

..TITLE

Vote on a quasi-judicial request by Chatham County Emergency Operations to approve a new 380-foot telecommunications tower to be located at 5410 Big Woods Rd, Northeast Park, Parcel 19573, in an area of approximately .275 acres of the 66-acre tract, Williams Township.

..ABSTRACT

Action Requested:

Vote on a quasi-judicial request by Chatham County Emergency Operations to approve a new 380-foot telecommunications tower to be located at 5410 Big Woods Rd, Northeast Park, Parcel 19573, in an area of approximately .275 acres of the 66-acre tract, Williams Township.

Introduction & Background:

The public hearing was held on May 16, 2022. Planning staff presented the request to the Board and acknowledged the applicant was available for questions.

This property was purchased by the county in 2007. The park was completed to its current layout in 2013. At that time, the use of the land for a public park was permitted by right in an R5 zoning district. In August 2019, the Board approved a text amendment to the Zoning Ordinance, Section 10.13, changing from a permitted use to requiring a Special Use Permit. Any subsequent uses requested on the park site require a Special Use Permit is so stated in the Zoning Ordinance.

In the Spring of 2019, the Chatham County Board of Commissioners approved a text amendment to allow communication towers for purposes of emergency facilities to exceed the 300-foot limit to allow them 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. This is the final tower requested by Emergency Operations.

Discussion & Analysis:

In reviewing and considering approval of the SUP, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a Special use permit or revision to a SUP, 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 Special 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 special use in the district in which the subject property is located or is to be located. A wireless

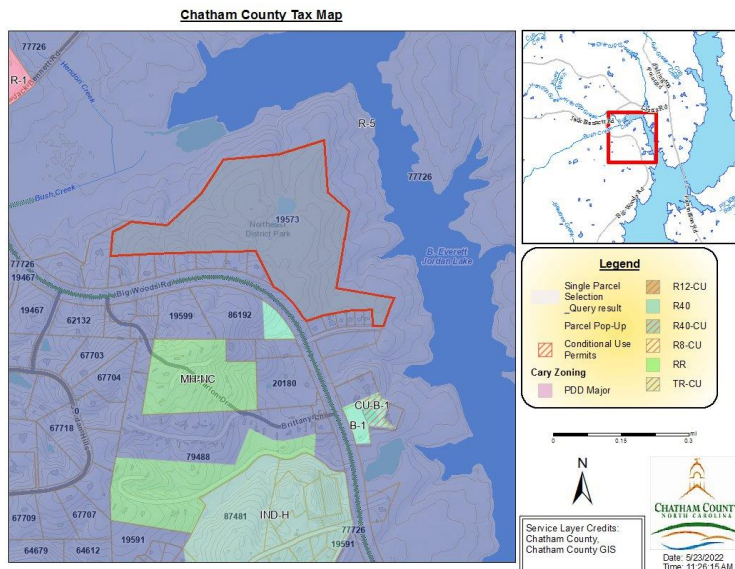
telecommunications tower is eligible for a special use permit in the zoning district indicated. **It is planning staff opinion this finding is satisfied.**

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 has 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 colocations for telecommunications providers which will has the potential to enhance cell services in these areas as well. **It is planning staff opinion 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.

The following map shows the R5 zoning in the area where the tower is proposed.



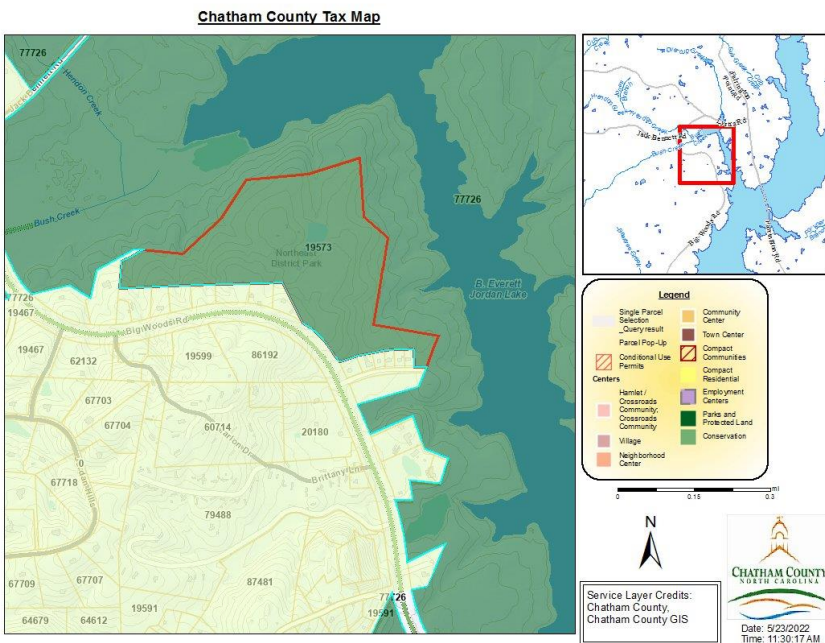
There will be no noise generated from the tower site. The tower is proposed to be a total of 380 feet and will require all regulated lighting as controlled by the FAA which are red blinking at night and white blinking during the day. This project will replace outdated radio systems which no longer meet 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.

