

## AGENDA

Catawba County Board of Commissioners Meeting  
Monday, November 20, 2017, 7:00 p.m.  
Robert E. Hibbitts Meeting Room, 1924 Courthouse  
30 North College Avenue, Newton, NC

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. [Approval of the Minutes from the Board's Regular Meeting and Closed Session of November 6, 2017.](#)
5. Recognition of Special Guests.
6. Public Comments.
7. Public Hearings:
  - a. [Sutter Street Manufacturing Inc. Economic Development Agreement and Resolution. Presented by Economic Development Corporation Existing Industry Coordinator Nathan Huret.](#)
  - b. [Proposed Road Names for Two Unnamed Streets. Presented by GIS Administrator Michelle Deese.](#)
  - c. [Unified Development Ordinance \(UDO\) Text Amendments. Presented by Senior Planner Chris Timberlake.](#)
  - d. [Rezoning Request – Solar Farm. Presented by Senior Planner Chris Timberlake.](#)
8. [Appointments.](#)
9. Consent Agenda.
  - a. [Donation of Three Chevrolet Ambulances to Catawba County Schools.](#)
  - b. [Request to Transfer Funds for Newton-Conover City Schools \(N-CCS\) to Central Office Upgrades and Repairs.](#)
  - c. [Request to Transfer Funds for Shared Construction Manager from Newton-Conover Schools \(N-CCS\) to Catawba Valley Community College \(CVCC\).](#)
  - d. [Request to Transfer Funds for Hickory Public Schools \(HPS\) Southwest Elementary Renovation Project.](#)
  - e. [Tax Refund Requests.](#)
  - f. [Resolution Approving the 2018 Board of Commissioners Meeting Schedule.](#)
10. Other Items of Business.
11. Manager's Report.  
Strategic Plan Wrap-Up.
  - a. [Strategic Plan Document.](#)
  - b. [Presentation.](#)
12. Attorneys' Report.

### 13. Adjournment.

**PERSONS WITH DISABILITIES:** Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Access to the 1924 Courthouse for individuals with disabilities is at the south side ("A" Street). The elevator is located at the north end of the building. Participation in public meetings is without regard to race, ethnicity, religion, sex, age, or disability.

**CALENDAR:** The December Board of Commissioners Meetings will take place on Monday, December 4, 2017, at 9:30 a.m. and on Monday, December 18, 2017, at 7:00 p.m.

## **MEMORANDUM**

To: Catawba County Board of Commissioners  
From: Nathan Huret, Catawba County EDC  
Date: November 20, 2017  
Re: Sutter Street Manufacturing Inc. Economic Development Agreement and Resolution

### **REQUEST**

The Board of Commissioners holds a public hearing to receive citizens' comments and approves the Economic Development Agreement between the County and Sutter Street Manufacturing Inc., the related resolution attached, and authorize the Chair to execute these along with any other needed documents.

### **PROJECT BACKGROUND AND COMPANY OVERVIEW**

Sutter Street Manufacturing intends to equip an existing manufacturing building located in the City of Claremont at 2973 Kelly Boulevard. The company plans to invest a minimum of \$1,900,000 and create 72 new jobs over the next three years. The average wage of the new jobs will exceed Catawba County's average wage of \$39,774.

The expansion requires facility upgrades and developing a long term parking solution for the company's employees. The company has identified a graded lot across the street from its facility, large enough to accommodate the company's long term parking needs and anticipated employment growth. Cost estimates provided by the company's representatives indicate land acquisition and development costs total approximately \$1 million.

Williams-Sonoma established its Sutter Street Manufacturing Inc. operation in Hickory in 2007 with only a 35,000sf facility. Beginning with only 25 associates, the Catawba County facility's goal was and remains to manufacture and deliver top quality upholstered home furnishings to Williams-Sonoma customers through nationally recognized brands like Pottery Barn, PBTeen, West Elm and others. The Claremont facility also delivers to 29 destinations across the US and also does "final mile" delivery into the customer's home for North and South Carolina. By June of 2011, Sutter Street Manufacturing Inc. moved to its existing facility in North Carolina, which is 411,000sf and employed 285 associates. Today the company employs over 580 highly-skilled artisans.

### **ECONOMIC DEVELOPMENT INCENTIVE GRANT OVERVIEW AND CLAWBACKS**

The proposed incentive grant is based on a contract with obligations requiring satisfactory performance by the Company and adhering to all NC general statutes. The contract requires a minimum investment of \$1,900,000, the creation and maintenance of 72 new jobs, and the maintenance of 583 existing jobs currently at the facility. County will provide a one-time payment of \$1,000 for each of the new jobs created commencing with the jobs created beginning July 1, 2017.

In no event will the cumulative payments by County exceed Seventy-Two Thousand Dollars (\$72,000).

<b>Grant Year</b>	<b>Total Number of Jobs Created by Year</b>	<b>Incentive Payment by County by Year</b>	<b>Maximum Incentive Payment by Year</b>
1	23	\$1,000	\$23,000
2	30	\$1,000	\$30,000
3	19	\$1,000	\$19,000
<b>Total</b>	<b>72</b>		<b>\$72,000</b>

Like all incentives provided by the County, these incentives will be based on an economic development agreement which requires Sutter Street Manufacturing to meet minimum thresholds of investment (\$1,900,000 by 2019) and job creation (72 new jobs by 2019) and maintenance (583 jobs), all of which must be maintained for a minimum of three years after the final incentive payment. Clawbacks are included in the agreement requiring repayment should the investment and job creation amounts not be met or sustained.

#### **RECOMMENDATION**

The Board of Commissioners holds a public hearing to receive citizens' comments and approves the Economic Development Agreement between the County and Sutter Street Manufacturing Inc., the related resolution attached, and authorize the Chair to execute these along with any other needed documents.



Resolution No. 2017-

Resolution Authorizing Economic Development Incentives for Sutter Street Manufacturing Inc.

**WHEREAS**, Sutter Street Manufacturing Inc. (herein referred to as “the Company”) requested incentives to cause a minimum investment of \$1,900,000 in the Company’s Claremont facility by December 31, 2019, and the creation and maintenance of a minimum of 72 new jobs by December 31, 2019, with a requirement to not hire anyone without a minimum of a high school diploma for anyone 25 years of age or below, and that the total average wage of the jobs will be above the average wage in Catawba County as determined annually by the North Carolina Department of Commerce.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Catawba County, North Carolina, as follows:

The Board of Commissioners approves a performance based grant, based on the minimum investment of \$1,900,000 and creation and maintenance of 72 new jobs within three years, with a maximum annual payment of \$30,000 (cumulative maximum incentive of \$72,000). This grant will be used to reimburse the Company’s expenditures as eligible under North Carolina General Statute 158-7.1. The Board of Commissioners also directs the County to execute a contract and any necessary resolutions or addenda between the Company and the County under these terms and conditions and authorizes the Chair to execute these documents.

This the 20th day of November, 2017.

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C. Randall Isenhower, Chair  
Catawba County Board of Commissioners

Prepared by:  
Debra Bechtel, Catawba County Attorney  
PO Box 389, Newton, NC 28658

**STATE OF NORTH CAROLINA**

**COUNTY OF CATAWBA**

**COUNTY OF CATAWBA AND SUTTER STREET  
MANUFACTURING INC.**

**ECONOMIC DEVELOPMENT AGREEMENT**

This **JOINT ECONOMIC DEVELOPMENT AGREEMENT** (this "Agreement") is made and entered into this \_\_\_\_ day of \_\_\_\_, 2017, by and between **Catawba County** (the "County"), a North Carolina body politic, having a mailing address of **Post Office Box 389, Newton, NC, 28658**, and **Sutter Street Manufacturing Inc.** ("Company"), a California corporation qualified to do business in the State of North Carolina, having a mailing address of **2973 Kelly Boulevard, Claremont, North Carolina 28610**.

**WITNESSETH:**

**WHEREAS**, North Carolina General Statute (NCGS) 158-7.1 authorizes County to make appropriations for the purpose of aiding and encouraging the location of business enterprises and industrial and commercial plants in or near its boundaries, and Company is engaged in manufacturing upholstered residential furniture within the meaning of NCGS 158-7.1; and

**WHEREAS**, Westminster Claremont LLC, a North Carolina limited liability company ("Landlord"), leases to Company, and Company intends to lease, improve and equip existing warehouse and manufacturing facilities (the "Improvements") at 2973 Kelly Boulevard, Claremont, NC, 28610 (Parcel ID # 375112955597) (the "Property"), at a cost of not less than One Million Nine Hundred Thousand Dollars (\$1,900,000) and intends to create a minimum of Seventy Two (72) new jobs at the facility and retain Five Hundred Eighty Three (583) permanent jobs currently at the facility, with the improvements to be made and new jobs to be created between July 1, 2017 and December 31, 2019 (the "Improvement Period"); and

**WHEREAS**, in an effort to encourage and maintain the highest educational attainment, Company will agree to require a minimum of a high school diploma or its equivalent (GED, Adult HS Diploma, etc.) for any permanent full-time employee 25 years of age or below; and

**WHEREAS**, Company expects to be a community-oriented company and intends to participate in philanthropy, community events and programs intended to increase the health and happiness of their employees and the greater community as a whole; and to consider participation in the Catawba EDC's corporate Committee of 100 501(c)(3) non-profit sponsorship; and

**WHEREAS**, Company is encouraged, to the reasonable extent possible, to purchase local services and supplies, such as, but not limited to, locally produced products, local hotel, motel and hospitality services, local building and construction services, and other products and services;

**NOW, THEREFORE**, in consideration of the promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

## **SECTION I – SUTTER STREET MANUFACTURING INC.**

1. On or before December 31, 2017 Company shall:
  - 1.1 Deliver to County a certificate confirming that Company has leased the real Property and has caused the improvement and installation of the Improvements that will result in the creation, maintenance and availability of a minimum of 72 new jobs prior to December 31, 2019 and that the overall average weekly wage will equal or exceed the average weekly wage required under the North Carolina Department of Commerce's contractual requirements for each year that County pays Company the economic development incentive provided for herein. Company affirms understanding of, and agrees to comply with, the Calendar of Responsibilities as outlined in Exhibit "A". Such certificate shall be substantially in the form of the certificate attached to this Agreement as Exhibit "A". It is understood and agreed the 72 new jobs referred to above means additional new jobs over and above the 583 existing jobs at Company's Property in Claremont as of June 30, 2017.
  - 1.2 Provide an Opinion of Counsel for Company, in form and substance reasonably satisfactory to County, that this Agreement has been duly authorized, executed and delivered by Company; and
  - 1.3 Provide an Opinion of Counsel for Company, in form and substance reasonably satisfactory to County, stating that this Agreement is binding upon and enforceable against Company, in North Carolina, in accordance with its terms.
2. In order to induce County to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, Company represents and warrants that, as of the execution date hereof:
  - 2.1 Company is qualified to do business in the State of North Carolina, has a place of business within the State of North Carolina, and is in good standing and authorized to do business in the State of North Carolina;
  - 2.2 Company has the corporate power and authority to own its properties and assets and to carry on its business as now being conducted and has the corporate power and authority to execute and perform this Agreement;
  - 2.3 The undersigned representative of Company has the right, authority and duty to execute this Agreement in the name and on behalf of Company;
  - 2.4 This Agreement (i) is the valid and binding instrument and agreement of Company, enforceable against Company in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on Company, the charter documents or operating agreement of Company or any provision of any indenture, agreement or other instrument to which Company a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which Company is a party;

- 2.5 There is no suit, claim, action or litigation pending, or to the knowledge of Company threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein;
- 2.6 To Company's actual knowledge, there is no impediment to the use of the Property for the purposes contemplated by this Agreement.
- 2.7 Company is not engaged in a business that would be exempt from property taxes.
- 3. In order to induce Company to enter into this Agreement and to appropriate and expend monies for payment of economic development incentives, County represents and warrants that, to the best of County's knowledge that, as of the execution date hereof:
  - 3.1 County is a North Carolina body politic corporate in nature and existing under North Carolina law;
  - 3.2 County has the power and authority to carry on its business as now being conducted and has the power and authority to execute and perform this Agreement;
  - 3.3 The undersigned authorized representative of County has the right, authority and duty to execute this Agreement in the name and on behalf of County;
  - 3.4 This Agreement (i) is the valid and binding instrument and agreement of County, enforceable against County in accordance with its terms; (ii) does not violate any order of any court or other agency of government binding on County, the charter documents of County or any provision of any indenture, agreement or other instrument to which County is a party; and (iii) does not conflict with, result in a breach of, or constitute an event of default, or an event which, with notice or lapse of time, or both, would constitute an event of default, under any indenture, agreement or other instrument to which County is a party; and
  - 3.5 There is no suit, claim, action or litigation pending, or to the knowledge of County threatened, relating to the Improvements, the use of the Improvements for their intended purpose, or any other matter contained herein.
- 4. Company shall make or cause to be made investments to the Property and Improvements during the Improvement Period. Cumulative expenditures will meet or exceed One Million Nine Hundred Thousand Dollars (\$1,900,000) by December 31, 2019, all of which will qualify and result in additional value for ad valorem tax purposes as determined by the Catawba County Tax Office, and Company further agrees to maintain in place, in good condition (ordinary wear and tear excepted), said Improvements for three years after the final incentive payment.
- 5. In addition to the 583 existing jobs on June 30, 2017, Company shall create a minimum of 72 new jobs, where each jobs overall average weekly wage will equal or exceed the 100% Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards, at the Property in Claremont by December 31, 2019 and agrees to maintain or make available these jobs in place for three years after the final

incentive payment. A job is defined as employment that provides 1600 hours or more of work in any 12 month period.

## **SECTION II – COUNTY**

6. On or before December 31, 2017 County shall deliver to Company an Opinion of Counsel for County, in form and substance reasonably satisfactory to Company that this Agreement has been duly authorized, executed and delivered by County; and stating that this Agreement complies with the terms and requirements of NCGS 158-7.1 and is binding upon and enforceable against County with its terms; and evidence in the form of a Resolution or Resolutions, or official minutes, which County duly adopted authorizing the economic development incentives set forth in this Agreement.
7. Payment of economic development incentives for Real and Personal Investments and for Job Creation will be made as provided in this Paragraph 7.
  - a. Based on a minimum additional investment of \$1,900,000 by December 31, 2019 through Improvements made during the Improvement Period and the minimum job creation of 72 new jobs and retention of 583 permanent jobs, the County will provide a one-time payment of \$1,000 for each of the 72 new jobs created commencing with the jobs created beginning July 1, 2017, pursuant to Paragraph 5. Should the Company create additional jobs above the amounts required for each given year these jobs will accrue towards the allowable maximum for the following year but the parties agree payments shall not exceed what is depicted in the chart below. Payments will be made pursuant to Paragraph 5 above with the maximum payment as reflected herein and further depicted in the chart below.
  - b. In no event will the cumulative payments by County exceed Seventy Two Thousand Dollars (\$72,000).

<b>Grant Year</b>	<b>Total Number of Jobs Created by Year</b>	<b>Incentive Payment by County by Year</b>	<b>Maximum Incentive Payment by Year</b>
1	23	\$1,000	\$23,000
2	30	\$1,000	\$30,000
3	19	\$1,000	\$19,000
<b>Total</b>	<b>72</b>		<b>\$72,000</b>

- c. Said amounts shall be payable annually, beginning with a payment in 2018 for jobs created during Project Year 1 (2017) and properly documented as required under the terms of this agreement, with similar payments in each of the following two years for additional jobs created in Project Year 2 (2018) and 3 (2019).
- d. Upon creation of new jobs by Company at the facility for each of 2017 through 2019 and certification by Company in the form or substantially in the form of the certificate attached hereto as Exhibit B, and proof of payment of taxes as agreed herein, County will, within sixty (60) days, pay to Company an economic

development incentive payment, the amount of which is calculated in Paragraph 7.b.

- e. Company shall furnish to County on or before March 5th of each calendar year, following and corresponding to the previous July 1st when taxes are billed, the certification required by this Section 7 and proof of payment of all applicable taxes. If requested, Company shall provide County, at County's expense, independent certification as to such expenditures and number of existing jobs.

### **SECTION III - OTHER**

- 8. Force Majeure. Notwithstanding the provisions of Paragraph 9, in the event Company or Landlord is unable to meet the requirements of this Agreement as a result of (i) an event of force majeure, including but not limited to fires, explosions, acts of God, acts of public enemy, insurrections, riots, terrorism, embargoes, labor disputes, including strikes, lockouts and job actions, or boycotts; (ii) the inability to obtain the governmental permits or approvals (including zoning) necessary for the acquisition of the land or undertaking and operating the Improvements after a good faith effort to obtain same has been made; (iii) shortages of materials or energy; (iv) changes in laws; or (v) other causes beyond the control of and arising without the fault or negligence of Company; then, in such event, the Improvement Period shall be extended for a period equal to the delay caused by any of the foregoing events so long as Company shall (a) have furnished County on a timely basis, upon the occurrence of such event, a notice thereof, and (b) take all commercially reasonable steps necessary to relieve the effect of such event and to resume completion of the Improvements. In accord with the foregoing, should the Company be unable to meet the requirements as described above as a result of a force majeure, the obligation of the County to pay as provided in Section II above, shall be suspended until such time as the Company is relieved from the effect of an event of force majeure and resumes completion of the Improvements.
- 9. It shall be an Event of Default if any one or more of the following events shall occur for any reason whatsoever (and whether such occurrence shall be voluntary or involuntary or come about or be effected by operation of law or pursuant to or in compliance with any judgment, decree or order of any court or any order, rule or regulation of any administrative or governmental body):
  - a. If Company, except in the event of force majeure, shall commit a material breach of a material obligation hereunder (including without limitation, the obligation to meet the investment goals and maintaining 583 permanent jobs at the facility which existed as of June 30, 2017 and, in addition, creation and maintenance of a minimum of 90% (65) of the number (72) of new jobs as set forth herein) and such breach shall continue for a period of sixty (60) or more days following receipt of written notice from County;
  - b. If Company shall fail to qualify and/or maintain the requirements for eligibility and participation in agreements for State of North Carolina incentives as expressly set forth in this Agreement and as applied for and awarded;

- c. If Company fails to timely file Exhibit A, or Exhibit B on or before March 5 of each year, following and corresponding to the previous July 1st when taxes are billed, and any qualifying incentive would be due to Company, this shall be deemed a breach of the Agreement and notwithstanding paragraph 10 below, the sole remedy will be that County will not owe Company any incentive that may have otherwise been due had those filings properly been made when due.
  - d. If any material representation or warranty of Company contained in this Agreement or in any final writing, certificate, report or statement furnished by Company to County in connection with the transaction described in this Agreement, shall, to Company's knowledge, to be false or misleading in any material respect at the time given;
  - e. If Company shall be unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of a receiver, trustee, liquidator or conservator of themselves or of the whole or any substantial part of their property; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or any state;
  - f. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing a custodian, receiver, trustee, liquidator, or conservator of Company or of the whole or any substantial part of their properties, or approves a petition filed against Company seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of Company or of the whole or any substantial part of their properties;
  - g. If Company shall allow its taxable assets, employment and average wage amounts to fall below the minimum values agreed upon in this Agreement, as each of the same pertains to the facility contemplated by this Agreement; or
  - h. If Company shall allow its taxable assets, employment and average wage amounts to fall below the minimum values agreed upon in this Agreement, as each of the same pertains to the facility contemplated by this Agreement.
9. County Remedy: If Company fails to cure an Event of Default for which it receives written notice from County, the obligation of County as set out herein shall terminate, and Company shall immediately refund to County all economic development incentive payments paid to Company prior to the date of the Event of Default plus interest at the rate of prime plus one percent (1%). The date the prime interest rate shall be determined shall be the date the Company receives the notice of the Event of Default and prime will be the prime rate as published in the *Wall Street Journal (WSJ)*. Company shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, to cure the Event of Default.
10. County Default and Company Remedy:

- a. If County, except in the event of force majeure, fails to pay W-S when such payment is due or is otherwise unable to pay its debts generally as they become due; files a petition to take advantage of any insolvency statute; makes an assignment for the benefit of creditors; commences a proceeding for the appointment of an emergency manager, receiver, trustee, liquidator or conservator or any similar entity; files a petition or answer seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute of the United States of America or North Carolina; or
- b. If a Court of competent jurisdiction shall enter an order, judgment, or decree appointing an emergency manager, custodian, receiver, trustee, liquidator, or conservator or any similar entity for County, or approves a petition filed against County seeking reorganization or arrangement of similar relief under the federal bankruptcy laws or any other applicable law or statute; or if, under the provisions of any other law for the relief or aid of debtors, a court of competent jurisdiction shall assume custody or control of County.

If County fails to cure an Event of Default for which it receives written notice from Company, the obligations of Company as set out herein shall terminate. County shall, as it relates to an Event of Default, have sixty (60) days after receipt of the notice required above, to cure the Event of Default.

11. Company and County acknowledge that any monies appropriated and expended by County for economic development incentives, as provided in this Agreement, are for a bona fide public purpose and are expended in good faith reliance on NCGS 158-7.1. In the event a Court of competent jurisdiction rules to which either Company or County is a party, that all monies expended by County pursuant to this Agreement were not offered and accepted in good faith and in compliance with NCGS 158-7.1 and, further, that such monies must be repaid, Company will make such repayment to County. In the event one or more lawsuits are brought against County or any County elected official, officer, agent or employee, or Company, challenging the legality of this Agreement, then County and Company shall exercise their best efforts to defend against any and all such lawsuits, at their own cost and expense.
12. All notices, certificates or other communications required or permitted to be given or served hereunder shall be deemed given or served in accordance with the provisions of this Agreement if the notice is (i) mailed in a sealed wrapper and is deposited in the United States mail, certified mail, return receipt requested, postage prepaid, or (ii) deposited with a national overnight courier service that retains receipts for its deliveries, properly addressed as follows:

County of Catawba: Catawba County  
Attn: County Manager  
PO Box 389  
Newton, NC, 28658

Copy to: County Attorney  
Attn: Debra Bechtel, County Attorney



PO Box 389  
Newton, NC, 28658

Company: Sutter Street Manufacturing Inc.  
Attn: Eric Marsiglia  
7755 Polk Lane  
Olive Branch, MS 38654

County or Company may, by notice given to the other, designate any further or different addresses to which notices, certificates, requests or other communications shall be sent.

13. This Agreement shall inure to the benefit of, and is binding upon, County and Company and their respective successors and assigns. However, neither this Agreement, nor any rights, privileges, nor claims created by this Agreement may be transferred by Company without the prior, written approval of County, which approval will not be unreasonably withheld.
14. Except as otherwise provided in this Agreement, this Agreement may not be amended, changed, modified or altered except by written agreement of the parties.
15. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this Agreement.
16. This Agreement may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, and it shall not be necessary in making proof of this Agreement to produce or account for more than one such fully-executed counterpart.
17. Controlling Law and Venue. This Agreement is governed by and shall be construed in accordance with the laws of the State of North Carolina; venue of any action shall be in the general courts of justice in Catawba County, or if in Federal court in the Western District of North Carolina.
18. The term of this Agreement shall commence on the date of execution and expire upon payment by County of all payments due to Company and Company fulfilling all of its requirements including real and personal property investments and the creation and maintenance of jobs, unless earlier terminated as provided herein.
19. Both Company and County acknowledge and stipulate that this Agreement is the product of mutual negotiation and bargaining and that it has been drafted by Counsel for both Company and County.

**IN WITNESS WHEREOF** the parties hereto have set their hands and seals as of the day and year first above written.

**County of Catawba,**  
A North Carolina Body Politic

**Attest:**  
**(SEAL)**

By: \_\_\_\_\_ **(Seal)**  
C. Randall Isenhowe, Chair  
Catawba County Board of Commissioners

\_\_\_\_\_  
Barbara E. Morris, Clerk

**Sutter Street Manufacturing Inc.,**  
a California corporation

By: \_\_\_\_\_ **(Seal)**  
Eric Marsiglia, Vice President – Engineering,  
Projects, Planning, Facilities, and Real  
Estate

**STATE OF NORTH CAROLINA**  
**COUNTY OF CATAWBA**

I, \_\_\_\_\_ a Notary Public of said county and state, certify that Barbara E. Morris personally came before me this day and acknowledged that she is County Clerk to the Catawba County Board of Commissioners, a body politic corporate in nature, and that by authority duly given and as the act of the body politic the foregoing instrument was signed in its name by its Chair, sealed with its body politic seal, and attested by herself as County Clerk.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

[Seal]

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_ a Notary Public of said County and State, do certify that Eric Marsiglia, Vice President-Engineering, Projects, Planning, Facilities and Real Estate, personally appeared before me this day and acknowledged on behalf of Sutter Street Manufacturing Inc., a California corporation, the voluntary due execution of the foregoing document, all for the purposes therein expressed.

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

[Seal]

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

This document has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_ Robert Miracle, Catawba County Finance Director

Approved as to form on behalf of County of Catawba only:

\_\_\_\_\_ Debra Bechtel, County Attorney

**EXHIBIT A**

Joint Economic Development Agreement  
Between County of Catawba and Sutter Street Manufacturing Inc.

**CERTIFICATE**

**TO:           Catawba County**

This Certificate is delivered pursuant to paragraph 1.1 and paragraph 9 of the Joint Economic Development Agreement (the "Agreement"), dated \_\_\_\_\_, 2017, between Catawba County ("County") and Sutter Street Manufacturing Inc. ("Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

I, \_\_\_\_\_, do hereby certify, for and on behalf of Company, that:

- (a) Company has leased and equipped or caused to be equipped, the real property necessary for the Facility and the Improvements; and
- (b) Company will create, maintain and make available a minimum of 72 net new jobs (in addition to the existing 583 jobs as of June 30, 2017) prior to December 31, 2019 and the overall average weekly wage will equal or exceed the 100% Average Weekly Wage established for Catawba County by the North Carolina Department of Commerce's Wage Standards for each year that County pays Company the economic development incentive provided for herein; and
- (c) Company agrees to comply with the Calendar of Responsibilities listed below.

**Calendar of Responsibilities:**

- By January 5: Company makes payment to County according to Tax Listing filed by January 31<sup>st</sup> of the previous year unless extension is requested and approved for April 15<sup>th</sup>. Any extension request must be filed by January 31<sup>st</sup>.
- By March 5: Company must provide Exhibit A and Exhibit B, supporting documents and proof of payment and/or compliance as required within Agreement.
- By April 15: Company must provide Real/Personal Property Tax listings to County Tax Office.
- By April 22: County Tax Office to provide Tax Listing on Specified Accounts.\*

\*Note: This is not a company responsibility.

Dated at Catawba County, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

**Sutter Street Manufacturing Inc.**

BY: \_\_\_\_\_

Eric Marsiglia, Vice President – Engineering, Projects,  
Planning, Facilities, and Real Estate

**EXHIBIT B**

Joint Economic Development Agreement  
Between County of Catawba and Sutter Street Manufacturing Inc.

