

PUBLIC COMMENTS

Commissioner Miller-White thanked the public for voting in the last election and for supporting the process whether or not they voted for her. Commissioner Cole encouraged the public to volunteer in the community. They can complete the Statement of Interest form that can be received from the County Manager’s Office or on the County’s website.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:30 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
January 3, 2011
6:30 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, January 3, 2011, at 6:30 p.m. in the Courtroom located in the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Mack E. Nixon, Chairman Benjamin Hobbs
Sue Weimar Janice McKenzie Cole
Tammy Miller-White, Vice Chair Edward R. Muzzulin

MEMBERS ABSENT: None

OTHERS PRESENT: Bobby Darden, County Manager Mary Hunnicutt, Clerk to the Board
Hackney High, County Attorney

After the Chairman called the meeting to order, Commissioner Weimar gave the invocation and the Chairman led the Pledge of Allegiance. Chairman Hobbs proceeded with the Public Hearings.

PUBLIC HEARINGS

Planning & Zoning Items

Conditional Use Permit No. CUD-10-01(a) & Rezoning Request No. CUD-10-01(b)

Chairman Hobbs opened the first Public Hearing stating that the purpose of the first public hearing was to receive comments on the Conditional Use Permit No. CUD-10-01(a) & Rezoning Request No. CUD-10-01(b), by Derrick Smith, East Carolina Consulting, PLLC, to rezone from RA, Rural Agriculture and RA-25, Residential & Agricultural, to Residential & Agricultural Conditional Use (RA-15[CD]) District about 89.4 acres located at the intersection of Muddy Creek–Cross Neck–Hoyle Jones Roads (Tax Map Nos.4-D076-2601; -2602; -2603; and -2604-TM1 and 4-0076-0026). There were thirty-five (35) people present. Mr. Hobbs proceeded to call the roll of individuals that have signed up to speak to the Board. Their comments were as follows:

- **Alice Redding:** Ms. Redding read her letter that she presented to the Planning Board supporting the permit request
- **Derrick Smith:** Mr. Smith, East Carolina Consulting, PLLC, presented his changes to the Board and asked if there were any questions.
- **Dennis Williams:** Mr. Williams lives in Long Beach Estates and encourages good development and feels that this would be an asset to the County.
- **Bruce Exum:** Mr. Exum, Manager of The Moorings at Albemarle, LLC, asked if there were any questions and assured the Board that they would use local contractors since that was one of the earlier concerns.
- **Commissioner Nixon:** Mr. Nixon asked what was the recommendation of the Planning Board. Ms. Godfrey said that the motion failed by a vote of two (2) to three (3).

The Chairman asked if there were any comments or questions from the public. There being none, the Chairman opened the second Public Hearing.

Conditional Use Permit No. CUP-10-03

Chairman Hobbs opened the second Public Hearing stating that the purpose of the second public hearing was to receive comments on the Conditional Use Permit No. CUP-10-03, by Island Christian Fellowship, to construct a church at 315 Holiday Lane (between Holiday Lane and Oak Ridge), consisting of three existing lots of record known as Tax Parcel Nos. 2-D082-0046-HI, 2-D082-0047HI and 2-D082-0059-HI. There were thirty-seven (37) people present. The Chairman recognized the following individuals that had comments on this Conditional Use Permit:

- **Kenneth L. Ries:** Mr. Ries, Holiday Island Property Owner and Trustee for Island Christian Fellowship Church, presented his request to the Board. He explained that the church will be built on three (3) pre-existing lots. Commissioner Weimar asked about drainage problems. Ms. Godfrey said that this would have to be addressed before they were issued the permit. Commissioner Miller-White asked if it could be a part of the conditions of the Conditional Use Permit. Ms. Godfrey said that it could.
- **Elmer Benson:** Mr. Benson lives at 336 Holiday Island Road and opposes this permit because he feels that the lots are too small to handle the church.
- **Chairman Hobbs:** Mr. Hobbs asked if the septic tank was adequate for a church this size. Mr. Ries said that John Morgan of the Health Department said that it was.
- **Commissioner Weimar:** Ms. Weimar asked how old the septic tank was. Mr. Ries said that it was about ten (10) years old.

The Chairman asked if there were any comments or questions from the public. There being none, the Chairman opened the third Public Hearing.

Administrative Text Amendment No. TXT-10-09

Chairman Hobbs opened the third Public Hearing stating that the purpose of the third public hearing was to receive comments on the Administrative Text Amendment No. TXT-10-09, to establish standards, conditions and procedures in the Zoning Ordinance for locating and erecting “Wind Energy Facilities” and to renumber Subsections 907.A thru 907.X as 907.1 thru 907.24 in the Zoning Ordinance. There were thirty-seven (37) people present. The Chairman recognized Donna Godfrey, County Planner, who presented the following Text Amendments:

-Strikethrough and Underline Copy-
Showing existing Zoning Regulations and proposed text for Wind Energy Facilities
Note: Text amendments shown in “Strikethrough and Underline” fashion.
Plain Strikethrough and Underline = Draft as reviewed by Planning Board;
Red letters = changes made during Planning Board’s review and recommendation; and
Green letters = changes made by County staff after Planning Board’s recommendation.

PROPOSED ORDINANCE NO. 74

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLES VIII, IX, XI AND XXIV TO ESTABLISH STANDARDS, CONDITIONS AND PROCEDURES FOR LOCATING AND OPERATING WIND ENERGY FACILITIES AND TO RENUMBER SUBSECTIONS 907.A THROUGH ~~907.X~~ 907.Z TO 907.1 THROUGH ~~907.24~~ 907.26, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising Articles VIII, IX and XXIV to establish standards, conditions and procedures for locating and operating Wind Energy Facilities and to renumber Subsections 907.A through ~~907.X~~ 907.Z to 907.1 through ~~907.24~~ 907.26 and by adding and substitution excerpts of Articles VIII, IX, XI and XXIV attached hereto as Exhibits A, B, C and D and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit "A"

ARTICLE VIII. TABLE OF PERMITTED & CONDITIONAL USES

Section 801. Table of Uses:

The letter "P" indicates those Zoning Districts in which particular uses or similar uses are permitted as a Use by Right with or without certain conditions as provided elsewhere in this Ordinance.

