

LOCATION

- (a) **Public highways serving the site.** The development site is located between and is served by Lystra Road on the northern side and Jack Bennett Road on the southern side.
- (b) **Private roads serving the site.** Other than the private roads within the Westfall Subdivision, no private roads serve the site.
- (c) **Current zoning of the site.** The site is currently zoned R-1 subject to the existing Conditional Use Permit for a Planned Unit Development.
- (d) **Watershed designation and impervious surface allowed.** The site is located in the WS-IV Protected Area. The Watershed Protection Ordinance establishes maximum density of one dwelling unit per acre. The amended site plan calls for density of approximately .78 units per acre, well under the 1 unit per acre maximum. In addition, the previously approved plan called for impervious surface of 18.5% (Ordinance refers to 24% maximum for curb and gutter projects). The proposed revised plan calls for approximately 17.9% impervious surface, lower than the previously estimated amount and the lower than 24%.
- (e) **Major Wildlife Areas.** The previously approved site plan included portions of two wildlife areas, Boothe Hill and Herndon Creek Ravine. The newly added properties overlap only slightly with the Boothe Hill area (approximately .25 acres) and the Herndon Creek Ravine area (approximately 1.5 acres) but, in each case the overlap is at the very outer edges of the area. No significant additional impacts are anticipated based on the amendment. Further, efforts have been made preserve and expand (over the previous site plan) the wildlife corridor through the Project. See the Environmental Impact Assessment submitted herewith.
- (f) **Size and Property Description.** The site, as amended is approximately 308.387 acres. See attached Site Acreage (Existing and Proposed) Boundary Compilation Map attached. The property description for the revised Project Area is as follows:

All that certain tract of land located in Williams Township, Chatham County and described and depicted on that certain Map entitled "Site Acreage (Existing and Proposed)/Boundary Compilation Map Exhibit," dated October 2012, by CE Group and comprised of 308.387 acres, more or less.
- (g) **Current utility or other easements assigned to the site.** See attached Schedule B (written list of utilities and easements) and Existing Utilities Exhibit attached.
- (h) **Current use of the site.** The site is currently under development as a Planned Residential Development as previously approved.

- (i) **Description of current contents of site.** The site is in a state of development and contains some roadways, utilities and other infrastructure. See Statement of Purpose for further description).
- (j) **Other conditional use permits.** This application seeks to amend the only existing CUP related to the Project property. See attached existing CUP copy.

(Vicinity Map follows.)