**CERTIFICATE**

**TO:           Catawba County**

This Certificate is delivered pursuant to Section 7 and Section 9 of the Joint Economic Development Agreement ("the "Agreement") dated \_\_\_\_\_, 2017, between Catawba County ("County") and Sutter Street Manufacturing Inc. ("Company"). Any capitalized term not otherwise defined herein shall have the meaning assigned to such term in the Agreement.

Company does hereby certify that:

- (a) The following improvements were made during the 20\_\_ Calendar Year: \_\_\_\_\_;  
\_\_\_\_\_;
- (b) The following jobs were created during the 20\_\_ Calendar Year: \_\_\_\_\_  
(please attach the most recent quarterly Form NCUI 101);
- (c) The average wage of all of those employed at the \_\_\_\_\_ Claremont facility during the 20\_\_ Calendar Year is as follows: (Wage Forms Total Payroll divided by number of employees) \_\_\_\_\_;
- (d) Total cumulative personal property valuation installed at the \_\_\_\_\_ facility during the 20\_\_ Calendar Year \_\_\_\_\_; and
- (e) Proof of taxes paid is attached to this certificate.

Dated at Catawba County, North Carolina, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Sutter Street Manufacturing Inc.**

\_\_\_\_\_  
BY: NAME, POSITION

**Attachments (required):**

Current Year Catawba County personal and real property Tax Listing information as reported to Catawba County Tax Office, Most recent quarterly Form NCUI 101, Proof of taxes paid in full.

**Calendar of Responsibilities:**

- By January 5: Company makes payment to County according to Tax Listing filed by January 31<sup>st</sup> of the previous year unless extension is requested and approved for April 15<sup>th</sup>. Any extension request must be filed by January 31<sup>st</sup>.
- By March 5: Company must provide Exhibit A and Exhibit B, supporting documents and proof of payment and/or compliance as required within Agreement.
- By April 15: Company must provide Real/Personal Property Tax listings to County Tax Office.
- By April 22: County Tax Office to provide Tax Listing on Specified Accounts.\*

\*Note: This is not a company responsibility.



25 Government Dr.

PO Box 389, Newton, NC 28658

[ksmith@catawbacountync.gov](mailto:ksmith@catawbacountync.gov)

**TO:** Catawba County Board of Commissioners  
**FROM:** Michelle Deese, GIS Administrator  
**DATE:** November 20, 2017  
**SUBJECT:** Proposed Road Names for Two Unnamed Streets

#### **REQUEST**

The Catawba County E-911 Office and the Catawba County Planning Board request the Board of Commissioners holds a public hearing to receive citizens' comments and considers approval of two proposed road names: **Homeland Dr.** and **Point View Ln.** in the Startown and Sulphur Springs Road areas, respectively.

#### **BACKGROUND**

The goal of the County's E-911 Office is to assign individual E-911 numbers to all dwellings located in Catawba County. One step towards achieving this goal is to name streets or driveways that meet the road naming requirements. The requirements for the road naming process are: the road must be at least 1200 feet in length and/or access three or more parcels.

In the continuing process of naming streets or driveways in Catawba County, an unnamed street (MAP 1) has been identified off Startown Road. This came to our attention while assigning an address for one of the parcels adjoining this right-of-way. It has been determined that this right-of-way should be named since there are potentially 7 properties accessed from it. Several name suggestions were submitted by individual property owners; however, there was not a majority that supported any one of the suggested names. As is the policy in these situations, a name has been chosen by our office. The proposed new road name is **Homeland Dr.**

A second unnamed street (MAP 2) has been identified off 54<sup>th</sup> Ave NE. This came to our attention while assigning an address for one of the parcels adjoining this right-of-way. It has been determined that this right of way should be named since there are potentially 5 properties accessed from it. There was only one name submitted from one property owner. Since there were no other names suggested, and this name is not a duplicate, staff recommends the approval of **Point View Ln.**

#### **RECOMMENDATION**

The E-911 Office recommends the Board of Commissioners hold a public hearing to receive citizens' comments and approve **Homeland Dr.** and **Point View Ln.** as the names for the two unnamed streets identified.

## Catawba County, North Carolina

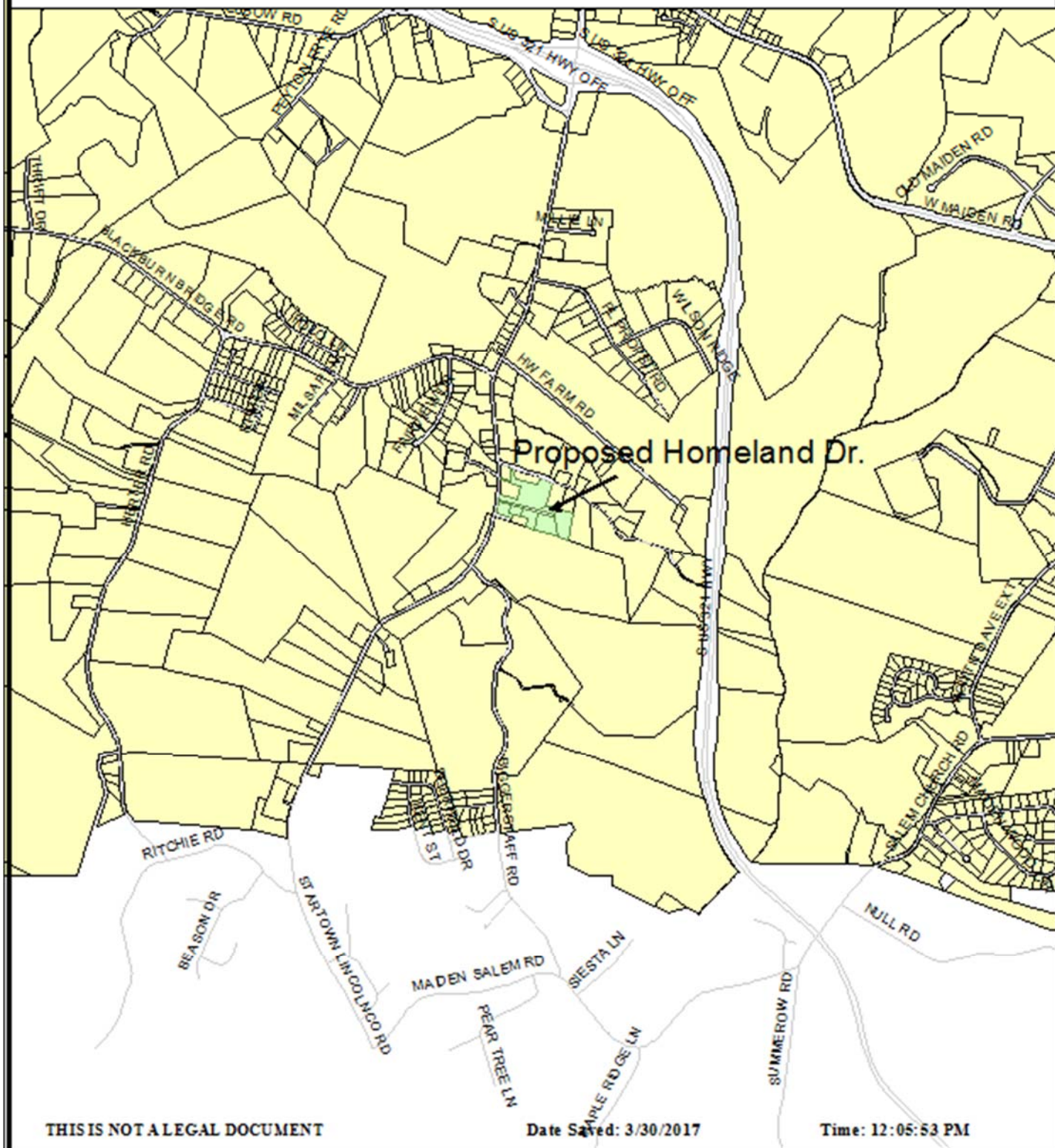


This map product was prepared from the Catawba County NC, Geospatial Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees, agents and personnel disclaim, and shall not be held liable for any and all damages, loss or liability whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

**Selected Parcel Number:**

Prepared for:

1 inch = 2,183 feet



**THIS IS NOT A LEGAL DOCUMENT**

Date Saved: 3/30/2017

Time: 12:05:53 PM



# Catawba County, North Carolina



This map product was prepared from the Catawba County, NC, Geospatial Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees, agents and personnel disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

Selected Parcel Number: 3730-20-91-3285

1 inch = 700 feet

Prepared for:







# Catawba County E-911 Addressing Office


## Proposed Road Names

1 - Startown Area

1 - Near Sulphur Springs Road



# Goal



The goal of the County's E-911 Office is to assign individual E-911 numbers to all dwellings located in Catawba County. One step towards achieving this goal is to name streets or driveways that meet the road naming requirements. The requirements for the road naming process are: the road must be at least 1200 feet in length and/or access 3 or more parcels.



# Background

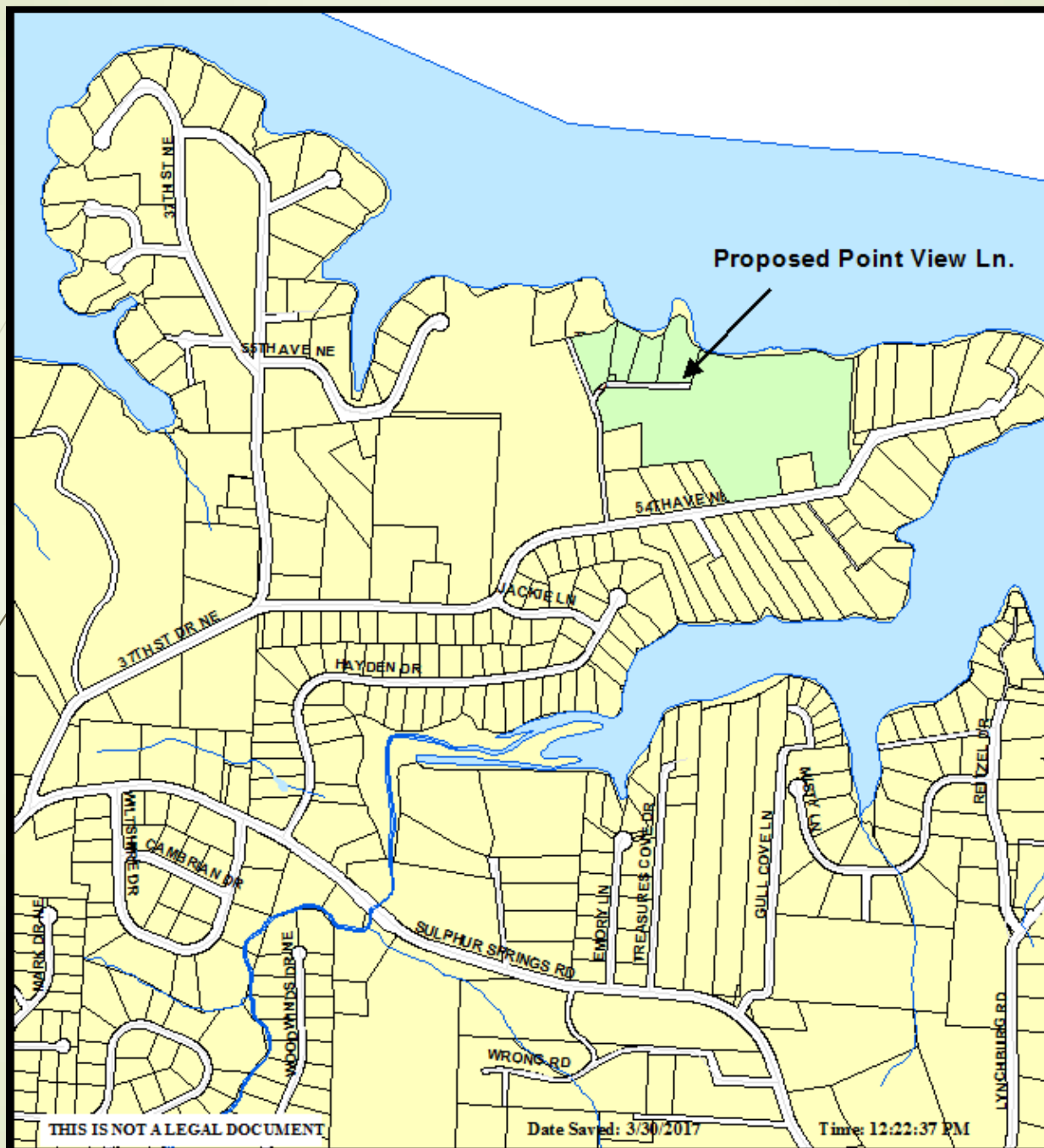
- Brought to our attention while assigning an address for one of the parcels adjoining the right-of-way.
- Several name suggestions submitted. Majority did not support any one of the suggested names - Policy in these situations, E-911 Office chooses a name. The proposed road name is **Homeland Dr.**
- One name submitted from a property owner. No other names suggestions - name is not a duplicate, staff recommends the approval of **Point View Ln.**



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Proposed: Point View Ln.



## Recommendation:

The E-911 Addressing Office is requesting the Board of Commissioners approval of the proposed names:

Homeland Dr  
& Point View Ln



## MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Senior Planner

DATE: November 20, 2017

IN RE: Unified Development Ordinance Text Amendments

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### REQUEST

Planning staff and the Planning Board requests the Board of Commissioners holds a public hearing to receive citizens' comments and adopts amendments to the Unified Development Ordinance (UDO) as detailed in the attachments.

### REVIEW/BACKGROUND

In an effort to foster a positive business climate by continuously monitoring county regulations to ensure they support orderly growth and business development, staff has identified proposed amendments for consideration. The proposed amendments (I, II, and III) would streamline review processes. The fourth item is in response to the recent passage by the North Carolina General Assembly of House Bill 310 specific to wireless communication facilities.

- I. Administrative "deviation from standards" allowance: grants staff the ability to approve deviations from UDO standards within predefined thresholds and if specific conditions are met for items such as setbacks (up to 24 inches), lot dimensions (up to 10%), landscaping (up to 10%), and height (up to 10%). If approved, this change would remove the requirement for applicants to submit variance requests to the Board of Adjustment in these particular instances. Other more material forms of variance requests would continue to go before the Board of Adjustment. (Language for these proposed changes was derived from Asheville's and Char-Meck's land use codes.)
- II. Administrative approval of non-conforming uses of equal or less intensive non-conforming uses: grants staff the ability to review and approve such changes (i.e. retail store to office space in a residential district), relieving applicants from the requirement to take such requests to the Board of Adjustment. Requests for more intensive non-conforming uses would continue to go before the Board of Adjustment.
- III. Re-alignment of responsibility for consideration of technical adjustments to high-density development watershed requirements from BOC to Board of Adjustment: allows applicant to present items such as financial securities, amendments to stormwater control structures, etc. to the Board of Adjustment. As these are technical requests, the evaluation fits squarely within the Board of Adjustment's quasi-judicial

framework. Approval at this level will reduce applicants' cycle time. Since adoption of the UDO, the Board of Commissioners has not reviewed any requests of this nature.

- IV. *Revision of wireless facilities regulations to incorporate recent legislative changes:* recent passage of House Bill 310 has prompted additional clarification of language (not substantive) to synchronize County ordinances with state law. Since the ordinance was being revised to incorporate legislatively-driven changes, staff is incorporating additional changes recommended by consultant Jackie Hicks of Carolina Telecommunications Services (the firm with whom the County contracts for review of new tower proposals) to clarify existing regulations.

#### *Planning Board Public Hearing Discussion*

The Planning Board held a public hearing on October 30, 2017 to consider the proposed amendments. No one spoke in favor or against the request. The Planning Board asked if the recommended amendments were typical regulations found within other jurisdictions. The amendments are consistent with language in other land use codes found in various jurisdictions throughout the State.

#### *Staff Recommendation*

Staff recommends amendments to the Unified Development Ordinance as summarized above and detailed in the attachments.

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board voted 8 – 0 to recommend the proposed Unified Development Ordinance amendments as summarized in the memo and detailed in the attachments.

# Unified Development Ordinance Amendments

November 2017

# Administrative Deviation from Standards

(New Division 8 within Article V)

- ▶ Grants staff the ability to approve deviations from UDO standards within predefined thresholds and if specific conditions are met for items such as:
  - Setbacks (up to 24 inches)
  - Lot dimensions (up to 10%)
  - Landscaping (up to 10%)
  - Height (up to 10%)
- ▶ If approved, this change would remove the requirement for applicants to submit variance requests to the Board of Adjustment in these particular instances. Other more material forms of variance requests would continue to go before the Board of Adjustment. (Language for these proposed changes was derived from Asheville's and Char-Meck's land use codes.)

## Administrative approval of non-conforming uses of equal or less intensive non-conforming uses (Sec. 44-703)

- ▶ Grants staff the ability to review and approve such changes relieving applicants from the requirement to take such requests to the Board of Adjustment.
  - Ex. - Retail store to office space in a residential district
  - Staff uses the North American Industry Classification System (NAICS) and Land-Based Classification Standards (LBCS) to make determinations.

## Re-alignment of responsibility for consideration of technical adjustments to high-density development watershed requirements from BOC to Board of Adjustment (Sec. 44-434.03 and .15)

- Update to definitions.
- Allows applicant to present items such as financial securities, amendments to stormwater control structures, etc. to the Board of Adjustment. As these are technical requests, the evaluation fits squarely within the Board of Adjustment's quasi-judicial framework. Approval at this level will reduce applicants' cycle time. Since adoption of the UDO, the Board of Commissioners has not reviewed any requests of this nature.

## Revision of wireless facilities regulations to incorporate recent legislative changes (Division 4 Wireless Facilities)

- ▶ Recent passage of House Bill 310 (2017) has prompted additional clarification of language (not substantive) to synchronize County ordinances with state law. Since the ordinance was being revised to incorporate legislatively-driven changes, staff is incorporating additional changes recommended by consultant Jackie Hicks of Carolina Telecommunications Services (the firm that the County contracts with for review of new tower proposals) to clarify existing regulations.



# Planning Board Hearing Discussion/Recommendation

- ▶ The Planning Board held a public hearing on October 30, 2017.
  - No one spoke in favor or against the proposed amendments.
  - The Planning Board asked if the recommended amendments were typical regulations found within other jurisdictions.
  - The amendments are consistent with language in other land use codes found in various jurisdictions throughout the State.
- ▶ The Planning Board voted 8 – 0 to submit recommendation to the Board of Commissioners in favor of the amendments to the Unified Development Ordinance.



### Deviation from Standards Comparison

Local Govt	Setback Administrative Deviation	Notes
Cary	Yes	Planning Director can waive standards to 5 non-numeric regulations and give 15% reductions in numerical design standards within Chapter 7. Planning Director can grant setback variances up to 15%. Parking and landscaping have flexible development standards at director's discretion.
Harnett County	Yes	"Post-construction setback issues" up to 10% of required setback.
Currituck County	Yes	Height and setback variances of 15-20%. Application required. Application could be stand-alone or in conjunction with another application.
Gaston County	Yes	Zoning Administrator can give 1-foot or 10% into setback, whichever is less. As long as owner attests it wasn't a deliberate action to circumvent ordinance.
Asheville	Yes	"Flexible development standards" for setbacks up to 24" or 10% -whichever is greater; lot area and lot dimension up to 10%; front and corner side setbacks for residential subdivisions; parking reductions up to 25%.
Guilford County	Yes	Tracts of 2 or more acres can have accessory bldgs in the front setback if owner demonstrates to zoning enforcement officer that the building will not be intrusive.
Charlotte-Mecklenburg	Yes	Deviation-only up to 2 feet. Zoning administrator must prove surveyor error, or governmental agency error. Could also approve a deviation of no more than 5% of the standard because of the nature of the layout of the land or topography. Zoning administrator must ask the affected neighbor's permission and give them 3 days to respond. Historic structures within setbacks can be replaced with zoning administrator approval as well.
Conover	No	Signs have flexible devp standards at planning director's discretion.
New Hanover County	No	Interconnectivity has flexible development standards at planning director's discretion.
Pitt County	No	Parking has flexible development standards at planning director's discretion.
Lincoln County	No	
Hickory	No	Planning director's discretion for parking standards (25% reduction), landscaping buffers (with neighboring property owner and legal department approval), signs (alternative sign plan).
Chatham County	No	

## **Division 8. Flexible Development Standards**

Purpose: This section is to provide the planning director with the authority to allow deviations from the development standards for quantifiable standards of this ordinance including but not necessarily limited to setbacks, lot area and dimension, landscaping, and height as set forth in this chapter. Deviations are allowed if certain conditions exist and are not in conflict with state or federal regulations. The intent of this section is to promote the orderly and efficient development of property.

### **Sec. 44-572. Development standards - deviation.**

- (a) Approving authority of flexible development standards. Regardless of the minimum development standards otherwise required in this Code, the planning director shall have the authority to administer the flexible development standards listed in (b) below for the purpose of facilitating the orderly development and redevelopment of property within the County.
  - 1. The planning director may place conditions on an approved deviation to assure any resulting impacts to adjacent properties are mitigated.
  - 2. Decisions by the planning director shall be in writing and may be appealed to the board of adjustment by the procedures provided in section 44-331 of this chapter.
- (b) Maximum flexible development standards. The planning director may approve requests that deviate from required setbacks up to 24 inches and other standards up to 10% upon determination that any one of the following conditions exists:
  - 1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; or the lot has topographic limitations that require placement of the structure or additions into the required setback area.
  - 2. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, Americans with Disabilities Act standard, or other public safety code requirements.
  - 3. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.
  - 4. The applicant has agreed to conditions that would lessen impact of the deviation from adjacent properties.
  - 5. A reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot.

**Sec. 44-~~572~~573 - 599 Reserved**

**Sec. 44-703. Nonconforming uses.**

- (a) *Applicability.* This Section applies to any characteristics of uses that were lawful when established, but that ~~would be~~ prohibited, regulated or restricted by this Article or a subsequent amendment, or no longer conform to any development standards established in this Chapter.
- (b) *Change of use.* Any nonconforming use of structures may be changed to a use of equal or less intensity, subject to ~~the board of adjustment~~planning director's approval. Any change of use shall comply with Article V except in situations where the ~~board of adjustment~~planning director deems these improvements impractical due to necessary demolition of existing pavement or the configuration of existing structures. The ~~board of adjustment~~director may waive compliance with Article V for less intensive uses. In permitting a change of use the ~~board of adjustment~~director may also require appropriate conditions and safeguards ~~in accordance~~consistent with this Article.

**Sec. 44-434.03. Definitions.**

The definitions found in this Section apply specifically to this Section and are intended to supplement the definitions found in the Appendix. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Balance of watershed (BW)* - the land area outside of the critical area which contributes surface drainage to a WS-II or WS-III watershed.

~~*Best management practice (BMP)*~~*Stormwater Control Measure (SCM)* - a structural or nonstructural management-based practice used singularly or in combination to reduce non-point-source inputs to receiving waters in order to achieve water quality protection goals.

*Buffer (watershed only)* - an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

*Built-upon area* - includes that portion of a development project that is covered by impervious or partially impervious cover, including building, pavement, gravel areas such as roads, parking lots, paths, recreation facilities such as tennis courts, and the like. Note: pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material, wooden slatted decks and the water area of a swimming pool are considered pervious.

*Cluster development* - the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments. For purposes of this Chapter, planned unit developments and mixed use developments are considered cluster developments.

*Existing lot of record* - a lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds prior to January 1, 1994, in accordance with the subdivision regulations in effect at the time of recordation, or a lot described by metes and bounds, the description of which has been so recorded prior to July 31, 1982.

*Landfill (discharging)* - a facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

*Nonresidential development* - all development other than residential development, agriculture and forestry.

*Protected area (PA)* - the area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within 5 miles upstream of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed, whichever comes first; or within 10 miles of and draining to a water intake located in a stream or river or to the ridgeline of the watershed, whichever comes first.

*Residential development* - buildings for residence, such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings, such as garages, storage buildings, gazebos.

*Single-family residential* - any development where no building contains more than one dwelling unit, every dwelling unit is on a separate lot and where no lot contains more than one dwelling unit except for approved accessory dwelling units.

*Toxic substance* - any substance or combination of substances, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions including malfunctions or suppression in reproduction or growth, or physical deformities in such organisms or their offspring or cause other adverse health effects.

*Variance, major*, - a variance that results in any one or more of the following:

- (a) (a) The relaxation, by a factor of more than 10%, of any management requirement under the low density option; or

- (b) (b) The relaxation, by a factor of more than 5%, of the buffer, density or built-upon area requirement under the high-density option; or
- (c) (c) Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

*Variance, minor*, - a variance that does not qualify as a major variance.

*Water-dependent structure* - any structure for which the use requires access to or proximity to or situated within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities, such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas, are not water-dependent structures.

*Water quality critical area (WQCA)* - the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or the ridgeline of the watershed, whichever comes first; or one-half mile upstream from the intake located directly in the stream or river (run of the river) or the ridgeline of the watershed, whichever comes first.

*Watershed* - the entire land area contributing surface drainage to a specific point, such as the water supply intake.

#### **Sec. 44-434.15. High-density development.**

- (a) *Requirements.* Development projects which require a sedimentation and erosion control plan in a WS-IV watershed area, which are being developed as a planned development as defined in this Chapter, may propose to be developed under a high-density option as described in this Section and must meet the following requirements:
  - (1) WS-IV watershed area-water quality critical area (WS-IV-WQCA). Where single-family residential development exceeds 2 dwelling units per acre on the overall project or other residential and nonresidential development exceeds 24% built-upon area, engineered stormwater controls must be used to control runoff from the first one inch of rainfall, and development cannot exceed 50% built-upon area.
  - (2) WS-IV watershed area--protected area (WS-IV-PA). Where single-family residential development exceeds 2 dwelling units per acre on the overall project, or 3 dwelling units per acre on the overall project with public water or sewer where a curb and gutter system is not installed, or other residential and nonresidential development exceeds 24% built-upon area with curb and gutter installed, or 36% built-upon area for projects without a curb and gutter street system, engineered stormwater controls must be used to control the first one inch of rainfall, and development cannot exceed 70% built-upon area.

