MOORE COUNTY PLANNING BOARD
REGULAR MEETING
THURSDAY, MARCH 3 2016, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD *(Procedures are attached)*
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA

All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

A. Approval of Meeting Agenda
B. Approval of Minutes of February 4, 2016
C. Consideration of Abstentions

III. PUBLIC HEARING

1. Sedberry Farm, LLC is requesting a Conditional Use District rezoning of ParID 00034424, 00034425, 20060568, and 20060569 owned by Mary Elizabeth H. Sedberry; overall is approximately 32 acres, from Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use "Solar Collector Facility." The parcel is located on Airport Road.

IV. OTHER BOARD MATTERS

V. PLANNING DEPARTMENT REPORTS

VI. BOARD COMMENT PERIOD

VII. UPCOMING EVENTS

- Tuesday, March 1, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Tuesday, March 15, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Tuesday, April 5, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.
- Thursday, April 7, 2016 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, April 19, 2016 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage.

VIII ADJOURNMENT

Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is give to the County.
Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

1. *The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*

1. *Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

2. *Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*

1. *Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*

2. *Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*

3. *Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*

4. *Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*

5. *Any applause will be held until the end of the Public Comment Period.*

6. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*

7. *Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*

8. *Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a _8_ to _1_ vote of the Moore County Planning Board

MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

1. *Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

2. *Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*

3. *Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*

4. *Any applause will be held until the end of the public hearing.*

5. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*

6. *Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a _9_ to _0_ vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY FEBRUARY 4, 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Rich Smith (Chair), Aaron McNeill (Vice Chairman), Gene Horne, Eddie Nobles, David Lambert, Joseph Garrison, Scott McLeod

Board Members Absent: Buck Mims

Staff Present: Debra Ensminger, Planning Director
Brenda White, Deputy County Attorney
Theresa Thompson, Senior Planner
Lydia Cleveland, Administrative and Transportation Program Manager

CALL TO ORDER

Chairman Rich Smith called the meeting to order.

INVOCATION

Vice Chairman Aaron McNeill offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Scott McLeod lead in the reciting of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Joseph Garrison read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

A. Approval of Meeting Agenda
B. Approval of Minutes of January 7, 2015
C. Consideration of Abstentions

Board Member Gene Horne motioned to approve the Consent Agenda and the motion was seconded by Board Member Garrison. The motion passed unanimously (7-0).

PUBLIC HEARING(S)

Chairman Smith asked the Board if he could be recused from the public hearing due to a conflict of interest. Board Member Horne made a motion to recuse Chairman Smith from the public hearing. The motion was seconded by Board member Garrison and the motion passed unanimously (6-0) *(Chairman Smith did not vote.)*

Prior to beginning the public hearing Board Member Garrison made a motion to adjourn as the Moore County Planning Board and reconvene as the Moore County Watershed Review Board. The motion was seconded by Board Member Horne and the motion passed unanimously (6-0) *(Chairman Smith did not vote.)*

Vice Chairman McNeill introduced the public hearing as the following.

The applicant, CP6 Investments, LLC, is seeking a Special Non-residential Intensity Allocation (SNIA) to increase the maximum built-upon area to 57 % on ParID 20050739, owned by CP6 Investments, LLC, located on Juniper Lake Road near the intersection of NC Hwy 211, to construct a new gym/office building, driveway, and associated parking.

Senior Planner Theresa Thompson stated the following as part of her presentation.

"The representative for CP6 Investments, LLC, Scott Brown, is here to request to increase the maximum built upon area to 57.4% on a 2.25 acre tract of land located on Juniper Lake Rd. near the intersection with NC Hwy 211. The request to build a new gym and office building, driveway, and parking lot. The property is located in the Balance of Watershed III Nick's Creek Overlay District. This type of watershed district allows up to 24% built upon area except through approval of a SNIA which you can approve up to 70% built upon area. The applicant is requesting 57.4%. Prior SNIA approvals include an adjacent parcel that received SNIA approval this past October for a proposed Dollar General. This project is 1.92 acres. Approvals beyond that include 2.26 acres for Shining Stars Day, 14.54 acres for Pinehurst First Baptist, and 4.15 acres for the Senior Center located on 15-501. So far, a total 11 SNIAs have been approved in the Nick's Creek Watershed for a total of 38.18 acres leaving a balance of 365.18 acres for future allocations. State law requires 10% to be set aside of the total 403.36 acres for public projects such as schools and utility stations which equals to 40.34 acres so that amount does not decrease. After the 40.34 acres allocation is subtracted from the total, there is a remaining 324.85 acres of land. If this SNIA is approved which is based on the project size of 2.25 acres of land there will be a remaining 322.60 acres of land. The applicant has spoken with Public Utilities and will tap on to county water. The applicant is working with Environmental Health in receiving septic approval. The applicant has received NCDOT Driveway permit approval. The site plan meets all required standards of the Moore County UDO. The property is zoned B-2 Highway Commercial which allows for retail uses by right. The applicant submitted the stormwater control plans illustrating a retention pond being located under the parking lot located behind the main structure. Mr. Brown also included in the packet a letter stating the storm water plan is designed in

accordance with the NCDENR Stormwater best management practice manual. The applicant meets all UDO requirements for SNIA approval and therefore staff recommends approval of the SNIA request."

Board Member Horne asked for clarification that the retention pond is under the parking lot. Ms. Thompson stated yes and that this is the same design as the Dollar General.

Scott Brown of 409 Chicago Drive, Fayetteville represented the client to answer questions from the Board.

Board Member McLeod asked how the retention pond handles sediment build up. Mr. Brown stated that there are drainage inlets in the parking lot that act like a filter and whenever they fill up they are replaced.

Board Member McLeod asked if sediment is built up in the filters does it run into the retention field. Mr. Brown stated that the water will still get through it; it will just get through it slower. Checking the filters is also part of the maintenance agreement to routinely be replaced.

Board Member McLeod asked if they are not changed does the retention pond or field lose effectiveness and have run off. Mr. Brown stated yes this is correct, they would have to be maintained and switched out as time goes by. Board Member McLeod asked whose responsibility is it to maintain the filters. Mr. Brown stated it would be the landowner's responsibility, and Board Member McLeod asked who checks to make sure the landowner is changing the filter.

Ms. Thompson stated that the county does not have a Stormwater Control program so we do not have anyone on staff that is qualified to check. Mr. Brown explained that the state requires an annual inspection.

Board Member McLeod asked if the lot that is currently under review and the two lots to the south are graded towards 211. Mr. Brown stated that they are naturally draining towards 211.

Board Member McLeod asked for clarification because diagram C 2.0 shows the lot directly to the south appears to be a single lot but on another aerial photo it is three separate lots. Mr. Brown confirmed that these three lots have been recombined and this is the Dollar General Lot. Board Member McLeod asked how much impervious surface this lot contains. Mr. Brown stated it is around the upper 40's. Board Member McLeod asked if the lot is no longer wooded like the photographs and Mr. Brown confirmed the lot is being cleared right now. *(Board Member McLeod and Mr. Brown were discussing a previous SNIA request)*

Board Member McLeod stated that since there is not a policy in place by the County, if you have two owners who are not looking at their filters, you will have two lots that are graded to 211 that could potentially dump a tremendous amount of water down 211. Mr.

Brown stated this is correct and I don't think the applicant would have any problems with requiring annual inspections at this site.

Board Member Garrison asked for clarification if there is already a state requirement in place. Mr. Brown stated it is the State but they do not have any way of enforcing these and that is why it falls back to the local level as far as tracking. Mr. Brown further stated that Moore County is not a tipped county so by default Moore County does not fall under the State Stormwater rules only because it is a water supply watershed did the Stormwater things trigger and it is not a phase 2 Stormwater requirement.

Vice Chairman McNeill asked if there were any further questions.

Board Member McLeod asked what we would need to do to require the landowner to submit an annual report. Ms. Thompson explained that this type of approval is administrative and I am not sure if the UDO has stipulations where you can provide additional conditions.

Board Member Garrison stated that we did not have an additional requirement for Dollar General so maybe going forward but now may not be the appropriate time.

Vice Chairman McNeill stated that there are a lot of projects like this going on and I don't think you have any issues once the job is complete. This is because it will be paved or concrete, there will be curb and gutter, there will be catch basins put in place near these filters. The only time you are going to have a problem is during the construction phase and during this time everything is inspected every month by DENR.

Board Member David Lambert made a motion to approve the Special Non-residential Intensity Allocation (SNIA) on the parcel known as ParID 20050739. The motion was seconded by Board Member Gene Horne and the motion passed unanimously (6-0) *(Chairman Smith did not vote.).*

Board Member Lambert made a motion to adjourn as the Moore County Watershed Review Board and reconvene as the Moore County Planning Board. The motion was seconded by Board Member Garrison and the motion passed unanimously (6-0) *(Chairman Smith did not vote.).*

WORK SESSION

Chairman Smith re-entered the Planning Board Meeting.

Ms. Thompson reviewed three article topics during the work session. These topics included Flood Damage Prevention, Manufactured Home Parks, and Planned Unit Developments.
Ms. Thompson explained that in the Flood Damage Prevention Ordinance staff is recommending two changes. These changes include a reduction in the amount of

elevation certificates required from 3 to 2 and an increase of the freeboard from 2 to 3 feet.

Board Member McLeod asked if there is a standard in regards to the freeboard height. Ms. Thompson explained that the standard is 2. The Board members discussed this change and recommended that it stay at 2 feet. Board Member Smith asked for information regarding the areas that do not have a flood plain elevation when a certificate is required.

Ms. Thompson explained that most of the language in the Manufactured Home Parks article remained the same except for two changes. These recommended changes include making the Manufactured Home Process completely legislative rather than quasi judicial in order to reduce the amount of requirements and decreasing the density from 4 dwelling units per acre to 2 dwelling units per acre.

