



## Chatham County Planning Board Agenda Notes

**Date: August 6, 2024**

**Agenda Item: VI-1**

**Attachment #: None**

- Subdivision**     
  **Special Use Permit**     
  **Rezoning Request**  
 **Other:**

<b>Subject:</b>	A quasi-judicial public hearing requested by Southern Towers BTS, LP for a Special Use Permit for a new 285 ft wireless telecommunications tower on Parcel 60359, located at 4162 Bonlee Bennett Rd., being an area of .66 acres out of the 29-acre tract, Bear Creek Township.
<b>Action Requested:</b>	See Recommendation
<b>Attachments:</b>	All application materials can be viewed on the Planning Department website under Rezoning & Subdivision Cases, 2024

**Introduction & Background:**  
 A quasi-judicial public hearing was held June 17, 2014. Planning staff presented the request. The applicant was not able to be present and one adjacent landowner, Calvin Marsh was present and spoke. His concerns are related to risks of radiation to his family and neighbors. The BOC continued the public hearing until July 15<sup>th</sup> in order for the applicant to be advised of the concern and for the adjacent landowners to provide additional comment in the record.

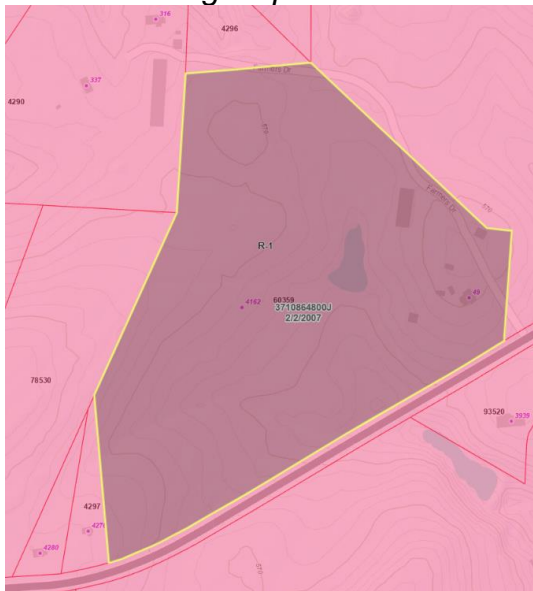
July 15, 2024, the public hearing resumed and three adjacent landowners spoke, Calvin Marsh from 337 Farmers Dr and Tracy and Gwendolyn Hanner from 4320 Bonlee Bennett Road. They both cited previous health issues and wanted to know how much electro-radiation is possible from this site. Mr. Hanner stated that his research revealed that residences within 500 meters of a telecommunications tower could be susceptible to potential health risks, especially to those with compromised immune systems. Mrs. Hanner spoke on the family heritage on their property, that the new owner of the parcel where the proposed tower is to be located is only concerned about money and not the people who live there, and that she believed the tower would reduce property values.

Also present were the applicant, Tami Lewallen, agent for the tower company, Matthew Butcher, RF Engineer, Richard Kirkland, Kirkland Appraisals, LLC, and Donnie Pell, owner of Southern Towers. Mr. Butcher and Mr. Kirkland both provided official reports that show no immediate health risks associated with the tower and no adverse effect on

property values due to a cell tower being in close proximity to residences. Those reports are located on the county planning webpage.

The Commissioners asked a few questions regarding additional risks to those already sick, if any regulating entity was looked at adding more regulations regarding cell towers, and if there had ever been any adverse effects of property values related to a cell tower. The response and information provided showed the regulations in place are to protect all people to keep them safe from any known harmful effects from electromagnetic radiation, this includes children and highly populated, urban areas where cell towers may only be 500 ft away from each other. These regulations have been studied and supported by other entities such as the FCC, FDA, WHO, EPA, and OSHA to name a few.

