



**CHATHAM COUNTY  
BOARD OF COMMISSIONERS  
AGENDA ABSTRACT**

**ITEM NUMBER:**  
**MEETING DATE:**  
11-17-08

**PART A**

**Subject:**

Request for text amendments to the Chatham County Subdivision Regulations to amend the major subdivision process from three steps to four steps. The four steps are concept plan, first plat, construction plan, and final plat. The major subdivision process is proposed to include a community meeting, review by the Planning Board, Environmental Review Board, Appearance Commission, and School Board and the incorporation of environmental standards for development. The amendments also include a voluntary conservation subdivision option to allow for open space conservation and density bonuses, road network connectivity standards, viewshed and buffering standards, and increasing the percentage of work that must be completed before acceptance of a financial guarantee.

**Action Requested:**

See Recommendations.

**Attachments:**

Attachment 1 – Proposed Subdivision Regulations recommended by the Planning Board  
Attachment 2 – Proposed Section 7.7 from environmental consultant and environmental attorney  
Draft Regulations may be viewed on the Planning Department webpage at [www.chathamnc.org/planning](http://www.chathamnc.org/planning)

**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: Subdivision Regulations**

#### **Introduction / Background / Previous Board Actions:**

A public hearing was held on October 20, 2008 on proposed amendments to the Subdivision Regulations. Prior to the hearing a public forum was held on September 30 to present the revised regulations to the public and provide a venue to discuss the amendments and receive feedback. Comments were received at the public forum and public hearing and were reviewed by staff and the Planning Board and some were incorporated into the revised Subdivision Regulations, which are included as attachment 1. The attached version of the Subdivision Regulations was recommended by the Planning Board to the Board of Commissioners by a vote of 9 – 1.

#### **Issues for Further Discussion and Analysis:**

The Planning staff reviewed the comments received from the public hearing and forum and incorporated revisions into the Subdivision Regulations, which were shown in a red line version provided to the Planning Board. The Planning Board considered those revisions, as well as others provided by staff, and made further revisions that are incorporated into the attached red line version.

The following is a list of the major changes that were made to the Subdivision Regulations recommended for approval by the Planning Board.

Sections 5.2(B)(4) and 5.2(C)(5) – Include a requirement to post the concept plan community meeting notice and Planning Board meeting notice for First Plat consideration on the County website.

Section 5.2(D)(3) – Time limits for the Planning Board and Board of Commissioners to make a decision were added, which match the current time limits for preliminary plat consideration.

Section 5.3 – The minor subdivision process steps were amended to reflect pending changes in other regulations.

Section 6.2(A)(1) – Amended to accommodate guidelines to develop an environmental assessment that are to be developed.

Sections 6.2(A)(2) and 6.2(A)(3) – Deleted due to concerns about legal enforceability.

Section 7.1(A) – Last paragraph deleted with a provision that the irrigation system recommendations are incorporated into design guidelines.

Section 7.3(A) – The block length table was amended to delete requirements for densities less than 2 dwellings units per acre due to concerns about possible unintended environmental impacts.

Section 7.3(B) and 7.3 (C) – Deleted in their entirety due to concerns about the compatibility of having prescriptive road network requirements in rural areas where mass grading is not required. The Board thought it was a better practice to design roads to fit variations of the land versus meeting a prescriptive requirement.

Section 7.7 – Replaced with a version drafted in September 2008. The Planning Board was concerned that the more recent draft was too restrictive and would discourage developers from pursuing it as an option. Specific concerns cited were the limitations of use in the natural area portion of the conservation area and the difficulty of designing the project.

**Re: Subdivision Regulations**  
**Issues for Further Discussion and Analysis**

The Planning Board also requested that the County Attorney review section 7.1(A) and provide an opinion about its enforceability. One of the concerns expressed was that the language was similar to prior environmental assessment provisions, which were found to be legally unenforceable. In regards to Section 7.7, the Board may want to give further consideration to the proposed conservation subdivision language drafted by the environmental consultants and environmental attorney, which are included as attachment 2.

Planning staff recommended to the Planning Board that section 1.14(G), which establishes standards for withholding development approvals when timber harvests have occurred, be deleted. The Planning Board left the provision in the recommendations to the Board of Commissioners. The planning staff has concerns about the implementation of this provision and thinks that further study may be warranted to establish stronger language for enforcement. Some of the concerns of staff are that it may be difficult to determine willful violations of the development regulations versus unknowing violations; it is not clear what a timber harvest means such as a clear cutting, selective thinning, or any timbering; it covers all development regulations, which will cover numerous regulations; and it may be more appropriate to place the provisions in each ordinance or regulation that is of concern.

There are other outstanding issues that the County Attorney and/or environmental consultants are addressing that the Board will need to address, in addition to those listed previously. One item is determining what parts of the new regulations, if any, will apply to subdivision with sketch or preliminary approval that are still in the review process. Second, environmental assessment guidelines have not been established and the review process has not been specified for inclusion in the Subdivision Regulations.

Prior to adoption of the revised Subdivision Regulations the following items need to be addressed – 1) what version of section 7.7 for conservation subdivisions will apply, 2) what amendments to section 7.1(A) are needed, 3) should section 1.14(G) on withholding development approvals for timber harvesting be removed for further study, 4) how will sketch and preliminary subdivision approvals be handled under the new regulations, and 5) how are environmental assessments processed.

**Recommendation:** It is recommended that the five issues listed in the prior paragraph be addressed prior to Board action on this ordinance.