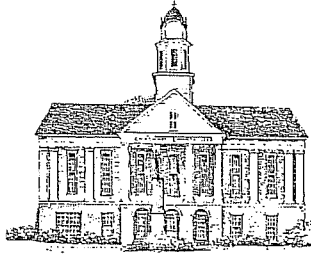


COUNTY OF CHATHAM

PLANNING DEPARTMENT
POST OFFICE BOX 54
PITTSBORO, N. C. 27312-0054



PHONE: 919-542-8204
FAX: 919-542-0527
email: keith.megginson@ncmail.net

ORGANIZED 1770 707 SQUARE MILES
March 29, 2005

Bynum Ridge, LLC
PO Box 5689
Cary, NC 27511

Gentlemen:

During their regular meeting March 21, 2005, the Chatham County Board of Commissioners considered your requests as described below:

Request by attorney Nicholas P. Robinson on behalf of Bynum Ridge, LLC for amendments to the Chatham County Watershed Protection Ordinance Sections 303 (A) and Section 600. The proposed amendments would allow single-family cluster developments located within more than one watershed to share density in the different watersheds without exceeding the maximum allowed in the combined watersheds.

Request by Bynum Ridge, LLC for a Conditional Use District (CU-RA-90) on 650 acres (presently 242 acres zoned RA-5 and 408 acres zoned RA-40) on the south side of SR 1711, Bynum Ridge Road.

Request by Bynum Ridge, LLC for a Conditional Use Permit for a Planned Unit Development, Williams Pond Residential Community, consisting of 185 lots on 650 acres, located on the south side of S. R. 1711, Bynum Ridge Road, Baldwin Township.

After considering your written requests, comments received at the public hearing, and recommendations of the Planning Department and Planning Board, the Board of Commissioners approved your requests. Enclosed are the following ordinance amendments and resolution reflecting the Board of Commissioners approval of your requests March 21, 2005:

- AN ORDINANCE AMENDING THE WATERSHED PROTECTION ORDINANCE OF CHATHAM COUNTY
- AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY
- A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A REQUEST BY BYNUM RIDGE, LLC FOR BYNUM RIDGE PLANNED RESIDENTIAL DEVELOPMENT.

March 28, 2005
Bynum Ridge, LLC
Page 2

Minutes of the meeting are available from Ms. Sandra Sublett, Clerk to the Board of County Commissioners, at 542-8200. If you have any questions about the Board's action or would like to discuss uses of your land, please call me at 542-8205.

Sincerely yours,



Keith Megginson
Planning Director
Chatham County

KM/ke

Enc.

c: Williams Family Limited Partnership, c/o Ted Williams
4210 Trotter Ridge Rd., Durham, NC 27707

Nicholas P. Robinson, Attorney
PO Box 607
Pittsboro, NC 27312

AN ORDINANCE AMENDING THE
WATERSHED PROTECTION ORDINANCE
OF CHATHAM COUNTY

WHEREAS, the Chatham County Board of Commissioners has considered the request of Nicholas P. Robinson on behalf of Bynum Ridge, LLC to amend Section 303 (A) and Section 601 of the Chatham County Watershed Protection Ordinance and finds that the amendment is consistent with the comprehensive plans for Chatham County; and

WHEREAS, the Board finds that the proposed amendment does not violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission and administered by the North Carolina Division of Water Quality;

BE IT ORDAINED by the Board of Commissioners of Chatham County as follows:

1. That the first clause of Section 303 entitled "Cluster Development" and Subsection (A) thereof be amended to read as follows:

"Clustering of development is allowed in all Watershed Areas of the County under the following conditions:

- (A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 302. With regard to land lying within the Pokeberry Creek drainage area, known and referred to as "hydrologic unit # 03030002060010" and within more than one Watershed Area, the total number of lots allowed in the entire project shall be calculated as set forth for the respective applicable Watershed Areas set forth herein, but the lots may be located anywhere within the project and no maximum number of lots shall apply solely within the respective Watershed Areas. Built upon area or stormwater control requirements of the project shall not exceed that allowed by this ordinance for the watershed area in which the project is located. The applicant shall provide satisfactory evidence to support the cluster design as compared to the design allowed under the standard provisions of the Ordinance."

2. That Section 601 entitled "General Definitions" and the definition of "Cluster Development" therein be amended to read as follows:

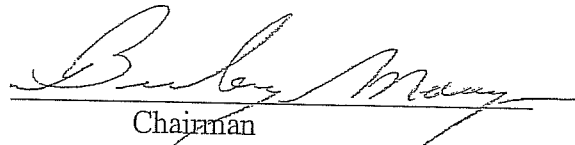
“Cluster Development. The grouping of buildings to conserve land and resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land. “Planned Residential Developments,” as provided for under the Chatham County Zoning Ordinance and “Planned Unit Developments,” as provided for under the Chatham County Subdivision Regulations, shall each be deemed to be Cluster Development under this Chatham County Watershed Protection Ordinance.