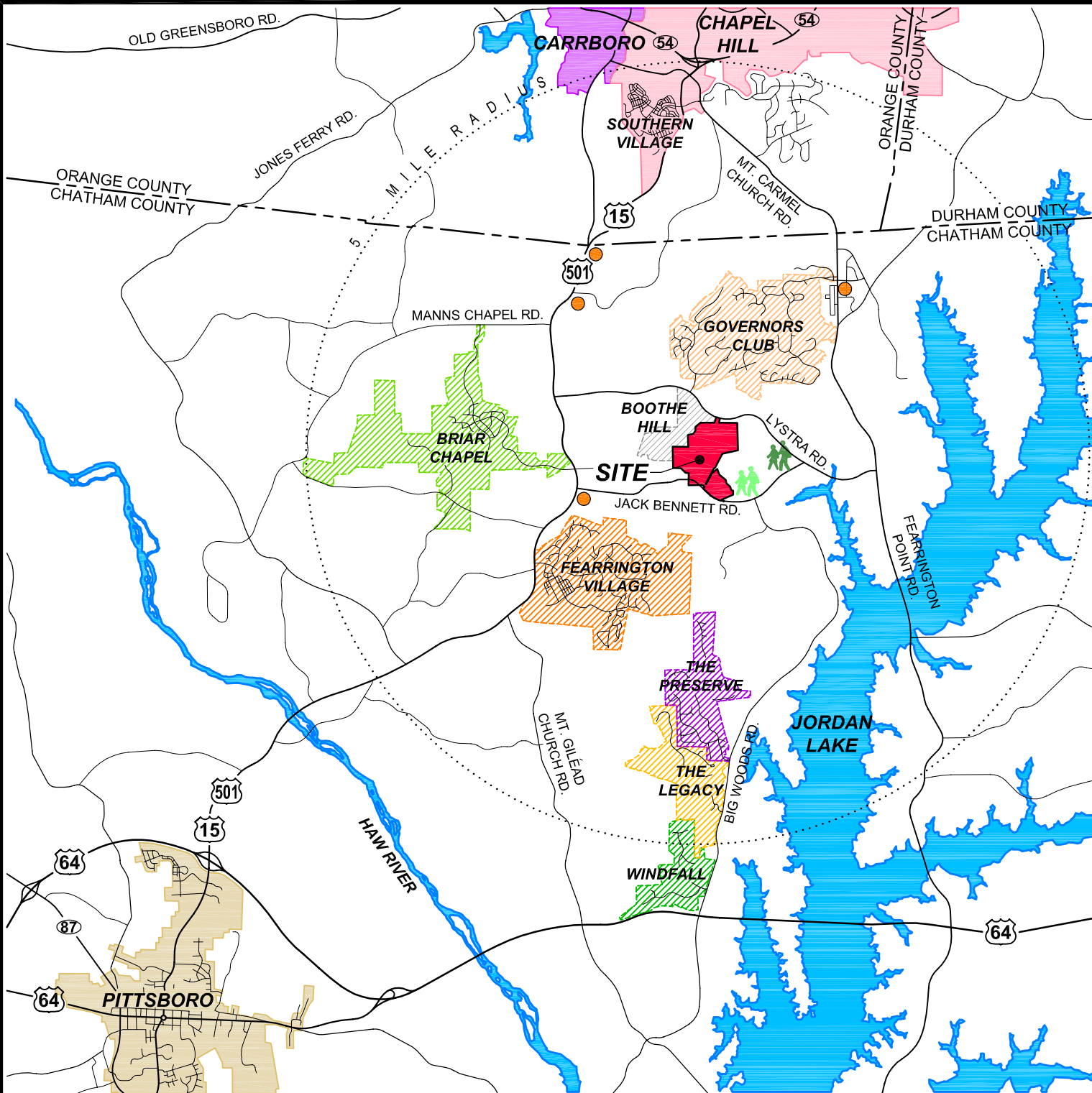
(Existing Conditions Map – As Currently Approved follows.)




(Site Acreage (Existing and Proposed) Boundary Compilation Map follows.)

(Schedule B Utility and Easement Exceptions from title policy follows).

(Existing Utilities Exhibit).

(Existing CUP copy follows).



-  EXISTING / PLANNED COMMERCIAL CENTERS
-  EXISTING NORTH CHATHAM ELEMENTARY
-  FUTURE NORTH EAST CHATHAM HIGH SCHOOL



CE GROUP

301 GLENWOOD AVE. SUITE 220
RALEIGH, NC 27603
PHONE: 919-367-8790
www.cegroupinc.com

WESTFALL SUBDIVISION

CHATHAM COUNTY, NORTH CAROLINA

VICINITY MAP

OCTOBER 2012



NORTH

SITE SUMMARY

CURRENT ZONING - R-1 CUP FOR PRD	
WSA/ PROTECTED AREA WATERSHED	
EXISTING SITE AREA	= 294.316 AC.
EXISTING PLATTED LOTS	= 92
EXISTING PRIVATE ROAD	= ± 11,016 LT.
FUTURE PRIVATE ROAD	= ± 8,247 LT.
SINGLE FAMILY HOMESITES	
ESTATE (± 150' WIDTH)	= 33
NEIGHBORHOOD (± 100' WIDTH)	= 34
VILLAGE (± 80' WIDTH)	= 53
TOTAL	= 180
EXISTING PLATTED LOT AREA	= 62.73 AC.
FUTURE LOT AREA	= 91.41 AC.
EXISTING ROAD R/W AREA	= 17.38 AC.
FUTURE ROAD R/W AREA	= 11.99 AC.
WWTF AREA	= 2.0 AC.
TOTAL OPEN SPACE	= 108.81 AC.
- AMENITY AREA IN OPEN SPACE	= 2.5 AC.
- OPEN SPACE (OTHER)	= 47.91 AC.
- PASSIVE OPEN SPACE	= 58.4 AC.
(WOODED BUFFER NOT INCLUDING PROTECTED AREA WITHIN LOTS)	



