

..TITLE

Vote on a legislative request to approve by the Chatham County Manager to amend Attachment A, Permitted Uses, of the Watershed Protection Ordinance to add the following use – Wireless Telecommunication Towers.

..ABSTRACT

Action Requested:

Vote on a legislative request to approve by the Chatham County Manager to amend Attachment A, Permitted Uses, of the Watershed Protection Ordinance to add the following use – Wireless Telecommunication Towers.

Introduction & Background:

The Watershed Protection Ordinance was adopted in 1993 and became effective on January 1, 1994. Watershed regulations were mandated by the Legislature in the 1990s for all local governments with surface water intakes. The state mandated watershed districts did not cover the entire county; however, the Board of Commissioners extended the state mandated districts to cover more area and created county specific districts to cover them (examples are the local, river corridor, and river corridor special area districts). Additionally, when the watershed ordinance was adopted, the county was partially zoned with more of the county being unzoned than zoned. In response, the Board of Commissioners added limitations to the allowable land uses in higher quality watershed districts in lieu of zoning the remainder of the county. The districts with land use limits are WS-II BW, WS-IV CA, WS-III CA, and River Corridor. This request is adding a use to the list of allowable uses in those districts.

Discussion & Analysis:

Telecommunication towers are not listed as allowable uses in attachment A of the ordinance and there is some ambiguity in the ordinance whether they are allowed in critical area watershed districts. The ordinance provides for the division of lots for minor utilities in all watershed districts and telecommunication towers fit under this definition. However, since there is a standalone Telecommunications Tower Ordinance, and towers are listed in the Zoning Ordinance as a specific use, the use needs to be included in the Watershed Protection Ordinance. The county is seeking this request so the Chatham County Emergency Operations Department can construct a tower in Northeast Park as part of improvements to the emergency communication system. If the use is added to the ordinance, it will not automatically allow towers to be constructed by right in critical area watershed districts and they will be subject to issuance of a special use permit. Telecommunication towers over 60' in height are required to be reviewed through the Special Use Permit permitting process which includes a public hearing, review by the Planning Board, and final action by the Board of Commissioners.

A public hearing was held on this request during the May 16, 2022 Board of Commissioners. Planning staff presented the request and there was no public comment.

The Watershed Review Board reviewed the request during their regular meeting on June 9, 2022 and discussion included:

- Concern that the amendment was too broad and would allow for any telecommunications provider to locate towers in critical area watersheds.
- Concern that migratory birds could be negatively affected.
- Support for expanding the county's emergency communications system.

After discussing these issues, planning staff suggested that amendment could be more specific to towers owned and operated by public safety service providers. A similar provision is included in the Telecommunications Tower Ordinance allowing for towers installed by public safety service providers to exceed the maximum tower height. The Watershed Review Board discussed this revision and by a vote of 6-0 recommend that attachment A of the Watershed Protection Ordinance be amended to include "Wireless Telecommunication Towers constructed and owned by public safety service providers."

How does this relate to the Comprehensive Plan:

Become more resilient by mitigating, responding, and adapting to emerging threats.

Recommendation:

The Watershed Review Board, by unanimous vote (6-0), recommend adoption of an Ordinance Amending the Watershed Protection Ordinance to add "Wireless Telecommunication Towers constructed and owned by public safety service providers" to Attachment A.