The letter "C" indicates those Zoning Districts in which particular uses or similar uses are permitted as a Conditional Use upon approval of the Board of County Commissioners. See also Article IX, Conditional Uses, for details of each Conditional Use.

A blank cell indicates those Zoning Districts in which particular uses or similar uses are prohibited.

Uses not indicated are prohibited.

Article VIII. Table of Uses (page 6 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Temporary Construction Buildings (must be removed within 30 days of receipt of Certificate of Occupancy)	P	P	P	P	P	P	P	P		
Textile Products Manufacturing									P	P
Toxic Chemicals Processing or Disposal										C
Transportation and Freight Terminals						P		P	P	P
Truck Driving School									C	
Vehicle Service Stations (including Car Washes)						P	P	P	P	P
Veterinary Clinics			C			P		C		
Warehousing, Storage, and Distribution Facilities									P	P
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Wireless Communications Towers	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

P=Permitted Use
C=Conditional Use

Exhibit "B"

ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:

- A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- B. That the use meets all required conditions and specifications;

- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- D. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner or owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.***

(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.27 Wind Energy Facilities:

- A. **Zoning Districts:** Small: RA-43, RA-25, RA-15, CR, CN, CH, IL and IH;
 Medium: RA, CR, CN, CH, IL and IH; and
 Large: RA
- B. **Preamble:** Wind Energy Facilities may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:
 - (1) A Permit Application for a Wind Energy Facility shall contain the following:
 - (a) A narrative describing the proposed Wind Energy Facility, including an overview of the project;
 - (b) The proposed total rated capacity of the Wind Energy Facility;
 - (c) The proposed number, representative types and height or range of heights of Wind Turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 - (d) Identification and location of the property or properties on which the proposed Wind Energy Facility will be located;
 - (e) A site plan showing the planned location of all Wind Turbines, property lines, setback lines, access roads, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all Occupied Buildings, Residences, and other features sufficient to demonstrate compliance with the setbacks required by this Article;
 - (f) Any Environmental Assessment required by state or Federal law;
 - (g) Decommissioning plans that describe the anticipated life of the Wind Energy Facility, the estimated decommissioning costs in current dollars, the salvage value of the equipment, and the anticipated manner in which the Wind Energy Facility will be decommissioned and the site restored;
 - (h) Documentation of agreement between Participating Landowner(s) and the Applicant, Facility Owner, or Operator; and
 - (i) Signature of the Applicant.
 - (2) Throughout the permit process, the Applicant shall promptly notify Perquimans County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
 - (3) Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Zoning Administrator. Major modifications to the approved Conditional Use Permit will require a new Application and approval by the Planning Board and Board of County Commissioners in the same manner as the original Conditional Use Permit.
 - (4) Wind Turbine Height and Setback Multipliers and Minimum Lot Sizes: The Setbacks shall be calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the Wind Turbine base to the property line or the nearest point on a public road right-of-way or the nearest point on the foundation of a Residence or an Occupied Building.

Table 907.27: Lot Size, Setback and Height Requirements

Facility Type	Minimum Lot Size	Minimum Setback Requirements			Public Roads	Maximum Height
		Occupied Buildings* (Participating Property)	Residences Occupied Buildings* (Non-Participating Property)	Property Line (Non-Participating Property)		
Small Facility	43,000 Sq. Ft.	0.0 1.5	1.5	1.1	1.5	120 feet
Medium Facility	5 Acres	1.1 2.0	2.0	1.5	1.5	250 feet
Large Facility	25 Acres	1.1 2.5	2.5	1.5	1.5	600 feet

*For the purpose of this Section, farm or accessory structures shall not be considered as occupied buildings.

Setback requirements may be waived by a property owner so long as such waiver is in writing and signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

- (5) Sound and Shadow Flicker: This Section shall only apply to Large Wind Energy Facilities. Sound and Shadow Flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks.

- (a) Audible sound from a Large Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building or Residence on the property of a Non-Participating Landowner.
 - (b) Shadow Flicker on any Occupied Building or Residence on a non-participating landowner's property caused by a Large Wind Energy Facility must not exceed thirty (30) hours per year.
 - (c) Sound and/or Shadow Flicker provisions may be waived by a property owner so long as such waiver is in writing, signed by the property owner and recorded in the Perquimans County Register of Deeds Office.
- (6) **Installation and Design**
- (a) The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
 - (b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
 - (c) The visual appearance of a Wind Turbine shall at a minimum:
 - (1) Be a non-obtrusive color such as white, off-white or gray.
 - (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
 - (3) Not display advertising (including flags, streamers or decorative items), except for identification of the Wind Turbine manufacturer, Facility Owner and Operator.
- (7) **Decommissioning**
- (a) The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of the Wind Energy Facility if no electricity is generated for a continuous period of twelve (12) months. For purposes of this Section, this twelve (12) month period shall not include delay resulting from Force Majeure.
 - (b) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
 - (c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 - (d) Prior to the issuance of a building permit, the owner of a Medium or Large Wind Energy Facility shall provide a cash bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility, less the salvage value of the equipment prior to construction. If the Wind Facility Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office located in northeastern North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

Exhibit "C"

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Exhibit "D"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (i) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ii) The word "shall" is mandatory and not discretionary.
- (iii) The word "may" is permissive.
- (iv) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (v) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (vi) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (vii) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Applicant. The property owner(s) or authorized agent submitting a petition or application pursuant to procedures covered by this Zoning Ordinance.