LEGEND

- PLATTED LOTS
- LOTS OWNED BY OTHERS
- FUTURE LOTS (CURRENTLY APPROVED)
- 200' NBS NO BUILD SETBACK
- WETLAND & STREAM RIPARIAN BUFFER AREAS
- WETLAND AREA
- FEMA FLOODWAY
- DRY POND LOCATION

ADJOINERS

- NF - NANCY W. BRITT - PIN: 9785-51-2386 - DB: 383-812
- NF - UNITED STATES OF AMERICA - PIN: 9795-18-6724
- NF - CHATHAM CO. BOARD OF EDUCATION - PIN: 9785-53-3703 DB: 885-624
- NF - PIERCE A. & ELIZABETH N. CASSEDDY - PIN: 9785-54-7634 DB: 447-717
- NF - DAVID E. MILLER - PIN: 9785-65-2905 - DB: 1431-718
- NF - DAVID E. MILLER - PIN: 9785-55-7771 - DB: 1431-720
- NF - DAVID E. MILLER - PIN: 9785-56-7156 - DB: 1301-744
- NF - WESTFALL ASSOCIATES, LLC - PIN: 9785-66-1549 - D.B. 1461-08
- NF - MACGREGOR DEVELOPMENT CO. - PIN: 9785-57-8070 - DB: 1351-263
- NF - RICHARD J. & MARJORIE S. BARTLETT - PIN: 9785-56-4942 DB: 1375-379
- NF - RICHARD J. & MARJORIE S. BARTLETT - PIN: 9785-56-0746 DB: 1375-379
- NF - THOMAS & TERRI GIBSON - PIN: 9785-46-6446 - DB: 1391-405
- NF - JENNIFER D. & WILLIAM W. CUNE - PIN: 9785-46-7812 - DB: 920-846
- NF - ROY H. DAVIS - PIN: 9785-47-6018 - DB: 499-861
- NF - R. NELSON & JANICE C. WALL - PIN: 9785-47-0130 - DB: 568-970
- NF - CYNTHIA K. SMITH & LINDA FULLWOOD - PIN: 9785-36-9559 DB: 802-308
- NF - MARTIN J. BERNHOLZ - PIN: 9785-36-6413 - DB: 452-666
- NF - JOHN M. & DONNA M. HUFF - PIN: 9785-36-2459 - DB: 885-337
- NF - DENZL L. & LILA J. THORN - PIN: 9785-26-7310 - DB: 474-898
- NF - LEILA M. WEBSTER - PIN: 9785-26-4045 - DB: 480-261
- NF - LEILA M. WEBSTER - PIN: 9785-25-3775 - DB: 1206-511
- NF - MARK A. & STEPHANIE L. McADAMS - PIN: 9785-25-1376 - DB: 1034-64
- NF - MICHAEL J. BROCKI & ANGELA K. SPIVEY - PIN: 9785-24-0867 DB: 1594-1089
- NF - GEORGE MEYER & MAURA L. O'DONOGHUE - PIN: 9785-04-9644 DB: 446-597
- NF - CHARLES T. & NANCY L. ANDERSON - PIN: 9785-14-0088 DB: 678-1007
- NF - DAVID L. & JEAN CARLTON - PIN: 9785-13-1301 - DB: 398-882
- NF - SUSAN L. FIELDS - PIN: 9785-12-6998 - DB: 1422-186
- NF - ALVIN L. & DEBORAH P. FULLER - PIN: 9785-22-2756 - DB: 880-689
- NF - TIMOTHY B. PECK - PIN: 9785-22-1394 - DB: 420-719
- NF - NANCY W. BRITT - PIN: 9785-21-1262 - DB: 1074-768
- NF - MACKIE W. LAMBERT - PIN: 9785-31-7046 - DB: 1029-494
- NF - MILLER DAVID E. - PIN: 9785-55-3556 - DB: 1466-0294
- NF - FH PROPERTY INVESTMENTS LLC - PIN: 9785-35-5061 DB: 1399-0171
- NF - MEYERS CHARLES T. & JANET B. - PIN: 9785-32-1509 DB: 1581-0968
- NF - SOUTHBANK - PIN: 9785-32-9457 - DB: 1506-1066
- NF - SOUTHBANK - PIN: 9785-32-8190 - DB: 1506-1069
- NF - SOUTHBANK - PIN: 9785-42-0202 - DB: 1506-1063
- NF - SOUTHBANK - PIN: 9785-41-4709 - DB: 1506-1072
- NF - WESTFALL ASSOCIATES, LLC - PIN: 9785-56-4562 - DB: 1597-0939
- NF - EISNER JOEL ETUX STEPHANIE - PIN: 9785-65-0430 DB: 1108-512
- NF - WESTFALL ASSOCIATES LLC - PIN: 9785-56-3026 - DB: 1597-0939
- NF - WANDA K & GREGORY DUKES - PIN: 9785-22-0818



