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October 29, 2007

Ms. Lynn Richardson  
Chatham County Planning Department  
P. O. Box 54  
Pittsboro, NC 27312

VIA E-MAIL

RE: Westfall Subdivision, Phases 1A, B and C (formerly known as Booth Mountain Subdivision)

Dear Ms. Richardson:

This letter is intended to update you on the status of each of the sixteen (16) conditions imposed as part of the conditional use permit in connection with the application by Over Jordan, LLC for final plat approval for Phases 1A, B and C. You may recall that when the preliminary plat for Phases 1A, B and C was applied for, I submitted a letter dated October 16, 2006 updating the Planning staff on the status of the conditions. This letter will repeat that information or provide additional information where pertinent.

We will address each of the conditions in the numbered paragraphs below:

1. A right turn deceleration lane shall be provided at the developer's expense on the south side of Lystra Church Road at the entrance of the subdivision if allowed by the North Carolina Department of Transportation.

*The right turn deceleration lane on Lystra Church Road has been installed.*

2. There shall be a "no-build" zone adjoining the lots that border the south side of the Herndon Creek ravine (Lot #98-113). The "no-build" area will be such that no house is located more than 125 feet from the edge of the road right-of-way (specifically excluding Lot #114) (The determination of said "no-build" line for Lot #98 shall be depicted on the detailed plan attached). With regard to lots adjoining the north side of the ravine, Lot #59, #60, #63, #67 and #68 shall be restricted so that no house is constructed more than 150 feet from the edge of the road right-of-way. With regard to Lots #61 and #62, no house shall be constructed more than 175 feet from the road right-of-way. No such restriction shall be imposed on Lot #58.

*This condition calls for a 125' building area from the edge of the road right-of-way with regard to lots that border the south side of the Herndon Creek ravine. Each of the lots depicted in the final plat for Phase 1B show a 125' building area (see Lots 108 through 115). The condition also imposed a 150' building area from the edge of the road right-of-way with regard to Lots #59, #60, #63, #67 and #68 adjoining the north side of the Herndon Creek ravine. Since the time of the issuance of the conditional use permit, the amenity area has been moved and, as a result, the lot numbers have changed. Please note that each of the lots bordering on the north side of Herndon Creek ravine and depicted on the final plat for Phase 1A show a 150' building area (see Lots #47, #53 and #54). The final requirement in Condition #2 relates to lots formerly numbered #61 and #62 which are not a part of Phase 1A. When a final plat is applied for with respect to those lots, the required building area will be shown on the plat.*

3. With regard to the "no-build" areas (between the rear lot line and the edge of the building area) on the lots mentioned in these conditions, a restriction will be put in place that will allow homeowners to clear such areas only with hand tools (effectively limited clearing to underbrush and removal of dead vegetation) and disallowing grading.

*The restrictive covenants for the Westfall Subdivision, which will be recorded at or about the time of recordation of the final plat, will include this language.*

4. The wastewater treatment plant will be a concrete facility with the blowers being enclosed. The developer will install an aerator in the wastewater treatment plant storage pond. Further, the developer shall use odorphos or other equivalent chemical agent, a chemical addition, at the pump station in order to minimize odors.

*This condition relates to building standards and requirements for the wastewater treatment plant which will be complied with, but are not required to be completed prior to approval of the final plat.*

5. On the site of the amenity area, there shall be a 200-foot non-disturbance area from the bank of Herndon Creek (see the attached drawing). The only exception to non-disturbance will be the pedestrian access, water line, the sewer line and related appurtenances. There shall be an additional dry basin structure to release the swimming pool backwash into the structure rather than into the wastewater treatment plant.

*The 200-foot non-disturbance area from the bank of Herndon Creek to the amenity area is shown graphically on the Phase 1B final plat but, for clarity sake, we will add a legend referring to it as "200-foot amenity creek buffer."*

6. The roads in the estate section may be private, but will be built to the NCDOT standard for the hilly condition. The private road may be gated, provided access is made available to emergency vehicles.

*All of the roads in the subdivision will be private and built to NCDOT standards. If a gate is installed, access will be made available to emergency vehicles as required.*

7. There shall be no land clearing until the additional plant survey referred to in the S&EC report is performed in the spring. If endangered or threatened species are found on the property, the applicant shall work with the North Carolina Botanical Garden or similar organization to protect and preserve said species.