Force Majeure. Defined for permit applications submitted for Wind Energy Facilities and shall include any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor

unavailability; riots; war; or any other similar cause beyond the Wind Energy Facility Owner's and/or Operator's reasonable control that delays, hinders, or prevents the generation of electricity from the Wind Energy Facility.

Non-Participating Landowner. Defined for permit applications submitted for Wind Energy Facilities **and** includes a landowner not under agreement with the Applicant or Wind Energy Facility Owner or Operator.

Occupied Building. Defined for permit applications submitted for Wind Energy Facilities and shall include a business, school, hospital, church, public library or other permanent structure used regularly for public gathering that is occupied or in use and connected to water, sewer and electric utilities. Accordingly, an Occupied Building shall not include Residences (as defined below), barns, sheds, grain bins, and any similar farm structure or accessory structure, and any other building or structure used infrequently or intermittently.

Participating Landowner. A landowner under lease or agreement with the Applicant or Wind Energy Facility Owner pertaining to the Wind Energy Facility. A waiver of setback, sound, and/or Shadow Flicker provisions constitutes an agreement with the Wind Energy Facility Owner under Section 907.27(6)(c).

Residence. Defined for permit applications submitted for Wind Energy Facilities and shall include a **any** permanent **habitable** dwelling **that is continuously occupied and is connected to water, electric, and sewer utilities.**

Shadow Flicker. Defined for permit applications submitted for Wind Energy Facilities. Shadow flicker is the visible flicker effect when rotating wind turbine blades cast shadows causing the repeating pattern of light and shadow.

Wind Energy Facility. An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Facility, Small. A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

Wind Energy Facility, Medium. A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 20 kW but not greater than 100 kW.

Wind Energy Facility, Large. A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

Wind Energy Facility Operator. The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

Wind Energy Facility Owner. The entity or entities having controlling or majority equity interest in a Wind Energy Facility, including their respective successors and assigns.

Wind Turbine. A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

Wind Turbine Height. The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

-Strikethrough and Underline Copy-
Showing existing Zoning Regulations and proposed text for Wind Energy Facilities

Ms. Godfrey explained that Andrew Makee, representative from Iberdola Renewables, was present to answer any questions that the Board or public had. Chairman Hobbs asked if there were any questions or comments. The following questions were addressed:

- **Commissioner Miller-White:** Ms. Miller-White asked about increasing the height to 600 feet and about decommissioning of the Wind Energy Facility. Mr. Makee explained that the increase in height is to make a leadway for technology changes. Ms. Godfrey explained the process of decommissioning the facilities.

The Chairman asked if there were any comments or questions from the public. There being none, the Chairman closed the Public Hearings at 7:00 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Mack E. Nixon, seconded by Janice McKenzie Cole.

CONSENT AGENDA

On motion made by Sue Weimar, seconded by Edward R. Muzzulin, the Board unanimously approved the Consent Agenda:

1. **Approval of Minutes:** December 6, 2010 Regular Meeting
2. **Approval of Tax Releases:** none
3. **Personnel Matter:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Naomi Twine	Full-Time Telecommunicator	Appointment	60/4	\$25,022	1/1/2011

4. **Budget Amendment:**

**BUDGET AMENDMENT NO. 9
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-024	State Grant - Pesticide Recycling		1,603
10-615-147	Pesticide Container Grant		1,603
EXPLANATION: To record exact amount of Pesticide Grant approved for FY 2010-11 from N.C. Department of Agriculture & Consumer Services.			

**BUDGET AMENDMENT NO. 10
WATER FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
35-348-002	Hurricanes - FEMA	13,250	
35-660-335	Hurricane Expenses	13,250	
EXPLANATION: To budget FEMA Funds received - Hurricane Earl.			

**BUDGET AMENDMENT NO. 11
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-610-468	TANF Domestic Violence	1,412	
10-610-454	Child / Day Care	2,201	
10-610-453	Smart Start / Day Care	32,870	
10-610-192	Crisis Intervention	30,014	
10-610-021	HCCBG	247	
10-348-000	State Grants - Social Services	66,744	
EXPLANATION: Additional State Funds available.			

5. **Resolution:** The following Resolution was presented for approval:

RESOLUTION HONORING

ROBERT LINDSAY REED, FIRE CHIEF

Whereas, Robert Lindsay Reed has announced his stepping down as Fire Chief of the Hertford Fire Department, ending eleven years of exemplary service as Fire Chief to the people of Hertford and Perquimans County; and

Whereas, Robert Lindsay Reed, during his years as Fire Chief has dedicated himself to the betterment of the Town of Hertford and the advancement of the Fire Department; and

Whereas, during his tenure of service, *Robert Lindsay Reed* has risen through the ranks of the Fire Department, assuming the position of Fire Chief in 1999, and always contributing positively to the professional development of those around him; and

Whereas, *Chief Robert Lindsay Reed* has overseen the significant growth of the Hertford Fire Department through the expansion of services, development of relationships with other departments, involvement of new firefighters and the acquisition of an impressive number of new apparatus; and

Whereas, during all of his endeavors both in and outside the Fire Department *Robert Lindsay Reed* has brought honor and respect to himself and the Town of Hertford by his actions and his fair treatment of all persons; now

Now Therefore Be It Resolved, that the Perquimans County Board of Commissioners, on this day, January 3, 2011, do hereby commend *Robert Lindsay Reed* for his dedicated public service as Fire Chief of the Hertford Fire Department and his wonderful reputation as a man of impeccable integrity;

PRESENTED, this the 3rd day of January, 2010.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

SHARON TANNER, PRESIDENT, ALBEMARLE HEALTH

Ms. Tanner presented a PowerPoint Presentation showing Albemarle Hospital's Consumer Assessment of Healthcare Providers and Systems Local Comparison Report. Also in attendance was Dan Drake. After opening up for questions, Ms. Jennette asked about the remodeling of the emergency room facilities and the possibility of having a trauma unit. At this time, they do not have the property facilities to handle trauma patients. Commissioner Weimar thanked Ms. Tanner for all their hard work.

