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May 16, 2014

Walter Petty, Chairman
Chatham County Board of Commissioners
80-A East Street
Pittsboro, North Carolina 27312

Via Hand Delivery &
Electronic Mail

RE: Briar Chapel: Request to Add a Riparian Buffer and for Waiver/Reduction of
Certain Riparian Buffers

Dear Board of Commissioners:

This letter serves as a formal request by NNP-Briar Chapel, LLC to adjust the riparian
buffer map for Briar Chapel as follows:

1. Add a 50' buffer along a new intermittent stream as shown on New Stream A Exhibit.
2. Reduce a 50' buffer to a 30' buffer as allowed under the CCO and based on drainage area as depicted on Ephemeral B Exhibit.
3. Trim a buffer based on drainage area as depicted on Ephemeral C Exhibit.

For reference, we have also included a map showing the entirety of Briar Chapel in order to place these requests within their physical context.

As I am sure you recall, the Compact Communities Ordinance ("CCO"), Section 15, authorizes the Board of Commissioners to adjust, modify, reduce or waive requirements of the CCO. In each of these cases, there is a reasonable nexus between the request and the impact of the compact community. The rationale for each of the requests is set out below in order.

1. Request to add a new 50' buffer along an intermittent stream as shown on Exhibit A.

In the process of developing the Briar Chapel West area and also while in the process of mapping the adjoining US Steel property, consultants for Briar Chapel encountered an intermittent stream not previously shown on the site plan for Briar Chapel. Based on the requirements of the CCO, this intermittent stream would require a 50' buffer. Briar Chapel takes its commitment to the environment seriously and believes it is important to reveal the existence of this stream and buffer it accordingly. As such, Briar Chapel seeks an adjustment to its current requirements to add the proposed 50' buffer in the area shown on Exhibit A. The location of this buffer may cause a slight adjustment of the location of lots as shown on the 2012 amended site

Letter to Board of Commissioners
May 16, 2014
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plan for this area but the change is not deemed significant enough to require an adjustment of the site plan itself.

2. Request to reduce a riparian buffer from 50' to 30' based on drainage area as shown on Exhibit B.

The ephemeral stream shown on Exhibit B has a drainage area of 19.94 acres. Under Section 9.1 of the CCO ("Riparian Buffers"), an ephemeral stream with a drainage area of between 10 and 25 acres is required to have a 30' buffer. On the site plan for Briar Chapel, this buffer is currently shown as a 50' buffer. Based on the drainage area calculated by McKim & Creed, this buffer can be reduced from 50' to 30'.

3. Request to reduce length of buffered area based on drainage area as shown on Exhibit C.

The ephemeral stream shown on Exhibit C has drainage area of 6.41 acres. Under Section 9.1 of the CCO ("Riparian Buffers"), an ephemeral stream with a drainage area of less than 10 acres requires no buffer. Based on the drainage area calculated by McKim & Creed, this buffer can be reduced from 30' to zero feet. Rather than eliminate the buffered area entirely, Briar Chapel requests to simply shorten the buffered area as needed to allow for a reasonable construction area for nearby lots. The requested shortening is depicted on Exhibit C.

Based on the foregoing, the enclosed proposed Order of the Board of Commissioners allowing the relief requested is submitted to the Board of Commissioners for a vote at its meeting of June 16, 2014. This is to request of the County Manager that the request be placed on the agenda for the June 16, 2014.

Please let me know if you have any questions or concerns regarding the above.

