Jordan Lake Riparian Buffer requirements were required to be implemented by the Legislature and the parcel, #60065, is located within this area. Per the NRCS maps there are possibly two (2) additional features that may require an undisturbed riparian buffer. Drew Blake, Environmental Quality Specialist, made an on-site visit and determined that only one of the features will require an undisturbed buffer. If the extension request is approved, the feature and undisturbed buffer will be shown on the final plat.

The erosion control permit previously approved by Chatham County in 2013 has expired. The developer will be required to obtain a new permit prior to any land disturbing activities. Based on the pre-2008 Subdivision Regulations, no stormwater permit is required from Chatham County.

The lots in Cattail Creek Subdivision are accessed by NCDOT public, state maintained roadways. The road plan was approved by NCDOT in 2005. Mr. Poe petitioned NCDOT to take over the maintenance of the roadways in Phases 1 through 5. Planning staff has received a letter dated July 7, 2017 from NCDOT stating that Rebecca Lane, Isabela Court, and Madison Court will be maintained by NCDOT. Staff received verification dated July 14, 2017 from Justin Richardson, Assistant District Supervisor, NCDOT, that a new road plan permit will not be required unless the road plans change from the original approval. The Cattail Creek stream crossing was completed in 2008/2009 per the conditions of the Army Corps of Engineers 404 permit obtained in 2005. A NCDWQ 401 permit was not required at that time based on the regulations in place. There are no additional creek crossings necessary to complete development of the balance of the property.

The Planning Board met on August 1, 2017 to review and discuss the request. Laura Grace, Realtor, was present to represent the potential buyer, Karelian Homes, Inc. and answer questions on the request. The Board discussed the request and had the following concerns / questions:

--Cattail Creek is a perennial stream and required a 50 foot wide riparian buffer at the time of preliminary plat approval in 2005,

--If developed under the existing subdivision regulations instead of the pre-2008 regulations, Cattail Creek would require a 100 foot wide riparian buffer,

--Can the Planning Board require the additional 50 foot riparian buffer along Cattail Creek,

--Concern regarding run-off from future development into Cattail Creek which feeds into Terrell's Creek,

--Would the additional feature shown on the NRCS map be included on future maps along with the required riparian buffer,

--If the extension request was granted, would the Planning Board have an opportunity to review future maps,

--If the extension request is granted, but the sale of the property does not happen, does the extension still apply?

Staff stated that under the pre-2008 subdivision regulations, the final plat(s) are required to be reviewed by the Planning Board and approved by the Board of Commissioners; that the Board cannot require the additional buffer, that the applicant can volunteer to provide the additional buffer; that the stream feature shown on the NRCS map will have to be shown on future maps along with the required riparian buffer; and that if the request is approved, the approval runs with the land and not the property owner.

Ms. Grace spoke and stated that her client was committed to completing the development of the property; that no work would commence until a new erosion control permit was obtained; and that every effort would be made to eliminate run-off into the stream.

The Planning Board tabled the request until the September 5, 2017 meeting to allow the current developer and potential buyer to respond to the Board's concerns.

The Planning Board met on September 5th to continue discussion on the request. Included in the revised Planning Board agenda notes for the 9/5/17 meeting was Attachment # 4 dated August 22, 2017, Cattail Creek Subdivision Buffer Proposal, which stated in part that "Karelian Homes, Inc. is willing to voluntarily add an additional 50 foot wide buffer to effectively increase the existing mandatory 50 foot buffer area which extends along the property boundary with Cattail Creek to a total of 100 feet; that the additional 50 feet would not be used for dwellings, concrete and paved driveways and walkways, and wells; that Karelian Homes Inc. would, however, reserve the right to use a part of the voluntary 50 foot buffer as an area where septic drain fields may be located if necessary." See letter, attachment #4. A map, attachment # 5, was also provided showing the location of the 50 foot voluntary buffer along lots that would border Cattail Creek and shows the NRCS additional feature and buffer. Laura Grace was present along with the potential buyer/developer of the property.

The Planning Board stated that they appreciated the developer, Karelian Homes, Inc. being willing to provide the additional voluntary 50 foot riparian buffer along Cattail Creek. Some Planning Board members stated they still had concerns that the water quality of Terrell's Creek is considered 'poor' and further development of the balance of Cattail Creek Subdivision under the pre-2008 Subdivision Regulations will further deteriorate Terrell's Creek because stormwater controls are not required; and that they were not comfortable with septic systems being allowed in the outer 50 foot voluntary buffer. A Board member asked what the differences would be if the balance of the property was developed under the current subdivision regulations versus pre-2008.

The developer with Karelian Homes stated that a soils report in 2004 indicated that there are pockets of adequate soils for septic systems near Cattail Creek (which were outside the original required 50 foot buffer area), however, every effort would be made not to intrude into the additional 50 foot voluntary buffer area with septic systems or repair areas. Ms. Grace spoke and stated that the lot lines will need to be revised to accommodate the water feature shown on the NRCS maps; therefore, there may be less than 21 lots developed, that the average lot size would be 2 acres, that the developer wants to keep the cost of house and land affordable and intends to use local building suppliers. Ms. Grace stated that differences between the two regulations would include a 100 foot riparian buffer along Cattail Creek and buffers along the water feature shown on the NRCS maps (which are both being provided), and there would be a requirement for stormwater controls. Ms. Grace stated that Karelian Homes is not planning to add stormwater controls.

As stated in the August 1st Planning Board notes, staff reminded the Planning Board that Planning staff is not making a recommendation because this is a policy decision to be made by the Board of Commissioners.

Recommendation:

The Planning Board by a vote of 7 - 2 recommended approval of the request for an extension of the current preliminary plat expiration date for Cattail Creek Subdivision from November 15, 2017 to November 15, 2019.