Ms. Thompson explained that the main change within the Planned Unit Developments was a reduction in the amount of language used but the content is the same and Ms. Thompson showed an example of a Planned Unit Development approved in the past.

Board Member Scott McLeod commended Ms. Thompson on decreasing the amount of pages of each article.

Ms. Thompson explained that next month the work session will cover Table of Uses and Specific Use Standards.

OTHER BOARD MATTERS

No other board matters were discussed.

PLANNING DEPARTMENT REPORTS

Planning Director, Debra Ensminger gave the Board an update on Pineforest and explained that next month a Conditional Use District will be on the agenda next month.

BOARD COMMENT PERIOD

Chairman Smith asked that everyone keep Ms. Ensminger in your prayers due the passing of her father earlier in the week.

ADJOURNMENT

Board Member Garrison made a motion to adjourn. The motion was seconded by Board Member Horne. The motion passed unanimously (7-0)

Respectfully submitted by,

Lydia Cleveland

Agenda Item:_____
Meeting Date: March 3, 2016

MEMORANDUM TO THE PLANNING BOARD

FROM: **Debra Ensminger**
Planning & Transportation Director

DATE: **February 5, 2016**

SUBJECT: **Conditional Use District Rezoning Request: Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use "Solar Collector Facility"**

PRESENTER: **Theresa Thompson**

REQUEST

Sedberry Farm, LLC is requesting a Conditional Use District rezoning of ParID 00034424, 00034425, 20060568, and 20060569 owned by Mary Elizabeth H. Sedberry as identified in Moore County tax records; overall is approximately 32 acres, from Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use "Solar Collector Facility." The parcel is located on Airport Road. This case was properly advertised, a public hearing sign was posted on the property, and all adjacent property owners were notified.

ZONING AND LAND USE

- The existing zoning district is Residential and Agricultural-40 (RA-40).
- The proposed rezoning district is Rural Agricultural – Conditional Use District (RA-CUD).
- The proposed use is a solar collector facility. The existing land use is a vacant home that will remain on the site though will not be inhabited, per the site plan.
- The surrounding land uses include single family residential and agricultural.
- The adjacent zoning districts include Residential and Agricultural-40 (RA-40).
- HCOD – The property is located approximately 2,800 feet north of the Urban Transition Highway Corridor Overlay District.
- The property is located near the ETJ of Vass (approximately 2,800 feet), ETJ of Whispering Pines (approximately 4,600 feet), and the ETJ of Southern Pines (approximately 4,600 feet).

WATER AND SEWER

- The property is currently served by County Water.
- The property is not currently served by County sewer.

OVERLAY DISTRICTS

- Fort Bragg Zoning Overlay –The Regional Land Use Advisory Commission commented that the parcel has "high suitability" for a working farmland (see attached letter).
- Watershed – The property is located in WS-III-BW Little River (Intake #2) Watershed.

ZONING DISTRICT COMPATIBILITY

The requested zoning to RA-CUD will place generally compatible uses within the area and the RA-40 neighboring zoning district. The Residential and Agricultural-40 (RA-40) zoning district was established as a district in which the principal use of the land is single family dwellings, duplexes, and agricultural uses. The specific intent of the RA-40 zoning district is to encourage the construction of and the continued use of land for single-family dwellings by prohibiting commercial and industrial use of land and other uses which would substantially interfere with the development of single-family dwelling in this district. The following is a summary list of general uses. For specific permitted uses refer to the Permitted Use Table, which is attached.

GENERAL USE CATEGORIES	EXISTING RA-40	REQUESTED RA-CUD
Agricultural	**X**	**X**
Recreational	**X**	**X**
Single Family	**X**	**X**
Multi-Family		
Retail		
Commercial Services		
Institutional	**X**	**X**
Industrial		

CONSISTENCY WITH THE ADOPTED 2013 LAND USE PLAN

The requested zoning to RA-CUD is generally compatible with the Rural Agricultural Land Use Classification. The Land Use Plan states the primary use of the Rural Agricultural Land Use Classification is to support rural residential life associated with agricultural uses and other rural activities. It further states that major subdivisions of land are strongly discouraged; however family subdivisions and subdivision of four or less lots would be considered. The Land Use Map is attached for your review. The Planning Board Consistency Statement which speaks to Land Use Plan goals is included in the Planning Board Rezoning Worksheet for the Board's review and consideration.

REQUIRED FINDINGS OF FACT

In recommending the Conditional Use Permit attached to the Conditional Use District rezoning, the following findings must be met:

1. That the use will not materially danger the public health or safety, if located according to the plan submitted and recommended;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Moore County Land Use Plan. In this instance, the proposed use is reflected in the goals of the Moore County Land Use Plan adopted in November 2013. Specifically, Goal 3: Optimize the Uses of Land Within the County of Moore; under Goal 3, Action 3.4.4 states, "Plan for the development of alternative energy systems that minimize the adverse impacts to prime agricultural lands and public water supply watersheds."

ADDITIONAL CONDITIONS

The applicant recommends the following additional conditions for approval:

1. Modified Type 2 Buffer along the front property line as illustrated on the site plan.

Staff recommends the applicant agree to the following conditions for approval:

1. Should the Zoning Administrator, Building Inspector, Environmental Health, the Fire Marshal, or NCDOT identify minor changes staff shall be authorized to accept such minor modifications to site plan, as necessary.
2. To recombine the parcels prior to submitting for zoning and building permits.

RECOMMENDATION

This request requires three separate motions. Staff recommends the Planning Board make the following motions:

Motion #1: Make a motion to adopt the attached Moore County Planning Board Rezoning Worksheet (Approval or Denial) and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341.

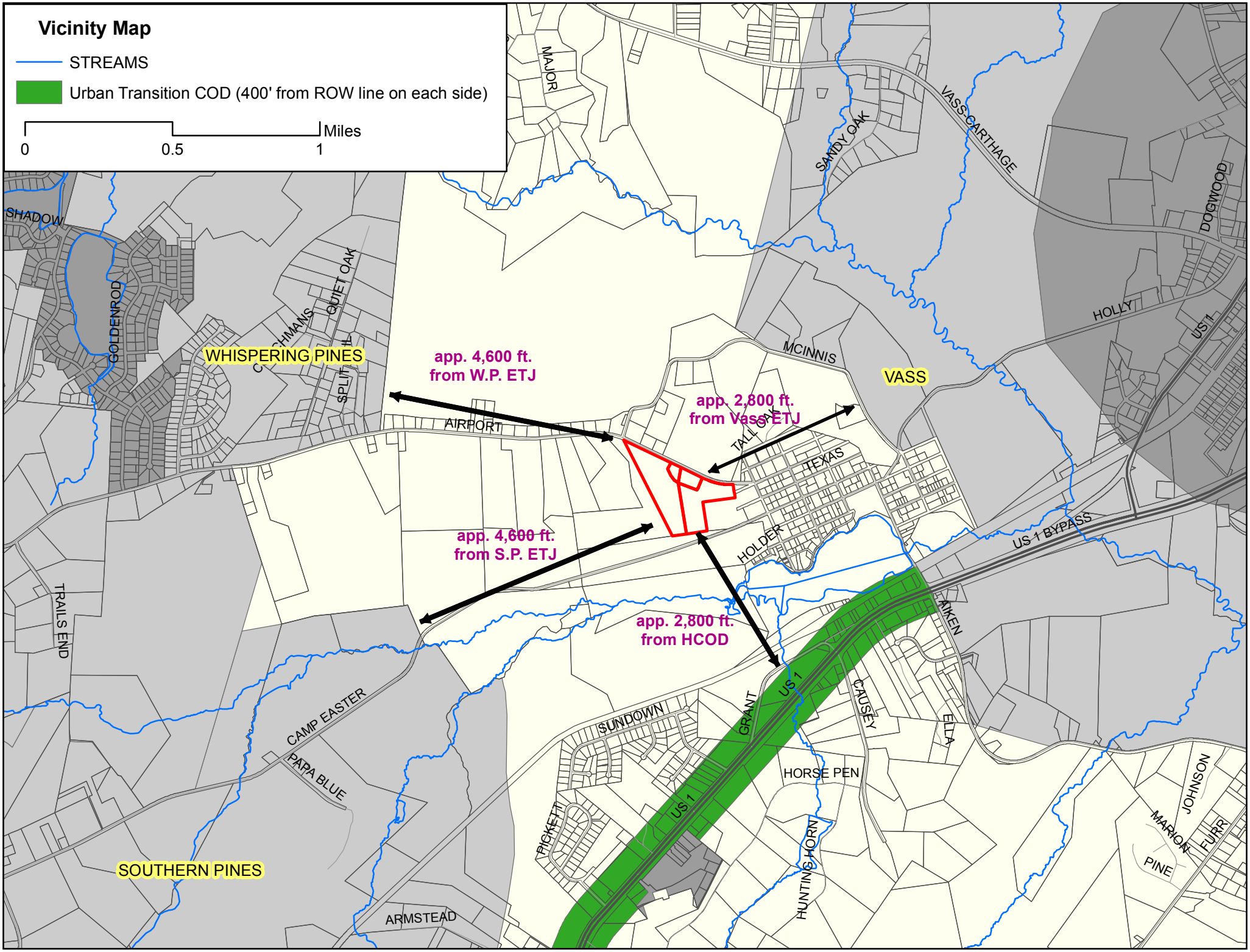
Motion #2: Make a motion to endorse the Moore County Board of Commissioners to approve/deny the conditional use district rezoning on the parcels known as ParID 00034424, 00034425, 20060568, and 20060569 from Residential and Agricultural-40 (RA-40) to the Rural Agricultural District- Conditional Use District (RA-CUD).

