

### **...Title**

Vote to approve a quasi-judicial request by the Chatham County Emergency Operations director, Mike Reitz, for a Conditional Use Permit for a new 325 foot communications tower to be located at 5224 Silk Hope Liberty Rd., Silk Hope Fire Department, parcel 84527, being approximately two acres.

### **...Abstract**

#### **Action Requested:**

Vote to approve a quasi-judicial request by the Chatham County Emergency Operations director, Mike Reitz, for a Conditional Use Permit for a new 325 foot communications tower to be located at 5224 Silk Hope Liberty Rd., Silk Hope Fire Department, parcel 84527, being approximately two acres.

#### **Introduction and Background:**

A quasi-judicial public hearing was held September 21, 2020. Planning staff presented the application and Emergency Operations Director, Mike Reitz, also provided comments. No other comments were provided or have been received. Since this process has started, this parcel has been recombined with the adjacent tract and the new parcel number is 61605. In the Spring of 2019, the Chatham County Board of Commissioners approved a text amendment to the Communications Tower Ordinance to allow communication towers for purposes of emergency facilities to exceed the 300 foot limit up to 400 feet. The Board also approved a capital improvement budget item for five such towers to be located in various areas of the county where communication issues exist and to be able to upgrade radio equipment in order to keep up to date with the new technology for emergency services.

**The Planning Board reviewed the request at their regularly scheduled meeting and voted unanimously to approve the request along with the site plan provided.**

#### **Discussion and Analysis:**

The applicant held the required community meeting and no concerns or oppositions were made. In reviewing and considering approval of the CUP, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a conditional use permit or revision to a CUP, the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done. If the Board should find, after public hearing, the proposed conditional use permit or revision thereof should not be granted, such proposed permit shall be denied."

Findings are as follows:

Finding 1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located. The use under the Conditional Use Permit option is allowable in the R-1 Residential zoning district. No errors are claimed. It is the planning staff opinion that this finding is satisfied.

Finding 2 – The requested conditional use permit or revision to the existing permit is either essential or desirable for the public convenience or welfare. By allowing the new tower, emergency services communications will be enhanced to better serve the citizens of the county. The new tower is needed as part of the system upgrade for enhanced radio technology which in turn improves communications to emergency personnel. The taller towers are needed to provide adequate coverage that does not currently exist. The tower will also provide space for up to three collocations for telecommunications providers which will have the potential to enhance cell services in these areas as well. It is the planning staff's opinion that this finding is satisfied.

Finding 3 – The requested permit or revision to the existing permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community. There will be no noise generated from the tower site. The tower is proposed to be a total of 325 feet and will require all regulated lighting as controlled by the FAA which are red blinking at night and white blinking during the day. This project will replace outdated radio systems which no longer meet the need of public safety agencies in the county. These towers are vital and will provide coverage to all areas of the county to serve residents. Per the propagations map provided, the closest tower is three miles or more away. It is the planning staff's opinion that this finding is satisfied.

Finding 4 – The requested permit will be or remain consistent with the objectives of the Plan Chatham comprehensive land use plan.

In November 2017, the Commissioners adopted Plan Chatham. The county is among the fastest growing counties in the state and the population increase is resulting in increased government services. One area of most importance is emergency services. On page 21 of the Plan, it states the county is 708 square miles and takes at least one hour to drive from the southwestern corner to the northeastern corner. This is one reason emergency radio communications are vital.

Page 43 Objectives encourages becoming more resilient by mitigating, responding, and adapting to emerging threats. One such way noted is to improve emergency response. These new communications towers are expected to significantly improve county-wide radio communications in order to dispatch emergency services personnel responding to various needs of its citizens. The system will also be able to better coordinate communications between different agencies.

Page 138 Utilities and Public Services, Recommendation 01, states under Utility Policy 1 to ensure adequate utilities and public services are being developed to support the desired development patterns. It is the planning staff's opinion this finding is satisfied.

Finding 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County's plans, policies, and regulations.

The WS-III Balance of Watershed drains to the Siler City water system intake at the Rocky River. The area limits impervious surfaces to 24%. With the addition of the tower, the site remains well below that limit. There will be no county water or septic needed for this site. Stormwater and Erosion Control will be coordinated through county and/or state regulations. No adverse traffic anticipated to be generated from this project. It is the planning staff's opinion that this finding is satisfied. Based on all five findings being supported, planning staff supports the conditional use permit request.

**How does this relate to the Comprehensive Plan:**

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**Recommendation:**

The Planning Board recommends approval, by unanimous vote 9-0, of the Conditional Use Permit to the Board of Commissioners and adoption of a resolution with the following conditions:

**Site Specific Conditions:**

1. None

**Standard Site Conditions:**

2. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Environmental Health Division, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department to the initiation of the operation/business.

**Standard Administrative Conditions:**

4. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.
5. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.

6. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.

7. Non-Waiver – Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.