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly report.

SUSAN CHANEY, SOCIAL SERVICES DEPARTMENT

Ms. Chaney presented her monthly report. She also reported that her department had two fiscal monitoring reports and they scored well. Commissioner Miller-White asked about the Budget Amendment where they received additional Day Care funding. Ms. Chaney explained that this was funds received for Smart Start.

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report. In addition, Mr. Heath presented the following Tax Refund:

PERQUIMANS COUNTY TAX REFUND:

- **Nixon, Doris** **\$558.00**
In error, this parcel was doubled taxed. It is already listed on #5-0032-0128B. Difference in value = \$45,000. (2008 = \$184.50; 2009 - \$184.50; 2010 - \$189.00). Account Number: 512080.

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the above referenced Tax Refund for Ms. Nixon.

UPDATES

County Manager Darden updated the Board on the following projects:

Water System Projects: Mr. Darden reported that the Winfall Water Treatment Plant Renovations are 100% completed. We are now seeing a much higher quality of water coming through the plant. All remains is completing the paperwork to close out the project.

Jail Project: Commissioner Muzzulin read his report from the Albemarle District Jail meeting. Mr. Darden explained that he had received notification that we were going to receive an additional 30 Federal prisoners. The new Jail Administrator is scheduled to start on January 31, 2011. Commissioner Nixon asked Mr. Muzzulin what his salary was going to be. Mr. Muzzulin is to obtain that information and provide it to the Board next month.

PETITION: CAMERON VILLAGE ROADS

County Manager Darden explained that these roads had already been requested to be added to the NCDOT State Road Maintenance System in 2006. After completing all the NCDOT requirements, Vance Meads, developer, is again petitioning to add the roads in Cameron Village to the NCDOT State Road System. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved to forward Mr. Mead's petition to NCDOT.

BOARD APPOINTMENTS

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the following Commissioner Committee appointments and Board appointments were unanimously approved by the Board:

Commissioner Committee Appointments:

Name	Board/Committee	Term	Appt.	Expire
Cole, Janice	Communications Advisory Board - County	2 yrs.	02/01/2011	01/31/2013
Cole, Janice	Chowan/Perquimans Multi-County LEPC	1 yr.	08/01/2010	07/31/2011
Cole, Janice	Senior Citizens Advisory Board	2 yrs.	02/01/2011	01/31/2013
Cole, Janice (complete term)	Inter-Agency Council - Commissioner	1 yr.	10/1/2010	6/30/2011
Cole, Janice M. (Chairman)	Strategic Plan Committee	unlimited	04/06/2009	unlimited
Cole, Janice McKenzie	Board Trustees for Belvidere/Chappell Hill Fire Dept.	1 yr.	10/01/2010	09/30/2011
Cole, Janice McKenzie	Court Security Committee	unlimited	10/1/2006	unlimited
Cole, Janice McKenzie	Inter-Agency Council - Commissioner Appointment	1 yr.	7/1/2010	6/30/2011
Hobbs, Benjamin	Albemarle Commission (<i>can serve 2 successive terms</i>)	2 yrs.	01/01/2010	12/31/2012
Hobbs, Benjamin	Board Trustees for Bethel Fire Dept.	1 yr.	10/01/2010	09/30/2011
Hobbs, Benjamin	Courthouse Landscaping Committee - Commissioner	unlimited	4/2/2007	unlimited
Hobbs, Benjamin	Economic Development Commission - County	2 yrs.	02/01/2011	01/31/2013
Hobbs, Benjamin	Water Committee	unlimited	05/01/2006	unlimited
Hobbs, Benjamin C.	Albemarle Regional Landfill Authority	4 yrs.	02/01/2009	01/31/2013
Hobbs, Benjamin C.	Perquimans/Chowan/Gates Landfill Committee	indefinite	02/07/2005	indefinite
Hobbs, Benjamin C.	Welfare Reform Committee	unlimited	10/01/2010	unlimited
Miller-White, Tammy	Citizens Advisory Board	unlimited	02/01/2006	unlimited
Miller-White, Tammy	Court Security Committee	unlimited	10/1/2006	unlimited
Miller-White, Tammy	EMS Advisory Board	2 yrs.	02/01/2011	01/31/2013
Miller-White, Tammy	Housing Committee Chairman	unlimited	07/01/2007	unlimited