The Communications Tower Ordinance includes a 1.5-mile separation between communication towers unless additional justification is provided. Although there is a tower located on the old water tower off Jack Bennett Road, which is a little over ½ mile

as the crow flies but about 1.89 miles by vehicle, it would not support the additional needs of emergency operations. **It is planning staff opinion 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.

The following map shows the property located with the Rural, Parks and Protected Lands per the Comprehensive Land Use Plan



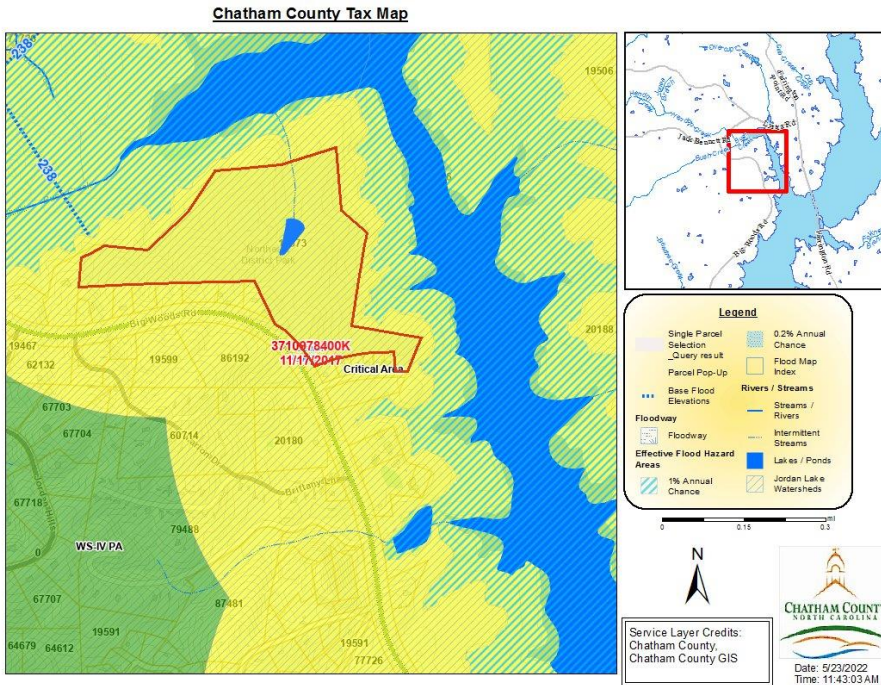
In November 2017, the Commissioners adopted Plan Chatham. The county is among the fastest growing counties in the state and the population increase is resulting increased government services. One area of most importance is emergency services. On page 21 of the Plan, it states the county is 708 square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

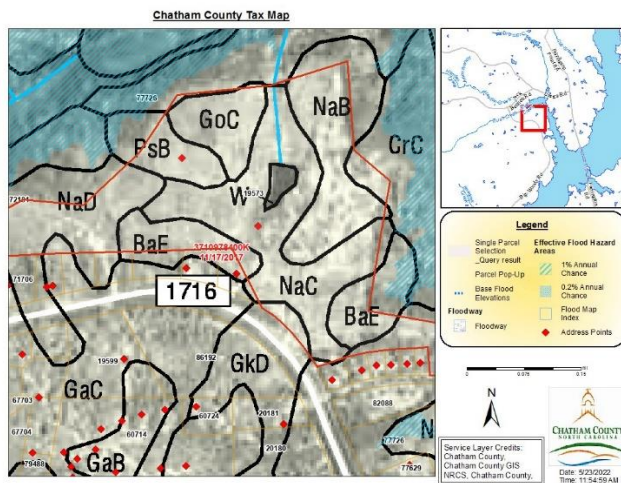
Finding 5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the County’s plans, policies, and regulations.

