

AN ORDINANCE ESTABLISHING A MORATORIUM ON THE PROCESSING OF DEVELOPMENT APPLICATIONS AND THE CONSIDERATION OF DEVELOPMENT APPROVALS FOR ALL NEW MAJOR RESIDENTIAL SUBDIVISIONS AND ALL OTHER DEVELOPMENTS CONTAINING MORE THAN THREE DWELLING UNITS

WHEREAS, the Town of Oakboro ("Town") contracts with Stanly County ("County") to provide wastewater treatment. The Inter-Local Agreement between the Town and County states that the County will treat up to 395,000 gallons per day ("GDP"). The Town has currently has no unallocated wastewater treatment capacity; and

WHEREAS, the Town owns and maintains a wastewater collection system serving the Town and limited surrounding areas; and

WHEREAS, the N.C. Department of Environmental Quality has published mandatory standards to ensure that enough capacity exists to treat existing and permitted development. The State requires that a minimum of 225 GPD of wastewater treatment capacity be reserved for each dwelling unit. Per North Carolina Administrative Code 15A NCAC 18A.1949 (a) an additional 75 GPD is required for each additional bedroom.) The County issues "Flow Acceptance Letters" before new developments are approved to ensure that the capacity of the County's wastewater treatment plant(s) are not exceeded; and

WHEREAS, the Oakboro Board of Commissioners ("Board") finds that there is not enough capacity to serve additional dwelling units; and

WHEREAS, at the request of Stanly County the Board is considering entering into a new Inter-Local Agreement with the County to purchase additional waste water treatment capacity in an expansion of the West Stanly Waste Water Treatment Plant ("WSWWTP"). Ultimately, negotiations ended without any agreement; and

WHEREAS, the Board is unable to obtain additional waste water treatment capacity unless and until it is available to be acquired from another licensed wastewater treatment provider.; and

WHEREAS, the Oakboro Board of Commissioners has considered the following alternatives to a moratorium:

- A. Doing nothing which may cause the public to make plans on the mistaken belief that capacity is available;
- B. Continuing to repair leaks in the wastewater collection system to decrease the amount of stormwater entering the collection system, thereby decreasing the amount of wastewater that the Town delivers to the WSWWTP; and
- C. Purchasing capacity in an expanded WSWWTP.

WHEREAS, the Oakboro Board of Commissioners has found all three alternatives to be inadequate. Alternative A is inadequate because the Town will not be able to permit construction on existing lots of record or on properties having vested rights if there is no available Alternative B is inadequate because the while the Town spent \$359,600 in fiscal year 2021-2022 to block inflow and infiltration ("I & P") of stormwater into the Town's waste water collection system, resulting in a reduction of approximately twenty percent (20%). Continued spending at the same rate will significantly reduce levels of I & I in two years. Alternative C is inadequate until the County builds additional capacity in the WSWWTP and negotiates with the Town for additional capacity. and

WHEREAS, a moratorium on development approvals for all new Major Subdivisions, and other developments containing more than three dwelling units and will address the problems and conditions identified above by giving the Town staff and the Board of Commissioners time to contract with the County for additional capacity once is designed and built; and

WHEREAS, this Ordinance was duly advertised as required by N.G. Gen. Stat. §§ 160D-107 (b) and 160D-601 by publication in the North State Journal on Oct. 29 and Nov. 5, 2025.

WHEREAS, the Oakboro Board of Commissioners is considering adopting a moratorium that would last until such a time that the Town has access to additional capacity in a wastewater treatment plant licensed by the State of North Carolina. The Board believes this period is reasonably necessary to address the problems and conditions leading to imposition of the moratorium.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF OAKBORO ORDAINS:

Section 1. A moratorium on all development applications and approvals for new Major (residential) Subdivisions, all other developments containing more than three dwelling units is hereby effective as of the date of this ordinance. While the moratorium is in effect, no new applications for development may be accepted and no new development approvals, including special use permits and subdivision approvals, may be considered or issued. Notwithstanding this section, this moratorium shall not apply to any of the following:

A. Any project for which a special use permit application has been accepted by the Town prior to the adoption of this ordinance. A special use permit application will be deemed to have been accepted by the Town once an applicant has satisfied the requirements of Unified Development Ordinance ("UDO") § 3318 (c) (3), including the submission of a written application for a special use permit, a site plan (if applicable), the requirements of the UDO and the required application fee;

B. Development set forth in a site-specific or phased development plan approved pursuant to N.C. Gen. Stat. §§ 160D-108 and 160D-108.1, the vested rights statutes;

C. Development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval; or

D. Preliminary or final major residential subdivision plats that have been accepted for review by the Town prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium. For major subdivisions, preliminary plats shall be deemed to have been accepted for review if the applicant has complied with UDO § 3310(d).

Section 2. The moratorium shall last until such time as the Town obtains additional wastewater treatment capacity from a licensed NC wastewater treatment plant.

Section 3. The moratorium shall apply to all Major (residential) Subdivisions, all other developments containing more than three dwelling units and developments of non-residential uses that require a daily flow for design (as specified in 15A NCAC 18A.1949) of more than one thousand (1,000) GPD for residences, including apartments, condominiums, townhomes, and duplexes.

Section 4. The moratorium shall apply to developments that consist solely of dwelling units and to developments that include a mix of dwelling units and/or land uses, provided that development approvals for developments meeting the thresholds in Section 3. may still be approved while the moratorium is in effect.

Section 5. The Town will continue to search for additional waste water treatment capacity

Section 6. This ordinance shall become effective upon adoption.

The foregoing Ordinance on motion of Commissioner Brett Barbee, seconded by Commissioner Latoya Jackson, was adopted this 17th day of November, 2025.

Ayes: 5

Noes: 0

Absent or Excused: 0

Dated: November 17, 2025

TOWN OF OAKBORO, NORTH CAROLINA

BY: Rodney Eury
Rodney Eury, Mayor
Town of Oakboro

ATTEST:

Leslie Hatley-Murray
Leslie Hatley-Murray, Clerk
Town of Oakboro