*Previously addressed.*

8. The developer shall create an easement for a trail from the village area to the school site with the location of such easement to be determined at preliminary plat phase. The installation of such trail will be contingent upon agreement by the Chatham County Board of Education.

*As before, the pedestrian trail is shown on the Phase 1B final plat. However, the trail will not be installed until such time as an adequate agreement between the Chatham County Board of Education and Over Jordan, LLC is reached.*

9. 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 Department 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 the developer's expense.

*The preliminary field reconnaissance archaeological survey was submitted to the Planning Department on June 1, 2006.*

10. The developer shall erect signs along the mutual boundary with the US Army Corps of Engineers. Said signs shall be placed at sufficient intervals to be visible from a distance of 75 feet. The signs shall provide warning of potential conflicts of land use. On one side the signs shall warn of hunting in the area and on the other side warn of residential development nearby. Said signs shall be of a size and height to be easily seen and of all weather materials such as metal painted traffic control signs. Said signs shall be posted prior to final plat approval. The final plat shall display a note disclosing the potential conflict of land uses for lots adjacent to US Army Corps of Engineers land.

*With regard to the 10<sup>th</sup> condition, none of the lots that are depicted on the final plat for Phases 1A, B and C adjoin the mutual boundary with the US Army Corps of Engineers.*

11. The name of the development shall be changed so that it does not duplicate and is not similar to other developments.

*The 11<sup>th</sup> condition required that the subdivision name be changed from “Booth Mountain” to another name. The name has been changed to “Westfall.”*

12. According to the application booklet, 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.

*The restrictive covenants, referred to above, will contain a provision requiring compliance with the Draft Lighting Ordinance existing at the time of approval of the conditional use permit.*

13. There shall be a 50 foot external boundary undisturbed buffer as shown on the plans. In addition to the 50 foot external boundary, with respect to the lots that border the Booth Hill Subdivision to the east (except as noted on the revised plan dated December 30, 2004 for Lots #14-16 and Lot #98) and also with respect to Lots #79, #80, and #23-26, because of limited and unique circumstances the developer has voluntarily agreed to impose an additional 100 foot buffer by including the same in the recorded protective covenants for the subdivision. Said 100 foot buffer may be included as a portion of the lot but left as an undisturbed buffer. The developer shall provide the County a copy of said covenants prior to final subdivision plat approval, to assure the condition is implemented.

*A 50 foot external boundary undisturbed buffer is shown graphically but, for clarity, we will add a legend stating “50 foot undisturbed buffer.” None of the lots referred to in Condition #13 are implicated in the final plat for Phases 1A, B and C.*

14. A “no-build” setback, like condition #2 above, of 175 feet on Lots #50, #52-58 and Lots #2-13. Said “no-build” setback distance may be reduced to provide a buildable area on said lots.

*None of the setbacks implicated by Condition #14 relate to the lots depicted on the final plats for Phases 1A, B and C.*

15. A 50-100 foot undisturbed buffer along the drainage areas of Lots #59 and #60, #64 and #66, #77 and #87 as shown on the revised plan dated December 30, 2004. This area of buffer shall be outside the lots’ areas and shall be community common area.

*The 50-100 foot undisturbed buffer along drainage areas as shown between Lots #48 and #52 (formerly the amenity area and Lots #64/#66) is shown as a 75-foot setback on the final plat for Phase 1A. The other 50-100 foot undisturbed buffers described in Condition #15 are not implicated by the lots shown on the final plats for Phases 1A, B and C.*

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16. The developer shall negotiate with the Chatham County School Administration the feasibility of shared-use of the Booth Mountain Community wastewater treatment system and Chatham County Schools' property for effluent spray irrigation.

*The developer continues negotiations with the Chatham County School Administration regarding shared-use of the wastewater treatment plant and the Chatham County Schools' property for effluent spray irrigation. Those negotiations have been productive and are ongoing.*

I hope this summary is of some assistance. Please let me know if you have any questions.

Very truly yours,

/s

Nicolas P. Robinson

NPR:jbs

C: Mike Whitehead  
Bruce Herbert  
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