

..TITLE

A request by the Chatham County Board of Commissioners to amend various sections of the Subdivision Regulations regulating travel way requirements regarding North Carolina Fire Code standards, specify waterline completion prior to acceptance of a financial guarantee, change the Board of Commissioner time for approval of plats from four meetings to 60 days, clarify the approval period for Construction Plans as 24 months, clarify that Environmental Impact Assessments do not apply to bona fide farm activities, and clarify site distance easement requirements.

..ABSTRACT

Action Requested:

A request by the Chatham County Board of Commissioners to amend various sections of the Subdivision Regulations regulating travel way requirements regarding North Carolina Fire Code standards, specify waterline completion prior to acceptance of a financial guarantee, change the Board of Commissioner time for approval of plats from four meetings to 60 days, clarify the approval period for Construction Plans as 24 months, clarify that Environmental Impact Assessments do not apply to bona fide farm activities, and clarify site distance easement requirements.

Introduction & Background:

Planning Board Information is Noted in BOLD

In February 2012, the North Carolina Office of the State Fire Marshal issued a formal interpretation of Sections 102.10 and 503 the 2009 Fire Code (Attachment 1) which defined the minimum design criteria such as width and load capacity of travel ways as it applies to residential subdivisions. The regulations state that an unobstructed width of 20' is required for fire apparatus access roads. This interpretation represented an impact on the county's currently adopted private road standards.

The office issued a determination in February 2012 that the county's fire code official may accept road widths of less than 20 feet as an alternate material, design or method provided the standards provide the same level of functionality and technical equivalency as intended by Section 503 of the North Carolina Fire Code. The determination also affirmed that roads that were established prior to the 2009 North Carolina Fire Code that are less than 20 feet in width are considered preexisting and do not need to conform to the standards put forth in the recent interpretation.

Staff brought this proposed amended subdivision regulations to the Board of Commissioners work session meeting June 17th for preliminary discussion and input. Comments from the elected board included concerns for the cost of road improvements for those seeking minor subdivisions. Additionally, it was noted that these amendments would not affect existing developments.

A public hearing was held on this item July 15th, 2013. Planning staff presented the request and there was no discussion or concerns noted from the public.

The Planning Board met August 6th, 2013. Chatham County Fire Marshal Thomas Bender was present to answer any questions the Planning Board had during the presentation and explained the history behind the amendment and communicated to the Board that the road improvement requirements proposed are less stringent than the official interpretation, as he determined the proposed requirements are sufficient for fire apparatus use.

Member Kelly referenced the miscellaneous amendments and asked if the 60 days proposed for Board of Commissioners review and approval of plats could be changed to 65 days in order to accommodate the longer months in the year. The Planning Board agreed with this change and the Regulations are modified to 65 days.

Discussion & Analysis:

Working closely with the Chatham Fire Marshal and other county staff to resolve the multiple conflicts within the subdivision ordinance as it pertains to the 2009 North Carolina Fire Code interpretation, staff is introducing an amendment to the subdivision regulations that encompasses updates to private road travel way design standards. Staff has also included additional miscellaneous amendments that clarify existing regulations and support a streamlined review process for plat review based on prior board direction. A detailed summary of the proposed amendments is provided as Attachment 2. The subdivision ordinance in its entirety, along with the proposed red-lined amendments, is provided as Attachment 3.

Recommendation:

Planning Board (by unanimous vote 9 members present) recommends approval of the proposed Subdivision Regulations with the following provision that, if adopted, the amendments:

- 1.) Become effective January 1, 2014.**
- 2.) In sections 5.2C (5) (b)-p.29, 5.2C (7)-p. 30, 5.2D (5)-p.34, Figure 3 –p.35, 5.2F (10)-p.39 sixty (60) days change to sixty-five (65) days for ordinance application purposes.**

Staff concurs with the Planning Board recommendations above, but has added proposed language to the Subdivision Regulations Section 7.4 Lots Subsection B. Arrangement (3)-p. 56 which explicitly excludes easements serving one lot from the proposed road improvement standards and requires the road have a minimum clearance of 12 feet wide and 14 feet high and an all weather travel surface. This exemption was the original intent of the subdivision regulations amendment and was explained to the Board of Commissioners and Planning Board, but lacked clarity, which is the intent of the added language.