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**WESTFALL
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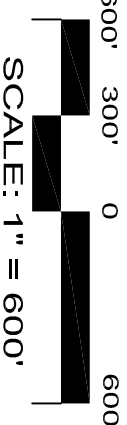
CHATHAM COUNTY,
NORTH CAROLINA

**EXISTING
CONDITIONS /
PREVIOUSLY
APPROVED
MASTER PLAN
EXHIBIT**

OCTOBER 2012



NORTH





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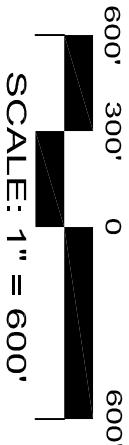
SITE ACREAGE
(EXISTING &
PROPOSED) /
BOUNDARY

COMPILATION MAP
EXHIBIT

OCTOBER 2012



NORTH



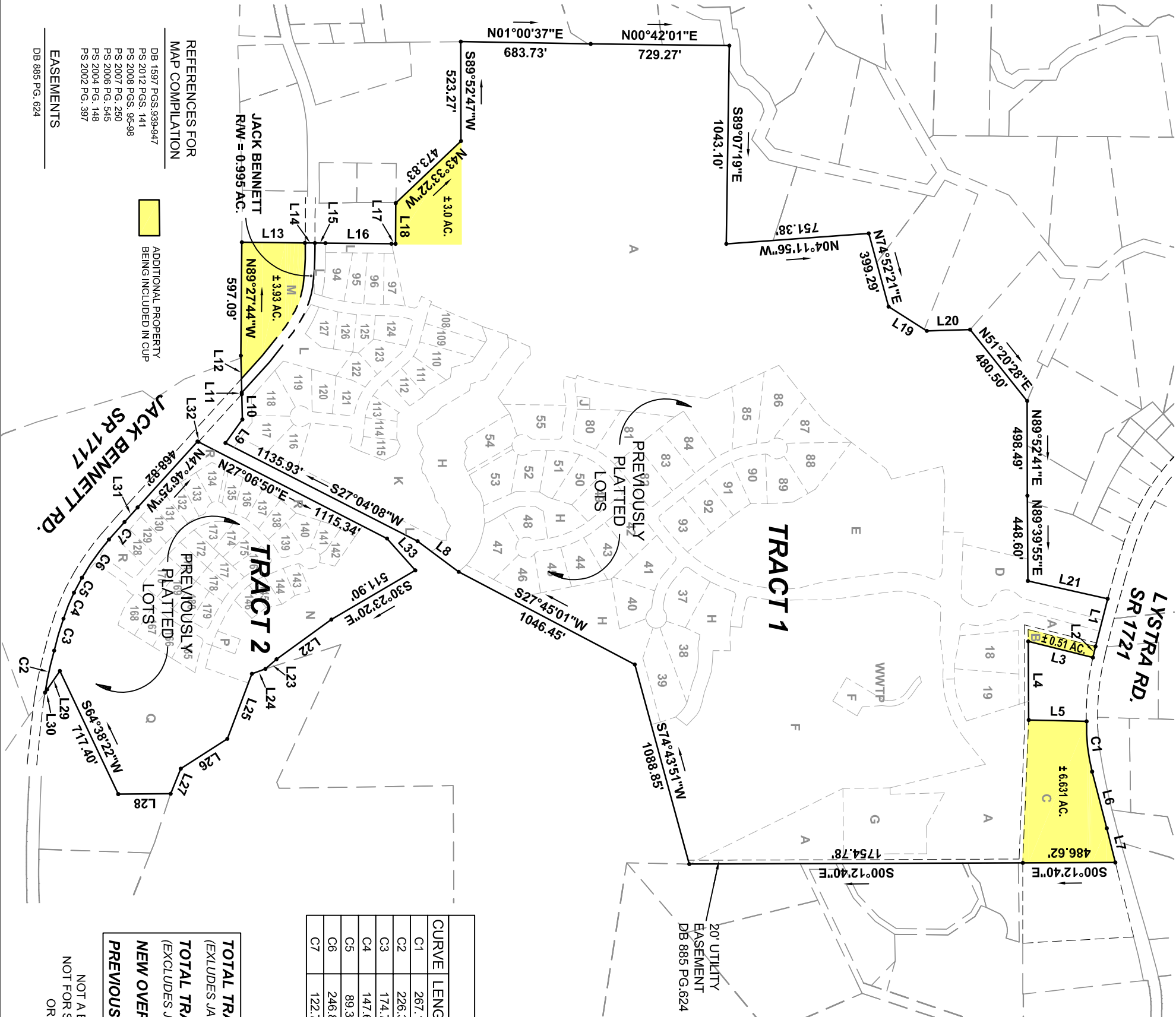
LINE TABLE			
LINE	LENGTH	BEARING	
L1	258.86	S75°43'42"E	
L2	60.00	S76°50'35"E	
L3	350.89	S14°03'14"W	
L4	413.58	N89°39'30"E	
L5	304.94	N01°23'28"E	
L6	307.59	N75°28'25"E	
L7	185.66	N76°05'44"E	
L8	269.96	S36°43'55"W	
L9	152.70	N54°03'22"W	
L10	133.51	S88°36'25"W	
L11	7.55	S88°15'56"W	
L12	194.68	S88°30'32"W	
L13	331.83	N00°36'10"E	
L14	52.57	N00°36'10"E	
L15	55.31	N00°36'10"E	
L16	347.60	N00°36'10"E	
L17	21.30	N00°36'10"E	
L18	214.25	N89°41'58"W	
L19	238.30	N32°19'26"E	
L20	227.95	N01°35'58"W	
L21	430.06	N12°39'33"E	
L22	356.35	S35°55'16"E	
L23	77.27	S41°01'41"E	
L24	75.42	S19°48'55"E	
L25	366.42	S69°16'28"E	
L26	290.69	S32°37'53"E	
L27	142.52	S68°00'00"E	
L28	275.57	S00°21'39"E	
L29	118.51	S55°34'09"E	
L30	19.58	S55°34'09"E	
L31	103.35	N47°57'40"W	
L32	5.29	N27°06'50"E	
L33	223.90	N48°26'16"E	

