

**ORDER OF THE BOARD OF COMMISSIONERS
OF CHATHAM COUNTY
APPROVING WAIVER TO ALLOW PSNC REGULATOR STATION IN VIEWSHED
BUFFER BRIAR CHAPEL**

WHEREAS, Section 9.2 of the Compact Communities Ordinance sets out the viewshed 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 allow PSNC to place a regulator station for natural gas distribution to residential and business customers in the area within the viewshed buffer area as depicted on the attachments;

WHEREAS, given the concurrent utilities relocation underway with regard to the Briar Chapel SD-West commercial area (of which this location is a part), approval of this request is reasonable under the circumstances;

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, Section 9.2 of the Compact Communities Ordinance does not prohibit such a use of the viewshed buffer but also does not specifically allow placement of above ground utilities within the buffer area;

WHEREAS, the applicant has provided for landscape screening of the facility, which screening has been approved by the Chatham County Appearance Commission;

WHEREAS, based upon the facts and circumstances considered by the Board of Commissioners and the language and intent of the viewshed buffer provisions of the Compact Communities Ordinance, the Board of Commissioners has concluded to grant the requested waiver as set out in the letter to the Board dated October 12, 2016 and its attachments, and that the requirements for granting the request, 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 waiver requested by NNP Briar Chapel, LLC is 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 approve the waiver as requested in the letter of October 12, 2016 and its attachments, 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 November, 2016.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By: _____
James Crawford, Chair

ATTEST:

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