Name	Board/Committee	Term	Appt.	Expire
Miller-White, Tammy	Recreation Advisory Committee - Commissioner	2 yrs.	02/01/2009	06/30/2011
Miller-White, Tammy	Tourism Development Authority (Commissioners)	2 yrs.	02/01/2011	01/31/2013
Miller-White, Tammy	Water Committee	unlimited	05/01/2006	unlimited
Miller-White, Tammy	Welfare Reform Committee	unlimited	02/07/2005	unlimited
Miller-White, Tammy	WIA/JTPA Chief Elected Official	unlimited	02/07/2005	unlimited
Muzzulin, Edward R.	Agricultural Advisory Board - Commissioner	1 yr.	02/01/2011	1/31/2012
Muzzulin, Edward R.	Albemarle District Jail Commission	2 yrs.	02/01/2011	01/31/2013
Muzzulin, Edward R.	Board Trustees for Bethel Fire Dept.	1 yr.	10/01/2010	09/30/2011
Muzzulin, Edward R.	Hertford Step Community Program			
Muzzulin, Edward R.	Rural Planning Organization Steering Committee	unlimited	02/07/2005	unlimited
Muzzulin, Edward R.	Strategic Plan Committee	unlimited	04/06/2006	unlimited
Muzzulin, Edward R. (Chairman)	Tourism Development Authority (Commissioners)	2 yrs.	02/01/2010	01/31/2012
Nixon, Mack E.	Albemarle Regional Health Services	indefinite	02/01/2007	unlimited
Nixon, Mack E.	Albemarle Regional Landfill Authority	4 yrs.	02/01/2009	01/31/2013
Nixon, Mack E.	Board Trustees for Belvidere/Chappell Hill Fire Dept.	1 yr.	10/01/2010	09/30/2011
Nixon, Mack E.	Board Trustees for Durant's Neck	1 yr.	10/01/2010	09/30/2011
Nixon, Mack E.	Economic Development Commission - County	2 yrs.	02/01/2011	01/31/2013
Nixon, Mack E.	Housing Committee	unlimited	07/01/2007	unlimited
Nixon, Mack E.	Nursing Home Advisory Committee - ex-officio		10/01/2010	unlimited
Nixon, Mack E.	Perquimans/Chowan/Gates Landfill Committee	indefinite	02/07/2005	indefinite
Ward, Charles H.	COA - Board of Trustees	4 yrs.	07/01/2009	06/30/2013
Ward, Charles H.	Courthouse Landscaping Committee - Ad Hoc	unlimited	4/2/2007	unlimited
Weimar, Sue	CFPT - DSS Board Member	Appointed by DSS Board		
Weimar, Sue	Chamber of Commerce Board	unlimited		unlimited
Weimar, Sue	Economic Development Commission - County	2 yrs.	02/01/2011	01/31/2013
Weimar, Sue	Home & Community Care Block Grant	unlimited	08/01/2010	unlimited
Weimar, Sue	Housing Committee	unlimited	07/01/2007	unlimited
Weimar, Sue	Social Services Board (as long as Commissioner)	3 yrs.	07/01/2010	06/30/2013
Weimar, Sue	Strategic Plan Committee	unlimited	04/06/2006	unlimited
Weimar, Sue	Water Committee	unlimited	05/01/2006	unlimited
Weimar, Sue	Welfare Reform Committee	unlimited	02/07/2005	unlimited
Weimar, Sue (last term)	Albemarle Hospital Board of Trustees	3 yrs.	01/01/2009	12/31/2012

Board Appointments:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Byrum, Curtis	Agricultural Advisory Board	Moved out of County		
Ward, Charles H.	Agricultural Advisory Board – replace Curtis Byrum	Appointment	3 yrs.	2/1/11
Moore, Michael	Agricultural Advisory Board - FSA	Reappointment	3 yrs.	2/1/11
Muzzulin, Edward R.	Agricultural Advisory Board – Commissioner	Appointment	3 yrs.	2/1/11
Muzzulin, Edward R.	Albemarle District Jail Commission	Appointment	2 yrs.	2/1/11
Cole, Janice McKenzie	Communications Advisory Board - County	Reappointment	2 yrs.	2/1/11
Hobbs, Benjamin C.	Economic Development Commission - County	Reappointment	2 yrs.	2/1/11
Nixon, Mack E.	Economic Development Commission - County	Reappointment	2 yrs.	2/1/11
Weimar, Sue	Economic Development Commission - County	Appointment	2 yrs.	2/1/11
Miller-White, Tammy	EMS Advisory Board	Reappointment	2 yrs.	2/1/11
Battle, Delores	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/11
Cole, Janice McKenzie	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/11
Emmert, Robert	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/11
Griffin, James	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/11
Price, Sue	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/11
Miller-White, Tammy	Tourism Development Authority (Commissioners)	Reappointment	2 yrs.	2/1/11
Jacklic, Connie	Tourism Development Authority (Hertford appointee)	Reappointment	2 yrs.	2/1/11
White, Mary	Tourism Development Authority (Industry Rep)	Reappointment	2 yrs.	2/1/11

East Carolina Behavioral Health Appointment:

On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, Janice McKenzie Cole was unanimously appointed to replace Benjamin C. Hobbs on the East Carolina Behavioral Health Board.

RESPONSE: JIM “CATFISH” HUNTER MEMORIAL BRIDGE

For information purposes, County Manager Darden reported to the Board that NCDOT had approved the request to dedicate the bridge on Center Hill Highway as the Jim “Catfish” Hunter Bridge. Dedication ceremonies will be announced at a later date.

LEGISLATIVE GOALS CONFERENCE VOTING DELEGATION

Since none of the Commissioners were attending, no action was needed to appoint a voting delegate for the conference.

AAPPOINTMENT: SELECTIVE SERVICE BOARD

Commissioners Cole and Weimar have a few suggestions for this appointment but have not confirmed it with the individuals. Matter was tabled until next month.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Conditional Use Permit No. CUD-10-01(a) & Rezoning Request No. CUD-10-01(b) – East Carolina Consulting:

A Public Hearing was held earlier in the meeting. Sue Weimar made a motion to approve Conditional Use Permit No. CUD-10-01(a), to issue to The Moorings at Albemarle, LLC, a Conditional Use Permit to create 140 single family lots containing 15,000 square feet minimum serviced by a community sewer treatment and disposal facility and recreational and open space areas for use of the residents on the ±93.2-acre group of properties located at the intersection of Muddy Creek, Cross Neck and Hoyle Jones Roads (Tax Parcel Nos. 4-D076-2601; -2602; -2603; and -2604-TM1 and 4-0076-0026, conditioned upon conditions listed in the Draft Conditional Use Permit and adopting the following Finding to support the motion:

- 1) That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- 2) That the use meets all required conditions and specifications;
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The motion was seconded by Tammy Miller-White and approved by the Board by a vote of five (5) to one (1) with Commissioner Nixon voting against the motion.