Motion #3: Make a motion to endorse the Moore County Board of Commissioners to approve/deny the Conditional Use Permit for the use of "Solar Collector Facility" on the parcels known as ParID 00034424, 00034425, 20060568, and 20060569, and authorize the Chairman to execute the Board Order with recommended conditions.

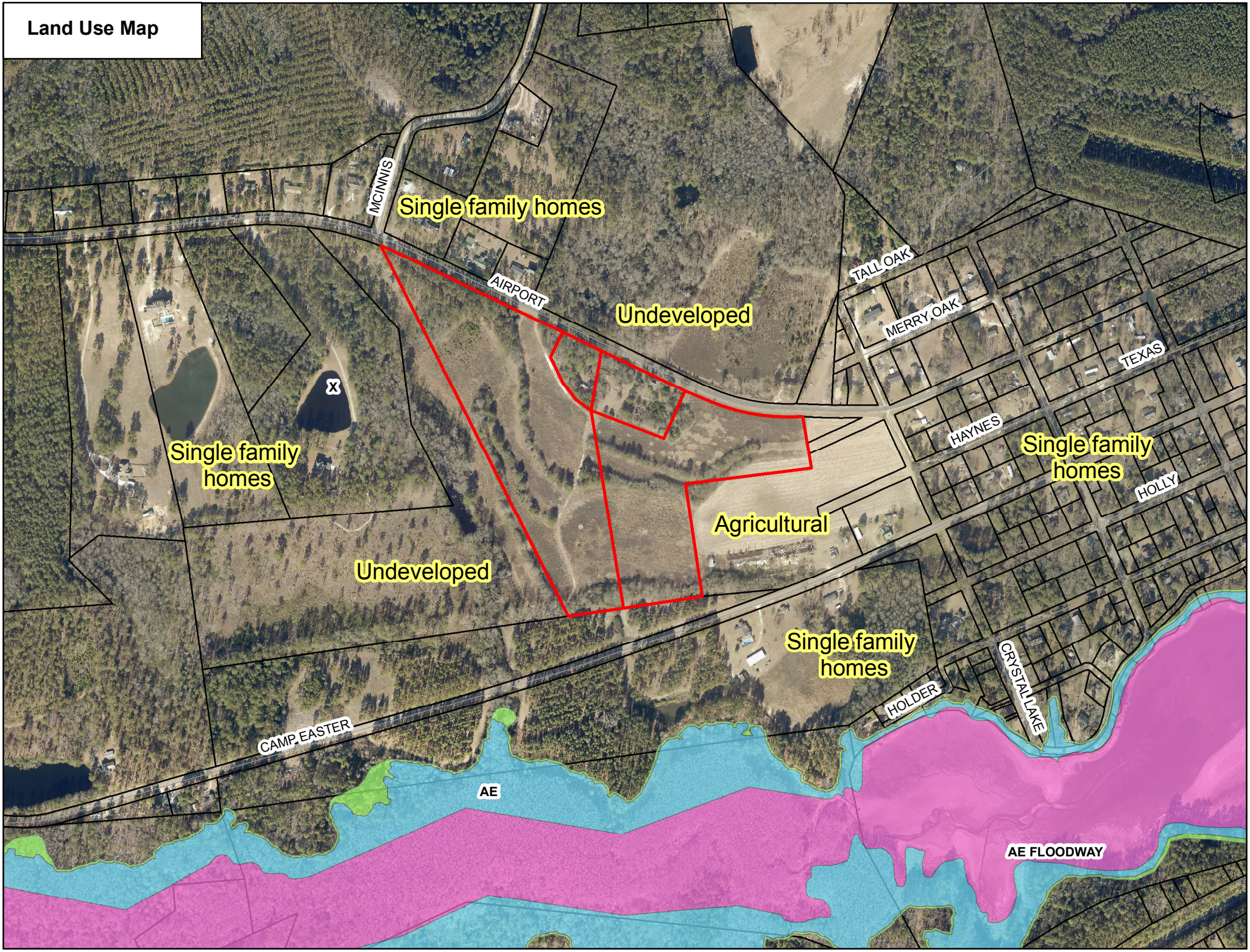
ATTACHMENTS

- Pictures of Property
- Vicinity Map
- Current Land Use Map
- Moore County Future Land Use Map
- Conditional Use District Rezoning Application
- Conditional Use Permit Application
- Rezoning Map
- Submitted Site Plan
- UDO Article 7. Table of Uses
- RLUAC Review Letter
- Planning Board Rezoning Worksheet – Approval
- Planning Board Rezoning Worksheet – Denial

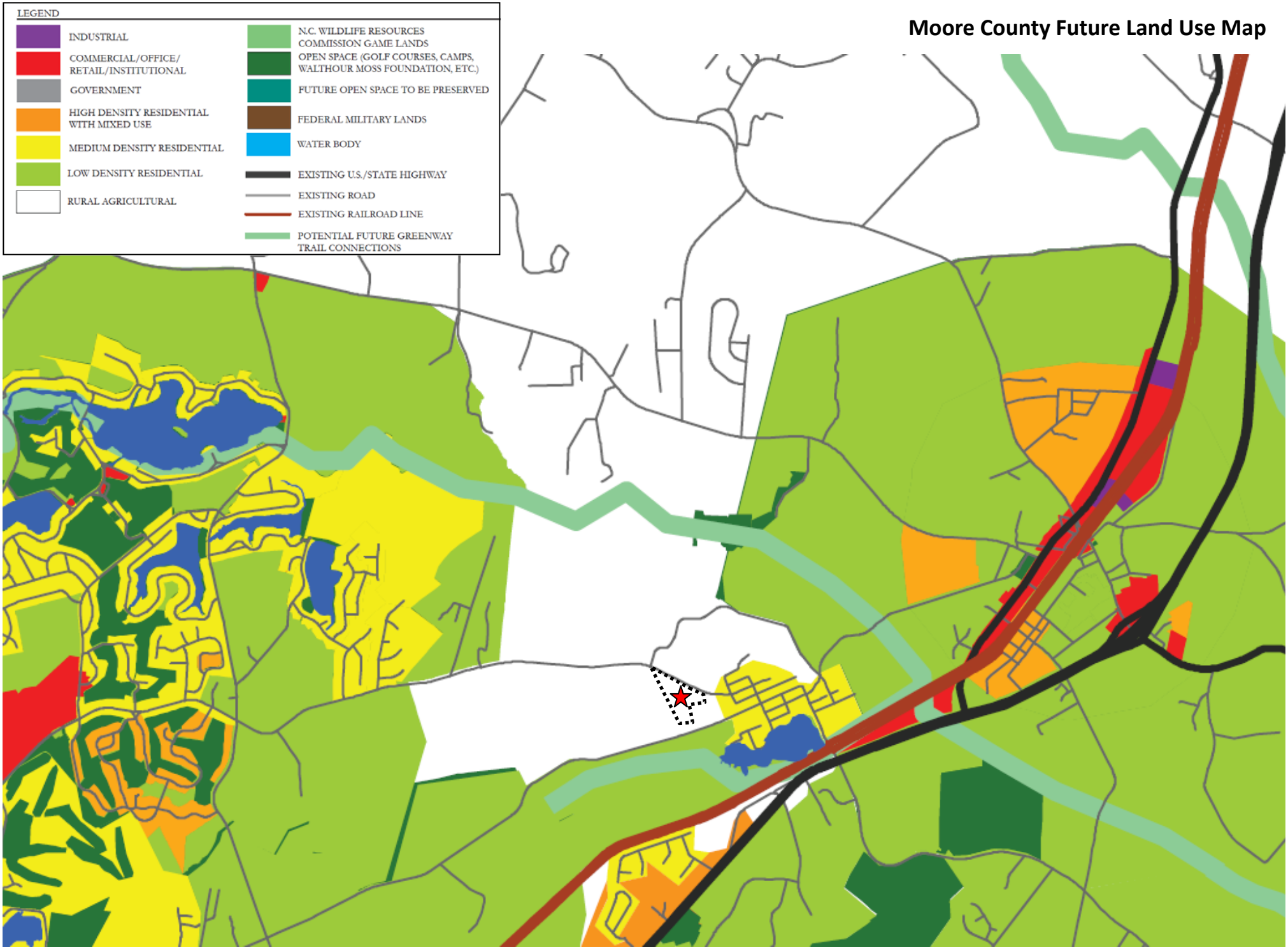
Pictures of Property


Vicinity Map
STREAMS
Urban Transition COD (400' from ROW line on each side)
0
0.5
1
Miles
MAJOR
SANDY OAK
VASS-CARTHAGE
DOGWOOD
SHADOW
GOLDENROD
QUIET OAK
CROCHMANS
SPLIT
WHISPERING PINES
app. 4,600 ft.
from W.P. ETJ
AIRPORT
MCINNIS
VASS
app. 2,800 ft.
from Vass ETJ
TALL OAK
TEXAS
HOLLY
US 1
app. 4,600 ft.
from S.P. ETJ
HOLDER
US 1 BYPASS
TRAILS END
app. 2,800 ft.
from HCOD
AIKEN
CAMP EASTER
PAPA BLUE
SUNDOWN
GRANT
US 1
CAUSEY
ELLA
HORSE PEN
PICKETT
US 1
HUNTING HORN
JOHNSON
MARION
FURR
PINE
SOUTHERN PINES
ARMSTEAD

Land Use Map


MCINNIS
Single family homes
AIRPORT
Undeveloped
TALL OAK
MERRY OAK
TEXAS
HAYNES
Single family homes
HOLLY
Single family homes
Agricultural
Undeveloped
Single family homes
HOLDER
CRYSTAL LAKE
CAMP EASTER
AE
AE FLOODWAY

Moore County Future Land Use Map



PLANNING & COMMUNITY DEVELOPMENT

P.O. Box 905
1048 Carriage Oaks Drive
Carthage, NC 28327
Planning: 910.947.5010
Central Permitting: 910.947.2221
Fax: 910.947.1303
www.moorecountync.gov

Conditional Use District Rezoning Application

Application Date: February 2, 2016			
Location/Address of Property: 200-400 Blocks of Airport Road			
Applicant: Sedberry Farm, LLC		Phone: 919-755-8713	
Applicant Address: c/o Marc Tucker, P O Box 27525	City: Raleigh	St: NC	Zip: 27529
Owner: Mary Elizabeth H. Sedberry		Phone:	
Owner Address: 123 Gordon Lane	City: Burnsville	St: NC	Zip: 28714
Current Zoning District: RA-40	Zoning District: RA		
	Proposed Use: Solar Collector Facility		

Comments:
Please see attached.