- (3) A minimum 100-foot wide buffer consistent with Sec. 44-434.12 must be provided for all developments using the high-density option.
- (b) *High-density development permits.* Development projects requesting to use the high-density development option must follow the application, review, public hearing and approval procedures as required by this Chapter for planned developments.
- (c) *Stormwater ~~e~~Control-~~structures~~Measures.* Standards for ~~stormwater~~ Stormwater control-Control structures-Measures (SCMs) are as follows:
- (1) All ~~stormwater control structures~~ SCMs must be designed by a NC registered professional with qualifications appropriate for the type of system required. Registered professionals are defined as professional engineers, landscape architects to the extent that NCGS Chapter 89A allows, and land surveyors to the extent that the design represents incidental drainage within a subdivision, as provided by NCGS 89C-3(7).
- (2) All ~~stormwater controls~~ SCMs ~~must use wet detention ponds as a primary treatment system unless alternative stormwater management measures, as outlined in Subsection (3) below, are used. Wet detention ponds must be designed for specific pollutant removal according to modeling techniques approved by the state division of water quality. Specific requirements for these systems must be in accordance with~~ meet the following design criteria:
- a. ~~Wet detention ponds must be~~ Be designed to remove 85% of total suspended solids in ~~the permanent pool and storage~~ runoff from a one-inch rainfall from the site above the permanent pool.
- b. ~~The design runoff storage volume must be above the permanent pool.~~
- c. ~~The discharge rate from these systems following the one-inch rainfall design storm must be such that the runoff does not draw down to the permanent pool level in less than 2 days and that the pond is drawn down to permanent pool level within at least 5 days.~~
- d. ~~The mean permanent pool depth must be a minimum of 3 feet.~~
- e. ~~The inlet structure must be designed to minimize turbulence using baffles or other appropriate design features.~~
- f. ~~Vegetative filters must be constructed for the overflow and discharge of all stormwater wet detention ponds and be at least 30 feet in length. The slope and width of the vegetative filter must be determined to provide a non-erosive velocity of flow through the filter for a 10-year, 24-hour storm within a 10-year, one-hour intensity with a slope of 5% or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.~~

~~(3) Alternative stormwater management systems, consisting of one treatment option or a combination of treatment options, may be used. The design criteria for approval shall be 85% average annual removal of total suspended solids. In addition, the discharge rate must meet one of the following criteria:~~

~~a.b.~~ The discharge rate following the one-inch design storm must be such that the runoff draws down to the pre-storm stage within 5 days, but not less than 2 days; or

~~b.c.~~ The post development peak discharge rate must equal the predevelopment rate for the 1-year, 24-hour storm.

~~(4)(3)~~ In addition to the vegetative filters required in Subsection 2(f) above, all All land areas outside of the ~~pond~~ SCM must be provided with a ground cover sufficient to restrain erosion within ~~15-14 working~~ 14 days after any land disturbance for flat lands and ~~21-calendar~~ 7 days after any land disturbance for slopes steeper than 3:1. Upon completion of the stormwater control structure, a permanent ground cover must be established and maintained as part of the maintenance agreement in Subsection (d)(3) below.

~~(5)(4)~~ A description of the area containing the ~~stormwater control structure~~ SCM must be prepared and filed consistent with Subsection (g)(2) below as a separate deed with the office of the register of deeds for the County along with any easements necessary for general access to the stormwater control structure. The deeded area must include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, and dikes, ~~and sufficient area to perform inspections, maintenance, repairs and reconstruction.~~ Maintenance access must have a minimum width of 10 feet, not to include lateral or incline slopes that exceed 3:1 (horizontal to vertical), and extend to the nearest public right-of-way.

~~(6)(5)~~ Qualifying areas of the ~~stormwater control structure~~ SCM may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage of built-upon area for one site, it cannot be used to compute the built-upon area for any other site or area.

(d) *Posting of financial security.* Posting of financial security is required as follows:

(1) All new ~~stormwater control structures~~ SCMs must be conditioned on the posting of adequate financial assurance for the purpose of construction, maintenance, repair or reconstruction necessary for adequate performance of the ~~stormwater control structures~~ SCM.

a. Construction security. Financial security to ensure that the required ~~stormwater control structures~~ SCMs are installed as required must be provided to the County so that, if these structures are not properly installed, the County may use the financial security to have such structures properly installed. The bond or

other instrument must be in an amount equal to 1.25 times the total cost of constructing the stormwater control structure, as estimated by the applicant and approved by the board of ~~commissioners~~adjustment. The total cost of the stormwater control structure must include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation and fill. The costs cannot be prorated as part of a larger project, but are considered under the assumption of an independent mobilization.

- b. Maintenance security. Financial security, to ensure that the required ~~stormwater—control—structures~~SCMs are properly maintained, must be provided to the County so that, if these structures are not properly maintained, the County may use the financial security to have the structures properly maintained or repaired. Consistent with Subsection (2) below, the applicant must deposit with the County either cash or other instrument approved by the board of ~~commissioners~~adjustment that is readily convertible into cash at face value. The cash or security must be in an amount equal to 15% of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a 10-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure must be consistent with the approved operation and maintenance plan or manual provided by the developer under Subsection (e)(1) below. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by 2/5ths or 0.4.

- (2) Financial assurance. Financial assurance must be in the form of a certified check, a no-contest irrevocable bank letter of credit or a performance and payment bond underwritten by a state-licensed corporate surety company. Except for a certified check, such sureties cannot be accepted unless the County attorney has reviewed them and rendered a written opinion that the interests of the County are fully protected. The certified check must be deposited with the County manager, as escrow agent, who shall deposit the check in an interest-bearing escrow account of the County. The no-contest irrevocable bank letter of credit must be from a banking corporation licensed to do business in the state and having an office in the County. The terms of the letter must include the absolute right of the County manager to withdraw funds from the bank forthwith upon the County manager's certifying to the bank that the terms and conditions of the performance guarantee have been breached.
- (3) Maintenance agreement. The applicant must enter into a binding operation and maintenance agreement between the County and all interested parties in the development. The agreement must require the owning entity to maintain, repair~~—and, if necessary,~~ or reconstruct the



stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement must be referenced on the final plat and must be filed with the County ~~register~~ Register of ~~deeds~~ Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operation and maintenance agreement must be recorded with the County Register of Deeds.

- (4) Default under the construction security. Upon default of the applicant to complete the stormwater control structure as spelled out in the performance bond or other security, the County may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The County shall return any funds not spent in completing the required improvements to the owning entity.
  - (5) Default under the maintenance security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance agreement, the County must obtain and use all or any portion of the cash security to make the necessary improvements based on an engineering estimate. The expenditure of funds must be made after exhausting all other remedies seeking the owning entity to comply with the terms and conditions of the operation and maintenance agreement. The County shall not return any of the deposited cash funds.
- (e) *Maintenance and upkeep.* Maintenance and upkeep must be provided as follows:
- (1) An operation and maintenance plan or manual must be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan must clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
  - (2) Landscaping and grounds management must be the responsibility of the owning entity. However, vegetation must not be established or allowed to mature to the extent that the integrity of the control structure is diminished or threatened or to the extent of interfering with any easement or access to the stormwater control structure.
  - (3) Except for general landscaping and grounds management, the owning entity must notify the planning department prior to any repair or reconstruction of the stormwater control structure. All improvements must be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the planning director shall inspect the completed improvements and inform the owning entity of any

required additions, changes or modifications and of the time period to complete the improvements. The planning director may consult with an engineer or landscape architect, to the extent that NCGS Chapter 89A allows.

- (4) Amendments to the plans and specifications of the stormwater control structure and/or operation and maintenance plan or manual must be approved by the board of ~~commissioners~~adjustment. Proposed changes must be prepared by a state-registered professional engineer or landscape architect, to the extent that NCGS Chapter 89A allows, and submitted to and reviewed by the planning director.

- a. If the board of ~~commissioners~~adjustment approves the proposed changes, the owning entity of the stormwater control structure must file sealed copies of the revisions with the planning department.
- b. If the board of ~~commissioners~~adjustment disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, the proposal will be returned to the applicant.
- c. If the board of ~~commissioners~~adjustment finds that the operation and maintenance plan or manual is inadequate for any reason, the planning director shall notify the owning entity of any required changes and prepare and file copies of the revised agreement with the County register of deeds, the planning department and the owning entity.

- (f) *Application, plan review, and inspection fees.* Application, plan review, and inspection fees are required as follows:

- (1) Processing and inspection fees must be submitted in the form of a check or money order payable to the County. Applications will be returned if not accompanied by the required fee.
- (2) A permit and inspection fee schedule is available in the planning department.
- (3) Inspection fees are valid for 60 days. An inspection fee is required when improvements are made to the stormwater control structure consistent with Subsection (e)(3) above, except when a similar fee has been paid within the last 60 days.

- (g) *Inspections and release of the performance bond.* Inspections will be made, and the performance bond released, in accordance with the following:

- (1) The stormwater control structure shall be inspected by the planning director after the owning entity notifies the department that all work has been completed. At this inspection, the owning entity must provide the following:

- a. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the register of deeds for the County.
  - b. A certificate sealed by an engineer or landscape architect, to the extent that NCGS Chapter 89A allows, stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- (2) The planning director will present the materials submitted by the developer, the inspection report and recommendations to the ~~planning~~ board of adjustment at its next regularly scheduled meeting.
  - a. If the ~~planning~~ board of adjustment approves the inspection report and accepts the certification, deed and easements, the board shall file the deed and easements with the office of the register of deeds for the County, release up to 75% value of the construction security and issue a letter of approval for the stormwater control structure.
  - b. If deficiencies are found, the ~~planning~~ board of adjustment shall direct that improvements and inspections be made and/or documents be corrected and resubmitted to the ~~planning~~ board.
- (3) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the ~~planning~~ board of adjustment to release the remaining value of the construction security. Upon receipt of the petition, the owner shall have a third party inspect and submit to the County a certificate indicating ~~planning director shall inspect the stormwater control structure to determine~~ whether the controls are performing as designed and intended. The planning director shall present the petition, inspection report and recommendations to the ~~planning~~ board.
  - a. If the ~~planning~~ board of adjustment approves the report and accepts the petition, the developer must deposit with the County a financial security for maintenance in an amount equal to that described in Subsection (d) (1)b. above, after which the board will release the remaining construction security.
  - b. If the ~~planning~~ board of adjustment does not accept the report and rejects the petition, the board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.
- (4) A zoning compliance permit shall not be issued for any building within the permitted development until the ~~planning~~ board of adjustment has approved the stormwater control structure, as provided in Subsection (g)(2) above.
- (5) All ~~stormwater control structures~~ SCMs will be inspected by ~~the County a~~ qualified inspector at least on an annual basis to determine whether the controls are performing as designed and intended. The costs of the

inspections are the responsibility of the owning entity ~~and are subject to a fee schedule approved by the County.~~ Records of inspections shall be maintained on forms approved or supplied by the ~~state division of water quality~~ [North Carolina Department of Environmental Quality \(NCDEQ\)](#). Annual inspections will begin within one year of the filing date of the deed for the stormwater control structure.

- (6) If the County discovers the need for corrective action or improvements, the planning director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements must be made consistent with the plans and specifications of the stormwater control structure and operation and maintenance plan or manual. After notification by the owning entity, the planning director may consult with an engineer or landscape architect, to the extent that NCGS Chapter 89A allows.

#### **Division 4. Wireless Facilities**

*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, 09/16/13)

**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.
- (m) [Micro wireless facilities and small wireless facilities located on utility poles and/or wireless support structures within NCDOT's right-of-way are exempt from this Chapter. \(based on HB 310 rules for cities\)](#)

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

#### **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.

[Applicable codes](#) – [The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons. \(based on HB 310 rules for cities\)](#)

*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.~~ A request that is submitted by an applicant to the County for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole outside of NCDOT's right-of-way, or wireless support structure. (based on HB 310 rules for cities)

*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.~~ The placement, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles outside of NCDOT's right-of-way, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, utility poles within NCDOT's right-of-way, or wireless support structures. (based on HB 310 rules for cities)

*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.



Communications facility – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service. (Recommended by third-party consultant for clarification)

Communications service – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services. (Recommended by third-party consultant for clarification)

Communications service provider – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider. (Recommended by third-party consultant for clarification)

*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 lightening protection device.

Micro wireless facility – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches. (based on HB 310 rules for cities)

*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.

Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure. (based on SB831 rules for cities and counties)

Small wireless facility – A wireless facility that meets both of the following qualifications:

(a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.

(b) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures. (based on HB 310 rules for cities)

~~*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.~~ A structure that is designed for and used to carry lines, cables, wires, lighting facilities, or small wireless facilities for telephone, cable television, or electricity, lighting, or wireless services. (based on HB 310 rules for cities)

*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 discrete geographic area.~~ Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:

(a) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.

(b) Wireline backhaul facilities.

(c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna. (based on HB 310 rules for cities)

*Wireless infrastructure provider* – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services. (based on HB 310 rules for cities)

*Wireless provider* – A wireless infrastructure provider or a wireless services provider. (based on HB 310 rules for cities)

*Wireless services* – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities. (based on HB 310 rules for cities)

Wireless services provider – A person who provides wireless services. (based on HB 310 rules for cities)

~~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.~~ 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 within NCDOT's right-of-way is not a wireless support structure. (based on HB 310 rules for cities)

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, 09/16/13)

#### **Sec. 44-685.02. ~~Pre-application meeting~~Site visit.**

- (a) A ~~pre-application meeting~~ site visit is required, unless waived by the County. The purpose of the ~~pre-application meeting~~ site visit 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~~ site visit. ~~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, 09/16/13)

#### **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, 09/16/13)

**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~~[the search ring](#) 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, 09/16/13)

**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 applicant's 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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**Sec. 44-685.10. Utilities.**

- (a) Prior to the issuance of a zoning authorization permit, the applicant may be required, as a condition to the special use permit, to submit an approval from the FCC based upon the 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, 09/16/13)

**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, 09/16/13)

**Sec. 44-685.12. Fees.**

~~Non-refundable~~ County 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~~ The application fees for the construction of a new wireless facility and/or wireless support structure is due and payable to the County at the time the application is submitted prior to the site visit. ;(based on the fact the County has a consultant under contract who's fee for services is implemented at the pre-application site visit) The zoning authorization permit fee for construction of a new wireless facility and/or wireless support structure is due at the time of permit issuance.
- (b) The fee for~~Attaching modifying-~~ or collocating on an existing tower or structure is due and payable to the County at the time of the application submission.;  
~~or (clarification)~~
- ~~(c) — A modification to an existing wireless facility or wireless support structure.~~

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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;~~ Documentation of the pre-application site visit.
- (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.~~ (Required by Building Services prior to issuance of Building Permit)
- (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. (covered through the site plan)~~
  - ~~(43) The applicant must, in a manner approved by the County, demonstrate and provide in writing and/or by submit a drawing demonstrating how it will effectively screen from view the base and all related structural facilities will be screened from vehicular rights-of-way or adjacent properties in accordance with Sec. 44-523(f)(3). and structures of the proposed structure. (clarification)~~
  - ~~(54)~~ 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) As a condition to the special use permit, Aa 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, and 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. (Recommended by third-party consultant for clarification)
- (s) A map identifying Aany ~~existing structures~~ wireless support structures within the search ring which ~~were have been~~ approved but not yet constructed ~~on a map~~. (Recommended by third-party consultant for clarification)
- (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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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) Have 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, 09/16/13)

**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.

(Ord. No. 2013-15, 09/16/13)

**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, 09/16/13)

## **Ordinance No. 2017-**

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

### **Division 8. Flexible Development Standards**

*Purpose: This section is to provide the planning director with the authority to allow deviations from the development standards for quantifiable standards of this ordinance including but not necessarily limited to setbacks, lot area and dimension, landscaping, and height as set forth in this chapter. Deviations are allowed if certain conditions exist and are not in conflict with state or federal regulations. The intent of this section is to promote the orderly and efficient development of property.*

#### **Sec. 44-572. Development standards - deviation.**

- (a) *Approving authority of flexible development standards.* Regardless of the minimum development standards otherwise required in this Code, the planning director shall have the authority to administer the flexible development standards listed in (b) below for the purpose of facilitating the orderly development and redevelopment of property within the County.
  - 1. The planning director may place conditions on an approved deviation to assure any resulting impacts to adjacent properties are mitigated.
  - 2. Decisions by the planning director shall be in writing and may be appealed to the board of adjustment by the procedures provided in section 44-331 of this chapter.
- (b) *Maximum flexible development standards.* The planning director may approve requests that deviate from required setbacks up to 24 inches and other standards up to 10% upon determination that any one of the following conditions exists:
  - 1. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; or the lot has topographic limitations that require placement of the structure or additions into the required setback area.
  - 2. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, Americans with Disabilities Act standard, or other public safety code requirements.
  - 3. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the ordinance requirement would not serve a useful purpose.

4. The applicant has agreed to conditions that would lessen impact of the deviation from adjacent properties.
5. A reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot.

**Sec. 44-573 - 599      Reserved**

**Sec. 44-703.              Nonconforming uses.**

*Applicability.* This Section applies to any characteristics of uses that were lawful when established, but that are prohibited, regulated or restricted by this Article or a subsequent amendment, or no longer conform to any development standards established in this Chapter.

*Change of use.* Any nonconforming use of structures may be changed to a use of equal or less intensity, subject to the planning director's approval. Any change of use shall comply with Article V except in situations where the planning director deems these improvements impractical due to necessary demolition of existing pavement or the configuration of existing structures. The director may wave compliance with Article V for less intensive uses. In permitting a change of use the director may also require appropriate conditions and safeguards consistent with this Article.

**Sec. 44-434.03.          Definitions.**

The definitions found in this Section apply specifically to this Section and are intended to supplement the definitions found in the Appendix. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Balance of watershed (BW)* - the land area outside of the critical area which contributes surface drainage to a WS-II or WS-III watershed.

*Stormwater Control Measure (SCM)* - a structural or nonstructural management-based practice used singularly or in combination to reduce non-point-source inputs to receiving waters in order to achieve water quality protection goals.

*Buffer (watershed only)* - an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

*Built-upon area* - includes that portion of a development project that is covered by impervious or partially impervious cover, including building, pavement, gravel areas such as roads, parking lots, paths, recreation facilities such as tennis courts, and the like. Note: pervious or partially pervious paving

material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material, wooden slatted decks and the water area of a swimming pool are considered pervious.

*Cluster development* - the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential subdivisions and multi-family developments. For purposes of this Chapter, planned unit developments and mixed use developments are considered cluster developments.

*Existing lot of record* - a lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds prior to January 1, 1994, in accordance with the subdivision regulations in effect at the time of recordation, or a lot described by metes and bounds, the description of which has been so recorded prior to July 31, 1982.

*Landfill (discharging)* - a facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

*Nonresidential development* - all development other than residential development, agriculture and forestry.

*Protected area (PA)* - the area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within 5 miles upstream of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed, whichever comes first; or within 10 miles of and draining to a water intake located in a stream or river or to the ridgeline of the watershed, whichever comes first.

*Residential development* - buildings for residence, such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, and their associated outbuildings, such as garages, storage buildings, gazebos.

*Single-family residential* - any development where no building contains more than one dwelling unit, every dwelling unit is on a separate lot and where no lot contains more than one dwelling unit except for approved accessory dwelling units.

*Toxic substance* - any substance or combination of substances, including disease-causing agents, which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions including malfunctions or suppression in reproduction or growth, or physical deformities in such organisms or their offspring or cause other adverse health effects.

*Variance, major*, - a variance that results in any one or more of the following:

The relaxation, by a factor of more than 10%, of any management requirement under the low density option; or

The relaxation, by a factor of more than 5%, of the buffer, density or built-upon area requirement under the high-density option; or

Any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system.

*Variance, minor*, - a variance that does not qualify as a major variance.

*Water-dependent structure* - any structure for which the use requires access to or proximity to or situated within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities, such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas, are not water-dependent structures.

*Water quality critical area (WQCA)* - the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or the ridgeline of the watershed, whichever comes first; or one-half mile upstream from the intake located directly in the stream or river (run of the river) or the ridgeline of the watershed, whichever comes first.

*Watershed* - the entire land area contributing surface drainage to a specific point, such as the water supply intake.

#### **Sec. 44-434.15. High-density development.**

*Requirements.* Development projects which require a sedimentation and erosion control plan in a WS-IV watershed area, which are being developed as a planned development as defined in this Chapter, may propose to be developed under a high-density option as described in this Section and must meet the following requirements:

- (1) WS-IV watershed area-water quality critical area (WS-IV-WQCA). Where single-family residential development exceeds 2 dwelling units per acre on the overall project or other residential and nonresidential development exceeds 24% built-upon area, engineered stormwater controls must be used to control runoff from the first one inch of rainfall, and development cannot exceed 50% built-upon area.
- (2) WS-IV watershed area--protected area (WS-IV-PA). Where single-family residential development exceeds 2 dwelling units per acre on the overall project, or 3 dwelling units per acre on the overall project with public water or sewer where a curb and gutter system is not installed, or other residential and nonresidential development exceeds 24% built-upon area with curb and gutter installed, or 36% built-upon area for projects without a curb and

gutter street system, engineered stormwater controls must be used to control the first one inch of rainfall, and development cannot exceed 70% built-upon area.

- (3) A minimum 100-foot wide buffer consistent with Sec. 44-434.12 must be provided for all developments using the high-density option.

*High-density development permits.* Development projects requesting to use the high-density development option must follow the application, review, public hearing and approval procedures as required by this Chapter for planned developments.

*Stormwater Control Measures.* Standards for Stormwater Control Measures (SCMs) are as follows:

- (1) All SCMs must be designed by a NC registered professional with qualifications appropriate for the type of system required. Registered professionals are defined as professional engineers, landscape architects to the extent that NCGS Chapter 89A allows, and land surveyors to the extent that the design represents incidental drainage within a subdivision, as provided by NCGS 89C-3(7).
- (2) All SCMs must meet the following design criteria:
  - a. Be designed to remove 85% of total suspended solids in runoff from a one-inch rainfall from the site above the permanent pool.
  - b. The discharge rate following the one-inch design storm must be such that the runoff draws down to the pre-storm stage within 5 days, but not less than 2 days; or
  - c. The post development peak discharge rate must equal the predevelopment rate for the 1-year, 24-hour storm.
- (3) All land areas outside of the SCM must be provided with a ground cover sufficient to restrain erosion within 14 days after any land disturbance for flat lands and 7 days after any land disturbance for slopes steeper than 3:1. Upon completion of the stormwater control structure, a permanent ground cover must be established and maintained as part of the maintenance agreement in Subsection (d)(3) below.
- (4) A description of the area containing the SCM must be prepared and filed consistent with Subsection (g)(2) below as a separate deed with the office of the register of deeds for the County along with any easements necessary for general access to the stormwater control structure. The deeded area must include the stormwater control structure, vegetative filters, all pipes and water control structures, berms, and dikes. Maintenance access must have a minimum width of 10 feet, not to include lateral or incline slopes that exceed 3:1 (horizontal to vertical), and extend to the nearest public right-of-way.



- (5) Qualifying areas of the SCM may be considered pervious when computing total built-upon area. However, if the structure is used to compute the percentage of built-upon area for one site, it cannot be used to compute the built-upon area for any other site or area.

*Posting of financial security.* Posting of financial security is required as follows:

- (1) All new SCMs must be conditioned on the posting of adequate financial assurance for the purpose of construction, maintenance, repair or reconstruction necessary for adequate performance of the SCM.
  - a. Construction security. Financial security to ensure that the required SCMs are installed as required must be provided to the County so that, if these structures are not properly installed, the County may use the financial security to have such structures properly installed. The bond or other instrument must be in an amount equal to 1.25 times the total cost of constructing the stormwater control structure, as estimated by the applicant and approved by the board of adjustment. The total cost of the stormwater control structure must include the value of all materials such as piping and other structures; seeding and soil stabilization; design and engineering; and grading, excavation and fill. The costs cannot be prorated as part of a larger project, but are considered under the assumption of an independent mobilization.
  - b. Maintenance security. Financial security, to ensure that the required SCMs are properly maintained, must be provided to the County so that, if these structures are not properly maintained, the County may use the financial security to have the structures properly maintained or repaired. Consistent with Subsection (2) below, the applicant must deposit with the County either cash or other instrument approved by the board of adjustment that is readily convertible into cash at face value. The cash or security must be in an amount equal to 15% of the total cost of the stormwater control structure or the estimated cost of maintaining the stormwater control structure over a 10-year period, whichever is greater. The estimated cost of maintaining the stormwater control structure must be consistent with the approved operation and maintenance plan or manual provided by the developer under Subsection (e)(1) below. The amount shall be computed by estimating the maintenance cost for 25 years and multiplying this amount by 2/5ths or 0.4.
- (2) Financial assurance. Financial assurance must be in the form of a certified check, a no-contest irrevocable bank letter of credit or a performance and payment bond underwritten by a state-licensed corporate surety company. Except for a certified check, such sureties cannot be accepted unless the County attorney has reviewed them and rendered a written opinion that the interests of the County are fully protected. The certified check must be deposited with the County manager, as escrow agent, who shall deposit the

check in an interest-bearing escrow account of the County. The no-contest irrevocable bank letter of credit must be from a banking corporation licensed to do business in the state and having an office in the County. The terms of the letter must include the absolute right of the County manager to withdraw funds from the bank forthwith upon the County manager's certifying to the bank that the terms and conditions of the performance guarantee have been breached.

- (3) Maintenance agreement. The applicant must enter into a binding operation and maintenance agreement between the County and all interested parties in the development. The agreement must require the owning entity to maintain, repair, or reconstruct the stormwater control structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement must be referenced on the final plat and must be filed with the County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operation and maintenance agreement must be recorded with the County Register of Deeds.
- (4) Default under the construction security. Upon default of the applicant to complete the stormwater control structure as spelled out in the performance bond or other security, the County may obtain and use all or any portion of the funds necessary to complete the improvements based on an engineering estimate. The County shall return any funds not spent in completing the required improvements to the owning entity.
- (5) Default under the maintenance security. Upon default of the owning entity to maintain, repair and, if necessary, reconstruct the stormwater control structure in accordance with the operation and maintenance agreement, the County must obtain and use all or any portion of the cash security to make the necessary improvements based on an engineering estimate. The expenditure of funds must be made after exhausting all other remedies seeking the owning entity to comply with the terms and conditions of the operation and maintenance agreement. The County shall not return any of the deposited cash funds.

*Maintenance and upkeep.* Maintenance and upkeep must be provided as follows:

- (1) An operation and maintenance plan or manual must be provided by the developer for each stormwater control structure, indicating what operation and maintenance actions are needed, what specific quantitative criteria will be used for determining when those actions are to be taken and, consistent with the operation and maintenance agreement, who is responsible for those actions. The plan must clearly indicate the steps that will be taken for restoring a stormwater control structure to design specifications if a failure occurs.
- (2) Landscaping and grounds management must be the responsibility of the owning entity. However, vegetation must not be established or allowed to

mature to the extent that the integrity of the control structure is diminished or threatened or to the extent of interfering with any easement or access to the stormwater control structure.