Very truly yours,

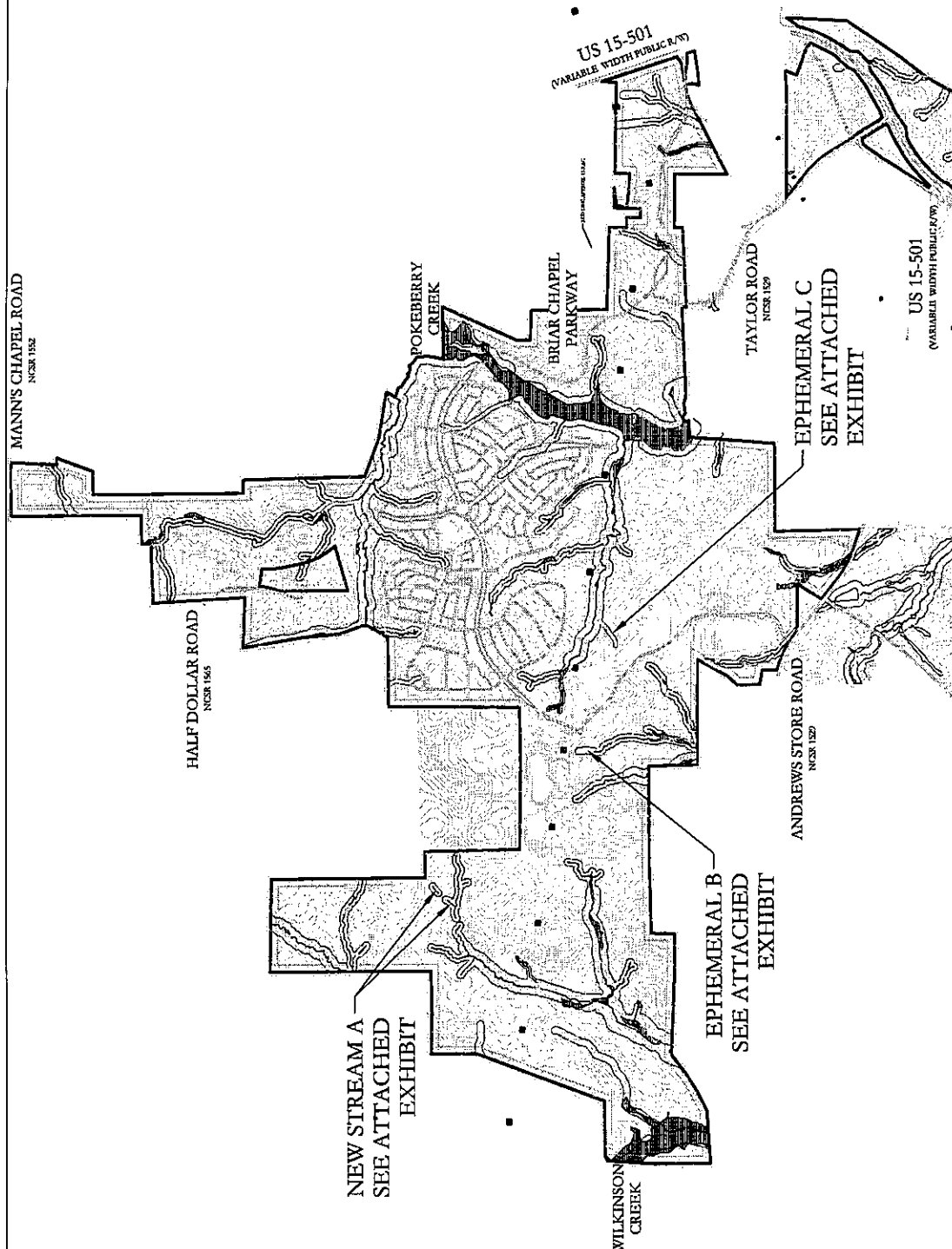


Nicolas P. Robinson

NPR:amm

Enclosure

c: Charlie Horne, County Manager
Jason Sullivan, Planning Director
Lee Bowman



Scale: 1"=1500'