3. The Pokeberry Creek drainage area known as Hydrologic unit # 03030002060010, and referred to herein is as shown on the map attached hereto and incorporated herein by reference as Exhibit A
4. This ordinance shall become effective upon its adoption.

Adopted this 21st day of March, 2005.

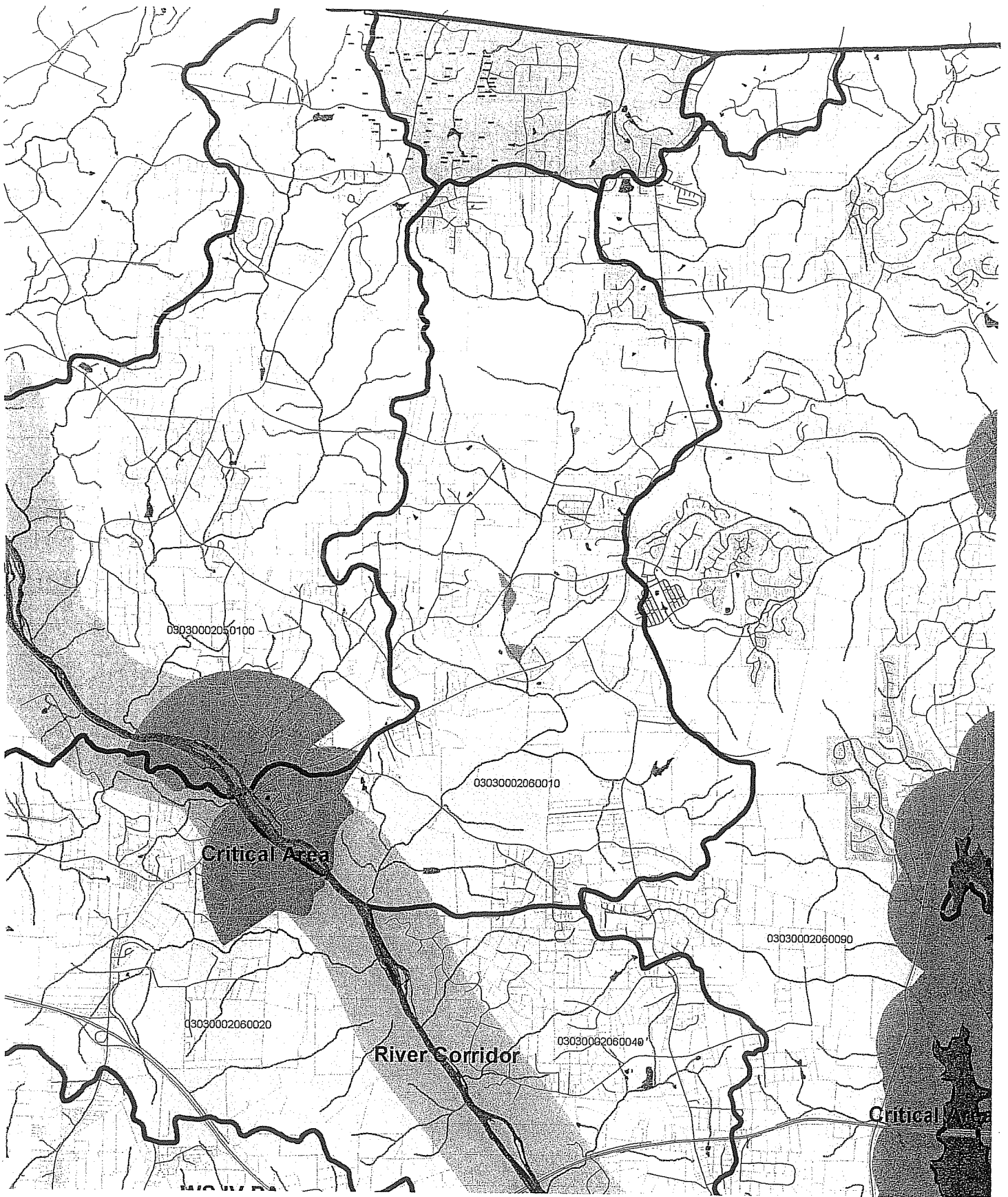
CHATHAM COUNTY BOARD OF COMMISSIONERS

By:


Chairman

ATTEST:


