

Regular Session, September 16, 2013, 7:00 p.m.
Catawba County Board of Commissioners

Appointments

| | | |
|--|----|----------|
| Nursing and Rest Home Advisory Board | 67 | 09/16/13 |
| Region E Development Corporation | 67 | 09/16/13 |
| Newton-Conover Auditorium Authority Board of Directors | 67 | 09/16/13 |
| Partners Behavioral Health management Board of Directors | 67 | 09/16/13 |

Awards

| | | |
|---|----|----------|
| Certificates of Commendation – Flood Assistance Partnership members | 44 | 09/16/13 |
|---|----|----------|

Economic Development Corporation

| | | |
|---|----|----------|
| Amendment to Economic Development Demolition Fee Waiver Program | 69 | 09/16/13 |
|---|----|----------|

Emergency Services

| | | |
|---|----|----------|
| Pyrotechnics Permit for Greater Hickory Classic | 68 | 09/16/13 |
|---|----|----------|

Ordinance

| | | |
|-----------------------------------|----|----------|
| Wireless Communications Ordinance | 45 | 09/16/13 |
| Solar Farm Ordinance | 61 | 09/16/13 |

Presentations

| | | |
|--|----|----------|
| Certificates of Commendation to Flood Assistance Partnership members | 44 | 09/16/13 |
|--|----|----------|

Public Hearings

| | | |
|-----------------------------------|----|----------|
| Wireless Communications Ordinance | 45 | 09/16/13 |
| Solar Farm Ordinance | 61 | 09/16/13 |

Sheriff's Office

| | | |
|---|----|----------|
| Sole Source Exemption – L3 Communications – in car camera systems | 68 | 09/16/13 |
|---|----|----------|

The Catawba County Board of Commissioners met in regular session on Monday, September 16, 2013, at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Barbara G. Beatty and Commissioners Lynn M. Lail, Dan Hunsucker and Randy Isenhower.

Also present were County Manager J. Thomas Lundy, Assistant County Managers Dewey Harris and Mary Furtado, County Attorney Debra Bechtel and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 7:00 p.m.
2. Commissioner Dan Hunsucker led the Pledge of Allegiance to the Flag.
3. Chair Barnes offered the invocation.
4. Commissioner Hunsucker made a motion to approve the minutes from the Board's Regular Meeting of September 3, 2013.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically recognized Santana Wilson, student at St. Stephens High School.
6. Public Comments for Items Not on the Agenda: None.
7. Presentations:

All Board members joined Chair Barnes at the podium to recognize the voluntary and faith-based members of a Flood Assistance Partnership, formed to address individual family needs following the extensive flooding that has affected Catawba County and other parts of the area since July 27, 2013. Certificates of Commendation were presented to these Partnership agencies and included the American Red Cross, Eastern Catawba Cooperative Christian Ministry, North Carolina Baptist Men, United Methodist Committee on Relief, Catawba County United Way and Greater Hickory Cooperative Christian Ministry. Christ Church and New Life Christian Church representatives were unable to attend but their commendations would be delivered to them at a later date. Emergency Management Coordinator Karyn Yaussy expressed her appreciation to all these groups as well as County departments for their actions in this time of need. Ms. Yaussy was applauded by the Board as well as these voluntary and faith-based groups for her coordination of these efforts.

8. Public Hearings:

a. Planning Director Jacky Eubanks came forward and requested the Board hold a public hearing to receive citizen input and approve amendments to the Unified Development Ordinance (UDO), Wireless Facilities, to comply with revisions to the North Carolina General Statutes. In addition to mandated State revisions, the Board was requested to approve the elimination of the UDO requirement for a balloon test and approved other minor revisions to make this highly technical section of the UDO more user friendly.

Catawba County adopted a local Wireless Communications Ordinance in 1996. The first major revisions to the ordinance occurred on July 1, 2003, at which time significant changes were made. The ordinance was again reviewed and amended when the UDO was adopted on February 5, 2007. These amendments included new North Carolina General Statutes which went into effect on December 1, 2007. Recently, the North Carolina General Assembly adopted Session Law 2013-185, House Bill 664, which included additional changes to wireless regulations which will be effective as of October 1, 2013. Many of the revisions deal with terminology dictated by General Statutes and are not substantive. The new regulations also limit fees that can be imposed at the local level. The Planning Board conducted a public hearing on these amendments to the UDO on August 26, 2013. No one spoke at the public hearing. A recommendation for these amendments passed with a unanimous vote of 8-0. Effective October 1, 2013:

Definitions, Terms and Standards

- According to the new State law, any action previously termed "Modification or Collocation" that increases the vertical height of the tower less than 10%, or the height of one additional antenna array up to a total of 20 feet, or increases the square footage of the equipment compound by less than 2,500 square feet is now termed as an "Eligible Facilities Requests". Those actions which are more intense than Eligible Facilities Requests, but do not include the building of a new tower are referred to as "Substantial Modifications". A public hearing will not be held for Eligible Facilities Requests or Substantial Modifications. Both Eligible Facilities Requests and Substantial Modification reviews will continue to be reviewed internally by staff. New State and existing Federal laws use the term "Wireless Support Structure" instead of "tower facility". The term "Wireless Facility" now refers to the ground equipment, cabling running up the tower, and antennas on the tower, but does not include the tower structure. The changes address the terminology and the increased footage of extensions/enlargements that are allowed, without a public hearing.

Balloon Test

- Removal of the balloon test requirement. By State law, the special use permit for the wireless support structure must be granted if a need for service is documented; however, the UDO regulations limit the height to 120 feet, unless the provider can prove that additional height is required to provide the service level requested. The balloon test was eliminated since it may have given citizens the false sense they could prevent construction if they could see the balloon and ultimately the top of the structure from their property.

Signage - Several providers and tower structure owners requested that the requirement for provider (collocator) signage on the outside of the facility equipment compound be eliminated. Cumulative signage can be confusing in the event of an emergency.

- Eliminate the requirement for the providers to have signage outside the compound. Provider signage will still be required on the cabinets/shelters inside the compound, and tower owners will still be required to have signage outside the compound.

Fees - The new State law limits the fees that can be charged for consulting and administrative reviews associated with staff level approval.

- New Tower Facility (Wireless Support Structure/Wireless Facility) – the new State law did not address a not-to-exceed figure that a county or consultant could charge for reviewing a new Wireless Facility including the Wireless Support Structure. The law states, “The county may charge a fee provided it is based on the cost of the services and does not exceed what is usual and customary for such services. Any charges or fees assessed by a county on account of an outside consultant shall be fixed in advance and incorporated into a permit or application fee and shall be based on the reasonable cost to be incurred by the county in connection with the regulatory review”. As stated above, the consultant may receive up to \$8,500 for services provided to the county paid by the tower structure owner. There will be no change to the consultant portion of the fee at this time. New fees will be negotiated at contract renewal. The County’s fee for administrative review will be adjusted from \$5,000 to \$2,500 to bring the fee more in line with the reasonable cost language identified in the new State law.
- Modification or Collocation (Eligible Facilities Requests or Substantial Modifications) - State law, effective October 1, 2013, requires a fixed fee not to exceed \$1,000 for a consultant, plus reasonable administrative costs incurred by the county. Consultant fees cannot include costs for travel time or expenses, meals, or overnight accommodations. Eligible Facilities Requests or Substantial Modifications are currently, and will continue to be, handled internally by staff without the use of a consultant and the County’s fee is adjusted from \$2,500 to \$1,000.
- Replace the “New Tower Construction” fee of \$13,500, with a “New Wireless Support Structure/Wireless Facility” fee of \$11,000.

