

Buncombe County Government

Planning and Development

46 Valley Street
Asheville, NC 28801

Jon E. Creighton

Assistant County Manager/Planning Director

Telephone (828) 250-4830

Fax (828) 250-6086

CERTIFICATION

I, Josh O'Conner on behalf of the Buncombe County Planning Department, do hereby certify that I, as Zoning Administrator for Buncombe County, did cause the attached notice regarding hearings for **zoning text amendments** to be held by the Buncombe County Board of Commissioners on **January 07, 2014** to be forwarded to the Asheville Citizen-Times for publication on **December 19, 2013** and **December 26, 2013** as evidenced by the attached Affidavit of Publication.

Buncombe County Planning Department

Joshua O'Conner
Zoning Administrator

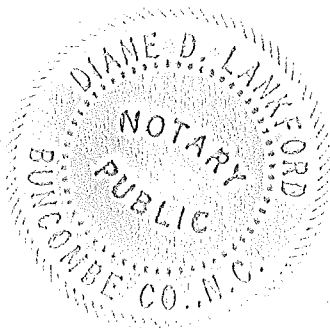
STATE OF NORTH CAROLINA

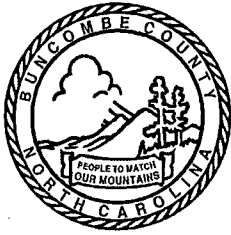
COUNTY OF BUNCOMBE

Sworn to and subscribed before me this 31 day of Dec, ²⁰¹³2014.

Diane D. Lankford
Notary Public

10-27-14
Commission Expires





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NOTICE OF PUBLIC HEARING

Notice is hereby given that the Buncombe County Board of Commissioners will hold a public hearing on Tuesday, January 7, 2014 at 4:30 pm in the Commissioners' Chambers located at 200 College Street, Room 326, Asheville, NC 28801 to consider the following amendments to the text of the Official Zoning Ordinance of Buncombe County:

Add to §78-581. Definitions, the following definitions: "private utilities and related facilities," "public utilities and related facilities," and "public or private utilities and related facilities footprint."

Modify §78-641(a) Permitted Use Table. as follows:

- Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)" to be permitted in all districts;
- Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)" to be conditional in all districts;
- Modify the use "Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks" to include "(less than 2 acres in total footprint)" and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District;
- Add the use "Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)" to be conditional in all districts.

Modify §78-645. Steep Slope / High Elevation Overlay District, Table 1, Permitted Use Table. as follows:

- Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks" to be conditional in all districts within the Steep Slope/High Elevation Overlay;
- Modify the use "Utility Stations and substations, pumping stations, water and sewer plants, water storage tanks" to be specific to "Public" uses, and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District.

Modify §78-646. Protected Ridge Overlay District Table 1, Permitted Use Table. as follows:

- Add the use “Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks” to be conditional in all districts within the Protected Ridge Overlay;
- Modify the use “Utility Stations and substations, pumping stations, water and sewer plants, water storage tanks” to be specific to “Public” uses, and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District.

Modify §78-678(3). Conditional Use Standards for Public Utility Stations to include: private utility stations; to exempt certain photovoltaic cells from fencing requirements; to require emergency contact information to be posted on site; to require a decommissioning plan; to direct separation of wind energy facilities from existing structures; to guarantee public safety; to require a Solar Glare Hazard Analysis in certain circumstances; to require studies in relation to potential effects on existing public roads; to require identification of disturbed and impervious areas inclusive of tree species within the Steep Slope/High Elevation Overlay District and the Protected Ridge Overlay District, to require engineer certification and microwave path analysis with regard to possible signal interference; and to require proof of registration with state and federal agencies as applicable.

For more information, please call Buncombe County Planning and Development, (828) 250-4858. Questions may also be emailed to zoningquestions@buncombecounty.org.

Josh O’Conner, Zoning Administrator

Please run this under Legal Notices **twice, Thursday, December 19th and Thursday, December 26th, 2013**, and send the affidavit of publication to the above address.

AFFIDAVIT OF PUBLICATION

BUNCOMBE COUNTY

SS.
NORTH CAROLINA

Before the undersigned, a Notary Public of said County and State, duly commissioned, qualified and authorized by law to administer oaths, personally appeared **Rene Simpson**, who, being first duly sworn, deposes and says: that she is the **Legal Billing Clerk of The Asheville Citizen-Times**, engaged in publication of a newspaper known as **The Asheville Citizen-Times**, published, issued, and entered as first class mail in the City of Asheville, in said County and State; that she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached hereto, was published in **The Asheville Citizen-Times** on the following date: December 19th and 26th 2013. And that the said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Signed this 26th day of December, 2013



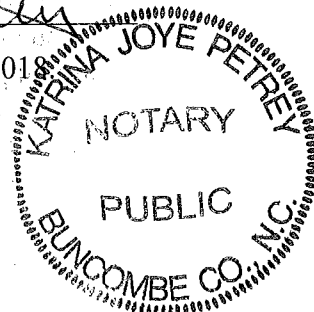
(Signature of person making affidavit)

Sworn to and subscribed before me the 26th day of December, 2013.



(Notary Public)

My Commission expires the 5th day of October, 2018.



(828) 232-5830 | (828) 253-5092 FAX

14 O. HENRY AVE. | P.O. BOX 2090 | ASHEVILLE, NC 28802 | (800) 800-4204



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Add to 78-581. Definitions, the following definitions: "private utilities and related facilities," "public utilities and related facilities," and "public private utilities and related facilities footprint."

Modify 78-641(a) Permitted Use Table, as follows:

"Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (less than 2 acres in total footprint)" to be permitted in all districts;

"Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)" to be conditional in all districts;

"Modify the use "Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks" to include "(less than 2 acres in total footprint)" and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District;

"Add the use "Public utility stations and substations, pumping stations, water and sewer plants, water storage tanks (2 acres or greater in total footprint)" to be conditional in all districts.

Modify 78-645. Steep Slope / High Elevation Overlay District, Table 1, Permitted Use Table, as follows:

"Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks" to be conditional in all districts within the Steep Slope/High Elevation Overlay;

"Modify the use "Utility Stations and substations, pumping stations, water and sewer plants, water storage tanks" to be specific to "Public" uses, and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District.

Modify 78-646. Protected Ridge Overlay District Table 1, Permitted Use Table, as follows:

"Add the use "Private utility stations and substations, pumping stations, water and sewer plants, water storage tanks" to be conditional in all districts within the Protected Ridge Overlay;

"Modify the use "Utility Stations and substations, pumping stations, water and sewer plants, water storage tanks" to be specific to "Public" uses, and additionally allow this as a conditional use in the Beaverdam Low-Density Residential District.

Modify 78-678(3). Conditional Use Standards for Public Utility Stations to include: private utility stations; to exempt certain photovoltaic cells from fencing requirements; to require emergency contact information to be posted on site; to require a decommissioning plan; to direct separation of wind energy facilities from existing structures; to guarantee public safety; to require a Solar Glare Hazard Analysis in certain circumstances; to require studies in relation to potential effects on existing public roads; to require identification of disturbed and impervious areas inclusive of tree species within the Steep Slope/High Elevation Overlay District and the Protected Ridge Overlay District; to require engineer certification and microwave path analysis with regard to possible signal interference; and to require proof of registration with state and federal agencies as applicable.

For more information, please call Buncombe County Planning and Development, (828) 250-4858. Questions may also be emailed to zoning-questions@buncombecounty.org.

Josh O'Conner, Zoning Administrator
 December 19, 26, 2013 (1766)