



Established 1771

CHATHAM COUNTY COMMISSIONERS

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COUNTY MANAGER

Dan LaMontagne

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Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A SPECIAL USE PERMIT REQUEST

BY Duke Energy

WHEREAS, Duke Energy has applied to Chatham County for a special use permit on Parcel No. 62351 , located at 1785 Corinth Rd, Cape Fear Township, for a 120 ft wireless support tower at their substation, 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 are allowed as a Special Use Permit in a residentially zoned districts. No errors are being claimed in the Ordinance.
2. The requested special use permit is either essential or desirable for the public convenience or welfare because, among other reasons, In order to provide faster, remote monitoring between substations, this tower will improve service outage notifications in cases of power failure and to securely transmit information between stations. Due to security concerns, cell providers will not be permitted to co-locate on any of the utility company towers.
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. Due to the height being 120 ft, the FAA does not require the top of the tower to have a flashing beacon. The tower will be a cambium pole, galvanized steel to match the other equipment existing at the substation. The tower will be located within the existing fenced, secure area and will not require any additional build upon area. There will be no audible noise, chemicals, or radioactive agents present.
4. The requested permit is consistent with the objectives of the Land Development Plan by, Chapter 2, Issues and Opportunities; Land Use Suitability- this use will not hinder any future land development as it will be located on existing property utilized by Duke Energy. Chapter 4, Plan Elements; ED Policy 4, Strategy 4.4- encourage the continued use of existing commercial and industrial uses to expand services in correct zoning districts.
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. This is an unmanned site so no utilities are required. There is an existing gated access drive that will continue to be used. No new land disturbance is required.

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, Duke Energy, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

Site Specific Conditions

1. A development permit shall be obtained and remain valid at all times within two years of the date of this approval or the site plan becomes null and void.

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 to or variations from any requirements of this permit must be approved through the Planning Department or other approving board before any such changes can take place.
3. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed Protection, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the platting process.

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 conditions listed above.
6. Non-Severability – If any of the above conditions is held to be invalid, this approval in its 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.



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 16 day of October, 2023

Karen A. Howard

Karen Howard, Chair
Chatham County Board of Commissioners

Ryan Woods

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