Rezoning Request No. CUD-10-10(b) – East Carolina Consulting: A Public Hearing was held earlier in the meeting. Sue Weimar made a motion to approve Rezoning Request No. CUD-10-01(b), to rezone from RA, Rural Agriculture and RA-25 Residential & Agricultural to Residential & Agricultural RA-15(CD) Conditional Use District, the ±93.2-acre properties located at the intersection of Muddy Creek, Cross Neck and Hoyle Jones Roads (Tax Parcel Nos. 4-D076-2601; -2602; -2603; and -2604-TM1 and 4-0076-0026, considering the following Policy Guidelines to support the motion:

- 1) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
- 2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- 3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
- 4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- 5) The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was seconded by Tammy Miller-White and approved by the Board by a vote of five (5) to one (1) with Commissioner Nixon voting against the motion.

Conditional Use Permit No. CUP-10-03 – Island Christian Fellowship: A Public Hearing was held earlier in the meeting. Tammy Miller-White made a motion to approve Island Christian Fellowship Church's proposed Conditional Use Permit No. CUP-10-03 to construct a Church at 315 Holiday Lane (between Holiday Lane and Oak Ridge), consisting of three (3) existing lots of record known as Tax Parcel Nos. 2-D082-0046, -0047 and 0059-HI subject to the conditions listed in said Conditional Use Permit, Narrative and Site Plan and adding Conditional Use #10 which states that, prior to the issuance of a Zoning Permit, an engineered Storm Drainage Plan will need to be provided to the satisfaction of the Soil & Water Conservation District Office along with a bonafide Site Plan to meet Section 509 of the Zoning Ordinance and to mitigate adverse impact to adjacent properties and adopting Findings to support the motion as follows:

- 1) That the CUP will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- 2) That the use meets all required conditions and specifications;
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The motion was seconded by Edward R. Muzzulin. During the discussion, Commissioner Nixon asked if the County was going to require the church to use a professional engineer to provide the Storm Drainage Plan. If so, it would be very costly to the church. Commissioner Miller-White was willing to amend her motion to say an engineered Storm Drainage Plan prepared by a licensed surveyor or professional engineer. Commissioner Muzzulin seconded the amended motion. The amended motion was unanimously approved by the Board.

Administrative Text Amendment No. TXT-10-09 – Wind Energy Facilities: A Public Hearing was held earlier in the meeting. Considering the following Policy Guidelines to support the motion, Sue Weimar made a motion to approve Administrative Text Amendment No. TXT-10-09 to amend Articles VIII, IV, XI, and XXIV of the County's Zoning Ordinance to establish standards, conditions and procedures in the Zoning Ordinance for locating, erecting, operating and decommissioning "Wind Energy Facilities."

- 1) The proposal will place all property similarly situated in the same category or in appropriate complementary categories.
- 2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- 3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (*When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved.*)
- 4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- 5) The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was seconded by Edward R. Muzzulin and Ordinance No. 74 (See Attachment A) was unanimously approved by the Board.

NC HOUSING FINANCE AGENCY SINGLE FAMILY REHABILITATION

County Manager Darden explained that January 30th is the application deadline for the \$200,000 NC Housing Finance Agency Single Family Rehabilitation Grant. Mr. Darden is recommending that the Board authorize the Chairman and staff to sign the program documents as needed in the future as to not delay the process. On motion made by Tammy Miller-White, seconded by Janice McKenzie Cole, the Board unanimously authorized the Chairman and staff to sign the application for this grant. Commissioner Miller-White asked the public to please get the word out regarding these funds to assist county residents to rehab their homes.

NO COST LEASE FOR COUNTY PROVIDED SPACE FOR PROBATION & PAROLE

County Manager Darden stated that the State is asking that the Board sign a "no cost" Lease for the space that is occupied by the Probation & Parole in the Courthouse Annex Building. Commissioner Nixon asked if there was a way to amend the lease to request that, if money becomes available, that the County could request money to cover the lease. There being no reason not to request that, Mack E. Nixon made a motion to approve the "No Cost Lease" for the County provided space for Probation & Parole unless funds become available to cover the lease payments. The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

PROPOSAL FOR MEMBRANE WATER SOFTENING STUDY

County Manager Darden explained that the next step in our water treatment study for the Bethel plant is to establish a "pilot water plant" by a membrane water softening consultant. The first step tested the ground water quality, which was favorable. Mr. Darden presented a proposal from David H. Paul, Inc. to establish a pilot plant at the Bethel water plant. The water committee reviewed it on Tuesday, December 29th, and it was added to the Work Session Agenda on Thursday, December 30th. Commissioner Weimar was concerned about the release of liability issue. County Attorney High responded to her concerns. Commissioners Nixon and Miller-White feel that this company needs to have liability insurance. Commissioner Miller-White also expressed some concerns about the lab being determined at a later date which may have additional costs for us. After some discussion, Tammy Miller-White made a motion to approve the proposal with the following conditions added:

- Must have a Certificate of Liability Insurance
- Clarification of additional water analysis expenses
- When visiting the County, the Consultant should stay in Perquimans County if room is available.

The motion was seconded by Sue Weimar and unanimously approved by the Board.

AMENDMENT NO. 2 – PROFESSIONAL PLANNING SERVICES – CAMA LAND US PLAN UPDATE

Community Planning Collaborative, Inc. is submitting Amendment No. 2 – Professional Planning Services – CAMA Land Use Plan Update to cover out of pocket expenses incurred in the review of NCDENR Division of Coastal Management comments on the County’s CAMA Core Land Use Plan Update. Edward R. Muzzulin made a motion to approve Amendment No. 2 at \$75 per hour with a cap of \$3,000. Tammy Miller-White seconded the motion which was unanimously approved by the Board.

