

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
APPROVING WAIVER TO ALLOW BRIAR CHAPEL PHASE 16 – NORTH
CROSSING**

WHEREAS, Section 9.1 of the Compact Communities Ordinance sets out various riparian buffer rules within a compact community;

WHEREAS, Section 15 also authorizes the Commissioners to adjust, modify, reduce or waive requirements of the CCO under certain circumstances;

WHEREAS, NNP-Briar Chapel, LLC (“NNP”) has requested the Commissioners to allow a roadway stream crossing between Phase 16 South and Phase 16 North in accordance with impacts previously approved by the U.S. Army Corps of Engineers (the “Corps”) and NCDENR, as depicted on the attachment;

WHEREAS, given the fact that the crossing has been approved by the Corps and NCDENR as a result of a multi-agency review, including on-site inspection by the Corps, approval of this request is reasonable under the circumstances;

WHEREAS, the Board referred the request to the Chatham County Environmental Review Advisory Committee (“ERAC”) for a recommendation about whether to approve the requested waiver;

WHEREAS, ERAC reviewed the request at its meeting on December 14, 2017 and unanimously recommended granting the requested waiver;

WHEREAS, the Board of Commissioners has determined that the impact of the Briar Chapel Compact Community is adequately mitigated by community design or topography;

WHEREAS, Section 9.1 of the Compact Communities Ordinance allows culverts and roadway crossings within a riparian buffer where, as here, the amount of intrusion into the buffer is minimized;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the language and intent of the CCO, the Board of Commissioners has concluded to grant the requested waiver as set out in the letter to the Board dated October 25, 2017 and its attachments, and that the requirements for granting the request, pursuant to Section 15 of the Compact Communities Ordinance, have been met; and

WHEREAS, it appears to the Board of Commissioners, and the Board of Commissioners hereby finds, that the waiver requested by NNP Briar Chapel, LLC is reasonable under the facts and circumstances and should be granted;

NOW, THEREFORE, BE IT ORDERED by the Board of Commissioners of Chatham County:

1. The recitals set forth above are incorporated in this Order.
2. The request to approve the waiver as requested in the letter of October 25, 2017 and its attachments, is hereby granted.
3. To the extent an adjustment, modification, reduction or waiver under Section 15 of the Compact Communities Ordinance is required in order to effectuate this resolution, the same is hereby granted;
4. No waiver or consent except those set forth in this Order is granted.

Adopted this the 16th day of January, 2018.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By:

Diana Hales
Diana Hales, Chair

ATTEST

Lindsay K. Clay
Lindsay Ray, Clerk to the Board
Chatham County Board of Commissioners