- (3) Except for general landscaping and grounds management, the owning entity must notify the planning department prior to any repair or reconstruction of the stormwater control structure. All improvements must be made consistent with the approved plans and specifications of the stormwater control structure and the operation and maintenance plan or manual. After notification by the owning entity, the planning director shall inspect the completed improvements and inform the owning entity of any required additions, changes or modifications and of the time period to complete the improvements. The planning director may consult with an engineer or landscape architect, to the extent that NCGS Chapter 89A allows.
- (4) Amendments to the plans and specifications of the stormwater control structure and/or operation and maintenance plan or manual must be approved by the board of adjustment. Proposed changes must be prepared by a state-registered professional engineer or landscape architect, to the extent that NCGS Chapter 89A allows, and submitted to and reviewed by the planning director.
  - a. If the board of adjustment approves the proposed changes, the owning entity of the stormwater control structure must file sealed copies of the revisions with the planning department.
  - b. If the board of adjustment disapproves the changes, the proposal may be revised and resubmitted as a new proposal. If the proposal has not been revised and is essentially the same as that already reviewed, the proposal will be returned to the applicant.
  - c. If the board of adjustment finds that the operation and maintenance plan or manual is inadequate for any reason, the planning director shall notify the owning entity of any required changes and prepare and file copies of the revised agreement with the County register of deeds, the planning department and the owning entity.

*Application, plan review, and inspection fees.* Application, plan review, and inspection fees are required as follows:

- (1) Processing and inspection fees must be submitted in the form of a check or money order payable to the County. Applications will be returned if not accompanied by the required fee.
- (2) A permit and inspection fee schedule is available in the planning department.
- (3) Inspection fees are valid for 60 days. An inspection fee is required when improvements are made to the stormwater control structure consistent with Subsection (e)(3) above, except when a similar fee has been paid within the last 60 days.

*Inspections and release of the performance bond.* Inspections will be made, and the performance bond released, in accordance with the following:

- (1) The stormwater control structure shall be inspected by the planning director after the owning entity notifies the department that all work has been completed. At this inspection, the owning entity must provide the following:
  - a. The signed deed, related easements and survey plat for the stormwater control structure ready for filing with the register of deeds for the County.
  - b. A certificate sealed by an engineer or landscape architect, to the extent that NCGS Chapter 89A allows, stating that the stormwater control structure is complete and consistent with the approved plans and specifications.
- (2) The planning director will present the materials submitted by the developer, the inspection report and recommendations to the board of adjustment at its next regularly scheduled meeting.
  - a. If the board of adjustment approves the inspection report and accepts the certification, deed and easements, the board shall file the deed and easements with the office of the register of deeds for the County, release up to 75% value of the construction security and issue a letter of approval for the stormwater control structure.
  - b. If deficiencies are found, the board of adjustment shall direct that improvements and inspections be made and/or documents be corrected and resubmitted to the board.
- (3) No sooner than one year after the filing date of the deed, easements and maintenance agreement, the developer may petition the board of adjustment to release the remaining value of the construction security. Upon receipt of the petition, the owner shall have a third party inspect and submit to the County a certificate indicating whether the controls are performing as designed and intended. The planning director shall present the petition, inspection report and recommendations to the board.
  - a. If the board of adjustment approves the report and accepts the petition, the developer must deposit with the County a financial security for maintenance in an amount equal to that described in Subsection (d) (1)b. above, after which the board will release the remaining construction security.
  - b. If the board of adjustment does not accept the report and rejects the petition, the board shall provide the developer with instructions to correct any deficiencies and all steps necessary for the release of the performance bond or other security.
- (4) A zoning compliance permit shall not be issued for any building within the permitted development until the board of adjustment has approved the stormwater control structure, as provided in Subsection (g)(2) above.

- (5) All SCMs will be inspected by a qualified inspector at least on an annual basis to determine whether the controls are performing as designed and intended. The costs of the inspections are the responsibility of the owning entity. Records of inspections shall be maintained on forms approved or supplied by the North Carolina Department of Environmental Quality (NCDEQ). Annual inspections will begin within one year of the filing date of the deed for the stormwater control structure.
- (6) If the County discovers the need for corrective action or improvements, the planning director shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed. All improvements must be made consistent with the plans and specifications of the stormwater control structure and operation and maintenance plan or manual. After notification by the owning entity, the planning director may consult with an engineer or landscape architect, to the extent that NCGS Chapter 89A allows.

## **Division 4. Wireless Facilities**

*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, 09/16/13)

### **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.
- (m) Micro wireless facilities and small wireless facilities located on utility poles and/or wireless support structures within NCDOT's right-of-way are exempt from this Chapter.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

**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.*

*Applicable codes – The North Carolina State Building Code and any other uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization together with State or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons.*

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

*Application - A request that is submitted by an applicant to the County for a permit to collocate wireless facilities or to approve the installation, modification, or replacement of a utility pole outside of NCDOT's right-of-way, or wireless support structure.*

*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, installation, maintenance, modification, operation, or replacement of wireless facilities on, under, within, or on the surface of the earth adjacent to existing structures, including utility poles outside of NCDOT's right-of-way, water towers, buildings, and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes. The term "collocation" does not include the installation of new utility poles, utility poles within NCDOT's right-of-way, or wireless support structures.*

*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.*

*Communications facility – The set of equipment and network components, including wires and cables and associated facilities used by a communications service provider to provide communications service.*

*Communications service – Cable service as defined in 47 U.S.C. § 522(6), information service as defined in 47 U.S.C. § 153(24), telecommunications service as defined in 47 U.S.C. § 153(53), or wireless services.*

*Communications service provider – A cable operator as defined in 47 U.S.C. § 522(5); a provider of information service, as defined in 47 U.S.C. § 153(24); a telecommunications carrier, as defined in 47 U.S.C. § 153(51); or a wireless provider.*

*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 lightening protection device.*

*Micro wireless facility – A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.*

*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.*

*Search ring. – The area within which a wireless support facility or wireless facility must be located in order to meet service objectives of the wireless service provider using the wireless facility or wireless support structure.*

*Small wireless facility – A wireless facility that meets both of the following qualifications:*

*(a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet.*

*(b) All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.*

*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, wires, lighting facilities, or small wireless facilities for telephone, cable television, or electricity, lighting, or wireless services.*

*Water tower – A water storage tank, a standpipe, 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 – Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. The term shall not include any of the following:*

- (a) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.*

*(b) Wireline backhaul facilities.*

*(c) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.*

*Wireless infrastructure provider. – Any person with a certificate to provide telecommunications service in the State who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures for small wireless facilities but that does not provide wireless services.*

*Wireless provider – A wireless infrastructure provider or a wireless services provider.*

*Wireless services – Any services, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using wireless facilities.*

*Wireless services provider – A person who provides wireless services.*

*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 within NCDOT's right-of-way is not a wireless support structure.*

*WTF – Wireless Telecommunications Facility.*

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

**Sec. 44-685.02. Site visit.**

A site visit is required, unless waived by the County. The purpose of the site visit 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 before the site visit.

(Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

**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, 09/16/13)

**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 the search ring 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, 09/16/13)

**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 applicant's 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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**Sec. 44-685.10. Utilities.**

- (a) Prior to the issuance of a zoning authorization permit, the applicant may be required, as a condition to the special use permit, to submit an approval from the FCC based upon the National Environmental Policy Act (NEPA). (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, 09/16/13)

**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, 09/16/13)

**Sec. 44-685.12. Fees.**

County 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) The application fee for construction of a new wireless facility and/or wireless support structure is due and payable to the County at the time the application is submitted prior to the site visit. The zoning authorization permit fee for construction of a new wireless facility and/or wireless support structure is due at the time of permit issuance.
- (b) The fee for modifying or collocating on an existing tower or structure is due and payable to the County at the time of the application submission.

. (Ord. No. 2007-25, 11/16/2007; Ord. No. 2013-15, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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) Documentation of the pre-application site visit.
- (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;
- (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) The applicant must submit a drawing demonstrating how the base and all related structural facilities will be screened from vehicular rights-of-way or adjacent properties in accordance with Sec. 44-523(f)(3).
- (4) 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) As a condition to the special use permit, 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 to meet all local, state, and federal 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) A map identifying any wireless support structures within the search ring which have been approved but not yet constructed.
- (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, 09/16/13)

**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, 09/16/13)

**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, 09/16/13)

**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) Have 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, 09/16/13)

**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.

(Ord. No. 2013-15, 09/16/13)

**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, 09/16/13)

This 20<sup>th</sup> day of November, 2017

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C. Randall Isenhower, Chair

Catawba County Board of Commissioners



## MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Planner

DATE: November 20, 2017

IN RE: Rezoning Request – Solar Farm

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### REQUEST

The Board of Commissioners holds a public hearing to receive citizens' comments and considers an application to rezone approximately 32 acres of a 133-acre tract from R-30 Residential to R-80-CD Conditional District specifically for a solar farm. Planning staff recommended the rezoning subject to the proposed site plan. The Planning Board voted unanimously (8 – 0) not to recommend the rezoning.

### REVIEW/BACKGROUND

#### Purpose

The current R-30 Residential district requires a minimum lot size of 30,000 square feet (.68 acres per dwelling), and is a medium-density "general use" district. Predominate uses in this district include single-family homes and agriculture. The R-80 Residential district requires a minimum lot size of 80,000 square feet (1.83 acres per dwelling) and is a low-density "general use" district. Predominate uses in this district include single-family homes and agriculture in a more rural surrounding.

Conditional district zoning is based on a specific use, such as the requested solar farm being proposed. Conditional district zoning allows the Board of Commissioners to grant development approval subject to standards beyond what is written in the Unified Development Ordinance (UDO). If approved the development would be bound by a set of regulations specific to the request accompanied by a site plan. In this case, if approved, the base zoning district would be R-80-CD.

#### Location/Zoning

The property considered for rezoning is located at 4979 North NC 16 Highway in the St. Stephens/Oxford Small Area Planning District, Clines Township, and further identified by Parcel Identification Number 3754-18-42-5246.

The parcel, labeled 1 on the attached maps, is zoned R-30 Residential. Highway 16 Farm, LLC is proposing to rezone 32 acres located within a portion of a 133-acre tract for a solar farm. Strata Solar LLC would manage and oversee the construction and operation of the solar farm. The attached maps identify the proposed rezoning area. Adjacent parcels contain the zoning districts and uses described below.

- *North* – Parcels 5, 6, 7, 30 and 31 are zoned R-30 Residential. Parcels 6 and 7 are developed with residences. The other parcels are undeveloped.
- *South* –Parcels 11 - 17 are zoned R-30 Residential. Parcel 11 is undeveloped. The others are developed with residences. Parcel 18 is zoned Rural Commercial (RC) and is developed with a non-residential use. Parcel 19 is zoned RC and is undeveloped. Parcels 20 – 27 are zoned R-30 Residential and are developed with residences.
- *East* – Parcels 8 – 10 are zoned R-30 Residential. Parcels 8 and 9 appear to be undeveloped. Parcel 10 is developed with a residence. Parcels 3 and 4 to the east of the area to be rezoned are zoned R-30 Residential and contain single-family residences. Parcel 2, east of area to be rezoned, is zoned Highway Commercial (HC) and developed.
- *West* – Parcels 28 - 30 are zoned R-30 Residential. Parcel 28 contains a single-family residence. Parcels 29 and 30 appear to be undeveloped.

#### Zoning History

There have been no requests for zoning alterations to the property.

#### Land Use

A portion of the area proposed for rezoning is located in the WS-IV Protected Area watershed that limits built-upon area (imperviousness) of the site. Generally, solar farms have very little impervious area. The site plan and decommissioning plan illustrate and/or state how the applicant will meet each of the solar farm standards found in Section 44-633 of the UDO. All standards of Section 44-633 must be met prior to the issuance of a Zoning Authorization Permit (required before construction) and a Zoning Compliance Certificate (required before operation). The full list of standards is as follows:

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

- (a) 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. **(Illustrated on plan)**
- (b) A landscape buffer/screen along all exterior sides of the security fence must consist of:
  - (1) 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 **(Illustrated on site plan)**
  - (2) 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 **(Not proposed)**

- (3) 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 **(Illustrated on site plan)**
- (4) 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. **(Not proposed)**
- (c) 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. **(Illustrated on site plan, modification along southern side may be necessary)**
- (d) 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. **(Stated on site plan)**
- (e) 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. **(Stated on site plan)**
- (f) All construction parking must be located outside of the rights-of-way. **(Shown on site plan)**
- (g) Erosion control measures must be installed at construction entrances in order to minimize off-site soil spillage. Existing grass must be maintained in perpetuity sufficient to prevent erosion. **(Stated on site plan)**
- (h) The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid. **(Stated on site plan)**
- (i) 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. **(Stated on site plan)**
- (j) Power transmission lines must be located underground to the extent practical. **(Stated on site plan)**
- (k) 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. **(Stated on site plan)**
- (l) 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. **(Stated on site plan)**

- (m) 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. **(Stated on site plan)**
- (n) Removal of solar farm equipment and site restoration:
  - (1) 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. **(See attached decommissioning plan)**
  - (2) 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. **(Stated on site plan)**
  - (3) Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in Subsection (4) 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. **(Stated on site plan)**
  - (4) The following types of performance guarantees are permitted:
    - a. 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; or
    - b. 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; or

- c. 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. **(Stated on site plan)**
- (5) 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. **(Should be stated on site plan)**
- (6) The land owner or tenant must notify the County when the site is abandoned. **(Should be stated on site plan)**

#### Utilities

Although public water exists along North NC 16 Highway, the proposed use does not require water services. The proposed solar facility will connect to the utility grid.

#### Transportation

The 2035 Greater Hickory Urban Area Long Range Transportation Plan identifies NC Highway 16 North as a major thoroughfare. The current design and construction of this section of NC Highway 16 can carry between 12,000 and 15,000 vehicles per day without a loss of service. Traffic counts taken in 2015 near the site measured 9,800 average trips per day. There are no recommended road improvements for this section of NC Highway 16. Development of the property will consist of temporary construction traffic and will not overburden the existing roadway.

#### Land Use Plan

The St. Stephens/Oxford Small Area Plan, adopted on April 21, 2003, serves as the current land use plan for this area. Map 5 and 6, titled "Proposed Density Districts" and "Future Land Use Recommendations," depict the property as being located in an area recommended for medium-density (1 dwelling per 1.34 acres) residential development as well as Rural Commercial development near the intersection of NC Highway 16 and River Bend Road. The use associated with the request for a solar farm at this location is inconsistent with the adopted plan's density recommendations but consistent with the existing lower-density development patterns to the north, east, and west. There are a number of sizable adjacent properties containing agricultural activities adjacent to the property.

#### Planning Board Hearing Discussion

The Planning Board held a public hearing on October 30, 2017 to consider the request. Jon Davis, managing partner with Capital Solar Development, LLC, Tom Terrell (attorney), and Rich Kirkland (appraiser), all spoke on behalf of the applicant in favor of the request. Three adjacent property

owners to the south of the site spoke against the request. Their concerns were the buffer being proposed in addition to the tree clearing would not screen the solar farm. They also shared concerns of possible environmental and health issues related to solar farm operations as well as possible diminishing resale potential. There were also feelings expressed that, on top of the specific concerns voiced, they did not want the solar farm in their neighborhood.

There were some concerns shared by the Planning Board, including lease issues if the LLC dissolved, inadequacy of proposed screening to fully hide the proposed and formerly approved solar farms, possible diminishing property values, and doubt in the applicant's ability to project future decommissioning costs accurately.

#### Post Planning Board Consideration

In hearing a conditional zoning district request (R-80-CD), the Board of Commissioners may consider requiring additional buffering or alteration of the solar panel locations to address some of the Planning Board's concerns. If the applicant is open to the additional requirements, the Board has the authority to approve the rezoning conditioned upon adherence to additional standards.

*Note: To date, eight solar farms exist within Catawba County's unincorporated area. See attached map. Sites identified as numbers 5, 6, 7, and 8 were each approved through the conditional zoning district rezoning process. The Board of Commissioners placed additional standards in the form of setbacks and/or vegetative buffering upon each of the approvals.*

#### **STAFF RECOMMENDATION**

Staff recommends the Board of Commissioners rezone the 32 acres from R-30 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on the conceptual site plan based upon:

1. The relatively low-density existing pattern of development in the community to the north, east, and west; consistency with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
2. The proposed development meeting the standards of Section 44-633 of the UDO as identified on the site plan;
3. The topography of the site, existing vegetation, and additional vegetation to be planted combined to offer reduced visibility of the proposed use; and
4. The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.
5. The Board of Commissioners' authority to require additional buffering or alteration of solar panel locations to mitigate some of the concerns expressed by the Planning Board.

#### **PLANNING BOARD RECOMMENDATION**

The Planning Board voted 8 – 0 to submit an unfavorable recommendation to the Board of Commissioners regarding the rezoning of approximately 32 acres from R-30 Residential to R-80 Conditional Zoning (R-80-CD) for a solar farm development based upon:

1. Concerns that adjacent property values or resale values could decrease due to development of a solar farm;
2. The reduced visibility achieved by proposed buffering / screening rather than completely screening the solar farm is insufficient; and
3. Zoning the property allowing for a solar farm does not protect the NC Highway 16 corridor.

## ***Applicant***

Highway 16 Farm, LLC

## ***Request***

Rezone 32 acres from R-30 Residential to R-80-CD  
Conditional District for a Solar Farm

## ***Location***

4979 North NC 16 Highway


## ***Date***

November 20, 2017



# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

 Area to be Rezoned (32 A)

 Subject Parcel

 Water Lines

 Sewer Lines

 Railroad

 Structures

 Parcels


 Lake

## County Zoning

 HC

 R-20

 R-30

 RC

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



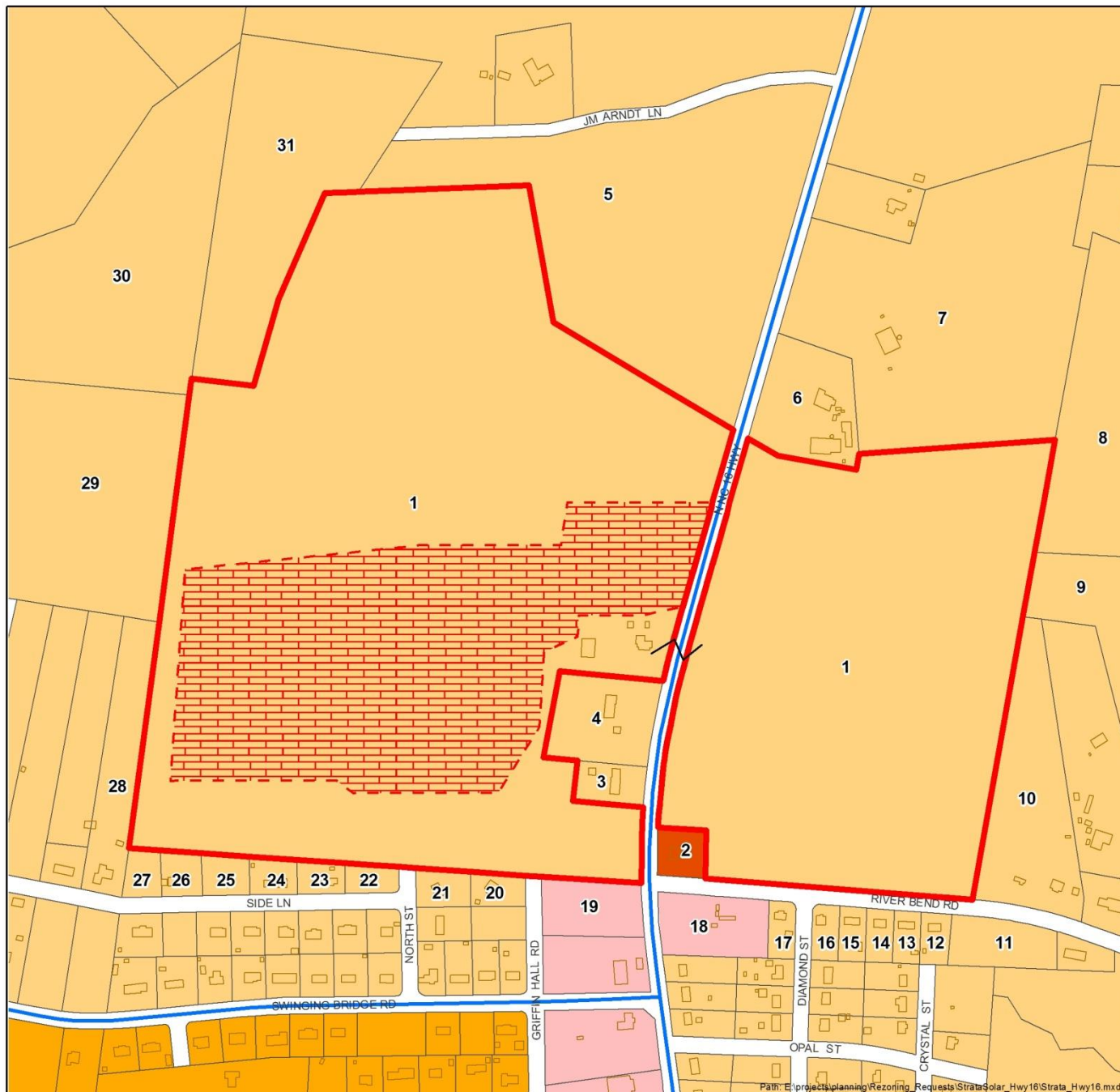
1 inch = 500 feet

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## FOCUS AREA



CATAWBA COUNTY, NC



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# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

-  Area to be Rezoned (32 A)
-  Subject Parcel
-  Water Lines
-  Sewer Lines
-  Railroad
-  Parcels

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



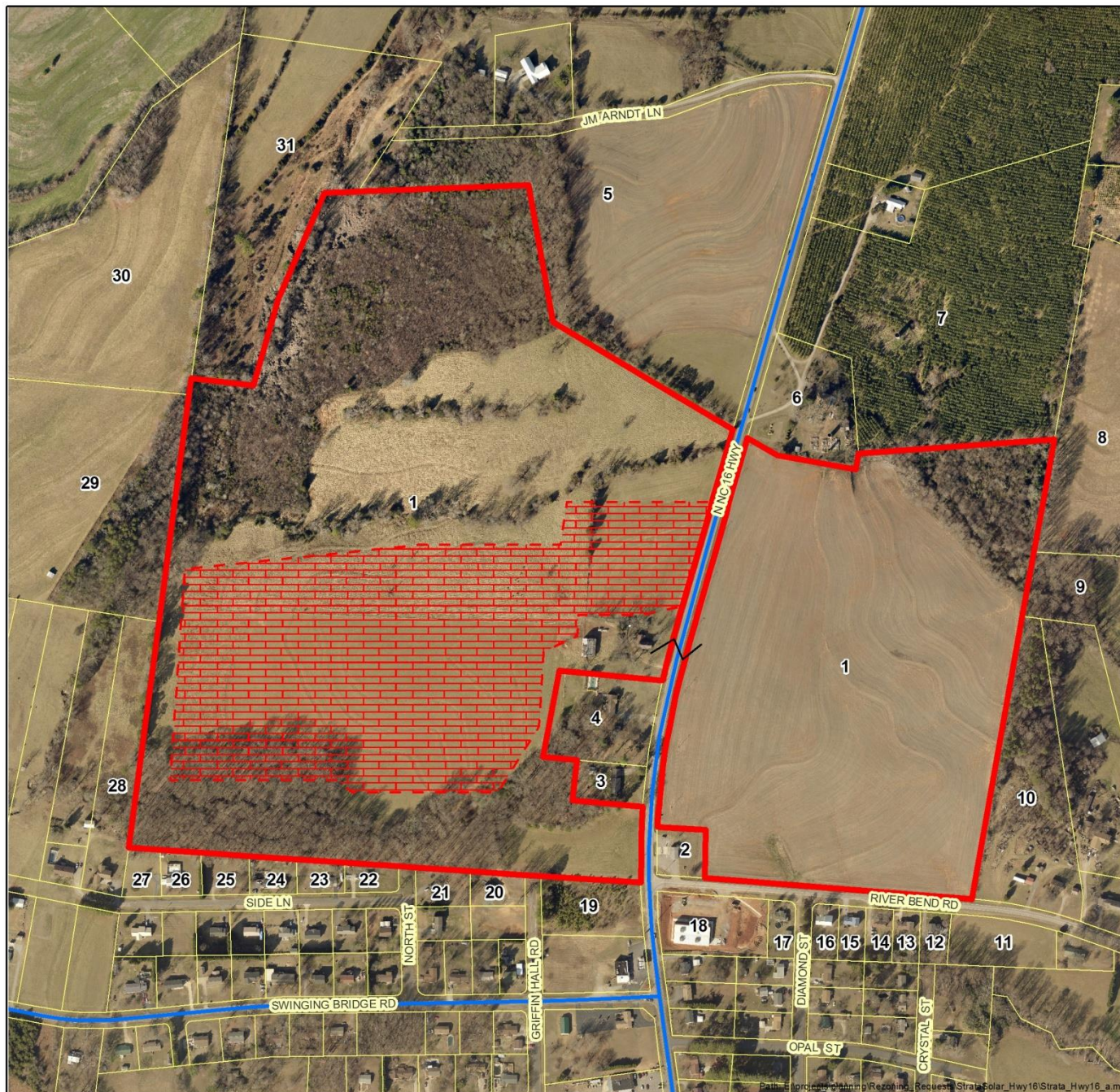
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## FOCUS AREA











CATAWBA COUNTY, NC





# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

-  Creeks, Streams
-  Contour Lines
-  Area to be Rezoned (32 A)
-  Subject Parcel
-  Railroad
-  Structures
-  Parcels
-  Lake

