



## Moore County Board of Commissioners

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June 18, 2024 | 5:30 PM  
Historic Courthouse  
1 Courthouse Square  
Carthage, NC 28327

### MINUTES

#### COMMISSIONERS PRESENT:

Chairman Nick Picerno, Vice Chairman Kurt Cook, Frank Quis, John Ritter, Jim Von Canon

#### CALL TO ORDER

Chairman Picerno called the meeting to order.

#### INVOCATION

Rev. John Kane of St. Anthony of Padua Catholic Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Transportation Director Sonia Biggs led the Pledge of Allegiance.

Chairman Picerno welcomed everyone, and he offered commendation to all those who served at the recent US Open event.

#### 1. PUBLIC COMMENT PERIOD

The following offered comments: John Misiaszek, Barry Lamonds, Frank Iacovino, Tom Daniel (with time yielded by Lind McKarney), Matthew Lamonds, Katie Dunlap.

#### 2. ADDITIONAL AGENDA

**Upon motion made by Commissioner Cook, seconded by Commissioner Quis, the Board voted 5-0 to add as New Business Items C, D, and E a Subdivision Review Board bylaws item, a Land Use Plan Steering Committee item, and an item regarding H1044.**

Chairman Picerno asked whether any commissioner had a conflict of interest concerning agenda items the Board would address in the meeting and there was none.

#### 3. CONSENT AGENDA

As the consent agenda contained many items, Chairman Picerno made note of each one for the public and asked the commissioners to let him know of any items they wanted to discuss. **Upon motion made by Commissioner Von Canon, seconded by Commissioner Ritter, the Board voted 5-0 to approve the following consent agenda items**, and the tax releases/refunds resolutions, budget amendments, Vass Revision 10, Bond Referendum Revision 27, surplus property resolution, Badger Meter

sole source, and Kroger resolution are hereby incorporated as a part of these minutes by attachment as Appendices A, B, C, D, E, F, and G, respectively.

- A. Board of Commissioners - June 6, 2024, Regular Meeting Minutes and Closed Session Minutes
- B. Board of Commissioners - May 28, 2024, Special Meeting Minutes
- C. Tax - Tax Releases/Refunds for Month of May 2024
- D. Finance - Budget Amendments
- E. Finance - Vass Phase II Sewer System Improvements – Revision 10
- F. Finance - Local Educational Bonds - 2018 Bond Referendum – Revision 27
- G. Administration - Resolution Accepting the Final High Offer to Purchase Surplus Property
- H. Human Resources - Amendment #4 to the Administrative Services Agreement with FirstCarolinaCare Insurance Company (FCC) sections "Schedule of Coverage" and "Extended Rate Guarantee for County of Moore"
- I. Social Services - Memorandum of Understanding between Moore County Social Services and Moore County Transportation
- J. Transportation - FY 2025-2026 Unified Grant Application - Phase I: Pre-Application Documents
- K. Transportation - FY 2024-2025 Contract for Services between Moore County Transportation Services and Monarch
- L. Sheriff - Moore County Detention Center Securitas Amend #2
- M. Sheriff - Moore County Detention Center Medical Plan
- N. Sheriff - Moore County Detention Center Food Services Amend #3
- O. Sheriff - Moore County Detention Center Medical Services Amend#1
- P. Sheriff - Moore County Detention Center Inmate Communications
- Q. Public Works - Hot Rock Haulers LLC. Service Contract Award-WPCP
- R. Public Works - Badger Meter, Inc. Sole Source and Contract Approval for MCPU
- S. Legal - Kroger Opioid Settlement
- T. Property Management - Duke Energy Light Install and Underground Line Extension for the New Aberdeen Collections Site

#### 4. **RECOGNITIONS**

There were no recognitions.

## 5. PRESENTATIONS

There were no presentations.

## 6. PUBLIC HEARINGS

### A. Administration - Public Hearing for FY 2024-2025 Recommended Budget

County Manager Wayne Vest reviewed information regarding the FY25 recommended budget and reminded the Board a special meeting to consider adoption of the budget ordinance was scheduled for 10:00am the coming Thursday. Chairman Picerno opened the duly advertised public hearing regarding the FY25 recommended budget. There were no speakers. Chairman Picerno closed the public hearing.

### B. Transportation - Public Hearing for Proposed Fare Increases for ROAP Program

Transportation Director Sonia Biggs reviewed information regarding proposed fare increases for the ROAP program. Chairman Picerno opened the duly advertised public hearing regarding this matter. Mr. John Misiaszek spoke in opposition to the proposed increase. There being no further speakers, Chairman Picerno closed the public hearing.

### C. Planning - Public Hearing for Unified Development Ordinance Amendments to Chapter 12 (Conditional Rezoning) Section 12.5.H.1.ii (Application Process) (Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process) (Amendment) (Major Modifications Considered Amendments)

Senior Planner Ruth Pedersen reviewed a request for amendments to the Unified Development Ordinance, Chapter 12. Chairman Picerno and Commissioner Quis noted that the amendments seemed to reduce red tape and give some flexibility to property owners and Ms. Pedersen concurred. Chairman Picerno opened the duly advertised public hearing regarding this matter. There were no speakers. Chairman Picerno closed the public hearing. **Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to adopt the Board of Commissioners Land Use Plan Consistency Statement (Consistent) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605. Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the amendments to Chapter 12 (Conditional Rezoning), Section 12.5.H.1.ii (Application Process) (Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process) (Amendment) (Major Modifications Considered Amendments) of the Moore County Unified Development Ordinance. The consistency statement and staff report are hereby incorporated as a part of these minutes by attachment as Appendix H.**

### D. Planning - Public Hearing for Unified Development Ordinance Amendments to Chapter 8 to add "Wireless Telecommunications Towers Serving Electrical Substations" to the Specific Use Standards in Section 8.86.A.1 and 8.86.B.III – Public & Private Utility Facilities - Definition – Standards, and Section 8.115.B - Wireless Communication Facility – Applicability

Senior Planner Ruth Pedersen reviewed a request for amendments to the Unified Development Ordinance, Chapter 8. Chairman Picerno opened the duly advertised public hearing regarding this matter. Ms. Amy Kraut with Smith

Anderson, representing Duke Energy, offered that she was available to answer any questions. Chairman Picerno asked about security and Ms. Kraut said explained the ability for Duke to remotely monitor their site as a result of the requested text amendment. There being no further speakers, Chairman Picerno closed the public hearing. **Upon motion made by Commissioner Von Canon, seconded by Commissioner Quis, the Board voted 5-0 to adopt the Board of Commissioners Land Use Plan Consistency Statement (Consistent) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605. Upon motion made by Commissioner Von Canon, seconded by Commissioner Cook, the Board voted 5-0 to approve the proposed amendments to the Moore County Unified Development Ordinance, Chapter 8 (Specific Use Standards), Section 8.86 (Public & Private Utility Facilities), Section 8.86.A.1 (Definition) to add Wireless Telecommunications Towers Serving Electrical Substations, Section 8.86.B.III (Public & Private Utility Facilities – Standards) to add the standards for Wireless Telecommunications Towers Serving Electrical Substations, and Section 8.115.B (Wireless Communication Facility – Applicability) to add Wireless Telecommunications Towers Serving Electrical Substations in accordance with Section 8.86 as an exemption from the requirements of Section 8.115 (Wireless Communication Facility). The consistency statement and staff report are hereby incorporated as a part of these minutes by attachment as Appendix I.**

- E. Planning - Public Hearing to consider Unified Development Ordinance Amendments to Chapter 6 – Table of Uses, Section 6.2 (Accessory Uses) A (Definition), B (Procedure for Establishment), C (General Standards for all Secondary Uses and Structures) & E (Accessory Use Table) and Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building)  
Senior Planner Ruth Pedersen reviewed a request for amendments to the Unified Development Ordinance, Chapters 6 and 8. Extensive questions and discussion followed. Chairman Picerno opened the duly advertised public hearing regarding this matter. There were no speakers. Chairman Picerno closed the public hearing. **Chairman Picerno made a motion, seconded by Commissioner Quis, to table this item for further study.** Commissioner Quis inquired as to whether it was being tabled to the next meeting and Chairman Picerno said he was not tabling it to a date certain and planned to have a special work session in August. **The motion to table carried 5-0.** The staff report is hereby incorporated as a part of these minutes by attachment as Appendix J.
- F. Planning - Public Hearing for Unified Development Ordinance Amendments to Chapter 5, Section 5.1.E (Measurements and Exceptions) Chapter 19, Section 19.4.C (Family Subdivisions) (Additional Documents), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements), Section 19.16 – Subdivision Plat Requirements, Section 19.17 –Subdivision Plat Certification Requirements, and Chapter 20, Definitions, Section 20.2, Definitions  
Senior Planner Ruth Pedersen reviewed a request for amendments to the Unified Development Ordinance, Chapters 5, 19, and 20. Chairman Picerno opened the duly advertised public hearing regarding this matter. There were no speakers. Chairman Picerno closed the public hearing. Brief discussion and questions followed. **Upon motion made by Chairman Picerno, seconded by**

Commissioner Ritter, the Board voted 5-0 to adopt the Board of Commissioners Land Use Plan Consistency Statement (Consistent) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605. Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to approve the amendments to Chapter 5 (Dimensional Standards), Section 5.1 to add Section 5.1.E (Measurements and Exceptions), Chapter 19 (Subdivisions), Section 19.4.C (Family Subdivisions) (Additional Documents), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements), Section 19.16 (Subdivision Plat Requirements), Section 19.17 (Subdivision Plat Certification Requirements), and Chapter 20 (Definitions), Section 20.2 (Definitions), of the Moore County Unified Development Ordinance. The consistency statement and staff report are hereby incorporated as a part of these minutes by attachment as Appendix K.

Discussion and comments followed regarding the Planning Department's regulation of requirements and County Manager Wayne Vest noted that not everything fit neatly into the language of the ordinance.

Mr. Vest looped back to the ROAP fees item for Transportation and clarified that what was currently included in the FY25 recommended budget was the existing fees and an increase would not be effective until September, so that may be another one the Board wanted to discuss in a work session. Chairman Picerno asked the Board to be prepared for adoption of the budget ordinance on the coming Thursday.

## **7. QUASI-JUDICIAL HEARINGS**

There were no quasi-judicial hearings.

## **8. OLD BUSINESS**

### **A. Public Works - NCDOT Sewer Force Main Construction and Water Line Relocation Betterments on the NC 211 Widening Project**

County Manager Wayne Vest reviewed information from the previous meeting regarding the Board's inquiry into payment owed to the County by NCDOT for a previous project. County Attorney Misty Leland shared information she received from a DOT official relaying that Moore County Schools had not submitted required paperwork for the payment. She noted that the item before the Board was a separate project that DOT was trying to move forward, and they would need the documents in hand by July 1 to proceed. Chairman Picerno asked Ms. Leland if she could communicate with the Schools' attorney and she said she could but noted it more involved administrative staff and Chairman Picerno suggested that she could just get the ball rolling. Public Works Director Randy Gould reviewed the request before the Board for the 211-widening project. **Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to approve the contract and amendment with NCDOT for \$2,975,320 for the Sewer Force Main Construction and Water Line Relocation Betterments on the NC 211 Widening Project.**

## 9. NEW BUSINESS

- A. Property Management - FleetGenius of NC, Inc. Contract for Construction  
Property Management Director Gene Boles requested the Board's approval for purchase of compactors for the new Aberdeen Convenience Center. **Upon motion made by Commissioner Quis, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the contract with FleetGenius to purchase and install (6) 4yd compactors to be installed as the new Aberdeen Convenience Center and authorize the Chairman to sign.**
  
- B. Administration - Opioid Settlement Fund Contract Amendment and Amended Resolution for Adult & Teen Challenge of Sandhills North Carolina  
County Manager Wayne Vest requested amendment to the contract and resolution for opioid funding to Adult and Teen Challenge. **Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the amended contract with Adult & Teen Challenge of Sandhills NC to move \$60,000 from Strategy 3 Recovery Support Services to Strategy 4 Recovery Housing Support and authorize the Chairman to sign. Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the amended Resolution with Adult & Teen Challenge of Sandhills NC and authorize the Chairman to sign. The resolution is hereby incorporated as a part of these minutes by attachment as Appendix L.**
  
- C. ADDITIONAL ITEM – Planning – Amendment to the Subdivision Review Board Bylaws  
Planning Director Debra Ensminger requested approval of amended bylaws for the Subdivision Review Board regarding the recording secretary. **Upon motion made by Commissioner Quis, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the proposed amendment to the Moore County Subdivision Review Board Bylaws as presented. The staff report is hereby incorporated as a part of these minutes by attachment as Appendix M.**
  
- D. ADDITIONAL ITEM – Land Use Plan Steering Committee Ex-Officio Designation  
Clerk to the Board Laura Williams reviewed a request for designation of elected officials on the Land Use Plan Steering Committee as ex-officio, non-voting. **Upon motion made by Commissioner Quis, seconded by Commissioner Ritter, the Board voted 5-0 to change the status of Land Use Plan Steering Committee members Mosley and Quis to ex-officio, non-voting, while serving in elected office. The staff report is hereby incorporated as a part of these minutes by attachment as Appendix N.**
  
- E. ADDITIONAL ITEM – Resolution Supporting House Bill 1044 (2024)  
County Attorney Misty Leland shared that the Chairman had requested she bring this item forward and she reviewed the background and the bill proposed. **Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to adopt the Resolution Requesting the North Carolina General Assembly to Support and Ratify House Bill 1044. The resolution and staff report are hereby incorporated as a part of these minutes by attachment as Appendix O. Chairman Picerno noted that he would like to see Rep. Jackson as**

a co-sponsor of the bill.

## 10. APPOINTMENTS

- A. Board of Commissioners - Appointment of Fayetteville Area Metropolitan Planning Organization (FAMPO) Technical Advisory Committee Representative  
Upon motion made by Chairman Picerno, seconded by Commissioner Ritter, the Board voted 5-0 to appoint Commissioner Von Canon to the FAMPO TAC.
- B. Board of Commissioners - Appointments to the Fire Commission  
Upon motion made by Chairman Picerno, seconded by Commissioner Von Canon, the Board voted 5-0 to appoint Chief Timmy Brown (Robbins), Chief Mike St. Onge (Eagle Springs), Chief Jonathan Richardson (Pinebluff), Jamie Boles (citizen), and Carlton Cole (citizen) to the Fire Commission for two-year terms commencing July 1, 2024, and expiring June 30, 2026.
- C. Board of Commissioners - Appointment to the Land Use Plan Steering Committee  
Upon motion made by Commissioner Ritter, seconded by Commissioner Cook, the Board voted 5-0 to appoint Natalie Hawkins to the Land Use Plan Steering Committee.
- D. Board of Commissioners - Appointment to the Planning Board  
Upon motion made by Chairman Picerno, seconded by Commissioner Quis, the Board voted 5-0 to table an appointment to the Planning Board to the next meeting. Chairman Picerno asked Clerk Laura Williams to send to the Board a list of all the Planning Board members, their occupations, and their locations.
- E. Board of Commissioners - Appointment of Whispering Pines Planning and Zoning Board ETJ Member  
Upon motion made by Commissioner Von Canon, seconded by Commissioner Quis, the Board voted 5-0 to appoint Tim Venjohn as an ETJ member of the Whispering Pines Planning and Zoning Board for a three-year term beginning July 1, 2024.

## 11. ADDITIONAL AGENDA

There were no additional agenda items.

## 12. MANAGER'S REPORT

County Manager Wayne Vest noted that the US Open week had been great, and staff had put their best foot forward.

## 13. COMMISSIONERS' COMMENTS

Commissioner Ritter stated his agreement with Mr. Vest and said he was proud to be from Moore County. He noted the magnitude of the US Open event and thanked everyone for making it a good, safe event. Commissioner Ritter thanked the budget team members for their great work.

Commissioner Von Canon shared that he had visited County workers during the US

Open and they had knocked it out of the park. He said Moore County shined all over the world.

Commissioner Quis concurred with the statements already made and noted the 100s of volunteers who also worked, and he said he could not be prouder.

Commissioner Cook concurred and noted the impact on and of the airport and said law enforcement, EMS, etc. was spot-on.

Chairman Picerno shared that some had the honor to meet the governor on Thursday of the tournament and celebrated his birthday. He said the State Highway Patrol coordination with local officials was amazing. He said they would do it again in five years and would need more water by that time.

#### 14. CLOSED SESSION

Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to enter into closed session pursuant to N.C.G.S. 143-318.11(a)(3), to include the matter of Moore County v. Randy Acres, et al.

At 8:18pm, upon motion made by Commissioner Cook, seconded by Commissioner Von Canon, the Board voted 5-0 to come out of closed session and seal the minutes.

Upon motion made by Commissioner Cook, seconded by Commissioner Von Canon, the Board voted 5-0 to authorize the County Attorney's office to file the necessary legal action against Patterson and McInnis regarding a bona fide farm violation if the violation continues.

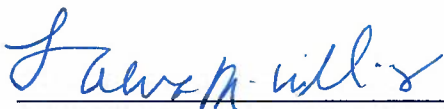
Upon motion made by Commissioner Quis, seconded by Commissioner Von Canon, the Board voted 5-0 to approve the proposed settlement terms and agreement with Randy Acres and Soik Yie Phan once it is prepared and finalized and authorize the County Manager to sign the settlement agreement upon legal approval. Upon motion made by Commissioner Ritter, seconded by Commissioner Von Canon, the Board voted 5-0 to authorize the County Manager to sign contracts/amendments with Womble.

#### ADJOURNMENT

There being no further business, upon motion made by Commissioner Quis, seconded by Commissioner Cook, the Board voted 5-0 to adjourn the June 18, 2024, Regular Meeting of the Moore County Board of Commissioners at 8:20pm.



Nick Picerno, Chairman



Laura M. Williams, Clerk to the Board

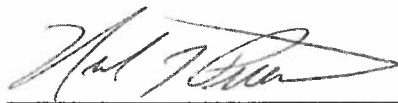


**RESOLUTION AUTHORIZING AND APPROVING  
(CURRENT) RELEASES AND REFUNDS BY THE  
TAX ADMINISTRATOR**

**WHEREAS**, Gary E. Briggs, Moore County Tax Administrator, has certified a list comprised of various county taxes illegally levied and assessed, the amount certified as being in excess of the amount legally due by the taxpayer and therefore should be released or refunded in accordance with General Statute 105-381.

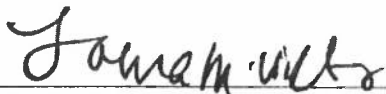
**BE IT RESOLVED** by the Board of Commissioners of Moore County that the taxpayers shown on said list of releases and refunds submitted by Gary E. Briggs, Tax Administrator, are hereby granted such tax release or refund of the county taxes shown and the County Finance Director is directed to make said refunds.

Adopted this the 18 day of June, 2024.

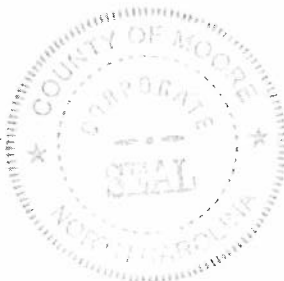


Nick Picerno, Chairman

ATTEST:



Laura M. Williams  
Clerk to the Board

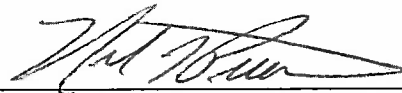


**RESOLUTION AUTHORIZING AND APPROVING  
(DELINQUENT) RELEASES AND REFUNDS BY THE  
TAX ADMINISTRATOR**

**WHEREAS**, Gary E. Briggs, Moore County Tax Administrator, has certified a list comprised of delinquent taxes illegally due by the taxpayer and therefore should be released or refunded in accordance with General Statute 105-381.

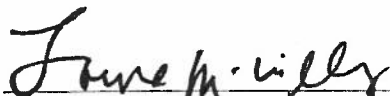
**BE IT RESOLVED** by the Board of Commissioners of Moore County that the taxpayers shown on said list of releases and refunds submitted by Gary E. Briggs, Tax Administrator, are hereby granted such tax release or refund of the county taxes shown and the County Finance Director is directed to make said refunds.

Adopted this the 18 day of June, 2024.



Nick Picerno, Chairman

ATTEST:



Laura M. Williams  
Clerk to the Board



## REAL ESTATE / PERSONAL PROPERTY

## RELEASES

OVER - \$100

May-24

| <u>BILL YEAR</u> | <u>BILL NUMBER</u> | <u>NAME</u>             | <u>REASON</u>                                | <u>AMOUNT</u> |
|------------------|--------------------|-------------------------|----------------------------------------------|---------------|
| 2020             | 80737              | AUTO LOGISTICS INC      | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$1,748.27    |
| * 2023           | 42191              | BARTO, LEONARD H        | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$1,447.63    |
| * 2023           | 44112              | BAUMEISTER, JESSICA     | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$204.74      |
| 2023             | 23198              | BLACK, KENNETH          | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$810.80      |
| 2023             | 43431              | BLACK, PHALLIN          | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$659.21      |
| * 2023           | 35257              | BULGER, MARY            | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$309.37      |
| * 2023           | 73030              | FUNDERBURK, STEPHANIE   | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$204.75      |
| 2023             | 17322              | GRAHAM, ETHEL           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$233.42      |
| * 2023           | 29125              | GRIMM, FRANCIS          | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$309.38      |
| * 2023           | 21450              | HAYES, WILLIAM III      | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$204.76      |
| * 2023           | 41759              | HIRN, LISA              | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$204.76      |
| * 2023           | 44465              | HODGES, HARRY           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$165.37      |
| * 2023           | 36338              | HOWARD, FRANZ           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$309.38      |
| * 2023           | 9313               | JACKSON, SHIRLEY THOMAS | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$295.96      |
| * 2023           | 68032              | KROGH, THOMAS           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$354.37      |
| * 2023           | 61049              | LANZAFAMA, MICHAEL      | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$204.75      |
| 2023             | 91372              | LEE, ROBERT             | PERSONAL PROPERTY BILLED TO INCORRECT PERSON | \$156.54      |
| 2023             | 1001387            | MILLER, LAMEL           | GAP - VEHICLE REGISTERED IN ANOTHER STATE    | \$273.14      |
| * 2023           | 80378              | NEWELL CONSTRUCTION CO  | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$139.88      |
| * 2022           | 75399              | NEWELL CONSTRUCTION CO  | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$194.13      |
| 2023             | 57750              | PHILLIPS, BERTIE J      | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$789.02      |
| 2023             | 93144              | RALEIGH CUSTARD LLC     | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$1,084.88    |
| 2023             | 1000499            | SANDERS, LEON           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$101.45      |
| 2023             | 1000498            | SANDERS, LEON           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$103.03      |
| 2023             | 1000503            | SANDERS, LEON           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$663.89      |
| 2023             | 1000505            | SANDERS, LEON           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$679.70      |
| 2023             | 1000504            | SANDERS, LEON           | ORDER OF BOARD OF EQUALIZATION & REVIEW      | \$690.24      |

## REAL ESTATE / PERSONAL PROPERTY

## RELEASES

OVER - \$100

May-24

| <u>BILL YEAR</u> | <u>BILL NUMBER</u> | <u>NAME</u>               | <u>REASON</u>                                  | <u>AMOUNT</u>      |
|------------------|--------------------|---------------------------|------------------------------------------------|--------------------|
| * 2023           | 11413              | SANDERS, SHANNON          | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$516.10           |
| 2023             | 93115              | SENERES, AMBER            | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$227.86           |
| * 2023           | 25658              | SMITH, KATHERINE          | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$359.41           |
| * 2023           | 14033              | SMITH, MARY LOIS          | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$267.22           |
| * 2022           | 14059              | SMITH, MARY LOIS          | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$283.38           |
| * 2019           | 14123              | SMITH, MARY LOIS          | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$290.14           |
| * 2020           | 14092              | SMITH, MARY LOIS          | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$290.14           |
| * 2021           | 14077              | SMITH, MARY LOIS          | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$294.62           |
| 2023             | 92014              | TANZANITE REALTY SERVICES | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$20,020.00        |
| * 2023           | 30442              | TURONIS, JAMES            | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$309.38           |
| * 2023           | 65092              | VIRANI, VIJAY             | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$1,494.59         |
| 2023             | 92716              | WARNER, SETH              | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$227.29           |
| 2021             | 88063              | WIRELESS HELPERS INC      | BUSINESS CLOSED PRIOR TO JANUARY 2021          | \$184.58           |
| 2023             | 91902              | WONGOS BARBELL INC        | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$312.96           |
| <b>TOTAL</b>     |                    |                           |                                                | <b>\$37,620.49</b> |

\* RELEASE CREATED REFUND

## VTS/REAL ESTATE/PERSONAL PROPERTY

## RELIEF - REFUNDS

OVER - \$100

May-24

| <u>Bill Year</u> | <u>Bill Number</u> | <u>Customer Name</u>    | <u>Reason</u>                           | <u>Refund Amount</u> |
|------------------|--------------------|-------------------------|-----------------------------------------|----------------------|
| 2023             | VTS - 0072970287   | AUCHINCLOSS, PAUL       | TAG SURRENDER                           | \$157.36             |
| 2023             | 42191              | BARTO, LEONARD H        | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$1,447.63           |
| 2023             | 44112              | BAUMEISTER, JESSICA     | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$200.64             |
| 2023             | VTS - 0076451252   | BRITT, LAURA ANN        | TAG SURRENDER                           | \$342.94             |
| 2023             | 35257              | BULGER, MARY            | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$306.06             |
| 2023             | VTS - 0022315156   | BURNS, BRIAN JEFFREY    | INCORRECT VALUE                         | \$123.72             |
| 2023             | VTS - 0073659629   | COWAN, RICK ALLAN       | TAG SURRENDER                           | \$260.98             |
| 2023             | VTS - 0075557426   | DATRAY, JAMES ROGER III | TAG SURRENDER                           | \$167.92             |
| 2023             | VTS - 0076938731   | DEVENDORF, WILLIAM      | TAG SURRENDER                           | \$628.79             |
| 2023             | VTS - 0074313183   | DEVENDORF, WILLIAM      | TAG SURRENDER                           | \$154.36             |
| 2023             | VTS - 0073673577   | DEVENDORF, WILLIAM      | TAG SURRENDER                           | \$240.37             |
| 2023             | VTS - 0074092734   | DONOVAN, TAYLOR         | TAG SURRENDER                           | \$135.06             |
| 2023             | VTS - 0073581377   | EASLEY, RONALD          | SITUS                                   | \$196.05             |
| 2023             | VTS - 0052355953   | FORD, RAYMOND JOHN      | TAG SURRENDER                           | \$168.64             |
| 2023             | 73030              | FUNDERBURK, STEPHANIE   | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$208.85             |
| 2023             | VTS - 0076230526   | GILDER, CHRISTOPHER     | TAG SURRENDER                           | \$294.91             |
| 2022             | VTS - 0071862741   | GRIFFIN, DIANE C        | TAG SURRENDER                           | \$129.37             |
| 2023             | 29125              | GRIMM, FRANCIS          | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$306.07             |
| 2023             | 21450              | HAYES, WILLIAM III      | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$200.66             |
| 2023             | VTS - 0075352024   | HERTWIG, RONALD W JR    | TAG SURRENDER                           | \$174.17             |
| 2023             | VTS - 0061857994   | HILSON, JOHN FRANCIS    | TAG SURRENDER                           | \$153.30             |
| 2023             | 41759              | HIRN, LISA              | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$201.00             |
| 2023             | 44465              | HODGES, HARRY           | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$165.37             |
| 2023             | 36338              | HOWARD, FRANZ           | ORDER OF BOARD OF EQUALIZATION & REVIEW | \$306.07             |
| 2023             | VTS - 0074571292   | HUTTON, COLLETTE K      | TAG SURRENDER                           | \$150.18             |