LOT TABLE			
LOT NUM	AKPAR	LOT NUM	AKPAR
18	87111	124	87170
19	87112	125	87171
37	87119	126	87172
38	87120	127	87173
39	87121	128	87177
40	87122	129	87178
41	87123	130	87179
42	87124	131	87180
43	87125	132	87181
44	87126	133	87182
45	87127	134	87183
46	87128	135	87184
47	87129	136	87185
48	87130	137	87186
49	87131	138	87187
50	87132	139	87188
51	87133	140	87189
52	87134	141	87190
53	87135	142	87191
54	87136	143	87192
55	87137	144	87193
80	87138	145	87194
81	87139	146	87195
82	87140	165	87196
83	87141	166	87197
84	87142	167	87198
85	87143	168	87199
86	87113	169	87200
87	87114	170	87201
88	87115	171	87202
89	87116	172	87203
90	87144	173	87204
91	87145	174	87205
92	87146	175	87206
93	87147	176	87207
94	87150	177	87208
95	87151	178	87209
96	87152	179	87212
97	87153	180	87213
108	87154	A	20092
109	87155	B	87014
110	87156	C	86633
111	87157	D	87107
112	87158	E	87109
113	87159	F	87110
114	87160	G	87573
115	87161	H	87117
116	87162	J	87118
117	87163	K	87148
118	87164	L	87149
119	87165	M	87174
120	87166	N	87215
121	87167	P	87214
122	87168	Q	18931
123	87169	R	87216

CURVE TABLE				
CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	267.12	926.95	N83°43'45"E	266.20
C2	226.35	2043.50	S77°42'01"E	226.23
C3	174.79	2155.50	S73°48'08"E	174.74
C4	147.67	1048.92	S67°59'48"E	147.55
C5	89.34	1341.16	S61°50'59"E	89.32
C6	246.82	1341.16	S54°41'18"E	246.47
C7	122.70	2859.39	S48°38'36"E	122.69

TOTAL TRACT 1 AREA (EXCLUDES JACK BENNETT R/W)	266.448 AC.
TOTAL TRACT 2 AREA (EXCLUDES JACK BENNETT R/W)	41.939 AC.
NEW OVERALL PUD AREA	308.387 AC.
PREVIOUS PUD AREA	294.316 AC.

NOT A BOUNDARY SURVEY
NOT FOR SALES, CONVEYANCES
OR RECORDATION



REFERENCES FOR
MAP COMPIATION

DB 1597 PGS. 399-447
PS 2012 PGS. 141
PS 2008 PGS. 95-98
PS 2007 PG. 250
PS 2006 PG. 545
PS 2004 PG. 148
PS 2002 PG. 397

EASEMENTS

DB 885 PG. 624

SCHEDULE B EXCEPTIONS FROM COVERAGE

In addition to the EXCLUSIONS, you are not insured against loss, costs, attorney's fees, and expenses resulting from the following EXCEPTIONS:

1. The lien of all taxes for the year 2012 and thereafter, which are not yet due and payable.
2. Declaration of covenants, conditions, restrictions, easements, charges, assessments and liens (but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law) recorded in Book 1398, Page 592; as affected by Collateral Assignment of Declarant's Rights in Book 1438, Page 724; as further affected by Assignment of Declarant Rights recorded in Book 1597, Page 967; and Collateral Assignment of Declarant's Rights recorded in Book 1598, Page 707.
3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Book of Maps 2008, Pages 95-96; Book of Maps 2008, Pages 97-98; Book 90, Page 84; Book of Maps 2007, Page 250; Book of Maps 2002, Page 397; Book of Maps 2004, Page 148; Book of Maps 2006, Page 545; Book of Maps 2006, Page 376; Book of Maps 2006, Page 545; Plat Slide 2004, Page 148; Plat Slide 2002, Page 397.
4. Easement(s) or right(s)-of-way in favor of Carolina Power and Light Company recorded in Book 1320, Page 19; Book 781, Pages 904 and 905; Book 450, Page 254; Book 409, Page 727; Book 796, Page 126; Book 561, Page JJ and Book 62, Page 503; Book 365, Page 781; Book 796, Page 124; Book 796, Page 125; Book 796, Page 127.
5. Easement(s) or right(s)-of-way in favor of North Carolina Department of Transportation recorded in Book 452, Page 234.
6. Easement(s) or right(s)-of-way in favor of Public Service Company of North Carolina recorded in Book 1320, Page 19; Book 1346, Page 839; Book 1346, Page 842; Book 1346, Page 845.
7. Easement(s) or right(s)-of-way in favor of BellSouth Communications recorded in Book 1407, Page 394.
8. Appurtenant Easements as more particularly described in Deed recorded in Book 1235, Page 775.
9. Existing utility easement twenty (20) feet in width recorded in Book 885, Page 624.
10. Right(s)-of-way(s) of NCSR 1717 (Jack Bennett Road) and NCSR 17721 (Lystra Road) to their full legal width.
11. Discrepancies, variances, shortages or overages in the acreage of the Land, including but not limited to that certain parcel of land described herein as Parcel 6.
12. Accretion, erosion, reliction, and avulsion associated with, and riparian rights of others



incidental to, any creeks, streams, branches, or rivers coursing or forming any boundary to the Land.