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



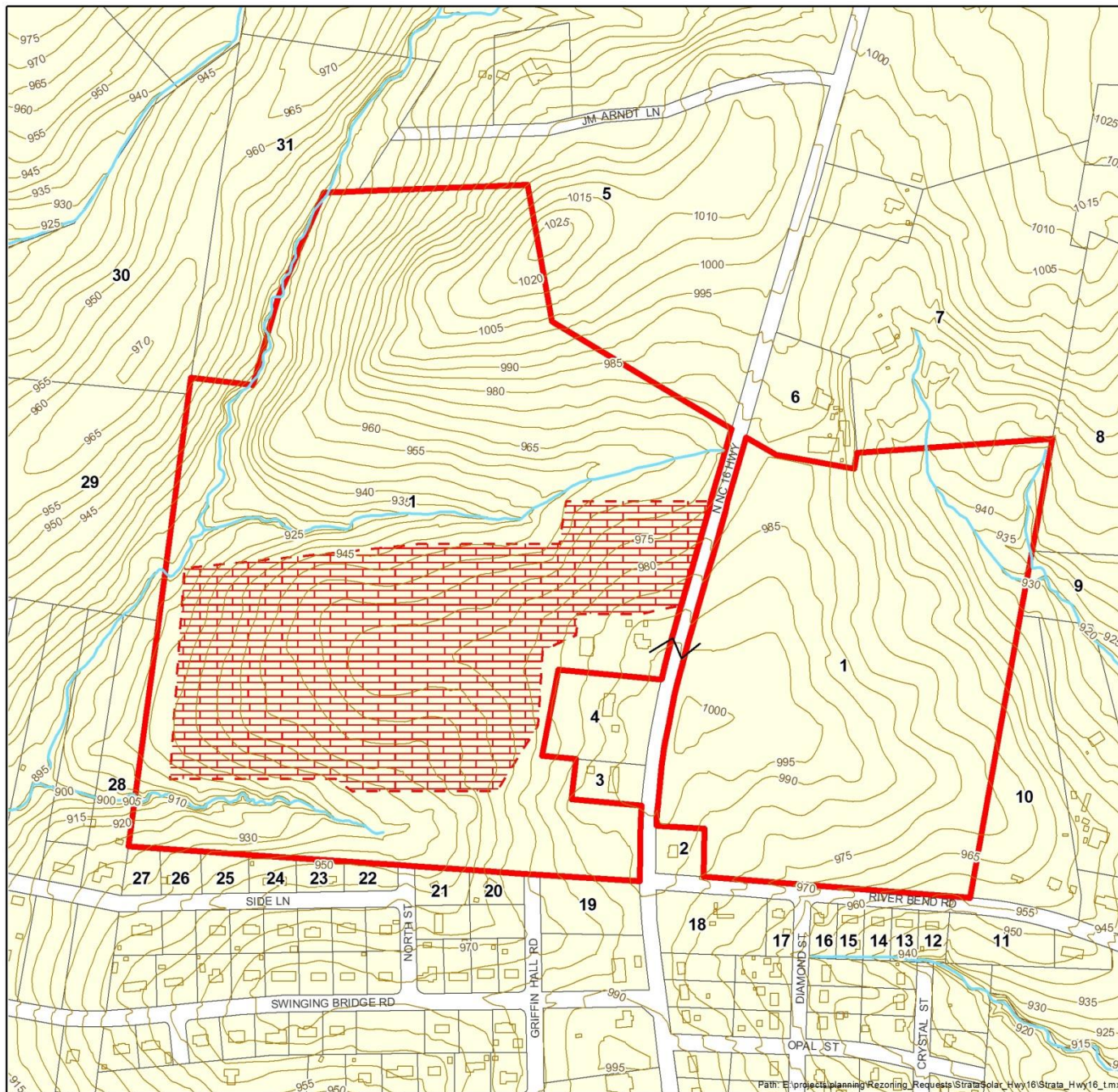
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## FOCUS AREA












CATAWBA COUNTY, NC









# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

-  WP-Overlay
-  Area to be Rezoned (32 A)
-  Subject Parcel
-  Water Lines
-  Sewer Lines
-  Railroad
-  Structures
-  Parcels
-  Lake

## County Zoning

-  HC
-  R-20
-  R-30
-  RC

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



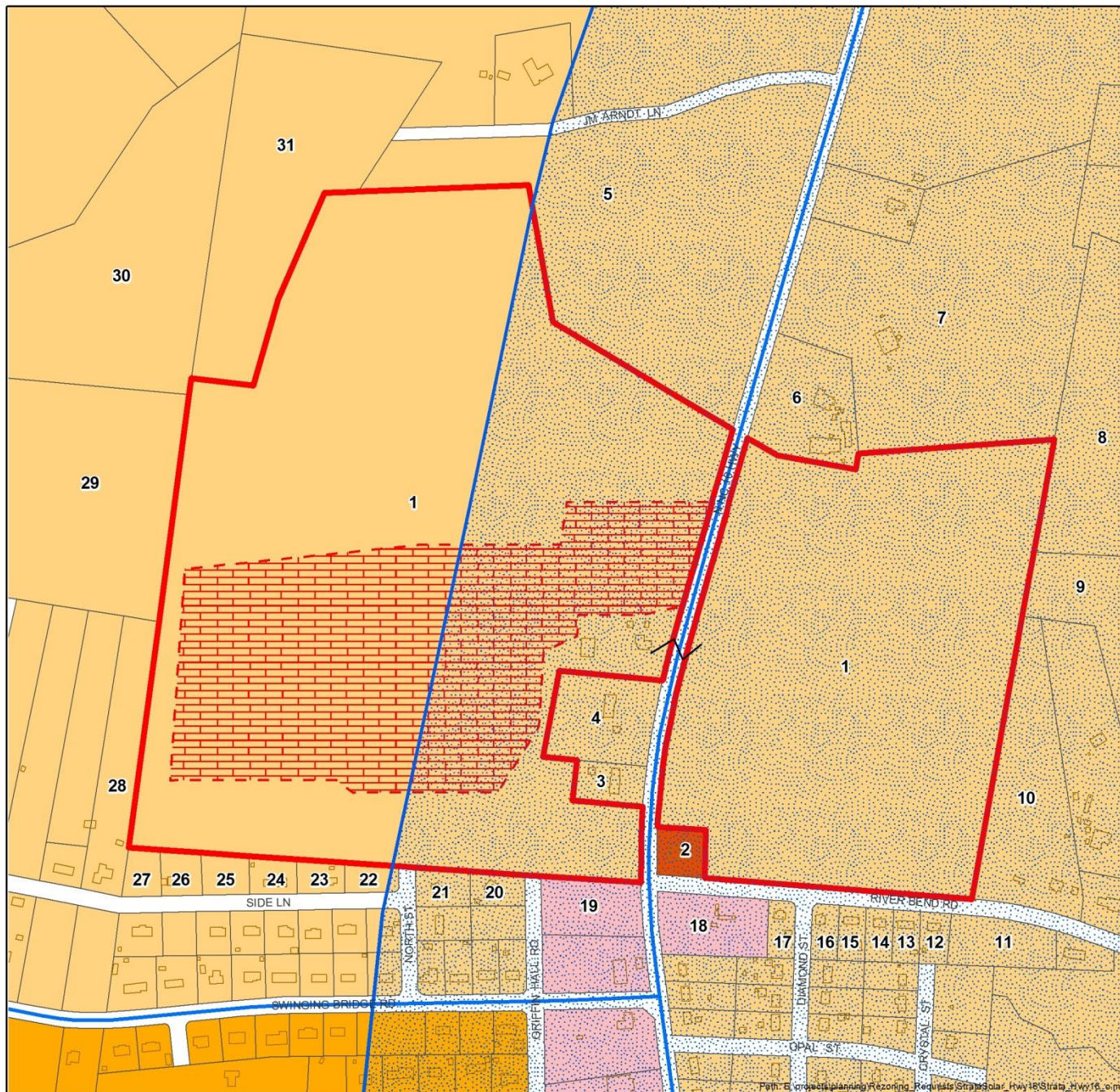
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## FOCUS AREA



CATAWBA COUNTY, NC





# Subject Property





# Adjacent Properties - North



# Adjacent Properties - East





# Adjacent Properties - South





# Adjacent Properties - South



# Purpose - Review

- The R-30 Residential district requires a minimum lot size of 30,000 square feet (.68 acres per dwelling) and is considered a medium-density “general use” district. Predominate uses are single-family houses and agriculture.
- The R-80 Residential district requires a minimum lot size of 80,000 square feet (1.83 acres per dwelling) and is considered a low-density “general use” district. Predominate uses are single-family houses and agriculture in a more rural setting.
- Conditional district zoning is based on a “specific use” such as the requested solar farm. It would be bound by a set of regulations and negotiated conditions specific to the request and accompanied by a site plan. In this case, if approved, the base zoning would be R-80 and include the CD Conditional District (R-80-CD).





# Utilities

- Public water exists along North NC 16 Highway.
- Connectivity to public utilities (water/sewer) is not necessary for the proposed use.
- The solar farm would connect to the utility grid.

# Transportation

- North NC 16 Highway is a major thoroughfare road.
- Designed to carry 12,000 – 15,000 vehicles per day.
- Traffic counts in 2015 near the site measured 9,800 vehicles per day.
- No recommended road improvements for this section of NC 16 Highway.
- The proposed use will create temporary construction traffic but will not otherwise overburden the existing roadway.

# Land Use Plan

- Property is within the St. Stephens/Oxford Small Area Plan adopted in April 2003.
- Map 5 and 6, titled “Proposed Density Districts” and “Future Land Use Recommendations,” depicts the property as being in an area designated for medium-density (1.34 dwelling per acres) residential development as well as Rural Commercial Development near the intersection of NC Highway 16 and River Bend Road.
- The use of the land associated with the solar farm request is inconsistent with the adopted plan’s density recommendations but consistent with the lower-density development patterns to the north, east, and west.
- There are a number of sizable adjacent properties containing agricultural activities adjacent to the property.



Subject  
Parcel

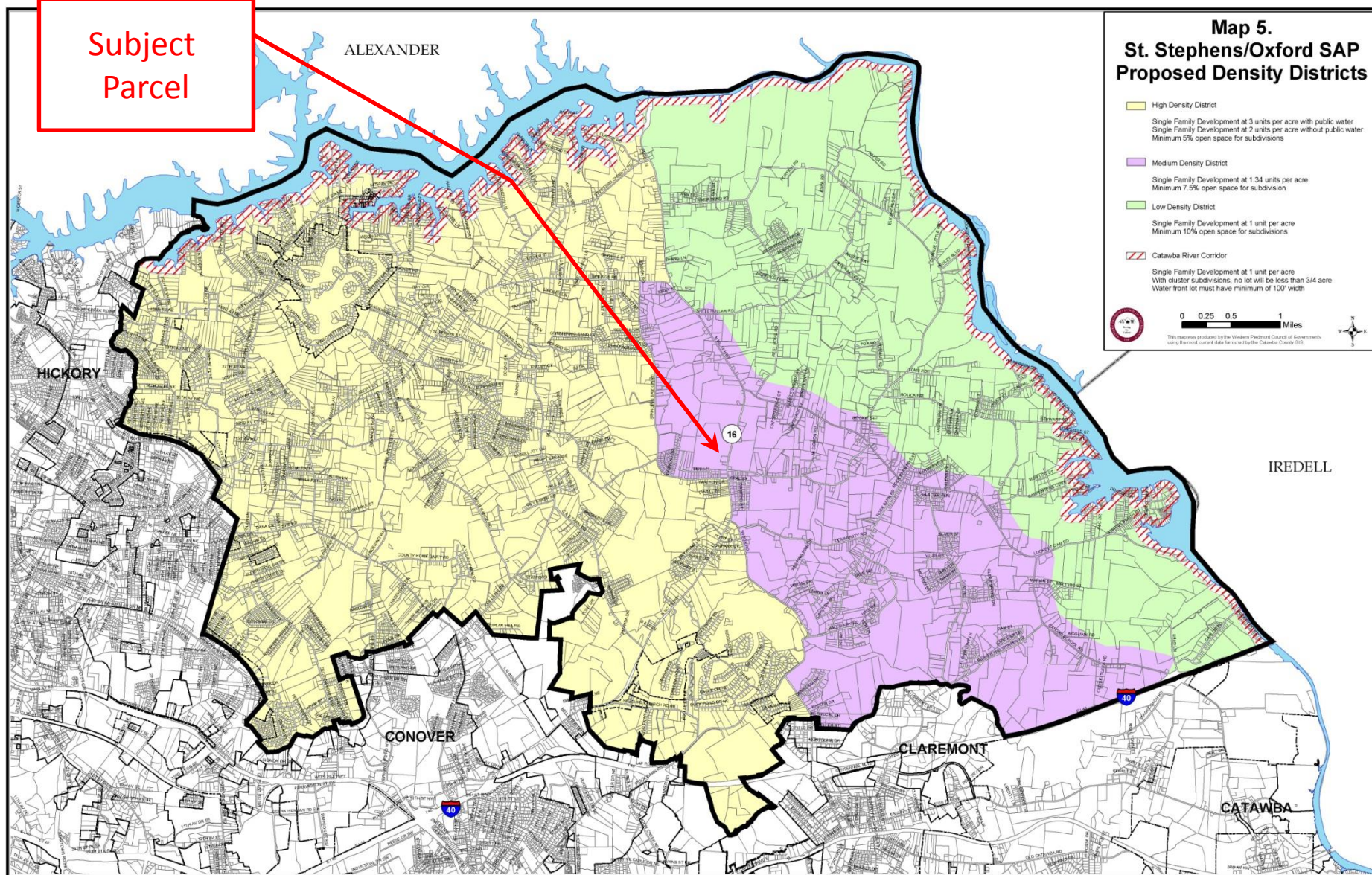
## Map 5. St. Stephens/Oxford SAP Proposed Density Districts

-  High Density District
  - Single Family Development at 3 units per acre with public water
  - Single Family Development at 2 units per acre without public water
  - Minimum 5% open space for subdivisions
-  Medium Density District
  - Single Family Development at 1.34 units per acre
  - Minimum 7.5% open space for subdivisions
-  Low Density District
  - Single Family Development at 1 unit per acre
  - Minimum 10% open space for subdivisions
-  Catawba River Corridor
  - Single Family Development at 1 unit per acre
  - With cluster subdivisions, no lot will be less than 3/4 acre
  - Water front lot must have minimum of 100' width



0 0.25 0.5 1  
Miles

This map was produced by the Western Piedmont Council of Governments using the most current data furnished by the Catawba County GIS.





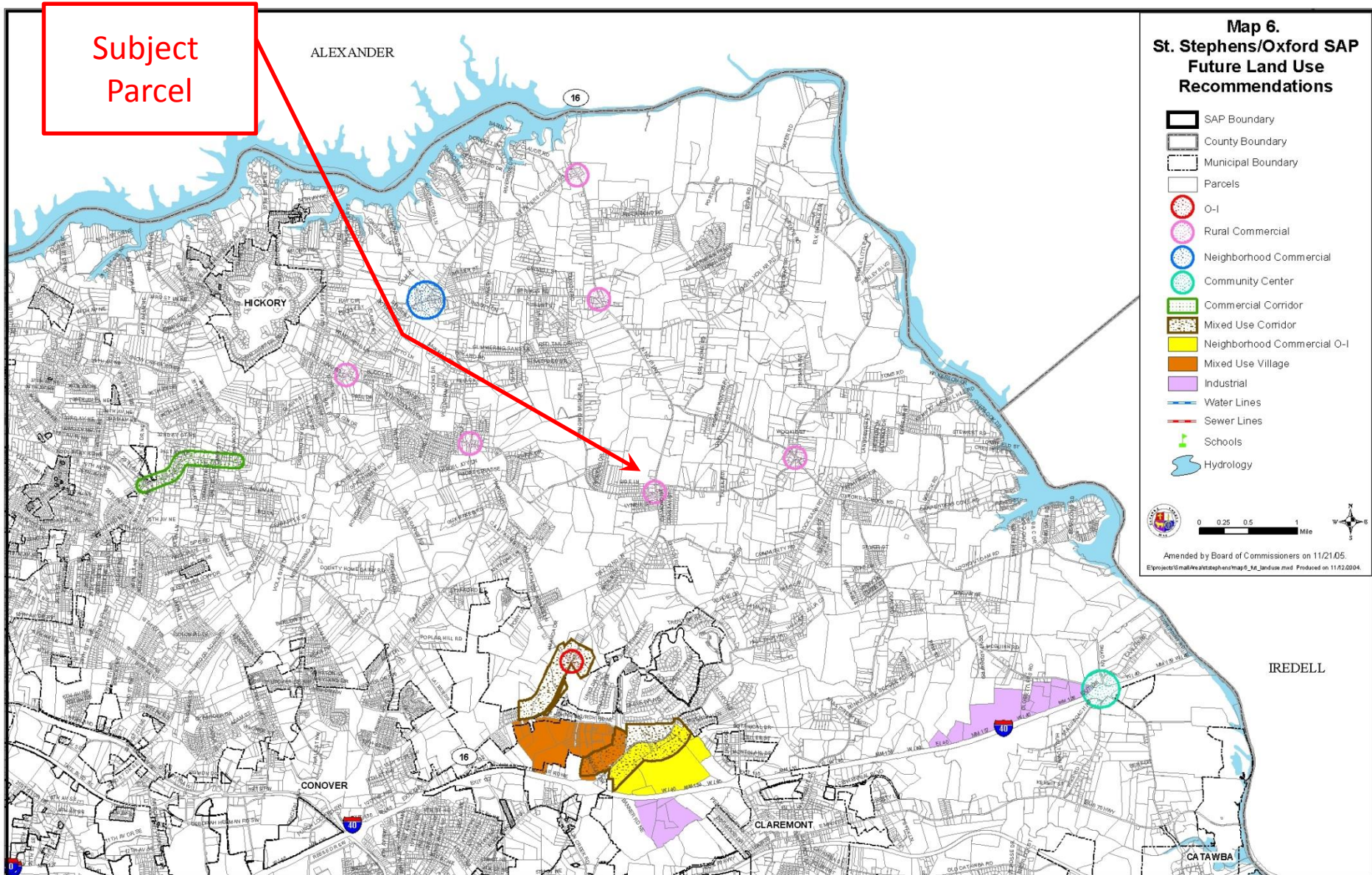
Subject  
Parcel

**Map 6.**  
**St. Stephens/Oxford SAP**  
**Future Land Use**  
**Recommendations**

-  SAP Boundary
-  County Boundary
-  Municipal Boundary
-  Parcels
-  O-I
-  Rural Commercial
-  Neighborhood Commercial
-  Community Center
-  Commercial Corridor
-  Mixed Use Corridor
-  Neighborhood Commercial O-I
-  Mixed Use Village
-  Industrial
-  Water Lines
-  Sewer Lines
-  Schools
-  Hydrology



Amended by Board of Commissioners on 11/21/05.  
E:\projects\St. Stephens\map6\_sap\_landuse.mxd Produced on 11/21/2004.





# Planning Board Public Hearing Discussion

(October 20, 2017)

- Jon Davis, managing partner with Capital Solar Development, LLC, Tom Terrell, attorney, and Rich Kirkland, appraiser, all spoke on behalf of the applicant in favor of the request.
- Three adjacent property owners to the south of the site spoke against the request.
  - Their concerns were the buffer being proposed in addition to the tree clearing would not screen the solar farm.
  - They also shared concerns of possible environmental and health issues as well as possible diminishing resale potential.
  - There was also feelings expressed that, on top of the concerns, they simply didn't want the solar farm in their neighborhood.
- Planning Board concerns included lease issues if the LLC dissolved, inadequate screening to fully hide the proposed and formerly approved solar farms, possible diminishing property values, and doubt in ability to project future decommissioning costs.

# Planning Board Recommendation

The Planning Board voted 8 – 0 to submit an unfavorable recommendation to the Board of Commissioners regarding the rezoning of approximately 32 acres from R-30 Residential to R-80 Conditional Zoning (R-80-CD) for a solar farm development based upon:

1. Concerns that adjacent property values or resale values could decrease due to development of a solar farm;
2. Reduced visibility rather than completely screening a solar farm is insufficient; and
3. Zoning the property allowing for a solar farm does not protect the NC Highway 16 corridor.

*Being a conditional zoning district request (R-80-CD), the board may consider if additional buffering or alteration of the solar panel locations would address some of the Planning Board's concerns. If so, and if the applicant is agreeable to the additional requirements, the Board can consider approval of the rezoning conditioned upon additional standards.*



# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

-  Area to be Rezoned (32 A)
-  Subject Parcel
-  Water Lines
-  Sewer Lines
-  Railroad
-  Parcels

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



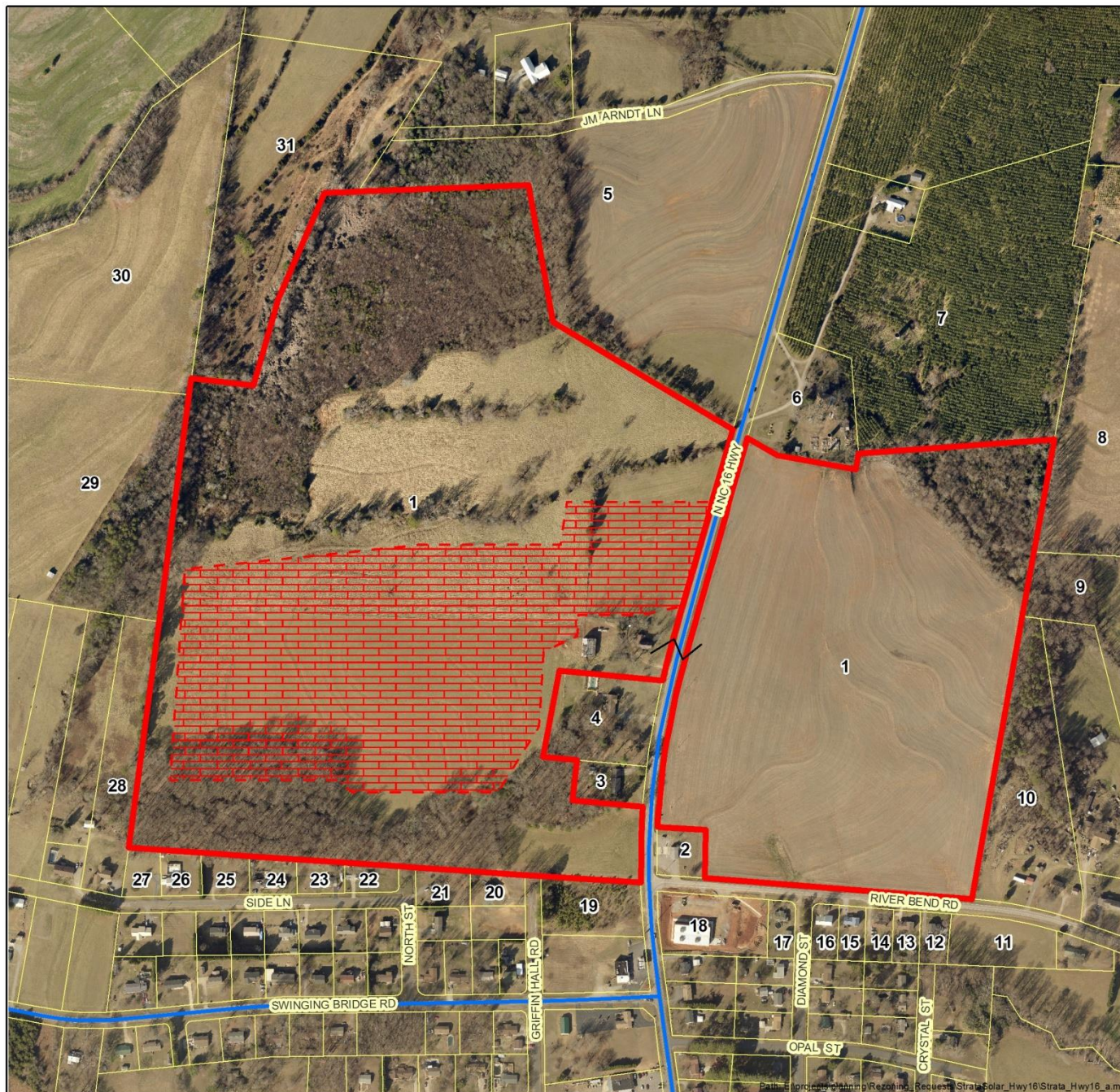
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## FOCUS AREA





CATAWBA COUNTY, NC





# Rezoning Request

PIN 375418425246  
R-30 to R-80-CD

-  Area to be Rezoned
-  Water Lines
-  Sewer Lines
-  Subject Parcel
-  Railroad
-  Parcels

Parcel fall within  
the following Overlay: WP-O

1 Through 31 - See Adjacent Property Owner List



1 inch = 500 feet

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FOCUS AREA



CATAWBA COUNTY, NC







# Catawba County Solar Farms

#	Site Name	Address	SWR	SWR Meeting	Panel Acres/Solar Farm Leased Acres	Status as of July 2016
1	Strata Solar - Amick Farms, LLC	1305 N NC 16 Hwy Claremont, NC 28630	1754-10-05-0036	2/28/2012 Approved #2012-03	57.4/69	Built
2	Strata Solar - Two Lines	3425 Zion Church Road Hickory, NC 28602	3609-04-02-7087	7/11/2012 Approved #2012-01	101.6/17.5	Built
3	Sunlight Partners, LLC - Owen Solar	4923 Hickory Lincolnton Hwy Lincolnton, NC 28080	3617-01-16-9462	5/28/2013 Approved #2013-02	56.8/28.8	Built
4	Sunlight Partners, LLC - Flash Solar	4401 County Home Road Conover, NC 28613	1753-08-77-7020	9/24/2013 Approved #2013-07	386/27.5	Built
5	Strata Solar - Sigmon	2839 Sigmon Dairy Rd Newton, NC 28608	3638-14-34-4382	12/14/2013 Approved	256/43.8	Built
6	Apple One - Birdseye Renewable Energy	2951 S NC 16 Hwy Maiden, NC 28650	3609-20-01-5039	PB 1/26/15 Approved NCC 2/16/15	60.33/37.63	Built
7	Sonne Two - Birdseye Renewable Energy	2327 Mt Olive Church Rd Newton, NC 28608	1750-17-10-2870	PB 6/29/15 Approved PB 7/29/15	110.3/45	Built
8	RB Solar LLC	3602 N Oxford St Claremont, NC 28630	1753-04-00-5758	PB 7/27/15 Approved NCC 8/17/15	127/54	Built