RESOLUTION HONORING EARLENE SELLERS, MINISTER OF MUSIC

Tammy Miller-White made a motion to approve a Resolution honoring Ms. Sellers for her 34 plus years of service as a Minister of Music in various churches located in Perquimans County. Janice McKenzie Cole seconded the motion and the Board unanimously approved the following Resolution:

**RESOLUTION OF APPRECIATION
FOR THE SERVICES OF
EARLENE SELLERS**

WHEREAS, Earlene Sellers is a native of Perquimans County and a graduate of Perquimans County Union School in Winfall, North Carolina; and

WHEREAS, Ms. Sellers attended Elizabeth City State Teachers College – Elizabeth City, North Carolina and Winston Salem State Teachers College - Winston Salem, North Carolina; and

WHEREAS, at the age of 12, she joined the Poole’s Grove Baptist Church and eventually served as Minister of Music, on the Deaconess Board, Publicity Committee, and as a Sunday School Teacher; and

WHEREAS, she was named NAACP Mother of the Year, secretary of the Perquimans County Democratic Party of the New Hope Township, and received numerous other awards and honors for her Community Services Involvement; and

WHEREAS, on December 11, 2010, Galatia Missionary Baptist Church honored her with “An Appreciation and Retirement Service” to honor her 34 years plus service; and

NOW, THEREFORE BE IT RESOLVED by the Perquimans County Board of Commissioners that Earlene Sellers is hereby officially commended by this Board on behalf of the citizens of Perquimans County for the valuable service rendered as Minister of Music to the following churches in Perquimans County: Poole’s Grove Baptist Church, Galatia Missionary Baptist Church, New Haven Baptist Church, Melton’s Grove Baptist Church, and Saunders Grove Baptist Church, as well as other churches.

BE IT FURTHER RESOLVED that this Resolution be made part of the permanent records of the Perquimans County Board of Commissioners and that a copy of this Resolution be presented to Earlene Sellers.

This the 3rd day of January, 2011.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

CHANGE IN LOCATION OF COMMISSIONERS’ MEETING

At their December Work Session, the Board discussed the possibility of moving the meetings back to the Commissioners Room from the upstairs Courtroom. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved to move the meetings back to the Commissioners’ Room unless we have a large crowd. At that point, we will recess the meeting and move upstairs to the Courtroom.

RESOLUTION: PERQUIMANS COUNTY JUVENILE DETENTION CENTER

County Manager Darden explained that Commissioner Cole was going to check on what we needed to do to request that the Perquimans County Juvenile Detention Center remain open. At this time, Ms. Cole did not have much to report but made a motion to authorize County Manager Darden to send letters to the Governor, Linda Hayes, our legislators, and next month we will have a Resolution prepared for Board action. The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

PUBLIC COMMENTS

Commissioner Weimar reported to the Board that the Trailblazers received the Grant to install the fitness stations along the trails and the Coast Guard is going to assist in the installation.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:35 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

ATTACHMENT A

*-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-10-09
Wind Energy Facilities*

ORDINANCE NO. 74

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLES VIII, IX, XI AND XXIV

Distribution Facilities										
Welding						P			P	P
Wholesale and Retail Trade, such as building supplies, farm equipment, feed and seed, office equipment and supplies, large household appliances, plumbing and electrical fixtures, wholesale businesses, and lumber yards								C	P	
Wind Energy Facilities, Small	P		C	C	C	C	C	C	C	C
Wind Energy Facilities, Medium	C					C	C	C	C	C
Wind Energy Facilities, Large	C									
Wireless Communications Towers	C									
Woodworking						P				
Woodworking and Wood Products						C			C	C

P=Permitted Use
C=Conditional Use

Exhibit "B"

ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:

- A. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- B. That the use meets all required conditions and specifications;
- C. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

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

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.***

(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.27 Wind Energy Facilities

- A. Zoning Districts: Small: RA-43, RA-25, RA-15, CR, CN, CH, IL and IH;
 a. Medium: RA, CR, CN, CH, IL and IH; and
 b. Large: RA

- B. Preamble: Wind Energy Facilities may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:

- (1) A Permit Application for a Wind Energy Facility shall contain the following:
 - (a) A narrative describing the proposed Wind Energy Facility, including an overview of the project;
 - (b) The proposed total rated capacity of the Wind Energy Facility;
 - (c) The proposed number, representative types and height or range of heights of Wind Turbines to be constructed, including their rated capacity, dimensions and respective manufacturers, and a description of ancillary facilities;
 - (d) Identification and location of the property or properties on which the proposed Wind Energy Facility will be located;
 - (e) A site plan showing the planned location of all Wind Turbines, property lines, setback lines, access roads, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, building(s), transmission and distribution lines. The site plan must also include the location of all Occupied Buildings, Residences, and other features sufficient to demonstrate compliance with the setbacks required by this Article;
 - (f) Any Environmental Assessment required by state or Federal law;
 - (g) Decommissioning plans that describe the anticipated life of the Wind Energy Facility, the estimated decommissioning costs in current dollars, the salvage value of the equipment, and the anticipated manner in which the Wind Energy Facility will be decommissioned and the site restored;
 - (h) Documentation of agreement between Participating Landowner(s) and the Applicant, Facility Owner, or Operator; and
 - (a) Signature of the Applicant.
- (2) Throughout the permit process, the Applicant shall promptly notify Perquimans County of any proposed changes to the information contained in the permit application that would materially alter the impact of the project.
- (3) Changes to the approved application that do not materially alter the initial site plan may be administratively approved by the Zoning Administrator. Major modifications to the approved Conditional Use Permit will require a new Application and approval by the Planning Board and Board of County Commissioners in the same manner as the original Conditional Use Permit.
- (4) Wind Turbine Height and Setback Multipliers and Minimum Lot Sizes: The Setbacks shall be calculated by multiplying the required setback number by the Wind Turbine Height and measured from the center of the Wind Turbine base to the property line or the nearest point on a public road right-of-way or the nearest point on the foundation of a Residence or an Occupied Building.