## VTS/REAL ESTATE/PERSONAL PROPERTY

## RELIEF - REFUNDS

OVER - \$100

May-24

| <u>Bill Year</u> | <u>Bill Number</u> | <u>Customer Name</u>   | <u>Reason</u>                                  | <u>Refund Amount</u> |
|------------------|--------------------|------------------------|------------------------------------------------|----------------------|
| 2023             | 9313               | JACKSON, SHIRLEY T     | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$298.29             |
| 2023             | 68032              | KROGH, THOMAS          | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$351.06             |
| 2023             | VTS - 0075049371   | KRUCZEK, GENA CHASE    | TAG SURRENDER                                  | \$124.86             |
| 2023             | 61049              | LANZAFAMA, MICHAEL     | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$200.65             |
| 2023             | VTS - 0075944617   | MASOTTI, JOHN          | TAG SURRENDER                                  | \$313.13             |
| 2023             | 80378              | NEWELL CONSTRUCTION    | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$143.73             |
| 2022             | 75399              | NEWELL CONSTRUCTION    | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$214.02             |
| 2023             | VTS - 0076205101   | PHROMSAVANH, VINA      | TAG SURRENDER                                  | \$131.74             |
| 2023             | VTS - 0065140742   | RAUVOLABOUTA, LYNNETTE | TAG SURRENDER                                  | \$112.16             |
| 2023             | VTS - 0070065899   | RIVERA, MARIA ELIA     | TAG SURRENDER                                  | \$175.00             |
| 2023             | 11413              | SANDERS, SHANNON       | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$505.77             |
| 2023             | VTS - 0076271046   | SEWARD, EUGENE L JR    | INCORRECT COUNTY                               | \$100.20             |
| 2023             | VTS - 0078039345   | SHUSTACK, BENJAMIN J   | MILITARY                                       | \$468.56             |
| 2023             | 25658              | SMITH, KATHERINE       | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$359.41             |
| 2023             | 14033              | SMITH, MARY LOIS       | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$278.58             |
| 2022             | 14059              | SMITH, MARY LOIS       | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$283.38             |
| 2019             | 14123              | SMITH, MARY LOIS       | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$290.14             |
| 2020             | 14092              | SMITH, MARY LOIS       | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$290.14             |
| 2021             | 14077              | SMITH, MARY LOIS       | DOUBLE-WIDE BILLED AS REAL & PERSONAL PROPERTY | \$294.62             |
| 2023             | 30442              | TURONIS, JAMES         | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$306.07             |
| 2023             | 65092              | VIRANI, VIJAY          | ORDER OF BOARD OF EQUALIZATION & REVIEW        | \$1,480.64           |
| 2023             | VTS - 0074517250   | WEIL, TERESA KOLB      | TAG SURRENDER                                  | \$174.67             |
| 2023             | VTS - 0062672391   | WILLIAMSON, STEPHEN    | TAG SURRENDER                                  | \$179.54             |
| <b>TOTAL</b>     |                    |                        |                                                | <b>\$13,896.83</b>   |

## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

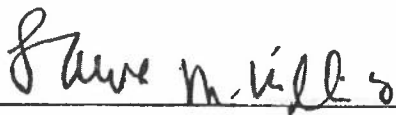
## Property Management - Insurance Reimbursement

|         |                                   |         |        |         |
|---------|-----------------------------------|---------|--------|---------|
| Revenue | 10018000 36053 Insurance Proceeds | 87,570  | 14,026 | 101,596 |
| Expense | 10047087 54250 Accident Repairs   | 153,084 | 14,026 | 167,110 |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120002

**Fiscal Year 2023/2024**

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

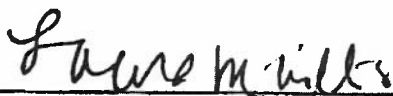
**Property Management - Insurance Reimbursement**

|         |                |                    |         |        |         |
|---------|----------------|--------------------|---------|--------|---------|
| Revenue | 10018000 36053 | Insurance Proceeds | 121,425 | 37,164 | 158,589 |
| Expense | 10047055 55401 | Vehicle Purchase   | 428,270 | 37,164 | 465,434 |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120009

## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

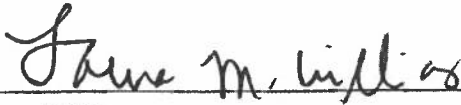
## Risk Management - Insurance Reimbursements

|         |                                         |           |         |           |
|---------|-----------------------------------------|-----------|---------|-----------|
| Revenue | 81018000 36053 Insurance Reimbursements | 400,000   | 758,300 | 1,158,300 |
| Expense | 81046025 54503 Health Expenses          | 8,795,619 | 758,300 | 9,553,919 |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120018

## Fiscal Year 2023/2024

| Budget Line Item<br>Number |  | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--|--------------------|-------------------------|-------------------|
|----------------------------|--|--------------------|-------------------------|-------------------|

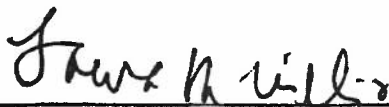
## Finance - Fund 252 Capital Reserve for Enterprise Fund

|         |                |                                   |           |           |           |
|---------|----------------|-----------------------------------|-----------|-----------|-----------|
| Revenue | 25219056 32967 | Transfer from WPCP                | 5,189,231 | 280,133   | 5,469,364 |
| Expense | 25252256 59925 | Avail to be Transf to WPCP        | 2,034,005 | 280,133   | 2,314,138 |
| Revenue | 25219056 32998 | Transfer in from Public Utilities | 1,283,460 | 1,698,060 | 2,981,520 |
| Expense | 25252256 59941 | Avail to be Transf to PU          | 272,973   | 1,698,060 | 1,971,033 |
| Revenue | 25219056 32999 | Transfer from EMWD Fund           | 359,926   | 135,952   | 495,878   |
| Expense | 25252256 59972 | Avail to be Transf to EMWD        | -         | 135,952   | 135,952   |

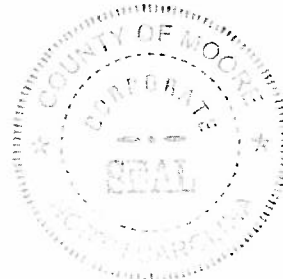
Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120109

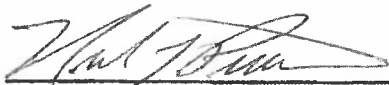
## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

## Finance - Fund 257 Capital Reserve for Solid Waste

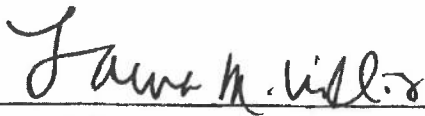
|         |                |                             |   |         |         |
|---------|----------------|-----------------------------|---|---------|---------|
| Revenue | 25719056 32955 | Transfer from General Fund  | - | 800,000 | 800,000 |
| Expense | 25752756 59924 | Available to be Transferred | - | 800,000 | 800,000 |

Approved this 18 day of June, 2024



Nick Picerno

Moore County Board of Commissioners



Laura Williams

Clerk to the Board



120110

## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

Finance - Fund 255 Capital Reserve for Capital Construction Projects for  
Moore County Schools

|         |                |                             |           |           |           |
|---------|----------------|-----------------------------|-----------|-----------|-----------|
| Revenue | 25519056 32955 | Transfer from General Fund  | 5,575,045 | 554,008   | 6,129,053 |
| Expense | 25552556 59911 | Transfer to General Fund    | 5,130,753 | 944,292   | 6,075,045 |
| Expense | 25552556 59914 | Available to be Transferred | 444,292   | (390,284) | 54,008    |

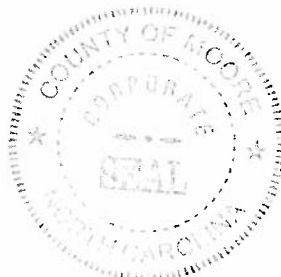
Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120111

## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

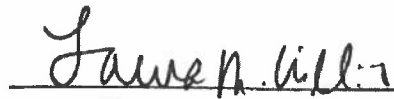
## Aging - Donations

|         |                          |         |        |         |
|---------|--------------------------|---------|--------|---------|
| Revenue | 24018024 32502 Donations | 219,453 | 20,051 | 239,504 |
| Expense | 24030024 55922 Donations | 219,080 | 20,051 | 239,131 |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120194

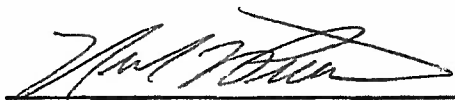
## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

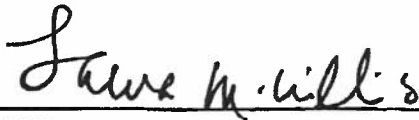
## Aging - Fans Grant

|         |                |            |        |       |        |
|---------|----------------|------------|--------|-------|--------|
| Revenue | 24033024 32613 | Fans Grant | 14,300 | 1,000 | 15,300 |
| Expense | 24030024 53921 | Fans Grant | 14,300 | 1,000 | 15,300 |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120196

## Fiscal Year 2023/2024

| Budget Line Item<br>Number | Budgeted<br>Amount | Increase/<br>(Decrease) | Revised<br>Budget |
|----------------------------|--------------------|-------------------------|-------------------|
|----------------------------|--------------------|-------------------------|-------------------|

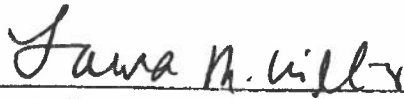
## Airport - Appropriated Retained Earnings

|         |                |                                |         |           |           |
|---------|----------------|--------------------------------|---------|-----------|-----------|
| Revenue | 64019000 36002 | Appropriated Ret Earnings      | 400,711 | 1,150,000 | 1,550,711 |
| Expense | 64044080 53500 | Building Maintenance & Repairs | 143,500 | 75,000    | 218,500   |
| Expense | 64044080 53300 | Electricity                    | 79,000  | 20,000    | 99,000    |
| Expense | 64037040 57569 | Hangar 71 Debt Principal       | -       | 1,000,000 | 1,000,000 |
| Expense | 64037041 57662 | Hangar 71 Debt Interest        | -       | 55,000    | 55,000    |

Approved this 18 day of June, 2024



Nick Picerno  
Moore County Board of Commissioners



Laura Williams  
Clerk to the Board



120201

**County of Moore**  
**Vass Phase II Sewer System Improvements (Fund 411)**  
**Capital Project Ordinance – Revision 10**

Journal 120242

BE IT ORDAINED by the Board of Commissioners, County of Moore, North Carolina, pursuant to North Carolina General Statute § 159-13.2, the following Capital Project Ordinance is hereby adopted as follows:

Section 1. The Capital Project authorized is the Vass Phase II Sewer System Improvements will include sewer service to the unsewered portion of the Town of Vass.

Section 2. The officers and staff of this unit are hereby directed to proceed with the project within the terms of any bond documents and the budget contained herein.

Section 3. The following amounts are appropriated for the Vass Phase II Sewer System Improvements:

|                                                             | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|-------------------------------------------------------------|----------------|----------------------|-------------|----------------------|
| Construction                                                | 41141055 55806 | \$ 9,922,515         | \$ 74,217   | \$ 9,996,732         |
| Contingency                                                 | 41141055 55807 | \$ 696,524           | \$ (95,646) | \$ 600,606           |
| Engineering & Inspection                                    | 41141055 55810 | \$ 783,496           | \$ 8,029    | \$ 791,525           |
| USDA Application                                            | 41141055 55993 | \$ -                 | \$ -        | \$ -                 |
| Land & Rights                                               | 41141055 55700 | \$ 8,029             | \$ -        | \$ 8,029             |
| Interest for Interim Financing                              | 41141055 55994 | \$ 447,710           | \$ -        | \$ 447,710           |
| Legal Services - Bond Counsel                               | 41141055 55835 | \$ 37,500            | \$ 13,400   | \$ 50,900            |
| Administrative Costs                                        | 41141055 55997 | \$ 6,300             | \$ -        | \$ 6,300             |
| Transfer to Public Utilities Reserve Fund                   | 41141056 59970 | \$ 362,418           | \$ -        | \$ 362,418           |
| Environmental - Wetland Mitigation                          | 41141055 55705 | \$ 48,000            | \$ -        | \$ 48,000            |
| Bond Anticipation Note Principal Payment                    | 41137040 57300 | \$ 3,430,000         | \$ -        | \$ 3,430,000         |
| Bond Anticipation Note Principal Pymt II (Subsequent Fund)  | 41137040 57302 | \$ 1,227,000         | \$ -        | \$ 1,227,000         |
| Bond Anticipation Note Principal Pymt III (Subsequent Fund) | 41137040 57303 | \$ 756,000           | \$ -        | \$ 756,000           |
| <b>Total</b>                                                |                | <b>\$ 17,725,220</b> | <b>\$ -</b> | <b>\$ 17,725,220</b> |

Section 4. The following revenues are anticipated to be available to complete the Vass Phase II Sewer System Improvements:

|                                                       | GL Account     | Budget        | Incr./Decr. | Revised Budget |
|-------------------------------------------------------|----------------|---------------|-------------|----------------|
| USDA Revenue Bond                                     | 41118000 36999 | \$ 3,430,000  | \$ -        | \$ 3,430,000   |
| Transfer from Public Utilities                        | 41119056 32968 | \$ -          | \$ -        | \$ -           |
| Tap Fees                                              | 41124000 36019 | \$ 10,432     | \$ -        | \$ 10,432      |
| USDA Grant                                            | 41142000 36021 | \$ 1,414,000  | \$ -        | \$ 1,414,000   |
| Transfer fr Public Utilities Capital Reserve Fund     | 41119056 38503 | \$ 362,418    | \$ -        | \$ 362,418     |
| USDA Subsequent Revenue Bond                          | 41119000 36941 | \$ 1,227,000  | \$ -        | \$ 1,227,000   |
| USDA Subsequent Grant                                 | 41142000 36942 | \$ 1,926,000  | \$ -        | \$ 1,926,000   |
| Contribution Pump Station Upgrade                     | 41118000 36721 | \$ 19,400     | \$ -        | \$ 19,400      |
| CDBG Contribution from Vass                           | 41118000 36944 | \$ 36,970     |             | \$ 36,970      |
| Vass Contribution                                     | 41118000 36943 | \$ 125,000    | \$ -        | \$ 125,000     |
| Bond Anticipation Note Proceeds                       | 41119000 36016 | \$ 3,430,000  | \$ -        | \$ 3,430,000   |
| Bond Anticipation Note Proceeds II (Subsequent Fund)  | 41119000 36017 | \$ 1,227,000  | \$ -        | \$ 1,227,000   |
| USDA Subsequent Revenue Bond II                       | 41119000 36945 | \$ 756,000    | \$ -        | \$ 756,000     |
| USDA Subsequent Grant II                              | 41142000 36946 | \$ 3,005,000  | \$ -        | \$ 3,005,000   |
| Bond Anticipation Note Proceeds III (Subsequent Fund) | 41119000 36126 | \$ 756,000    | \$ -        | \$ 756,000     |
| Total                                                 |                | \$ 17,725,220 | \$ -        | \$ 17,725,220  |

Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to satisfy the requirements of the Trustee, documents and agreements as it relates to the bond, North Carolina General Statutes, federal regulations and any other applicable laws.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

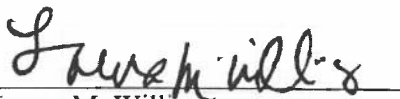
Section 7. The Finance Officer is directed to report the financial status of the project, as requested by the Board of Commissioners.

Section 8. This Project Ordinance shall be entered in the minutes by the Clerk to the Board of Commissioners and within five days after adoption of this Ordinance, copies shall be filed with the finance officer, budget officer and Clerk to the Board of Commissioners.

Adopted this 18<sup>th</sup> day of June 2024.



Nick Picerno, Chairman  
Moore County Board of Commissioners



Laura M. Williams  
Clerk to the Board



**County of Moore**  
**Local Educational Bonds – 2018 Bond Referendum (Fund 482)**  
**Project Ordinance – Revision #27**

Journal 120518

BE IT ORDAINED by the Board of Commissioners, County of Moore, North Carolina, pursuant to North Carolina General Statute § 159-13.2, the following project ordinance is hereby adopted as follows:

Section 1. The capital project authorized is to provide funds for acquiring and constructing New Elementary Schools and improving, expanding and renovating other public school facilities; also will provide funds, for acquiring, constructing, improving, expanding, renovating and equipping community college facilities, including Nursing Education Facilities.

Section 2. The officers and staff of this unit are hereby directed to proceed with the project within the budget contained herein.

Section 3. The following amounts are appropriated for the Local Educational Bonds – 2018 Bond Referendum Capital Project Ordinance:

**New Southern Pines Elementary School:**

|                                          | GL Account              | Budget               | Incr./Decr. | Revised Budget       |
|------------------------------------------|-------------------------|----------------------|-------------|----------------------|
| Architect                                | 48263396 55805          | \$ 1,770,000         | \$ -        | \$ 1,770,000         |
| Construction                             | 48263396 55806          | \$ 31,183,483        | \$ -        | \$ 31,183,483        |
| FF&E                                     | 48263396 56292          | \$ 2,306,540         | \$ -        | \$ 2,306,540         |
| Cost of Issuance                         | 48263396 57559          | \$ 300,185           | \$ -        | \$ 300,185           |
| Transfer to Capital Res for Govt Project | 48263356 59935          | \$ 2,901,361         | \$ -        | \$ 2,901,361         |
| 2019 SP GO BD Premium                    | 48263396 57561          | \$ -                 | \$ -        | \$ -                 |
| Modernization EL Gym Project MEGYM       | 48263396 57561<br>MEGYM | \$ 3,474,273         | \$ -        | \$ 3,474,273         |
| Transfer to General Fund Digital Equip   | 48263356 59911<br>DIGIT | \$ 243,215           | \$ -        | \$ 243,215           |
| Transfer to General Fund - Interest Debt | 48263356 59911<br>INTDE | \$ 150,000           | \$ -        | \$ 150,000           |
| Arbitrage Rebate                         | 48263396 55876          | \$ 100,319           | \$ -        | \$ 100,319           |
| <b>Total</b>                             |                         | <b>\$ 42,429,376</b> | <b>\$ -</b> | <b>\$ 42,429,376</b> |

**New Pinehurst Elementary School:**

|                                          | GL Account              | Budget               | Incr./Decr.    | Revised Budget       |
|------------------------------------------|-------------------------|----------------------|----------------|----------------------|
| Architect                                | 48263596 558805         | \$ 2,453,000         | \$ -           | \$ 2,453,000         |
| Pinehurst Modular Classrooms             | 48263596 55813          | \$ 2,400,000         | \$ -           | \$ 2,400,000         |
| Construction                             | 48263596 55806          | \$ 29,636,186        | \$ -           | \$ 29,636,186        |
| FF&E                                     | 48263596 56292          | \$ 2,306,540         | \$ -           | \$ 2,306,540         |
| Cost of Issuance                         | 48263596 57559          | \$ 259,210           | \$ -           | \$ 259,210           |
| Contingency                              | 48263596 55807          | \$ 945,064           | \$ -           | \$ 945,064           |
| GO Bond Premium                          | 48263596 57562          | \$ -                 | \$ -           | \$ -                 |
| Modernization EL Gym Project MEGYM       | 48263596 57562<br>MEGYM | \$ 4,712,988         | \$ (1,561,340) | \$ 3,151,648         |
| District Wide Projects                   | 48263596 57562<br>DWP   | \$ -                 | \$ 1,561,340   | \$ 1,561,340         |
| Transfer to Capital Res for Govt Project | 48263596 59935          | \$ 4,853,000         | \$ -           | \$ 4,853,000         |
| PHST Transfer to GF Digital Equip        | 48263596 59911<br>DIGIT | \$ 132,078           | \$ -           | \$ 132,078           |
| <b>Total</b>                             |                         | <b>\$ 47,698,066</b> | <b>\$ -</b>    | <b>\$ 47,698,066</b> |

## New Aberdeen Elementary School:

|                                          | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|------------------------------------------|----------------|----------------------|-------------|----------------------|
| Construction                             | 48263696 55806 | \$ 26,816,930        | \$ -        | \$ 26,816,930        |
| Contingency                              | 48263696 55807 | \$ -                 | \$ -        | \$ -                 |
| Off-Site Sewer                           | 48263696 56291 | \$ 450,000           | \$ -        | \$ 450,000           |
| FF&E/Tech                                | 48263696 56292 | \$ 1,895,550         | \$ -        | \$ 1,895,550         |
| Testing & Inspection                     | 48263696 56293 | \$ 93,270            | \$ -        | \$ 93,270            |
| Cost of Issuance                         | 48263696 57559 | \$ 274,042           | \$ -        | \$ 274,042           |
| 2018 Aberdeen GO BD Prem                 | 48263696 57558 | \$ -                 | \$ -        | \$ -                 |
| Modernization EL Gym Project MEGYM       | MEGYM          | \$ 353,726           | \$ -        | \$ 353,726           |
| Carthage EL-HVAC Bld 7                   | CHVAC          | \$ 47,582            | \$ -        | \$ 47,582            |
| Elise MS-Buried boiler                   | EBOIL          | \$ 32,000            | \$ -        | \$ 32,000            |
| Vass LE-HVA Bld 5                        | VHVAC          | \$ 28,500            | \$ -        | \$ 28,500            |
| Carthage EL-Return piping                | CPIPE          | \$ 216,000           | \$ -        | \$ 216,000           |
| Community L-Air handlers                 | CLAIR          | \$ 484,372           | \$ -        | \$ 484,372           |
| Sandhills FL-Heat pumps                  | SHEPU          | \$ 120,225           | \$ -        | \$ 120,225           |
| Carthage EL-Gym                          | CEGYM          | \$ 27,105            | \$ -        | \$ 27,105            |
| Carthage EL-Fire alarm                   | CFALM          | \$ 87,000            | \$ -        | \$ 87,000            |
| All schools-Classroom display syst       | ACLDI          | \$ 387,400           | \$ -        | \$ 387,400           |
| Elise MS-Gym                             | EMGYM          | \$ 68,917            | \$ -        | \$ 68,917            |
| Union Pines-Furnace ROTC Bld             | UPFUR          | \$ 6,975             | \$ -        | \$ 6,975             |
| Sandhills FL-Install foundation          | SFINS          | \$ 33,124            | \$ -        | \$ 33,124            |
| Highfalls ES-sanitary lift station       | HFSLS          | \$ -                 | \$ -        | \$ -                 |
| NMHS-sanitary lift station               | NMSLS          | \$ 252,538           | \$ -        | \$ 252,538           |
| Union Pines-Water main pipes             | UPWAT          | \$ 236,817           | \$ -        | \$ 236,817           |
| Transfer to General Fund Digital Equip   | DIGIT          | \$ 1,124,707         | \$ -        | \$ 1,124,707         |
| Transfer to Southern Pines Construction  | N/A            | \$ 1,560,208         | \$ -        | \$ 1,560,208         |
| Transfer to General Fund - Interest Debr | INTDE          | \$ 150,000           | \$ -        | \$ 150,000           |
|                                          |                |                      |             |                      |
| <b>Total</b>                             |                | <b>\$ 34,746,988</b> | <b>\$ -</b> | <b>\$ 34,746,988</b> |

## SCC Nursing Education Facilities:

|                                           | GL Account              | Budget               | Incr./Decr. | Revised Budget       |
|-------------------------------------------|-------------------------|----------------------|-------------|----------------------|
| Architect                                 | 48263797 55805          | \$ 1,510,050         | \$ -        | \$ 1,510,050         |
| SCC Construction                          | 48263797 55806          | \$ 15,142,635        | \$ -        | \$ 15,142,635        |
| Cost of Issuance                          | 48263797 57559          | \$ 353,500           | \$ -        | \$ 353,500           |
| SCC Contingency                           | 48263797 55807          | \$ 560,424           | \$ -        | \$ 560,424           |
| SCC FF&E                                  | 48263797 56292          | \$ 2,104,382         | \$ -        | \$ 2,104,382         |
| SSC Planning & Design                     | 48263797 56318          | \$ 329,009           | \$ -        | \$ 329,009           |
| SCC GO Bond Premium                       | 48263797 57566          | \$ -                 | \$ -        | \$ -                 |
| Phase I & II - Water Utility Improvements | 48263797 57566<br>WUIMP | \$ -                 | \$ -        | \$ -                 |
| Meyer Hall Science Lab Renovations        | 48263797 57566<br>MEYER | \$ 1,009,310         | \$ -        | \$ 1,009,310         |
| Fire & Construction Education Center      | 48263797 57566<br>FIRCO | \$ 1,100,000         | \$ -        | \$ 1,100,000         |
| SCC Transfer to CR for GOV PROJ           | 48263756 59909          | \$ 1,600,000         | \$ -        | \$ 1,600,000         |
|                                           |                         |                      |             |                      |
| <b>Total</b>                              |                         | <b>\$ 23,709,310</b> | <b>\$ -</b> | <b>\$ 23,709,310</b> |

Section 4. The following revenues are anticipated to be available to complete the Local Educational Bonds – 2018 Bond Referendum Project Ordinance:

## New Southern Pines Elementary School:

|                                          | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|------------------------------------------|----------------|----------------------|-------------|----------------------|
| Transfer fr Capital Res for Govt Project | 48219056 32995 | \$ 2,901,361         | \$ -        | \$ 2,901,361         |
| 2019 SP GO BD Proceeds                   | 48219000 36931 | \$ 34,000,000        | \$ -        | \$ 34,000,000        |
| 2019 SP GO BD Premium                    | 48218000 36932 | \$ 3,474,273         |             | \$ 3,474,273         |
| SP Sales Tax Refund                      | 48218000 32351 | \$ 243,215           | \$ -        | \$ 243,215           |
| 2019 SP GO BD Interest                   | 48218000 36933 | \$ 250,319           | \$ -        | \$ 250,319           |
| Transfer from New Aberdeen Elementary    | N/A            | \$ 1,560,208         | \$ -        | \$ 1,560,208         |
| <b>Total</b>                             |                | <b>\$ 42,429,376</b> | <b>\$ -</b> | <b>\$ 42,429,376</b> |

## New Pinehurst Elementary School:

|                                            | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|--------------------------------------------|----------------|----------------------|-------------|----------------------|
| Transfer from Capital Res for Govt Project | 48219056 32995 | \$ 4,853,000         | \$ -        | \$ 4,853,000         |
| 2019 PHST GO BD Proceeds                   | 48219000 36934 | \$ 38,000,000        | \$ -        | \$ 38,000,000        |
| 2019 PHST GO BD Premium                    | 48218000 36935 | \$ 4,712,988         | \$ -        | \$ 4,712,988         |
| PHST Sales Tax Refund                      | 48218000 32352 | \$ 132,078           | \$ -        | \$ 132,078           |
|                                            |                |                      |             |                      |
| <b>Total</b>                               |                | <b>\$ 47,698,066</b> | <b>\$ -</b> | <b>\$ 47,698,066</b> |

## New Aberdeen Elementary School:

|                                | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|--------------------------------|----------------|----------------------|-------------|----------------------|
| 2018 Aberdeen GO BD Proceeds   | 48219000 36927 | \$ 31,000,000        | \$ -        | \$ 31,000,000        |
| 2018 Aberdeen GO BD Prem       | 48218000 36928 | \$ 2,472,281         | \$ -        | \$ 2,472,281         |
| 2018 Aberdeen GO Bond Int      | 48218000 36929 | \$ 730,837           | \$ -        | \$ 730,837           |
| Aberdeen Elem Sales Tax Refund | 48218000 32350 | \$ 543,870           | \$ -        | \$ 543,870           |
|                                |                |                      |             |                      |
|                                |                |                      |             |                      |
| <b>Total</b>                   |                | <b>\$ 34,746,988</b> | <b>\$ -</b> | <b>\$ 34,746,988</b> |

## SCC Nursing Education Facilities:

|                                          | GL Account     | Budget               | Incr./Decr. | Revised Budget       |
|------------------------------------------|----------------|----------------------|-------------|----------------------|
| Transfer fr Capital Res for Govt Project | 48219056 32995 | \$ 1,600,000         | \$ -        | \$ 1,600,000         |
| SCC GO BD Proceeds                       | 48218000 36937 | \$ 20,000,000        | \$ -        | \$ 20,000,000        |
| SCC GO BD Premium                        | 48218000 36938 | \$ 2,109,310         | \$ -        | \$ 2,109,310         |
|                                          |                |                      |             |                      |
| <b>Total</b>                             |                | <b>\$ 23,709,310</b> | <b>\$ -</b> | <b>\$ 23,709,310</b> |

Section 5. The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to satisfy the requirements of North Carolina General Statutes, federal regulations and any other applicable laws.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due.

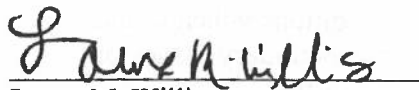
Section 7. The Finance Officer is directed to report the financial status of the project, as requested by the Board of Commissioners.

Section 8. This Project Ordinance shall be entered in the minutes by the Clerk to the Board of Commissioners and within five days after adoption of this Ordinance, copies shall be filed with the finance officer, budget officer and Clerk to the Board of Commissioners.

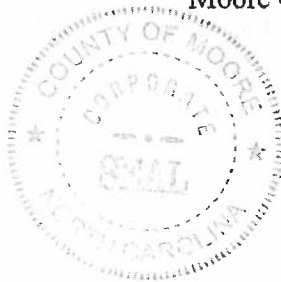
Adopted this 18<sup>th</sup> day of June 2024.