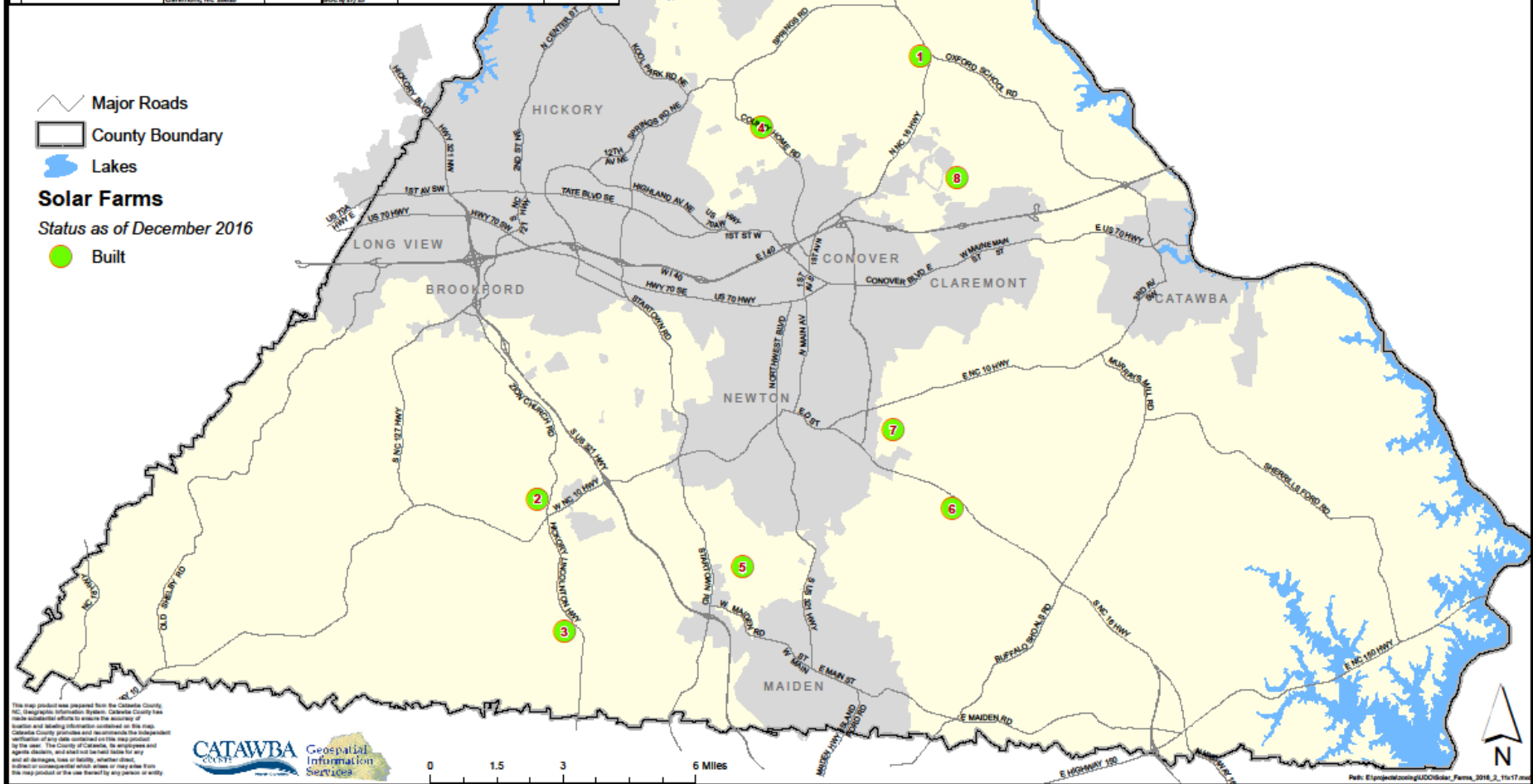
## CATAWBA COUNTY Solar Farms

- Major Roads
- County Boundary
- Lakes

### Solar Farms

Status as of December 2016

- Built



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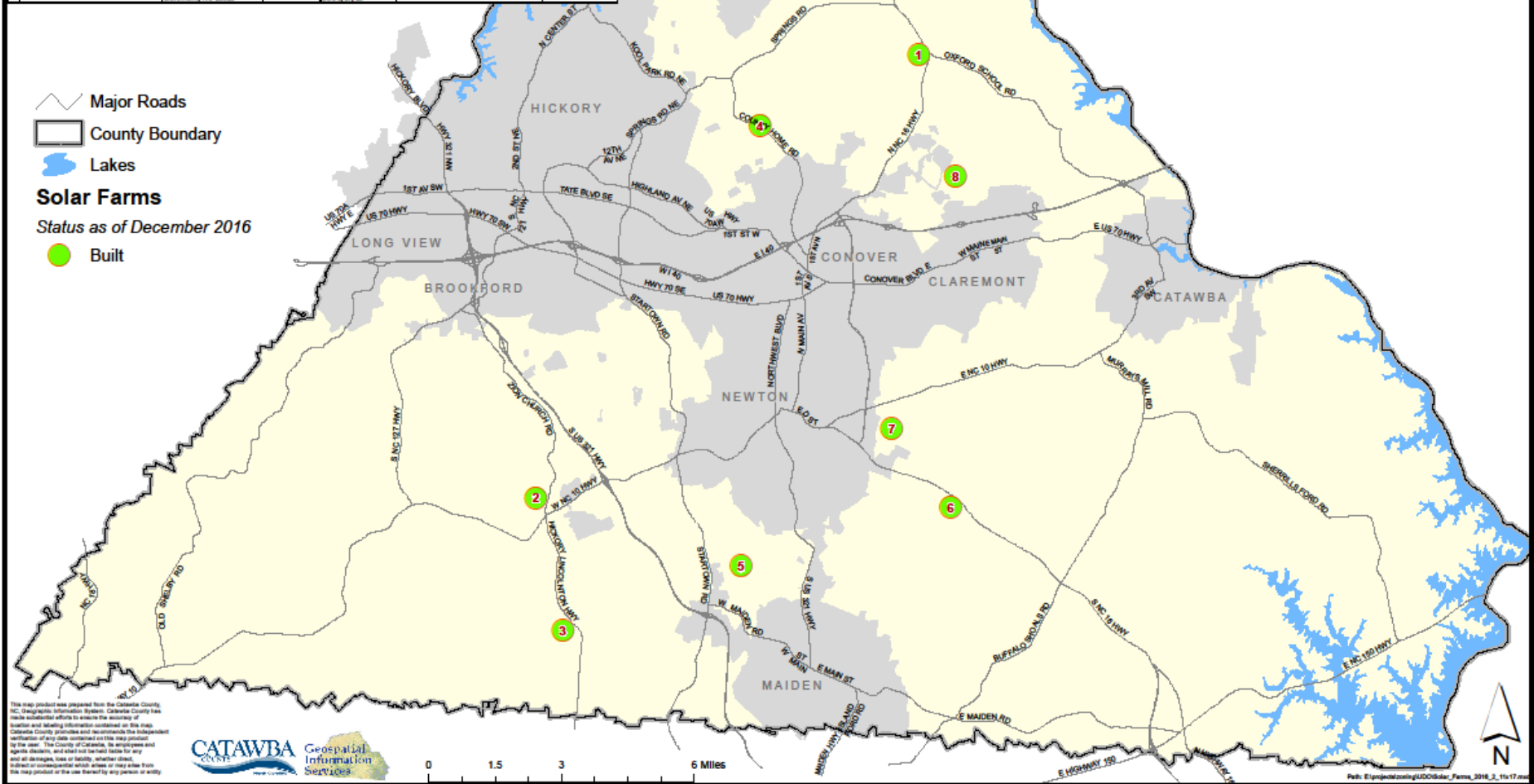
**CATAWBA**  
Geospatial  
Information  
Services

0 1.5 3 6 Miles

Path: E:\gis\map\com\GIS\Solar\_Farms\_2016\_2\_11x17.mxd

# Catawba County Solar Farms

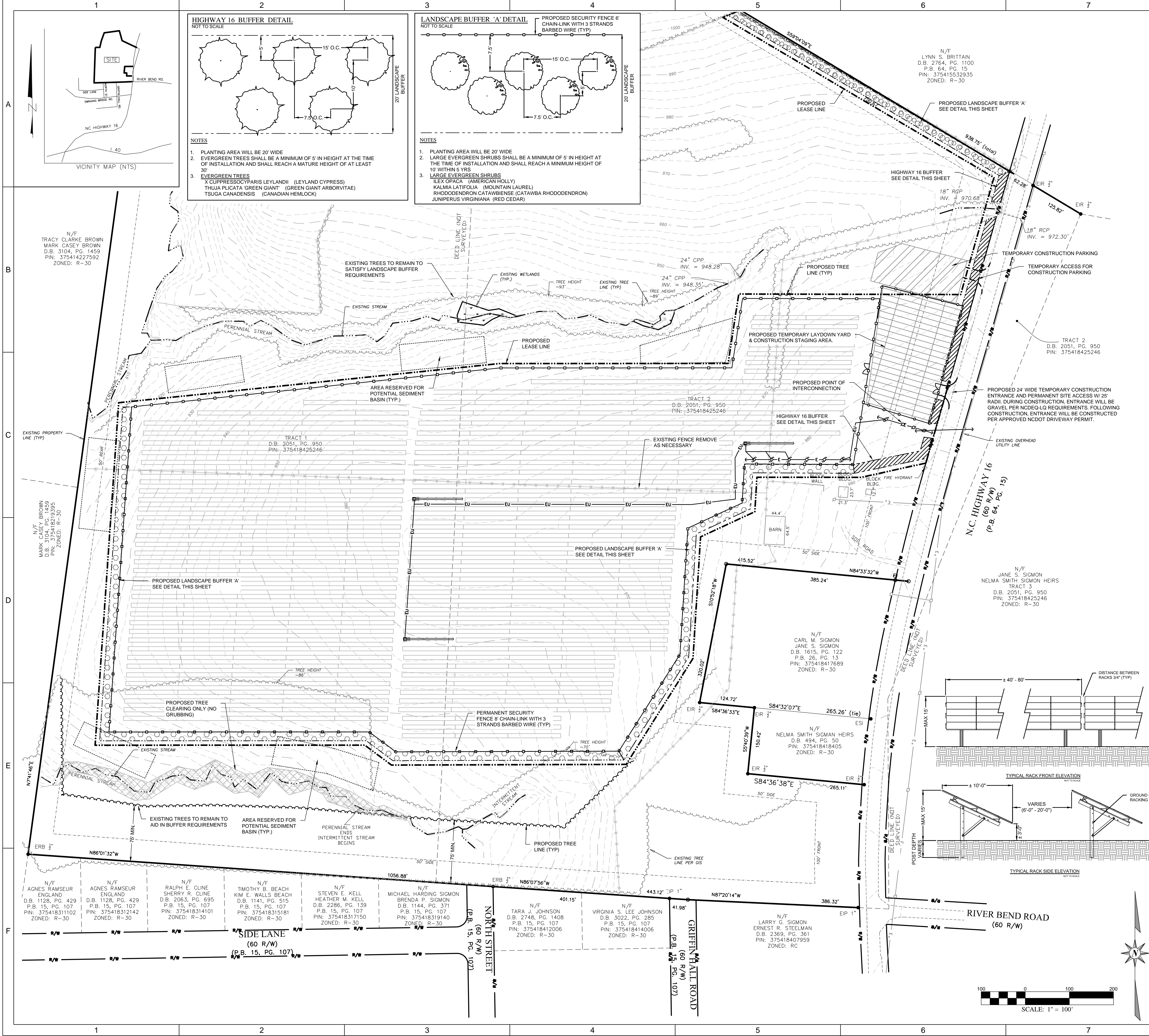
#1	Site Name	Address	PM	NOI Meeting	Panel Access/Color Ties and Access	Status as of July 2015
1	Strata Solar - Amadi Farms, LLC	1305 N NC 36 Hwy Clemmont, NC 28630	3/25-10-30-2012	Approved 2/2/2012	5/7/49	Built
2	Strata Solar - Two Lines	3425 Zion Church Road Hickory, NC 28602	3/29-04-02-7/08/12	2/3/2012 Approved	101.6/37.5	Built
3	Sunlight Partners, LLC - Owen Solar	4023 Hickory Lincolnton Hwy Lincolnton, NC 28050	3/27-03-19-9/02/12	2/3/2013 Approved	56.8/28.8	Built
4	Sunlight Partners, LLC-Flash Solar	4430 Country Home Road Conover, NC 28613	3/23-08-17-7/01/12	2/4/2013 Approved	386/27.07	Built
5	Strata Solar - Sigmon	2819 Sigmon Dairy Rd Roxboro, NC 28658	3/28-14-14-4/02/12	12/14/2013 Approved	150/43.8	Built
6	Apple One - Birdseye Renewable Energy	2201 S NC 36 Hwy Maiden, NC 28650	3/29-10-30-30/12	3/1/2013 Approved 3/2/2015	63.8/37.03	Built
7	Sonne Two - Birdseye Renewable Energy	2327 Mt Olive Church Rd Newton, NC 28658	3/20-17-10-20/10	3/6/2015 Approved 3/2/2015	119.3/45	Built
8	RB Solar LLC	3682 N Oxford St Clemmont, NC 28630	3/23-04-30-5/26/12	3/12/15 Approved 8/3/15	127/54	Built



# SUBJECT AND ADJACENT PROPERTIES

<u>LABEL</u>	<u>PIN</u>	<u>Acres</u>	<u>OWNER</u>	<u>OWNER2</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
1	375418425246	133.72	JANE S SIGMON	NELMA SMITH SIGMAN HEIRS	4929 N NC 16 HWY	CLAREMONT	NC	28610-8101
2	375419510270	0.72	NELMA SMITH SIGMAN HEIRS		4949 N NC 16 HWY	CLAREMONT	NC	28610-8101
3	375418418405	0.88	NELMA SMITH SIGMAN HEIRS		4949 N NC 16 HWY	CLAREMONT	NC	28610-8101
4	375418417689	2.79	CARL MICHAEL SIGMON	JANE S SIGMON	4949 NC HIGHWAY 16 N	CLAREMONT	NC	28610-8101
5	375415532935	22.95	LYNN S BRITTAIN		8819 DOE PATH LN	HUNTERSVILLE	NC	28078-8139
6	375415525825	3.38	DANIEL EDWARD HOVLAND	CAROLE SETZER HOVLAND	5134 N NC 16 HWY	CLAREMONT	NC	28610-8103
7	375415536248	20.03	CAROLE SETZER HOVLAND		5134 N NC HWY 16	CLAREMONT	NC	28610-8103
8	375415734316	43.35	JON C HOLLAR	SUSAN Y HOLLAR	12305 DANIELLE CHRISTINA CT	CHARLOTTE	NC	28216-6722
9	375419619613	14.56	MAVIS SELF BUMGARNER		3870 ROCK BARN RD NE	CONOVER	NC	28613-7575
10	375419613552	6.01	DANIEL SELF	GERALDINE SELF	4971 RIVER BEND RD	CLAREMONT	NC	28610-8127
11	375419602857	1.56	JERRY L SIGMON	JANICE S SIGMON	5027 RIVER BEND RD	CLAREMONT	NC	28610-8128
12	375419600808	0.47	RUBY L RINEHARDT		4882 RIVER BEND RD	CLAREMONT	NC	28610-8126
13	375419509809	0.44	ROBERT KEITH YOUNT	RUBY H YOUNT	4872 RIVER BEND RD	CLAREMONT	NC	28610-8126
14	375419508900	0.46	JAMES PATRICK COLEY	BARBARA R COLEY	4860 RIVER BEND RD	CLAREMONT	NC	28610-8126
15	375419507900	0.46	ASHLEY D BUNTON		4850 RIVER BEND RD	CLAREMONT	NC	28610-8126
16	375419506901	0.46	TERESA P CHURCH		4842 RIVER BEND RD	CLAREMONT	NC	28610-8126
17	375419504941	0.48	PAMELA JUANITA YATES		4826 RIVER BEND RD	CLAREMONT	NC	28610-8126
18	375419502943	2.04	VENTURE PROPERTIES V11 LLC		PO BOX 843	WILKESBORO	NC	28697-0843
19	375418407959	1.76	LARRY G SIGMON	ERNEST RONALD STEELMON	PO BOX 614	NEWTON	NC	28658-0614
20	375418414006	0.55	VIRGINIA S LEE JOHNSON		4767 GRIFFIN HALL RD	CONOVER	NC	28613-8435
21	375418412006	0.63	TARA J THOMPSON		761 LINDSAY BEBBER RD	TAYLORSVILLE	NC	28681-7075
22	375418319140	0.47	MICHAEL HARDING SIGMON	BRENDA P SIGMON	2410 SIDE LN	CONOVER	NC	28613-8478
23	375418317150	0.48	STEVEN E KELL	HEATHER M KELL	2428 SIDE LN	CONOVER	NC	28613-8478
24	375418315181	0.54	TIMOTHY BEACH	KIM E WALLS BEACH	2446 SIDE LN	CONOVER	NC	28613-8478
25	375418314101	0.60	RALPH EUGENE CLINE	SHERRY R CLINE	1443 KENSINGTON CIR	NEWTON	NC	28658-9439
26	375418312142	0.56	AGNES RAMSEUR ENGLAND		2480 SIDE LN	CONOVER	NC	28613-8478
27	375418311102	0.53	AGNES RAMSEUR ENGLAND		2480 SIDE LN	CONOVER	NC	28613-8478
28	375418219395	4.73	MARK CASEY BROWN		2500 SIDE LN	CONOVER	NC	28613-8886
29	375414227592	14.99	CLARKE TRACY BROWN	MARK CASEY BROWN	PO BOX 273	CLAREMONT	NC	28610-0273
30	375414330386	15.46	JERRY LOY SIGMON SR	JANICE S SIGMON	5027 RIVER BEND RD	CLAREMONT	NC	28610-8128
31	375414335790	12.66	CAROLE S HOVLAND		5134 NC HIGHWAY 16 N	CLAREMONT	NC	28610-8103





**NOTES**

1. EXISTING PROPERTY INFORMATION

PIN	OWNER	PARCEL ACREAGE	LEASED ACREAGE	LAND USE
375418425246	JANE AND NELMA SIGMON HEIRS	90.91±	32.01	VACANT

RIVER BASIN: CATAWBA  
WATERSHED: CLASS C  
MINIMUM SETBACK REQUIREMENTS:  
EXISTING ZONING: R-30  
PROPOSED ZONING: SOLAR FARM (UTILITY-SCALE SOLAR APPLICATION)

	FRONT	SIDE	REAR
	100'	50'	50'

2. THE PURPOSE OF THIS PLAN IS FOR A SPECIAL USE PERMIT APPLICATION FOR REVIEW AND APPROVAL BY CATAWBA COUNTY BOARD OF COMMISSIONERS TO CONSTRUCT A SOLAR ELECTRIC POWER PLANT. THE LOCATION OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTERS, OVERHEAD POLES & LINES, ETC., SHOWN IS APPROXIMATE AND MAY BE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS (NCDOT, NCDCE, USACE, ETC.), EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS. ANY REVISIONS WILL BE SUBMITTED FOR STAFF APPROVAL PRIOR TO CONSTRUCTION TO VERIFY COMPLIANCE WITH ZONING REQUIREMENTS AND CONDITIONS AS APPROVED.

3. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER AN ACTUAL FIELD SURVEY PERFORMED BY STEWART-PROCTOR, PLLC DATED 05/01/17.

4. WATERS OF THE US SHOWN PER REPORT BY PILOT ENVIRONMENTAL INC AND VERIFIED BY USACoE. FIELD LOCATED BY STEWART-PROCTOR, PLLC.

5. THE PROPERTY SHOWN HEREON DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (IE: 100-YR EVENT) PER FEMA FIRM MAP PANEL NO. 3710373400J EFFECTIVE DATE 9/5/2007.

6. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.

7. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL NC ONE CALL CENTER BEFORE DIGGING AT 811.

8. COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.

9. A SEDIMENT AND EROSION CONTROL PLAN WILL BE APPROVED BY NCDCEQ-LQS PRIOR TO BEGINNING CONSTRUCTION.

10. A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION.

11. PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY. RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS (I.E. NO MASS GRADING). A PORTION OF PROJECT AREAS MAY CONSIST OF TREE CLEARING ONLY (NO GRUBBING) TO ALLEVIATE SHADING OF THE ARRAY, AS INDICATED ON THE SITE PLAN. MINOR GRADING ONLY WILL OCCUR AROUND PAD MOUNTED EQUIPMENT AREAS TO DIVERT SURFACE DRAINAGE.

12. PROPOSED TEMPORARY CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION ONLY. LOGGING MATS WILL BE PLACED TO STABILIZE THE STAGING AREA TO RECEIVE CONSTRUCTION MATERIALS. AFTER COMPLETION OF SITE CONSTRUCTION ACTIVITIES, ALL LOGGING MATS IN THE STAGING AREA SHALL BE REMOVED AND THE AREA SHALL BE GRADED AND STABILIZED WITH GRASS.

13. ACCESS AISLES ARE COMPACTED BY A SMOOTH DRUM ROLLER TO REDUCE/PREVENT RUTTING. LOGGING MATS MAY BE PLACED IN HIGH TRAFFIC OR POORLY DRAINING AREAS DURING CONSTRUCTION ACTIVITIES TO IMPROVE ACCESS. NO PERMANENT IMPROVEMENTS OR IMPERVIOUS SURFACES (I.E. GRAVEL OR ASPHALT) WILL BE INSTALLED IN ACCESS AISLES FOR CONSTRUCTION OR MAINTENANCE ACTIVITIES.

14. PROPOSED 24" ACCESS GATE (TWO 12' SECTIONS) IS 8' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATE WILL BE LOCKED WITH STANDARD KEYS OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY CATAWBA COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR ACCESS.

15. NO LIGHTING IS PROPOSED FOR THIS SITE.

16. ALUMINUM SIGNS ('DANGER - HIGH VOLTAGE' AND 'DANGER - NO TRESPASSING') MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.

17. SYSTEMS, EQUIPMENT AND STRUCTURES WILL NOT EXCEED FIFTEEN (15) FEET IN HEIGHT WHEN GROUND MOUNTED. EXCLUDED FROM THIS HEIGHT REQUIREMENT, HOWEVER, ARE OVERHEAD ELECTRIC DISTRIBUTION LINES AND UTILITY POLES.

18. ALL SOLAR PANELS WILL BE CONSTRUCTED TO MINIMIZE GLARE OR REFLECTION ONTO ADJACENT PROPERTIES AND ADJACENT ROADWAYS AND MUST NOT INTERFERE WITH TRAFFIC OR CREATE A SAFETY HAZARD.

19. ALL CONSTRUCTION PARKING SHALL BE LOCATED OUTSIDE OF THE RIGHTS-OF-WAY.

20. THE APPLICANT SHALL PROVIDE WRITTEN AUTHORIZATION FROM THE LOCAL UTILITY COMPANY ACKNOWLEDGING AND APPROVING CONNECTION TO THE UTILITY GRID.

21. POWER TRANSMISSION LINES WILL BE LOCATED UNDERGROUND TO THE EXTENT PRACTICAL.

22. LANDSCAPE BUFFERS/SCREENS, GROUND COVER, SECURITY FENCES, GATES, AND WARNING SIGNS WILL BE MAINTAINED IN GOOD CONDITION UNTIL THE SOLAR FARM IS DISMANTLED AND REMOVED FROM THE SITE.

23. 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.

23. REMOVAL OF SOLAR FARM AND RESTORATION:  
23.1. THE APPLICATION WILL INCLUDE A DECOMMISSIONING PLAN THAT DESCRIBES 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.  
23.2. FOLLOWING A CONTINUOUS SIX MONTH PERIOD IN WHICH NO ELECTRICITY IS GENERATED, THE PERMIT HOLDER WILL HAVE SIX 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.  
23.3. PRIOR TO THE ISSUANCE OF A ZONING COMPLIANCE CERTIFICATE, STRATA WILL PROVIDE THE COUNTY WITH A PERFORMANCE GUARANTEE AS PROVIDED IN SUBSECTION (4) OF THE CATAWBA COUNTY SOLAR ORDINANCE. THE AMOUNT OF THE GUARANTEE SHALL BE ONE AND A QUARTER TIMES THE ESTIMATED DECOMMISSIONING COST MINUS THE SALVAGEABLE VALUE OR \$50,000 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.

**SITE PLAN LEGEND**

EXISTING PROPERTY LINE	PROPOSED UNDERGROUND MEDIUM VOLTAGE LINE	EU
EXISTING TREE LINE (NOT SURVEYED)	EXISTING TREE LINE	
EXISTING RIGHT-OF-WAY	PROPOSED TREE LINE	
EXISTING SETBACK	PROPOSED SOLAR ARRAY	
PROPOSED LEASE LINE	PROPOSED EQUIPMENT AREA	
EXISTING FENCE LINE	PROPOSED TREE CLEARING ONLY (NO GRUBBING)	
PERMANENT SECURITY FENCE (8' CHAIN-LINK WITH 3 STRANDS BARBED WIRE)	EXISTING UTILITY POLE	
TEMPORARY SECURITY FENCE (8' CHAIN-LINK)	PROPOSED UTILITY POLE (BY STRATA)	
EXISTING OVERHEAD POWER LINE	PROPOSED UTILITY POLE (BY OTHERS)	
PROPOSED OVERHEAD MEDIUM VOLTAGE LINE	PROPOSED GUY WIRE	

**ZONING SITE PLAN**

REV	DATE	REVISION DESCRIPTION	BY	CHK	APP
2	08/23/17	REVISED LANDSCAPING	RBJ	BV	JNS
1	07/21/17	UPDATED NOTES	JNS	BV	JNS

6/12/2017

DATE: 8/23/17

DRAWING DESCRIPTION: HIGHWAY 16 SOLAR ELECTRIC POWER PLANT

4979 HWY 16 N  
CLAREMONT, N.C. 28613  
CATAWBA COUNTY

PROJECT NAME AND ADDRESS: HIGHWAY 16 SOLAR ELECTRIC POWER PLANT

PROJ NO: C-404-15-HWY16

SIZE: 24.0' x 36.0'

SCALE: 1" = 100'

DRAWING NO. C2.01

DFTR: RBJ

CHKD: JNS

ENGR: JNS

REVISION

2

**STRATA SOLAR**

50101 Governors Drive  
Suite 280  
Chapel Hill, NC 27517  
919-960-0015  
www.stratasolar.com

NC License No. D-0298

8/23/17

**SEAL**

8/23/17

**SCALE**

1" = 100'



# Opinion of Probable Cost For Solar Farm Decommissioning



**SOLAR FARM:** Highway 16 Farm Solar Electric Power Plant  
**SITE ADDRESS:** 4979 Hyw 16 N. Claremont, NC 28613  
**PREPARED FOR:** Strata Solar  
**DATE:** 13-Sep-17

221 Providence Road  
 Chapel Hill, NC 27514  
 (919) 929-0481  
[www.bapa.eng.pro](http://www.bapa.eng.pro)

## System Summary:

System Size: 5 MW AC  
 Site Area (Inside Fence): 27 AC  
 Security Fence Length: 5,150 LF  
 Racking System Type: Fixed-tilt racking, Driven-post Foundation  
 PV Module Count: 20,588 (Average 3420 per MW AC)  
 PV Module Wattage: 340 Watts  
 AC/DC Ratio: 1.4  
 Inverter Count: 3  
 Transformer Count: 3  
 Gravel Road: 4,100 SF  
 Power Poles: 10 EA  
 Above Ground Wiring: 120,000 LF (0 if value is unknown)  
 Below Ground Wiring: 35,000 LF (0 if value is unknown)  
 Wire (Copper): 2,790 LB (Average 558 lbs per MW AC)  
 Wire (Aluminum): 8,860 LB (Average 1,772 lbs per MW AC)  
 Electrical Wire Length: 31,905 LF (Average 6,381 LF per MW AC)

**TOTAL ESTIMATED DECOMMISSIONING COST: \$317,320**



PV Module Removal	Quantity	Unit	Unit Price	Total	Comments
Module Disassembly	5	MW@	\$11,577	\$57,885	Includes above ground wiring.
Haul Offsite	5	MW@	\$5,434	\$27,170	
<b>SUBTOTAL</b>				<b>\$85,055</b>	
Electrical Wire Removal	Quantity	Unit	Unit Price	Total	Comments
Wire Removal, Trench Excavation	1,458	LF@	\$10	\$14,583	Assumes 50% of total wire length. Based on 12 wire runs per trench.
Wire Removal, Non-Excavation	17,500	LF@	\$2	\$35,000	
<b>SUBTOTAL</b>				<b>\$49,583</b>	
Electrical Equipment Removal	Quantity	Unit	Unit Price	Total	Comments
Inverter	3	EA@	\$2,241	\$6,723	Includes disassembly and haul offsite.
Transformer	3	EA@	\$2,241	\$6,723	Includes disassembly and haul offsite.
<b>SUBTOTAL</b>				<b>\$13,446</b>	
Racking System Removal	Quantity	Unit	Unit Price	Total	Comments
Racking Rails & Steel Posts	5	MW@	\$17,365	\$86,825	
Haul Offsite	5	MW@	\$3,260	\$16,300	
<b>SUBTOTAL</b>				<b>\$103,125</b>	
Site Items	Quantity	Unit	Unit Price	Total	Comments
Construction Entrance	1	EA@	\$1,500	\$1,500	
Seeding	7	AC@	\$1,126	\$7,640	Assumes 25% of area inside fence and includes gravel roads.
Chain Link Fencing Removal	5150	LF@	\$6	\$30,900	Average 1 post every 10 LF, height of 6 FT.
Concrete Slab Removal	1440	SF@	\$14	\$20,160	Average 40"x12"x12" reinforced pad. Includes Haul Offsite.
Gravel Road Removal	75.93	CY@	\$12	\$911	Assumes 6" avg thickness.
Power Poles	10	EA@	\$500	\$5,000	
<b>SUBTOTAL</b>				<b>\$66,111</b>	

## Summary of Estimates

PV Module Removal	\$85,055
Electrical Wire Removal	\$49,583
Electrical Equipment Removal	\$13,446
Racking System Removal	\$103,125
Site Items	\$66,111
<b>ESTIMATED GRAND TOTAL:</b>	<b>\$317,320</b>

## Data Sources:

1. Material List and Quantities: Based on schematic design and on actual material quantities for similar solar farms.
2. Unit Price Values: Based on R.S. Means and historical construction costs.
3. Metal Salvage Values: Based on London Metal Exchange Rates

**Highway 16 Farm, LLC  
Decommissioning Plan  
Highway 16 Farm Generation Facility, Utility Scale  
4979 NC 16, Conover, NC**

As required by Catawba County, NC, as a condition of a zoning authorization permit to construct the Highway 16 Farm Generation Facility on NC 16, (the Facility), Highway 16 Farm, LLC submits this decommissioning plan.

