

result in a serious threat to the water supply, then the Commission may deny approval of the *Watershed Variance* as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Watershed Review Board will prepare a final decision denying the *Watershed Variance* as proposed.

- F. Conditions. The Watershed Review Board may, in granting a *Watershed Variance*, prescribe: (1) additional conditions regarding the location, character and other features of the proposed *building, structure* or *use*; (2) additional safeguards; (3) a time limit within which the action for which a *Watershed Variance* is sought shall be begun; (4) a time limit within which the action for a *Watershed Variance* is sought shall be completed; and (5) a time duration within which construction, operation or installation shall commence on the project for which the *variance* was obtained. If a *Watershed Variance* for the construction, alteration or *use* of property is granted, such construction, alteration or *use* shall be in accordance with the approved *site plan*.
- G. Variance Validity. Upon issuance of a *Watershed Variance*, it shall then be considered as a *Water Supply Watershed Use Permit* (see §200A-327 (WSW Use Permits)), and shall adhere to the permit validity outlined therefore.

#### **Subpart H. Legislative and Quasi-Judicial Process Standards**

##### **§200A-338. Legislative Process Standards**

###### **A. Text Amendments and Comprehensive Plan Amendments**

- (1) Public Hearing. Before adopting or amending any ordinance the Board of Commissioners shall hold a public hearing on the ordinance or amendment.
- (2) Newspaper Notice. In accordance with *NCGS* 153A-323, the Commissioners shall cause notice of such hearing to be published in a newspaper of general circulation in the County once a week for two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days prior to the date fixed for the hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to map. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

###### **B. Map Amendments.**

- (1) Public Hearing. Before adopting or amending any ordinance the Board of Commissioners shall hold a public hearing on the ordinance or amendment.
- (2) Newspaper Notice. In accordance with *NCGS* 153A-323, the Commissioners shall cause notice of such hearing to be published in a newspaper of general circulation in the County once a week for two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days prior to the date fixed for the hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to map. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

- (3) Mailed Notice. In accordance with *NCGS 153A-343*, whenever there is a *zoning map amendment*, the owner of that parcel of land as shown on the County tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the County tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the County tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the public hearing. The *person* or *persons* mailing such notices shall certify to the Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud. The first class mail notice requirement shall not be required if the *zoning map amendment* directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the County elects to *use* the Expanded Published Notice (see subsection (4)).
- (4) Expanded Published Notice. In accordance with *NCGS 153A-343*, and in that situation described above (see subsection (3)), the County may elect to publish once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area an advertisement of the public hearing that shows the boundaries of the area affected by the proposed *zoning map amendment* and explains the nature of the proposed change. These advertisements shall comply with and be deemed to satisfy the provisions of *NCGS 153A-323* (subsection (1)). The advertisement shall not be less than one-half ( $\frac{1}{2}$ ) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The *person* or *persons* mailing the notices shall certify to the Commissioners that fact, and the certificates shall be deemed conclusive in the absence of fraud.
- (5) Posted Notice. In accordance with *NCGS 153A-343*, whenever there is a *zoning map amendment*, the County shall post one or more prominent *signs* on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning. In the event that more than one (1) parcel is involved in a particular *map amendment*, at least one (1) *sign* shall be posted in a central location; however, the Planning Staff may post multiple *signs*. Said *sign(s)* shall be posted at least ten (10) days prior to the public hearing date.

**§200A-339. Quasi-Judicial Process Standards**

A. Category Three (3) Communication Facility Permits, Special Use Permits, Vested Rights, Variances, and Appeals

- (1) Public Hearing. Before taking any action, the appropriate Zoning Board of Adjustment (*ZBA*) shall hold a public hearing (quasi-judicial) on the application, in accordance with established procedures for quasi-judicial hearings.
- (2) Newspaper Notice. The *ZBA* shall cause notice of such hearing to be published in a newspaper of general circulation in the County once a week for two (2) successive calendar weeks. The notice shall be published the first time not less than ten (10) days nor more than 25 days prior to the date fixed for the hearing. The notice shall include the time, place and date of the hearing and include a description of the property or the nature of the change or amendment to map. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
- (3) Mailed Notice. The owner of that parcel of land (related to the application) as shown on the County tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the County tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the County tax abstracts. This notice must be deposited in the mail at least ten (10) but not more than 25 days prior to the date of the public hearing. The *person* or *persons* mailing such notices shall certify to the *ZBA* that fact, and such certificate shall be deemed conclusive in the absence of fraud.
- (4) A member of the *ZBA* shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected *persons*' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected *person*, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

**§200A-340. Reserved**

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**§200A-342. Reserved**

**§200A-343. Reserved**