

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
RATIFYING PREVIOUSLY INSTALLED DRAINAGE STRUCTURES AND MINIMAL
GRADING AT BRIAR CHAPEL (BOULDER POINT DR. EXTENSION)**

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 the Commissioners to ratify certain drainage structures installed approximately a decade ago and to authorize minimal grading in connection with the Boulder Point Dr. extension;

WHEREAS, resolution of this issue in the manner set forth in this Order is reasonable under the circumstances, has been approved by NCDOT and will be less harmful to the buffer area than relocating the structures would be;

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 22, 2015 and in the revised Attachment 1 attached hereto, 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 waivers and ratifications 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 ratify the location of the two previously installed drainage pipes and outlets, as depicted on Attachment 1 to the letter request, is hereby granted. The waiver request regarding the grading solution depicted in Attachment 2 and approved by NCDOT is hereby granted.

3. 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;

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

Adopted this the ____ day of July, 2015.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
James Crawford, Chair

ATTEST:

Lindsay Ray, Clerk to the Board
Chatham County Board of Commissioners