Decommissioning will occur as a result of any of the following conditions:

1. The Facility ceases to produce any energy for six consecutive months, unless substantial evidence is provided to the Zoning Administrator that the owner is diligently seeking to resume operation of the Facility. Notwithstanding the above, any cessation of operations due to (i) the utility company requiring a temporary suspension of interconnection services or a mandatory disconnection of services imposed by the utility company for reasons outside of the reasonable control of the Facility owner, or (ii) an event of force majeure beyond the reasonable control of the Facility owner, such as strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefor, acts of God, civil commotion, fire, storms, floods or other casualty events, shall not be included for purposes of calculating any failure of the Facility to produce energy for six consecutive months.
2. The owner decides to cease producing power for sale or use, or the system is damaged and will not be repaired or replaced.

The owner of the Facility will perform the following to decommission the project:

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to a condition reasonably similar to its condition before solar generation facility development, including replacement of top soil removed or eroded.

All said removal and decommissioning shall occur within twelve months of the facility ceasing to produce power for sale.



**Highway 16 Farm, LLC  
Decommissioning Plan  
Highway 16 Farm Generation Facility, Utility Scale  
4979 NC 16, Conover, NC**

The solar farm has an anticipated life of 30-35 years.

Funds will be made available for the decommissioning of the project and restoration of the site by way of the salvage value of the materials installed in addition to a \$50,000 bond. A bond certificate will be provided to the Planning Department after each renewal.

The estimated cost of decommissioning is \$317,320.00. The salvage value is expected to exceed the decommissioning cost.

This plan may be modified from time to time and a copy of any modified plans will be provided to the Planning Department and filed with the Register of Deeds by the party responsible for decommissioning.

Signed:

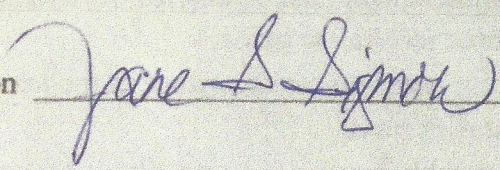
Developer:

Highway 16 Farm, LLC

By: 

Markus Wilhelm, Manager of Strata Manager, LLC its Manager

Land Owner:

Jane S. Sigmon 



# Catawba County Rezoning/Ordinance Text Amendment Application

Applicant Highway 16 Farm, LLC Phone # (919) 960-6015  
Applicant's Fax \_\_\_\_\_ Applicant's Email bvollmer@stratasolar.com  
Applicant's Mailing Address 50101 Governors Drive, Suite 280 City, State, Zip Chapel Hill, NC 27517  
Property Owner Jane S. Sigmon Phone # (828) 464-8333  
Property Owner's Mailing Address 4949 N. N.C. 16 Hwy City, State, Zip Claremont, NC 28610  
Parcel 911 Address \_\_\_\_\_ PIN # 375418425246  
Subdivision Name and Lot # \_\_\_\_\_  
Current Zoning District R-30 Proposed Zoning District R-80 CD

## Type of Rezoning Application:

### ☒ General Rezoning

- The general information listed below shall be submitted with the rezoning application.

### ☐ Planned Development Rezoning

- All information contained in the Planned Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

### ☐ Special District Rezoning

- All information contained in the Special District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

### ☐ Conditional District Rezoning

- All information contained in the Conditional District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application. The complete application includes the general information below and specific development conditions substantially agreed to by the staff and applicant as well as a development agreement if applicable.

### ☐ Manufactured Home Park Rezoning

- All information contained in the Manufactured Home Park Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
- Proposed Park Name \_\_\_\_\_

### ☐ Ordinance Text Amendment

- Submit general information listed below.

## General Information to be attached:

- ☐ If a portion of an existing parcel is requested to be rezoned, a survey of the portion of the parcel(s) covered by the proposed amendment at a scale no smaller than 1 inch equals 200 feet, on a 18 x 24 inch map and one 8 x 11 inch map (30 copies).

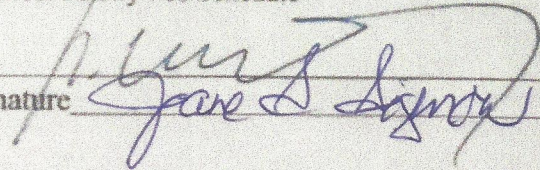
- ☐ Submittal of 30 copies of each map including digital copies in .pdf or .jpg format.

- ☐ If applicable, a legal description of such land

If applicable, a detailed statement of any alleged error in the Unified Development Ordinance which would be corrected by the proposed amendment, and a detailed explanation of the manner the proposed amendment will correct the alleged error.

A detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the proposed zoning map or text amendment.

Filing Fee: Per Catawba County Fee Schedule

Applicant's Signature  Date 9/14/17  
Property Owner's Signature Jane S. Sigmon Date 9-14-17



Mr. Chris Timberlake  
Catawba County  
25 Government Drive  
Newton, NC 28658

SUBJECT: Application for Conditional Rezoning  
Catawba County

Dear Mr. Timberlake:

Highway 16 Farm, LLC is applying to amend the zoning map for the 133.70 acre parcel owned by Jane S. Sigmon, located at approximately 4979 NC 16. The current zoning designation is R-30. The requested zoning designation is R-80 CD. The requested rezoning is intended for the approximate 32 acres of the parcel that will make up the leased area of the proposed solar farm.

#### **PROJECT DESCRIPTION**

The proposed project consists of a 32-acre photovoltaic solar power array. Photovoltaic solar panels collect sunlight and convert it into electricity. The system proposed for this site is approximately 5 megawatts AC in size. Construction is expected to take four to six months. The system is virtually silent as the operations and maintenance activities are limited to periodic visits to check on equipment and to perform routine landscaping. Other components of the project include fencing, vegetative screening, a 24'-wide access roadway, and a tie to the power grid operated by Duke Energy Carolinas.

#### **AMENDMENT CONDITIONS**

The solar farm will meet all conditions set forth in Section 44-633 – Solar farm (utility-scale solar application) of the Catawba County Code of Ordinances.

Sincerely,

  
Sam Judd  
Highway 16 Farm, LLC  
50101 Governors Drive, Suite 280  
Chapel Hill, NC, 27517  
Phone: 919-960-6015 x 306  
sjudd@stratasolar.com





Planning and Parks Department  
PO Box 389  
100 A Southwest Boulevard  
Newton, NC 28658  
828-465-8380  
Fax: 828-465-8484  
[www.catawbacountync.gov/](http://www.catawbacountync.gov/)

## ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On November 20, 2017 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PIN 3754-18-42-5246 (Case #RZ2017-04). The applicant is Highway 16 Farm, LLC (Capital Solar Development LLC). The owner is Jane Sigmon.

Upon considering the matter, the Catawba County Board of Commissioners finds the request inconsistent with the St. Stephens/Oxford Small Area Plan's recommendations on Map 5 and 6, titled "Proposed Density Districts" and "Future Land Use Recommendations." The maps depict the property as being located in an area recommended for medium-density (1.34 units per acre) residential development as well as Rural Commercial development near the intersection of NC Highway 16 and River Bend Road. The request is consistent with the lower-density development patterns that exist to the north, east, and west and the low-density residential district recommended to the east of the property. The Board of Commissioners therefore finds the request reasonable for rezoning and in the public interest and amends the Plan based upon:

- 1) The relatively low-density pattern of the community to the north, east, and west; consistent with density allowed in the R-80 district (80,000 square feet, 2 acres) and combined with conditional zoning designating a solar farm as the exclusive use;
- 2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
- 3) The topography of the site, existing vegetation, and additional vegetation to be planted which combine to offer reduced visibility of the proposed use; and
- 4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

This recommendation was affirmed by a vote of \_\_\_\_ - \_\_\_\_ of the Catawba County Board of Commissioners.

\_\_\_\_\_  
Presiding Officer

\_\_\_\_\_  
Date



**Ordinance No. 2017-\_\_\_\_\_**

**AMENDMENT TO THE CATAWBA COUNTY ZONING MAP**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS**, that the Catawba County Official Zoning Atlas is hereby amended by rezoning a portion of the following described property from R-30 Residential to R-80-CD (Conditional Zoning District) for a solar farm:

32.01-acre portion of a 133-acre parcel identified by Parcel Identification Number 3754-18-42-5246 located at 4979 North NC 16 Highway in the St. Stephens/Oxford Small Area Planning District, Clines Township.

**PLAN CONSISTENCY STATEMENT:**

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request inconsistent with the St. Stephens/Oxford Small Area Plan's recommendations on Map 5 and 6, titled "Proposed Density Districts" and "Future Land Use Recommendations." The maps depict the property as being located in an area recommended for medium-density (1.34 units per acre) residential development as well as Rural Commercial development at the intersection of NC Highway 16 and River Bend Road. However, request is consistent with the lower-density development patterns that exist to the north, east, and west and the low-density residential district recommended to the east of the property. The Board of Commissioners therefore finds the request reasonable for rezoning and in the public interest and amends the Plan based upon:

- 1) The relatively low-density pattern of the community to the north, east, and west; consistent with density allowed in the R-80 district (80,000 square feet, 2 acres) and combined with conditional zoning designating a solar farm as the exclusive use;
- 2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
- 3) The topography of the site, existing vegetation, and additional vegetation to be planted which combine to offer reduced visibility of the proposed use; and
- 4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

This, the 20th day of November 2017.

---

C. Randall Isenhower, Chair

## APPOINTMENTS

**RANDY ISENHOWER (Upcoming) Alcohol Beverage Control Board**

**10/05/17**

**Don Coleman**

**Eligible for a 2<sup>nd</sup>**

**term**

**3-year terms**

**Chair Isenhower recommends the reappointment of Don Coleman for a second term on the Alcohol Beverage Control Board. This term will expire October 5, 2020.**

**BARBARA BEATTY (Upcoming) Catawba County Board of Adjustment**

**11/30/17**

**Rita Brittain**

**Eligible for a 2<sup>nd</sup>**

**term**

**3-year terms**

**Vice-Chair Beatty recommends the reappointment of Rita Brittain for a second term as an alternate, the appointment of Sabina Hardy for a first term as an alternate and the appointment of Christina Curcio from an alternate position to a full Board member position to succeed John Marino on the Catawba County Board of Adjustment. Ms. Brittain's and Ms. Hardy's terms will expire November 30, 2020; Ms. Curcio's term will expire November 30, 2019.**

**BARBARA BEATTY (Upcoming) Board of Equalization and Review**

**12/05/17**

**Charles Preston**

**Eligible for a 5<sup>th</sup> term**

**3-year terms**

**Vice-Chair Beatty recommends the appointment of Tamera Coley for a first term to succeed Charles Preston on the Board of Equalization and Review. This term will expire December 5, 2020.**

**BARBARA BEATTY (Upcoming) Nursing and Rest Home Advisory Board**

**11/20/17**

**Gloria Loftin**

**Eligible for a 2<sup>nd</sup>**

**term**

**3-year terms**

**Vice-Chair Beatty recommends the reappointment of Gloria Loftin for a second term on the Nursing and Rest Home Advisory Board. This term will expire November 20, 2020.**

**BARBARA BEATTY (Upcoming) Catawba County Planning Board**

**11/20/17**

**Veronica Keegan**

**Eligible for a 3<sup>rd</sup> term**

**Ed Neill**

**Eligible for a 5<sup>th</sup> term**

**4-year terms**

**Vice-Chair Beatty recommends the reappointment of Veronica Keegan for a third term and Ed Neill for a 5<sup>th</sup> term on the Catawba County Planning Board. These terms will expire November 20, 2021.**

**BARBARA BEATTY (DUE) Catawba Valley Medical Group Board**

Vice-Chair Beatty recommends the appointment of Eddie Beard to succeed Tony Rose on the Catawba Valley Medical Group Board.

DAN HUNSUCKER (Upcoming) Dangerous Dog Appellate Board

11/04/17

Dr. Harry Cooke

Eligible for a 10<sup>th</sup> term

3-year terms

Commissioner Hunsucker recommends the reappointment of Dr. Harry Cooke for a tenth term on the Dangerous Dog Appellate Board. This term will expire November 4, 2020.

## MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

DATE: November 20, 2017

IN RE: Donation of Three Chevrolet Ambulances to Catawba County Schools

### REQUEST/BACKGROUND

The Finance and Personnel Subcommittee recommends the Board of Commissioners approves donating (3) three Chevrolet ambulances to Catawba County Schools.

The (3) three Chevrolet ambulances are no longer needed by the County. Catawba County Schools current vehicles have high mileage 150,000 – 200,000 miles and most are 1990 models. The Chevrolet models have approximately 190,000 miles and are 2010, 2011 and 2012 models. If the ambulances are donated, they will be used by the Maintenance Department and will replace the older vehicles.

### REVIEW

North Carolina General Statute 160A-274 authorizes the sale, lease, exchange and joint use of governmental property. Under this statute, a governmental unit may transfer personal property to another governmental unit with or without monetary consideration. The statute does require action by the governing body.

### RECOMMENDATION

The Finance and Personnel Subcommittee recommends the Board of Commissioners adopts the following resolution donating personal property to Catawba County Schools.

### **Resolution #2017-**

### **DECLARATION OF SURPLUS PROPERTY AND DONATION TO CATAWBA COUNTY SCHOOLS**

WHEREAS, the County has the authority to declare property no longer needed as surplus and donate said property to another governmental unit account to the precepts of NCGS 160A-274; and

WHEREAS, the following property is no longer needed for any governmental use by Catawba County:

2010 Chevrolet Ambulance (mileage 188,719) VIN 1GB9G561A1112842



2012 Chevrolet Ambulance (mileage 189,749) VIN 1GB6G5CL0C1201652

2011 Chevrolet Ambulance (mileage 198,981) VIN 1GB6G5CL281177806

Approximate value of each ambulance is \$3,500 - \$4,000

WHEREAS, said vehicles shall be given to Catawba County Schools to be used for a governmental purpose.

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby declares said property as surplus and authorizes the vehicles to be donated to Catawba County Schools.

This the 20th day of November, 2017.

Randy Isenhower, Chair  
Catawba County Board of Commissioners

## MEMORANDUM

**TO:** Catawba County Board of Commissioners  
**FROM:** Finance & Personnel Subcommittee  
**DATE:** November 20, 2017  
**SUBJECT:** Request to Transfer Funds for Newton-Conover City Schools (N-CCS) for Central Office Upgrades and Repairs

### Requested:

The Finance and Personnel Subcommittee requests the Board of Commissioners approves the transfer of \$14,750.80 in remaining funds from the completed South Newton Elementary School project to the Central Office Upgrades and Repairs Project.

### Background:

With the Fiscal Year 2016/17 budget, the Board of Commissioners appropriated \$50,000 of \$55,000 originally requested for N-CCS to perform general updates to the Central Office. The last updates of this kind to the building occurred in 1982. The offices and public areas needed considerable aesthetic updates, including replacing the front reception counter and renovating the area. The reception area work was more expensive than planned due to navigating an issue with a load bearing beam that required a different design and additional flooring. N-CCS also updated restrooms in the old cafeteria building to be ADA compliant. N-CCS is using the building for Board of Education and staff development meetings. Before the renovation, visitors were using restrooms in another building. Finally, work is pending to convert a female student restroom into two adult single male/female restrooms in the Auxiliary A building due to the addition of a male staff member in the Personnel Department.

The entire project cost is \$81,618. The System requests to transfer the \$14,750.80 remaining in the South Newton project to cover a portion of the overage and plans to use \$16,867.33 in per capita capital funds to fund the rest of the project.

### Recommendation:

The Finance and Personnel Subcommittee recommends the Board of Commissioners approves the request of N-CCS to transfer \$14,750.80 in remaining funds from the completed South Newton Elementary School project to the Central Office Upgrades and Repairs Project.

### Transfer:

#### From:

423-740100-864200-33105-2-01	South Newton Elementary Renovation Project	\$14,750.80
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#### To:

423-740050-995420-30050-9-02	Project Transfers	\$14,750.80
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### Supplemental Appropriation:

420-750100-864200-33110-3-12	Central Office Upgrades and Repairs	\$14,750.80
420-750050-695423	From Schools Construction	\$14,750.80

## MEMORANDUM

**TO:** Catawba County Board of Commissioners

**FROM:** Finance and Personnel Subcommittee

**DATE:** November 20, 2017

**SUBJECT:** Request to Transfer Funds for Shared Construction Manager from Newton-Conover Schools (N-CCS) to Catawba Valley Community College

### Requested

The Finance and Personnel Subcommittee requests the Board of Commissioners approves the transfer of \$49,801 in funds supporting the shared Construction Project Manager position from N-CCS to CVCC based on greater usage of the Construction Project Manager's time by CVCC.

### Background

Annually the County provides 50% of the \$99,602 cost for a shared Construction Project Manager position between N-CCS and CVCC. The remaining 50% has been shared 25% each, with the position housed at N-CCS and with CVCC reimbursing the school system for its share. With the construction of the Workforce Solutions Center and approval of \$6.1 million in State construction bonds for a public safety driving range, roofing, and mechanical units, CVCC needs more of the Construction Project Manager's time than N-CCS. Dr. Stegall and Dr. Hinshaw agreed to shift the position to CVCC beginning in Fiscal Year 2017/18, with CVCC funding 40% of the costs and billing N-CCS for 10%. The two request that the County's 50% funding for the position be transferred to CVCC instead of N-CCS to help facilitate this shift and avoid the unnecessary administrative process of billing to shift the dollars.

### Recommendation

The Finance and Personnel Subcommittee recommends the Board of Commissioners approves the request to transfer \$49,801 in funds supporting the shared Construction Project Manager position from N-CCS to CVCC based on greater usage of the Construction Project Manager's time by CVCC.

### Transfer of Appropriation:

#### *From:*

420-750100-864200-33110-1-01	N-CCS Project Manager	\$49,801
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#### *To:*

420-750100-862200-34100-5-01	CVCC Project Manager	\$49,801
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## **MEMORANDUM**

**TO:** Catawba County Board of Commissioners

**FROM:** Finance and Personnel Subcommittee

**DATE:** November 20, 2017

**SUBJECT:** Request to Transfer Funds for Hickory Public Schools (HPS) Southwest Elementary Renovation Project

### Requested

The Finance and Personnel Subcommittee requests the Board of Commissioners approves the transfer of \$60,000 from a multi-year paving project to the Southwest Elementary Exterior Renovation project approved with the Fiscal Year 2017/18 budget.

### Background

With the Fiscal Year 2017/18 budget, the Board of Commissioners appropriated \$300,000 for renovations and improvements at Southwest Elementary School. Beginning this school year, Southwest Elementary became a primary school with heavy focus on reading literacy to serve all Kindergarten through second grade students in the Southwest and Longview Elementary Schools' feeder areas. Longview Elementary School began serving all third through fifth grade students, with a STEAM (science, technology, engineering, arts, and math) focus.

To help facilitate this shift and make the school more aesthetically appealing to parents and kids, the school system requested \$300,000 to do a beautification project at Southwest, including installation of a new electronic sign, new canopies to the bus and car drop-off areas to cover the sidewalks and ramps, new roofing at the entry tower, new fencing and parking lot signage, and new landscaping at the front of the building. Bids for the project have been received, and the lowest bid is \$56,544 above budget.

HPS requests to transfer \$60,000 from a multi-year paving project to cover the difference this year, as the Southwest Renovations are a higher priority at this time. Without the \$60,000 transfer, HPS will only be able to replace one of the two existing canopies on the front of the school. The System has been phasing in paving improvements over the past three years, with total appropriations to date of \$485,000 and a remaining project balance of \$257,653. HPS has sufficient funds available in the paving project to cover the requested \$60,000 without impacting planned paving this fiscal year at Hickory High School. However, HPS anticipates needing roughly \$400,000 in future years' funding to complete all paving system-wide. The transfer from the paving project will extend the overall timeframe for funding requests to complete system-wide paving priorities.

### Recommendation

The Finance and Personnel Subcommittee recommends the Board of Commissioners approves the \$60,000 transfer request of HPS from its paving project to the Southwest Elementary Exterior Renovation project approved with the Fiscal Year 2017/18 budget.

Transfer of Appropriation:

*From:*

420-750100-865200-32150-3-02	Sealing/Paving Parking Lots	\$60,000
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*To:*

420-750100-865200-32109-3-07	Southwest Renovation	\$60,000
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## MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Lori Mathes, Tax Collector

DATE: November 20, 2017

IN RE: Tax Refund Requests

### REQUEST

The Tax Collector requests the Board of Commissioners approves two refund requests totaling \$77,546.59, resulting from taxpayers duplicating the listings for the properties in question. The records have been checked and the refunds have been verified.

### BACKGROUND

According to General Statute 105-381, a Taxpayer who has paid his taxes may request a refund (in writing) for the amount that was paid through error. The following information applies to the Taxpayers' requests.

Recent changes to North Carolina General Statutes modified the method of listing International Registration Plan (IRP) tagged vehicles. Prior to the legislative change, which became effective in 2014, the leasing company was responsible for listing the leased property with the appropriate County as Business Personal Property. With the legislative change, responsibility for listing the property shifted to the owner, the appropriate listing of the property itself was changed from Business Personal Property to Public Service Company, and the entity with whom the property should be listed shifted from the appropriate County to the NC Department of Revenue (NCDOR). For both of these refund requests, the leasing company followed the old listing process while the property owner followed the new listing process.

VFS Leasing Company (Advance Prop. Tax; 1611 N. Interstate 35E; Ste 428; Carrollton, TX 75006-8616) is requesting a refund due to duplicate listing of IRP tagged vehicles with Catawba County that were leased to Tru Pak Moving Systems, a Public Service Company. Tru Pak Moving Systems reported these same vehicles to the NCDOR as a Public Service Company for 2017, thus creating a duplicate listing and the need for a refund for VFS Leasing Company in the amount of \$7,888.71, with both County and City of Conover receipts to be refunded.

Abstract # 3021658

YEAR	VALUE	COUNTY RATE	COUNTY TAX	CONOVER RATE	CONOVER TAX	TOTAL TAX
2017	754,900	.575	4,340.68	.47	3,548.03	7,888.71
		<b>Refund Total</b>	<b>\$4,340.68</b>		<b>\$3,548.03</b>	<b>\$7,888.71</b>

PACCAR Financial Corporation (2180 Satellite Blvd. Ste 200; Duluth, GA 30097-4927) is requesting a refund due to IRP tagged vehicles with Catawba County that were leased to Tru Pak Moving Systems, a Public Service Company. Tru Pak Moving Systems reported these same vehicles to the NCDOR as a Public Service Company for 2014-2017, thus creating the need for a refund for PACCAR Financial Corporation in the amount of \$69,657.88, with both County and City of Conover receipts to be refunded.

Abstract # 3018242

YEAR	VALUE	COUNTY RATE	COUNTY TAX	COUNTY LATE LIST PENALTY	CONOVER RATE	CONOVER TAX	CONOVER LATE LIST PENALTY	TOTAL TAX
2017	805,030	.575	4,628.92		.47	3,783.64		8,412.56
2016	1,227,550	.575	7,058.41		.47	5,769.49		12,827.90
2015	2,466,210	.575	14,180.71	1,418.07	.47	11,591.19	1,159.12	28,349.09
2014	2,090,450	.53	11,079.39		.43	8,988.94		20,068.33
		<b><i>Refund Total</i></b>	<b>\$36,947.43</b>	<b>\$1,418.07</b>		<b>\$30,133.26</b>	<b>\$1,159.12</b>	<b>\$69,657.88</b>

#### RECOMMENDATION

Staff recommends the Board of Commissioners approve two refund requests totaling \$77,546.59.

## MEMORANDUM

TO: Catawba County Board of Commissioners  
FROM: Barbara Morris, County Clerk  
DATE: November 20, 2017  
IN RE: Resolution Approving the 2018 Board of Commissioners Meeting Schedule

### REQUEST

Staff requests the Board of Commissioners adopts a resolution approving the proposed 2018 Board of Commissioners Meeting Schedule. It is noted starting on April 2, 2018, all Board of Commissioners meetings will take place in the Catawba County Justice Center at 7:00 p.m.