Chair Barnes opened the public hearing and no one came forward to speak. The public hearing was closed. Commissioner Isenhower made a motion to adopt the recommended amendments. The motion carried unanimously. The following Ordinance applies:

Ordinance No. 2013-15

BE IT ORDAINED that the Catawba County Code of Ordinances, Unified Development Ordinance, is hereby amended to read as follows:

DIVISION 4. WIRELESS

Purpose: The Telecommunications Act of 1996 affirmed the County’s authority concerning the placement, construction and modification of wireless facilities and wireless support structures. The North Carolina General Assembly adopted additional regulations through general statutes 153A-349.50 through 153A-349.53, effective December 1, 2007 and further amended effective October 1, 2013. The County finds that wireless facilities and wireless support structures may pose a unique hazard to the health, safety, public welfare, character and environment of the County and its citizens. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its citizens. In order to insure that the placement, construction, substantial modification or eligible facilities request of wireless facilities and wireless support structures is consistent with the County’s land use policies, the County is adopting a single, comprehensive, wireless facilities and wireless support structures application and permit process which complies with the Telecommunications Act of 1996, and North Carolina statutes 153A-349.50 through 153A-349.53. The intent of this Chapter is to minimize the negative impact of wireless facilities and wireless support structures,

establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the citizens of the County. In order to ensure that the placement, construction, and modification of wireless facilities and wireless support structures protects the County's health, safety, public welfare, environmental features and the nature and character of the community and neighborhood and other aspects of the quality of life, which is consistent with the County's adopted comprehensive plan and development policies, the County hereby establishes an overall policy with respect to a zoning authorization permit for wireless facilities and wireless support structures for the express purpose of achieving the following goals:

- ◆ *Implementing an application process for person(s) seeking a zoning authorization permit for wireless facilities and wireless support structures;*
- ◆ *Establishing a policy for examining an application for and issuing a zoning authorization permit for wireless facilities and wireless support structures that is both fair and consistent.*
- ◆ *Promoting and encouraging, wherever possible, the sharing and/or collocation of wireless facilities and wireless support structures among service providers;*
- ◆ *Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of wireless facilities and wireless support structures in such a manner as to minimize any adverse aesthetic impacts to the land, property, buildings, and other facilities adjacent to, surrounding, and in the same general area as the requested location of such wireless facilities and wireless support structures, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.*

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685. Applicability.

(a) No person shall be permitted to site, place, build, construct, modify, collocate, substantially modify or prepare any site for the placement or use of wireless facilities and wireless support structures as of the effective date of this Chapter (July 1, 2003) without having first obtained a zoning authorization permit for wireless facilities and wireless support structures. Notwithstanding anything to the contrary in this section, no zoning authorization permit under this Chapter is required for those non-commercial exceptions noted in the definition of wireless facilities and wireless support structures.

(b) The holder of a special use permit must notify the County of any intended changes that constitute an eligible facilities request or a substantial modification of a wireless telecommunication facility and apply to the County to modify, relocate or rebuild a wireless telecommunications facility. Nothing in this Chapter shall be deemed to require an approval of a permit for maintenance of existing antennas or base station electronic equipment at a wireless transmission facility.

(c) The collocation and/or shared use of antennas on existing wireless support structures or compatible use structures, such as utility poles, water towers, and other towers must comply with this Chapter and are subject to administrative review by the County.

(d) Construction of new wireless facilities and wireless support structures must comply with the requirements of this Chapter.

(e) All wireless facilities and wireless support structures existing on or before the date of adoption of this Chapter (July 1, 2003) will be allowed to continue as they presently exist. If any modification to existing wireless facilities and wireless support structure is done, the entire wireless telecommunication facility must comply with Sec. 44-685.16.

(f) The maintenance of any components of a wireless facility, where the replacement is identical to the component being replaced, or that involve routine repair and maintenance of the facility is exempt from the review process. Maintenance, by definition cannot increase the height of the antennae or structure, increase the footprint of the facility, increase the weight load on the tower or structure or involve additional construction or site modification.

(g) Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications which are 90

feet or less in height are exempt from this Chapter, except for meeting setback requirements shown in Sec. 44-685.11.

(h) State and federal applicants are exempt from the regulations in this Chapter.

(i) Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a,b,g services (i.e. WI-FI and Bluetooth) where the facility does not require a new tower or increase the structure height to which it is being attached.

(j) Facilities used for non-profit fire and/or rescue departments, in conjunction with County emergency 911 operations are exempt from this Chapter, except for meeting setback requirements shown in Sec. 44-685.11. The facility can be exempted from setback requirements if the following conditions are met:

(1) The adjacent landowner signs a written, notarized acknowledgment of their consent to the waiver of the setback;

(2) The waiver is recorded at the register of deeds in both the grantor's and grantee's names, and a copy of the recorded document is given to the planning department; and

(3) There is no dwelling located within the communication facility setback area.

(k) The installation of battery backup systems to existing facilities, is exempt from this Chapter, but must meet building inspection requirements.

(l) Any and all representations made by the applicant on the record during the application process, whether written or verbal, will be deemed a part of the application and may be relied upon in good faith.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.01. Definitions of terms specific to this Chapter.

ANSI – American National Standards Institute

Abandoned towers – Towers which have no active telecommunications service providers on the tower, for a period of 5 or more years.

Accessory facility or structure - An accessory facility or structure serving or being used in conjunction with , and located on the same property or lot as the wireless facilities and wireless support structures, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alternative tower structure - Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Applicant - Any person or entity submitting an application for a zoning authorization permit for wireless facilities and wireless support structures.

Application - All necessary and appropriate documentation that an applicant submits in order to receive a zoning authorization permit for wireless facilities and wireless support structures.

American National Standards Institute (ANSI) – The entity which sets the requirements by which existing towers are evaluated for ongoing safety.

Antenna - A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals. This includes, but is not limited to radio, television, cellular, paging, personal telecommunications services (PCS), microwave telecommunications and services not licensed by the FCC, but not expressly exempt from the County's siting, building and permitting authority.

Base station – A station at a specific site authorized to communicate with mobile stations, generally consisting of radio receivers, antennas, coaxial cables, power supplies and other associated electronics.

BOA – Catawba County Board of Adjustment.

Board of Commissioners (BOC) - Catawba County Board of Commissioners.

Collocation - The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. Depending on the placement of the wireless facilities on the structure, a collocation would be treated as either an eligible facilities request or a substantial modification.

Commercial impracticability or commercially impracticable - The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project.

Completed application - An application that contains all information and/or data necessary to enable the County to evaluate the merits of the application, and to make an informed decision with respect to the effect and impact of wireless facilities and wireless support structures on the County in the context of the permitted land use for the particular location requested.

DAS – Distributive Access System

Distributive access system (DAS) - A technology using antenna combining technology allowing for multiple carriers or wireless service providers to use the same set of antennas, cabling or fiber optics.

Eligible facilities request – A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification. Replacing cable or antennas as upgrades to new technology is considered an eligible facilities request and is not considered routine maintenance.

EPA - State and/or Federal Environmental Protection Agency or its duly assigned successor agency.

Equipment compound – An area surrounding or near the base of a wireless support structure within which a wireless facility is located.

FAA - Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC - Federal Communications Commission, or its duly designated and authorized successor agency.

Free standing tower - A tower that is not supported by guy wires and ground anchors.

Geomorphologic study - A study that shows the structural relationship of the soils and the appropriateness of the soils for the foundation of a wireless telecommunication tower as designed.

Height - When referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, even if said highest point is an antenna or lightning protection device.

Modification – The addition, removal or change of any of the physical and/or visually discernible components or aspects of a wireless facility or support structure. Modification includes both eligible facilities requests and substantial modifications.

Necessary – Technology that is required for the equipment to function, and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service that is intended and described in the narrative of the application.

Person - Any individual, corporation, estate, trust, partnership, joint stock company, or association of 2 or more persons having a joint common interest.

Personal wireless facility - See definition for wireless facilities and wireless support structures.

Personal telecommunications service (PTS) - Has the same meaning as defined and used in the 1996 Telecommunications Act.