13. The following matter(s) as shown on survey by Staley C. Smith, dated July 12, 2004, and any easement(s) or right(s)-of-way associated therewith:
 - a. Various utility lines with utility poles and fire hydrant located on the Land
 - b. creeks and branches crossing subject property;
 - c. encroachment of building over the Northerly property line.
14. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
15. Statutory liens of mechanics, laborers and materialmen that have performed or furnished labor, professional design or surveying services, or furnished materials or rental equipment of which no notice appears of record.
16. Deed of Trust in favor of Branch Banking and Trust Company recorded in Book 1597, Page 951.

END OF EXCEPTIONS





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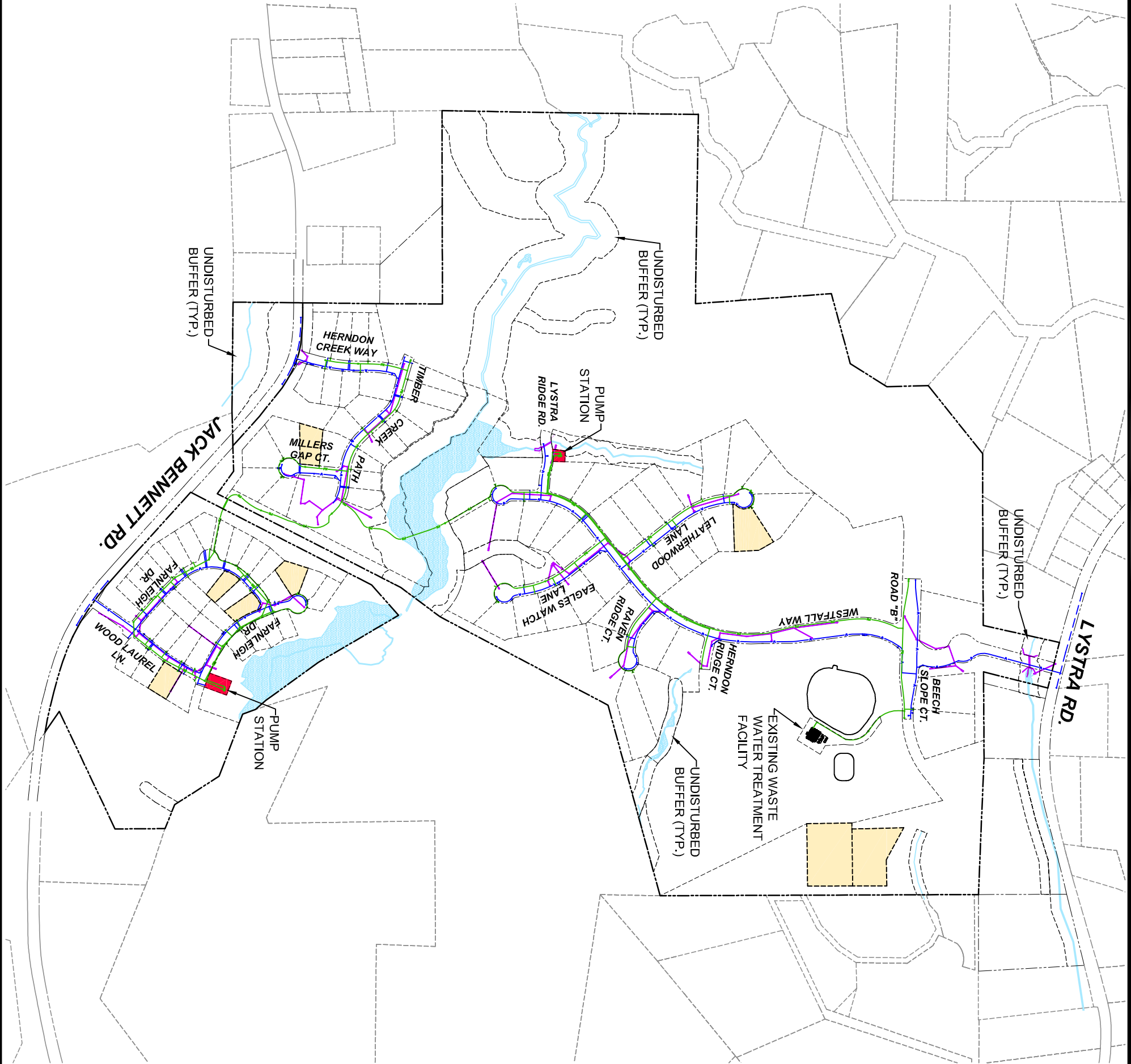
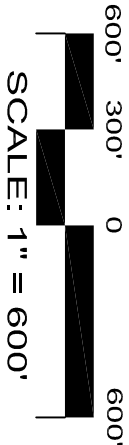
CHATHAM COUNTY,
NORTH CAROLINA