Application Submittal

The applicant must submit a complete application packet on or before the submittal deadline. This includes:

- ☐ Completed Moore County Conditional Use District Rezoning Application. (Fee $300)
- ☐ Moore County Conditional Use Permit Application. (Fee = $175)
- ☐ Postage sufficient to notify all adjacent landowners **FOR TWO MAILINGS.** (One for Planning Board meeting, and one for Board of Commissioners meeting.) The rate for postage FOR EACH CERTIFIED MAIL LETTER is $6.49. This includes $3.30 (certified mail) plus $2.70 (return receipt) plus $0.49 (first class stamp).
- ☐ A detailed site plan. (See page two of this packet for list of items to include.)

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests or information as designated by the County of Moore Zoning Administrator.

Kenneth B. Sedberry 2/01/16
Applicant/Owner Signature Date

Applicant/Owner Signature Date

Office Use Only:

PAR ID: 34424, 34425, 20060568, 20060569

Kim Clapom 2/2/16
Received By Date

PLANNING & COMMUNITY DEVELOPMENT

"One Team – One Mission"

P.O. Box 905
1048 Carriage Oaks Drive
Carthage, NC 28327
Planning: 910.947.5010
Central Permitting: 910.947.2221
Fax: 910.947.1303
www.moorecountync.gov

Conditional Use Permit Application

Application Date: February 2, 2016			
Location/Address of Property: 200-400 Blocks of Airport Road			
Applicant: Sedberry Farm, LLC		Phone: 919-755-8713	
Applicant Address: c/o Marc Tucker, P O Box 27525	City: Raleigh	St: NC	Zip: 27611
Owner: Mary Elizabeth H. Sedberry		Phone:	
Owner Address: 123 Gordon Lane	City: Burnsville	St: NC	Zip: 28714
Current Zoning District: RA-40	Proposed Use: Solar Collector Facility		

Comments:
Please see attached.

Application Submittal

The applicant must submit a complete application packet on or before the submittal deadline. This includes:

- ☐ Completed Moore County Conditional Use Permit Application.
- ☐ Application Fee ($175).
- ☐ Postage sufficient to notify all adjacent landowners **FOR TWO MAILINGS.** (One for Planning Board meeting, and one for Board of Commissioners meeting.) The rate for postage FOR EACH CERTIFIED MAIL LETTER is $6.49. This includes $3.30 (certified mail) plus $2.70 (return receipt) plus $0.49 (first class stamp).
- ☐ A detailed site plan. (See page two of this packet for list of items to include.)

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.

Kenneth B. Sedberry 2/01/16
Applicant/Owner Signature Date

Applicant/Owner Signature Date

Office Use Only:

PAR ID: 00034424, 34425, 20060568, 20060569

Received By 2/2/16
Date

STATE OF NORTH CAROLINA

BEFORE THE
MOORE COUNTY BOARD OF
COMMISSIONERS

IN RE: Sedberry Farm, LLC - Solar Collector Facility
Moore County Parcel ID Nos.: 00034424, 00034425, 20060568, 20060569

Address: 200-400 Block of Airport Road, Moore County, North Carolina

STATEMENT OF JUSTIFICATION IN SUPPORT OF A CONDITIONAL USE DISTRICT REZONING AND CONDITIONAL USE PERMIT

NOW COMES THE PETITIONER, by and through counsel of record, respectfully requests approval of their Conditional Use District Rezoning Application and Conditional Use Permit Application to operate a Solar Collector Facility. In support of this request, Petitioner provides the following information:

I. Introduction

Sedberry Farm, LLC proposes to construct a solar collector facility (commonly known as a "solar farm") on 32± acres of a parcel owned by Mary Elizabeth H. Sedberry on Airport Road in Moore County. Airport Road will provide access to the site. The property is currently zoned RA-40. Concurrently with filing its Conditional Use Permit Application, the Petitioner has also filed a Conditional Use District Rezoning Application seeking to rezone the subject property from its current Residential Agricultrual-40 (RA-40) zoning district to a Residential Agricultural (RA) zoning district. The proposed solar farm is classified as a "Solar Collector Facility" under Section 9.3.27 of the Moore County, North Carolina Unified Development Ordinance (UDO). A Solar Collector Facility is permitted in the RA district with a conditional use permit.

The solar farm will contain rows of Photovoltaic (PV) cell panels mounted on posts set in the ground individually. These rows of panels are referred to as "solar arrays." The solar arrays will be fixed in place facing south in order to receive the maximum amount of solar energy. This configuration contains no moving parts. The power generated from the solar farm will be sold to Duke Energy for use by consumers to replace energy produced from a non-renewable source.

The request follows along with the Moore County Unified Development Ordinance (UDO) Sections 3.10 regarding Conditional Use District Rezonings, and as such both the zoning map amendment and conditional use permit will be considered simultaneously. The application meets the requirements in UDO Section 3.10 for Conditional Use Rezonings, UDO Section 3.9 for Conditional Use Permits, and the

specific requirements for Solar Collector Facilities located at Section 9.3.27 of the UDO. (A detailed site plan has been submitted with the respective applications.)

II. Statement in Support of Applications

A. <u>The proposed use will not materially endanger the public health or safety if located where proposed and developed according to plan.</u>

The proposed solar farm will not endanger the public health or safety. The site will generate almost no traffic. The solar facility will not be staffed daily. Employees are expected to visit the property weekly or less frequently to check and maintain the equipment, mow the grass and make repairs. The area immediately surrounding the solar arrays will be enclosed by a six foot (6′) high fence for security purposes. The site is also monitored remotely.

The proposed solar farm will protect against soil erosion and sedimentation. Care is taken to minimize grading on the site by individually setting poles to support the solar cells. The areas beneath the solar panels will be planted with vegetation to stabilize the site. During construction, erosion control measures will be maintained in accordance with County regulations. The site will comply with State of North Carolina and Moore County stormwater regulations.

The proposed solar farm will protect the public, community and/or private water supplies and avoid adverse impacts on surface water or ground water. As there will be no employees on site, there is no need for installation of additional utilities or infrastructure. State environmental buffers will be maintained and respected.

B. <u>The proposed use meets all required conditions and specifications.</u>

The proposed solar farm will comply with all of the requirements in the RA zoning district and the UDO applicable to Solar Collector Facilities:

- The proposed solar farm meets all required setbacks, including inverter setbacks and screening requirements, pursuant to Section 8.2 of the UDO.
- The photovoltaic panels will be located and/or situated so as to not create glare or other distraction or nuisance to traffic or adjacent properties.
- The solar components located on-site will have a UL listing, or a listing from an alternative testing agency accepted by the local jurisdiction having authority over the project, and must be designed with anti-reflective coating(s).
- All construction will comply with the National Electric Code and North Carolina Building Code.

- No structure will exceed a height of twenty-five feet (25′) when measured pursuant to the UDO requirements.
- All power transmission lines from a ground-mounted solar energy system will be located underground, excluding existing utilities.
- Access to the site will be controlled by a fence at least six feet (6′) in height with 24/7 emergency access. The solar farm will be enclosed by a six foot (6′) fence with 3-strand barbed wire or razor wire.
- A decommissioning plan for the proposed solar farm will be provided.
- The electrical disconnect switch will be clearly identified and unobstructed at all times. The Petitioner will file a map with the Moore County Public Safety Department depicting where the electrical disconnect is located, and will supply all emergency contact information to emergency personnel to have on file.

C. The proposed use will not substantially injure the value of adjoining property or abutting property unless the use is a public necessity.

The proposed use will not injure the value of adjoining properties. Solar farms are a quiet and benign use. The solar arrays have no moving parts. The only sound occurs during daylight hours with the quiet hum of electrical transformers, invertors, and the substation delivering solar power to the power grid. At night, when the sun is not available, there is no energy being created and no noise on the site. Solar farms generate fewer vehicles trips than the average home. Employees visit the site once a week or even less frequently. Solar panels are designed to absorb light, rather than reflect it, which mitigates any off-site glare concerns.

Solar energy is a public necessity. Demand for electricity has increased in recent years, and our society is currently dependent upon conventional sources of power such as coal, gas, and nuclear energy. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. Solar energy is a clean, cheap, unlimited resource with little environmental impact.

D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the approved Moore County Land Use Plan.

The proposed solar farm is consistent with the rural residential and agricultural land use pattern that exists in the area today. Solar farms make good neighbors: they are quiet and they do not create the noise, dust, or odor as a traditional "farm" can. Solar panels are shorter in height than a typical home. When mounted on racks, the solar panels will be less than 10′ in height. Buffers and appropriate screening will provide a transition

between the solar farm and immediately adjacent properties as shown on the proposed site plan.

The proposed solar farm is consistent with the Moore County 2013 Land Use Plan (LUP) and is in the public interest. The subject property is designated for Rural Agricultural uses on the Future Land Use Map in the LUP. The Residential Agricultural designation encourages land uses designed to support rural residential life and discourages subdivisions. The LUP identifies local energy production, such as solar farms, as an economic development opportunity that is compatible with residential uses saying "[f]rom a land use perspective, [solar collector facilities] can be accommodated adjacent to residential properties as they emit little noise and/or glare." (Moore County 2013 Land Use Plan, p. 62).