Nick Picerno, Chairman  
Moore County Board of Commissioners



Laura M. Williams  
Clerk to the Board



**RESOLUTION ACCEPTING THE FINAL HIGH OFFER TO PURCHASE MOORE  
COUNTY PROPERTY FOR "55 56 71 72 OAKDALE"  
LRK#00054032**

WHEREAS, the County of Moore owns certain real property located at 112 Moore Street, Aberdeen, NC, LRK #00054032 being known and more particularly described as "55 56 71 72 OAKDALE"; and

WHEREAS, the property was subject to a tax foreclosure and sold at public auction on July 8, 1997; and

WHEREAS, the County of Moore acquired the property for \$477.12, which was the sum of the amount of taxes owed on the property, fees related to the foreclosure, and other related costs paid or incurred by the County of Moore prior to the public auction; and

WHEREAS, the County of Moore has not used the property since acquiring it and has no intention of using the property; and

WHEREAS, North Carolina General Statute 160A-269 permits the County to sell real property by negotiated offer and upset bid; and

WHEREAS, the Board of Commissioners acknowledges receipt of an offer from Lucas Property Rentals, LLC (Mr. Carlos Lucas) in the amount of \$1,800.00 for the property described above; and

WHEREAS, Lucas Property Rentals, LLC has paid the required five percent deposit on his offer.

WHEREAS, a Public Notice was published in The Pilot newspaper on Sunday, May 26, 2024, for a ten (10) day period and no upset bids were received; and

WHEREAS, the Public Notice published in The Pilot newspaper on Sunday, May 26, 2024 included the following notice:

- **Notice** – Moore County will convey this property by non-warranty deed, making no representations as to the following, including but not limited to quality of legal title, physical condition, presence of any dangerous or toxic materials, soundness of construction, and habitability of any structure(s) located thereon. In particular, Moore County makes no representations as to matters of survey or other conditions which would disclose issues as to actual size of the subject property, possible boundary issues or encroachments of structure(s) on the subject property or adjacent properties.

NOW, THEREFORE, the Board of Commissioners of the County of Moore resolves that:

1. The Board of County Commissioners authorized sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269; and property and the amount of the offer, and shall state the terms under which the offer may be upset; and
2. The offer from Lucas Property Rentals, LLC for \$1,800.00 be accepted under the terms and conditions as set forth in the advertisement for Sale of the Property and that the Chairman of the Board of County Commissioners is authorized to execute the deed and transfer title to the purchaser under the terms and conditions set forth in the Advertisement for the Sale of the Property Agreement referenced herein.

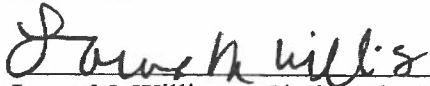
ADOPTED this the 18th day of June 2024 by the Moore County Board of Commissioners.

COUNTY OF MOORE



Nick Picerno, Chairman  
Moore County Board of Commissioners

ATTEST:



Laura M. Williams, Clerk to the Board





# Sole Source Justification Form

(For items equal to or greater than \$30,000.00)

Vendor:\*

Badger Meter-7678



Item:\*

Meters



Estimated expenditure for the Above Item: \*

218084.5

#



**CHECK** ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE. ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.

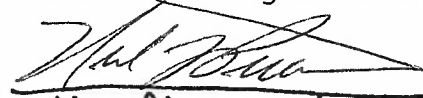
Memo Attachment\*



Badger meter- sole source and contract - Agenda memo 05 16 24.pdf



Approved: 6/18/24

  
Nick Picerno, chairman

APPROVE

SEEK CLARIFICATION

DENY

**RESOLUTION BY THE COUNTY OF MOORE  
AUTHORIZING EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE  
SECOND SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS**

**WHEREAS**, the opioid overdose epidemic has taken the lives of more than 37,000 North Carolinians since 2000; and

**WHEREAS**, the COVID-19 pandemic has compounded the opioid overdose crisis, increasing levels of drug misuse, addiction, and overdose death; and

**WHEREAS**, the Centers for Disease Control and Prevention estimates the total economic burden of prescription opioid misuse alone in the United States is \$78.5 billion a year, including the costs of healthcare, lost productivity, addiction treatment, and criminal justice involvement; and

**WHEREAS**, certain counties and municipalities in North Carolina joined with thousands of local governments across the country to file lawsuits against opioid manufacturers, pharmaceutical distribution companies, and chain drug stores to hold those companies accountable for their misconduct; and

**WHEREAS**, a settlement has been reached in litigation against the Kroger Co. ("Kroger") as well as its subsidiaries, affiliates, officers, and directors named in the Kroger Settlement; and

**WHEREAS**, representatives of local North Carolina governments, the North Carolina Association of County Commissioners, and the North Carolina Department of Justice have negotiated and prepared a Second Supplemental Agreement for Additional Funds (SAAF-2) to provide for the equitable distribution of the proceeds of these settlements; and

**WHEREAS**, by joining the settlements and approving the SAAF-2, the state and local governments maximize North Carolina's share of opioid settlement funds to ensure the needed resources reach communities, as quickly, effectively, and directly as possible; and

**WHEREAS**, it is advantageous to all North Carolinians for local governments, including Moore County and its residents, to sign onto the settlements and SAAF-2 and demonstrate solidarity in response to the opioid overdose crisis, and to maximize the share of opioid settlement funds received both in the state and this Moore County to help abate the harm; and

**WHEREAS**, the SAAF-2 directs substantial resources over multiple years to local governments on the front lines of the opioid overdose epidemic while ensuring that these resources are used in an effective way to address the crisis;

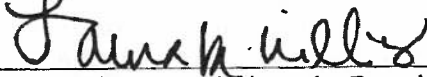
**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of Moore County hereby authorizes the County Manager or County Attorney to execute all documents necessary to enter into opioid settlement agreements with Kroger, to execute the SAAF-2, and to provide such documents to Rubris, the Implementation Administrator.

Adopted this the 18th day of June 2024.



Nick Picerno, Chair  
Moore County Board of Commissioners

ATTEST:



Laura Williams, Clerk to the Board

SEAL



**Subdivision Participation and Release Form**

|                                             |                       |
|---------------------------------------------|-----------------------|
| Governmental Entity: County of Moore        | State: North Carolina |
| Authorized Official: Nick Picerno, Chairman |                       |
| Address 1: PO Box 905                       |                       |
| Address 2:                                  |                       |
| City, State, Zip: Carthage, NC 28327        |                       |
| Phone: 910-947-4012                         |                       |
| Email: mistyleland@moorecountync.gov        |                       |

The governmental entity identified above ("*Governmental Entity*"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated March 22, 2024 ("*Kroger Settlement*"), and acting through the undersigned authorized official, hereby elects to participate in the Kroger Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Kroger Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Kroger Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs' Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at <https://nationalopioidsettlement.com/>.
3. The Governmental Entity agrees to the terms of the Kroger Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Kroger Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Kroger Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Kroger Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Kroger Settlement.

7. The Governmental Entity has the right to enforce the Kroger Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Kroger Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Kroger Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Kroger Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Kroger Settlement.
10. In connection with the releases provided for in the Kroger Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

**General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Kroger Settlement.

11. Nothing herein is intended to modify in any way the terms of the Kroger Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release

Form is interpreted differently from the Kroger Settlement in any respect, the Kroger Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature:



Name:

Nick Picerno

Title:

Chairman, Board of Commissioners

Date:

6/18/24

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 12 (Conditional Rezoning) Section 12.5.H.1.ii (Application Process)  
(Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process)  
(Amendment) (Major Modifications Considered Amendments)  
Text Amendment to the Unified Development Ordinance**

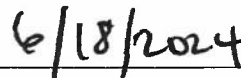
The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment would clarify the section of the Unified Development Ordinance regarding amendments to conditional rezonings and would implement clear guidelines as to what is considered a minor versus major modification.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It relieves property owners who have conditionally rezoned their property and may need to make small changes to the size of buildings in the proposed development due to unforeseen circumstances at the time the conditional rezoning was approved.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance is **consistent** with the 2013 Moore County Land Use Plan.



Nick Picerno, Chair  
Moore County Board of Commissioners



Date



**Agenda Item: 6.C.**  
**Meeting Date: June 18, 2024**

**MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:**

**FROM:** Ruth Pedersen, Senior Planner  
**DATE:** 06/07/2024  
**SUBJECT:** Public Hearing for Unified Development Ordinance Amendments to Chapter 12 (Conditional Rezoning) Section 12.5.H.1.ii (Application Process) (Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process) (Amendment) (Major Modifications Considered Amendments)  
**PRESENTER:** Ruth Pedersen, Senior Planner

**REQUEST:** A request to amend Chapter 12 (Conditional Rezoning), Section 12.5.H.1.ii (Application Process) (Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process) (Amendment) (Major Modifications Considered Amendments) of the Moore County Unified Development Ordinance.

**BACKGROUND:** The Unified Development Ordinance has existing language in Section 12.5.H.2.i and ii that requires any subsequent increases in the size of buildings and changes in density or intensity on an approved conditional rezoning application to go back through the conditional rezoning process. These changes are considered major modifications. Currently, this means that any increase in building size, no matter how small, on a previously approved conditional rezoning must go back through the conditional rezoning process for approval. The proposed text amendment allows small increases in building size that do not increase the total area of all buildings by more than 5% to be considered minor modifications that can be approved administratively and do not need to go back through the conditional rezoning process.

**PROPOSED TEXT AMENDMENT LANGUAGE:**

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~ – deletions from the ordinance

1. Amend Chapter 12 (Conditional Rezoning), Section 12.5.H.1.ii.06 (Amendment) (Minor Modifications) as follows:

**H. AMENDMENT**

Amendments to a conditional rezoning application approval shall be considered as minor modifications or major modifications, in accordance with the following:

**1. MINOR MODIFICATIONS**

- i. Subsequent plans and permits for development within a conditional zoning district may include minor modifications, provided the development continues to meet the minimum requirements of this Ordinance. Minor modifications are limited to changes

that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the conditional rezoning application approval.

ii. The following minor modifications may be approved by the Administrator if they meet the requirements of this ordinance:

- 01. Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
- 02. Changes to the configuration of parking areas, but not the number of parking spaces;
- 03. Changes to the configuration or location of open space or placement of required amenities, provided the amount of open space is unchanged;
- 04. Changes to the configuration of non-residential screening, including types of materials, provided minimum width and planting requirements are met;
- 05. Changes to the proposed building elevation, including materials, provided that the change retains the same general architectural character and remains consistent with the design parameters established in the approval; and
- 06. Changes to the arrangement or location of buildings provided **the total size of all buildings within the development is not increased by more than 5% of the original approved building area and the impervious surface total does not exceed the allowable total for the location.** ~~there is no increase in the number of buildings, size, or amount of impervious surface.~~

iii. Nothing shall limit the landowner of an individual lot from seeking approval of a minor modification provided such modification is applied solely to the lot(s) under their ownership and provided the modification is not a major modification.

iv. In no instance shall a minor modification include any changes to the range of proposed uses or the overall density of the development.

**REASON:** To allow for flexibility in site design on conditionally rezoned properties. Sometimes minor increases in size may be necessary due to unforeseen circumstances at the time of approval. Currently, the applicant would need to go back through the conditional rezoning process for any increase in size.

2. Amend Chapter 12 (Conditional Rezoning), Section 12.5.H.2.ii (Amendment) (Major Modifications Considered Amendments) as follows:

## 2. MAJOR MODIFICATIONS CONSIDERED AMENDMENTS

i. Changes that materially affect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of a minor modification are considered major modifications or amendments.

ii. Major modifications include, but are not limited to:

- 01. Increases in building height;
- 02. Changes in proposed use types;
- 03. ~~Changes in density or intensity;~~ **Changes in size of buildings that increase the approved total area of all buildings by more than 5% or increase impervious surface beyond the allowable limit for the location;**
- 04. Any increase in impervious surface that would require approval of a Special Non-Residential Intensity Allocation;**
- ~~04~~ 05. Decreases in open space;
- ~~05-06.~~ Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and

**06 07.** Change in the location of any public easement.

iii. Major modifications shall be treated as an amendment that must be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional rezoning application.

**REASON:** To be consistent with the above amendment and clarify that any increase that would require a Special Non-Residential Intensity Allocation would be a major modification.

**PLANNING BOARD RECOMMENDATION**

The Planning Board met on May 2, 2024, and voted 7-0 the requested text amendment was consistent with the Moore County Land Use Plan and voted 7-0 to recommend approval of the text amendment.

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

**FINANCIAL IMPACT:** None

**IMPLEMENTATION PLAN:** Hold a Public Hearing on June 18, 2024.

**RECOMMENDATION SUMMARY:** Staff recommends the Board of Commissioners make two separate motions:

**Motion #1:** Make a motion to adopt the attached Board of Commissioners Land Use Plan Consistency Statement (**Consistent** or **Inconsistent**) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

**Motion #2:** Make a motion to **Approve** or **Deny** the amendments to Chapter 12 (Conditional Rezoning), Section 12.5.H.1.ii (Application Process) (Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process) (Amendment) (Major Modifications Considered Amendments) of the Moore County Unified Development Ordinance.

**ATTACHMENTS:**

1. RLUAC Comments
2. Board of Commissioners Consistency Statements (Consistent/Inconsistent)

**RE: Moore County Text Amendments**

RLUAC Executive Director <director@rluac.com>

Sun 5/5/2024 3:19 PM

To: Ruth Pedersen <rpedersen@moorecountync.gov>

Cc: Debra Ensminger <densminger@moorecountync.gov>; Danielle Orloff <dorloff@moorecountync.gov>

Ruth,

I have the supplemental review letter for the wireless tower amendment out for comments from our committee. I expect to have that to you on Monday. I reviewed the other amendments, and we don't have any comments on those.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director  
Regional Land Use Advisory Commission  
6205 Raeford Road  
Fayetteville, NC 28304  
(910) 398-3743  
[director@rluac.com](mailto:director@rluac.com)  
[www.rluac.com](http://www.rluac.com)

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**From:** Ruth Pedersen <rpedersen@moorecountync.gov>

**Sent:** Wednesday, April 24, 2024 4:58 PM

**To:** director@rluac.com

**Cc:** Debra Ensminger <densminger@moorecountync.gov>; Danielle Orloff <dorloff@moorecountync.gov>

**Subject:** Moore County Text Amendments

Vagn,

We have several text amendments set to be heard by the Moore County Board of Commissioners on June 18, 2024. We are hoping to obtain review and comments from RLUAC on these proposed amendments. Please see attached staff reports for review and let me know if you have any questions on any of these items.

As a note, the Wireless Telecommunication text amendment that we've been discussing is also set to be heard by the Commissioners on June 18. I have attached that staff report even though I've already sent you the finalized language. We will still need an updated letter for this item.

Thank you,

Ruth Pedersen, MPA

Senior Planner

Moore County Planning & Inspections

558  
[rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov)

910-947-5010 (phone)

910-947-1303 (fax)

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 12 (Conditional Rezoning) Section 12.5.H.1.ii (Application Process)  
(Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process)  
(Amendment) (Major Modifications Considered Amendments)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment would clarify the section of the Unified Development Ordinance regarding amendments to conditional rezonings and would implement clear guidelines as to what is considered a minor versus major modification.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It relieves property owners who have conditionally rezoned their property and may need to make small changes to the size of buildings in the proposed development due to unforeseen circumstances at the time the conditional rezoning was approved.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance is **consistent** with the 2013 Moore County Land Use Plan.

---

Nick Picerno, Chair  
Moore County Board of Commissioners

---

Date

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 12 (Conditional Rezoning) Section 12.5.H.1.ii (Application Process)  
(Amendment) (Minor Modifications) and Section 12.5.H.2.ii (Application Process)  
(Amendment) (Major Modifications Considered Amendments)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **inconsistent** with the following recommendation as listed in the 2013 Moore County Land Use Plan:
  - It is inconsistent with recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high-visibility areas.
    - The proposed amendment would potentially allow increases in building size on properties that have been conditionally rezoned and would not need to go back to the Planning Board and Board of Commissioners for approval.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners finds that the text amendment to the Unified Development Ordinance is **inconsistent** with the 2013 Moore County Land Use Plan.

---

Nick Picerno, Chair  
Moore County Board of Commissioners

---

Date

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 8 (Specific Use Standards) Section 8.86.A.1 (Public & Private Utility Facilities - Definition), 8.86.B.III (Public & Private Utility Facilities – Standards), and Section 8.115.B (Wireless Communication Facility - Applicability)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment would streamline the approval process for utility towers and allow utility companies to better monitor electricity substations for security and operations of critical infrastructure.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It allows for a more comprehensive security monitoring process for electricity substations, critical infrastructure.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance is **consistent** with the 2013 Moore County Land Use Plan.



Nick Picerno, Chair

Moore County Board of Commissioners

6/18/2024  
Date



**Agenda Item: 6.D.**  
**Meeting Date: June 18, 2024**

**MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:**

**FROM:** Ruth Pedersen, Senior Planner  
**DATE:** 06/07/2024  
**SUBJECT:** Public Hearing for Unified Development Ordinance Amendments to Chapter 8 to add "Wireless Telecommunications Towers Serving Electrical Substations" to the Specific Use Standards in Section 8.86.A.1 and 8.86.B.III – Public & Private Utility Facilities - Definition – Standards, and Section 8.115.B - Wireless Communication Facility - Applicability  
**PRESENTER:** Ruth Pedersen, Senior Planner

**REQUEST:** A request to amend the Moore County Unified Development Ordinance, Chapter 8 (Specific Use Standards), Section 8.86 (Public & Private Utility Facilities), Section 8.86.A.1 (Definition) to add Wireless Telecommunication Towers Serving Electrical Substations, Section 8.86.B.III (Public & Private Utility Facilities - Standards) to add the standards for Wireless Telecommunications Towers Serving Electrical Substations, and Section 8.115.B (Wireless Communication Facility – Applicability) to add Wireless Telecommunications Towers Serving Electrical Substations in accordance with Section 8.86 as an exemption from the requirements of Section 8.115 (Wireless Communication Facility).

**BACKGROUND:** Protection of Moore County's critical infrastructure is of growing importance. The proposed text amendment would allow electrical service providers to have constant communication with substations using towers outfitted with communications equipment.

Context for the proposed text amendment can be found by looking at what other jurisdictions require. The City of High Point does not have a specific use for towers associated with a utility substation and would classify such a use as a Wireless Communication Facility. The Town of Carthage recently approved a conditional rezoning to build a wireless communication tower at an existing substation for purposes of monitoring the substation. The conditional rezoning process allowed the applicants to request no increased landscaping and no requirement to provide collocations. Wake County classifies the use as a telecommunication facility, subject to the same requirements as a cell tower for commercial cell service providers, except for the fact that the Planning Director or the Board of Adjustment may reduce the minimum setback requirements if they find that a lesser distance will not be injurious to properties or improvements in the affected area. The Board of Adjustment in Wake County is authorized to reduce the minimum setback distance if a qualified structural engineer (licensed by the State of North Carolina) certifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

**PROPOSED TEXT AMENDMENT LANGUAGE TO BE ADDED**

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~— deletions from the ordinance

1. AMEND Chapter 8 (Specific Use Standards), Section 8.86.A. (Public & Private Utility Facilities) (Definition) to add “Wireless Telecommunications Towers Serving Electrical Substations” as follows:

#### SECTION 8.86 PUBLIC & PRIVATE UTILITY FACILITIES

##### A. Definition

1. Utility facilities include the following uses:
  - i. Public or private water distribution and sewer collection facilities;
  - ii. Treatment plants;
  - iii. Pump stations;
  - iv. Lift stations; and
  - v. Electrical substations; and
  - vi. **Wireless Telecommunications Towers Serving Electrical Substations (See Section 8.115 B.7)**
2. Such uses also include public and private facilities and buildings that are or are not subject to county acceptance for operation and maintenance.

2. AMEND Chapter 8 (Specific Use Standards), Section 8.86.B. (Public & Private Utility Facilities) (Standards) to add the standards for Wireless Telecommunications Towers Serving Electrical Substations as follows:

#### SECTION 8.86 PUBLIC & PRIVATE UTILITY FACILITIES

##### B. Standards

##### I. Generally

01. Any component part(s) thereof are exempt from zoning standards in this Ordinance, but shall be designed and constructed in accordance with Moore County’s Department of Public Work’s policies, specifications, and standards.
02. Any septic related facilities shall be approved by the Department of Environmental Health.

##### II. Electrical Utility Substations

A premise which may or may not contain buildings, where the interconnection and usual transformation of electrical service takes place between systems shall meet the following standards:

01. The parcel on which the facility is located does not need to conform to minimum lot size requirements.
02. Substations or structures shall maintain standard setbacks applicable in the underlying zoning district and shall be enclosed with a fence of at least six feet in height.
03. Screening (Type 2 of Type 3, as specified in Section 7.11) shall be located between the fence and property line(s) and right-of-way.
04. Any noise producing equipment or generator must be stored within a structure or must be setback a minimum 50 feet from any public right-of-way or property line.

##### III. **WIRELESS TELECOMMUNICATIONS TOWERS SERVING ELECTRICAL SUBSTATIONS**

**Wireless telecommunications towers serving electrical substations shall meet the following standards.**

**01. COMPLIANCE WITH FEDERAL AND STATE REGULATIONS**

All wireless communication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates wireless communications facilities.

**02. OBSTRUCTION LIGHTING**

Lighting of a wireless communications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

3. AMEND Chapter 8 (Specific Use Standards), Section 8.115 (Wireless Communication Facility) Subsection B (Applicability) as follows:

**B. APPLICABILITY**

The standards in this section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

1. Removal of antennas, antenna support structures, or telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
2. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
3. Routine maintenance on an existing telecommunication facility;
4. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
5. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment; and
6. Dish antenna or earth stations.; and
7. **Wireless Telecommunications Towers Serving Electrical Substations in accordance with Section 8.86 (Public & Private Utility Facilities)**

**PLANNING BOARD RECOMMENDATION**

The Planning Board met on May 2, 2024, and voted 7-0 the text amendment is consistent with the 2013 Moore County Land Use Plan and voted 7-0 to recommend approval of the proposed text amendment.

**CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

**FINANCIAL IMPACT:** None

**IMPLEMENTATION PLAN:** Hold a Public Hearing on June 18, 2024, at 5:30 p.m.

**RECOMMENDATION SUMMARY:** Staff recommends the Board of Commissioners make two separate motions:

**Motion #1:** Make a motion to adopt the attached Board of Commissioners Land Use Plan Consistency Statement (**Consistent** or **Inconsistent**) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

**Motion #2:** Make a motion to **Approve** or **Deny** the proposed amendments to the Moore County Unified Development Ordinance, Chapter 8 (Specific Use Standards), Section 8.86 (Public & Private Utility Facilities), Section 8.86.A.1 (Definition) to add Wireless Telecommunications Towers Serving Electrical Substations, Section 8.86.B.III (Public & Private Utility Facilities – Standards) to add the standards for Wireless Telecommunications Towers Serving Electrical Substations, and Section 8.115.B (Wireless Communication Facility – Applicability) to add Wireless Telecommunications Towers Serving Electrical Substations in accordance with Section 8.86 as an exemption from the requirements of Section 8.115 (Wireless Communication Facility).

- ATTACHMENTS:**
1. Emails from the City of High Point
  2. Emails from the Town of Carthage
  3. Wake County UDO Section 4-56 (Telecommunication Facilities)
  4. RLUAC Comments Dated 4-1-2024
  5. RLUAC Comments Dated 5-5-24
  6. Board of Commissioners Consistency Statements (Consistent/Inconsistent)

**From:** [Ruth Pedersen](#)  
**To:** [Samuel Hinnant](#)  
**Cc:** [Reggie Hucks](#)  
**Subject:** RE: Utility/Communications Pole Question  
**Date:** Monday, May 8, 2023 4:21:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Sam,

Thank you for providing this. I'm thinking that it would be classified as a Wireless Communications Facility in our UDO as well based on Section 8.113 in [Chapter 8](#). I can't find any other way that we could classify it, and this helps me confirm that other jurisdictions would view it similarly.

Thanks again to both of you for your input!

Ruth Pedersen, MPA  
 Senior Planner  
 Moore County Planning & Inspections  
[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)  
 910-947-5010 (phone)  
 910-947-1303 (fax)

---

**From:** Samuel Hinnant <[samuel.hinnant@highpointnc.gov](mailto:samuel.hinnant@highpointnc.gov)>  
**Sent:** Monday, May 8, 2023 4:07 PM  
**To:** Ruth Pedersen <[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)>  
**Cc:** Reggie Hucks <[reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)>  
**Subject:** RE: Utility/Communications Pole Question

Hey Ruth and Reggie – we have recently updated our development ordinance related to Wireless Telecommunications and I believe that based on our updated Development Ordinance ([Section 4.3.3.F.3](#)) it would be considered a new wireless telecommunications facility and would require a [Wireless Telecommunications Permit](#) (WP). To my knowledge we have not had any electric substations install towers like this since the updated development ordinance. We only exempt the following related to an electric substation:

“Small wireless facilities placed on existing (not replacement) utility poles and antenna placed on electric transmission line towers with the permission of the utility owning the pole or tower;”

Hope this helps and please let me know if you have any questions.

**SAM HINNANT**  
 CZO, CFM

**CITY OF HIGH POINT**  
 SENIOR PLANNER, PLANNING & DEVELOPMENT

211 S Hamilton, Room 316 | High Point, NC 27260



336.883.3335 | fax: 336.883-3056  
[samuel.hinnant@highpointnc.gov](mailto:samuel.hinnant@highpointnc.gov)  
[www.highpointnc.gov/plan](http://www.highpointnc.gov/plan)

Please be aware that e-mail and attachments sent to and from this address are subject to the North Carolina Public Records Law and may be disclosed to third parties.

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**From:** Reggie Hucks <[reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)>  
**Sent:** Monday, May 8, 2023 3:46 PM  
**To:** Ruth Pedersen <[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)>  
**Cc:** Samuel Hinnant <[samuel.hinnant@highpointnc.gov](mailto:samuel.hinnant@highpointnc.gov)>  
**Subject:** RE: Utility/Communications Pole Question

Ruth,

If the pole is placed in the substation, I would think it is exempt from zoning as well. I am copying one of our planners to get his input.

Sam, please read Ruth's question below and give us your perspective.

Thanks,

Reggie Hucks  
Inspection Services Director  
Phone 336-883-4249 Mobile 910-443-1854  
Web [www.buildhighpoint.com](http://www.buildhighpoint.com)  
Email [reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)  
211 S Hamilton Street, High Point, NC 27261



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**From:** Ruth Pedersen <[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)>  
**Sent:** Monday, May 8, 2023 2:55 PM  
**To:** Reggie Hucks <[reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)>  
**Subject:** RE: Utility/Communications Pole Question

**CAUTION:** This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

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Reggie,

Thanks that does help. Just for clarification, do you know if that would be exempt from zoning as well as building in your jurisdiction?

Thanks,

Ruth Pedersen, MPA  
Senior Planner  
Moore County Planning & Inspections  
[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)  
910-947-5010 (phone)  
910-947-1303 (fax)

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**From:** Reggie Hucks <[reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)>  
**Sent:** Wednesday, May 3, 2023 2:35 PM  
**To:** Ruth Pedersen <[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)>  
**Subject:** RE: Utility/Communications Pole Question

Ruth,

If it is for Duke Power, I would treat them as a Utility and not require a permit. This is allowed under Section 101.2 of the NC Building Code, exception 4.

Hope this helps.

**Reggie Hucks**

Inspection Services Director

Phone 336-883-4249 Mobile 910-443-1854

Web [www.buildhighpoint.com](http://www.buildhighpoint.com)

Email [reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)

211 S Hamilton Street, High Point, NC 27261



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**From:** Ruth Pedersen <[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)>  
**Sent:** Tuesday, May 2, 2023 9:11 AM  
**To:** Reggie Hucks <[reggie.hucks@highpointnc.gov](mailto:reggie.hucks@highpointnc.gov)>  
**Subject:** Utility/Communications Pole Question

**CAUTION:** This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Good morning Mr. Hucks,

I am a Planner with Moore County and am reviewing an application we received to construct a 120' pole at an existing electrical substation for Duke to monitor the station. They are not proposing to allow any commercial antennas to locate on the tower, only a small dish for data to be sent to the substation site. The applicant is arguing that it is a utility pole and should be exempt, but on my end, it looks more akin to a cell tower.

Chuck Hill gave me your name as someone who might have experience with things like this. I was wondering if High Point has dealt with anything like this and how you have classified it for zoning purposes. I've attached the plans that were submitted.

Thank you,

Ruth Pedersen, MPA  
Senior Planner  
Moore County Planning & Inspections  
[rpedersen@moorecountync.gov](mailto:rpedersen@moorecountync.gov)  
910-947-5010 (phone)  
910-947-1303 (fax)

**From:** [Jennifer Hunt](#)  
**To:** [Ruth Pedersen](#)  
**Subject:** RE: Utility Tower Question  
**Date:** Wednesday, February 28, 2024 11:05:46 AM

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For this specific ORD.23.16, this was an existing substation, therefore we classified it as that. However, Duke Energy wanted to install a wireless network device and utility pole as part of their communication network. They also wanted to request no increased landscaping and no-colocations, therefore they had to go through conditional zoning to tie it to this parcel. Based on our UDO as of today, utility substations and WCF are not permitted in a R-20 zoning district but since it existed already in order for them to be permitted to "upfit" it we took them through the conditional zoning to tie it to this parcel.

