



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
9-17-07

PART A

Subject:

Request by Harvest Community, LLC on behalf of Paul & Barbara McCoy, Woods of McCoy, Inc. for subdivision sketch design approval of “**Harvest**”, consisting of 25 subdivision lots and four (4) exempt over 10 acre tracts on 213 acres, located off SR-1972, Pea Ridge Road, Cape Fear Township.

Action Requested:

See Recommendations.

Attachments:

See Attachments listed – last page

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: "Harvest"

Introduction / Background / Previous Board Actions:

Zoning: RA-40 & RA-5 Water System: Chatham County

Watershed: WSIV-PA and Sewer System: private / on-site
River Corridor

Within 100 year flood plain: Yes, see plat.

Issues for Further Discussion and Analysis: The developer is requesting sketch design approval of 25 subdivision lots. The subdivision also included four (4) exempt, over ten acre tracts along the Haw River, Tracts T 1, T2, T3 and T4. The exempt lots along the river are subject to the 100 year flood plain as shown on the sketch design map. The property is located in two different zoning districts a RA-5, (3 acres minimum / 5 acre average) and a RA-40 (40,000 square foot minimum [useable]). There are also two different watershed districts, a River Corridor and a WSIV-Protected Area. The surveyor has indicated on the sketch plan the division line between the RA-5 / RC and the RA-40 / WSIV-PA districts. The minimum lot size proposed for the subdivision is 3.99 acres with an overall average exceeding 5.00 acres. This meets the lot size requirements for the RA-5 / RC district and exceeds the RA-40 / WSIV-PA lot size requirements.

The entrance is designed to be a loop road. The roadways serving the subdivision are proposed to be a public, state maintained roads. The roads could be requested to be private roads according to the County Subdivision Regulations due to the low density of the lots. The issue of being public or private should be resolved at the time of preliminary approval. The northern entrance, Woods of McCoy Dr., currently a 60 foot wide private easement serving three subdivision lots, is also proposed to be upgraded to a public road. The Pea Ridge Road/Pond roadway is recommended to provide access to the adjacent property of Roberson and not create a reserve strip between the two properties.

A cover letter from the developer, attachment # 3, as well as an e-mail from Anita Bahe, attachment # 4, discuss the concept of the subdivision "to preserve the culture of farming and promote sustainability in both design and community living". Per the developer "the plans for the project include creation of small farm plots where residents can purchase crop shares of vegetables produced on-site and can participate in the actual farming of designated plots." Staff's visit to the property found that much of the property is currently farmed and is planted in corn with the balance of the property being wooded. The property rolls gently with no significant slopes on the subdivision size lots. A community building is proposed to be located on a portion of the common, open space land to be used by the residents of the subdivision with some limited public use. See attachments 3 & 4. When the subdivision is submitted for preliminary review, the location of the community structure will have to be designated and details pertaining to impervious surface coverage, parking, setbacks, etc. will have to be provided.

Re: "Harvest"

Issues for Further Discussion and Analysis – con't

County water is available and will be utilized. Each lot is proposed to have an on-site sewerage treatment system. The soil report and map prepared by Agri-Waste Technology, Inc, dated August 8, 2007, have been reviewed by Thomas Boyce, Chatham County Soil Specialist with the Chatham County Health Department, Environmental Health Division, and found to be adequate for sketch design review. The report may be viewed on the Planning Department web site under Harvest, sketch.

The sketch design map shows three streams on the property shown to be perennial streams on the Chatham County GIS system. Leopold Creek runs north and south and is the only named creek. Per an e-mail from Anita Bahe, project manager, an on-site assessment of the creek at the Pea Ridge Road / Pond entrance, done on August 24th, based on NCDWQ guidelines states, "The results of this assessment indicate that there is not an intermittent stream present as shown on the USGS/Chatham GIS maps." The GIS systems shows this stream to be a perennial. The entrance road location shown on the sketch design map appears to be too close to the required 50 foot wide water hazard setback/vegetative stream buffer per the Watershed Protection Ordinance, Section 304 C. 2 which states "Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer." If the on site assessment of the stream does indicate that the stream does not exist, the road location may remain in its current location. However, if a stream does exist in this location, the roadway will be revised to meet the Watershed Ordinance requirements. The revision, if necessary, will be shown on the preliminary plat. Per the e-mail dated August 22, 2007, attachment # 4, item 5, "The buffers for the project are intended to be 100' for all perennial streams and intermittent streams that are in fact present on site." Staff agrees with the developers commitment for increased buffers and recommends that the increased buffers be shown on the preliminary plat. The stream located in the RA-5/RC portion of the subdivision is shown with the required 100' per side buffers. Two wetland areas have been field located on the site and have 100' setbacks. Both wetland areas are located within common, open space areas. See sketch plan.