### BACKGROUND

Historically, only one Board of Commissioners meeting is held in the month of January due to the holidays affecting schedules. The proposed meeting will be an evening meeting on Tuesday, January 16, 2018. The meeting will be held on Tuesday due to the Dr. Martin Luther King, Jr. holiday, which falls on Monday, January 15, 2018.

The NACo Legislative Conference is scheduled for March 3-7, 2018, in Washington, DC. Accordingly, it is proposed the first March Board of Commissioners meeting, as well as its accompanying subcommittee meetings, be cancelled to allow for commissioners' attendance at the Legislative Conference.

July is a month which historically only has one meeting due to the 4<sup>th</sup> of July holiday. The NACo Annual Conference is scheduled for July 13-16, 2018 in Nashville, Tennessee. Accordingly, it is proposed the first July Board of Commissioners meeting, as well as its accompanying subcommittee meetings, be cancelled. It is proposed the Board hold its July evening meeting on July 23, 2018 to allow for commissioners' attendance at the NACo Conference and that the subcommittee meetings for this July 23<sup>rd</sup> Board of Commissioners Meeting be held on July 9, 2018 to not conflict with the conference.

### RECOMMENDATION

Staff recommends the Board of Commissioners adopts the attached resolution setting forth the Board's 2018 meeting schedule which reflects the cancellations indicated above.

RESOLUTION NO. 2017-

ADOPTION OF THE 2018 BOARD OF COMMISSIONERS MEETING SCHEDULE

WHEREAS, pursuant to Section 2-47 of the Catawba County Code, the regular meetings of the Catawba County Board of Commissioners shall be held as provided in a resolution adopted by the Board in a regularly scheduled meeting held not less than ten days prior to the first meeting to which the resolution is to apply.

NOW, THEREFORE, BE IT RESOLVED that the Catawba County Board of Commissioners adopts the following Meeting Schedule for 2018:

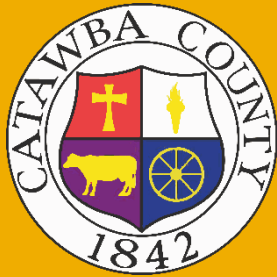
**NOTE: STARTING ON APRIL 2, 2018, ALL BOARD OF COMMISSIONERS MEETINGS WILL TAKE PLACE IN THE CATAWBA COUNTY JUSTICE CENTER, BOARD OF COMMISSIONERS MEETING ROOM, 2<sup>ND</sup> FLOOR, 100 GOVERNMENT DRIVE, NEWTON**

January 16 – Tuesday, 7:00 p.m.  
February 5 – Monday, 9:30 a.m.  
February 19 – Monday, 7:00 p.m.  
March 19 – Monday, 7:00 p.m.  
April 2 – Monday, 7:00 p.m.  
April 16 – Monday, 7:00 p.m.  
May 7 – Monday, 7:00 p.m.  
May 21 – Monday, 7:00 p.m.  
June 4 – Monday, 7:00 p.m.  
June 18 – Monday, 7:00 p.m.  
July 23 – Monday, 7:00 p.m.  
August 6 – Monday, 7:00 p.m.  
August 20 – Monday, 7:00 p.m.  
September 4 – Tuesday, 7:00 p.m.  
September 17 – Monday, 7:00 p.m.  
October 1 - Monday, 7:00 p.m.  
October 15 – Monday, 7:00 p.m.  
November 5 – Monday, 7:00 p.m.  
November 19 – Monday, 7:00 p.m.  
December 3 – Monday, 7:00 p.m.  
December 17 – Monday, 7:00 p.m.

This the 20<sup>th</sup> day of November, 2017.

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Randy Isenhower, Chair  
Catawba County Board of Commissioners



# BOARD OF COMMISSIONERS STRATEGIC PLAN







# **OVERARCHING STRATEGIC GOAL**

**Success for Catawba County means driving economic and population growth through creating jobs and enhancing our strong quality of life.**



# THE STRATEGIC PLANNING PROCESS

In response to data indicating an ongoing gradual decline in Catawba County's working age population, the Board of Commissioners embarked on a collaborative strategic planning process to proactively drive local economic and population growth. Beginning in September 2016, the Commissioners quickly identified eight critical growth sectors that would bring focus to the strategic plan and its overarching goal: Economic Development, Water & Sewer, Education, Healthy & Safe Community, Arts & Culture, Housing, Parks, and Branding & Marketing.

Over the course of the next 15 months, the Board examined each of these areas through a series of workshops and site visits that explored opportunities for the Board to catalyze action, either through their own leadership or through collaboration with other community partners. Twenty-one plan-specific workshops, retreats and presentations featured detailed research into the current status of each strategic area, identification of alignment among strategies and County operations, and thorough evaluation of related policy options. Site visits included assessing economic development sites in both Catawba County and other areas, such as Gaston, Lincoln, York and Durham counties; examining paramedicine initiatives, jail programs and shared service center operations in Durham and Wake counties; and exploring the planning process for multi-use housing developments in Chapel Hill and Chatham and Mecklenburg counties.

In addition, multiple community meetings and presentations were held to gather input, enhance collaboration, and inform both partners and residents about the County's direction moving forward. These included providing strategic plan updates to all eight city and town councils; hosting a Municipal Summit to foster connectivity and collaboration among municipal leadership; facilitating an arts & culture workshop to gather community input; conducting County brand development site visits and focus groups; facilitating public forums to gather feedback on park development; and supporting partner-led meetings to discuss housing opportunities and needs.

All of this culminated in identification of key goals, strategies and tactics that, taken together, position Catawba County for growth that not only supports a strong economy but also enhances the County's existing quality of life.



## FOUNDATIONAL PRINCIPLES

The Board's leadership of the strategic planning process is rooted in and supported by the County organization's foundation of strong operations and professional management. Foundational principles of: Effectiveness, Efficiency, Transparency, Stewardship, and Collaboration are part of the organization's DNA and serve as a compass in the delivery of services.

This foundation undergirds the work accomplished throughout Catawba County government by County employees committed to - and systems designed for - operational excellence. All of this supports and strengthens the Commissioners' focus on the growth strategies contained in this plan.



# THE STRATEGIC PLAN: LEADING FROM THE FRONT

From the outset, the Board's strategic planning process has been deliberately and inherently dynamic. When opportunities have arisen for the Board to take action, they have taken action. When research into specific strategies has not yielded opportunities for action consistent with the role of County government, the Board has adapted its course.

Examples of major actions already taken by Board throughout this process include:

- Investment in a second speculative business park building (Economic Development)
- Formation of K-64 and establishment of its multi-sector governing board (Education)
- Expansion of Riverbend Park and establishment of Mountain Creek Park (Parks)
- Initiation of a Southeastern Catawba County master planning study (Water & Sewer)
- Initiation of a formal County branding process (Branding & Marketing)

This fluid approach is still, and always will be, a vital component of the strategic plan. As a result, this document represents a point-in-time culmination of the Board's strategic plan and will continually evolve and change as progress is made. Once the County's brand is finalized, this document will be redesigned to reflect the County's new brand identity and will be housed on the County's redesigned website.

Key components of the plan\* include the following:

- **Success Statements:** Define why each focus area matters to achieving the strategic plan's overarching objective – driving economic growth, creating jobs, and enhancing quality of life.
- **Strategies:** Pinpoint what actions the Board is taking within its sphere of influence.
- **Tactics:** Detail how the Board is tackling each strategy.
- **Partners:** List the many partners with whom the Board may collaborate to research, define, and/or implement each strategy.
- **Linkages:** Demonstrate how each strategy connects to other strategic plan areas and represent secondary linkages to external partners who may help inform the strategies as they evolve.

*\*Note: Timelines are under development and will be added into the plan at a later date.*

## FOR MORE INFORMATION

For more information about the Board of Commissioners' Strategic Plan, visit [www.catawbacountync.gov](http://www.catawbacountync.gov) or call the Catawba County Manager's Office at (828) 465-8201.

*Success in Economic Development means catalyzing a positive business climate to ensure diversified opportunities that retain and attract quality employers and investment in our community.*

1

Foster positive business climate.

## TACTICS

- Maintain low cost of government – competitive tax rate and development fees.
- Ensure land development framework supports growth and aligns with municipalities, as appropriate.
- Monitor development-related process cycle times to ensure efficiency/responsiveness.

## PARTNERS

- Municipalities
- State of NC
- Chamber of Commerce

## LINKAGES

- Housing
- Water & Sewer Infrastructure
- Branding

2

Support stratified approach to product development, ensuring market-ready product offerings that appeal to diverse prospects.

## TACTICS

- Park 1764 – develop and aggressively market site.
- Spec building #2 – Market second spec building in Claremont.
- Prioritize remaining site prospects and perform targeted site development activities (utilities, broadband, grading, etc.) to improve marketability.
- Proactively plan for future product development activities by establishing reinvestment mechanism and supporting incentive structure and identifying future potential sites.

## PARTNERS

- Economic Development Corporation
- Municipalities
- State of NC
- Private Sector

## LINKAGES

- Water & Sewer Infrastructure
- Branding

3

Support aligned workforce development efforts to recruit and retain a qualified workforce that meets the current and future needs of Catawba County's employers.

## TACTICS

- a. Improve Catawba County's desirability as a place to live, work, and play by focusing County resources on overall strategic plan implementation to enhance quality of life.

## PARTNERS

- Chamber of Commerce
- WPCOG Workforce Dev. Board
- NCWorks
- Catawba Valley Community College
- Lenoir Rhyne University
- Catawba County Schools
- Hickory Public Schools
- Newton-Conover City Schools
- Private Sector

## LINKAGES

- K-64
- Branding
- Housing
- Parks
- Arts & Culture
- Healthy & Safe Community
- Manufacturing Solutions Center
- CVCC Small Business Dev. Center
- NC Center for Engineering Technologies





# K-64 EDUCATION

*Success in K-64 means partnering business with education to cultivate connections between the classroom and real-world careers for our students of all ages.*

1

Promote accountability and sound fiscal stewardship by supporting K-64 Board in developing tangible work plans with specific timelines and resource requirements for each priority area and in driving work plan implementation.

## TACTICS

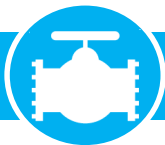
- a. Catalyze \$1.95M in matching private and grant dollars by fulfilling commitment to invest \$1.3M in initial seed funding for 2 years, through FY19.
- b. Appoint committed and qualified private sector representatives to K-64 Board, as opportunity presents.
- c. Monitor K-64 initiative's progress through required Annual and Quarterly reports of the K-64 Board, and through participation of Commissioner appointee on K-64 Board.
- d. Provide facilities in alignment with evolving educational instructional models and community needs.

## PARTNERS

- Private Sector
- Catawba Valley Community College
- Catawba County Schools
- Hickory Public Schools
- Newton-Conover City Schools
- Economic Development Corporation
- Chamber of Commerce

## LINKAGES

- Economic Development
- Branding
- Manufacturing Solutions Center
- NC Center for Engineering Technologies
- Lenoir Rhyne University
- State Board of Education



# WATER & SEWER INFRASTRUCTURE

*Success in Water & Sewer Infrastructure means anticipating and skillfully planning for our community's business and residential growth.*

1

Lead growth through targeted water/sewer extensions by maintaining infrastructure capable of balancing smart growth infill opportunities with fast growth expansion opportunities and maintaining quality of life.

## TACTICS

- Develop short- and long-term area plans for targeted growth corridors (ex. SECC).
- Restructure municipal loan program to incorporate expanded geographic applicability, greater flexibility on terms, and higher levels of municipal discretion in project management and oversight.
- Partner with municipalities in developing prioritized multi-year investment plan for system expansion and up-fit.
- Develop a tool for assessing utility investments for economic development opportunities and private sector partnerships.

## PARTNERS

- Municipalities
- Economic Development Corporation
- Developers
- WPCOG

## LINKAGES

- Economic Development
- Housing
- Branding

2

Ensure financial sustainability of water/sewer program.

## TACTICS

- Proactively plan for long term financial viability of Water/Sewer system by establishing funding mechanism and coinciding governance structure.
- Conduct periodic evaluation of tap fees, balancing full cost recovery with maintaining regional competitiveness.

## PARTNERS

- Municipalities
- Economic Development Corporation
- Developers
- WPCOG

## LINKAGES

- Economic Development
- Housing



# HOUSING

*Success in Housing means fostering an environment conducive to the creation of affordable, desirable housing options for our workforce and families.*

1

**In collaboration with municipalities, develop holistic County-wide strategy for concentrating resources in areas of need to increase impact.**

## **TACTICS**

- a. Continue participation in WPCOG-administered homeowner/renter assistance programs using state funds dedicated to Catawba County.
- b. Consider County infrastructure investment in neighborhood re-development and infill revitalization initiatives.
- c. Explore establishing priority geographic areas for public investment with defined boundaries, in partnership with municipalities.

## **PARTNERS**

- Municipalities
- WPCOG
- Chamber of Commerce
- State of NC
- Banks
- Private Sector
- Major employers
- Habitat for Humanity

## **LINKAGES**

- Water & Sewer Infrastructure
- Economic Development

2

**Address vacant and substandard housing throughout the County.**

## **TACTICS**

- a. Actively engage in WPCOG's Vacant and Substandard Housing Task Force to identify promising practices.
- b. Continue to support WPCOG in foreclosure prevention activities.
- c. Explore potential of minimum housing ordinance to improve aesthetics in blighted/poorly maintained neighborhoods.
- d. Support municipal redevelopment efforts.

## **PARTNERS**

- Municipalities
- WPCOG
- Banks
- Habitat for Humanity

## **LINKAGES**

- Economic Development



# HOUSING (continued)

3

**Address the issues of private road degradation and septic system failures as barriers to development of quality housing.**

## TACTICS

- a. Continue lobbying NC General Assembly to develop strategy to address the issue.
- b. Determine appropriate policy stance and develop systematic approach to addressing private road degradation.
- c. Ensure alignment of County development standards for private infrastructure (roads, culverts, bridges) to NCDOT standards.
- d. Determine appropriate policy stance and develop systematic approach to addressing septic failures.

## PARTNERS

- Citizens
- NCDOT
- NC Assoc. of County Commissioners
- NC League of Municipalities
- Local legislative delegation
- WPCOG

## LINKAGES

- Water & Sewer Infrastructure



# HEALTHY & SAFE COMMUNITY

*Success in Healthy & Safe Community means protecting the well-being of our citizens.*



Ensure provision of *Right Care, Right Place, Right Time* emergency/public safety response to citizens.

## **TACTICS**

- a. Continuously monitor response times and deployment models and refine as necessary to ensure most effective, efficient service possible.
- b. Explore collaborative service hub to provide citizens with single point entry to access mental health services and resources.

## **PARTNERS**

- Municipalities
- Catawba Valley Medical Center
- Frye Regional Hospital
- Partners Behavioral Health Management
- Catawba Valley Behavioral Health
- Rural Fire Districts
- Rescue Squads
- Catawba Valley Medical Group
- Gaston Family Health Services
- Faith Community

## **LINKAGES**

- Economic Development
- NACo Stepping Up Initiative
- State-wide paramedicine pilot initiatives





# HEALTHY & SAFE COMMUNITY (continued)

2

Work with the Court Improvement Board to optimize public resources dedicated to operating County jail by developing and implementing evidence-based policies and programs to effectively and efficiently manage the local inmate population.

## TACTICS

- Consider expansion of pre-trial services to cover wider range of offense categories.
- Explore development of electronic in-home monitoring program.
- Proactively manage case docketing to minimize length of time between arrest and court appearance.

## PARTNERS

- Catawba County Court Improvement Board
- Municipalities
- Non-profit community partners
- Catawba Valley Behavioral Health

## LINKAGES

- Economic Development

3

In collaboration with key community partners, engage in a localized strategy to address substance abuse and addiction, with a primary focus on opioids.

## TACTICS

- Continue to monitor local multi-sector data to understand and convey the magnitude of the impact of opioid abuse in our community.
- Explore opioid and other drug treatment options in the jail.
- Establish local asset inventory ensure a full shared understanding of existing resources, as well as identify gaps and weaknesses.
- Review national and state-wide leading practices across the spectrum of prevention, intervention, treatment, and recovery.

## PARTNERS

- Catawba Valley Medical Center
- Frye Regional Hospital
- Partners Behavioral Health Management
- Municipalities
- Community-based non-profits
- Community mental health providers

## LINKAGES

- Economic Development
- State Opioid Action Plan
- NCACC Presidential Priority



# PARKS

*Success in Parks means providing scenic outdoor experiences for our citizens and visitors through a community-wide approach that invites a variety of adventures.*

1

Create synergy between the three major County parks by offering a distinct set of featured amenities at each location, taking into consideration complementary regional and local offerings.

## TACTICS

- a. Based on evaluation of local and regional availability, incorporate unique park amenities into specific County park site plans.
- b. Develop site-based revenue strategy for each park, incorporating exploration of private sector partnerships (as appropriate) to provide adventure-based amenities.
- c. Determine priority capital improvements, renovations, and amenity additions for each County park, accompanied by cost estimates, funding plan, and proposed phasing.
- d. Through community partnerships, continue to offer value-added programming that aligns with community interests and appeals to a wide range of citizens and visitors.
- e. In alignment with brand identity, systematically market and promote County parks and recreation amenities.

## PARTNERS

- Catawba County Friends of Parks
- Northwest NC Mountain Bike Association
- Private Sector
- Catawba Valley Community College
- Lenoir Rhyne University
- Catawba County Historical Association
- Keep Catawba County Beautiful
- Catawba Riverkeepers
- United Arts Council and funded affiliates
- Hickory Metro Convention & Visitors Bureau
- Chamber of Commerce
- WPCOG

## LINKAGES

- Economic Development
- Housing
- Arts & Culture
- Healthy & Safe Community
- K-64
- Branding
- Municipalities
- Regional park operators (State of NC, neighboring counties and municipalities)
- WPCOG Greater Hickory Recreation Plan
- Duke FERC Relicensing Plan



# ARTS & CULTURE

*Success in Arts & Culture means elevating our sense of place by showcasing entertainment and creative offerings that enrich our community.*

1

Develop clear description of County's role in culture and arts.

## TACTICS

- Explore development of County-wide arts master plan for county as a whole.

## PARTNERS

- United Arts Council and funded affiliates
- Local cultural and arts organizations
- Municipalities

## LINKAGES

- Economic Development
- Housing
- Parks
- Branding

2

Enhance awareness of cultural and arts assets and explore new opportunities and initiatives through partnership and collaboration.

## TACTICS

- Continue to promote and support local activities and events through in-kind contributions.
- Support efforts by local institutions to develop central hub for local events and information.

## PARTNERS

- Municipalities
- Hickory Metro Convention & Visitors Bureau

## LINKAGES

- Economic Development
- Housing
- Parks
- Branding
- Media



# BRANDING

*Success in Branding means amplifying our story in ways that reflect who we are and inspire people to be part of it.*

1

Cultivate brand recognition and affiliation among Catawba County residents.

## TACTICS

- Integrate County brand identity and messaging throughout Catawba County government.
- Develop general resource materials, including a digital platform on the County website, that explain and promote brand identity and messaging.
- Implement high-impact outreach strategies to deliver the County's brand identity and messaging to all stakeholders and inspire buy-in.

## PARTNERS

- County employees and departments
- Citizens
- Municipalities
- Hickory Metro Convention & Visitors Bureau
- Chamber of Commerce
- Catawba County Schools
- Hickory Public Schools
- Newton-Conover City Schools
- Community organizations
- Private businesses

## LINKAGES

- Economic Development
- K-64
- Parks
- Arts & Culture
- Water & Sewer
- Healthy & Safe Community
- Housing
- Media

2

Leverage Catawba County's brand image to "tell our story" and promote the County as a great place to live, work, and raise a family.

## TACTICS

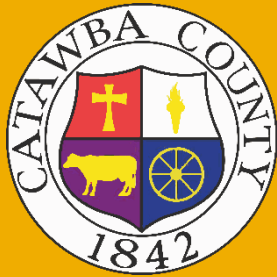
- Implement branded community marketing strategies to effectively reach relevant target populations.
- Develop collaborative community marketing strategies demonstrating connectivity between the County's brand message and partners' unique identities.
- Reinforce the County's commitment to enhancing quality of life by integrating community marketing strategies into strategic plan initiatives.
- Continue leading local communicators' group to develop resource lists and messaging that enable the shared promotion of community assets.

## PARTNERS

- Citizens
- Municipalities
- Economic Development Corporation
- Hickory Metro Convention & Visitors Bureau
- Chamber of Commerce
- WPCOG
- Catawba County Schools
- Hickory Public Schools
- Newton-Conover City Schools
- Community organizations
- Private businesses

## LINKAGES

- Economic Development
- K-64
- Parks
- Arts & Culture
- Water & Sewer
- Healthy & Safe Community
- Housing
- Media



# BOARD OF COMMISSIONERS STRATEGIC PLAN







# **OVERARCHING STRATEGIC GOAL**

**Success for Catawba County means  
driving economic and population growth  
through creating jobs and  
enhancing our strong quality of life.**



# THE STRATEGIC PLANNING PROCESS

2016		
	Focus Area	Topic/Location
September 6	Process	Workshop
September 26	Planning Process & Expectations	Workshop
October 3	Economic Development	Workshop
October 10	Water & Sewer Infrastructure	Workshop
October 27	Economic Development	Site Visit: Gaston County, Lincoln County, York County, SC
November 7	Education Benchmarking	Workshop
November 8	Education/Economic Development	BETABox preview (educational and product development technology)
November 14	Education	Workshop
November 17	Economic Development	Site Visit: Tour of Catawba County's ED sites
December 5	Broadband/Ed Tech	Workshop
December 7	Economic Development	Assessment results on strengths and weaknesses of Catawba County's ED products and next steps for competitive edge
December 12	Health & Safe Community	Workshop

2017		
	Focus Area	Topic/Location
January 9	Arts & Culture	Workshop
January 30	Parks	Workshop
February 6	Housing	Workshop
February 13	Branding	Workshop
March 23 and 24	Healthy & Safe Community; Economic Development	Site Visits: Wake County –paramedicine, shared service centers; Durham County – Criminal Justice Resource Center, Treyburn Business Park
August 8	Municipal Summit	Share strategic plan update and share municipality efforts
August 21	Update on Plan	Plan progress report
September 25	Arts and Culture	Workshop
October 9	Housing	Workshop
October 13	BOC Retreat	Planning workshop
October 18	Housing/Water & Sewer Infrastructure	Site Visit: Chatham Park (Chatham County); Briar Creek (Chapel Hill)
November 6	Healthy & Safe Community	Emergency Services Study Scope
November 13	Water & Sewer Infrastructure	Impacts of HB436
November 16	Water & Sewer Infrastructure	Site Visit: Newland Communities' Charlotte Offices
November 20	Strategic Plan	Wrap-up
December 4	Housing	Workshop

2018		
	Focus Area	Topic/Location
January 16	Education	Status Report from K-64 Board
April 16	Education	Status Report from K-64 Board
July 23	Education	Status Report from K-64 Board
October 15	Education	Status Report from K-64 Board

- Began September 2016
- Researched potential areas of action compatible with Board's role in community
- Took action as opportunities arose
- Culminated in key goals, strategies and tactics for 8 focus areas
- Will continue to explore and refine strategies moving forward



## FOUNDATION OF THE PLAN

Catawba County Government = Well- governed and managed organization: Effective, Efficient, Transparent, Stewards, Collaborative



## NATURE OF THE PLAN

- Deliberately dynamic, enabling Board to take action or adapt course as necessary
- Will continually evolve as progress is made
- Will eventually reflect new County brand & live on website



# KEY PLAN COMPONENTS

- **Success Statements:** Why each focus area matters
- **Strategies:** What the BOC will accomplish
- **Tactics:** How the BOC is tackling each strategy
- **Partners:** With whom the BOC will work to get it done
- **Linkages:** How it all connects to both other strategic plan components and also community partners who hold pieces of the puzzle

*\*Timelines (By when) will be added at a later date*

## ECONOMIC DEVELOPMENT

*Success in Economic Development means catalyzing a positive business climate to ensure diversified opportunities that retain and attract quality employers and investment in our community.*

- 1 Foster positive business climate.
- 2 Support stratified approach to product development, ensuring market-ready product offerings that appeal to diverse prospects.
- 3 Support aligned workforce development efforts to recruit and retain a qualified workforce that meets the current and future needs of Catawba County's employers.



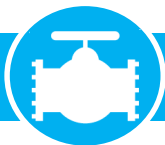


## K-64 EDUCATION

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Promote accountability and sound fiscal stewardship by supporting K-64 Board in developing tangible work plans with specific timelines and resource requirements for each priority area and in driving work plan implementation.



## WATER & SEWER INFRASTRUCTURE

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- 1** Lead growth through targeted water/sewer extensions by maintaining infrastructure capable of balancing smart growth in-fill opportunities with fast growth expansion opportunities and maintaining quality of life.
- 2** Ensure financial sustainability of water/sewer program.



## HOUSING

*Success in Housing means fostering an environment conducive to the creation of affordable, desirable housing options for our workforce and families.*

- 1 In collaboration with municipalities, develop holistic County-wide strategy for concentrating resources in areas of need to increase impact.
- 2 Address vacant and substandard housing throughout the County.
- 3 Address the issues of private road degradation and septic system failures as barriers to development of quality housing.



## HEALTHY & SAFE COMMUNITY

*Success in Healthy & Safe Community means protecting the well-being of our citizens.*

- 1 Ensure provision of *Right Care, Right Place, Right Time* emergency/public safety response to citizens.
- 2 Work with the Court Improvement Board to optimize public resources dedicated to operating County jail by developing and implementing evidence-based policies and programs to effectively and efficiently manage the local inmate population.
- 3 In collaboration with key community partners, engage in a localized strategy to address substance abuse and addiction, with a primary focus on opioids.



## PARKS

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Create synergy between the three major County parks by offering a distinct set of featured amenities at each location, taking into consideration complementary regional and local offerings.



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Develop clear description of County's role in culture and arts.



Enhance awareness of cultural and arts assets and explore new opportunities and initiatives through partnership and collaboration.





## BRANDING

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Cultivate brand recognition and affiliation among Catawba County residents.



Leverage Catawba County's brand image to “tell our story” and promote the County as a great place to live, work, and raise a family.



## NEXT STEPS

- Housing Work Session: December 4
- Continue work on SECC study
- Issue RFQ for Emergency Services study
- Monthly Park 1764 Board meetings
- Bi-monthly K-64 Board meetings
- Monthly (at minimum) K-64 committee meetings
- Continue exploring and implementing strategic areas and tactics

On-going: Plan, Execute, Evaluate