



Chatham County Planning Board Minutes June 7, 2022

The Chatham County Planning Board met in regular session on the above date and the meeting were as follows:

Present

George Lucier, Chair
Caroline Siverson
Brittany Harrison
Alex West
Clyde Frazier
James Fogleman

Absent

Jon Spoon, Vice Chair
Allison Weakley
Bill Arthur
Jamie Hager
Eric Andrews

Planning Department

Jason Sullivan, Director, Angie Plummer, Zoning Administrator, Chance Mullis Planner II, and Dan Garrett, Clerk to the Planning Board.

I. CALL TO ORDER:

Chair Lucier called the meeting to order at 6:30 p.m.

II. VIRTUAL MEETING GUIDELINES:

III. DETERMINATION OF QUORUM:

Chair Lucier stated there is a quorum, 10 members present. Mr. Fogleman entered the meeting at 6:45pm.

IV. APPROVAL OF AGENDA:

Approval of the Agenda - Chair Lucier asked the board members if there were any issues with the agenda and to vote on the consent agenda item. Motion made by Mr. Arthur to approve the agenda and the consent item, second by Mr. West. Chair Lucier conducted a roll call vote and the agenda and consent item passed 10-0, unanimously.

V. APPROVAL OF THE MINUTES:

Chair Lucier stated the Planning Board will vote on the May 3, 2022 and June 7, 2022 meeting minutes during the July 5th Planning Board meeting. The May 3rd meeting minutes were not provided in the packet.

VI. PUBLIC INPUT SESSION:

There were no residents signed up to speak.

VII. CONSENT ITEM:

1. A legislative public hearing for a request by the Chatham County Planning Department to consider amendments to the Chatham County Flood Damage Prevention Ordinance; specifically, Article 1 Section A Statutory Authorization, and Article 3 Section B Basis for Establishing the Areas of Special Flood Hazard.

Mr. Sullivan stated the ordinance needs to be updated to reflect the most recent changes to the FIS and DFIRM panels. The date will be changing from October 19th, 2018, to July 19th 2022. There is also some additional language added to allow for the maps to update automatically. The state model ordinance was changed with the 160D updates to allow for the automatic approval of new panels.

The Board of Commissioners held the public hearing at the May 16th meeting. There were no comments from the public. Commissioner Hales had one question related to the language being deleted. Planning staff explained that the ordinance language content was the same, but the wording was being updated at the recommendation of the state. Make recommendation to the commissioners.

Item approved 10-0, unanimously.

VIII. ZONING ITEMS:

1. A quasi-judicial public hearing for a request by Chatham County Emergency Operations for 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.

Ms. Plummer stated 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.

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.

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.

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

There will be no county water or septic needed for this site. 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 roadbed 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.**

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

Ms. Plummer said the Planning Board has up to three meetings in which to make a recommendation for approval or denial to the Board of Commissioners. Should your recommendation be for approval, the following conditions are provided for approval as well.

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.

Board discussion:

- Chair Lucier stated he supports this tower and believes we will be the fastest growing county in the state and to have an adequate safety management system in place is something we all want. Chair Lucier asked if there were any comments or concerns from the neighbors. Ms. Plummer stated there were only positive comments from the neighbors who are glad for better cellular service. The only real comments were about the lights on the tower and making sure they are following the FAA regulations.
- Mr. Frazier stated he will be glad for the improved cell service and asked why they needed to have diesel fuel tanks for the tower. Mr. Reitz stated this is for an emergency generator.
- Mr. Arthur wanted to confirm if the tower has co-location capacity that will allow other cell service providers to use this tower. Ms. Plummer stated that is correct and will be able to accommodate three providers.
- Ms. Weakley confirmed that the tower will have flashing lights on during the night and no guy wires. Ms. Plummer stated there will be a red beacon that does flash and there are no guy wires on the tower. Ms. Weakley stated there is a concern for migratory birds colliding with these taller towers. The US Fish and Wildlife Service issued a recommendation for best practices for communication towers in 2021 through their migratory bird program. Flashing lights is one of their recommendations as are self-supported towers which are better than those with guy wires. They also recommended down shielded motion sensor security lights and one of the more important recommendations is the actual siting of the tower and wondered if any other locations were considered because with this tower being so close to Bush Creek and Jordan Lake and a hot spot for migratory birds, there could be a lot of collisions.

Mr. Reitz stated they originally were looking for the tower to be located at the water tower within Governors Club, however there were some challenges for our equipment, so we had to go with the

second option. The engineers and project team looked at various locations within the park boundaries and this specific site was selected as the most desirable for the tower. We will follow all FAA lighting requirements and there is only one light on the ground for the door and it is shielded from above. We need a tower in this area of the county and the county already owns this property.

- Mr. Andrews stated because this tower is located at a ballpark, what safety and security measures will be in place to keep kids safe and out of the tower area? Mr. Reitz stated there will be an 8' fence with barbed wire on top and there will also be a camera system in place.

Motion made by Vice-Chair Spoon to approve this item, seconded by Ms. Siverson. Chair Lucier conducted a roll call vote and the item passed 9-1, Ms. Weakley opposed.

IX. NEW BUSINESS:

X. BOARD MEMBERS ITEMS:

1. Update from the Planning Board liaisons.

- Vice-Chair Lucier stated he did not attend the Pittsboro Planning Board meeting because he went to the BOC meeting. We talked about the Tree Protection working group being put together, Chair Lucier and Ms. Siverson will be the representatives from the Planning Board and there will be six other members for other advisory boards. The first meeting will be held on June 15th and is chaired by Elaine Chiosso. We will be taking existing tree ordinances that have been drafted and add elements or revisions that should be included in the UDO.
- Ms. Siverson stated the Siler City Planning Board agenda had nothing to report and the Agriculture Advisory Board did not meet in May.
- Ms. Weakley stated the Chatham Conservation Partnership will have a meeting on July 21st from 9-11:30 AM and the Chatham County, Pittsboro, and Siler City Planning departments will be the guest speakers.
- Chair Lucier stated Vice-Chair Spoon and himself met with Mr. Mark Ashness and the developers that will reinvigorate the Parks at Meadowview subdivision. This is a pre-2008 subdivision that went bankrupt during the recession and there are a few homes out there now, but it was approved for over 700 homes. We will be seeing this item in our July 5th Planning Board meeting, and they said they will adhere to the strictest stream buffer regulations that were not in place when it was originally approved. This plan will also have more open space than the original plan, so there will be a little more density to accomplish that.
- Chair Lucier also shared with the Planning Board members all the advances the Mosaic at Chatham Park has been making.

2. Discuss resuming in-person meetings.

- Chair Lucier stated we have become proficient in conducting business with remote meetings, so until Covid cases go back down we will keep the Planning Board meeting as a remote option.

XI. PLANNING DIRECTOR'S REPORTS:

Mr. Sullivan reported on the following:

1. Minor Subdivision spreadsheet
2. VinFast Rezoning public hearing will be held on June 21, 2022.
3. Unified Development Ordinance Update
 - Mr. Mullis stated he has complied all of the Audit Report is complete and posted on the website. The consultants are working towards the Annotated Outline. There was a BOC meeting held on June 6th where the consultants provided a presentation to the commissioners and the Board of Commissioners also provided a direction for the consultants to move forward.

XII. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:17 p.m.

Signed: _____ / _____
George Lucier, Chair Date

Attest: _____ / _____
Dan Garrett, Clerk to the Board Date