I think that considering doing a text amendment to add an exemption to towers that are used for utility purposes only are a great idea. I think we will eventually end up in the same place because utility services are very important for our community.

Does this answer your question? Thank you.

Sincerely,

*Jennifer Hunt*

Town Planner

Town of Carthage

4396 HWY 15-501, Carthage, NC 28327

Office Phone: (910) 722-2167

Work Cell: (910) 585-1102

Email: [planning@townofcarthage.org](mailto:planning@townofcarthage.org)

[www.townofcarthage.org](http://www.townofcarthage.org)

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**From:** Ruth Pedersen <[rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov)>

**Sent:** Tuesday, February 27, 2024 9:09 AM

**To:** Jennifer Hunt <[planning@townofcarthage.org](mailto:planning@townofcarthage.org)>

**Subject:** Utility Tower Question

You don't often get email from [rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov). [Learn why this is important](#)

Jennifer,

In Moore County we are trying to determine how to permit the towers that Duke is installing to monitor their substations. I know we recently issued a building permit for one in the Town of Carthage that was approved (see attached). How does Carthage classify/regulate these towers?

Right now, we believe they would be categorized as a Wireless Communication Facility by our UDO

which requires a Conditional Rezoning, but we are considering doing a text amendment to add an exemption for towers that are used for utility purposes only.

Thank you,

Ruth Pedersen, MPA, CZO, CFM  
Senior Planner  
Moore County Planning & Inspections  
[rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov)  
910-947-5010 (phone)  
910-947-1303 (fax)

- **4-56 - Telecommunication Facilities.**

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)[COMPARE VERSIONS](#)

4-56-1

**General Requirements.**

(A)

**Collocated.** Telecommunication antenna units that are attached to structures constructed for purposes other than supporting telecommunication equipment may be no taller than 30 feet or 30 percent of the structure's height. Collocated towers must comply with all relevant standards of this section.

(B)

**Freestanding.** Freestanding telecommunication towers must comply with the following standards:

(1)

The minimum distance between the tower and an adjoining parcel of land that is residentially developed or is vacant and zoned Residential, Residential Mobile Home or Highway District or from an adjoining local road separating the tower site from such a parcel, must be equal to the tower's height, but not less than 50 feet, nor less than the minimum setback depth applicable in the zoning district. This provision does not apply in relationship to any nonconforming residential use or the residence of a caretaker or watchman accessory to a permitted nonresidential use.

(2)

The Planning Director or the Board of Adjustment may reduce the minimum distance required above on finding that a lesser distance will not be injurious to properties or improvements in the affected area, but in no case may the minimum distance be reduced to less than that equal to 50 percent of the tower's height, or 50 feet, nor less than the minimum required setback depth applicable in the zoning district in which the tower is located. The Board of Adjustment is authorized to reduce the minimum setback distance required in this paragraph if a qualified structural engineer (licensed by the State of North Carolina) certifies in writing that any collapse of the pole will occur within a lesser distance under all foreseeable circumstances.

(3)

The minimum distance between the tower and any other adjoining parcel of land or road must be equal to the minimum setback depth applicable in the zoning district, plus any additional distance necessary to ensure that the tower, as designed, will fall within the tower site.

(4)

The distances referred to above must be measured from the outside dimensions of the tower, not from the guy anchors.

(5)

The minimum distance between two freestanding towers throughout all zoning districts shall be 1,500 feet; provided, however, that this separation requirement does not apply from a tower if the applicant submits sufficient evidence to demonstrate that a reasonable effort to co-locate on that tower has been made, or that collocation on that tower will not technically satisfy the applicant's specific needs.

(6)

If the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least two additional telecommunication users. If the tower is 180 feet or greater in height, it must be engineered and constructed to accommodate at least three additional telecommunication users. Provision of collocation sites on other towers is encouraged wherever feasible.

(7)

The base of the tower and each guy anchor must be surrounded by a fence or wall at least eight feet high, unless the tower and all guy anchors are mounted entirely on a structure over eight feet high. Except for its entrances, the fence or wall must be screened with plant material so that no more than two-thirds of its surface is visible, within three years after its installation, from a public street or from any adjoining parcel of land that is residentially developed or is vacant and zoned Residential or Residential Mobile Homes.

(8)

A 40-foot-type C bufferyard is required along the inside perimeter of a leased lot or parcel for the utilization of telecommunication towers. Existing vegetation located inside the leased lot area may be used toward satisfying the bufferyard requirement provided that such vegetation is clearly indicated on the submitted site plan.

(9)

Radio, television, or other electromagnetic transmission or reception on other properties may not be disturbed or diminished.

(10)

The tower must meet the standards of the Federal Aviation Administration (FAA) for avoiding obstruction of navigable airspace and approaches to public airports (see Federal Aviation Regulations Part 77, as amended), and for marking and lighting structures to promote aviation safety (see FAA Advisory Circular 70/7460, as amended). Specifically, tower lighting must meet applicable FAA standards for either red obstruction lighting systems or dual lighting systems (red lighting for nighttime and medium-intensity flashing white lighting for daytime). If a tower is proposed to be located within 1,000 feet of a private use airport, the application must so indicate.

(11)

Output from the tower's antennas must meet the minimum standards of the Federal Communications Commission (FCC) relating to the environmental effects of radio frequency emissions.

4-56-2

#### **Public Notification Process.**

(A)

**Purpose.** Since new freestanding telecommunication towers may have impacts on nearby properties neighboring property owners should have the opportunity to learn about the proposed facility and to furnish information on the permit application.

(B)

**Applicability of Notification.** Any application to permit a new freestanding telecommunication facility less than 200 feet in height is subject to the following notification process. Telecommunication antenna units that are collocated on existing facilities are exempt from the notification requirement.

(C)

#### **Notification Process.**

(1)

The Planning Director shall mail a notice to all owners of property within 1,000 feet from the base of the tower.

(2)

Any permit applicant shall be responsible for supplying the Planning Director with the notification letter and postage paid envelopes addressed to property owners as noted above as part of the permit submittal process.

(3)

The Planning Director shall not render a decision on the application until 30 calendar days has elapsed following the date of the mailing of the notification letters. The 30-day notification period may be used by any interested party to discuss the proposed telecommunication facility with the permit applicant.

4-56-3

#### **Standards for Specific Zoning Districts.**

(A)

**R Districts.** Telecommunication towers in residential districts must comply with the following standards:

(1)

Buildings associated with the tower may not be used as an employment center for any worker (This provision does not prohibit the periodic maintenance or monitoring of equipment and instruments).

4-56-4

#### **Decommissioning.**

(A)

A decommissioning plan, signed by the party responsible for decommissioning and the landowner (if different), addressing the following items shall be submitted with initial permit application.

(1)

Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no signal being transmitted for 12 months);

(2)

Removal of all non-utility owned equipment, conduit, structures, fencing, roads and foundations;

(3)

Proper disposal of all materials from the site in accordance with local, state, and federal regulations.

(4)

Restoration of property to condition prior to development of the telecommunication facility including stabilization or re-vegetation of the site as necessary to minimize erosion;

(5)

The timeframe for completion of decommissioning activities;

(6)

Description of any agreement (i.e. lease) with landowner regarding decommissioning;

(7)

The party currently responsible for decommissioning; and

(8)

Plans for updating this decommissioning plan.

(B)

Before all required final inspections, provide evidence that the decommissioning plan has been recorded with the Register of Deeds.

[Added on 3/7/2016 by OA 07-15; Added on 2/2/2015 by OA 04-14; Amended on 3/7/2016 by OA 01-15; Amended on 1/22/2008 by OA 04-07; Amended on 4/20/2009 by OA 02b-09; Amended on 1/3/2022 by OA-03-21]



Regional Land Use Advisory Commission

## MOORE COUNTY COURTESY REVIEW

**Project:** Text Amendment for Wireless Telecommunications Towers Serving Electrical Substations

April 1, 2024

RLUAC has reviewed the proposed amendments to the Moore County Unified Development Ordinance related to Wireless Telecommunications Towers Serving Electrical Substations. In our review, it has been determined that the exemption from regulation for such facilities proposed in the amendment to Section 8.115.B.7 could pose a challenge for aviation safety related to the airspace around Mackall Army Airfield and the numerous low-level military aviation routes that cross the southern and eastern portions of unincorporated Moore County.

Based on this concern (further discussed below), RLUAC does not support the amendment as currently composed. RLUAC does understand the need for such facilities, and would be supportive of an alternative regulatory structure that permits such facilities by-right while also preserving the ability of Fort Liberty to participate in their review in areas of concern related to aviation safety.

Southern Moore County falls within airspace designated under 14 CFR Part 77 associated with Mackall Army Airfield. Tall structures in this area can pose a hazard to safe aerial navigation if they reach an altitude that encroaches into one of the designated airport imaginary surfaces or are within the minimum hazard separation distance of an instrument approach route. There are requirements for certain structures to be evaluated by FAA, depending on their height and location, but this review is not universal for all encroachment hazards that may affect military airspace. Furthermore, the FAA has no land use regulatory authority off of the premises of an airport; its role is to determine whether a proposed structure is a hazard to aviation safety, but only a local or state government has the authority to enforce regulations to prohibit the creation of such hazard once identified. Mackall Army Airfield is a critical facility for Fort Liberty, and protecting its airspace is vital to the long-term sustainment of the military training and operations missions.

There are also a number of low-level military aviation routes that cross southern and eastern Moore County. Like the airspace around Mackall Army Airfield, tall structures beneath these routes can pose a safety hazard to military aircraft conducting training at Fort

Liberty, particularly those participating in low-level airdrop missions and nap-of-the-earth (NOE) flight training. Tall structures proposed within the vicinity of these routes are not typically required to be evaluated by FAA for hazards to aerial navigation, as this review process is primarily focused on airport environs. By-right use without some form of review by Fort Liberty for such structures within these vital training routes could negatively impact their usability if a tall structure presents a hazard to aircraft.

It is recommended that the Moore County Planning Board and Board of Commissioners incorporate revisions to the proposed text amendment to preserve the ability for Fort Liberty (and Moore County itself) to review such structures for hazards to safe aerial navigation in critical military airspace. This use could remain by-right, as proposed, but be required to demonstrate, through a review process, that they do not present a hazard or otherwise impact military airspace. If determined to be a hazard, mitigation measures, such as reduction in height, marking, lighting, etc., could be required to allow them to move forward if such measures sufficiently address safety concerns. RLUAC would be happy to work with Moore County planning staff to help refine the proposed amendment for your consideration.

While RLUAC's findings and recommendations are non-binding on Moore County, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman  
Vagn K. Hansen II, AICP, Executive Director



## MOORE COUNTY COURTESY REVIEW

**Project:** Text Amendment for Wireless Telecommunications Towers Serving Electrical Substations

May 5, 2024

This letter is a supplement to the initial review letter dated April 1, 2024 regarding the above noted amendment to the Moore County UDO. We appreciate the deferral of the text amendment from the April Planning Board agenda and subsequent coordination to allow for improvements to the amendment. The inclusion of regulatory considerations for tall structures that may pose a hazard to safe aerial navigation is a critical component of local government land use regulation in the absence of direct FAA regulatory authority off of the premises of airports.

Moving forward, RLUAC encourages County staff, the Planning Board, and County Commissioners to consider exploring additional opportunities to improve the function of the UDO with regard to maintaining safety and compatibility for military training and operations that occur in and around Moore County. As always, RLUAC is willing to work with Moore County on matters of mutual benefit to the residents of Moore County and Fort Liberty. Thank you again for the opportunity to review and comment on this case.

While RLUAC's findings and recommendations are non-binding on Moore County, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman  
Vagn K. Hansen II, AICP, Executive Director

Moore County Board of Commissioners

Land Use Plan Consistency Statement

**Chapter 8 (Specific Use Standards) Section 8.86.A.1 (Public & Private Utility Facilities  
- Definition), 8.86.B.III (Public & Private Utility Facilities – Standards), and Section  
8.115.B (Wireless Communication Facility - Applicability)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment would streamline the approval process for utility towers and allow utility companies to better monitor electricity substations for security and operations of critical infrastructure.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It allows for a more comprehensive security monitoring process for electricity substations, critical infrastructure.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance is **consistent** with the 2013 Moore County Land Use Plan.

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Nick Picerno, Chair

Moore County Board of Commissioners

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Date

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 8 (Specific Use Standards) Section 8.86.A.1 (Public & Private Utility Facilities - Definition), 8.86.B.III (Public & Private Utility Facilities – Standards), and Section 8.115.B (Wireless Communication Facility - Applicability)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **inconsistent** with the following recommendation as listed in the 2013 Moore County Land Use Plan:
  - It is inconsistent with recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners finds that the text amendment to the Unified Development Ordinance is **inconsistent** with the 2013 Moore County Land Use Plan.

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Nick Picerno, Chair

Moore County Board of Commissioners

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Date



**Agenda Item: 6.E.**  
**Meeting Date: June 18, 2024**

**MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:**

**FROM:** Ruth Pedersen, Senior Planner  
**DATE:** 06/07/2024  
**SUBJECT:** Public Hearing to consider Unified Development Ordinance Amendments to Chapter 6 – Table of Uses, Section 6.2 (Accessory Uses) A (Definition), B (Procedure for Establishment), C (General Standards for all Secondary Uses and Structures) & E (Accessory Use Table) and Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building)  
**PRESENTER:** Ruth Pedersen, Senior Planner

**REQUEST:** A request to amend Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) Subsections 6.2.A (Definition), 6.2.B (Procedure for Establishment), 6.2.C.1.i and 6.2.C.1.ii (General Standards for All Secondary Uses and Structures) (Permitted Accessory Uses and Structures) and 6.2.E.5 (Accessory Use Table), of the Moore County Unified Development Ordinance, to amend Section 6.2.C.4.i (Accessory Uses) (General Standards for All Secondary Uses and Structures) (Maximum Structure Size) of the Moore County Unified Development Ordinance, and to amend Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building).

**BACKGROUND:** The Unified Development Ordinance has existing language in Section 6.2 regarding accessory uses, general standards for all secondary uses and structures, maximum structure size that does not allow an accessory structure to be larger than a principal structure. When the ordinance was rewritten in 2022 to come into compliance with North Carolina General Statute 160D, this particular section was rewritten. The new language does not allow an accessory structure to exceed the floor area of the principal use or structure it serves. Several applicants have requested accessory structures larger than the principal residence and been denied. While some of the applicants have resolved the issue by reducing the size of the proposed accessory building, there are currently two permit applications on hold due to this requirement. One is for a 2,400 square foot storage building where the home is 1,350 square feet on a 6.2-acre parcel, zoned RA, and the other is for a 3,000 square foot accessory storage building where the home is 900 square feet on a 2.1 acre parcel, zoned RA. On March 7, 2024, the Planning Board heard a request to remove this requirement and recommended that Planning Staff bring back data and options to consider.

The Planning Board considered these 7 options under No. 6 below and recommended option #7 below. The Planning Board also recommended that the proposed changes to Section 6.2.B (Procedures for Establishment under No. 3 below) and Section 8.83 (Personal Workshop/Storage Buildings under No. 4 below) not be adopted.

In addition to the options provided regarding the maximum size of accessory structures, there are also several other requested revisions to Section 6.2 to add clarity, remove conflicting language, and to make the Unified Development Ordinance easier to follow. All other proposed amendments under Nos. 1, 2, 5, and 7 below were recommended by the Planning Board.

**PROPOSED TEXT AMENDMENT LANGUAGE:**

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~ – deletions from the ordinance

1. Amend Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) to add “and Structures” to the title of the section, as follows:

**SECTION 6.2 ACCESSORY USES AND STRUCTURES**

**REASON:** This section refers to both accessory uses and accessory structures.

*The Planning Board recommended this option be adopted.*

2. Amend Chapter 6 (Table of Uses), Section 6.2.A (Accessory Uses) (Definition) to consolidate language that is currently in Section 6.2.C.1.ii.04. as follows:

**A. DEFINITION**

An accessory use or building shall be incidental and subordinate to the principal use or building, **shall contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure**, and shall be conducted or located on the same lot. Examples of accessory buildings may include garages, carports, barns, and storage buildings.

**REASON:** This language is proposed to be relocated from subsection 6.2.C.1.ii.04. to make this Section more concise. *The Planning Board recommended this option be adopted.*

3. Amend Chapter 6 (Table of Uses), Section 6.2.B (Accessory Uses) (Procedure for Establishment) to update the language for personal workshop/storage buildings to require a permit application for a principal structure to be submitted before or at the same time as a permit application for a personal workshop/storage building as follows:

**B. PROCEDURE FOR ESTABLISHMENT**

Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as appropriate. Except for personal workshop/storage buildings, no accessory use or structure shall be approved, established, or constructed before a principal use is approved in accordance with this Ordinance. **A personal workshop/storage building may be built before the principal structure, provided a building permit application for the principal dwelling is submitted before or at the same time as the application for the personal workshop/storage building. The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed home in relation to the personal workshop/storage building.**

**REASON:** This will help remove confusion around the intent of a personal workshop/storage building. This use is allowed to be established prior to a principal use (home) being

established so that people can store their belongings on site while they build their home. This amendment will help ensure that residential accessory structures will not exist on lots in the absence of a principal structure. *The Planning Board recommended this amendment not be adopted.*

4. Amend Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building) to require a building permit application for a principal structure to be on file prior to or in conjunction with the application for a personal workshop/storage building in the absence of a principal dwelling unit as follows:

#### SECTION 8.83. PERSONAL WORKSHOP/STORAGE BUILDING

##### A. DEFINITION

A building to be used for storage or personal workspace, consistent with the type of storage allowed in a residential accessory building, owned and used solely by the owner of the property on which it is to be located. Such buildings cannot be rented and shall not be used in any manner that would not be allowed in the zoning district in which it is located.

##### B. STANDARDS

1. The building may be built prior to the principal dwelling unit **provided a building permit application for the principal dwelling unit is submitted before or at the same time as the application for the building.** ~~and~~ Only one personal workshop/storage building is allowed on the property in the absence of a principal dwelling unit.
2. The personal workshop/storage building may not be located on a parcel smaller than two acres.
3. The personal workshop/storage building must meet the principal building setbacks of the underlying zoning district.
4. **The application for a personal workshop/storage building shall include a residential plot plan showing the location of the proposed principal dwelling unit in relation to the personal workshop/storage building.**

**REASON:** This amendment will mirror the proposed amendments to Section 6.2.B regarding personal workshops/storage buildings. *The Planning Board recommended this amendment not be adopted.*

5. Amend Chapter 6 (Table of Uses), Section 6.2.C (Accessory Uses) (General Standards for all Secondary Uses and Structures) as follows:

#### C. GENERAL STANDARDS FOR ALL SECONDARY USES AND STRUCTURES

##### 1. PERMITTED ACCESSORY USES AND STRUCTURES

- i. Indoor **and outdoor** athletic courts (pickleball, basketball, tennis, etc.) shall be allowed as accessory uses to existing and proposed major subdivisions when they are clearly incidental to the subdivision and intended to serve the residents of the subdivision.
- ii. ~~Except for accessory dwellings, permitted accessory uses and structures shall:~~
  01. ~~Be clearly incidental to an allowed principal use or structure;~~
  02. ~~Be subordinate to and serve an allowed principal use or structure;~~
  03. ~~Be subordinate in area, extent, and purpose to the principal use or structure;~~~~and~~

~~04. Contribute to the comfort, convenience, or needs of occupants associated with the principal use or structure.~~

**REASON:** The proposed amendments to this section will clarify that outdoor athletic courts are allowed in addition to indoor athletic courts as amenities within major subdivisions. The language in "ii." is proposed to be removed to remove redundancy from this section and remove language that conflicts with other proposed amendments. The definition of accessory uses and structures already contains most of this language, and some of it is being relocated to the definition section above. The "subordinate in area, extent, and purpose" language is proposed to be removed since it would not be consistent if the size of residential accessory structures is allowed to be larger than the principal as proposed in the below options.

*The Planning Board recommended this option be adopted.*

6. Amend Chapter 6 (Table of Uses), Section 6.2.C.4.i (Accessory Uses) (General Standards for all Secondary Uses and Structures) (Maximum Structure Size) in accordance with the one of or a combination of the options provided below:

Option #1 (based on 1 acre lot size) The Planning Board did not choose this option.

**4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. On lots smaller than 1 acre in size, no accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.
- ii. On lots 1 acre in size or larger, there is no maximum structure size for accessory uses or structures.

**5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

**6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

*This option would allow any lot at least one acre in size to have a residential accessory structure larger than the principal while keeping the current restriction in place for lots less than one acre and all non-residential structures. This would treat all zoning districts the same.*

Option #2 (based on 2-acre lot size) The Planning Board did not choose this option.

**4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. On lots smaller than 2 acres in size, no accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.
- ii. On lots 2 acres in size or larger, there is no maximum structure size for accessory uses or structures.

**5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

**6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

- i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

*This option would allow any lot at least two acres in size to have a residential accessory structure larger than the principal while keeping the current restriction in place for lots less than two acres and all non-residential structures. This would treat all zoning districts the same.*

Option #3 (sliding scale) The Planning Board did not choose this option.

- 4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. On lots 40,000 square feet in size or smaller, no accessory structure shall exceed the floor area associated with the principal use or structure it serves.
  - ii. On lots greater than 40,000 square feet but less than 1 acre, an accessory structure may be up to 1.5 times the size of the principal structure it serves.
  - iii. On lots 1 acre in size or greater, there is no maximum size for an accessory structure.
- 5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.
- 6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

Option #4 (Based on zoning district – Rural Districts RA, RA-USB, and RE)

The Planning Board did not choose this option.

- 4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves, unless located on a lot in the RA, RA-USB, or RE zoning districts.
- 5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.
- 6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE
  - i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

*This would keep the current standard in place, except for lots in the RA (Rural Agricultural), RA-USB (Rural Agricultural – Urban Service Boundary), and RE (Rural Equestrian) zoning districts which could have accessory structures larger than the principal structure. These are the “rural” districts in Moore County which are designated for Rural Agricultural and Rural Equestrian uses.*

Option #5 (Based on zoning district – all rural/residential districts with at least 1-acre minimum lot size: RA, RE, RA-2, RA-5, RA-USB)

The Planning Board did not choose this option.

**4. RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

i. No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves, unless located on a lot in the RA, RE, RA-2, RA-5, or RA-USB zoning districts with at least 1-acre minimum lot size.

**5. NON-RESIDENTIAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

i. No non-residential accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.

**6. AGRICULTURAL ACCESSORY STRUCTURES – MAXIMUM STRUCTURE SIZE**

i. Agricultural accessory structures associated with a bona fide farming operation as outlined in the North Carolina General Statutes, 160D-903, are exempt from County zoning regulations and therefore are not restricted in size of accessory structures used for farming purposes. Structures located on a farm that are used for nonfarm purposes are not exempt from this ordinance and shall comply with residential accessory structure size requirements.

*This would keep the current standard in place, except for lots in the zoning districts that have minimum lot sizes of at least 1 acre listed above. These districts could have accessory buildings larger than the principal. This would effectively only allow accessory buildings larger than the principal building on lots that are at least one acre in size and would be based on zoning district.*

Option #6 (Based on agricultural use) The Planning Board did not choose this option.

**4. MAXIMUM STRUCTURE SIZE**

i. Except for agricultural uses, no accessory structure’s size shall exceed the size of the principal use.

*This would keep the current standard in place, except for agricultural uses. This mirrors the current language in Section 6.2.C.3, height.*

Option #7 (No maximum structure size)

**~~4. MAXIMUM STRUCTURE SIZE~~**

~~i. No accessory use or structure shall exceed the floor area associated with the principal use or structure it serves.~~

*This option would remove the maximum size requirement for all accessory buildings, no matter where located or what type of use/structure. Smaller lots would be regulated by other factors such as septic and repair areas and current zoning limitations on the location of accessory buildings (must be in the side or rear yard except in the RA and RE zoning districts). The Planning Board recommended this option be adopted.*

7. Amend Chapter 6 (Table of Uses), Section 6.2.E.5 (Accessory Uses) (Accessory Use Table) to correct language within item 5 of subsection E as follows:

1. If a specific accessory use is allowed by-right, the cell underneath the zoning district is marked with a "P".
2. If a specific accessory use is allowed subject to a special use permit, the cell underneath the zoning district is marked with a "S".
3. A "Z" in a cell of the table indicates that the specific accessory use may only be permitted within a conditional zoning district that is parallel to the listed underlying zoning district (see Chapter 11). The conditional zoning district designation must be in place before the use type may be established.
4. If the accessory use or structure is not allowed in a zoning district, the cell is marked with an "X".
5. In the case of planned development districts, if an accessory use is allowable, it is marked with an "A", and the accessory use must be ~~set-out~~ shown in the approved master plan or terms and conditions document.
6. If there is a reference contained in the column entitled "Specific Use Standards," refer to the cited section(s) for additional standards that apply to the specific accessory use.
7. The accessory use table below may not be inclusive of all possible accessory uses, and in the event an accessory use is proposed that is not listed in the table, the Administrator shall consult the principal use table to determine if the proposed accessory use corresponds to a listed principal use. Any permitted principal use in a zoning district is also permitted as an accessory use. In no instance shall an accessory use be permitted in a zoning district where it is prohibited as a principal use.
8. In the event a proposed accessory use is not listed in in the table below and there is no corresponding principal use, the Administrator shall determine how to treat the accessory use in accordance with the standards for unlisted uses (see Section 6.1.G).

**REASON:** This will help to clarify the requirement to show accessory uses on the master plan for a planned development district. The Planning Board recommended this option be adopted.

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board met on May 2, 2024, and voted 7-0 the requested text amendment is consistent with the Moore County Land Use Plan.

The Planning Board voted 6-1 to recommend **approval** of the text amendments to Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) Subsections 6.2.A (Definition), 6.2.C.1.i and 6.2.C.1.ii (General Standards for All Secondary Uses and Structures) (Permitted Accessory Uses and Structures) and 6.2.E.5 (Accessory Use Table), of the Moore County Unified Development Ordinance, and to amend Section 6.2.C.4.i (Accessory Uses) (General Standards for All Secondary Uses and Structures) (Maximum Structure Size) **(Option 7)** of the Moore County Unified Development Ordinance.

The Planning Board voted 6-1 to recommend **denial** of the proposed amendments to Chapter 6 (Table of Uses) Section 6.2.B (Accessory Uses) (Procedure for Establishment) and Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building).

#### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board's review and consideration.

**FINANCIAL IMPACT:** None

**IMPLEMENTATION PLAN:** Hold a Public Hearing on June 18, 2024.

**RECOMMENDATION SUMMARY:** Staff recommends the Board of Commissioners make two separate motions:

**Motion #1:** Make a motion to adopt the attached Board of Commissioners Land Use Plan Consistency Statement (**Consistent** or **Inconsistent**) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

**Motion #2:** Make a motion to **Approve** or **Deny** the amendments to Chapter 6 (Table of Uses), Section 6.2 (Accessory Uses) Subsections 6.2.A (Definition), 6.2.B (Procedure for Establishment), 6.2.C.1.i and 6.2.C.1.ii (General Standards for All Secondary Uses and Structures) (Permitted Accessory Uses and Structures) and 6.2.E.5 (Accessory Use Table), of the Moore County Unified Development Ordinance, to amend Section 6.2.C.4.i (Accessory Uses) (General Standards for All Secondary Uses and Structures) (Maximum Structure Size) of the Moore County Unified Development Ordinance, and to amend Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building).

**ATTACHMENTS:**

1. RLUAC Comments
2. Board of Commissioners Consistency Statements (Consistent/Inconsistent)

## RE: Moore County Text Amendments

RLUAC Executive Director <director@rluac.com>

Sun 5/5/2024 3:19 PM

To: Ruth Pedersen <rpedersen@moorecountync.gov>

Cc: Debra Ensminger <densminger@moorecountync.gov>; Danielle Orloff <dorloff@moorecountync.gov>

Ruth,

I have the supplemental review letter for the wireless tower amendment out for comments from our committee. I expect to have that to you on Monday. I reviewed the other amendments, and we don't have any comments on those.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director  
Regional Land Use Advisory Commission  
6205 Raeford Road  
Fayetteville, NC 28304  
(910) 398-3743  
[director@rluac.com](mailto:director@rluac.com)  
[www.rluac.com](http://www.rluac.com)

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**From:** Ruth Pedersen <rpedersen@moorecountync.gov>

**Sent:** Wednesday, April 24, 2024 4:58 PM

**To:** director@rluac.com

**Cc:** Debra Ensminger <densminger@moorecountync.gov>; Danielle Orloff <dorloff@moorecountync.gov>

**Subject:** Moore County Text Amendments

Vagn,

We have several text amendments set to be heard by the Moore County Board of Commissioners on June 18, 2024. We are hoping to obtain review and comments from RLUAC on these proposed amendments. Please see attached staff reports for review and let me know if you have any questions on any of these items.