Preexisting towers and antennas - Any tower or antenna on which a permit has been properly issued prior to the effective date of the ordinance (July 1, 2003) from which this definition is derived.

Radio or television transmitting facility and radio or television receiving facility - The use of land, buildings, or structures for the aboveground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas, except accessory radio or television receiving antennas and dishes.

Routine Maintenance – Includes activities associated with regular and general upkeep of transmission equipment including the replacement of existing wireless facilities with facilities of the same size.

Special use - A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size location or relation to the neighborhood, would promote the public health, safety and general welfare. All special use requests will be reviewed, and approved or denied, by the Board of Adjustment.

Special use permit - The official document or permit by which an applicant is allowed to file for a building permit to construct and use wireless facilities and wireless support structures as granted. The permit is revocable for cause.

Stealth technology - To use techniques and/or technology intended to minimize adverse aesthetic and visual impacts on, and harmonize with, the land, property, buildings, and other facilities in generally the same area as the requested location of such wireless facilities and wireless support structures, by using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology includes such technology as DAS, or its functional equivalent of camouflage, where the tower is disguised to make it less visually obtrusive and not recognizable to the average person as a WTF.

Substantial modification – The mounting of a proposed wireless facility on a wireless support structure, including a collocation, that substantially changes the physical dimensions of the support structure. The mounting is presumed to be a substantial modification if it meets any one or more of the criteria listed below.

(a) Increasing the vertical height of the structure by the greater of:

(1) More than ten percent (10%), or;

(2) The height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet.

(b) Except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower by a cable, adding an appurtenance to the body of the wireless support structure that protrudes horizontally from the edge of the wireless support structure the greater of:

(1) More than 20 feet, or;

(2) More than the width of the wireless support structure at the level of the appurtenance.

(c) Increasing the square footage of the existing equipment compound by more than 2,500 square feet.

Telecommunications - The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunication site - See definition for wireless facilities and wireless support structures.

Temporary - Something that exists or is intended to exist for fewer than 90 days.

Tower – Any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

Tower structure, alternative - Clock towers, sculptures, bell steeples, light poles and similar alternative-design mounting structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

Towers and antennas, preexisting - Any tower or antenna on which a permit has been properly issued prior to December 16, 1996.

Utility pole – A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

Water tower – A water storage tank, a sandpipe, or an elevated tank situated on a support structure originally constructed for use as a reservoir or facility to store or deliver water.

Wireless Facility – The set of equipment or network components, exclusive of the underlying wireless support structure or tower, including antennas, transmitters, receivers, base stations, power supplies,

cabling and associated equipment necessary to provide wireless data and wireless telecommunications services to a discreet geographic area.

Wireless support structure – A new or existing structure, such as a monopole, lattice tower, or guyed tower that is designed to support or capable of supporting wireless facilities. A utility pole is not a wireless support structure.

WTF – Wireless Telecommunications Facility.

Zoning authorization permit - A permit issued for residential and nonresidential uses, prior to any land or structural improvements, stipulating conditions for compliance with this Chapter as to design, use, activity, height, setbacks, density, site planning, special use and/or special district development.

Zoning compliance certificate - A document issued by the County after construction for nonresidential uses, and required before occupancy, with the exception of single family dwellings, stating that detailed site plan was complied with, and the property can be used for the purpose stated on the zoning authorization permit.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.02. Pre-application meeting.

(a) A pre-application meeting is required, unless waived by the County. The purpose of the pre-application meeting is to address issues which will help to expedite the review and permitting process. The applicant will be provided a written or electronic copy of the instructions for completing an application at or before the pre-application meeting. The instructions are controlling regarding the form and substance of the issues addressed in the instructions and must be followed.

(b) Depending upon recent site visits, a pre-application site visit may be waived, providing certain criteria can be met.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.03. Relief.

Any applicant or permittee (person party to the zoning authorization permit) desiring relief or exemption from any aspect or requirement of this Chapter may request such from the County at a pre-application meeting, provided that the relief or exemption is contained in the original application for either a special use permit, or in the case of an existing or previously granted special use permit, a request for a substantial modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete, at the sole discretion of the County. However, the burden of proving the need for the requested relief or exemption is solely on the applicant to prove to the satisfaction of the County. The applicant must bear all costs of the County in considering the request and the relief is not transferable to a new or different holder of the permit or owner of the tower or facilities without prior written authorization from the County. Authorization will not be unreasonably withheld or delayed. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted, the relief or exemption will have no significant affect on the health, safety and welfare of the County, its residents or other service providers.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.04. Shared use of wireless facilities and wireless support structures and other structures.

(a) Shared use of existing wireless facilities and wireless support structures is preferred by the County, as opposed to the construction of a new telecommunications support facility. Where such shared use is unavailable, location of antennas on other pre-existing structures is preferred. The applicant must submit a comprehensive report inventorying existing towers and other appropriate compatible structures within 4 miles of any proposed new tower site, unless the applicant can show that some other distance is more reasonable, outlining opportunities for the shared use of existing facilities and the use of other pre-existing compatible structures as a preferred alternative to new construction.

(b) An application must address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why collocation is commercially or otherwise

impracticable including if the owner of the tower is unwilling to enter into a contract for such use at fair market value. The County will require information necessary to determine whether collocation on existing structures is reasonably feasible.

(c) An applicant intending to locate on an existing telecommunications tower or other compatible structure is required to document the intent of the existing owner to permit its use by the applicant.

(d) Such shared use must consist only of the minimum antenna array technologically required to provide service primarily and essentially within the County, to the extent practicable, unless good cause is shown.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.05. Location of wireless facilities and wireless support structures.

(a) Applicants for wireless facilities and wireless support structures must locate, site and erect said wireless facilities and wireless support structures in accordance with the following priorities, one being the highest priority and 4 being the lowest priority.

- (1) On existing wireless support structures or compatible use buildings or structures;
- (2) On other industrial, commercial, or residential property, located outside a major subdivision;
- (3) In a major subdivision; and
- (4) In the Mixed Use Overlay (MUC-O), on Bakers Mountain, on Anderson Mountain.

(b) If the proposed property site is not the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.

(c) An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application must address collocation as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the County why collocation is commercially or otherwise impracticable including if the owner of the tower is unwilling to enter into a contract for such use at fair market value. The County will require information necessary to determine whether collocation on existing structures is reasonably feasible.

(d) An existing lease or lease option for a particular piece of property is not, in and of itself, grounds for locating a tower or wireless facility where the County deems it not to be in the best interest of the County and the public.

(e) Notwithstanding the above, the County may approve any site within an area in the above list of priorities, provided that the County finds that the proposed site is in the best interest of the health, safety and welfare of the county and its inhabitants and will not have a negative effect on the nature and character of the community and neighborhood so long as it is consistent with state law.

(f) The applicant must submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected must be included with the application.

(g) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the County may disapprove an application for any of the following reasons:

- (1) Conflict with safety and safety-related codes and requirements;
- (2) Conflict with traffic laws or adverse impact upon traffic needs or definitive plans for changes in traffic flow;
- (3) Adverse impact upon historic nature or character of a neighborhood or historical district provided an alternative location is available which serves the applicants needs;

- (4) The use or construction of wireless facilities and wireless support structures, which are contrary to an already stated purpose of a specific zoning or land use designation;
- (5) The placement and location of wireless facilities and wireless support structures which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the County, or employees of the service provider or other service providers; or
- (6) Conflicts with the provisions of this Chapter, state or federal law.
- (h) Notwithstanding anything to the contrary in this Chapter, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere and still accomplish the primary service objective stated on the application, the County may require the relocation of a proposed site. The existence of a lease that was entered into prior to the approval of an application does not constitute justification for the requested location.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.06. Height of wireless support structure.