Clerk



Prepared by the Chatham County
Planning Department: February 28, 2005

Property Boundaries with 14-Digit Hydrologic Units and Watershed Classifications

3000 0 3000 6000 9000 Feet



AN ORDINANCE AMENDING THE ZONING ORDINANCE OF CHATHAM COUNTY


WHEREAS, the Chatham County Board of Commissioners has considered the application of Bynum Ridge, LLC to amend the zoning map of Chatham County to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from RA-5 Residential-Agricultural District (242 acres) and RA-40 Residential-Agricultural District (408 acres) to CU-RA-90 Residential-Agricultural CU District and finds that the amendment is consistent with the comprehensive plans of Chatham County; and

WHEREAS, the Board finds that the uses set forth in the Application and incorporated herein by reference, if approved as a conditional use pursuant to the provisions of the zoning ordinance, would be suitable for the property proposed for rezoning under the conditions attached to the Conditional Use Permit;

BE IT ORDAINED by the Board of Commissioners of Chatham County as follows:

1. The Application to rezone the property described in Exhibit A attached hereto and incorporated herein by reference and generally referred to as being 650 acres located south of Bynum Ridge Road (SR 1711) be rezoned from RA-5 Residential-Agricultural District (242 acres) and RA-40 Residential-Agricultural District (408 acres) to CU-RA-90 Residential-Agricultural CU District be approved.
2. This ordinance shall become effective upon its adoption.

Adopted this 21st day of March, 2005.


Bunkey Morgan, Chairman

ATTEST:



Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners

EXHIBIT A

All of those certain tracts or parcels of land more particularly described in the rezoning exhibits entitled Reference Exhibit for Williams Pond, dated May 18, 2004, and Legal Description Tracts A, B, C, and D, in the section entitled Community Summary in the Application for Major Subdivision, Rezoning, and Planned Residential Development Conditional Use Permit, for Williams Pond Residential Community, dated October 18, 2004 attached hereto and incorporated herein by reference.

A RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A REQUEST BY BYNUM RIDGE, LLC FOR BYNUM RIDGE PLANNED RESIDENTIAL DEVELOPMENT

WHEREAS, Bynum Ridge, LLC, has applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 650 acres on the south side of Bynum Ridge Road (S.R. 1711) for use as a Planned Residential Development as indicated in the Bynum Ridge Residential Community Application;

WHEREAS, the Chatham County Board of Commissioners hereby finds as follows:

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit is consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations; and

WHEREAS the Chatham County Board of Commissioners hereby finds that the applicant has provided satisfactory evidence to support the cluster design as compared to the design allowed under the standard provisions of the Chatham County Watershed Protection Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan of Williams Pond Residential Community, A Planned Residential Community by Bynum Ridge LLC dated October 18, 2004 attached hereto and incorporated herein by reference with specific conditions as listed below:

Stipulations Specific to the Application

1. The roads in the development may be private, but will be built to the NC DOT standards for the terrain classification of hilly conditions. The private roads may be gated, provided access is made available to emergency vehicles, law enforcement, and utility vehicles.

2. A preliminary field reconnaissance archaeological survey to determine the existence or absence of any site of likely archaeological significance will be performed by a professional archaeologist (as listed on the NC Dept. of Cultural Resources website). The reconnaissance survey shall be performed in areas of ground disturbance which would adversely impact potential sites, such as areas of future roadways, active recreation areas to be graded, and lots to be developed (i.e. not including buffers, open space or irrigation areas). Areas determined by the NC Department of Cultural Resources, Archaeology/Historic Preservation Section as a low probability of likely significant sites are not required to be surveyed. Any site identified with likely archaeological significance shall have an intensive survey to determine significance. If a site is determined as a candidate for nomination to the "National Register of Historic Places" it shall be preserved or documented prior to being disturbed. The field reconnaissance survey shall be performed prior to preliminary plat submission. Any recommended intensive survey shall be performed prior to ground disturbing activity in the area of concern. The surveys shall be performed at developer's expense.

3. The developer shall continue to work with the Chatham County Historical Association in the documentation of historic structures and cemeteries on the property.

4. Wetland areas as designated on maps and in the field shall remain in an undisturbed state and shall have a minimum undisturbed buffer of 25 feet, except where the US Army Corps of Engineers approves an impact area.

5. A survey of the habitat area of the buttercup phacelia on the development property shall be conducted in the Spring prior to any land disturbing activity. If the species is found, appropriate measures for its preservation shall be taken.

6. There shall be a 200-foot undisturbed buffer area from the bank of the Haw River. The next 100 feet landward shall be undisturbed except that trees smaller than six inches dbh (diameter at breast height) may be removed and there may be pervious landscape paths to landings or decks without walls or roofs. There shall be no turf planted. The next 100 feet landward shall be undisturbed except that trees smaller than six inches dbh may be removed. There shall be allowed pervious landscape paths to landings or decks without walls or roofs and 50% of the area may have turf. Within the 400 foot buffer area described, existing vegetation shall remain except as otherwise provided in these conditions and except for invasive species, which may be removed according to environmentally safe standards and indigenous plants may be planted.