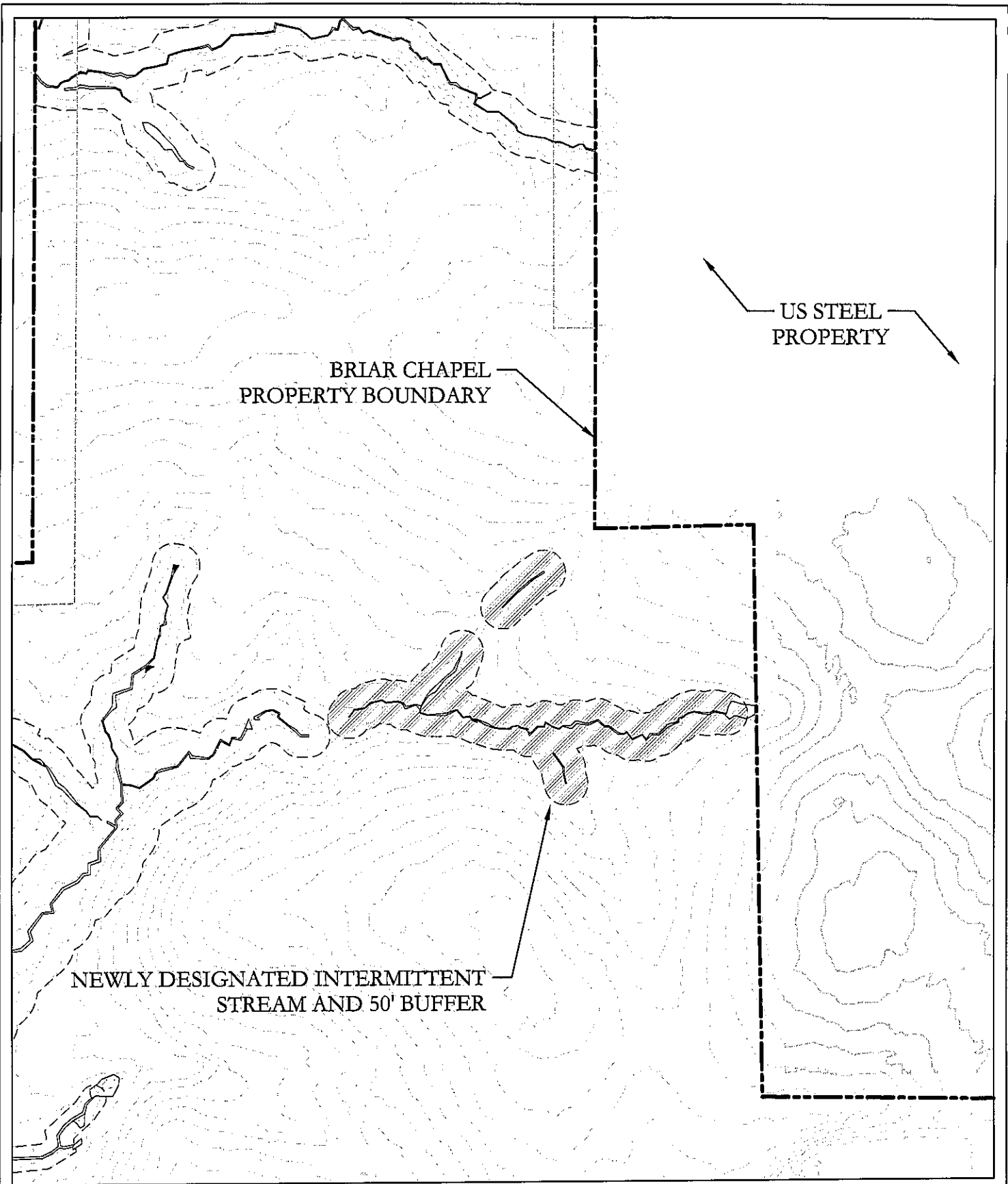
Date: May 14, 2014

Overall Existing Stream and Wetlands Exhibit

Briar Chapel

MFKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 O: 919.233.8091 F: 919.233.8031





1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
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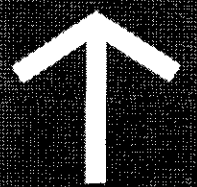
New Stream A Exhibit