- (a) The maximum permitted total height of a new tower is 120 feet above pre-construction ground level, unless it can be proven that additional height is necessary to provide service in the intended service area.
- (b) All new towers must be designed to structurally support a total of at least 6 wireless facilities similar in size, scope and weight to those of the initial carrier attaching to the tower.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.07. Type and appearance of wireless facilities and wireless support structures.

- (a) Wireless facilities and wireless support structures cannot be artificially lighted or marked, except as required by law.
- (b) Wireless facilities must be constructed as a freestanding lattice or monopole structures. New guyed towers will not be permitted after November 19, 2007.
- (c) Towers must be of a galvanized finish or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings, as approved by the Board of Adjustment, and must be maintained in accordance with the requirements of this Chapter.
- (d) For any wireless facility for which lighting is required under the FAA's regulations, or any legal requirements has lights attached, the lighting must be a fast flashing strobe, and include technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least one mile in a level terrain situation. Such device must be compliant with FAA regulations. A physical shield may be used with the strobe, as long as the light is able to be seen from the air, as required by the FAA.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.08. Security of wireless facilities and wireless support structures.

All wireless facilities and wireless support structures and antennas must be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- (a) All antennas, towers and other supporting structures, including guy wires, must be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or run into; and
- (b) Transmitters and telecommunications control points must be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

(Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.09. Signage.

Wireless facilities and wireless support structures must contain signs to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities.

(a) A sign on the equipment compound must contain the FCC registration site, the name(s) of the owner(s) of the facility as well as emergency phone number(s).

(b) A sign must be on the equipment shelter or shed of each service provider and when possible, be located so as to be visible from the access point of the site and must identify the equipment shelter of the applicant. The sign must contain the name(s) of the owner(s) of the equipment as well as emergency phone number(s).

(c) Signs cannot be larger than 4 square feet in area. Signs cannot be lit unless the lighting is required by applicable provisions of law. No other signage, including advertising, is permitted on any facilities, antennas, or antenna supporting structures, unless required by law.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.10. Utilities.

(a) Prior to the issuance of a zoning authorization permit, the applicant may be required to submit a National Environmental Policy Act (NEPA) checklist required by the FCC.

(b) All utilities at a wireless facility must be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. The County may waive or vary the requirements of underground installation of utilities when, in the opinion of the County such variance or waiver shall not be detrimental to the health, safety, general welfare and environment, including the visual and scenic characteristics of the area.

(Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.11. Lot size and setbacks.

All proposed wireless facilities and wireless support structures must be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances:

(a) A distance equal to the height of the tower or other wireless telecommunications facility structure plus 10% of that height; or

(b) The existing setback requirements of the underlying zoning district.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.12. Fees.

Non-refundable fees, which are set by the Board of Commissioners and subject to change as may be warranted and justified, will be charged for the following:

(a) Zoning permit fees for the construction of a new wireless facility and/or wireless support structure;

(b) Attaching or collocating on an existing tower or structure; or

(c) A modification to an existing wireless facility or wireless support structure.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.13.Retention of expert assistance.

- (a) The County may hire a consultant and/or expert necessary to assist the County in reviewing and evaluating the application for a proposed tower, collocation, or modification. The County may also request expert assistance for other issues, in order to ensure the general health, safety and welfare of the public.
- (b) The cost of the expert assistance shall be consistent with state law and will be paid by the applicant. The cost is included in the zoning authorization permit fee.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.14.Extent and parameters of special use permits, zoning authorization permits and zoning compliance certificates for wireless facilities and wireless support structures.

The extent and parameters of a special use permit for wireless facilities and wireless support structures are as follows:

- (a) No public hearing is required for an application for an eligible facilities request or a substantial modification.
- (b) A special use permit runs with the land and is enforceable upon successive owners.
- (c) A permit may be revoked for a violation of the conditions and provisions of the permit.
- (d) A special use permit to allow for construction of a new wireless support structure, expires 24 months from the date of approval, unless tower construction is complete. After obtaining a special use permit from the Board of Adjustment, but prior to beginning construction, the applicant must submit a signed agreement with a service provider who will commence using the facility within 60 days after tower construction is completed.
- (e) After a zoning authorization permit is issued, the applicant must meet all requirements of the County building inspection department. After the final approval from the building inspection department, the applicant must contact the Catawba County Planning Department for the final approval, and submit a signed and stamped “as-built” certification from a PE certifying that 1) the project was built according to the submitted plan, and 2) the project is complete. The new facility or collocation not previously on the structure is not permitted to have power, or provide service, until the zoning compliance certificate has been issued. Providers already on the tower will continue to have power; however, the County must be contacted prior to obtaining final zoning approval, and a PE certified “as-built” must be submitted, in order to determine compliance.
- (f) A bond or security must be submitted to the County within 30 days after tower construction is completed, as outlined in Sec. 44-685.17.
- (g) Abandoned wireless facilities and support structures must be removed at the tower owner’s expense.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.15.Submittal requirements – New Wireless Support structures and Wireless Facilities

Complete applications and accompanying forms for a special use permit or a zoning authorization permit for wireless facilities and wireless support structures, must comply with the requirements of this Chapter and provide all requested information.. Any required certifications must be done by a qualified North Carolina licensed professional engineer.

Application packets must include:

- (a) The non-refundable special use, zoning authorization permit fee, set by the Board of Commissioners;
- (b) The wireless facility owner, and when applicable, the provider’s written authorization designating an agent on their behalf.
- (c) Site plans showing:

- (1) The zoning district or designation in which the property is situated;
 - (2) A survey of the property showing all parcel lines, parcel line dimensions, existing structures and the proposed wireless facility and wireless support structure;
 - (3) An elevation drawing showing the vertical rendition of the wireless support structure identifying all provider names and locations and attachments to the structure and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - (4) A plan drawing showing names and locations of other providers in the equipment compound; location of ground equipment, and centerline height location of all proposed and existing antennae on the supporting structure;
 - (5) The azimuth, size and centerline height location of all proposed and existing antennae on the supporting structure;
 - (6) The type, locations and dimensions of all proposed and existing landscaping, and fencing;
 - (7) The number, type and design of the wireless support structure and antenna(s) proposed and the basis for the calculations of the telecommunications tower's capacity to accommodate multiple users.
- (d) A copy of the FCC license applicable for the intended use of the structure.
- (e) All structures must contain a demonstration that the structure be sited so as to be the least visually intrusive as reasonably possible and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the community in the area of the structure. The County reserves the right to require the use of stealth or camouflage technology or technologies such as distributive antenna system technology (DAS) or its functional equivalent to achieve this goal, subject to approval by the Board of Adjustment. This may require the placement of 2 visually unobtrusive towers, as opposed to one tower which compromises the viewshed.

All antennas attached to a tower - must be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or prove technically with hard data and a detailed narrative, that flush mounting cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.

(f) A Visual Impact Assessment must be furnished which must include:

- (1) A computer generated "zone of visibility map," with a minimum of one mile radius from the proposed structure illustrating locations from which the tower may be seen.
- (2) Pictorial representations (photo simulations) of "before and after" views from key viewpoints both inside and outside of the County, as may be appropriate, including state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant must provide a map showing the locations of where the pictures were taken and the distance(s) of each location from the proposed structure.
- (3) A written description of the visual impact of the proposed facility, including, as applicable, the tower base, and equipment compound from abutting and adjacent properties and streets related to the need or appropriateness of screening.
- (4) The applicant must, in a manner approved by the County, demonstrate and provide in writing and/or by drawing how it will effectively screen from view the base and all related facilities and structures of the proposed structure.
- (5) A written certification that the structure will be effectively grounded, bonded and installed with appropriate surge protectors to protect persons and property.
- (g) The wireless support structure must maximize the use of building materials, colors and textures designed to harmonize with the natural surroundings. This includes the utilization of stealth or concealment technology as may be required by the Board of Adjustment.