The subject property is adjacent to the Army Corps of Engineers property which is managed by the NC Wildlife Resources Commission as Game Land. According to the memo from Jacquelyn Presley Wallace, Urban Wildlife Biologist with the N C Wildlife Resources Commission, attachment # 7, "hunting, prescribed burning, logging and other activities occur on this property" She recommends that the developer maintain a 150 yard hunting safety buffer along the common boundary with the game lands. The standard zoning setback required for a side and rear property line is 25 feet. As stated in previous notes, since this is a subdivision issue, the Board can not require the developer to adhere to these recommendations. If he chooses, the developer can incorporate some or all of these suggestions into their private covenants / restrictions. The developer has been provided a copy of the recommendations from the NC Wildlife Commission. The developer may want to consider posting signs along the common boundary with game lands and placing a note on the final plat, stating that the adjacent property is Corps of Engineers land and can be used for hunting, etc. The subject property is located south and down stream of the Jordan Lake Dam spillway. In conversation with Michael Hosey, with the Army Corps of Engineers, he stated that the location of the proposed subdivision near

Re: "Harvest"

Issues for Further Discussion and Analysis – con't

the Jordan Lake Dam spillway should not cause problems in the future in regard to controlled release of water from the dam, but his concerns included current use of Corps lands for hunting and prescribed burning, etc. next to residential use as expressed by Mrs. Wallace. A letter from the Corps should be available prior to the Board meeting and will be posted on-line.

Staff's review of the Natural Heritage Program shows the property as possible habitat for the Loggerhead Shrike and the Eastern Isopyrum (vascular plant), neither of which is federally ranked. Also, the Poe's Ridge/Dam Road Upland Forests is located on the opposite side of the Haw River from this site. See attachment # 9.

There is a cemetery located on the property at the edge of the pond shown in open space, C1. The cemetery consists of several unmarked, rock head and foot stones. Per Jane Pyle, Chatham County Historical Association, the graves have not been identified at this time. See attachment # 8. There is a cabin located on the property, built by Mr. Paul McCoy, that is not considered an historical structure. The cabin is shown to be located within the traffic circle in open space C2. Staff contacted Mr. Dolores Hall, Deputy State Archaeologist, Office of State Archaeology, to see if she had any recommendations for the site. Per an e-mail from Ms. Hall, "We have no recorded sites within the area for the Harvest Subdivision, but there may be some potential for Native American Sites on the floodplain terrace and the adjacent ridge system." Staff notified Ms. Hall that the flood plain area all lie within the exempt, over ten acre tracts and that the land had been used for farming.

Subdivision of land is a three step process. As the developer progresses to the preliminary and final steps of the development procedure, other agencies, i.e. Chatham County Utilities Department, NCDENR, Chatham County Erosion Control, Chatham County Environmental Health, and NCDOT will be required to review the property and its features and issue permits. The plan as submitted meets the Subdivision Regulations requirements for a sketch design.

During the Planning Board meeting, three (3) adjacent property owners expressed concerns regarding hunting on adjacent properties and the need for signage stating that there may be hunting on adjacent lands, no motorized vehicles (ATV's) on trail along the river, use of river front lots, increased traffic on Pea Ridge Road, noise and light pollution. Patrick Bradshaw, attorney for the applicant, stated that the developer would be glad to place signs along the boundary with the Corps of Engineers land and Womble regarding hunting and that there would be private covenants regulating use of the lots including the over 10 acre river front lots.

Recommendation: The Planning Department and Planning Board (with a vote of 9 for approval and 1 abstention) recommend granting sketch design approval of "Harvest" with the following condition:

1. Prior to preliminary plat review, a determination shall be made based on NCDWQ guidelines as to the status of the stream shown located at the Pea Ridge/Pond entrance. If said stream is found to exist, the roadway shall be realigned to meet the requirements of Section 304 C. 2.
2. The preliminary plat shall label the roadways 'proposed public' or 'private' as decided.

Re: "Harvest"

Recommendation – con't

3. Public or private access (depending on road status) to the adjacent property of Roberson shall be shown on the preliminary and final plat so as not to create a reserve strip between the two properties.
4. Water hazard setbacks/vegetative stream buffer areas shall be 100 feet per side for all perennial and intermittent streams per the developer's commitment as stated in the e-mail from Anita Bahe, dated August 22, 2007 and shall be shown on the preliminary and final plats.
5. The preliminary and final plats shall include a vicinity map.
6. Signage shall be placed along the common boundary of the Corps of Engineers property and the common boundary of the Womble property regarding the use of the adjacent property for hunting and other related uses which may conflict with residential land use. A note to the same effect shall be placed on the preliminary and final plats.
7. All changes specified above shall be shown on the preliminary and final plats.

Re: Harvest

ATTACHMENTS:

The following may be viewed on the Planning Department website at www.chathamnc.org under Planning, Rezoning & Subdivision Cases, 2007.

1. Major subdivision application
2. ArcView Map, parcel #'s 5224, 5207, 69450, 5785, 78729.
3. Cover letter dated August 8, 2007 from Nathan Wieler, Developer.
4. E-mail dated August 22, 2007 from Anita Bahe, Project Manager
5. E-mail dated August 24, 2007 from Anita Bahe, Project Manager, regarding on-site stream review at the Pea Ridge Road / Pond entrance..
6. Soil Suitability for Domestic Sewage Treatment and Disposal Systems, dated August 8, 2007, prepared by Agri-Waste Technology, Inc.
7. Memorandum from Jacquelyn Presley Wallace, Urban Wildlife Biologist, dated August 14, 2007.
8. E-mail from Jane Pyle, Chatham County Historical Association
9. E-mail from Michael Hosey, Army Corps of Engineers
10. Vicinity map
11. Sketch design map titled "Harvest", prepared by Richard Bullock, NorthArrow Surveying & Mapping, PLLC, dated August 8, 2007.

