

# Subdivision Regulations Amendments - 2011

Planning Department Staff Recommendations

# Overview of Major Changes

- Financial Guarantees
  - Require Contract between County & Developer
  - Specify types of Financial Guarantees Accepted
  - Addition of Road Maintenance Guarantee Requirement
- Major Subdivision Process
  - Include more review process specificity while reducing time and steps
  - Add specification for environmental information review process and historical structures/cemeteries review
  - Change Construction Plan and Final Plat review to administrative process
- Other Changes
  - Increase threshold requirement for Environmental Impact Assessment
  - Allow nonresidential subdivisions of 5 lots or fewer to follow Minor Subdivision process
  - Added/changed definitions, clarified requirements for First Plat and Construction Plan, exempt agricultural lots from Recreation Fee payment

# Financial Guarantees - Changes

- Add requirement for Contract for County acceptance of Financial Guarantees
  - County has required this since 2010 by Policy
- Increase required amount of Financial Guarantees
  - County has used 140% of total cost in past – increased to 150%
  - Clarify threshold at which Financial Guarantee can be requested:
    - 75% of improvements based on the total estimated cost of improvements to be installed have been completed, and all-weather access for emergency vehicles is provided
- Specify types of Financial Guarantees accepted:
  - Surety Performance Bond, Cash or Equivalent Security (i.e. L.O.C.)
- Road Maintenance Guarantee
  - Required for all public roads to be accepted by NCDOT
  - Initial term of 2 years with 2 year renewals

# Major Subdivision Process

- First Plat
  - Specify process for review of Environmental Documentation (30 days) or Environmental Impact Assessment (60 days)
    - Environmental Documentation review is administrative
    - EIA is peer-reviewed – applicant pays for review
  - Clarify Chatham County Historical Association review process
  - Include 14-day sufficiency review period for staff
  - Reduce number of required days/times for site visits to 2
  - Add ability for Planning staff to postpone Planning Board review for 1 month
  - Reduce time of Planning Board review to 2 months
  - Keep Planning Board Public Hearing requirement – included in 2 months
  - Board of Commissioners review reduced from 5 to 4 months

# Major Subdivision Process - Continued

- Construction Plan
  - Administrative Review – If Significant Change, PB/BOC Review
    - Detail step-by-step process for administrative review – include TRC
    - Significant Change(s) trigger PB/BOC Review process:
      - Increased Lots, Increased stream crossings, Increased road lanes, Increased road length, Discovery of Historical Structures/Cemeteries that alter layout
    - Detail process for PB and BOC review if necessary
      - Submittal deadline, sufficiency review, TRC review, PB and BOC review
- Final Plat
  - Administrative Review
    - Detail step-by-step process for administrative review – include TRC
    - If Final Plat not in substantial compliance with approved Construction Plan, Denial
    - Denial by staff may be appealed to PB/BOC
    - Detailed Appeal procedure – also used for Minor Subdivisions

# Environmental Review

- Increased threshold for Environmental Impact Assessment – if under threshold, Environmental Documentation required
  - 50 Lots or more require EIA
  - Under 50 Lots, Environmental Documentation required
- Formalized step-by-step process for review of required Environmental Information at First Plat – prior to submittal to Planning Department
  - Environmental Documentation – Administrative Review within 30 days
  - Environmental Impact Assessment – Peer Review within 60 days
    - Applicant charged cost of Peer Review
  - Clarified Environmental Documentation requirement – previously not specified in Regulations
  - Clarified requirement for USACE or NC DWQ Permits/Certifications
    - No longer require permit/certification or letter stating no permit needed at First Plat – permits required prior to Construction Plan approval

# Other Changes

- Clarified historical information to be shown on First Plat
- Removed requirement for Stormwater & Sedimentation/Erosion Control Plans at First Plat
  - Add requirement to show stormwater devices and easements on Plat
- Remove references to Steep Slopes
  - Previously required to show on Plat, remove from Useable Lot Area
  - Steep Slopes are protected in SESC Ordinance – disturbance allowed with limits
- Specify information to be shown on Construction Plan
- Add requirement to show historical information on Final Plat
  - Existing structures to remain that are 50+ years old
  - Cemeteries – include provision for access from public road

# Other Changes – Continued

- Delete requirement that land platted for commercial, institutional or industrial purposes follow major subdivision process
  - Allow those that meet definition to follow minor subdivision process
- Clarify and add exemption to Recreation Exaction Fee requirement
  - Specify that all non-residential and family subdivisions are exempt from Recreation Exaction fee
- Non-residential subdivision definition – include lots used for bona-fide farm activities with no residence
- Define residential subdivision and bona-fide farm activities
- Add Certification for staff – Exempt Subdivisions



# Next Step

Schedule Public Hearing for July 18, 2011  
Board of Commissioners Meeting