As a note, the Wireless Telecommunication text amendment that we've been discussing is also set to be heard by the Commissioners on June 18. I have attached that staff report even though I've already sent you the finalized language. We will still need an updated letter for this item.

Thank you,

Ruth Pedersen, MPA

Senior Planner

Moore County Planning & Inspections

591  
[rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov)

910-947-5010 (phone)

910-947-1303 (fax)

Moore County Board of Commissioners

Land Use Plan Consistency Statement

**Chapter 6 – Table of Uses, Section 6.2 (A, B, C, & E) and Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building)**

**Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendments would clarify the standards for accessory uses and structures.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It preserves personal property rights by allowing residents of Moore County flexibility in the size of accessory structure allowed.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance **is consistent** with the 2013 Moore County Land Use Plan.

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Nick Picerno, Chair  
Moore County Board of Commissioners

---

Date

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Chapter 6 – Table of Uses, Section 6.2 (A, B, C, & E) and Chapter 8 (Specific Use Standards), Section 8.83 (Personal Workshop/Storage Building)  
Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **inconsistent** with the following recommendation as listed in the 2013 Moore County Land Use Plan:
  - It is inconsistent with recommendation 1.8: Discourage undesirable or unattractive land uses, especially within high visibility areas.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners finds that the text amendment to the Unified Development Ordinance is **inconsistent** with the 2013 Moore County Land Use Plan.

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Nick Picerno, Chair  
Moore County Board of Commissioners

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Date

Moore County Board of Commissioners

Land Use Plan Consistency Statement

Unified Development Ordinance Amendments to Chapter 19, Section 19.4.C – Family Subdivisions – Additional Documents, Section 19.6.D.3 – Minor Subdivisions – Access Requirements, Section 19.16 – Subdivision Plat Requirements, Section 19.17 – Subdivision Plat Certification Requirements, and Chapter 20, Definitions, Section 20.2, Definitions

**Text Amendment to the Unified Development Ordinance**

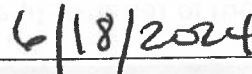
The Moore County Board of Commissioners finds that:

1. The proposed text amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment was developed through collaboration with local professional land surveyors to implement guidelines that are easy for them to interpret and put to practice.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It is consistent with current practices of professional land surveyors and provides clear requirements for subdivision plats.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance is **consistent** with the 2013 Moore County Land Use Plan.



Nick Picerno, Chair  
Moore County Board of Commissioners



Date



**Agenda Item: 6.F.**  
**Meeting Date: June 18, 2024**

**MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:**

**FROM:** Ruth Pedersen, Senior Planner  
**DATE:** 06/07/2024  
**SUBJECT:** Public Hearing for Unified Development Ordinance Amendments to Chapter 5, Section 5.1.E (Measurements and Exceptions) Chapter 19, Section 19.4.C (Family Subdivisions) (Additional Documents), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements), Section 19.16 – Subdivision Plat Requirements, Section 19.17 – Subdivision Plat Certification Requirements, and Chapter 20, Definitions, Section 20.2, Definitions  
**PRESENTER:** Ruth Pedersen, Senior Planner

**REQUEST:** A request to amend Chapter 5 (Dimensional Standards), Section 5.1 to add Section 5.1.E (Measurements and Exceptions), Chapter 19 (Subdivisions), Section 19.4.C (Family Subdivisions) (Additional Documents), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements), Section 19.16 (Subdivision Plat Requirements), Section 19.17 (Subdivision Plat Certification Requirements), and Chapter 20 (Definitions), Section 20.2 (Definitions), of the Moore County Unified Development Ordinance.

**BACKGROUND:** Moore County Planning Staff hosted a Lunch & Learn with local surveyors on January 12, 2024, to discuss surveyor concerns regarding Moore County's plat requirements. After much discussion at the lunch & learn and subsequent analysis by staff, the following changes are proposed to the subdivision plat requirements in Chapter 19 of the Moore County Unified Development Ordinance.

**PROPOSED TEXT AMENDMENT LANGUAGE TO BE ADDED**

**Bold Text** – additions to the ordinance

~~Strikethrough Text~~ – deletions from the ordinance

1. Amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (General Information) to remove "(if applicable)" and add "and type" of building as follows:

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS                                                    |             |             |            |                    |                  |
|--------------------------------------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                                                             | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| GENERAL INFORMATION                                                                              |             |             |            |                    |                  |
| Location and type of all existing buildings including distance to property lines (if applicable) | R           | R           | R          |                    |                  |

**REASON:** Showing the type of building will allow Planning staff to make sure there is no zoning violation created with a subdivision of land. For example, a subdivision where an accessory building is on a separate lot from the principal building would not be allowed.

2. Amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (Amenities & Natural Features Layout) to delete "rock outcrops" and "any other features affecting the site" and to only require a wetland delineation on a Major Preliminary Plat, but a certification statement will be required on all Family plats and Minor Plats as follows:

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS                                                                                                                                                                                                           |             |             |            |                    |                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                                                                                                                                                                                                                    | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| AMENITIES & NATURAL FEATURES LAYOUT                                                                                                                                                                                                                     |             |             |            |                    |                  |
| Wetlands, marshes, <del>rock outcrops</del> , pond, lakes, streams, railroads, and bridges and <del>any other features affecting the site</del><br>(Certification statement required on Family and Minor Plats)<br>(DELINEATION REQUIRED ON MAJOR PLAT) |             | R           | R          | R                  |                  |

**REASON:** Per discussion with local surveyors, the only way to accurately say if wetlands are on a lot and their location is to have them delineated. Wetland delineations are not a common practice on minor and family subdivisions and GIS data cannot be relied upon for an accurate location of wetlands. Adding the requirement for a wetland delineation on a major subdivision preliminary plat would ensure that wetlands are properly located before a major subdivision is created.

3. Amend Chapter 19 (Subdivisions), Section 19.17.B (Subdivision Plat Certification Requirements) (Certification Statements) to add the amenities and natural features certificate to the list of required certificates as follows:

**Amenities & Natural Features Layout Certificate:**

The following statement shall be placed on all Family Plats and Minor Plats:

Wetlands, marshes, ponds, lakes, streams, railroads, or bridges may affect the site.  
This statement is based on GIS information and not an actual delineation.

**REASON:** Adding a certificate to all family and minor plats would clarify that there could be wetlands on the site, but a delineation would be needed to accurately determine if wetlands are present.

4. Amend Chapter 19 (Subdivisions), Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to add the Amenities & Natural Features Layout statement to the table as follows:

| TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS |                 |             |            |                    |                  |
|-------------------------------------------------|-----------------|-------------|------------|--------------------|------------------|
| TYPE OF CERTIFICATE OR STATEMENT [1]            | EXEMPT PLAT [2] | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| Amenities & Natural Features Layout Certificate |                 | R           | R          |                    |                  |

**REASON:** To be consistent with the above amendments and ensure that the certificate is present on all family and minor plats.

5. Amend Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) (Utility Layout) to:

- remove the requirement for a note indicating that the proposed subdivision will be served by either a central or individual water supply on family plats and minor plats and;
- remove the requirement for a note indicating that the proposed subdivision will be served by either a central or individual sewer/septic system on family plats and minor plats, as follows:

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS                                                                          |             |             |            |                    |                  |
|------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                                                                                   | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| A note indicating that the proposed subdivision will be served by either a central or individual water supply          |             | R           | R          | R                  |                  |
| A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system |             | R           | R          | R                  |                  |

**REASON:** The surveyor is not always able to determine which option (private system or connection to public) is more feasible at the time of subdivision.

6. Amend Chapter 19 (Subdivisions), Section 19.16 (Subdivision Plat Requirements) (Street Layout) to only require right-of-way & pavement location, widths & dimensions on Major Plats, remove "R" from Minor Plat as follows:

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS          |             |             |            |                    |                  |
|--------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                   | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| STREET LAYOUT                                          |             |             |            |                    |                  |
| Right-of-way & pavement location, widths, & dimensions |             |             | R          | R                  | R                |

**REASON:** The width of a road may vary, so listing a width for existing roads is inaccurate.

7. Amend Chapter 19 (Subdivisions) Section 19.16 (Subdivision Plat Requirements) (Permits and Other Documentation Required Before Final Plat Approval) to remove the requirement for a Private Road Maintenance Agreement on Family and Minor Plats as follows:

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS                       |             |             |            |                    |                  |
|---------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                                | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| PERMITS AND OTHER DOCUMENTATION REQUIRED BEFORE FINAL PLAT APPROVAL |             |             |            |                    |                  |
| Private Road Maintenance Agreement, if applicable                   |             | R           | R          |                    |                  |

**REASON:** There is no requirement to record a private road maintenance agreement.

8. Amend Chapter 19 (Subdivisions), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements) to remove the requirement for a private road maintenance agreement as follows:

**D. ACCESS REQUIREMENTS**

1. A maximum of four lots (existing and/or new) can gain access through an existing, expanded, or new access easement.
2. Any parcel as shown on the Moore County Tax Map dated December 31, 2015, shall have no more than one (existing or future) access easement.
3. ~~Lots in a minor subdivision served by a new access easement must complete the private road maintenance agreement, which shall be recorded at the same time as the minor subdivision plat. Before the plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by County and State agencies.~~

**REASON:** To be consistent with the above amendment to remove the private road maintenance agreement from the table.

9. Amend Chapter 19 (Subdivisions) Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to remove the certificate of ownership requirement from Family Plats and Minor Plats as follows:

| TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS |                 |             |            |                    |                  |
|-------------------------------------------------|-----------------|-------------|------------|--------------------|------------------|
| TYPE OF CERTIFICATE OR STATEMENT [1]            | EXEMPT PLAT [2] | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| Certificate of Ownership                        |                 | R           | R          |                    |                  |

**REASON:** A plat on its own does not change property lines or convey property, this is done by deed. The property owners are not legally required to sign family and minor plats.

10. Amend Chapter 19 (Subdivisions) Section 19.17.A (Subdivision Plat Certification Requirements) (Table) to add (areas of suitable & unsuitable soil for subsurface sewage disposal stamped by a licensed soil scientist) Required "R" to Major Preliminary Plats and not required on Family Plats as follows:

| TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS                                                                                           |                 |             |            |                    |                  |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------|------------|--------------------|------------------|
| TYPE OF CERTIFICATE OR STATEMENT [1]                                                                                                      | EXEMPT PLAT [2] | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| Septic Suitability Certificate Statement (areas of suitable & unsuitable soil for subsurface sewage disposal stamped by a soil scientist) |                 | R           |            | R                  |                  |

**REASON:** To clarify what a septic suitability certificate entails.

11. Amend Chapter 19 (Subdivisions), Section 19.4.C (Family Subdivisions) (Additional Documents) to remove the requirement for a private road maintenance agreement on family subdivisions and remove the requirement for a septic suitability certificate on family plats as follows:

**C. ADDITIONAL DOCUMENTS**

1. The application for a family subdivision shall include the following additional items:
  - i. The signed affidavit of family subdivision, or deed of gift;
  - ii. ~~The private road maintenance agreement, provided by the Administrator, if private streets or accessways are proposed; and~~
  - iii. ~~A septic suitability certificate as determined by the Moore County Department of Environmental Health Division or licensed soil scientist for each lot in the subdivision.~~
2. ~~The private road maintenance agreement and any associated easements shall be recorded in the office of the Register of Deeds at the same time as the family subdivision plat.~~

**REASON:** To be consistent with the above amendments to remove these items from the table.

12. Amend Chapter 5 (Dimensional Standards), Section 5.1 (Table of Area and Setbacks) to add subsection E. Measurements and Exceptions as follows:

**5.1 TABLE OF AREA AND SETBACKS**

**E. MEASUREMENTS AND EXCEPTIONS**

1. The following encroachment standards shall apply to all required yards, so long as they do not extend into any easements:
  - a. Chimneys, prefabricated chimneys, flues, or smokestacks may extend a maximum of four feet into a required yard.
  - b. Building eave or roof overhang may extend up to 24 inches into a required yard; provided that such extension is at least three feet from the property line, its lower edge is at least seven and one-half feet above the ground elevation, and it is located at least five feet from any other building or eave.
  - c. Sills and ornamental features may project up to 24 inches into any required yard.
  - d. Fire escapes may project up to eight feet into any required yard, but must maintain at least seven and one-half feet above a sidewalk, greenway, or street.
  - e. Security gates and guard stations may be located within any required yard.
  - f. Unenclosed patios, decks, or terraces, including lighting structures, may extend up to four feet into any required side yard, or up to eight feet into any required rear yard.
  - g. Covered porches may encroach a maximum of 20% of the required front yard setback depth.

h. Mechanical equipment for residential uses, such as HVAC units and security lighting, may extend into any required side yard but shall remain at least four feet from the property line.

i. Structures below and covered by the ground may extend into any required yard.

j. Planters, retaining walls, fences, hedges, and other landscaping structures may encroach into any required yard subject to visibility restrictions

k. Utility lines located underground and minor structures accessory to utility lines (such as hydrants, manholes, and transformers and other cabinet structures) may encroach into any required yard.

**REASON:** To allow flexibility of setback requirements in certain circumstances.

13. Amend Chapter 20 (Definitions), Section 20.2 (Definitions) to update the definition of setback as follows:

**SETBACK** The required minimum distance between every building, measured from the furthest point of the building (such as eaves, deck) from all property lines and/or right of way lines of the lot on which it is located. Setbacks are not required from easement lines. (This does not include utility easements.) Fire escapes, awnings, stairways, steps, ramps, stoops, sills, ornamental features, balconies, decks, carports, whether enclosed or unenclosed, and similar items shall be considered as a part of the main building and shall not project into the required yard (**unless as an exception in accordance with Section 5.1.E – Measurements and Exceptions**). Setbacks shall be measured to the body or box of the manufactured home and not to the pull structure or hitch on the end of the home.

**REASON:** To be consistent with the above amendment to add the “Measurements and Exceptions” section to the UDO.

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board met on May 2, 2024, and voted 7-0 the proposed amendment is consistent with the 2013 Moore County Land Use Plan and voted 7-0 to recommend approval of the text amendment as proposed.

#### **CONSISTENCY WITH THE 2013 MOORE COUNTY LAND USE PLAN**

The Board of Commissioners Consistency Statement which speaks to Land Use Plan goals is included for the Board’s review and consideration.

**FINANCIAL IMPACT:** None

**IMPLEMENTATION PLAN:** Hold a Public Hearing on June 18, 2024, at 5:30 p.m.

**RECOMMENDATION SUMMARY:** Staff recommends the Board of Commissioners make two separate motions:

**Motion #1:** Make a motion to adopt the attached Board of Commissioners Land Use Plan Consistency Statement (**Consistent** or **Inconsistent**) and authorize the Chairman to execute the document as required by North Carolina General Statute 160D-605.

**Motion #2:** Make a motion to **Approve** or **Deny** the amendments to Chapter 5 (Dimensional Standards), Section 5.1 to add Section 5.1.E (Measurements and Exceptions), Chapter 19

(Subdivisions), Section 19.4.C (Family Subdivisions) (Additional Documents), Section 19.6.D.3 (Minor Subdivisions) (Access Requirements), Section 19.16 (Subdivision Plat Requirements), Section 19.17 (Subdivision Plat Certification Requirements), and Chapter 20 (Definitions), Section 20.2 (Definitions), of the Moore County Unified Development Ordinance.

**ATTACHMENTS:**

1. Chapter 19 with Proposed Amendments
2. RLUAC Comments
3. Board of Commissioners Consistency Statements  
(Consistent/Inconsistent)

# CHAPTER 19. SUBDIVISIONS

## SECTION 19.1. APPLICABILITY

In accordance with NCGS Section 160D-801, the purpose of this Chapter is to establish procedures and standards for the subdivision of land within the planning jurisdiction of the County, and to provide for orderly growth in a manner and under conditions that facilitate the adequate provision of streets, water, sewage disposal, and other considerations essential to public health, safety, and the general welfare.

## SECTION 19.2. PLATS SHALL BE REQUIRED ON ANY SUBDIVISION OF LAND

In accordance with NCGS Section 160D-803, plats shall be prepared, approved, and recorded pursuant to the provisions of this Ordinance whenever any subdivision of land takes place.

## SECTION 19.3. EXEMPT SUBDIVISIONS

### A. . EXEMPTIONS IDENTIFIED

In accordance with NCGS Section 160D-802, the following activities are not subject to the subdivision regulations of this Ordinance:

#### 1. COMBINATION / RECOMBINATION

The combination or recombination of portions of lots when the total number of lots is not increased and the resultant lots are equal to or exceed the dimensional requirements of the zoning district where located.

#### 2. DIVISIONS GREATER THAN 10 ACRES

The division of land into parcels, each greater than 10 acres, measured from the property lines, if no street right-of-way public dedication is involved. The creation of private streets or access easements maintained by an owners' association does not constitute public dedication of street right-of-way.)

#### 3. PUBLIC ACQUISITIONS / RIGHT-OF-WAY

The public acquisition, by purchase, of strips of land for widening or opening street rights-of-way or for public transportation system corridors.

#### 4. TWO INTO THREE LOTS

- i. The division of a tract in single ownership, the entire area of which is no greater than two acres, and the division resulting in not more than three lots, provided no street right-of-way dedication is involved and the resultant lots are equal to or exceed the applicable zoning district dimensional requirements.
- ii. This exemption only applies in cases when all of the contiguous land owned by the qualifying single owner does not exceed two acres in area.

#### 5. ESTATE EXCLUSION

- i. The division of land among heirs in order to settle an estate by a probated will or by order of a court of jurisdiction in the settlement of a decedent's estate or in accordance with intestate succession under Chapter 29 of the General Statutes.
- ii. Unless the lots in the estate exclusion meet the standards of this Ordinance, a building permit shall not be issued.
- iii. A copy of the will or order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

#### 6. COURT ORDERED SURVEY

- i. The division of land pursuant to an Order of the General Court of Justice.
- ii. A copy of the court order shall be submitted to the Administrator as part of the materials associated with the subdivision exemption.

#### 7. EASEMENT PLATS

- i. Access and utility easements may be platted and recorded as exemptions from these subdivision regulations.

- ii. Access easements shall be a minimum 20 feet in width pursuant to the NC Fire Code.

#### **8. NON-OCCUPIED FACILITIES**

- i. The subdivision of land to establish special lots intended solely for non-occupied structures like utility substations, septic tanks, family cemetery lots, dock access, and similar features.
- ii. Individual lots for non-occupied facilities are exempt from the minimum dimensional standards of the zoning district where located, but each use shall comply with other zoning district regulations including, but not limited to, required setbacks and screening requirements.

#### **B. EXEMPT SUBDIVISION SUBMITTAL REQUIREMENTS**

The exempt subdivision application shall be submitted in conformance with:

1. All applicable requirements zoning requirements, including but not limited to the minimum lot dimensional standards of the underlying zoning district;
2. Demonstrated compliance with the standards in NCGS Section 47-30 if the applicant is seeking to file a plat; and
3. Any applicable statements in Section 19.16.

#### **C. ACTION BY THE ADMINISTRATOR**

1. The Administrator shall render decision within 14 working days after receipt of the completed application and associated documents.
2. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

#### **D. APPEAL**

Appeal of the Administrator's decision on an exempt subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

### **SECTION 19.4. FAMILY SUBDIVISIONS**

#### **A. APPLICABILITY**

1. Family subdivisions involve the creation of lots for residential purposes which are to be deeded only to immediate family members and cannot be resold or deeded to a person who is not an immediate family member for at least three years from the date the lot is established.
2. For purposes of this section "immediate family members" shall include: husbands, wives, mothers, fathers, brothers, sisters, children (biological, adopted, or step), grandmothers, grandfathers, grandchildren (biological, adopted, or step), aunts, uncles, nieces, and nephews.

#### **B. FAMILY PLAT REQUIREMENTS**

The family subdivision plat shall comply with all of the following:

1. All applicable zoning and subdivision requirements;
2. Any required easements shall be 50 feet from perennial streams;
3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
4. All applicable certification statements required in Section 19.16;
5. Each lot in a family subdivision shall front on an existing public or private road or on an existing or new access easement with a minimum width of at least 20 feet, including the shoulder areas. Access easement widths of at least 45 feet are encouraged in order to comply with NCDOT's minimum right-of-way width standards; and
6. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the family subdivision).

#### **C. ADDITIONAL DOCUMENTS**

1. The application for a family subdivision shall include the following additional items:

- i. The signed affidavit of family subdivision, or deed of gift;
  - ii. ~~The private road maintenance agreement, provided by the Administrator, if private streets or accessways are proposed; and~~
  - iii. ~~A septic suitability certificate as determined by the Moore County Department of Environmental Health Division or licensed soil scientist for each lot in the subdivision.~~
2. ~~The private road maintenance agreement and any associated easements shall be recorded in the office of the Register of Deeds at the same time as the family subdivision plat.~~

#### **D. ACTION BY THE ADMINISTRATOR**

1. The Administrator shall render decision within 14 working days after receipt of the completed plat.
2. The plat shall not be approved by the Administrator until all additional documents have been reviewed and approved.
3. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the Family Subdivision plat to the Subdivision Review Board for review.
4. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

#### **E. EXPIRATION OF PLAT APPROVAL**

1. Approval of a family subdivision plat is contingent upon the plat and associated documents being recorded within 60 days after the date the plat was signed by the Administrator.
2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

#### **F. APPEAL**

Appeal of the Administrator's decision on a family subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

### **SECTION 19.5. LIMITED SUBDIVISIONS**

#### **A. PURPOSE AND INTENT**

The purpose for this limited subdivision review procedure is to allow certain land divisions to be reviewed via an abbreviated review procedure based on their small size and limited likelihood to create significant impacts on surrounding lands.

#### **B. APPLICABILITY**

The standards in this section shall apply to divisions of land meeting all the following criteria:

1. The proposed division of land is not exempted from the subdivision standards by NCGS Section 160D-802;
2. The proposed division will not result in more than three lots (including any residual or "parent" parcel);
3. The area of land subject to the division shall be comprised of at least five acres under common ownership;
4. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years; and
5. A proposed permanent means of ingress and egress to each lot is recorded prior to or concurrent with the limited subdivision plat.
6. Divisions of land that are not consistent with these criteria shall not be considered limited subdivisions, and shall be subject to the applicable review procedure and subdivision requirements of this Ordinance.
7. Limited subdivisions are not exempted from applicable zoning district dimensional requirements.

#### **C. APPLICATION**

Limited subdivision plats shall be prepared by a professional land surveyor or professional engineer licensed to practice in North Carolina.

**D. REVIEW CRITERIA**

A limited subdivision plat shall be approved by the Administrator if the application complies with the following:

1. The limited subdivision plat is on a sheet or sheets suitable for recording with the Moore County Register of Deeds;
2. The limited subdivision plat is prepared and sealed by a professional land surveyor or professional engineer;
3. The limited subdivision plat complies with all applicable standards in this Ordinance and NCGS Section 47-30;
4. The limited subdivision plat includes all required certifications;
5. The applicant has secured all required State and federal permit approvals;
6. The lots in the subdivision have been approved by the Moore County Health Department;
7. All lots in the limited subdivision comply with the applicable dimensional requirements for the zoning district where located;
8. The lots are served by a NCDOT-maintained roadway or a right-of-way constructed to and maintained in accordance with County standards; and
9. No land included in a limited subdivision application shall have been the subject of an limited subdivision application approval within the preceding ten years.
10. Limited subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

**E. RECORDATION**

1. Once a limited subdivision is approved, a signed statement of the approval shall be entered on the face of the plat by the Administrator. The limited subdivision plat may not be recorded without this certification. Failure to record the limited subdivision plat shall render the limited subdivision plat null and void.
2. Land may not be conveyed until the limited subdivision is recorded.
3. A copy of the recorded plat shall be filed with the Administrator within five business days of recording or the limited subdivision plat shall be null and void.

**F. EFFECT**

1. Approval of the limited subdivision plat allows the sale or conveyance of lots within the subdivision.
2. Building permits may be issued following recordation of the limited subdivision plat.
3. Physical improvements to the land may not be commenced until after recordation of the limited subdivision plat.
4. Land subject to a limited subdivision approval shall not be further subdivided as an limited subdivision within ten years of the date of the prior limited subdivision approval.
5. Expiration
6. A limited subdivision plat shall be null and void unless it is recorded in the office of the Moore County Register of Deeds within 30 days of approval.

**G. APPEAL**

Appeal of the Administrator's decision on a limited subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

**SECTION 19.6. MINOR SUBDIVISIONS**

**A. IDENTIFIED**

A Minor Subdivision is a subdivision that:

1. Creates a maximum of four lots, including the residual or parent lot, and/or any property within 500 feet from the original property boundaries, for a period of three years;
2. Does not require any new public or private street right-of-way to be constructed, expanded, or dedicated;

3. Fronts an existing, approved public or private street right-of-way or on an existing, expanded, or new access easement with a minimum width of at least 20 feet, including the shoulders; and
4. Does not require a variance or waiver from any of the requirements of this UDO.

#### **B. FLAG LOTS**

1. A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street.
2. The pole portion of the lot is not used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking.
3. A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures.
4. Flag lots shall only be approved when particular extenuating circumstance which makes traditional lot design and a minimum 100 foot road frontage infeasible.
5. There shall be no more than one flag lot within 300 feet of another flag lot.
6. The maximum pole length shall not exceed 1,000 feet.
7. The minimum pole width on an approved public or private street shall be 30 feet.
8. No re-subdivision of a flag lot shall be permitted unless access to the proposed new lot(s) can be provided from an approved public or private street.

#### **C. MINOR PLAT SUBMITTAL REQUIREMENTS**

The minor subdivision plat shall comply with all of the following:

1. All applicable zoning and subdivision requirements;
2. Any required easements shall be 50 feet from intermittent streams and 100 feet from perennial streams;
3. All applicable requirements for plats in NCGS Section 47-30, including but not limited to the applicable information required in Section 19.15;
4. All applicable certification statements required in Section 19.16; and
5. Extension of public water or sewer service laterals to individual lots in the subdivision served by public utilities (but not extension of common lines except where required to serve lots in the minor subdivision).

#### **D. ACCESS REQUIREMENTS**

1. A maximum of four lots (existing and/or new) can gain access through an existing, expanded, or new access easement.
2. Any parcel as shown on the Moore County Tax Map dated December 31, 2015, shall have no more than one (existing or future) access easement.
3. ~~Lots in a minor subdivision served by a new access easement must complete the private road maintenance agreement, which shall be recorded at the same time as the minor subdivision plat. Before the plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by County and State agencies.~~

#### **E. ACTION BY THE ADMINISTRATOR**

1. The Administrator shall render decision on a minor subdivision application within 14 working days after receipt of the completed plat and additional documents.
2. If no decision is rendered by the Administrator within the required 14 day period, the applicant may refer the plat to the Subdivision Review Board for review.
3. If the subdivision is disapproved, the Administrator shall promptly furnish the applicant with a written statement of the reasons for disapproval.

#### **F. EXPIRATION OF PLAT APPROVAL**

1. Approval of a minor subdivision plat is contingent upon the plat being recorded within 60 days after the date the plat is signed by the Administrator.

2. Failure to record the approved plat and all associated documents within the 60-day period shall render the plat null and void.

#### **G. APPEAL**

Appeal of the Administrator's decision on a minor subdivision application shall be made to the Board of Adjustment in accordance Section 14.1, Appeal of Administrative Decision.

### **SECTION 19.7. MAJOR SUBDIVISIONS - PRELIMINARY PLAT SUBMITTAL AND REVIEW**

#### **A. DEFINED**

1. Major subdivisions are classified as a division of land into five or more lots of land at initial time of division or accumulative over a period of three years or a subdivision of two or more lots involving the creation, change, or expansion of a new or existing private or public streets.
2. All subdivisions shall be considered major subdivisions except those meeting the requirements for an exempt, family, or minor subdivision.

#### **B. DISTRICTS PERMITTED**

Major subdivisions shall only be permitted in accordance with the principal use table in Chapter 6.

#### **C. SUBDIVISION REVIEW APPROVAL STEPS**

The approval process for a major subdivision shall consist of the following steps (listed sequentially):

1. Initial consultation with County Staff;
2. Pre-application conference scheduled;
3. Pre-application conference;
4. Infrastructure Meeting (fire flow test results are required);
5. Preliminary Plat Submittal and Approval a minimum 30 days prior to the Subdivision Review Board Meeting – recommendation;
6. Subdivision Review Board Meeting;
7. Board of Commissioners Meeting – decision (including required approval of an associated special use permit);
8. Board Written Order of Decision;
9. Construction plan submittal and approval (or performance guarantees approved by the Board of Commissioners);
10. Installation and inspections of improvements (like streets);
11. As-built drawings submittal and approval; and
12. Final plat application and decision.