- (h) If deemed appropriate by the planning director, an access road, turn-around space and parking may be required to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, must be made to the extent practicable. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe, as determined at a site visit, the application must contain a commitment to remedy or restore the road or turn around space so that is serviceable, safe and in compliance with applicable regulations. Road construction must at all times minimize ground disturbance and vegetation cutting. Road grades must closely follow natural contours to assure minimal visual disturbance and reduce soil erosion. Road construction must comply with all applicable regulations.
- (i) The permit holder must construct, operate, maintain, repair, provide for removal of, modify or restore the permitted wireless facility and wireless support structure in strict compliance with all current applicable technical, construction, safety and safety-related codes adopted by the County, state, or United States, including but not limited to the most recent editions of the National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. (The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.)
- (j) A holder of a special use permit or other authorization granted under the provisions of this Chapter, must obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the County or other governmental entity or agency having jurisdiction over the permit holder.
- (k) The wireless support structure must be structurally designed to accommodate at least 6 antenna arrays in regard to the load and stress created on the structure, with each array to be sited in such a manner as to provide for flush attachments to the greatest extent possible with the minimum separation necessary without causing interference. An intermodulation study must be submitted to justify design claims related to interference. A claim of interference because of a need to have greater than 6 feet of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data showing that there is no technological alternative that would enable the service to be provided that would require less vertical space. This requirement may be waived, provided the applicant, in writing, demonstrates that the provisions of future shared usage of the wireless facility is not feasible or if collocation is technically or commercially impracticable.
- (l) The proposed wireless facility and wireless support structure must be maintained in a safe manner, and in compliance with all conditions of the zoning authorization permit, without exception, unless specifically granted relief by the Board of Adjustment in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable County, state and Federal laws, rules, and regulations;
- (m) Verification that the construction of the wireless facility and wireless support structure is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in North Carolina.
- (n) The application must be signed by an authorized individual on behalf of the applicant.
- (o) The applicant must disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs;
- (p) A written report demonstrating meaningful efforts to secure shared use of existing wireless support structures or the use of alternative buildings or other structures within the County that are at or above the surrounding tree height or the tallest obstruction and are within one mile of the proposed tower. Copies of written requests and responses for shared use must be provided along with any letters of rejection stating the reason for rejection.
- (q) Wireless support structures must be located in accordance with Sec. 44-685.05.

(r) A structural report certified by a professional engineer licensed in North Carolina, along with a structural analysis report, including calculations, that prove that the structure and its foundation as proposed to be utilized are designed and were constructed to meet all local, state, federal and ANSI structural requirements for loads, including wind and ice loads and have the ability for the support structure to accommodate a minimum total of six antenna arrays.

(s) Any existing structures which were approved but not yet constructed on a map.

(t) The applicant for a new wireless support structure must submit a letter of intent committing the owner of the proposed new structure, and his/her successors in interest, to negotiate in good faith for the shared use of the proposed tower by other providers in the future. This letter is a condition of the permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the special use permit. The letter must commit the new owner and their successors in interest to:

(1) Respond within 60 days to a request for information from a potential shared-use applicant;

(2) Negotiate in good faith concerning future requests for shared use of the structure by other providers; and

(3) Allow shared use of the new structure if another provider agrees in writing to pay reasonable charges.

(4) Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit.

(u) The holder of a special use permit must notify the County of any intended modification of a wireless support structure and shall apply to the County to modify, relocate or rebuild a wireless facility or structure.

(v) *Lighting.* The applicant must provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the telecommunications tower or existing structure intended to support wireless facilities requires lighting under Federal Aviation Regulation Part 77. If this analysis determines that the FAA must be contacted, then all filings with, and all responses from the FAA, along with any related correspondence must be provided before an application can be considered complete.

(1) For any wireless facility for which lighting is required under the FAA's regulations, or for any reason has lights attached, all lighting must be a fast flashing strobe, acceptable to the FAA, affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it is not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used with the strobe, as long as the light is able to be seen from the air, as intended by the FAA.

(2) In the event a tower that is lighted is modified, at the time of the modification the County may require that the tower be retrofitted with the technology set forth in Subsection (v)(1) above.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.16. Submittal requirements – Eligible Facilities Request (Collocations or Modifications) or Substantial Modifications on existing or approved towers and attachments to existing structures.

All applications must be submitted to the County Planning Department. The following information must be included:

(a) The provider's written authorization designating an agent on their behalf.

(b) The non-refundable zoning authorization permit fee, set by the Board of Commissioners.

(c) Documentation must be provided proving that the applicant has the legal right to proceed as proposed on the site, including an executed copy of the lease with the owner of the facility proposed to be attached to, or a letter of agency, showing the right of the applicant to attach to the structure.

(d) The applicant must include a written statement that the construction of the wireless facility is legally permissible, including, that the applicant is authorized to do business in North Carolina.

- (e) For collocations, a copy of the FCC license applicable for the intended use of the wireless support structure.
- (f) If any change or modification of the tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, to both the equipment compound and the support structure, and the number and type of the antenna(s) proposed;
- (g) To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facade, the antennas must be mounted on the facade, unless it can be proven that doing so will prohibit or have the effect of prohibiting the provision of service, and all the attachments and exposed cabling must use camouflage or stealth techniques to match as closely as possible the color and texture of the structure attached to.
- (h) If attaching to a water tank, mounting on the top of the tank or the use of a corral will only be permitted if the applicant can prove that flush mounting to the side of the tower will prohibit or have the effect of prohibiting the provision of service. The provisions of preceding Subsection (g) of this Subsection also apply to any attachment to a water tank.
- (i) The wireless support structure, and all accessory or associated facilities, must maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This must include the utilization of stealth or concealment technology as may be required by the County and as is practical under the facts and circumstances.
- (j) Any wireless support structure for which lighting is required under the FAA's regulations, or that for any reason has required lights attached, must meet the requirements of Sec. 44-685.07(d).
- (k) Any additional utilities installed must be installed underground and in compliance with all laws, ordinances, rules and regulations of the County, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- (l) If deemed necessary or appropriate, an access road, turn around space and parking must be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, must be made to the extent practicable. Road construction must at all times minimize ground disturbance and the cutting of vegetation. Road grades must closely follow natural contours to assure minimal visual disturbance and reduce soil erosion and must comply with any local or state regulations for the construction of roads and erosion control. If the current access road or turn around space is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations as determined at a site visit, the application must contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations within a reasonable time period.
- (m) Requirements when applying for an eligible facilities request or substantial modification on an **existing tower**.
- (1) An elevation drawing showing the vertical rendition of the wireless support structure identifying all provider names and locations and attachments to the structure and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
 - (2) A plan drawing showing names and locations of other providers in the equipment compound; location of ground equipment, and centerline height location of all proposed and existing antennae on the supporting structure;
 - (4) A structural report certified by a professional engineer licensed in North Carolina, proving the tower's capability, or need for structural improvement, to safely accommodate the facilities of the applicant without change or modification. To allow for the proposed project, the report must not show a total load exceeding 100% capacity.
 - (5) A copy of the latest ANSI Report done, pursuant to the latest edition of ANSI-EIA/TIA 222F - Annex E, and any subsequent amendments, for any self-supporting tower that is 5 years or older or for a guyed tower that is 3 years or older. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI

report must be done and submitted as part of the application. Deficiencies noted on the ANSI/TIA must be corrected prior to the issuance of a zoning authorization permit, unless those deficiencies are categorized as general maintenance. At the discretion of the Planning Director, deficiencies may be corrected simultaneously with the modifications contained in the application.

(n) Requirements -when attaching to an **existing structure except for a tower**.

A site plan showing the location of the wireless support structure on the property and the location of the wireless facility on the wireless support structure, and the structural analysis report.

(o) A zoning authorization permit will be issued within 45 days of the County receiving a complete application. In the case of an incomplete application, the County will identify the deficiencies and notify the applicant on what is necessary to make the application complete. The application shall be deemed complete on resubmission of the additional required materials.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.17. Performance and removal security.