**EXISTING
UTILITIES
EXHIBIT**

OCTOBER 2012



NORTH

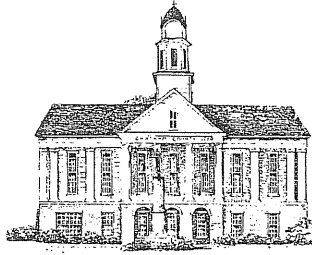


LEGEND

- STORM DRAINAGE
- SANITARY SEWER
- WATERLINE

COUNTY OF CHATHAM

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



ORGANIZED 1770

707 SQUARE MILES

January 25, 2005

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

MacGregor Development Company
201 Shannon Oaks Circle
Cary, NC 27511

Gentlemen:

During their regular meeting January 18, 2005, the Chatham County Board of Commissioners considered your request as described below:

Request by MacGregor Development Co. for a Conditional Use Permit within the existing RA-40 zoning district for a Planned Residential Development [**Booth Mountain**], for 180 lots, on 294 acres, off S. R. 1721 (Lystra Church Road) and S. R. 1717 (Jack Bennett Road), Williams Township.

After considering your written request, comments received at the public hearing, and recommendations of the Planning Department and Planning Board, the Board of Commissioners approved your request. Please see attached, "A Resolution Approving an Application for a Conditional Use Permit for a Request by MacGregor Development Company for Booth Mountain Community", reflecting the Board of Commissioners approval of your request January 18, 2005.

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,

A handwritten signature in dark ink, appearing to read "Keith Megginson".

Keith Megginson
Planning Director
Chatham County

Attachment (1)

C: Nick Robinson, Attorney

**RESOLUTION APPROVING AN APPLICATION FOR A CONDITIONAL USE
PERMIT FOR A REQUEST BY MACGREGOR DEVELOPMENT COMPANY
FOR BOOTH MOUNTAIN COMMUNITY**

WHEREAS, MacGregor Development Company, and other associated parties, have applied to Chatham County for a conditional use permit for a certain tract or parcel of land containing approximately 294 acres located off Lystra Church Road (SR-1721) and Jack Bennett Road (SR-1717) for use as a Planned Unit Development for residential uses approved this date; and

WHEREAS the Chatham County Board of Commissioners hereby make the five findings as listed below:

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 will be 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.

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

That a Conditional Use Permit be, and is hereby 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 Booth Mountain Community dated revised December 30, 2004 attached hereto and incorporated herein by reference with specific conditions as listed 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.
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.
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 limiting clearing to underbrush and removal of dead vegetation) and disallowing grading.
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 odorophos or other equivalent chemical agent, a chemical addition, at the pump station in order to minimize odors.
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.
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.
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.

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

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.
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.
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.
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.


Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of Chatham 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.

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.

This 18th day of January, 2005.


Bunkey Morgan, Chairman

ATTEST:


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