#### **D. PRE-APPLICATION CONFERENCE**

1. The applicant shall conduct a pre-application conference in accordance with Section 10.3, Pre-application Conference.
2. The applicant shall file a concept plan or site sketch showing a general design for the entire development project area for consideration during the pre-application conference.
3. The concept plan or site sketch should identify layout of streets, number of lots, phasing, adjacent land uses, open space and buffers, easements, etc.

#### **E. PRELIMINARY PLAT SUBMITTAL**

Preliminary plats shall:

1. Comply with the specifications in this Chapter;
2. Be submitted as a conservation subdivision (see Section 19.9) or a conventional subdivision (see Section 19.10);
3. Meet all applicable zoning and subdivision requirements; and
4. Include applicable statements required in Section 19.16.

**F. PRELIMINARY SOIL EVALUATION REPORT**

1. The developer shall provide a report from a licensed soil scientist who shall perform a soil assessment prior to approval of the preliminary subdivision plat.
2. The report from the soil scientist shall accompany the submittal of the preliminary plat and shall be in the form of a letter, signed and dated, and shall include the possibilities of lot sizes the site can support.

**G. DRAINAGE**

A Stormwater Management Plan with Stormwater Control Measures (SCMs) meeting the most current edition of the North Carolina Department of Environmental Quality Stormwater Design Manual shall be required prior to preliminary plat approval for subdivisions in a WS-II, WS-III, or WS-IV Watershed, which are the only three Watershed Overlay District Types in this Ordinance. Projects within a High-Quality Watershed (HQW) or an Outstanding Resource Watershed (ORW) also require a Post-Construction Stormwater Management Permit from the North Carolina Department of Environmental Quality Division of Energy, Mineral and Land Resources (DEMLR) prior to the construction of any built-upon area. For example, a proposed subdivision in a WS-III watershed and not in a HQW is required to submit a stormwater management plan to the County but does not need a Post-Construction Stormwater Management Permit from DEMLR. When a Post-Construction Stormwater Management Permit is required, it shall be obtained from DEMLR, and a copy of the permit shall be submitted to the County prior to preliminary plat approval. Subdivisions in the HQW, with up to 12% built-upon area, are considered Low Density where stormwater runoff may be through dispersed flow or vegetated conveyance. Projects with greater than 12% built-upon area are High Density and require engineered Stormwater Control Measures (SCMs) per DEMLR. All stormwater control structures shall be designed by a state registered professional with qualifications appropriate for the type of system required. Residential subdivisions shall have systems designed to protect to the ten (10) year storm level, and commercial and industrial shall be protected to the twenty-five (25) year storm level. Each lot shall contain a suitable building area safe from inundation and erosion. Sanitary sewer systems, septic tank drainfields, water systems, wells, and adjacent properties shall be protected from inundation by surface water.

**H. ACTION BY THE ADMINISTRATOR**

The Administrator shall review the preliminary plat and within 10 days provide comments to the applicant.

**I. AGENCY REVIEW**

Before the preliminary plat is approved, the Administrator shall consult with other departments and agencies, if applicable, to ensure conformance of the proposed subdivision with the various development standards set forth by county and state agencies, including but not limited to:

1. Regional Land Use Advisory Commission;
2. Superintendent of Schools and/or Board of Education;
3. North Carolina Department of Environmental Quality;
4. Army Corp of Engineers;
5. North Carolina Department of Transportation;
6. Moore County Airport Authority;
7. Moore County Department of Environmental Health;
8. Moore County Department of Public Works;
9. Moore County Building Inspections;
10. Moore County Department of Public Safety; and
11. Moore County Department of 911 Addressing.

**J. REVIEW BY THE SUBDIVISION REVIEW BOARD (SRB)**

The applicant shall submit 15 copies of the preliminary plat (24"X36") at least 10 days prior to the meeting. The SRB shall review the preliminary plat and determine if the proposed application is complete and if the preliminary plat, as proposed, meets the applicable requirements of this Ordinance.

**K. ACTION BY THE BOARD OF COMMISSIONERS**

The Board of Commissioners shall hold a quasi-judicial public hearing and shall approve, approve conditionally, or disapprove the preliminary plat and an associated special use permit based on the standards in Section 19.7.J, Approval Criteria. In no instance shall the Board of Commissioners use any portion of the Subdivision Review Board's deliberations or recommendations as a basis for deciding the preliminary plat application or the associated special use permit application in accordance with NCGS Section 160D-301(b)(6).

**L. APPROVAL CRITERIA**

1. An application for a major subdivision preliminary plat and associated special use permit shall be approved, provided:
  - i. The major subdivision is proposed in a zoning district where it is permitted (see Chapter 6);
  - ii. The subdivision location and configuration is in accordance with the applicable goals enumerated in the Moore County Land Use Plan;
  - iii. The subdivision location and configuration is in harmony with the surrounding community character, as determined by the Board of County Commissioners;
  - iv. The major subdivision is consistent with and supported by the goals for infrastructure enumerated in the Moore County Land Use Plan;
  - v. The major subdivision is capable of being reasonably served by available or planned infrastructure, in the sole discretion of the Board of County Commissioners;
  - vi. The special use permit portion of the major subdivision preliminary plat application is consistent with the applicable requirements in Chapter 13;
  - vii. The preliminary plat is prepared and sealed by a professional land surveyor, professional landscape architect, or professional engineer;
  - viii. The preliminary plat includes all applicable certifications;
  - ix. All lots have been certified by the Moore County Health Department as capable of accommodating the wastewater generated from the proposed use, in cases when the lot(s) is not served by a centralized wastewater system;
  - x. The lots shown on the preliminary plat are in substantial conformance with all applicable requirements in the zoning district where located;
  - xi. The preliminary plat complies with all standards and conditions of any applicable permits and development approvals from outside agencies, utilities, volunteer fire departments, and any other applicable agency or service provider;
  - xii. The name of the subdivision shall not duplicate or be similar to the name of an existing subdivision in Moore County or incorporated area of the County; and
  - xiii. The preliminary plat complies with all other applicable requirements in this Ordinance and the County Code of Ordinances.
2. Subdivisions of land located within a special flood hazard area shall comply with the applicable standards in Chapter 17.

**M. WRITTEN NOTICE OF DECISION**

1. If approval is granted, written confirmation shall be made on two copies of the preliminary plat.
2. One copy of the approved preliminary plat shall be returned to the applicant.
3. Approval of the preliminary plat is authorization for the applicant to proceed with the construction of the necessary improvements.

**N. CONDITIONAL APPROVAL**

If the Board of Commissioners approves the preliminary plat with conditions, the conditions shall be noted on the plat.

**O. DENIAL OF APPLICATION**

1. If the Board of Commissioners disapproves the preliminary plat, the reasons for such action shall be stated in writing and references shall be made to the specific regulations with which the preliminary plat does not comply and possible modifications may be indicated for further considerations.
2. The applicant may make the recommended revisions and submit a revised preliminary.

**P. EXPIRATION**

1. Preliminary plat approval shall be valid for a period of two years from the date of approval of the plat by the Board of Commissioners unless an extension of time is applied for and granted by the Board of Commissioners.
2. Each successive final plat for a phase of the subdivision shall be submitted for approval within two years of the date of approval of the previous final plat for a stage of the subdivision.

**Q. APPEAL**

Appeal of a quasi-judicial decision made by the Board of Commissioners with respect to a major subdivision preliminary plat application shall be made to the Superior Court for Moore County in accordance with Section 14.2, Appeal of Quasi-Judicial Decision.

**SECTION 19.8. MAJOR SUBDIVISIONS – MINIMUM DESIGN STANDARDS AS SHOWN ON  
PRELIMINARY PLAT****A. CONFORMITY TO EXISTING MAPS OR PLANS**

The plat shall conform to any official map or plan adopted by the Board of Commissioners.

**B. TOPOGRAPHY**

1. The general design shall take advantage of and be adjusted to the contour of the land so as to produce usable building sites and streets of reasonable gradients.
2. Steep slopes (15% or greater) shall be labeled on the preliminary plat.

**C. SUITABILITY OF LAND**

1. Land which has been determined by the Board of Commissioners on the basis of engineering or other expert surveys or studies to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed, shall not be platted for that purpose, unless and until the applicant has taken the necessary measures to correct said conditions and to eliminate said dangers.
2. Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Moore County Department of Environmental Health or a qualified licensed professional determine that the land is suitable for the purpose proposed.

**D. STREET DESIGN STANDARDS**

All public or private streets and related components, including but not limited to storm water controls, drainage, curb and gutter, wheel chair ramps, pavement designs, traffic controls, guardrail, road intersections, islands or short medians at entrances, name markers, and minimum design criteria, shall be designed, constructed, and paved in accordance with the most current edition of NCDOT's "Subdivision Roads Minimum Construction Standards."

**E. MARGINAL ACCESS STREETS**

1. Where a tract of land to be subdivided adjoins an arterial street, the subdivider shall provide a marginal access street parallel or adjacent to the arterial street for the lots to be developed adjacent to the arterial.
2. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.
3. A maximum of five lots may front an arterial street as approved by the NCDOT, on a case-by-case basis.

**F. NCDOT APPROVAL**

1. If any street proposes to access a state-maintained road, the subdivider shall receive NCDOT driveway approval as required by NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" prior to construction and/or final plat approval.
2. NCDOT or the Board of Commissioners may require a traffic impact study when a road capacity or safety issue exists.
3. The required homeowners' association (HOA) documents and by-laws, to be recorded at the same time as the final plat, shall include the following:
4. The HOA shall be responsible for the maintenance of all streets by means of a private road maintenance agreement until the streets are part of the State highway system.
5. The developer is responsible for maintenance of the streets until a HOA is formed.

**G. STREET NAMES**

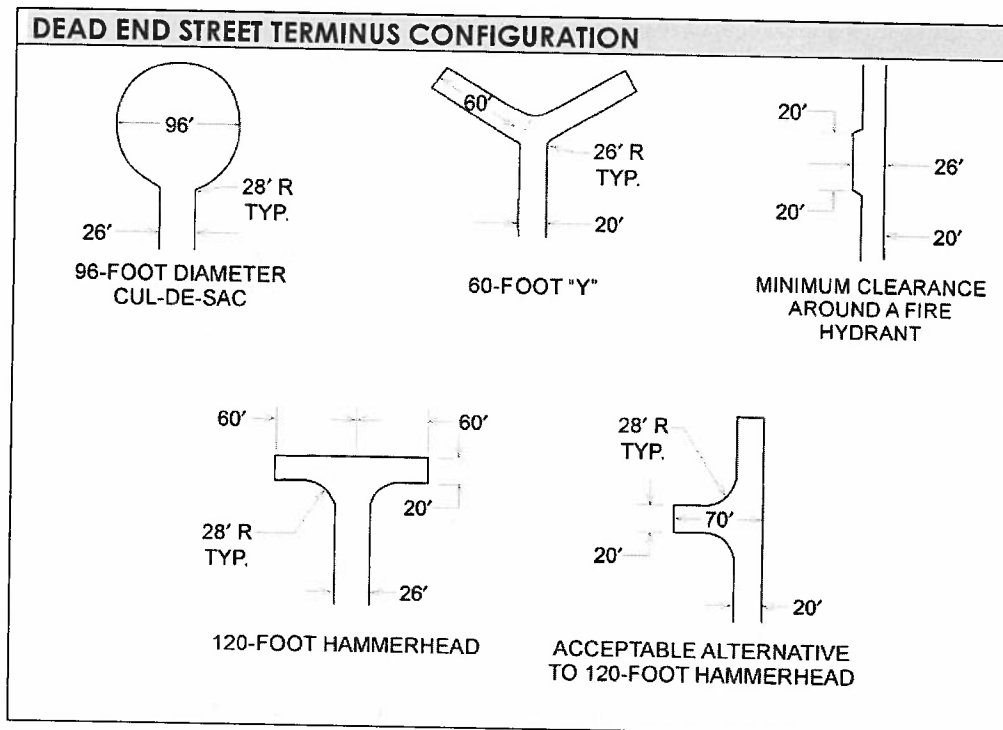
1. All roads shall comply with the applicable provisions of the "Moore County Road Name and Addressing Ordinance."
2. All new street names shall receive final approval by the Board of Commissioners.

**H. STREET NAME AND TRAFFIC CONTROL SIGNS**

The applicant shall be required to provide and erect, at the developer's expense, street name signs per the Moore County Road Names & Addressing Ordinance and traffic control signs per the NCDOT Manual on Uniform Traffic Control Devices at all intersections within the subdivision prior to final plat approval.

**I. DEAD-END STREETS**

Dead-end roads shall be terminated in a cul-de-sac or "T" turnaround per the NC Fire Code Fire Apparatus Access Roads Standards:



**J. STREET TREES**

1. The subdivider shall plant or leave at least one street tree for each 20 feet of street frontage along all streets, outside of sight triangles, as illustrated on the preliminary plat.
2. The trees planted shall be a minimum height of six feet at the time of installation with the intent to grow to 10 feet within two years.
3. Street trees shall be configured in accordance with Section 7.11.H, List of Recommended Native Species.
4. Street trees may be installed either before final plat approval or before certificate of occupancy is issued for each dwelling unit.

**K. WATER AND SEWER OPTIONS**

1. All water and sewer systems shall be installed in accordance with County specifications and standards.
2. Major subdivisions are required to install and connect to public or community water and/or sewer.
3. Water supply and sewage disposal facilities to serve major subdivision developments may be provided through the use of:
  - i. Individual wells or septic tanks provided either on each lot or in off-lot locations protected through recorded easements; or
  - ii. A community water and/or sewage disposal system designed, constructed, and maintained in conformity with all applicable County, State, and Federal standards, regulations, and policies; or
  - iii. Connection to a public water and/or sewage disposal system shall be provided. System extensions are permitted only in accordance with applicable local and State water, sewer and land use policies. The proposed public water and/or sewer supply shall show that the existing facilities have the capacity to handle the additional usage generated by the development and what affect it will have on future capacity in the area; or
  - iv. A combination of the above alternatives.

**L. FIRE SERVICE**

1. Major subdivisions shall provide for fire service flow and shall follow the insurance service office (ISO) and the current adopted fire code.
2. Any major subdivisions greater than six driving miles could potentially be placed in a non-protective fire class and should not be considered.

**M. UTILITY EASEMENTS**

1. Easements for underground or above ground utilities shall be provided where needed.
2. Where possible, these easements shall be located in the street right-of-way.
3. Where easements are necessary across land, they shall be located to the extent possible along property lines.

**N. OVERSIZED IMPROVEMENTS**

1. The County may require installation of certain oversized utilities or the extension of utilities to abutting property when it is a part of the long range utility plan and the extension is in the interest of future development.
2. If funds are budgeted by the County for this purpose, the installation of improvements in excess of the standards required in this Ordinance the County may pay the cost differential between the improvement required and the standards in this Ordinance.

**O. LOTS**

1. Double frontage lots or through lots shall be avoided.
2. Cul-de-sac bulb lots shall have a minimum frontage of 50 feet.

**P. RESERVATION OF SCHOOL SITE**

1. Pursuant to NCGS Section 160D-804(f), if the Moore County Board of Commissioners and Board of Education have jointly determined the specific location and size of any school sites to be reserved in accordance with a comprehensive land use plan, the Administrator shall notify the Board of Education whenever a preliminary plat is submitted which includes all or part of a school site to be reserved.
2. If the Board of Education does wish to reserve the site, the subdivision shall not be approved without such reservation.
3. The Board of Education shall then have 18 months beginning on the date of preliminary approval of the subdivision within which to acquire the site by purchase or by exercise of the power of eminent domain.
4. If the Board of Education has not purchased or begun proceeding to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

**Q. CLUSTER MAILBOXES**

1. Appropriate mail receptacles must be provided for the receipt of mail as approved by the Postal Service and other applicable departments.
2. Cluster mailboxes shall be located outside of the right-of-way and in a owners' association-maintained areas.
3. Approval of cluster mailbox installations by the United States Postal Service and Building Inspector is required prior to final plat approval.
4. Applicants for a major subdivision that choose to construct a private mail house structure or building instead of cluster mailboxes shall obtain a commercial building permit. Private mail house structures or buildings shall:
  - i. Be located outside of the street right-of-way;
  - ii. Be located on land controlled by a homeowners' association; and
  - iii. Provide off-street parking at a rate of one space per employee plus one space per every 20 mailboxes.

**SECTION 19.9. MAJOR SUBDIVISIONS – OPTION 1 – CONSERVATION DESIGN STANDARDS****A. PURPOSE**

The purpose of the conservation option is to preserve open space that might be lost through conventional development approaches. To accomplish this goal, greater flexibility and creativity in the design of such developments is encouraged and allowed.

**B. APPLICABILITY**

1. The conservation option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6.
2. All conservation subdivision plats shall comply with the requirements and standards specified in this Ordinance and in all respects with other applicable codes and Ordinances.

**C. DIMENSIONAL REQUIREMENTS**

1. No minimum lot size, frontage, or depth is required.
2. The required minimum front, side, and rear setback shall be 10 feet and may be reduced to five feet when abutting an alley or dedicated open space, or reduced to a zero lot line configuration for duplexes.
3. Minimum setbacks, measured from the furthest point of the house (such as eaves or decks) shall meet the fire code separation requirements, as applicable (For example: A minimum 31-foot separation requires a minimum 16-foot side setback.)

**D. MINIMUM OPEN SPACE REQUIRED**

1. At least 30 percent of the total land area shall be set aside as protected open space.

2. At least 40 percent of the required open space shall be contiguous.
3. The right-of-way area is not included in the calculation of minimum open space required.
4. In addition to woodlands, agriculture, historical sites, or natural areas, open space may include vegetative perimeter buffers with a minimum 25-foot width configured as a Type 3 Screening).
5. Contained within the open space, at least five percent of the total net area of any proposed conservation subdivision shall provide for active park space, passive park space, and/or trails.
6. Areas in access shall be located outside of the protected open space.
7. Wetlands, storm water management facilities that are designed to look like natural areas, and waterbodies such as ponds may also be used provided the total area of water surface does not comprise more than 50 percent of the required open space.

#### E. OWNERSHIP OF OPEN SPACE

1. Land dedicated for open space shall be designated on both the preliminary and final plat(s) of the subdivision.
2. All open space shall be permanently restricted from further subdivision.
3. Open space shall be owned and/or administered by one or more of the following methods:
  - i. Fee simple dedication to a public government entity or a private non-profit land conservancy which public access shall be provided.
  - ii. Ownership by a homeowners' association (HOA) where specific development restrictions and maintenance requirements are included as part of its bylaws and restrictive covenants filed in the Register of Deeds Office. The fee-simple title of the common area shall be conveyed by the subdivider or developer to the HOA before any lots are sold. The required organizational documents and by-laws shall include, but are not limited to, the following: Membership shall be mandatory for each buyer and any successive buyer. The developer shall be responsible for all maintenance and other responsibilities of the HOA until 60% of all units to be sold are sold. After 60% of all units are sold, the HOA shall levy assessments and assume its responsibilities. The HOA shall be responsible for liability insurance, taxes and maintenance of all recreational open space facilities, grounds and common areas. Any sums levied by the HOA that remain unpaid shall become a lien on the individual property.
  - iii. A private landowner may retain ownership of the open space, provided a conservation easement established for that express purpose is recorded in the public records of Moore County prior to the approval of a plat or issuance of a building permit for a vertical building or structure on the property. The responsibility for maintaining the open space and any facilities shall be borne by the private land owner.

#### F. PERMITTED DENSITY

1. All lots shall be required to meet County Environmental Health Department requirements as well as NC State requirements for septic system installation.
2. Permitted density is calculated by dividing the minimum lot size for each dwelling unit by the gross area of the site. The table below provides an example of the permitted density calculation.

| PERMITTED DENSITY DETERMINATION         |                                         |
|-----------------------------------------|-----------------------------------------|
| REQUIREMENT                             | NUMERIC VALUE                           |
| Gross Area of Project Site              | 100 acres (4,356,000 square feet)       |
| Minimum Lot Size of the Zoning District | 43,560 square feet (RA zoning district) |
| Permitted Density                       | 1.0 dwelling units per acre             |
| Total Number of Units Permitted         | 100 units                               |

**G. BONUSES**

In the event that a developer seeks to contribute additional open space beyond the minimum required, the developer will receive an additional density bonus based on the following scale:

| <b>DENSITY BONUSES IN CONSERVATION SUBDIVISIONS</b>                                                                                         |                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| <b>OPEN SPACE PROVIDED (% OF TOTAL DEVELOPMENT SITE)</b>                                                                                    | <b>DENSITY BONUS (% INCREASE IN ALLOWABLE NUMBER OF DWELLING UNITS)</b> |
| 30%                                                                                                                                         | 0%                                                                      |
| 31% - 35%                                                                                                                                   | 10%                                                                     |
| 36% - 40%                                                                                                                                   | 15%                                                                     |
| 41% - 45%                                                                                                                                   | 20%                                                                     |
| 46% - 50% [1]                                                                                                                               | 25%                                                                     |
| NOTES:                                                                                                                                      |                                                                         |
| [1] No additional units will be granted in the form of a density bonus for additional open space beyond 50% of the total site (gross area). |                                                                         |

**SECTION 19.10. MAJOR SUBDIVISIONS – OPTION 2 – CONVENTIONAL SUBDIVISION DESIGN STANDARDS****A. APPLICABILITY**

The conventional subdivision option shall only be permitted in the Residential and Agricultural – 20 (RA-20), Residential and Agricultural – 40 (RA-40), and Rural Agricultural Urban Service Boundary (RA-USB) residential zoning districts in accordance with the principle use table in Chapter 6 and shall comply with the requirements and standards specified in this Chapter and in all respects with other applicable codes and Ordinances. The stricter standards shall apply.

**B. CLEARING & GRADING LIMITS**

1. A maximum disturbance area of no more than 75 percent of a lot within a conventional option subdivision may be cleared of natural vegetation or otherwise disturbed.
2. This would allow for 25 percent of each lot to be preserved.
3. Clearing and grading limit line shall be delineated on each lot.

**C. OPEN SPACE REQUIREMENTS**

1. At least 5 percent of the tract to be subdivided must be preserved as public or private recreation and/or open space including the preservation of natural and cultural resources and/or to serve the leisure needs of the residents of the subdivision.
2. Passive or active recreation areas shall be located so as to provide accessibility to all residents of the subdivision.
3. Recreation and open space areas shall adhere to the standards set forth in Section 19.9.D.

**D. PAYMENTS IN LIEU OF DEDICATION OF RECREATION REQUIREMENTS**

1. Recreation and/ or open space required for conventional subdivisions may make a payment in lieu of dedication or make a combination of land dedicated and payment.
2. Before approving a payment in lieu of dedication, the Board of Commissioners shall find that no recreation/open space sites have been designated on any officially adopted Recreation Plan.
3. The Moore County Parks and Recreation Board shall submit any and all recommendations concerning the payment of fees in lieu of dedication to the Board of Commissioners.
4. The fees in lieu of dedication shall be paid prior to final plat approval.

5. The amount of the payment shall be the product of the number of acres to be dedicated and the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
6. All monies received by the County pursuant to this Section shall be used only for the acquisition or development of parks, greenways, and open space sites.

## SECTION 19.11. MAJOR SUBDIVISION – CONSTRUCTION PROCESS

### A. CONSTRUCTION PLAN SUBMITTAL

1. Following preliminary plat approval, the subdivider shall submit eight paper copies and a digital copy of the construction plans to the Administrator.
2. Licensed professional engineer design and certification are required on all construction related plans, including but not limited to streets, stormwater controls, drainage, and utilities (storm sewers, sanitary sewers, water systems, electric, cable, natural gas, telephone, etc.).

### B. AGENCY REVIEW

1. The construction plans shall be reviewed and approved by the appropriate departments and agencies prior to the start of construction and/or the submission of the final plat.
2. The subdivider shall submit all required state permit approvals to the Administrator before construction begins, including but not limited to NCDEQ, Army Corp of Engineers, and NCDOT.

### C. SOIL EVALUATION REPORT

1. Prior to final plat approval, the subdivider shall submit a report including a lot-by-lot evaluation, signed, sealed, and dated from a licensed soil scientist, for septic system capacity.
2. The report must show that each proposed lot has been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq.
3. The evaluation should note whether there is adequate space for an on-site individual private water source and an on-site subsurface sewage treatment and disposal system, if needed.
4. If the developer proposes a system that would treat a flow of 3,000 GPD or greater, and therefore would require state approval, a letter from the State would also be required to be submitted for final plat approval.
5. Moore County Environmental Health will develop guidelines for the Soil Scientist reports and evaluations as well as review reports submitted by developers.

### D. START OF CONSTRUCTION

The applicant, prior to commencing any work within the subdivision, shall make arrangements with the Administrator to provide for adequate inspections.

### E. INSPECTIONS

1. No final plat shall be approved until all required infrastructure has received final inspection approval or appropriate surety has been provided.
2. Upon completion of public or private streets the developer shall submit confirmation by the NCDOT or a registered engineer, that the roads have been constructed to NCDOT standards.

### F. CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS

Before approval of the final plat or before the release of improvements guarantees, the applicant shall acquire the services of a licensed engineer to supervise the construction, inspect upon completion, and certify in writing to the Administrator that the improvements have, in fact, been installed in accordance with the requirements of this UDO, with the preliminary plat, and with the Division of Highway's Minimum Construction Standards, or explanations and drawings of any necessary changes.

**G. AS-BUILTS**

1. As-built drawings shall meet the requirements of the appropriate agency involved.
2. No building, zoning or other permits shall be issued for construction of a building on any lot (not of record at the time of adoption of this Ordinance) until all the requirements of this Ordinance have been met and as-built drawings of all improvements have been submitted and approved by the appropriate agencies.

**SECTION 19.12. MAJOR SUBDIVISIONS – FINAL PLAT SUBMITTAL****A. FINAL PLAT SUBMITTAL REQUIREMENTS**

1. The final plat shall conform substantially to the approved preliminary plat.
2. Should the Administrator, Building Inspector, Environmental Health Director, the Fire Marshal, or NCDOT identify minor changes the Administrator shall be authorized to accept such minor modifications to plat, as necessary.
3. Such minor changes may include, but not be limited to, small site alterations such as realignment of streets and relocation of utility lines due to engineering necessity.
4. If the submitted final plat deviates in its overall design from the approved preliminary plat, the plat shall be reviewed by the Board of Commissioners.

**B. ACTION BY THE ADMINISTRATOR**

1. The Administrator shall take expeditious action on a final plat.
2. If the Administrator fails to act within 15 business days after the final plat is submitted, the applicant may request that the final plat be reviewed by the Board of Commissioners.
3. Approval

The Administrator shall approve the final plat unless the plat fails to comply with one or more of the requirements of this Ordinance or that the final plat differs substantially from the plans and specifications approved for the preliminary plat.

**C. DENIAL**

If the final plat is disapproved by the Administrator, the applicant shall be furnished with a written statement of the reasons for the disapproval and reference shall be made to the specific section(s) of this Ordinance with which the plat does not comply.

**D. APPEAL**

Appeal of the Administrator's decision on a final plat application shall be made to the Superior Court of Moore County in accordance with NCGS Section 160D-1403.

**E. EXPIRATION OF FINAL PLAT**

1. Approval of a final plat is contingent upon the plat being recorded in the Office of the Register of Deeds within 60 days after the approval date of the final plat.
2. Failure to record the approved plat within the specified 60-day period shall render the plat null and void.

**SECTION 19.13. PHASING****A. ADEQUATE FACILITIES**

The Administrator may not recommend approval of a phasing plan if they determine such phasing will not provide for adequate facilities to support any such phase or phases independent of the overall subdivision plan.

**B. NCDOT APPROVAL OF PUBLIC STREETS**

1. Subsequent phasing shall not be approved until a written request to the NCDOT has been made for acceptance of all proposed public streets/roads in the previous phase.

2. All roads in any new phase of a subdivision are to be guaranteed until accepted for maintenance by NCDOT.
3. The amount of this guarantee shall be for at least 50 percent of the total costs of construction of the subdivision road. Once a subdivision road is accepted for maintenance by NCDOT, through written confirmation by NCDOT, this guarantee may be released.

#### C. PLAT DETAIL

1. When a subdivision is to be developed in phases the preliminary plat shall be submitted for the entire development. The boundary of each phase shall be shown on the preliminary plat.
2. A final plat shall be submitted for each phase.

