



Established 1771

CHATHAM COUNTY COMMISSIONERS

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COUNTY MANAGER

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Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A SPECIAL USE PERMIT REQUEST

BY Cellco Partnership dba Verizon Wireless

WHEREAS, Bake Donelson on behalf of Cellco Partnership dba Verizon Wireless has applied to Chatham County for a special use permit on Parcel No. 10843 , located at 5914 NC 87 N, Hadley Township, for a new telecommunications tower of no more than 300 feet, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. Wireless Telecommunication Towers of at least 199 feet but no more than 300 feet are allowed to apply for a Special Use Permit per the Zoning Ordinance, Section 10.13 and as required in the Wireless Telecommunications Ordinance, Section 2-3.
2. The requested special use permit is either essential or desirable for the public convenience or welfare because, among other reasons, This request will help fill coverage gaps where service does not currently extend. Propagation maps were included in the application that display areas where cell coverage is currently not available and how this tower will increase coverage. The application also includes a waiver request to increase the tower height from a 199-foot tower to 264 feet to add more telecommunication coverage and capacity.
3. The requested 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. The increased coverage for the area will increase the safety and welfare of the community by providing additional coverage in the event of emergencies. There were photo simulations provided in the application that provide a view of the tower location from NC 87 and from area residences. The applicant has landscaping proposed around the compound that will reach a six-foot height at maturity as well as a six-foot-high fence with three feet of barbed wire for security purposes. The project will also provide a 100-foot fall zone which is 50% higher than required by ordinance. The tower will comply with all FAA regulations regarding lighting which means it will blink white during the day and red at night so as to not interfere with residents or wildlife but provide required safety for aircraft.
4. The requested permit is consistent with the objectives of the Land Development Plan by, Chapter 4, Utilities and Public Services, as well as Pg 26 Utility Needs address high speed internet. In areas of the county where high-speed internet may not be readily available, citizens rely on cell phones to access digital information and services. In this rural area where there are many hills and valleys, cell coverage has been limited. This would also support the request to waive the height limit to 300 feet in order to capture more residential areas in and around this community where coverage does not exist.
5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. A commercial driveway permit will be required from NCDOT. Electrical service will be needed to be provided by Duke Energy and permitted by the Chatham County Building Inspections Department.

Any other required permitting for land disturbance shall be as determined by the Watershed Protection Department prior to any land disturbing activity.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Special Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER that the Chatham County Board of Commissioners hereby approves the application for the special use permit in accordance with the plan submitted by the Applicant, Cellco Partnership, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

ATTACHMENT "A"

Site Specific Conditions

1. A building permit shall be obtained and remain valid at all times within two (2) years of the date of this approval or the special use permit becomes null and void.
2. All conditions and requirements as set forth in the Wireless Telecommunications Ordinance shall be followed and approved by the appropriate departments prior to any land disturbing activity.
3. All land disturbing activity shall be reviewed and approved by the Watershed Protection Department prior to disturbance to ensure no water feature, stream, storm drainage ditch, etc. or associated riparian buffers are impacted.

Standard Site Conditions

4. 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.
5. 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:

6. 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.
7. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional listed above.
8. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
9. 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.

BE IT FURTHER RESOLVED that the Board of Commissioners of the County of Chatham hereby approves the application for a special use permit in accordance with the plans and conditions listed above.

Adopted this, the 18th day of January, 2022



Karen Howard, Chair
Chatham County Board of Commissioners

W. Whitehead

Responsible Representative/Applicant

(By signing this document, you agree to all findings as noted and any conditions therefore imposed above)

ATTEST:

Lindsay K. Ray

Lindsay K. Ray, NCCCC, Clerk to the Board
Chatham County Board of Commissioners