The proposed solar farm is in the best interest of the community and provides a public benefit. As noted above, demand for electricity has increased in recent years, and our society is currently dependent upon conventional sources of power such as coal, gas, and nuclear energy. The LUP recognizes the concept of domestically and/or locally produced and consumed energy, including solar, as an opportunity for the community. (Moore County 2013 Land Use Plan, p. 61). Solar energy is a clean, cheap, unlimited resource with little environmental impact. Conventional sources of electricity are expensive, finite resources that require significant environmental disruption and public safety risk to maintain or extract. The proposed solar farm helps Moore County achieve its stated future energy and land use goals.

Allowing the property to develop as a solar farm maintains the rural character of the area while providing a sustainable benefit to the community. In addition, the proposed solar farm will consume practically no county services: no seats in county schools or on school buses, virtually no refuse or recycling needs, no special sheriff protection, no light pollution, no emissions of any kind, no demand for water from depleted aquifers, and no sewage disposal.

For the reasons set forth above, the respective applications meet all requirements set forth in the Moore County UDO and, therefore, the Petitioner respectfully requests that the Moore County Board of Commissioners draws conclusions from the facts presented above and as presented at the hearing on this Conditional Use District Rezoning Application and Conditional Use Permit Application in favor of these applications for a Conditional Use

District Rezoning and a Conditional Use Permit for a Solar Collector Facility.

This, the 2nd day of February 2016.

Respectfully submitted,

/s/ Marc C. Tucker

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North Carolina State Bar No. 25722
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PO Box 27525
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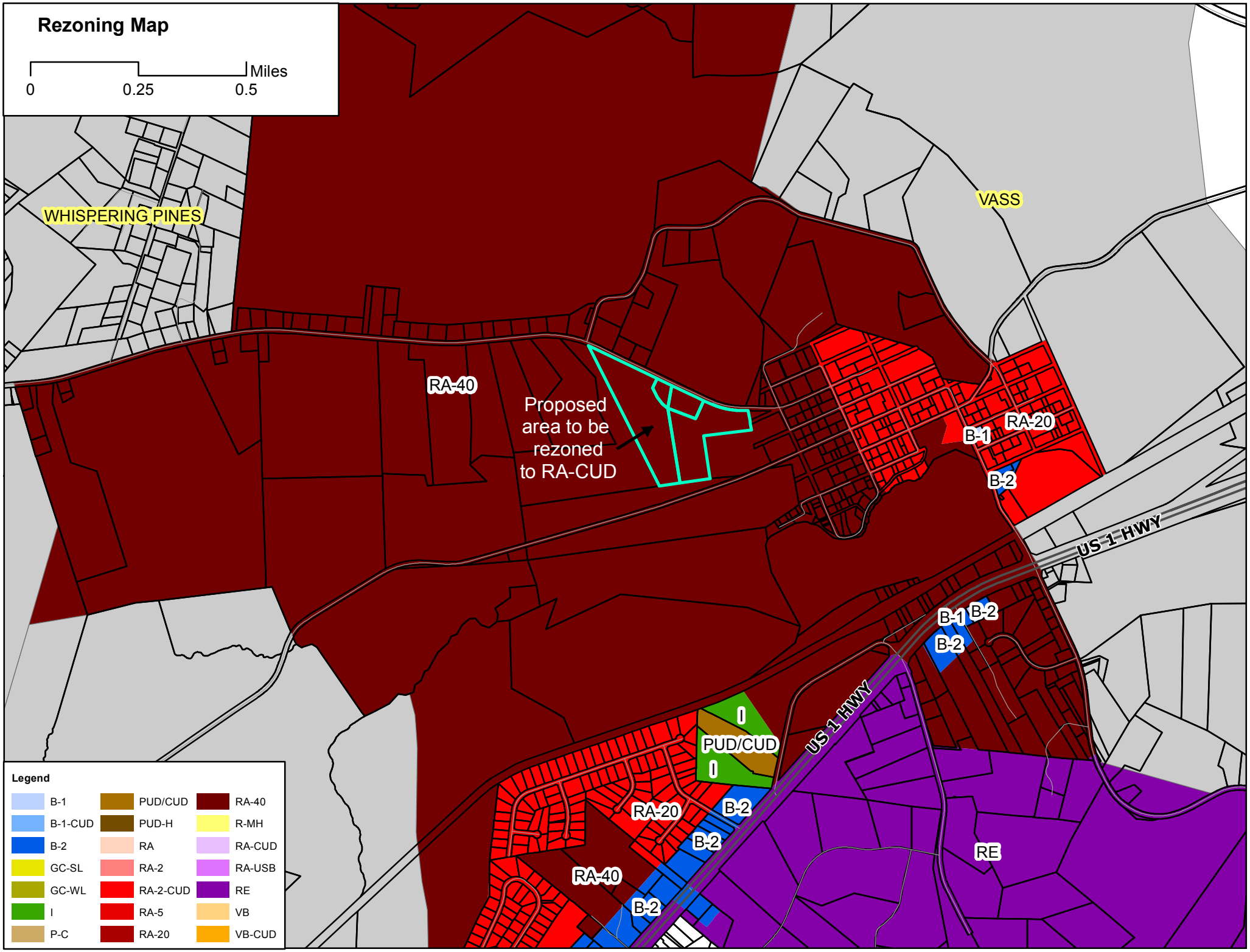
Attorney for Sedberry Farm, LLC


Rezoning Map
0
0.25
0.5
Miles
WHISPERING PINES
VASS
RA-40
Proposed area to be rezoned to RA-CUD
RA-20
B-1
B-2
US 1 HWY
B-1
B-2
B-2
I
PUD/CUD
I
US 1 HWY
RA-20
B-2
B-2
RA-40
B-2
RE
Legend
B-1
B-1-CUD
B-2
GC-SL
GC-WL
I
P-C
PUD/CUD
PUD-H
RA
RA-2
RA-2-CUD
RA-5
RA-20
RA-40
R-MH
RA-CUD
RA-USB
RE
VB
VB-CUD

NOTES

1. EXISTING PROPERTY INFORMATION

CURRENT OR PREVIOUS PIN	OWNER	RECOMBINATION DB/PG	PARCEL ACREAGE (APPROXIMATE)	LEASED ACREAGE (APPROXIMATE)
950400430850	MARY ELIZABETH SEDBERRY	4579/279	16.75	16.75
950400429878	MARY ELIZABETH SEDBERRY	4579/279	11.46	11.46
950400433991	MARY ELIZABETH SEDBERRY	4579/279	1.15	1.15
950400436788	MARY ELIZABETH SEDBERRY	4579/279	2.33	2.33
		TOTAL ACREAGE	31.69	31.69

SITE ADDRESS: 399 AIRPORT ROAD, CARTHAGE, MOORE COUNTY, NC
RIVER BASIN: CAPE FEAR
WATERSHED: WS-III, B; HQW
MINIMUM SETBACK REQUIREMENTS:

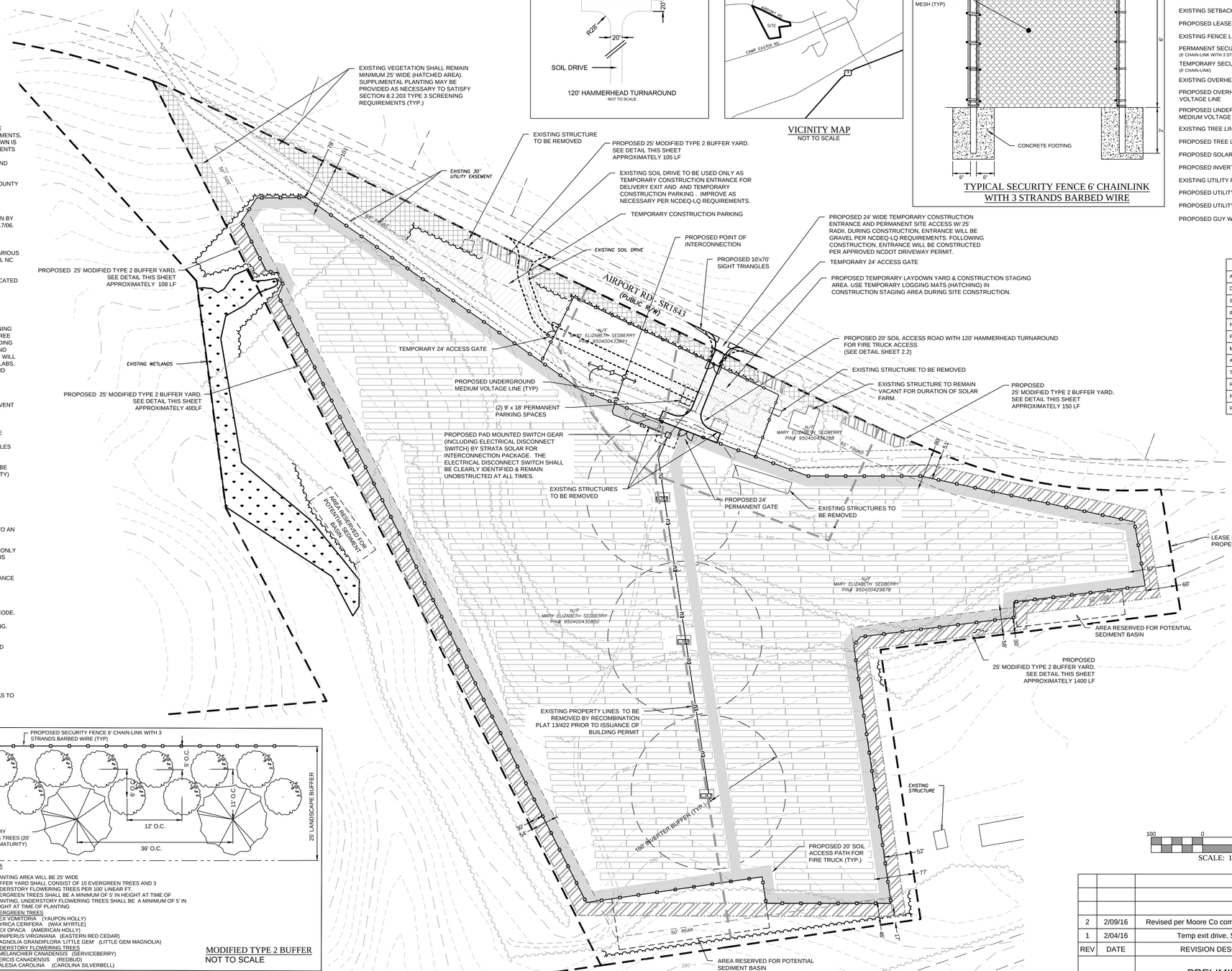
ZONING	RA-40,	SOLAR COLLECTOR FACILITY
FRONT	40'	65'
SIDE	15'	50'
REAR	30'	50'

