



Agenda Abstract

Department: Planning

Authorizing Signature: _____

Submitting Official: Jason Sullivan, Planning Director

Meeting Date:	May 21, 2012
Subject:	Request by Paul Messick, Attorney-at-Law, on behalf of Parker Springs, LLC to adopt a Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177).
Action Requested:	See Recommendation
Attachments: (List Individually)	<ol style="list-style-type: none"> 1. Letter of Request dated May 2, 2012 from Paul Messick, Attorney-at-Law. 2. Copy of a Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)

Introduction & Background:	<p>The North Carolina General Assembly enacted the Permit Extension Act of 2009 (amended by Session Law 2010-177) suspending the running of the period of approval for certain development permits during the four (4) year period from January 1, 2008 until December 31, 2011. The amended Permit Extension Act of 2009 states in part in Section 5, <i>"This act shall not be construed or implemented to: Item # 6, Affect the ability of a government entity to revoke or modify a development approval or to <u>accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.</u>"</i></p> <p>Parker Springs Subdivision was granted preliminary plat approval by the Board of County Commissioners on May 5, 2008 for 50 lots on 87 acres. The subdivision was to be served by county water, individual septic systems, and repair areas. Required permits for preliminary plat submittal were obtained as follows:</p> <table> <tr> <td>NCDOT</td><td>Road Plan Approval</td></tr> <tr> <td>NCDOT</td><td>Commercial Driveway Permit</td></tr> <tr> <td>NCDOT</td><td>Encroachment Agreement (12" DIP water main/ SR- 1700)</td></tr> <tr> <td>NCDENR</td><td>Authorization to Construct (water line)</td></tr> <tr> <td>CHATHAM COUNTY</td><td>Sedimentation and Erosion Control Plan</td></tr> <tr> <td>CHATHAM COUNTY</td><td>Land Disturbance Permit</td></tr> <tr> <td>U. S. ARMY CORPS OF ENGINEERS</td><td>Creek Crossing Permit</td></tr> <tr> <td>NCDWQ</td><td>401 Water Quality Permit</td></tr> </table>	NCDOT	Road Plan Approval	NCDOT	Commercial Driveway Permit	NCDOT	Encroachment Agreement (12" DIP water main/ SR- 1700)	NCDENR	Authorization to Construct (water line)	CHATHAM COUNTY	Sedimentation and Erosion Control Plan	CHATHAM COUNTY	Land Disturbance Permit	U. S. ARMY CORPS OF ENGINEERS	Creek Crossing Permit	NCDWQ	401 Water Quality Permit
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Discussion & Analysis:	<p>This request is for relinquishment of preliminary plat approval for Parker Springs Subdivision. If approved, the property will revert to its raw land status with no subdivision approval. The permits listed above will remain valid until their expiration date; however, there will be no associated subdivision approval. Any new development requests will be subject to the post 2008 Subdivision Regulations, Watershed Protection Ordinance, Stormwater Ordinance, and the Sedimentation and Erosion Control Ordinance. If the request for relinquishment is not granted, the existing preliminary plat approval will expire on July 1, 2013 based on the Permit Extension Act.</p> <p>As part of the preliminary plat submittal, the developer paid water availability fees of \$175,000.00 (\$3500.00 x 50 lots) to the Public Works Department. The developer is requesting that the fee of \$175,000.00 be refunded. The developer agrees that the water capacity of 18,000 gallons per day, reserved by the County for the development, will be relinquished to be made available to others. Per David Hughes, Public Works Director, according to the County Water Policy, if a request for a refund is made within the time permitted for completion of the project, or five (5) years from the date of payment, whichever is later, the county is obligated to return the availability fee. The water availability fee was paid by the developer on November 16, 2007. Per an e-mail from Mr. Hughes, "According to the Water Policy passed by ordinance, the county is obligated to return Parker Springs availability fee". If the preliminary plat approval is relinquished, there is no subdivision approval and it appears that the availability fees can be refunded.</p> <p>The county has interest in obtaining a utility easement (water line) on the 87 acres in order to potentially connect the water line running along Mount Gilead Road and within Monteranne Subdivision with the water line on Big Woods Road. David Hughes is discussing this issue with the developer and his attorney. Additional information will be provided at the May 21st Board of Commissioner meeting.</p>
Budgetary Impact:	Reimbursement of \$175,000 in water availability fees.
Recommendation:	The Planning Department recommends granting the request for approval of a Resolution Accepting the Voluntary Relinquishment of Chatham County Approvals Related to Parker Springs Subdivision, Pursuant to the North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177).