(a) The applicant, and the owner of record of any new wireless support structure, must, jointly or separately, at its cost and expense, be required to place with the County a bond, or other form of security acceptable to the County in an amount of at least \$75,000 when constructing a wireless support structure.

(b) The full amount of the bond or security must remain in full force and effect throughout the term of the special use permit or zoning authorization permit and/or until the removal of the wireless support structures, and any necessary site restoration is completed. The failure to pay any annual premium for the renewal of any such security shall be a violation of the provisions of the permit. If written proof of the bond or security is not provided to the County within 60 days of the notice, the County shall have the right to revoke the permit.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.18. Removal of wireless facilities and wireless support structures.

(a) Under the following circumstances, the County may determine that the health, safety, and welfare interests of the County warrant and require the removal of the wireless facility and/or wireless support structures:

- (1) Have been abandoned for a period of at least 5 years;
- (2) Situations caused by acts of God, in which case, repair or removal must be completed within 90 days;
- (3) Have fallen into such a state of disrepair that it creates a health, safety or welfare hazard;
- (4) been located, constructed, or modified without first obtaining a permit, or in a manner not authorized.

(b) If the County makes a determination of a health, safety or welfare issue under this Chapter, then the County shall notify the holder of the permit within 48 hours that the structure must be removed.

(c) The holder of the permit, or its successors or assigns, must dismantle and remove the wireless support structure and facilities, from the site and restore the site to as close to its original condition as is possible within 90 days of receipt of written notice from the County.

(d) If the wireless support structure is not removed or substantial progress has not been made to remove the wireless facilities and wireless support structures within 90 days after the permit holder has been sent notice, then the County may order officials or representatives of the County to remove the wireless facilities and wireless support structures at the sole expense of the owner or permit holder.

(e) If, the County removes, or causes a wireless support structure to be removed, the County may sell any part or component. Any expense associated with removal is the responsibility of the tower owner.

(f) Notwithstanding anything in this Chapter to the contrary, the County may approve a temporary use permit/agreement for the wireless telecommunications facility, for no more than 90 days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facility must

be developed by the holder of the permit, subject to the approval of the County and an agreement to such plan must be executed by the holder of the permit and the County. If such a plan is not developed, approved and executed within the 90 day time period, then the County may take possession of and dispose of the affected wireless support structure in accordance with this Chapter.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-685.19. Reservation of authority to inspect wireless facilities and wireless support structures.

In order to verify that the holder of a special use/zoning authorization permit and any lessees, renters, and/or licensees of a wireless facilities and wireless support structures, place and construct such structures and facilities, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the County may perform inspections.

Sec. 44-685.20. Adherence to state and/or federal rules and regulations.

(a) To the extent that the holder of a permit for wireless facilities and wireless support structures has not received relief, or is otherwise exempt, from appropriate state and/or federal agency rules or regulations, then the holder of the permit must adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any state or federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

(b) To the extent that applicable rules, regulations, standards, and provisions of any state or federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a permit issued pursuant to this Chapter then the holder of the permit must comply with the amended requirements.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/2013)

Sec. 44-686 - 699. Reserved

This 16th day of September, 2013

b. Planner Chris Timberlake came forward and requested the Board hold a public hearing to receive citizen input and amend the Unified Development Ordinance (UDO) to include a definition for Solar Farm (Utility-Scale Solar Application), include solar farms in the UDO's Use Matrix, and provide specific standards for the development of solar farms.

The text amendments focus on the growing interest in a form of sustainable energy referred to as "solar farms." Advances in solar photovoltaic technology, dramatic price reductions in the manufacturing of solar panels, and generous Federal and State tax credits have all combined to make this an attractive business venture. Solar farms were not specifically defined in the County's UDO but were interpreted as "public service facilities" (similar to how other jurisdictions consider them when not specifically defined in local ordinances). Public service facilities/solar farms require special use permits approved by the Board of Adjustment in order to develop in residential, commercial, or industrial districts. The ordinance required two specific standards for public service facilities: 50-foot setbacks from all property lines and a buffer/screen between the solar farm and less intensive uses. The Board of Adjustment could require additional standards necessary to address issues or concerns based on the standards' reasonableness, and had recently begun to adopt this practice.

Apple was the first company to build a solar facility in Catawba County in Maiden. A second Apple site is under construction off Highway 16 North in Conover. Over the past year, the Board of Adjustment has approved six special use permits for solar farms as public service facilities. A seventh permit application will be considered by the Board of Adjustment in September. Two of the

six have completed construction and the others have yet to start construction. Even though there is a sunset provision for Federal and State tax credits in 2014 and 2015, the State of North Carolina may continue to be an attractive location for solar farms. It is too early to tell if tax credits will be extended beyond those deadlines and whether this industry will have staying power nationwide. (Currently, State and Federal tax credits combine to exempt 80% of the value of solar panels from taxation.) The County does not anticipate significant near-term increases to its tax base as a result of solar farm installation. Long-term, the overall impact of solar farm construction on a property's tax value is contingent upon two factors: whether installation of the solar panels would cause the property to cease qualifying for the present use agricultural tax deferment, and whether State and Federal tax credits for solar panel installation will be extended into the future. In situations where solar farms are installed and the present use deferment is maintained, the County's tax base increases slightly, based on the increment of personal property value not covered by the State tax credits. When the present use deferment is not maintained, the tax gains are more significant.

Staff has closely monitored this industry and compared County regulations with other jurisdictions throughout the state over the past year, regularly finding that the County's regulations assumed a middle ground between the least restrictive and most restrictive. Concerns over the increasing volume of solar farm requests and the potential aesthetic impacts of these facilities have grown over the past 12 months. At the July 30, 2013, Board of Adjustment meeting, the Board of Adjustment took action granting approval of a solar farm application (subject to several supplemental stipulations) and requesting that the Board of Commissioners refine the existing standards governing solar farm installation to clarify and more closely align with their policy intent.

Consequently, staff reviewed existing standards and prepared a proposal for revisions to the UDO with the intention of mitigating impacts to surrounding properties and viewsheds and protecting the community's aesthetics while appropriately preserving individual property owners' rights to use their properties in a manner they deem fit. Staff developed the following proposal and brought it before the Planning Board for consideration:

Definition: Solar Farm (Utility-Scale Solar Application) – A solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is typically sold to energy companies rather than end users

Supplemental Standards:

1. All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.
2. A landscape buffer/screen along all exterior sides of the security fence must consist of:
 - a. On-site mature vegetation exists at a minimum height of 10 feet and depth of 75 feet between the security fence and adjacent property including rights-of-way; or
 - b. A single row of evergreens in combination with mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - c. A double row of off-set evergreens absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - d. A berm combined with evergreen vegetation installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years.
3. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm as determined by the Planning Director.
4. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard.
5. The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a Zoning Authorization Permit.

6. All construction parking must be located outside of the rights-of-way.
7. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage.
8. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.
9. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a phone number for the solar farm operator in case of an emergency.
10. Power transmission lines must be located underground to the extent practical.
11. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm.
12. Landscape buffer/screens, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.
13. Removal of solar farm equipment and site restoration:
 - a. Prior to the issuance of a Zoning Authorization Permit, the applicant must provide the County with a Performance Guarantee in the amount of 1.25 times the cost estimate of solar equipment removal and site restoration, as determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.
 - b. The following types of performance guarantees are permitted: bond or certified check.
 - i. Bonds must renew automatically, include a 60-day notice to the County prior to cancellation, and be approved by the Planning Director.
 - ii. The certified check must be deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the County, with all interest accruing to the applicant.
 - c. The full amount of the bond or certified check must remain in full force and effect until the removal of the solar farm, related structures, and any necessary site restoration is completed.
 - d. The land owner must notify the County upon abandonment of the site.