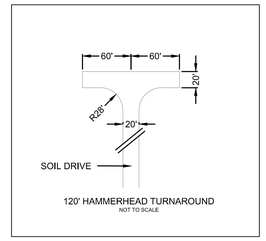
2. THE PURPOSE OF THIS PLAN IS FOR A CONDITIONAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY MOORE COUNTY PLANNING BOARD TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCDEQ, USACOE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.
3. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER NCDOT LIDAR TOPOGRAPHY, MOORE COUNTY GIS AND AERIAL IMAGERY.
4. WATERS OF THE US SHOWN PER PRELIMINARY REPORT BY PILOT ENVIRONMENTAL INC. AND NOT FIELD LOCATED.
5. THE PROPERTY SHOWN HEREON DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP PANEL NO. 3710950400J EFFECTIVE DATE 10/17/06.
6. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.
7. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL NC ONE CALL CENTER BEFORE DIGGING AT 811.
8. COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.
9. A SEDIMENT AND EROSION CONTROL PLAN WILL BE APPROVED BY NCDEQ-LQS PRIOR TO BEGINNING CONSTRUCTION.
10. A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION.
11. PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS (I.E. NO MASS GRADING). A PORTION OF PROJECT AREAS MAY CONSIST OF TREE CLEARING ONLY (NO GRUBBING) TO ALLEVIATE SHADING OF THE ARRAY, AS INDICATED ON THE SITE PLAN. MINOR GRADING (APPROX. 545 SF) WILL OCCUR AROUND INVERTER AREAS TO DIVERT SURFACE DRAINAGE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH LOGGING MATS, WHICH WILL BE REMOVED FOLLOWING CONSTRUCTION. THE ONLY PERMANENT IMPERVIOUS SURFACES WILL BE TWO CONCRETE SLABS, TOTALING LESS THAN 100 SF AT EACH INVERTER & ONE 10'x10' CONCRETE PAD (TOTAL OF 100 SF) FOR SWITCHGEAR AND METERING EQUIPMENT.
12. PROPOSED TEMPORARY LAYDOWN YARD/CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA (HATCHED) WILL BE COVERED WITH LOGGING MATS TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE LOGGING MATS ARE REMOVED AND THE ENTIRE AREA IS RESTORED TO PRE-CONSTRUCTION CONDITIONS.
13. ACCESS AISLES ARE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. LOGGING MATS MAY BE PLACED IN HIGH TRAFFIC OR POORLY DRAINING AREAS DURING CONSTRUCTION ACTIVITIES TO IMPROVE ACCESS. NO PERMANENT IMPROVEMENTS OR IMPERVIOUS SURFACES (I.E. GRAVEL OR ASPHALT) WILL BE INSTALLED IN ACCESS AISLES FOR CONSTRUCTION OR MAINTENANCE ACTIVITIES.
14. PROPOSED 24' ACCESS GATE (TWO 12' SECTIONS) IS 6' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYED OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY MOORE COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.
15. NO LIGHTING IS PROPOSED FOR THIS SITE.
16. ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.
17. NOISE LEVELS MEASURED AT THE PROPERTY LINE WILL NOT EXCEED FIFTY (50) DECIBELS WHEN LOCATED ADJACENT TO AN EXISTING RESIDENCE OR RESIDENTIAL DISTRICT.
18. TWO PARKING SPACES (MIN. 9x18') HAVE BEEN PROVIDED FOR MAINTENANCE/SERVICE ACTIVITY. THESE SPACES WILL ONLY BE UTILIZED FOR SERVICE PARKING. THERE WILL NOT BE ANY PERMANENT ON-SITE EMPLOYEES ASSOCIATED WITH THIS PROJECT.
19. THE PHOTOVOLTAIC (PV) PANELS ARE LOCATED AND SITUATED SO GLARE DOES NOT CREATE A DISTRACTION OR NUISANCE TO TRAFFIC OR ADJACENT RESIDENTIAL PROPERTIES.
20. SOLAR COMPONENTS WILL HAVE A UL LISTING AND DESIGNED WITH ANTI-REFLECTIVE COATING.
21. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE NATIONAL ELECTRIC CODE AND NORTH CAROLINA BUILDING CODE.
17. NO STRUCTURE SHALL EXCEED A HEIGHT GREATER THAN 25 FEET,EXCEPT FOR EXISTING POLES AND OVERHEAD WIRING. THIS IS MEASURED FROM FINISHED GRADE AT THE BASE OF THE STRUCTURE TO ITS HIGHEST POINT.
18. ALL PROPOSED POWER TRANSMISSION LINES FROM THE GROUND MOUNTED SOLAR ENERGY SYSTEM WILL BE LOCATED UNDERGROUND EXCEPT INTERCONNECTION POLES AND GROUND MOUNTED SWITCHGEAR.
18. ALL INVERTERS WILL BE LOCATED A MIN. OF 150' FROM ANY PROPERTY LINE OR PUBLIC ROW.
19. NO DEED RESTRICTIONS OR COVENANTS APPLY TO THESE PARCELS.
20. THE APPLICANT AGREES TO REMOVE ALL TEMPORARY ITEMS SHOWN ON THE PLAN AND TO REHABILITATE THESE AREAS TO THE CONDITION AS INTENDED FOR THE OPERATION OF THE PROPOSED USE WITHIN 30 DAYS OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCEY OR WITHIN 180 DAYS OF THE ISSUANCE OF A BUILDING PERMIT, WHICHEVER IS LESS.

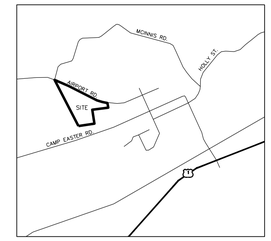
Sedberry Solar Project - Impervious Percentage Calculation

Existing Conditions			Area (sf)	Area (ac)	% of Total
Impervious					
Drives (Conc./Asphalt)			0	0.000	0.000%
Structures			7,828	0.180	0.567%
Pervious					
Wooded Areas			276,133	6.339	20.004%
Agricultural Fields/Lawns			1,096,455	25.171	79.429%
		Total Area =	1,380,416	31.690	100.0%
Existing % Impervious =			0.6%		

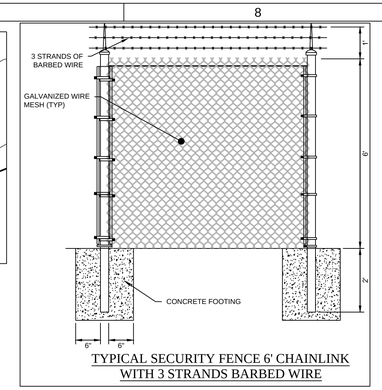
Proposed Conditions			Area (sf)	Area (ac)	% of Total
Impervious					
Existing Drives to Remain			0	0.000	0.000%
Existing Structures to Remain			2,135	0.049	0.155%
Proposed Drives (Conc./Asphalt)			0	0.000	0.000%
Switchgear Pads	# of Pads	Area/Pad (sf)	Inverter Total		
	1	100	100	0.002	0.007%
Inverter Areas (Assumes entire graded area)	# of Inverters	Area/Inverter (sf)	Inverter Total		
	3	2,000	6,000	0.138	0.435%
Rack Posts	Posts/Rack	# of Racks	Area/Post (in^2)	Rack Posts Total	
	5	539	2.3	43	0.001	0.003%
Pervious					
Wooded Areas			67,159	1.542	4.86%
Agricultural Fields/Lawns			1,304,979	29.958	94.535%
		Total Area =	1,380,416	31.690	100.0%
Proposed % Impervious =			0.6%		







VICINITY MAP
NOT TO SCALE

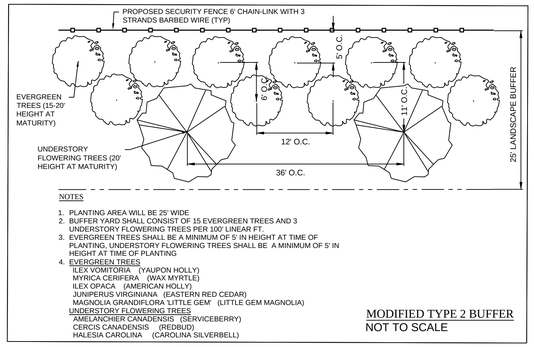


TYPICAL SECURITY FENCE 6' CHAINLINK WITH 3 STRANDS BARBED WIRE

SITE PLAN LEGEND

- EXISTING PROPERTY LINE
- EXISTING PROPERTY LINE (NOT SURVEYED)
- EXISTING RIGHT-OF-WAY
- EXISTING SETBACK
- PROPOSED LEASE LINE
- EXISTING FENCE LINE
- PERMANENT SECURITY FENCE (6' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)
- TEMPORARY SECURITY FENCE (6' CHAIN-LINK)
- EXISTING OVERHEAD POWER LINE
- PROPOSED OVERHEAD MEDIUM VOLTAGE LINE
- PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE
- EXISTING TREE LINE
- PROPOSED TREE LINE
- PROPOSED SOLAR ARRAY
- PROPOSED INVERTER AREA
- EXISTING UTILITY POLE
- PROPOSED UTILITY POLE (BY STRATA)
- PROPOSED UTILITY POLE (BY OTHERS)
- PROPOSED GUY WIRE

