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L A W Y E R S

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OF COUNSEL

April 10, 2008

Via E-Mail and U.S. Mail

Mr. Keith Megginson
Chatham County Planning Director
Post Office Box 54
Pittsboro, NC 27312

***RE: Request for a Development Schedule for the Lystra Road
Subdivision***

Dear Mr. Megginson:

As you know, our firm represents the Dornoch Group. As you are also aware, the Dornoch Group received sketch design approval from the Board of County Commissioners on June 18, 2007 for the Lystra Road Subdivision, consisting of 59 lots on 144 acres, located off Lystra Road, State Road 1721, in Williams Township. At the time of sketch design approval, the owners agreed to prepare an Environmental Impact Analysis ("EIA") that would be reviewed by the Environmental Review Board ("ERB"), and that agreement was included as a condition of sketch design approval.

Since sketch design approval, we have been working diligently to obtain all permits and approvals necessary for the preliminary plat application. Additionally, we have already prepared the EIA, and we submitted it to Mr. Fred Royal, Environmental Resources Director, on February 26, 2008. It is my understanding that Mr. Royal has reviewed the EIA and that he will be providing the EIA with his comments to the ERB in the near future. It is also my understanding that the ERB anticipates that it will take approximately ninety days to review the EIA and provide comments after receiving it from Mr. Royal.

At this time, we are requesting an overall time schedule pursuant to Section 4.2(B)(4) of the Subdivision Regulations to allow an additional nine months until March 18, 2009 to submit the preliminary plat for the Lystra Subdivision. A development

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schedule of more than twelve months is permitted by the Subdivision Regulations, as Section 4.2(B)(4) states: "This time limit [twelve-month period] on the validity of sketch design approval shall not apply for Planned Unit Developments, also referred to as Planned Residential Developments, and subdivisions of more than 50 lots. Sketch design approval shall not expire for developments in these categories provided the development continues according to the overall time schedule established at the time of sketch review." (Emphasis added).

Our request for a development schedule until March 18, 2009 is necessary and contemplated by the Subdivision Regulations for the following reasons. First, as stated in the ordinance, the twelve-month time limit for the validity of sketch design is not required for subdivisions of more than fifty lots (such as the Lystra Subdivision which is 59 lots) when an overall time schedule is established at the time of sketch review. The ordinance is clear that additional time is often necessary to prepare preliminary plats for subdivisions such as Lystra which are more than fifty lots. Also, at the time of sketch design approval when we volunteered to prepare an EIA, no one was aware of the time period for review of EIAs by the ERB since the County had not presented or adopted guidelines or standards for reviewing EIAs. Only subsequent to sketch design approval did we become aware that the process for review of EIAs would take significantly more time than was anticipated at the time of sketch design approval. Therefore, a development schedule until March 18, 2009 is necessary since additional time is needed for review of the EIA. Accordingly, we are requesting approval of a development schedule until March 18, 2009 due to the time period required to review the EIA (that was not known at the time of sketch design approval) and to ensure that we have time to work with the ERB.

We appreciate your consideration of our request. Please let me know if you have any questions or need additional information.

Very truly yours,



Karen M. Kemerait

Copy: Ms. Lynn Richardson
Mr. Tom Beebe
Mr. Matt Michelow
Mr. Nick Brown
Mr. Keith Fenn
Mr. Kevin Yates