The Planning Board held a public hearing on August 26, 2013, to consider the staff recommendation presented above. No one from the public attended to speak about the proposed amendments. The Planning Board voted 7-1, favorably recommending that the Board of Commissioners amend the Unified Development Ordinance to:

- Accept the definition of solar farms put forth by staff for integration into the UDO.
- Permit solar farms only in the Light Industrial and General Industrial districts and subsequently the 321-ED(I) district, in contrast to staff's recommendation to continue to allow solar farms in other zoning districts.
- Require the supplemental standards for solar farms as recommended by staff with the following minor modifications:
 - Standard #7 for erosion control: Add the sentence "Existing grass must be maintained in perpetuity sufficient to prevent erosion.
 - Standard #9 for signage: Specify that the phone number posted on the warning sign must be a local number to ensure someone is available locally to address any concerns that may arise.
 - Standard #13B for bonding requirements: Add the requirement for bonds to be approved by the Planning Director and be from a company on the US Department of Treasury's Listing of Certified Companies.

After the Planning Board meeting, staff drafted language to reflect the Planning Board's actions and address three issues: allowable zoning districts for solar farm installation, clarification of the

bonding requirement and addition of two more supplemental standards, and effective ordinance date.

1. *Allowable Zoning Districts for Solar Farm Installation:* As to the required zoning, further discussion among staff focused on the Planning Board's recommendation that solar farms be allowed only in industrial districts including General Industrial (GI), Light Industrial (LI), and 321-Economic Development Industrial (321-ED(I)). Other than existing industrial zoned land, the seven small area plans called for a very limited expansion of industrial zoning restricted primarily to the I-40 corridor between Conover, Claremont, and Catawba.

Based upon this and the fact all solar farms approved to date have been located within residential districts, new applications in residential districts would have to be rezoned industrial in order for the applications to be viable, which could create the potential for spot zoning not supported by the adopted plans and possibly state law. Another concern relates to the consequences of rezoning a parcel to industrial in the event that the solar farm would not develop or once it no longer operates on the site: the surrounding residential property could be adversely impacted by other industrial uses (not compatible with surrounding residential development) that could be developed on the industrial-zoned property.

Staff recommended solar farms be permitted by right in all industrial districts, but also to allow them in Rural Conservation-Conditional Districts (RCon-CD) and residential lots of a minimum 2-acre size which are classified as R-80 Residential-Conditional Districts (R-80-CD). Conditional zoning in RCon-CD and R-80-CD offers the advantages of:

- Rezoning recommended by the Planning Board and approved by the Board of Commissioners based upon a specific use (i.e. solar farm)
- A detailed site plan specific to a solar farm on a particular tract of land
- Negotiated development conditions in addition to the proposed standards
- Surrounding property owners assured if the solar farm doesn't develop no other use can proceed without going through the rezoning process
- Public can express its opinions and concerns through the legislative process rather than being restricted by the rules of a quasi-judicial hearing (Board of Adjustment)

2. *Clarification of Bonding Requirement / Addition of Two More Supplemental Standards:* Additional considerations requiring notification of transfer of ownership of the solar farm, submittal of a decommissioning plan, and more specificity related to the bond requirement have been added to the staff's post-planning board recommendation, which can be seen below in its entirety. (These specific changes are addressed in standards #13 and #14. Standards #1 through #12 are identical with those presented above.)

Because the solar farm industry in North Carolina is in its infancy, staff had to expand the scope of its research beyond the solar industry to identify relevant examples of situations where bonding has been required. Through contact with the School of Government and solicitation of information from other County attorneys, the industry of wind generation was identified as having comparable requirements. The changes to standard #14 grew out of staff's review of other counties' ordinances governing the construction of wind generation facilities.

3. *Effective Ordinance Date:* Staff recommended an effective date of October 1, 2013 for the proposed ordinance changes.

Staff contacted each Planning Board member individually to explain the changes that evolved out of post-Planning Board discussion. All but one Planning Board member agreed with the rationale for the proposal to allow solar farms on parcels zoned Rural Conservation-Conditional Districts (RCon-CD) and R-80 Residential-Conditional Districts (R-80-CD) in addition to General Industrial (GI), Light Industrial (LI), and 321-Economic Development Industrial (321-ED(I)) districts, and the Planning

Board members unanimously agreed with staff's recommendation to set an effective date of October 1, 2013 for the proposed ordinance changes.

Following Mr. Timberlake's presentation, the Board clarified that rezoning would now be required so that requests for solar farms would come to the Board of Commissioners vs. the Board of Adjustment.

Chair Barnes opened the public hearing and Lance Williams and John Morris of Strata Solar as well as farmers Gary Punch and Clarence Hood spoke in favor of the majority of the amendments but opposed the extent of the proposed required landscaping/buffering and the proposed bonding requirement. Chair Barnes then closed the public hearing.

After hearing the comments expressed during the public hearing and extensive discussion regarding the required landscaping, setback and bonding requirements, the Board of Commissioners approved the adoption of the proposed amendments, effective October 1, 2013 with the revisions as noted:

1. A definition for Solar Farm (Utility-Scale Solar Application) as proposed above,
2. Provide additional specific standards for the development of solar farms, and

Revisions:

Division 2 Supplemental Uses

Sec. 44-633 Solar Farm (Utility-Scale Solar Application)

3. *Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the Planning Director.*

14. *Removal of solar farm equipment and site restoration:*

c. Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in Subsection d. below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvage value, or \$50,000, whichever is greater. Estimates for decommission the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.

d. The following types of performance guarantees are permitted:

iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the county finance director to withdraw funds from the bank upon certification by the county manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.

e. The full amount of the bond, or certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.

f. the land owner or tenant must notify the County when the site is abandoned.

3. Include solar farms in the Use Matrix table.

Commissioner Isenhower made a motion to amend the UDO as listed above. The motion carried unanimously. The following ordinance applies:

Ordinance No. 2013-16

BE IT ORDAINED that the Catawba County Code of Ordinances, Unified Development Ordinance, is hereby amended to read as follows:

Definitions

Solar Farm (Utility-Scale Solar Application) – A solar photovoltaic facility whose primary purpose is to generate power to sell for commercial gain and is typically sold to energy companies rather than end users.

Division 2 Supplemental Uses

Sec. 44-633. Solar Farm (Utility-Scale Solar Application)

1. All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.

2. A landscape buffer/screen along all exterior sides of the security fence must consist of:
 - a. On-site mature vegetation exists at a minimum height of 10 feet and depth of 75 feet between the security fence and adjacent property including rights-of-way; or
 - b. A single row of evergreens in combination with mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - c. A double row of off-set evergreens absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - d. A berm combined with evergreen vegetation installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years.
3. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the Planning Director.
4. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard.
5. The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a Zoning Authorization Permit.
6. All construction parking must be located outside of the rights-of-way.
7. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage. Existing grass must be maintained in perpetuity sufficient to prevent erosion.
8. The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid.
9. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency.
10. Power transmission lines must be located underground to the extent practical.
11. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm.
12. Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.
13. The Zoning Authorization Permit is subject to revocation if the Planning Department is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual.
14. Removal of solar farm equipment and site restoration:
 - a. The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored.
 - b. Following a continuous 6 month period in which no electricity is generated, the permit holder will have 6 months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
 - c. Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in Subsection d. below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value, or \$50,000.00, whichever is

greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate.

d. The following types of performance guarantees are permitted:

- i. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Planning Department each year verifying the bond has been properly renewed.
- ii. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the County, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
- iii. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the County finance director to withdraw funds from the bank upon certification by the County manager that the terms and conditions of the performance guarantee have been breached. The letter of credit must be valid up to 12 months from the date the performance guarantee was approved.
- e. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
- f. The land owner or tenant must notify the County when the site is abandoned.