Table 907.27: Lot Size, Setback and Height Requirements

Facility Type	Minimum Lot Size	Minimum Setback Requirements				Maximum Height
		Occupied Buildings	Residences	Property Line (Non-Participating Property)	Public Roads	
Small Facility	43,000 Sq. Ft.	1.5	1.5	1.1	1.5	120 feet
Medium Facility	5 Acres	2.0	2.0	1.5	1.5	250 feet
Large Facility	25 Acres	2.5	2.5	1.5	1.5	600 feet

Setback requirements may be waived by a property owner so long as such waiver is in writing and signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

- (5) Sound and Shadow Flicker: This Section shall only apply to Large Wind Energy Facilities. Sound and Shadow Flicker issues for Small and Medium Wind Energy Facilities are addressed by setbacks.
 - (a) Audible sound from a Large Wind Energy Facility shall not exceed fifty-five (55) dBA, as measured at any Occupied Building or Residence on the property of a Non-Participating Landowner.

- (b) Shadow Flicker on any Occupied Building or Residence on a non-participating landowner's property caused by a Large Wind Energy Facility must not exceed thirty (30) hours per year.
- (c) Sound and/or Shadow Flicker provisions may be waived by a property owner so long as such waiver is in writing, signed by the property owner and recorded in the Perquimans County Register of Deeds Office.

(6) Installation and Design

- (a) The installation and design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute, and take into consideration local conditions.
- (b) All structural, electrical and mechanical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes.
- (c) The visual appearance of a Wind Turbine shall at a minimum:
 - (1) Be a non-obtrusive color such as white, off-white or gray;
 - (2) Not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety; and
 - (3) Not display advertising (including flags, streamers or decorative items), except for identification of the Wind Turbine manufacturer, Facility Owner and Operator.

(7) Decommissioning

- (a) The Wind Energy Facility Owner shall have twelve (12) months to complete decommissioning of the Wind Energy Facility if no electricity is generated for a continuous period of twelve (12) months. For purposes of this Section, this twelve (12) month period shall not include delay resulting from Force Majeure.
- (b) Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, and any other associated facilities down to thirty-six (36) inches below grade.
- (c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (d) Prior to the issuance of a building permit, the owner of a Medium or Large Wind Energy Facility shall provide a cash bond or irrevocable letter of credit in favor of the County in an amount equal to the estimated removal cost of the Wind Energy Facility, less the salvage value of the equipment prior to construction. If the Wind Facility Owner elects to use a letter of credit, it shall be issued by a federally chartered bank with a branch office located in northeastern North Carolina. The bond or letter of credit shall remain in full force and effect until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the Conditional Use Permit.

Exhibit "C"

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than

one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated.

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Exhibit "D"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (viii) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ix) The word "shall" is mandatory and not discretionary.
- (x) The word "may" is permissive.
- (xi) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (xii) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (xiii) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (xiv) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Applicant: The property owner(s) or authorized agent submitting a petition or application pursuant to procedures covered by this Zoning Ordinance.

Force Majeure: Defined for permit applications submitted for Wind Energy Facilities and shall include any event or act resulting from acts of God; terrorism; fire; explosion; vandalism; local, state, or federal governmental action; unusual shortage of materials; labor strikes or other unusual labor unavailability; riots; war; or any other similar cause beyond the Wind Energy Facility Owner's and/or Operator's reasonable control that delays, hinders, or prevents the generation of electricity from the Wind Energy Facility.

Non-Participating Landowner: Defined for permit applications submitted for Wind Energy Facilities and includes a landowner not under agreement with the Applicant or Wind Energy Facility Owner or Operator.

Occupied Building: Defined for permit applications submitted for Wind Energy Facilities and shall include a business, school, hospital, church, public library or other permanent structure used regularly for public gathering that is occupied or in use and connected to water, sewer and electric utilities. Accordingly, an Occupied Building shall not include Residences (as defined below), barns, sheds, grain bins, and any similar farm structure or accessory structure, and any other building or structure used infrequently or intermittently.

Participating Landowner: A landowner under lease or agreement with the Applicant or Wind Energy Facility Owner pertaining to the Wind Energy Facility. A waiver of setback, sound, and/or Shadow Flicker provisions constitutes an agreement with the Wind Energy Facility Owner under Section 907.27(6)(c).

Residence. Defined for permit applications submitted for Wind Energy Facilities and shall include any permanent habitable dwelling.

Shadow Flicker: Defined for permit applications submitted for Wind Energy Facilities. Shadow flicker is the visible flicker effect when rotating wind turbine blades cast shadows causing the repeating pattern of light and shadow.

Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

Wind Energy Facility, Small: A single system designed to supplement other electricity sources as an accessory use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. A small wind energy conversion system consists of a single Wind Turbine, a tower, and associated control or conversion electronics, which has a total rated capacity of 20 kW or less.

Wind Energy Facility, Medium: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics; which has a total rated capacity of more than 20 kW but not greater than 100 kW.

Wind Energy Facility, Large: A wind energy conversion system consisting of one or more Wind Turbine(s), a tower(s), and associated control or conversion electronics, which has a total rated capacity of more than 100 kW.

Wind Energy Facility Operator: The entity responsible for the day-to-day operation and maintenance of a Wind Energy Facility.

Wind Energy Facility Owner: The entity or entities having controlling or majority equity interest in a Wind Energy Facility, including their respective successors and assigns.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer.

Wind Turbine Height: The distance measured from grade at the center of the tower to the highest point of the turbine rotor or tip of the turbine blade when it reaches its highest elevation.

-End of Ordinance document to be recorded-