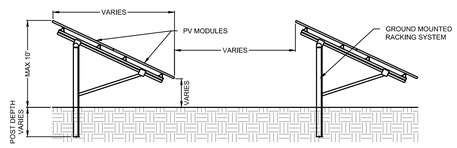
SEDBERRY 1/21/2016	
AC SYSTEM SIZE (MW)	5.00
DC SYSTEM SIZE (MW)	6.50
SYSTEM VOLTAGE	1000V
INVERTER	SMA 1850
RACK CONFIGURATION	2V19
PANEL	310W
MODULE INCLINATION	20°
AZIMUTH	180°
TIME OF PLACEMENT	3:18PM
ROW PITCH	6.506m
RACKS REQUIRED	552
RACKS PROVIDED	548



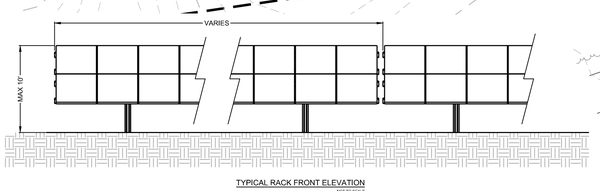
NOTES

1. PLANTING AREA WILL BE 25' WIDE
2. BUFFER YARD SHALL CONSIST OF 15 EVERGREEN TREES AND 3 UNDERSTORY FLOWERING TREES PER 100' LINEAR FT.
3. EVERGREEN TREES SHALL BE A MINIMUM OF 5' IN HEIGHT AT TIME OF PLANTING. UNDERSTORY FLOWERING TREES SHALL BE A MINIMUM OF 5' IN HEIGHT AT TIME OF PLANTING
4. EVERGREEN TREES
   ILEX VOMITORIA (YAUPON HOLLY)
   MYRICA CERIFERA (WAX MYRTLE)
   ILEX OPACA (AMERICAN HOLLY)
   JUNIPERUS VIRGINIANA (EASTERN RED CEDAR)
   MAGNOLIA GRANDIFLORA 'LITTLE GEM' (LITTLE GEM MAGNOLIA)
   UNDERSTORY FLOWERING TREES
   AMELANCHIER CANADENSIS (SERVICEBERRY)
   CERCIS CANADENSIS (REDBUD)
   HALESIA CAROLINA (CAROLINA SILVERBELL)

MODIFIED TYPE 2 BUFFER
NOT TO SCALE



TYPICAL RACK SIDE ELEVATION
NOT TO SCALE



TYPICAL RACK FRONT ELEVATION
NOT TO SCALE

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
2	2/09/16	Revised per Moore Co comments, Wetland Rev.	RBJ		JMH
1	2/04/16	Temp exit drive, Screen note	RBJ		JMH

2/02/2016

PRELIMINARY SITE PLAN

DRAWING DESCRIPTION

SEDBERRY SOLAR PROJECT
399 AIRPORT RD.
CARTHAGE, NC 28327
McNEILL TWP
MOORE COUNTY

PROJECT NAME AND ADDRESS

STRATA SOLAR LLC
50101 Governors Drive
Suite 280
Chapel Hill, NC 27517
919-960-6015
www.stratasolar.com
NC License No.: D-0298

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PROJ NO: C-345-14-SED	DFTR: RBJ
SIZE: 24.0" x 36.0"	CHKD: JMH
SCALE: 1" - 100'	ENGR: BTN
DRAWING NO.	REVISION
C2.1	2

NORTH CAROLINA PROFESSIONAL SEAL 29216 ENGINEER JAMES M. HALLEY

SEAL 2/09/16

ARTICLE 7
TABLE OF USES

SECTION 7.1 PERMITTED LAND USES

7.1.1 Use Table

The use table is subject to the explanation as set forth below.

7.1.101 A "**P**" indicates that a use is permitted in the respective district subject to the specific use standards in **Article 9** (Specific Use Standards) of this Ordinance. Such uses are also subject to all other applicable requirements of this UDO.

7.1.102 A "**C**" indicates a use that may be permitted in the respective general use district only where approved by the Planning Board in accordance with **§3.9.6** (Conditional Use Permits). Conditional uses are subject to all other applicable requirements of this UDO, including the specific use standards contained in **Article 9** (Specific Use Standards).

7.1.103 The "Use Standard" column on the table is a cross-reference to any specific use standard listed in **Article 9** (Specific Use Requirements) of this Ordinance. Where no cross-reference is shown, no additional use standard shall apply.

7.1.104 A blank cell in the use table indicates that a use is not permitted in the respective district.

7.1.2 Table of Uses

7.1.201 The following table lists the principal uses permitted by this UDO for general use districts.

7.1.202 For parallel conditional use districts, see **§6.1.2** (Parallel Conditional Use Districts); for conditional zoning districts, see **§6.1.3** (Conditional Zoning Districts).

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Accessory Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Occupation, Standard	P	P	P	P	P	P	P	P		P						§9.2.1
Intensive Home Business			C	C				C		C						§9.2.2
Residential Solar Collectors	P	P	P	P	P	P	P	P	P	P						§9.2.3
Swimming Pools	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.2.4
Residential Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Accessory Dwelling Unit	P	P	P	P			P	P	P	P						§9.1.1
Accessory Dwelling Unit *(Manufactured Homes)*	P	P	P	P			P	P	P	P						§9.1.2
Additional Dwelling *(one for each 10 acres of land)*								P	P	P						§9.1.3
Apartments & other Multi-Family Structures with three or more units	C	C				P										§9.1.4
Barn Apartments			P	P				P		P						
Dwellings, Duplexes	P	P				P		P								
Dwellings, Single Family	P	P	P	P	P	P	P	P	P	P						
Manufactured Homes	P	P	P	P			P	P	P	P						§9.1.5
Manufactured Home Parks							C		C	C						Article 15
Personal Workshop/Storage Building	P	P	P	P			P	P	P	P						§9.1.6
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Adult Entertainment															C	§9.3.1
Airfields, General Aviation													C		C	§9.3.2
Alcoholic Beverage Package Store												C	C	P		§9.3.3
Ambulance Services						C						P	P	P	P	§9.3.4
Animal Training Facility										C		C	C			§9.3.5
Animal Shelters and Kennels						C				C		C				§9.3.6
Antique Shops												P	P	P		
Appliance Sales and Service												P	P	P		
Arenas, Assembly and Exhibition Halls				C		P						C	P	P	P	§9.3.7
Auction House				C								C	P	P	P	§9.3.8
Automatic Teller Machine												P	P	P	P	
Automobile Parts Sales												P	P	P	P	
Automobile Rental or Leasing												P	P	P	P	

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Automobile Sales and Service												C	P	P	P	§9.3.9
Automobile Service												P	P	P	P	
Bakeries, commercial													P	P	P	
Bakeries, retail												P	P	P		
Banks, including drive-thru						P						P	P	P	P	
Beauty and Barber Shops						P						P	P	P		
Bed and Breakfast Operations	C	C	C	C									P			§9.3.10
Billboards															C	§9.3.11
Boat Sales and Service *(outdoor storage in rear/side yard only)*					P							P				
Building Material and Lawn and Garden Equipment Supplies												P	P	P		
Camp or Care Centers										P						
Campground, Public and Private				C									C		P	§9.3.12
Car or Truck Wash												P	P	P	P	
Cartage and Express Facilities															P	
Child Care Facility	C	C	C	P		C		C	C	P		C	P	P		§9.3.13
Child Care, Family	C	P	P	P				C	P	P						§9.3.13
Clothing and Apparel Stores												P	P	P		
Clubs and Places of Entertainment, and Billiard or Pool Hall									C	C		C	C	P		§9.3.14
Contractor/Construction Business												P	P	P	P	
Convenience Stores *(including self-service gas pumps)*						P		C				P	P	P		§9.3.15
Department Stores												P	P	P		
Drug Stores and Gift Shops												P	P	P		
Dry Cleaning and Laundries						P						P	P	P	P	
Electronic Stores												P	P	P	P	
Farm Equipment Sales and Services													P	P	P	
Feed and Seed Sales								C					P	P	P	§9.3.16
Flea Market										C			C	P	P	§9.3.17
Florist										P		P	P	P	P	
Funeral Homes												P	P	P	P	
Furniture and Home Furnishing Store												C	C	P		§9.3.18
Grocery Store												P	P	P		

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Gun and Ammunition Sales and Service												P	P	P		
Hobby, Toy and Game Stores												P	P	P		
Hotels and Motels						P						C		C		§9.3.19
Ice Machine, Self Service												P	P	P	P	
Internet Sweepstakes Café												P	P	P		
Jewelry Stores												P	P	P		
Locksmith												P	P	P		
Manufactured or Modular Home Sales															P	
Mini-Warehouse / Storage Facilities						P						C	C	C	P	§9.3.20
Mixed Commercial and Residential												P	P	P		
Movie Theaters *(including outdoor drive-in)*												P		P	P	
Moving Companies															P	
Nursing & Convalescent Homes	C	C	C	C					C	C		C	P	P		§9.3.21
Offices - Business						C						P	P	P	P	§9.3.22
Offices - Professional and Medical						P						P	P	P	P	
Other Vehicle Equipment Sales and Services					P							C	P	P	P	§9.3.23
Pawn Shop												C	C	P	P	§9.3.24
Pet and Pet Supplies												P	P	P		
Printing, Publishing and Binding												P		P	P	
Private Utilities					P	P						P				
Radio and Television Studios														P	P	
Restaurants						P						P	P	P	P	
Restaurants *(including drive-ins and fast food)*												P	P	P	P	
Restaurants, Fast Food												P	P	P	P	
Retail, General Retail Store *(includes retail trade not specifically listed in other uses)*												P	P	P		
Road Side Stand										P		P	P	P		
Sawmill										C			C		P	§9.3.25
Sculpting													P		P	
Sculpting *(no outdoor storage)*												P				
Service Industries related to the Horse Industry								P				P	P	P	P	
Services not elsewhere listed												C	P	P		§9.3.26
Solar Collector Facility										C			C	C	C	§9.3.27