Table 44-403-1. Use matrix.

| USES | Rural Conservation (Con) | R-80 (Residential) | R-40 (Residential) | R-30 (Residential) | R-20 (Residential) | R-15 (Residential) | R-12 (Residential) | R-10 (Residential) | R-7 (Residential) | Office-Institutional (I) | General Commercial (C) | Freightway Commercial (C) | Light Industrial (I) | General Industrial (I) | Reference |
|---|--------------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------|--------------------------|------------------------|---------------------------|----------------------|------------------------|--|
| Solar Farm, Utility-Scale Application | * | * | | | | | | | | | | | P | P | * Rezoning to RCon-CD, 44-327 and 44-633 |

This 16th day of September, 2013

- 9. Appointments.
Commissioner Lynn Lail recommended the reappointment of Pamela Connelly for a second term on the Nursing and Rest Home Advisory Board. This term will expire June 17, 2016. Commissioner Lail also recommended the reappointment of Jody Street for a second term and Mick Berry and Dennis Hurst for third terms on the Region E Development Corporation. These terms will expire September 30, 2016. Commissioner Hunsucker recommended the reappointment of Jerome Bolick for a second term on the Newton-Conover Auditorium Authority Board of Directors. This term will expire June 30, 2016. Commissioner Randy Isenhower recommended the appointment of Kimberly Whitley for a first term on the Partners Behavioral Health Management Board of Directors. This term will expire September 30, 2016. Chair Barnes stated that these recommendations came in the form of a motion which carried unanimously.
- 10. Consent Agenda:
County Manager J. Thomas Lundy presented the following two items on the consent agenda:

a. A request for the Board to authorize the sole source exemption for the purchase of 18 in-car camera systems from L3 Communications in the amount of \$89,997. Funding for this purchase is included in the current County budget. In-car video systems are important for officer safety and can provide crucial evidence in areas such as car chases and treatment of suspects. The systems help with evidence in cases and reduce liability to the Sheriff's Office. The Sheriff's Office already has L3 Communication's software and the system is installed in ten vehicles. This system has proven to be reliable; the company has been progressive with system upgrades and provided good customer service. The purchase of 18 additional units will replace a system that does not have a reliable track record. Converting all vehicles to L3 Communications will standardize the Patrol fleet by having the same interface to stage and view the system and allow for the same upload, storage and viewing of videos. The L3 Communications system can only be purchased from L3 Communications/Mobile Vision, Inc.

North Carolina General Statute 143-129 allows for an exception from formal bidding for purchase contracts when performance or price competition for a product are not available; when a needed product is available from only one source of supply; or when standardization or compatibility is the overriding consideration. This exception requires the governing body approval and a record must be maintained of purchases made.

b. A request for the Board to approve a Pyrotechnics Permit for the Greater Hickory Classic Foundation. The Greater Hickory Classic Foundation had submitted a Pyrotechnic Permit application. The requested permit is for a fireworks display to be conducted on September 22, 2013, at 3763 Golf Drive in Conover, North Carolina. The display is scheduled to occur at approximately 8:30 p.m. and last approximately 30 minutes. The Greater Hickory Classic Foundation has contracted with Pyrotechnico to conduct the exhibition. Mr. John Adair will be the operator for this event and possesses a valid "Outdoor Pyrotechnics Display Operators Permit" through the North Carolina Department of Insurance's Office of State Fire Marshal. Based on the application, all statutory requirements have been or will be met. If at any time, any requirement of the permit is not satisfied, the Fire/Rescue Division will immediately revoke the permit.

Chair Barnes asked if any Commissioner wished for an item to be broken out of the consent agenda for individual consideration and none was requested. Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

Economic Development Corporation.

Economic Development Corporation President Scott Millar presented a request for the Board to grant the Catawba County Economic Development Corporation (EDC) Board additional flexibility when considering applications for the Demolition Fee Waiver Program and add a requirement that any project benefitting from the Fee Waiver program post Innovate Catawba Reinventing Spaces signage onsite. The Fee Waiver program has proven to be a catalyst in the redevelopment of several notable properties and resulted in the re-investment of more than \$21 million. However, recently the EDC Board supported a demolition project in concept and adjacent businesses and the City of Hickory supported the project, but by nature of the guidelines as written, the EDC Board could not officially approve the project because it did not meet a minimum of 2 acres.

The EDC Board feels its sole responsibility is to determine whether the property meets the rules for eligibility, while the Board of Commissioners maintains sole responsibility for developing the Fee Waiver rules. The current situation offers no flexibility to the EDC Board. The EDC Board sought the addition of the following statement to the Fee Waiver guidelines: *"Under extenuating or unusual circumstances, flexibility to these guidelines may be granted by means of letters of support by the manager and/or elected body of the affected local governing body"*. This statement provides flexibility to the EDC Board to approve worthwhile demolition & redevelopment projects otherwise not presently eligible.

The Fee Waiver program aligns closely with one of the six work groups of “Innovate Catawba”, Reinventing Spaces. To further link the two and communicate their community impact, the EDC would like to add a requirement to the Fee Waiver guidelines that Innovate Catawba signage is prominently posted onsite at all projects benefitting from the County’s Fee Waiver program. The EDC suggests at minimum that a 4 foot by 4 foot banner with an approved Innovate Catawba logo be installed in a visible location at the expense of the demo fee waiver grantee.

After discussion regarding the size requirement of the Innovate Catawba logo, it was determined that the 4 foot by 4 foot size minimum made the sign both visible and cost effective. Commissioner Lail made a motion to amend the policy as requested. The following policy applies:

ECONOMIC DEVELOPMENT DEMOLITION FEE WAIVER PROGRAM

This program’s purpose is to eradicate dilapidated and vacant industrial buildings to clear property for redevelopment, encourage the development of recognized historic structures for adaptive reuse, and initiate the creation of pre-graded industrial sites. Coordinated with and included in marketing by the Catawba County Economic Development Corporation (EDC), this program is designed to promote economic development throughout Catawba County by providing incentives to attract business development. Fees will be waived for solid waste to include all State-permitted waste streams accepted at the Blackburn Landfill, such as land clearing debris, municipal solid waste and construction and demolition debris, and for erosion control and demolition permits, oversight, and inspections. This waiver program is subject to cancellation at any time and will expire no later than June 30, 2015. The program will be monitored on a monthly basis, with reporting to the Board of Commissioners no less than quarterly. The program guidelines listed below must be followed to qualify for the Economic Development Fee Waiver Program:

Demolition/Rehab Program

- Projects must be situated in a location reasonably suited for future development as determined by Catawba County EDC.
- Individual buildings must be submitted to EDC a minimum of 30 days in advance and approved by EDC Board of Directors on a monthly basis.
- Projects must meet all requirements to be listed on North Carolina Department of Commerce (NCDOC) site/building database; a minimum size of 2 acres (may be combined with adjacent properties if all properties meet NCDOC site data sheet requirements); and have either a specific sales or lease price. Should the owner be redeveloping the site, these requirements will be waived with a minimum committed investment of \$1 million in new construction. Under extenuating or unusual circumstances, flexibility to these guidelines may be granted by means of letters of support by the manager and/or elected body of the affected local governing body.
- Innovate Catawba signage is to be prominently posted on all projects benefitting from this waiver program. A banner no less than 4’ x 4’ with an approved Innovate Catawba logo shall be installed in a visible location at the expense of the demo fee waiver grantee.

Pre-Graded Sites (In addition to the requirements for the Demolition//Rehab Program)

Must be a minimum of 2.0 acres (less acreage may be considered with a committed investment of \$1 million in new construction).

12. Other Items of Business: None.
13. Attorney’s Report: None.
14. Manager’s Report: None.
15. Adjournment. Vice-Chair Beatty made a motion to adjourn at 9:20 p.m.

Katherine W. Barnes, Chair

Catawba County Board of Commissioners

Barbara E. Morris
County Clerk