7. The developer shall donate to the State of North Carolina the area along the existing upper trail along the Haw River, where it is located on the developer's property, and a distance a minimum of 20 feet along the landward side of the trail on lots 10-21 and lots 135 & 136.

8. There shall be a minimum undisturbed buffer area of 200 feet from the bank of Pokeberry Creek for lots that abut NC State Park land along Pokeberry Creek (Lots 21,22,31,125,127,128,129,134, &135), plus a 100-foot buffer along the rear property line of 134 and 129. There shall also be a 50-foot buffer along the back property line of other lots along said creek and state lands. Existing vegetation shall remain except for invasive species, which may be removed according to environmentally safe standards and indigenous plants may be planted.

9. All street lighting shall comply with the proposed Chatham County Draft Lighting Ordinance to minimize light pollution and light trespass. The development's covenants shall also require residential lighting to meet the Draft Lighting Ordinance.

Stipulations Specific to the Development

10. Construction Deadlines. This permit shall automatically expire on the second anniversary of its issuance unless (a) construction has commenced; or (b) a timely filed application for an extension of time has been approved by the County.

11. Land Use Intensity. This special use permit approves:

Gross Land Area	650 acres
Max Impervious surface area	36%
Maximum Number of Dwelling Units	185

12. Watershed Management. A detailed watershed protection plan for the entire project area which shall include impervious surface calculations and a monitoring plan to assure compliance with the maximum impervious surface area allowed herein shall be approved by the Planning Department prior to issuance of a Zoning Determination Permit. Prior to issuance of a Certificate of Occupancy, the developer shall submit evidence satisfactory to the Planning Department of compliance with the approved plan.

13. Storm Water Management. A storm water management plan shall be approved by the County prior to issuance of a Zoning Determination Permit, and the developer is required to provide the County with final plans and an impervious surface calculation sheet. The developer shall construct storm water management control measures sufficient to serve the project area prior to issuance of a Certificate of Occupancy.

14. Fire flow. A fire flow report indicating adequate design shall be approved by the Chatham County Fire Marshal. Adequate fire flow shall be demonstrated prior to issuance of a certificate of occupancy. Any final plan shall indicate adequate access for pumper trucks.

15. Utility and Access Easements. Easement documents as required by the County for any public utilities used or furnished to the project area shall be recorded prior to issuance of a Zoning Determination Permit.

Stipulations Regarding State and Federal Government Approvals

16. Permits. Any required State or Federal permits or encroachment agreements, including a commercial driveway permit(s) from NC DOT be obtained and copies submitted to the County prior to the issuance of a Zoning Determination Permit.

17. Improvements. Off-site improvements required by N.C. DOT or any other agency shall be constructed at no cost to the County including the traffic improvements as stated in the most recent TIA and others as deemed warranted by the NCDOT following its analysis.

Stipulations Regarding Required Improvements18. Utilities.

(a) The developer shall demonstrate availability of adequate water and wastewater supplies to serve the property and plans for provision of the same shall be approved by the County prior to issuance of a Zoning Determination Permit. Such plans shall be in conformity with any County policies then in effect and the developer shall pay all fees and charges associated with the project, including then current utility fees, review and inspection charges prior to issuance of a Zoning Determination Permit or final subdivision plat approval, whichever is earlier. The entire cost of extending public utility services if desired or required under County regulations shall be borne by the developer.

(b) Adequate wastewater service for the project area shall be determined and approved by the appropriate regulatory agency prior to final subdivision plat approval.

19. Stages. If desired, the applicant may construct the project in stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage or phase of the development shall be approved if there is any uncorrected violation of any provision of this permit.

20. Erosion Control. An erosion and sedimentation control plan shall be approved by the North Carolina Department of Environmental Health and Natural Resources and said approval submitted to the Planning Department prior to the preliminary subdivision plat approval.

21. Silt Control. The applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

22. Appeal. The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.

23. Fees. Applicant shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, building inspection, recreation and educational impact fees established from time to time.

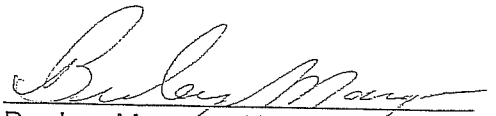
24. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued Determination with the plans and conditions listed above.

25. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.


26. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein. Res. #2005-17

BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit in accordance with the plans and conditions listed above.

Adopted this the 21st day of March, 2005.


Bunkey Morgan, Chairman

ATTEST:


Sandra B. Sublett, CMC, Clerk to the Board
Chatham County Board of Commissioners