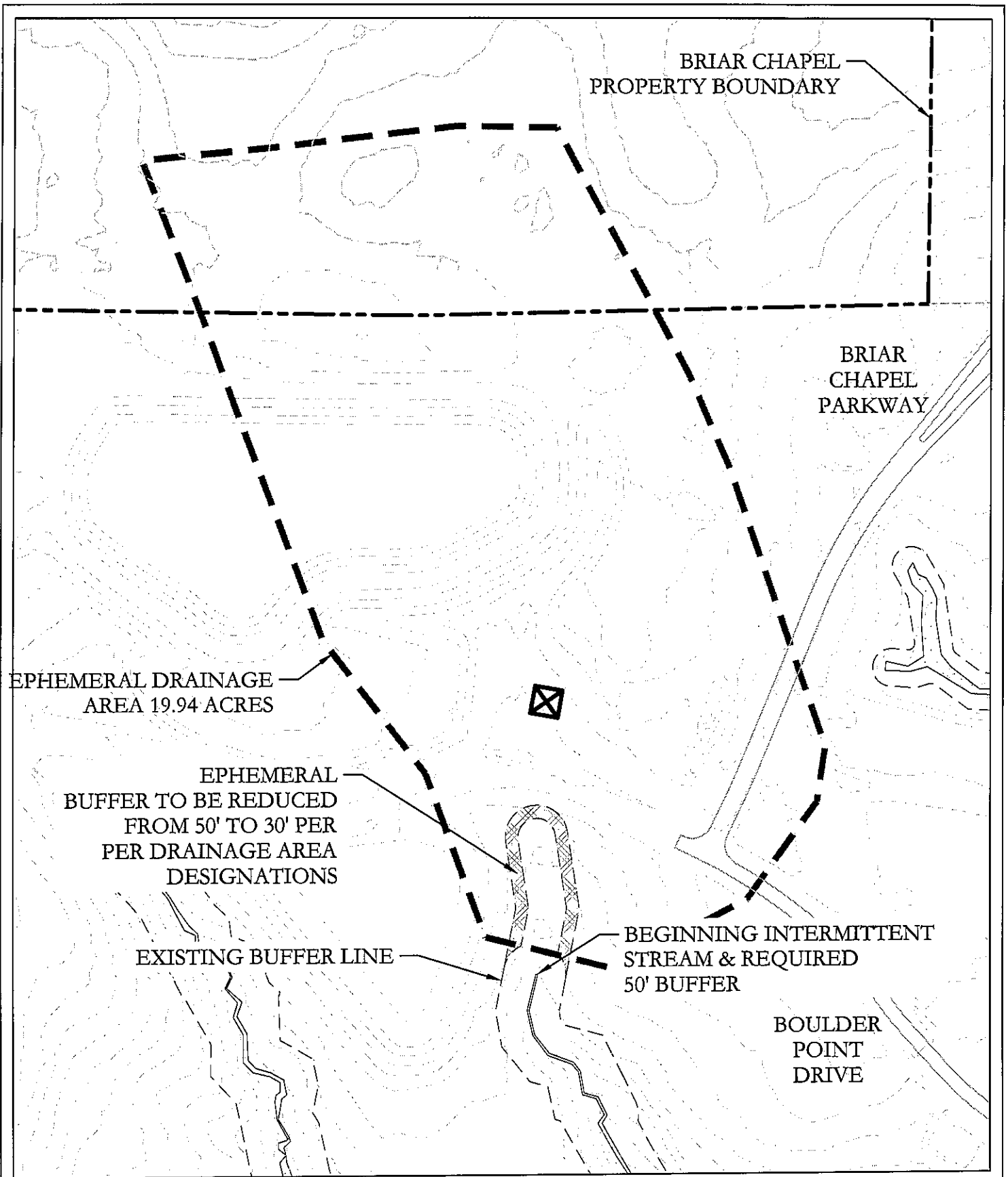
Briar Chapel


Scale: 1"=300'



Date:
 May 14, 2014






MKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 O: 919.233.8091 F: 919.233.8031