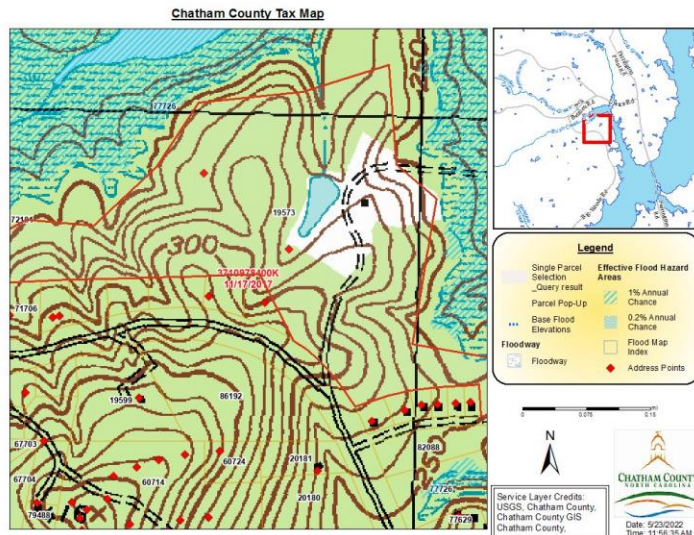
The following shows the Watershed classification of WSIV-Critical Area



Any recorded floodable area is outside the park's property line boundaries and controlled by the US Corps of Engineers.

Below are the NRCS and USGS maps showing a blueline stream that feeds the existing pond on the property. No development activity or land disturbance allowed within 50 feet of the pond.





There will be no county water or septic needed for this use. Access to the site will be through the park and via a private road behind the ball field of at least 16 feet wide per the Chatham County Fire Marshal's office with a 75-foot extension of the existing road bed for vehicle access when needed. 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 planning staff opinion this finding is satisfied.**

The Planning Board met June 7, 2022 and had concerns about migratory birds in close proximity to the lake and Bush Creek, lighting, access by others to the tower, and if any other locations were considered. Planning staff and Emergency Operations director, Mike Reitz, addressed the concerns.

- The tower will be within a fenced compound and security cameras will be installed. This will limit access to the tower by the general public.
- Lighting of the top of the tower is controlled by the FCC and will be compliant with their regulations.
- Issue on migratory birds was acknowledged, but this is the best location for emergency services to be expanded with updated equipment to serve the area and the visitors to Jordan Lake. Mike Reitz, Emergency Communications Director, commented that bird nest won't interfere with the operation of the tower and don't have to be removed
- The water tower at Governor's Club was reviewed but an agreement could not be reached.

The Planning Board voted 9-1 to approve the request.

In addition to the special use permit, the Watershed Protection Ordinance has to be amended to allow for telecommunication towers in Critical Area watershed districts. The Watershed Review Board met June 9, 2022 to discuss adding telecommunication towers to Attachment A, Permitted Uses, for the WSIV-Critical Area Watershed. The recommended approval of the text amendment with a condition that new towers be limited to those installed and owned by public safety service providers with the current height limit of 400 feet.

Based on all five findings being supported, the planning staff and Planning Board supports the Special Use permit request.

How does this relate to the Comprehensive Plan: 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 is vital.

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Recommendation:

By vote of 9-1, the Planning Board recommends approval of the Special Use Permit and adoption of a Resolution Approving a Special Use Permit submitted by Chatham County Emergency Operations for a 380-foot telecommunications tower to be located at 5410 Big Woods Rd, Northeast Park with the conditions as listed below. It is requested the Board of Commissioners find for same.

Site Specific Conditions

1. Improve the access road to a minimum of 16 feet wide gravel surface to support fire apparatus if necessary.
2. Any additional equipment or diesel storage tanks shall be permitted with the appropriate agencies in a separate regulatory permit.

Standard Site Conditions

3. 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.

4. 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:

5. 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.
6. Continued Validity – The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditional uses listed above.
7. Non-Severability – If any of the above conditions is held to be invalid, this approval in it's entirety shall be void.
8. 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.