#### D. EXPIRATION

Each successive final plat for a phase of the subdivision shall be submitted for approval within 24 months of the date of approval of the previous final plat for a stage of the subdivision.

### SECTION 19.14. PERFORMANCE GUARANTEES FOR MAJOR SUBDIVISIONS

#### A. PURPOSE AND INTENT

1. These standards create the additional flexibility necessary for lots in a subdivision to be conveyed or for issuance of a building permit to commence with development prior to completion of all required infrastructure or site improvements, subject to the prior approval of the Board of Commissioners, and provided funds have been reserved for completion of these features.
2. These provisions ensure that funds are available for the County's use to complete required public infrastructure or private site features in the event an applicant is unable to do so.

#### B. APPLICABILITY

1. Performance guarantees shall be configured and managed in accordance with the standards in this section. Acceptance of a performance guarantee is in the sole discretion of the Board of Commissioners, who are under no obligation to approve a performance guarantee for any feature or under any circumstance.
2. The following facilities and site features may be eligible for performance guarantees at the discretion of the County:
  - i. Sidewalks, multi-use paths, and greenways;
  - ii. Private stormwater control measures and erosion control facilities;
  - iii. Street lights; and
  - iv. Placement of vegetation, except when required as part of erosion control measures.
3. All other public infrastructure or required site features shall be completed prior to issuance of a certificate of occupancy for the development, the conveyance of lots, or approval of the final plat, as appropriate.

#### C. INELIGIBLE FACILITIES

The following infrastructure facilities are not eligible for performance guarantees, and shall be completed and dedicated to the County or other appropriate agency, prior to approval of a final plat, conveyance of lots, or issuance of a building permit:

1. Public potable water;
2. Public sanitary sewer;
3. Functional fire protection infrastructure;
4. The base and initial courses of asphalt on a street;
5. Stormwater drainage facilities associated with a street right-of-way;
6. Curb and gutter; and
7. Street signs and traffic control signals.

**D. STORMWATER AND EROSION CONTROL FACILITIES**

Stormwater control measures and erosion control facilities shall not be subject to these performance guarantee standards, but shall be subject to the specific provisions for performance guarantees associated with those features in accordance with NCGS 160D-804.

**E. FORM**

1. The form of a performance guarantee shall take one of the following forms, at the sole discretion of the applicant:
  - i. A surety bond issued by a firm licensed to operate in the State of North Carolina;
  - ii. A letter of credit issued by a financial institution licensed to operate in the State of North Carolina; or
  - iii. Cash or certified check; or
  - iv. Other form of guarantee that provides equivalent security to the forms listed above, as determined by the County.
2. In cases where more than one facility or site feature is requested to be subject to a performance guarantee, the applicant may provide a single, consolidated performance guarantee for all facilities or site features. In no instance shall performance guarantees associated with private stormwater control mechanisms or sedimentation control be consolidated with any other performance guarantee.
3. If cash or other instrument is deposited in escrow with a financial institution, an agreement between the financial institution and the developer shall be filed with the County guaranteeing the following:
4. That the escrow account shall be held in trust until released by the County and may not be used or pledged by the developer for any other matter during the term of the escrow; and
5. That in case of a failure on the part of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County; and
6. The financial institution holding the cash or other instrument shall indicate to the County its notification requirements for release or payment of funds.

**F. DECISION**

After the conclusion of a public hearing, the Board of Commissioners shall decide applications for performance guarantees, which shall take one of the following forms:

1. Approval of the performance guarantee;
2. Denial of the performance guarantee; or
3. Remand of the application to County staff for further consideration.

**G. REVIEW CRITERIA**

1. An application for a performance guarantee shall be approved if the application complies with the following:
  - i. The request is for an eligible facility or site feature;
  - ii. The request is in the form and the amount required;
  - iii. The term of the guarantee is for the minimum period of time necessary; and
  - iv. The Board of Commissioners finds that approval of the performance guarantee is in alignment with the purpose and intent of this Ordinance and the County's Adopted Comprehensive Land Use Plan.
2. The performance guarantee shall be conditioned on the performance of all work necessary to complete the installation of the required improvements within the term of the guarantee.

**H. AMOUNT****1. GENERALLY**

The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. The local government may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.

## **2. ESTIMATED COSTS**

Estimated costs of completing installation of required public improvements, vegetation, or stormwater measures shall be itemized by improvement type and certified by the developer's licensed professional, and is subject to approval by the Board of Commissioners.

## **3. RENEWAL**

If a performance guarantee is renewed, the Administrator may require the amount of the performance guarantee be updated to reflect changes in cost over time.

# **I. SEQUENCE**

1. Performance guarantee applications may be filed along with any application for a subdivision, site plan, special use permit, building permit, or zoning permit, as appropriate.
2. Development subject to a performance guarantee shall not receive a certificate of occupancy or final development approval until all infrastructure or site features subject to a performance guarantee have been installed and accepted by the County or other appropriate agency.

# **J. AS-BUILT PLANS REQUIREMENTS**

## **1. PUBLIC IMPROVEMENTS**

Upon completion of a public improvements, an architect or professional engineer licensed by the State of North Carolina and retained by the developer shall certify, in writing, that the completed public improvements have been constructed in accordance with the approved plans and shall submit actual "as-built" plans for all public improvements after final construction is completed.

## **2. STORMWATER CONTROL MEASURES**

Upon completion of a private stormwater control mechanism, the developer shall certify to the Administrator that the completed project is in accordance with all applicable requirements in this Ordinance, the County's Code of Ordinances, and State law.

## **3. INSPECTION REQUIRED**

A final inspection and approval by the Administrator or a designee shall occur before the release of the performance guarantee.

# **K. MAINTENANCE**

## **1. WARRANTY FOR STORMWATER CONTROL MEASURES**

- i. Upon completion of construction of public or private stormwater control measures, the developer shall request a warranty inspection. Once all the improvements are deemed acceptable by the Administrator or a designee and pass the warranty inspection, the developer shall submit the following to the County:
  - ii. A set of acceptable as-built drawings;
  - iii. A written warranty against defects which shall guarantee the material and workmanship of required improvements for a period of not less than one year from the date of such acceptance.

- iv. A maintenance warranty payable to the County equal to at least 25 percent of the cost of the installation of such improvements. Where the Board of Commissioners finds that repairs to any required improvement are needed, these funds shall be used.

## **2. MAINTENANCE OF STREETS UNTIL ACCEPTANCE**

Following completion, the developer of any development containing streets shall sign a street maintenance disclosure statement to guarantee that the streets will be properly maintained until the offer of dedication is accepted by the NCDOT, or until maintenance responsibility is transferred to an owners' association if streets are private.

## **L. MAXIMUM TERM**

1. Performance guarantees shall have a maximum term of one year, unless the developer determines a longer term is necessary to complete the public facilities or private site features. Acceptance of the proposed guarantee remains at the discretion of the Board of Commissioners.

## **M. EXPIRATION**

1. The applicant shall demonstrate good faith towards the completion of public infrastructure or private site features subject to a performance guarantee. In the event the features subject to a guarantee are not completed prior to the expiration of the guarantee, the applicant shall request a renewal of the performance guarantee in accordance with these standards.
2. In the event an application for renewal of a performance guarantee has been filed with the County prior to expiration of an existing guarantee, the County shall delay the provision of notice of failure to install or complete improvements in accordance with Section 19.14.N, Forfeiture.

## **N. FORFEITURE**

### **1. NOTICE OF FAILURE TO INSTALL OR COMPLETE IMPROVEMENTS**

If the owner or developer fails to complete installation of the guaranteed improvements within the term of the performance guarantee (as may be extended), the Administrator shall give the owner or developer 30 day's written notice of the scope and degree of the default, by certified mail.

### **2. COUNTY COMPLETION OF IMPROVEMENTS**

After the 30-day notice period expires, the County may draw on the guarantee and use the funds to perform the work necessary to complete installation of the guaranteed improvements. After completing such work, the County shall provide a complete accounting of the expenditures to the owner or developer. In the event of a default triggering the use of the performance guarantee, the County shall return any of the unused deposited cash funds or other security.

## **O. RELEASE OR REDUCTION**

### **1. RELEASE REQUESTED**

- i. The County shall release or reduce a performance guarantee only after:
- ii. The owner or developer has submitted to the County a written request for a release or reduction of the performance guarantee that includes certification by the owner's or developer's engineer or contractor, whichever is appropriate, that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications, and as-builts (if applicable);
- iii. County staff has performed an inspection of the improvements and certified in writing that installation of the guaranteed improvements is completed in accordance with approved plans and specifications; and
- iv. No release or reduction in performance guarantee amounts will be considered until more than 25 percent of the work is in place and approved.

### **2. ACCEPTANCE SHALL BE DOCUMENTED**

The Administrator shall provide written notice of the County's final acceptance of the improvements subject to performance guarantees.

**3. IMPROPER RELEASE OF FINANCIAL GUARANTEES**

If the County releases a performance guarantee through error, the error shall not release the developer from responsibility for the completion of all improvements in accordance with this Ordinance.

**P. CHALLENGE OF DECISION**

A legislative decision of the Board of Commissioners with regard to a performance guarantee request may be challenged by the filing of a declaratory judgement action in the Superior Court of Moore County in accordance with Section 14.3, Challenge to Legislative Decision.

**SECTION 19.15. OWNERS' ASSOCIATION****A. PURPOSE**

The purpose of this section is to set out the requirements for establishment of a homeowners' or property owners' association (hereinafter "association") that shall be responsible for the long-term maintenance of open space and private infrastructure in a subdivision. This section also sets out the requirements associated with transfer of subdivision control and maintenance responsibility from the subdivider to the association.

**B. CREATION REQUIRED**

1. A homeowners' or property owners' association shall be established in areas that have private open space or shared private infrastructure (like private streets). Associations are required to accept ownership and maintenance responsibility of all open space set-aside(s) and shared infrastructure within a development.
2. Associations are also required in order to fulfill the requirements of Chapter 47C (the "Condominium Act") of the North Carolina General Statutes, or the requirements of Chapter 47F (the "Planned Community Act") of the North Carolina General Statutes.
3. The association shall be in legal existence prior to the conveyance, lease-option, or other long-term transfer of control of any unit or lot in the development, though maintenance responsibility shall only transfer from the developer to the association in accordance with the standards in this section.

**C. PROCEDURE FOR ESTABLISHMENT**

1. Documents for the creation of the association shall be recorded in the office of the Register of Deeds for Moore County. Documentation shall include, but not be limited to the information in Section 19.15.F.
2. The association shall be established by the subdivider prior to the sale of the first lot in the subdivision.
3. Nothing shall prevent the subdivider from retaining maintenance responsibility for all open space areas and private infrastructure provided documentation to that effect is recorded in the office of the Register of Deeds prior to the issuance of the first Certificate of Occupancy.

**D. DOCUMENTATION REQUIREMENTS**

1. The association documents shall include, but not be limited to, the following:
  - i. A declaration of all restrictive covenants;
  - ii. A declaration of all deed restrictions;
  - iii. A declaration that the association is responsible for liability insurance and all applicable taxes;
  - iv. A declaration of common ownership and maintenance responsibilities of all on-site improvements not dedicated to a local or State agency, including but not limited to drainage systems, wastewater systems, open space set-aside areas, recreational facilities, and private infrastructure;
  - v. A description of the structural organization and operating procedures of the association;
  - vi. Association by-laws;
  - vii. A legal description of all open space set-asides and other lands owned in common;
  - viii. Provisions establishing the legal authority of the association to maintain control over all common areas, common features, and private infrastructure in the subdivision, following transfer of control by the subdivider;

- ix. Provisions authorizing the association to compel contributions from owners in the development to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure;
- x. Provisions authorizing the association to increase the amount of mandatory fees or assessments, when necessary, for the continued maintenance of common areas, common features, or private infrastructure; and
- xi. Provisions authorizing the association to convert any member's unpaid assessments into a lien on real property.

**E. MEMBERSHIP REQUIREMENTS**

1. Following establishment of the association, membership in the association shall be automatic and mandatory for all purchasers of land within the subdivision and their successors in title.
2. All members of an association shall be responsible for contributions to the association's reserve fund to cover their proportionate share of maintenance costs associated with common areas, common features, and private infrastructure.

**F. FAILURE TO MAINTAIN IS A VIOLATION**

Failure to maintain open space areas, common features, or infrastructure is a violation of this Ordinance and is subject to the penalties and remedies in Chapter 18.

**SECTION 19.16. SUBDIVISION PLAT REQUIREMENTS**

The table below identifies the kind of information required on a subdivision application filed under this Ordinance. An "R" indicates that the information is required, and a blank cell indicates that the information is not required.

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS                                                                             |             |             |            |                    |                  |
|---------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| INFORMATION REQUIRED                                                                                                      | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
| <b>MAP SIZE AND MATERIALS</b>                                                                                             |             |             |            |                    |                  |
| Plat is 18X24", 21X30", or 24X36" in size                                                                                 | R           | R           | R          | R                  | R                |
| Legible black ink on mylar or white paper                                                                                 | R           | R           | R          | R                  | R                |
| <b>TITLE BLOCK</b>                                                                                                        |             |             |            |                    |                  |
| Property Designation / Name of Subdivision                                                                                | R           | R           | R          | R                  | R                |
| Type of plat (minor plat, preliminary plat, etc.,)                                                                        |             | R           | R          | R                  | R                |
| Name of Property Owner                                                                                                    | R           | R           | R          | R                  | R                |
| Township, County and State                                                                                                | R           | R           | R          | R                  | R                |
| Date the survey was prepared & any revision dates                                                                         | R           | R           | R          | R                  | R                |
| Scale in words (Ex. 1"=200 feet)                                                                                          | R           | R           | R          | R                  | R                |
| Bar graph                                                                                                                 | R           | R           | R          | R                  | R                |
| Name, address, and telephone # of surveyor                                                                                | R           | R           | R          |                    | R                |
| The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision |             |             |            | R                  | R                |
| <b>GENERAL INFORMATION</b>                                                                                                |             |             |            |                    |                  |
| Zoning district(s) of property & abutting properties                                                                      |             | R           | R          | R                  | R                |
| Parcel ID Number(s)                                                                                                       |             | R           | R          | R                  | R                |
| Plat book and/or deed book reference                                                                                      | R           | R           | R          | R                  | R                |

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS

| INFORMATION REQUIRED                                                                                                                             | EXEMPT<br>PLAT                                  | FAMILY<br>PLAT | MINOR<br>PLAT | MAJOR<br>PRELIM.<br>PLAT | MAJOR<br>FINAL<br>PLAT |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----------------|---------------|--------------------------|------------------------|
| Names of abutting property owners                                                                                                                | R                                               | R              | R             | R                        | R                      |
| Vicinity map                                                                                                                                     | R                                               | R              | R             | R                        | R                      |
| Corporate limits & county lines                                                                                                                  | R                                               | R              | R             | R                        | R                      |
| Surveyor and/or engineer original signature, seal, & registration #                                                                              |                                                 |                |               | R                        |                        |
| Surveyor's original signature, seal, & registration #                                                                                            | R                                               | R              | R             |                          | R                      |
| North arrow and orientation                                                                                                                      | R                                               | R              | R             | R                        | R                      |
| Course and distance of existing and proposed property lines (label old property lines)                                                           | R                                               | R              | R             | R                        | R                      |
| Tied to nearest street intersection if within 300 feet                                                                                           |                                                 | R              | R             |                          | R                      |
| Tied to USGS marker if within 2000 feet                                                                                                          | R                                               | R              | R             |                          | R                      |
| Location and description of all monuments, markers and control corners                                                                           |                                                 | R              | R             |                          | R                      |
| Minimum 2 control corners present when creating a new road right-of-way                                                                          | R                                               | R              | R             |                          | R                      |
| Location and type of all existing buildings including distance to property lines (if applicable)                                                 | R                                               | R              | R             |                          |                        |
| Location of all existing and proposed buildings (if applicable) including distance to property lines                                             |                                                 |                |               | R                        | R                      |
| Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size                                                     |                                                 | R              | R             | R                        | R                      |
| Lots numbered consecutively                                                                                                                      |                                                 | R              | R             | R                        | R                      |
| Lines not surveyed must be clearly indicated (include source data)                                                                               | R                                               | R              | R             | R                        | R                      |
| All mapping shall comply with NCGS 47-30                                                                                                         | R                                               | R              | R             |                          | R                      |
| Required Certificates                                                                                                                            | See Section 25.16 for certificate requirements. |                |               |                          |                        |
| If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3)                                             |                                                 |                |               |                          |                        |
| AMENITIES & NATURAL FEATURES LAYOUT                                                                                                              |                                                 |                |               |                          |                        |
| Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.) |                                                 |                |               | R                        | R                      |
| Required landscaping / perimeter buffer                                                                                                          |                                                 |                |               | R                        | R                      |
| Riding trails, pedestrian, or bicycle paths                                                                                                      |                                                 |                |               | R                        | R                      |
| Areas to dedicated as common area or open space – label the future ownership (HOA, dedication for public use to governmental body, etc.)         |                                                 |                |               | R                        | R                      |
| Areas to be used for uses other than residential                                                                                                 |                                                 |                |               | R                        | R                      |
| Name and location of any property or building on the National Register of Historic Places                                                        |                                                 |                |               | R                        | R                      |
| Wetlands, marshes, <del>rock outcrops</del> , pond, lakes, streams, railroads, bridges and any other features affecting the site                 |                                                 | R              | R             | R                        |                        |

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS

| INFORMATION REQUIRED                                                                                                                                             | EXEMPT<br>PLAT | FAMILY<br>PLAT | MINOR<br>PLAT | MAJOR<br>PRELIM.<br>PLAT | MAJOR<br>FINAL<br>PLAT |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|---------------|--------------------------|------------------------|
| <b>Certification statement required on Family and Minor Plats)<br/>(DELINEATION REQUIRED ON MAJOR PLAT)</b>                                                      |                |                |               |                          |                        |
| Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps                                                                                      | R              | R              | R             | R                        | R                      |
| Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet                                       |                |                |               | R                        |                        |
| Existing and proposed entrance signs (if applicable) including sight triangles and located outside the ROW                                                       |                |                |               | R                        | R                      |
| <b>UTILITY LAYOUT</b>                                                                                                                                            |                |                |               |                          |                        |
| A note indicating that the proposed subdivision will be served by either a central or individual water supply                                                    |                | R              | R             | R                        |                        |
| A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system                                           |                | R              | R             | R                        |                        |
| Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants |                |                |               | R                        |                        |
| Storm drains, swales, detention ponds, & other drainage facilities, if any                                                                                       |                |                |               | R                        |                        |
| Natural gas lines                                                                                                                                                |                |                |               | R                        |                        |
| Electric Lines                                                                                                                                                   |                |                |               | R                        |                        |
| Telephone Lines, Cable TV, etc.                                                                                                                                  |                |                |               | R                        |                        |
| Utility and other easements                                                                                                                                      |                |                |               | R                        |                        |
| Any additional determined by reviewing agencies that may be required to review plat                                                                              |                |                |               | R                        |                        |
| <b>STREET LAYOUT</b>                                                                                                                                             |                |                |               |                          |                        |
| Proposed and existing rights-of-way – label public or private streets                                                                                            | R              | R              | R             | R                        | R                      |
| Right-of-way & pavement location, widths, & dimensions                                                                                                           |                |                | R             | R                        | R                      |
| Cul-de-sac pavement diameter                                                                                                                                     |                |                |               | R                        |                        |
| Approximate grades                                                                                                                                               |                |                |               | R                        |                        |
| Typical detailed cross section(s)                                                                                                                                |                |                |               | R                        |                        |
| Existing and proposed street names                                                                                                                               |                |                |               | R                        | R                      |
| <b>SUBDIVISION INFORMATION &amp; CALCULATIONS TABLE</b>                                                                                                          |                |                |               |                          |                        |
| Classification of Watershed Overlay District                                                                                                                     |                | R              | R             | R                        | R                      |
| Existing & Proposed use(s) of land                                                                                                                               |                |                |               | R                        |                        |

TABLE OF SUBDIVISION APPLICATION REQUIREMENTS

| INFORMATION REQUIRED                                                                                                                                                                         | EXEMPT PLAT | FAMILY PLAT | MINOR PLAT | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|------------|--------------------|------------------|
| Existing & Proposed zoning classification(s)                                                                                                                                                 |             |             |            | R                  |                  |
| Front, side, rear setback requirements                                                                                                                                                       |             |             |            | R                  |                  |
| Acreage in total tract to be subdivided                                                                                                                                                      |             | R           | R          | R                  |                  |
| Acreage in recreation & open space (label)                                                                                                                                                   |             |             |            | R                  |                  |
| Total number of lots proposed                                                                                                                                                                |             |             |            | R                  |                  |
| Estimated linear feet in streets                                                                                                                                                             |             |             |            | R                  |                  |
| Linear feet in streets                                                                                                                                                                       |             |             |            |                    | R                |
| Estimated percent of entire project to be covered with impervious surfaces, including totals by phase                                                                                        |             |             |            | R                  |                  |
| Percent of entire project to be covered with impervious surfaces, including totals by phase                                                                                                  |             |             |            |                    | R                |
| Estimated separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.                                                                                       |             |             |            | R                  |                  |
| Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc.                                                                                                 |             |             |            |                    | R                |
| PERMITS AND OTHER DOCUMENTATION REQUIRED BEFORE FINAL PLAT APPROVAL                                                                                                                          |             |             |            |                    |                  |
| Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins) |             |             |            |                    | R                |
| Stormwater management plan                                                                                                                                                                   |             |             |            | R                  |                  |
| Inspection results of all improvements                                                                                                                                                       |             |             |            |                    | R                |
| As built drawings of all improvements                                                                                                                                                        |             |             |            |                    | R                |
| NCDEQ Approval of the Erosion & Sediment Control Plan (if disturbing more than 1 acre)                                                                                                       |             |             |            |                    | R                |
| NCDOT Approval of Driveway Access Permit                                                                                                                                                     |             |             |            |                    | R                |
| Wetland delineation of property                                                                                                                                                              |             |             |            |                    | R                |
| US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable)                                                                                                |             |             |            |                    | R                |
| Submit copy of HOA agreement to be approved by the Administrator                                                                                                                             |             |             |            |                    | R                |
| Affidavit of Family Subdivision                                                                                                                                                              |             | R           |            |                    |                  |
| Deed of Gift                                                                                                                                                                                 |             | R           |            |                    |                  |
| Private Road Maintenance Agreement, if applicable                                                                                                                                            |             | R           | R          |                    |                  |
| Any other information the Administrator deems necessary to determine compliance with this Ordinance                                                                                          |             |             |            | R                  | R                |

## SECTION 19.17. SUBDIVISION PLAT CERTIFICATION REQUIREMENTS

## A. TABLE

1. The table below identifies the kind of certification statement required on a subdivision plat filed under this Ordinance. An "R" indicates that the particular certification statement is required, and a blank cell indicates that the information is not required.
2. The exact certification language to be used follows the table.
3. The Administrator may waive items if it is determined that they are not applicable.

TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS

| TYPE OF CERTIFICATE OR STATEMENT [1]                                                                                                      | EXEMPT PLAT [2] | FAMILY PLAT  | MINOR PLAT   | MAJOR PRELIM. PLAT | MAJOR FINAL PLAT |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|--------------|--------------------|------------------|
| Certificate of Survey Accuracy                                                                                                            | R               | R            | R            |                    | R                |
| Certificate of Purpose of Plat                                                                                                            | R               | R            | R            |                    | R                |
| Review Officer Certification                                                                                                              | R               | R            | R            |                    | R                |
| <del>Certificate of Ownership</del>                                                                                                       |                 | <del>R</del> | <del>R</del> |                    |                  |
| Certificate of Ownership and Dedication                                                                                                   |                 |              |              | R                  | R                |
| Certificate of Exemption                                                                                                                  | R               |              |              |                    |                  |
| Exemption 160D-802 Compliance Statement                                                                                                   | R               |              |              |                    |                  |
| Certificate of Family Subdivision Plat Approval                                                                                           |                 | R            |              |                    |                  |
| Family Documents Deed References                                                                                                          |                 | R            |              |                    |                  |
| Septic Suitability Certificate Statement (areas of suitable & unsuitable soil for subsurface sewage disposal stamped by a soil scientist) |                 | R            |              |                    |                  |
| Voluntary Agricultural District Proximity Statement                                                                                       |                 | R            | R            | R                  | R                |
| Public Water Supply Watershed Protection Statement                                                                                        |                 | R            | R            | R                  | R                |
| Certificate of Minor Subdivision Plat                                                                                                     |                 |              | R            |                    |                  |
| Certificate of Preliminary Major Subdivision Plat                                                                                         |                 |              |              | R                  |                  |
| Certificate of Final Major Subdivision Plat Approval                                                                                      |                 |              |              |                    | R                |
| NCDOT Div. of Highways District Engineer Certificate                                                                                      |                 |              |              |                    | R                |
| Public Street Maintenance Disclosure Statement                                                                                            |                 |              |              |                    | R                |
| Private Roads Disclosure Statement                                                                                                        |                 |              |              |                    | R                |
| Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements                             |                 |              |              |                    | R                |
| Utilities Certificate                                                                                                                     |                 |              | R            |                    | R                |
| Sediment & Erosion Control Plan Certificate                                                                                               |                 |              |              |                    | R                |
| Stormwater Control Certificate                                                                                                            |                 |              |              |                    | R                |
| Licensed Soil Scientist Certificate                                                                                                       |                 |              |              |                    | R                |
| Certificate of Warranty                                                                                                                   |                 |              |              |                    | R                |
| Amenities & Natural Features Layout Certificate                                                                                           |                 | R            | R            |                    |                  |
| NOTES:                                                                                                                                    |                 |              |              |                    |                  |
| [1] Statements such as "Preliminary, Not For Recording" cannot be recorded.                                                               |                 |              |              |                    |                  |

## TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS

| TYPE OF CERTIFICATE OR STATEMENT [1] | EXEMPT<br>PLAT [2] | FAMILY<br>PLAT | MINOR<br>PLAT | MAJOR<br>PRELIM.<br>PLAT | MAJOR<br>FINAL<br>PLAT |
|--------------------------------------|--------------------|----------------|---------------|--------------------------|------------------------|
|--------------------------------------|--------------------|----------------|---------------|--------------------------|------------------------|

[2] Preparation of an exempt plat is voluntary and at the discretion of the applicant for an exempt subdivision application.

## B. CERTIFICATION STATEMENTS

1. The following paragraphs identify the text to be included as individual certification statements on subdivision plats reviewed under this Ordinance.
2. Professional preparing subdivision plat documents for review or recordation shall use the language exactly as listed in this section.

## Certificate of Survey and Accuracy

I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book \_\_\_\_\_, page \_\_\_\_\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book \_\_\_\_\_, page \_\_\_\_\_; that the ratio of precision or positional accuracy as calculated is \_\_\_\_\_; that this plat was prepared in accordance with NCGS 47-30 as amended. Witness my original signature, license number and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

Seal or Stamp of Surveyor

\_\_\_\_\_  
Professional Land Surveyor

\_\_\_\_\_  
License Number

**Certificate of Purpose of Plat**

*The final plat shall contain one of the following statements, signed and sealed by the plat preparer:*

- a. This survey creates a subdivision of land within the jurisdictional area of Moore County, North Carolina and that the County has an Ordinance that regulates parcels of land.
- b. This survey is located in a portion of a County or Municipality that is unregulated as to an Ordinance that regulates parcels of land.
- c. Any one of the following:
  1. This survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new road or change an existing street. For the purpose of this section, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
  2. This survey is of an existing feature, such as a building or other structure, or natural feature, such as a water course.
  3. This survey is a control survey. For the purposes of this section, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
  4. That the survey is a proposed easement for a public utility as defined in G.S. 62-3.
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption to the definition of subdivision.
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

Signed:

\_\_\_\_\_  
Surveyor

SEAL

Date:

\_\_\_\_\_

**Review Officer Certification**

State of North Carolina

I, \_\_\_\_\_, Review Officer of Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
Review Officer\_\_\_\_\_  
Date

**Certificate of Ownership** *(For Use with Family & Minor Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, and that I hereby freely adopt this plan of subdivision.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

**Certificate of Ownership and Dedication** *(For Use with Major Plats Only)*

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of Moore County, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Notarized)

\_\_\_\_\_  
Date

**Certificate of Exemption**

I hereby certify that the division of property shown and described hereon is exempt from the Moore County Subdivision Ordinance by definition and/or ordinance.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

**Exemption NCGS 160D-802 Compliance Statement**

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 160D-802 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State, and local laws, statutes, ordinances, and/or codes.

**Certificate of Family Subdivision Plat Approval**

---

I hereby certify that the family subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

---

Subdivision Administrator

---

Date**Septic Suitability Certificate Statement**

---

I hereby certify that each new family subdivision lot has received a Septic Suitability Certificate from the Moore County Department of Environmental Health or a licensed soil scientist.