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Commercial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Sporting Goods Store												P	P	P		
Taxi and Limousine Service													P	P	P	
Tobacco Store												P	P	P		
Vehicle Service Stations *(including Car Washes)*												C	P	P	P	§9.3.28
Veterinary Clinics						C		P		C		C	P	C		§9.3.29
Wholesale and Retail Trade												P	P	P		
Woodworking and Wood Products												C	C	C	C	§9.3.30
Wireless Communications Towers	See Article 14 for allowed districts and regulations															
Industrial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Bottling Plants															P	
Brewery												P	P	P	P	
Distilleries															P	
Feed Processing													P		P	
Food Processing and Packaging															P	
Fuels Bulk Storage															C	§9.4.1
Landfill, Land clearing and inert debris															C	§9.4.2
Landfill, Sanitary															C	§9.4.3
Manufacturing, Asphalt Products															P	
Manufacturing, Concrete Products															P	
Manufacturing, Chemical															P	
Manufacturing, Computer and Electronic															P	
Manufacturing, Fertilizer *(includes storage)*															C	§9.4.4
Manufacturing, Furniture and Related Products													P	P	P	
Manufacturing, Heavy Equipment															P	
Manufacturing, Ice															P	
Manufacturing, Machinery															P	
Manufacturing, Metal															P	
Manufacturing, Miscellaneous *(not listed elsewhere)*															P	
Manufacturing, Nonmetallic Mineral															P	
Manufacturing, Pharmaceuticals															P	

	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				
Industrial Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Manufacturing, Plastics and Rubber Products															P	
Manufacturing, Pottery and Ceramics										P		P	P	P	P	
Manufacturing, Transportation Equipment *(vehicle & vehicle parts)*															P	
Marina *(fuel supplies)*					P	P										
Mining *(or Quarrying)*									C	C			C		C	§9.4.5
Mulching Business															P	
Research and Development Facility												C	C	P	P	§9.4.6
Salvage Yards										C			C	C	C	§9.4.7
Textile Products Manufacturing												C			P	§9.4.8
Toxic Chemicals Processing or Disposal															C	§9.4.9
Warehousing, Storage, and Distribution															P	
Welding												P	P		P	
Wineries												P	P	P	P	
Institutional Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Cemeteries			C	C				C		C		P	P	P	P	§9.5.1
Clubs, Lodges and Community Centers *(Private Non-Profit)*			P	P	C	P			C	C		P	P	P		§9.5.2
Emergency Service Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fairgrounds				C									C		P	§9.5.3
Family Care Home	P	P	P	P	P	P	P	P	P	P						
Group Care Facility	C	C	C	C			C	C	C	C	C		C	P		§9.5.4
Human Services Facility													P	P		§9.5.5
Libraries											P	P	P	P		
Museums and Art Galleries												P	C	P		§9.5.6
Post Offices, including Mail houses					P							P	P	P		
Public Facilities and Buildings						P			C	C			P	P	P	§9.5.7
Public Utility Substations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.5.8
Religious Institutions	C	P	P	P	C		P	P	P	P	C	P	P	P		§9.5.9
Schools, Academic	C	C	C	C		C				C				C		§9.5.10
Schools, Business or Trade	C	C	C	C						C		C		C	C	§9.5.11
Transportation and Freight Terminals													P	P	P	
	Residential Districts							Rural/Ag Districts				Commercial & Industrial Districts				

Agricultural Uses	RA-20	RA-40	RA-2	RA-5	GCSL	GCWL	R-MH	RE	RA-USB	RA	P-C	VB	B-1	B-2	I	Use Standards
Agricultural Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Greenhouses			C	C				P	P	P		P	P	P	P	§9.6.1
Horse Farms		P	P	P	P			P	P	P						
Intensive Swine Farms										C						Article 16
Produce Stands								P		P			P	P	P	
Recreational Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Airstrips, Private									P	C					C	§9.3.2
Amusement Park														C	C	§9.7.1
Bowling Alley												P	P	P	P	
Driving Range					C	C						C		C	C	§9.7.2
Go Cart and Motor Cross Tracks										C					C	§9.7.3
Golf Courses, Par 3				C	C	C					P			P		§9.7.4
Golf Courses				C	C	C					P					§9.7.4
Golf Courses, miniature golf												P		P		
Health Clubs and Gyms												P	P	P		
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Recreation, Indoor												C	P	P		§9.7.5
Recreation, Outdoor					P	P			P	P		C	C	C		§9.7.6
Skating Rinks and Facilities													P	P	P	
Zoos				C						C				P	P	§9.7.7
Temporary Uses	**RA-20**	**RA-40**	**RA-2**	**RA-5**	**GCSL**	**GCWL**	**R-MH**	**RE**	**RA-USB**	**RA**	**P-C**	**VB**	**B-1**	**B-2**	**I**	**Use Standards**
Construction Office, Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.8.1
Itinerant Merchant												P	P	P	P	§9.8.2
Manufactured Office as a Temporary Use												P	P	P	P	
Manufactured Home or Recreational Vehicle, Temporary Use	P	P	P	P			P	P	P	P						§9.8.3
Parking Lot, Temporary		P	P	P				P		P	P	P	P	P	P	
Secondary Temporary Dwelling (for hardship circumstances, usually family)									P	P						
Special Event	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	§9.8.4
Temporary Construction Building (must be removed within 30 days or receiving Certificate of Occupancy)	P	P	P	P							P	P	P	P		

MOORE COUNTY CONDITIONAL USE DISTRICT REZONING
Applicant: Sedberry Farm, LLC
PIN's: 950400430850; 950400433991; 950400436788; & 950400429878
February 12, 2016

Following a review of the conditional use district rezoning request by the RLUAC staff and Board of Directors for the properties listed above and recognizing that our findings are non-binding on Moore County, the RLUAC Board of Directors finds the parcels are identified as **IMPORTANT** to conserve on the 2003 and 2008 Joint Land Use Study (JLUS) maps. The reason for this classification is as follows:

- The parcels are identified as having "high suitability" for working farmland (8 out of a possible 9 points)
- Yet, there are no identified military impacts.

Since there are no military impacts and no existing forests on the parcels, RLUAC has no issues or concerns with the requested conditional use district rezoning.

Thank you for allowing RLUAC to review this case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

* PO Drawer 1510 * Fayetteville * NC * 28302 * (910) 583-1233 * director@rluac.com *

<u>Moore County Planning Board</u>
<u>Rezoning Worksheet</u>
Conditional Use District Rezoning from
Rural and Agricultural-40 (RA-40) to Rural and Agricultural-Conditional Use District (RA-CUD) use "Solar Collector Facility"
ParID: 00034424, 00034425, 20060568, 20060569

The Moore County Planning Board finds that:

1. The rezoning request is consistent with the following goals in the 2013 Moore County Land Use Plan:

   Goal 1: Preserve and Protect the Ambiance and Heritage of the County of Moore (inclusive of areas around the municipalities)
   - Action 1.2.1: Continue current support of operating environments for agriculture.
   - Action 1.3: Preserve large tracts of prime agricultural land to ensure that farming remains a viable part of the local economy.
   - Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

2. The rezoning request is reasonable and in the public interest because it would not have an unreasonable impact on the surrounding community and will maintain the public health, safety, and general welfare due to the rezoning placing property in the area in appropriate complementary categories.

Therefore, the Moore County Planning Board recommends **APPROVAL** of the request by Sedberry Farm, LLC for a Conditional Use District rezoning of ParID 00034424, 00034425, 20060568, and 20060569 from Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use "Solar Collector Facility."

_____ _____

Rich Smith, Chair Date
Moore County Planning Board

<u>Moore County Planning Board</u>
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   - Action 1.5.2: Support new developments that utilize existing or implement planned infrastructure that most economically preserves open space and important historical, natural and cultural features.

2. The rezoning request is not reasonable and not in the public interest because rezoning this property to RA-CUD use "solar collector facility" would have a negative visual and land use impact to the adjacent single family dwellings and the gateways into the Towns of Vass, Whispering Pines, and Southern Pines. The request is inconsistent with the intent of the RA-40 zoning district by discouraging the use of future residential subdivisions. This portion of Airport Road is zoned Residential and Agricultural-40 (RA-40). Per UDO Section 6.2.3, the RA-40 zoning district was established for the "principle use of the land to be single family dwellings, duplexes, and agricultural uses." The specific intent of the RA-40 zoning district is to "encourage the construction of and the continued use of land for single-family dwellings by prohibiting commercial and industrial use of land and other uses which would substantially interfere with the development of single-family dwelling in this district."

Therefore, the Moore County Planning Board recommends **DENIAL** of the request by Sedberry Farm, LLC for a Conditional Use District rezoning of ParID 00034424, 00034425, 20060568, and 20060569 from Residential and Agricultural-40 (RA-40) to Rural Agricultural – Conditional Use District (RA-CUD) use "Solar Collector Facility."

_____ _____

Rich Smith, Chair Date
Moore County Planning Board