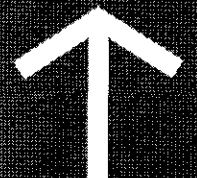
Ephemeral B Exhibit

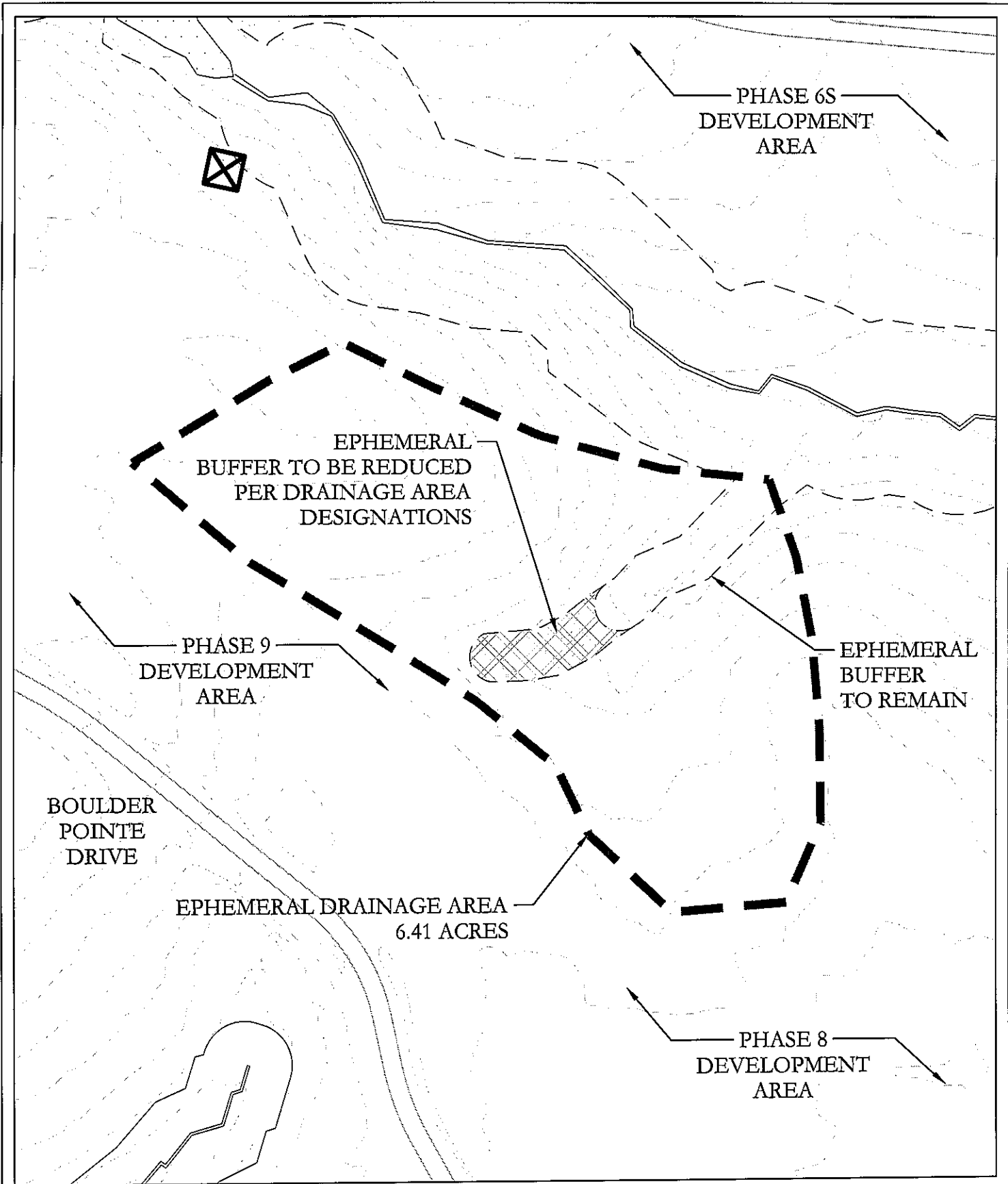
Briar Chapel

Scale: 1"=200'



Date:
 May 14, 2014





MCKIM & CREED
 1730 Varsity Drive, Suite 500
 Raleigh, North Carolina 27606
 O: 919.233.8091 F: 919.233.8031

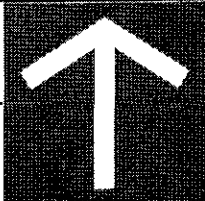
Ephemeral C Exhibit

Briar Chapel

Scale: 1"=150'



Date:
May 14, 2014



**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
AUTHORIZING ADDITION OF A RIPARIAN BUFFER AND ADJUSTMENT TO
TWO RIPARIAN BUFFERS
AT BRIAR CHAPEL**

WHEREAS, Section 9.1 of the Compact Communities Ordinance sets out the riparian buffer requirements 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 has requested to add a new riparian buffer and modify two existing buffers in accordance with the riparian buffer rules set out in Section 9.1;

WHEREAS, resolution of this issue in the manner set forth in this Order will both conform to the language and intent of the CCO and create additional protection for a newly discovered intermittent stream on the property;

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, based upon the facts and circumstances considered by the Board of Commissioners and the language and intent of the riparian buffer provisions of the Compact Communities Ordinance, the Board of Commissioners has concluded to grant the requests of NNP-Briar Chapel, LLC as set out in their letter to the Board dated May 16, 2014, that the requirements for granting the requests, 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 modifications requested by NNP Briar Chapel, LLC are 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 add a 50' buffer as shown on New Stream A Exhibit attached hereto, is hereby granted;
3. The request to reduce a riparian buffer from 50' to 30' based on drainage area as shown on Ephemeral B Exhibit attached hereto, is hereby granted;

4. Request to reduce the length of buffered area based on drainage area as shown on Ephemeral C Exhibit attached hereto, is hereby granted.

5. 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;

6. No waiver or consent except those set forth in this Order is granted.

Adopted this the ____ day of June, 2014.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
Walter Petty, Chair

ATTEST:

_____, CMC, NCCC, Clerk to the Board
Chatham County Board of Commissioners