---

Subdivision Administrator

---

Date**Voluntary Agricultural Proximity Statement**

---

*The following statement shall be placed on all subdivision plats that include lots that are within one aerial mile of a Voluntary Agricultural District.*

‘These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

**Certificate of Minor Subdivision Plat Approval**

---

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets or change in existing utilities, that the subdivision shown is in all respects in compliance with the Subdivision Regulations of Moore County, North Carolina, and that therefore this plat has been approved by the Subdivision Administrator, subject to its being recorded in the Moore County Registry within sixty days of the date below.

---

Subdivision Administrator

---

Date

**Certificate of Preliminary Major Subdivision Plat Approval**

I hereby certify that the Board of Commissioners of Moore County, North Carolina approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 24 months from the above date or as established under the vested rights procedures, if applicable.

\_\_\_\_\_  
Subdivision Administrator\_\_\_\_\_  
Date**Certificate of Final Major Subdivision Plat Approval**

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Regulations of Moore County, North Carolina subject to its being recorded in the Office of Register of Deeds within 60 days of the date below. I further certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of Moore County in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$\_\_\_\_\_ has been posted with Moore County to assure completion of required improvements.

\_\_\_\_\_  
Subdivision Administrator\_\_\_\_\_  
Date**NCDOT Division of Highways District Engineer Certificate**

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation, Division of Highways.

\_\_\_\_\_  
District Engineer\_\_\_\_\_  
Date

### Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements

*A. To be used when all improvements have been installed prior to final plat approval*

I hereby certify that I have inspected and find that all streets, utilities, and other required improvements as shown on the preliminary and final plats of the \_\_\_\_\_ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

\_\_\_\_\_  
Seal

\_\_\_\_\_  
Registration Number

*B. To be used when some, but not all, improvements have been installed prior to final plat approval*

I hereby certify that I have inspected and find that the following streets, utilities, and other required improvements as shown on the preliminary and final plats of the \_\_\_\_\_ Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

*(List all inspected and approved improvements)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

\_\_\_\_\_  
Seal

\_\_\_\_\_  
Registration Number

### Private Streets Disclosure Statement

1. *The following statement shall be placed on all subdivision plats that include private streets:*

'The maintenance of streets designated on this plat as 'private' shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither Moore County nor the North Carolina Department of Transportation will maintain a private street.'

**Utilities Certificate**

I hereby certify that the \_\_\_\_\_ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Regulations of Moore County, North Carolina or that a performance bond or other sufficient surety has been provided to assure completion of the required improvements.

\_\_\_\_\_  
Signature of Authorized Agent  
of Utility Provider

\_\_\_\_\_  
Date

**Certificate Regarding Erosion and Sedimentation Control Plan**

*Where a subdivision of property does not require an Erosion and Sedimentation Control Plan as determined by licensed professional, the plat shall show the following certificate with signature*

I hereby certify that the subdivision of property shown and described hereon does not require an approved Erosion and Sedimentation Control Plan.

*(List all inspected and approved improvements)*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

\_\_\_\_\_  
Seal

\_\_\_\_\_  
License Number

**Storm Water Control Statement**

I hereby certify that the subdivision of property shown and described hereon has systems designed to protect to the ten (or) twenty-five year storm level and were designed and constructed to NCDOT standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Licensed Professional

\_\_\_\_\_  
Seal

\_\_\_\_\_  
License Number

**Certificate of Warranty**

*(To be modified if signed by an officer of a corporation)*

I hereby certify that I know of no defects from any cause and will fully warrant all improvements which have been installed to be free from defects in material and workmanship for a period of 1 year from this date. Any improvements yet to be installed

I shall fully warrant in this same manner for a period of 1 year from the date of the release of guarantees. In the event that defects are discovered in any such improvements during the warranty period, I shall replace and/or repair the defective improvements at my own expense.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Subdivider

Attest: \_\_\_\_\_

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
County Clerk

### Public Water Supply Watershed Protection Certificate

I certify that the plat shown hereon complies with the Moore County Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Moore County Register of Deeds Office.

\_\_\_\_\_  
Subdivision Administrator

\_\_\_\_\_  
Date

NOTICE: This property is in Located within a Public Water Supply Watershed - Development Restrictions May Apply.

*Include the following when applicable*

Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book \_\_\_\_ Page \_\_\_\_.

### Public Street Maintenance Disclosure Statement

*The following statement shall be placed on all subdivision plats that include newly constructed streets intended to be maintained by the NCDOT:*

'The maintenance of public street(s) shown on this plat is (are) intended to be the responsibility of the North Carolina Department of Transportation, provided that all requirements for acceptance are met. Until such time as the NCDOT accepts the street(s), I (We) will provide for necessary maintenance of the streets.'

\_\_\_\_\_  
Owner(s)

**Licensed Soil Scientist Certificate**

*The following statement shall be placed on all subdivision plats that include lots where access to public water and/or sewer are not available.*

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Moore County Department of Environmental Health is not guaranteed.

---

Date

Licensed Soil Scientist

License No.

**Amenities & Natural Features Layout Certificate**

*The following statement shall be placed on all Family Plats and Minor Plats:*

Wetlands, marshes, ponds, lakes, streams, railroads, or bridges may affect the site. This statement is based on GIS information and not an actual delineation.

**RE: Moore County Text Amendments**

RLUAC Executive Director &lt;director@rluac.com&gt;

Sun 5/5/2024 3:19 PM

To: Ruth Pedersen &lt;rpetersen@moorecountync.gov&gt;

Cc: Debra Ensminger &lt;densminger@moorecountync.gov&gt;; Danielle Orloff &lt;dorloff@moorecountync.gov&gt;

Ruth,

I have the supplemental review letter for the wireless tower amendment out for comments from our committee. I expect to have that to you on Monday. I reviewed the other amendments, and we don't have any comments on those.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director  
Regional Land Use Advisory Commission  
6205 Raeford Road  
Fayetteville, NC 28304  
(910) 398-3743  
[director@rluac.com](mailto:director@rluac.com)  
[www.rluac.com](http://www.rluac.com)

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**From:** Ruth Pedersen <rpetersen@moorecountync.gov>**Sent:** Wednesday, April 24, 2024 4:58 PM**To:** director@rluac.com**Cc:** Debra Ensminger <densminger@moorecountync.gov>; Danielle Orloff <dorloff@moorecountync.gov>**Subject:** Moore County Text Amendments

Vagn,

We have several text amendments set to be heard by the Moore County Board of Commissioners on June 18, 2024. We are hoping to obtain review and comments from RLUAC on these proposed amendments. Please see attached staff reports for review and let me know if you have any questions on any of these items.

As a note, the Wireless Telecommunication text amendment that we've been discussing is also set to be heard by the Commissioners on June 18. I have attached that staff report even though I've already sent you the finalized language. We will still need an updated letter for this item.

Thank you,

Ruth Pedersen, MPA

Senior Planner

Moore County Planning &amp; Inspections

638  
[rpetersen@moorecountync.gov](mailto:rpetersen@moorecountync.gov)

910-947-5010 (phone)

910-947-1303 (fax)

**Moore County Board of Commissioners**  
**Land Use Plan Consistency Statement**

**Unified Development Ordinance Amendments to Chapter 19, Section 19.4.C – Family Subdivisions – Additional Documents, Section 19.6.D.3 – Minor Subdivisions – Access Requirements, Section 19.16 – Subdivision Plat Requirements, Section 19.17 – Subdivision Plat Certification Requirements, and Chapter 20, Definitions, Section 20.2, Definitions**

**Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed text amendment is **consistent** with the following as listed in the 2013 Moore County Land Use Plan:
  - Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.
    - The proposed text amendment was developed through collaboration with local professional land surveyors to implement guidelines that are easy for them to interpret and put to practice.
2. The proposed text amendment is reasonable and in the public interest because:
  - a. It supports the current 2013 Moore County Land Use Plan Action listed above.
  - b. It is consistent with current practices of professional land surveyors and provides clear requirements for subdivision plats.

Therefore, the Moore County Board of Commissioners finds the text amendment to the Unified Development Ordinance **is consistent** with the 2013 Moore County Land Use Plan.

---

Nick Picerno, Chair  
 Moore County Board of Commissioners

---

Date

**Moore County Board of Commissioners**

**Land Use Plan Consistency Statement**

**Unified Development Ordinance Amendments to Chapter 19, Section 19.4.C – Family Subdivisions – Additional Documents, Section 19.6.D.3 – Minor Subdivisions – Access Requirements, Section 19.16 – Subdivision Plat Requirements, Section 19.17 – Subdivision Plat Certification Requirements, and Chapter 20, Definitions, Section 20.2, Definitions**

**Text Amendment to the Unified Development Ordinance**

The Moore County Board of Commissioners finds that:

1. The proposed Text Amendment is **inconsistent** with the following recommendation as listed in the 2013 Moore County Land Use Plan:
  - It is not consistent with Action 4.1.1: Continue to support and implement easy to understand guidelines to incorporate throughout governmental departments.

The proposed text amendment is not reasonable and not in the public interest because the proposed text amendment will have an unreasonable impact on the surrounding community.

Therefore, the Moore County Board of Commissioners finds that the text amendment to the Unified Development Ordinance is **inconsistent** with the 2013 Moore County Land Use Plan.

---

Nick Picerno, Chair  
Moore County Board of Commissioners

---

Date

**AMENDED RESOLUTION BY THE COUNTY OF MOORE  
TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS**

**WHEREAS** Moore County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

**WHEREAS** the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA");

**WHEREAS** Moore County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

**WHEREAS** section E.6 of the MOA states:

**E.6. Process for drawing from special revenue funds.**

- a. **Budget item or resolution required.** Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
- b. **Budget item or resolution details.** The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

**NOW, THEREFORE BE IT RESOLVED**, in alignment with the NC MOA, Moore County authorizes the expenditure of opioid settlement funds as follows:

**1. First strategy authorized**

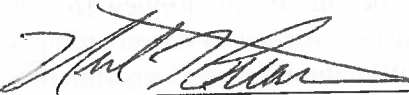
- a. Name of strategy: **Recovery Support Services**
- b. Strategy is included in Exhibit **A**
- c. Item letter and/or number in Exhibit A to the MOA: **3**
- d. Amount authorized for this strategy: **\$289,985 \$229,985**
- e. Period of time during which expenditure may take place:  
Start date: **October 1, 2023** through End date: **September 30, 2024**
- f. Description of the program, project, or activity:  
**Hire Peer Support Specialists, a licensed counselor, and a part-time nurse along with associated equipment and training.**
- g. Provider: **Adult & Teen Challenge of Sandhills North Carolina \$289,985 \$229,985**

## 2. Second strategy authorized

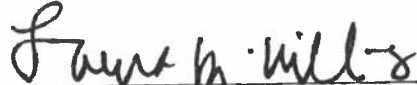
- a. Name of strategy: Recovery Housing Support
- b. Strategy is included in Exhibit A
- c. Item letter and/or number in Exhibit A to the MOA: 4
- d. Amount authorized for this strategy: \$60,000
- e. Period of time during which expenditure may take place:  
Start date: October 1, 2023 through End date: September 30, 2024
- f. Description of the program, project, or activity:  
Provide housing support for clients undergoing treatment.
- g. Provider: Adult & Teen Challenge of Sandhills North Carolina \$60,000

The total dollar amount of Opioid Settlement Funds appropriated across the above named and authorized strategies is \$289,985.

Adopted the 26th day of September 2023 and amended this 18 day of June 2024.

  
 Nick Picerno, Chair  
 Moore County Board of Commissioners

ATTEST:

  
 Laura Williams, Clerk to the Board



Agenda Item: ADDITIONAL  
Meeting Date: June 18, 2024

**MEMORANDUM TO BOARD OF COMMISSIONERS:**

**FROM:** Debra Ensminger  
Planning Director

**DATE:** June 14, 2024

**SUBJECT:** Amendment to Moore County Subdivision Review Board By-Laws

**PRESENTER:** Debra Ensminger

**REQUEST:**

Request the Board of County Commissioners approve the amendment to the Subdivision Review Board By-Laws, Article III – Officers.

**BACKGROUND:**

The current by-laws state the Subdivision Review Board (SRB) shall appoint the Planning Department's Administrative Assistant as the recording secretary. Due to a recent resignation of the Administrative Officer within the Planning Department, the following amendment is recommended to be consistent with the current Planning Board by-laws.

**Article III Officers**

The officers of the SRB shall consist of a Chairperson, Vice-Chairperson and Recording Secretary.

The Chairperson shall be elected by the voting members of the SRB. The Chairperson shall be responsible for the following duties:

- 1) Preside at all meetings;
- 2) Appoint any committee found necessary to investigate matters before the SRB;
- 3) Represent the SRB to the Planning Board and Board of Commissioners;
- 4) Prepare an annual report for presentation to the Planning Board and Board of Commissioners
- 5) Decide all points of order under these procedures, except that on points of order a majority of the SRB may overrule the Chairperson;
- 6) Make arrangements for recording and filing minutes of the meetings and attendance records;

- 7) Direct the correspondence of the SRB; and
- 8) Inform the Planning Board on a quarterly basis of all plats which have been approved by the SRB.

The SRB shall elect a Vice-Chairperson from among its voting members to fulfill the duties of the Chairperson in the Chairperson's absence.

The SRB shall appoint the Planning Department's Administrative Assistant as the Recording Secretary. In the event the Administrative Assistant is not available, the Chairperson may appoint any Planning staff approved by the Planning Director or County Manager, to perform the Board's secretarial duties. The Recording Secretary shall be responsible for the following duties:

- 1) Keep the minutes and records of the SRB;
- 2) Prepare the agenda of the meetings of the SRB;
- 3) Prepare notice of meetings to SRB members;
- 4) Attend to correspondence of the SRB; and
- 5) Other duties as are normally carried out by a secretary.

**IMPLEMENTATION PLAN:**

Upon approval the Subdivision Review Board By-Laws will be amended.

**FINANCIAL IMPACT STATEMENT:**

N/A

**RECOMMENDATION SUMMARY:**

Make a motion to approve the proposed amendment to the Moore County Subdivision Review Board By-Laws as presented.

**SUPPORTING ATTACHMENTS:**

Moore County Subdivision Review Board By-Laws

New D. APPENDIX N

Agenda Item: ADDITIONAL  
Meeting Date: 06/18/2024

**MEMORANDUM TO THE MOORE COUNTY BOARD OF COMMISSIONERS:**

**FROM:** Laura M. Williams, Clerk to the Board  
**DATE:** 06/14/2024  
**SUBJECT:** Appointments / Land Use Plan Steering Committee Ex-Officio Designation

**REQUEST:**

Modify member status of elected officials on the Land Use Plan Steering Committee.

**BACKGROUND:**

Process leadership for the update to the 2013 Land Use Plan has requested that any members of the Land Use Plan Steering Committee who are elected officials be changed to ex-officio, non-voting status as long as they hold their elective offices. This currently affects steering committee members Alphonso Mosley and Frank Quis.

**IMPLEMENTATION PLAN:**

Records will be updated by the Clerk to reflect changes and members will serve accordingly.

**RECOMMENDATION SUMMARY:**

Make a motion to change the status of Land Use Plan Steering Committee members Mosley and Quis to ex-officio, non-voting.

**ATTACHMENTS:**

LUP Steering Committee Membership Roster

| MOORE COUNTY LAND USE PLAN STEERING COMMITTEE |                          |              |                                                                                          |
|-----------------------------------------------|--------------------------|--------------|------------------------------------------------------------------------------------------|
| Representing:                                 | Name:                    | Phone:       | Email:                                                                                   |
| Process Leader                                | Robert Hayter            | 910-639-4307 | <a href="mailto:robert@lkcengineering.com">robert@lkcengineering.com</a>                 |
| Process Leader                                | Larry Best               | 910-603-3002 | <a href="mailto:lwbest0623@icloud.com">lwbest0623@icloud.com</a>                         |
| Resorts                                       | Dick Higginbotham        | 910-235-8409 | <a href="mailto:dick.higginbotham@pinehurst.com">dick.higginbotham@pinehurst.com</a>     |
| Farming & Agriculture                         | Billy Carter             | 910-639-2799 | <a href="mailto:bcarter6161@gmail.com">bcarter6161@gmail.com</a>                         |
| Farming & Agriculture                         | Michael Parker           | 910-639-3968 | <a href="mailto:cdamxp@hotmail.com">cdamxp@hotmail.com</a>                               |
| Forestry                                      | Matt Wimberly            | 910-639-0124 | <a href="mailto:wimberly@forestlandrc.com">wimberly@forestlandrc.com</a>                 |
| Equestrian                                    | Stephen Later            | 910-797-4355 | <a href="mailto:sflater@rmrattorneys.com">sflater@rmrattorneys.com</a>                   |
| Natural Resources                             | Jeff Marcus              | 910-585-0521 | <a href="mailto:jmarcus@tnc.org">jmarcus@tnc.org</a>                                     |
| Health Care Services                          | Matt Prestwood           | 828-292-3577 | <a href="mailto:mprestwood@firsthealth.org">mprestwood@firsthealth.org</a>               |
| Retirement                                    | Scott Brewton            | 910-639-9828 | <a href="mailto:scott.brewton@trinity-health.org">scott.brewton@trinity-health.org</a>   |
| Airport                                       | Rick Cloutier            | 910-692-3212 | <a href="mailto:rcloutier@moorecountvairport.com">rcloutier@moorecountvairport.com</a>   |
| Public Schools                                | Tim Locklair             | 910-947-2976 | <a href="mailto:tlocklair@ncmcs.org">tlocklair@ncmcs.org</a>                             |
| Private Schools                               | Lee McKinney             | 910-695-5187 | <a href="mailto:lee@ncftoday.com">lee@ncftoday.com</a>                                   |
| Tourism                                       | Kelly Miller             | 910-639-9412 | <a href="mailto:kelly.miller@rossresorts.com">kelly.miller@rossresorts.com</a>           |
| Utilities                                     | Brian Patnode (ex-o)     | 910-986-6852 | <a href="mailto:cpatnode@moorecountync.gov">cpatnode@moorecountync.gov</a>               |
| College                                       | Sandy Stewart            | 910-414-4863 | <a href="mailto:stewarts@sandhills.edu">stewarts@sandhills.edu</a>                       |
| Military                                      | Zach Oldham              | 910-929-8706 |                                                                                          |
| Homebuilders / Developers                     | Travis Green             | 910-639-5973 | <a href="mailto:carolinabuilder@gmail.com">carolinabuilder@gmail.com</a>                 |
| Homebuilders / Developers                     | Neil Robinette           | 910-417-7550 | <a href="mailto:nrobinette@cfsmithpg.com">nrobinette@cfsmithpg.com</a>                   |
| Realtor                                       | Amanda Bullock           | 910-315-2127 | <a href="mailto:amanda@amandabullock.com">amanda@amandabullock.com</a>                   |
| Roads                                         | Matt Kitchen             | 910-975-0730 | <a href="mailto:mwkitchen@ncdot.gov">mwkitchen@ncdot.gov</a>                             |
| Seven Lakes                                   | Tom LoSapio              | 262-853-3735 | <a href="mailto:tomlosapio@aol.com">tomlosapio@aol.com</a>                               |
| Aberdeen                                      | Janet Peele              | 910-944-1896 | <a href="mailto:janetpeele@gmail.com">janetpeele@gmail.com</a>                           |
| Cameron                                       | Grisel Long              | 910-257-2271 | <a href="mailto:grisel.long@gmail.com">grisel.long@gmail.com</a>                         |
| Carthage                                      | Elizabeth Futrell        | 910-215-3846 | <a href="mailto:eaf2004@gmail.com">eaf2004@gmail.com</a>                                 |
| Foxfire                                       | Tashe Jarusinski         | 910-992-6804 | <a href="mailto:tjarusinski@gmail.com">tjarusinski@gmail.com</a>                         |
| Pinebluff                                     | Frank McNeill            | 910-944-2329 | <a href="mailto:fmcneill@mcneilloilandpropane.com">fmcneill@mcneilloilandpropane.com</a> |
| Pinehurst                                     | Jeremy Hooper            |              | <a href="mailto:jeramy.hooper@gmail.com">jeramy.hooper@gmail.com</a>                     |
| Robbins                                       | Lance Mauldin            | 731-571-1977 | <a href="mailto:lance.mauldin92@gmail.com">lance.mauldin92@gmail.com</a>                 |
| Southern Pines                                | Frank Quis               | 910-489-8754 | <a href="mailto:frankquis@gmail.com">frankquis@gmail.com</a>                             |
| Vass                                          | Alphonso Mosley          | 910-528-1731 | <a href="mailto:mayor@ownofvass.com">mayor@ownofvass.com</a>                             |
| Whispering Pines                              | Planning Board Chair TBD |              |                                                                                          |
| Moore County                                  | Joe Garrison             | 910-690-4511 | <a href="mailto:garrisonjoe8@gmail.com">garrisonjoe8@gmail.com</a>                       |



A RESOLUTION BY THE MOORE COUNTY BOARD OF COMMISSIONERS  
SUPPORTING HOUSE BILL 1044 (2024)

WHEREAS, the Moore County Board of Commissioners supports House Bill 1044, which is an act to authorize a study about how North Carolina's 100 counties are ranked based on economic well-being; and

WHEREAS, current law requires the Secretary of Commerce to rank all counties according to their development factor, on or before November 30 each year. In addition, the Secretary must identify all counties by development tier and publish this information.

WHEREAS, currently, *[e]ach county receives a designation of tier one (most distressed), tier two, or tier three (least distressed). The statute requires 40 tier one, 40 tier two, and 20 tier three counties each year. These designations are based on four categories: unemployment rate (the most recent 12 months for which data are available), median household income (the most recent 12 months for which data are available), percentage population growth (the most recent 36 months for which data are available), and adjusted property tax base per capita (the most recent taxable year). These designations determine eligibility for a variety of State programs<sup>i</sup>; and*

WHEREAS, House Bill 1044 directs the NC Collaboratory to study potential changes to the ranking criteria, assignment of tiers, when the counties are ranked, effectiveness of the current ranking system, and to better identify areas of distress.

NOW, THEREFORE, BE IT RESOLVED, the Moore County Board of Commissioners requests the North Carolina General Assembly to support and ratify House Bill 1044.

Adopted this 18 day of June, 2024.



Nick Picerno, Chair  
Moore County Board of Commissioners

ATTEST:

Laura M. Williams  
Clerk to the Board

<sup>i</sup> Krehely, Brad and Peyton Hedrick, Committee Co-Counsel, Legislative analysis Division, House Bill 1044: County Tier Designation Study Bill. 2023-2024 General Assembly.

New F. APPENDIX D

Agenda Item: House Bill 1044  
Meeting Date: June 18, 2024**MEMORANDUM TO BOARD OF COMMISSIONERS:**

**FROM:** Misty Leland, County Attorney  
**DATE:** June 18, 2024  
**SUBJECT:** Supporting House Bill 1044 (2024)  
**PRESENTER:** Misty Leland, County Attorney

**REQUEST:** This is a request for the Moore County Board of Commissioners to adopt the attached Resolution asking the North Carolina General Assembly to support and ratify House Bill 1044 which is an act to authorize a study about how North Carolina's 100 counties are ranked based on economic well-being.

**BACKGROUND:** Current law requires the Secretary of Commerce to rank all counties according to their development factor on or before November 30 each year.

*Currently, [e]ach county receives a designation of tier one (most distressed), tier two, or tier three (least distressed). The statute requires 40 tier one, 40 tier two, and 20 tier three counties each year. These designations are based on four categories: unemployment rate (the most recent 12 months for which data are available), median household income (the most recent 12 months for which data are available), percentage population growth (the most recent 36 months for which data are available), and adjusted property tax base per capita (the most recent taxable year). These designations determine eligibility for a variety of State programs.<sup>i</sup>*

House Bill 1044 directs the NC Collaboratory to study potential changes to the ranking criteria, assignment of tiers, when the counties are ranked, effectiveness of the current ranking system, and to better identify areas of distress.

**IMPLEMENTATION PLAN:** N/A

**FINANCIAL IMPACT STATEMENT:** N/A

**RECOMMENDATION SUMMARY:**

Make a motion to adopt the attached Resolution requesting the North Carolina General Assembly to support and ratify House Bill 1044.

**SUPPORTING ATTACHMENTS:**

Resolution  
HB 1044

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<sup>i</sup> Krehely, Brad and Peyton Hedrick, Committee Co-Counsel, Legislative analysis Division, House Bill 1044: County Tier Designation Study Bill. 2023-2024 General Assembly.



A RESOLUTION BY THE MOORE COUNTY BOARD OF COMMISSIONERS  
SUPPORTING HOUSE BILL 1044 (2024)

WHEREAS, the Moore County Board of Commissioners supports House Bill 1044, which is an act to authorize a study about how North Carolina's 100 counties are ranked based on economic well-being; and

WHEREAS, current law requires the Secretary of Commerce to rank all counties according to their development factor, on or before November 30 each year. In addition, the Secretary must identify all counties by development tier and publish this information.

WHEREAS, currently, *[e]ach county receives a designation of tier one (most distressed), tier two, or tier three (least distressed). The statute requires 40 tier one, 40 tier two, and 20 tier three counties each year. These designations are based on four categories: unemployment rate (the most recent 12 months for which data are available), median household income (the most recent 12 months for which data are available), percentage population growth (the most recent 36 months for which data are available), and adjusted property tax base per capita (the most recent taxable year). These designations determine eligibility for a variety of State programs<sup>i</sup>; and*

WHEREAS, House Bill 1044 directs the NC Collaboratory to study potential changes to the ranking criteria, assignment of tiers, when the counties are ranked, effectiveness of the current ranking system, and to better identify areas of distress.

NOW, THEREFORE, BE IT RESOLVED, the Moore County Board of Commissioners requests the North Carolina General Assembly to support and ratify House Bill 1044.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Nick Picerno, Chair

Moore County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Laura M. Williams  
Clerk to the Board

<sup>i</sup> Krehely, Brad and Peyton Hedrick, Committee Co-Counsel, Legislative analysis Division, House Bill 1044: County Tier Designation Study Bill. 2023-2024 General Assembly.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

H

D

HOUSE BILL 1044  
PROPOSED COMMITTEE SUBSTITUTE H1044-PCS30494-CTa-1

Short Title: County Tier Designation Study Bill.

(Public)

Sponsors:

Referred to:

May 7, 2024

- 1 A BILL TO BE ENTITLED  
2 AN ACT TO DIRECT THE NORTH CAROLINA COLLABORATORY TO STUDY THE  
3 EFFECTS OF VARIOUS PROPOSED CHANGES TO THE COUNTY TIER  
4 DESIGNATION SYSTEM.  
5 The General Assembly of North Carolina enacts:  
6 **SECTION 1.(a)** The North Carolina Collaboratory at the University of North  
7 Carolina at Chapel Hill (Collaboratory) shall study the potential effects of the changes outlined  
8 in this act on the county tier designation system under G.S. 143B-437.08.  
9 **SECTION 1.(b)** The study shall focus on the following proposed changes to the  
10 county tier designation system under G.S. 143B-437.08:  
11 (1) Changing the criteria used to rank counties.  
12 (2) Changing the way in which tier designations are assigned.  
13 (3) Changing the time frame in which counties are ranked.  
14 **SECTION 1.(c)** The study shall evaluate the impact of the proposed changes listed  
15 in subsection (b) of this section on the following:  
16 (1) The rankings of all 100 counties.  
17 (2) Programs that use the tier designation system for their administration.  
18 (3) The ease of doing business in the State.  
19 **SECTION 1.(d)** The Collaboratory shall consult with the following agencies to  
20 conduct the study required by this act:  
21 (1) The Department of Commerce.  
22 (2) The Department of Health and Human Services.  
23 (3) The Department of Public Instruction.  
24 **SECTION 1.(e)** The study shall evaluate whether the proposed changes listed in  
25 subsection (b) of this section:  
26 (1) Align with the State's economic development goals.  
27 (2) Use current, reliable, timely, and high-quality data.  
28 (3) Implement a methodology that is easy to understand.  
29 (4) Accurately identify areas of distress.  
30 **SECTION 2.** No later than December 31, 2024, the Collaboratory shall submit a  
31 preliminary report of the results of the study required by this act to the Joint Legislative Economic  
32 Development and Global Engagement Oversight Committee (EDGE) and the Fiscal Research  
33 Division (FRD). No later than December 1, 2025, the Collaboratory shall submit a final report of  
34 the results of the study required by this act to EDGE and FRD.



- 1           **SECTION 3.** There is appropriated from the General Fund to the Collaboratory the  
2 sum of one hundred thousand dollars (\$100,000) in nonrecurring funds for the 2024-2025 fiscal  
3 year for the purpose of conducting the study required by this act.  
4           **SECTION 4.** This act becomes effective July 1, 2024.