### *Current Zoning Map*



### **Discussion & Analysis:**

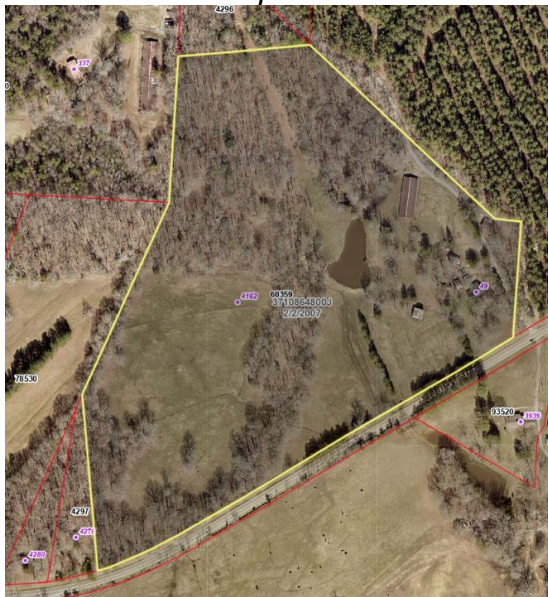
When determining whether a Special Use Permit request should be approved as per Section 5 Conditional Zoning Districts, the following findings must be supported.

1. **The alleged error in the Ordinance, if any, would be remedied by the proposed amendment with a detailed explanation of such error in the Ordinance and detailed reasons how the proposed amendment will correct the same.** No error in the Ordinance is being claimed. The proposed use is allowed subject to the approval of a special use permit.
2. **The requested special use permit is either essential or desirable for the public's convenience or welfare.** Based on the Radio Frequency (RF) maps and search area criteria noted in the application materials, this area needs additional wireless telecommunication coverage. There were nine properties evaluated and this was the best option to provide optimal coverage. The Wireless Telecommunications Ordinance states towers must be at least 1.5 miles apart. There were no towers within a three-mile radius of this proposed location. With

additional households utilizing cell phones for communications as well as computers and streaming services, more towers are needed for the best service providers.

- 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.** Wireless telecommunication towers do not create any traffic volume except for the occasional service and maintenance of the site. The heavier traffic will only be during the construction process Monday-Friday, 8am to 5pm. The site will be screened with existing trees and vegetation on three of the four property lines. A six-foot green vinyl coated chain link fence with one foot of barbed wire will enclose the compound.

*Aerial view of the parcel*



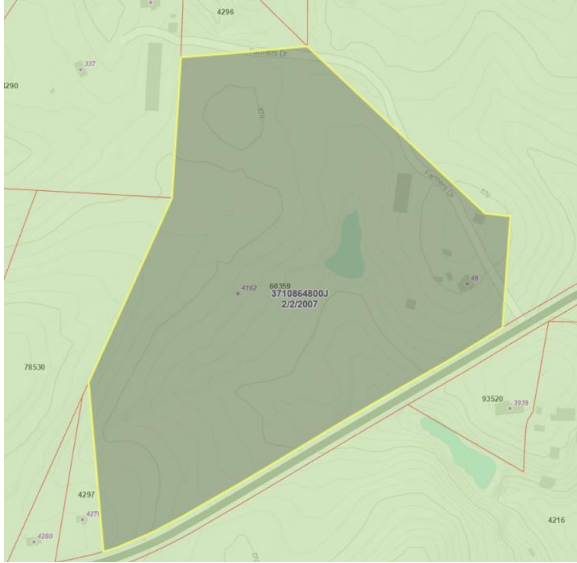
The tower will be lit on top as required by FAA regulations with white strobe during the day and red strobe at night. All required signage will be installed on the compound area.

- 4. The manner in which the proposed amendment will carry out the intent and purpose of any adopted plans or part thereof.**

Pg. 42-Plan Chatham Vision-Goals & Objectives- Goal 7- calls for the provision of infrastructure to support development with economic and environmental objectives. High-speed internet/broadband should be available to all and enable education and entrepreneurship. In areas where there is limited cell coverage, citizens who wish to work from home, home-based businesses, or those still in school need access to this type of utility.

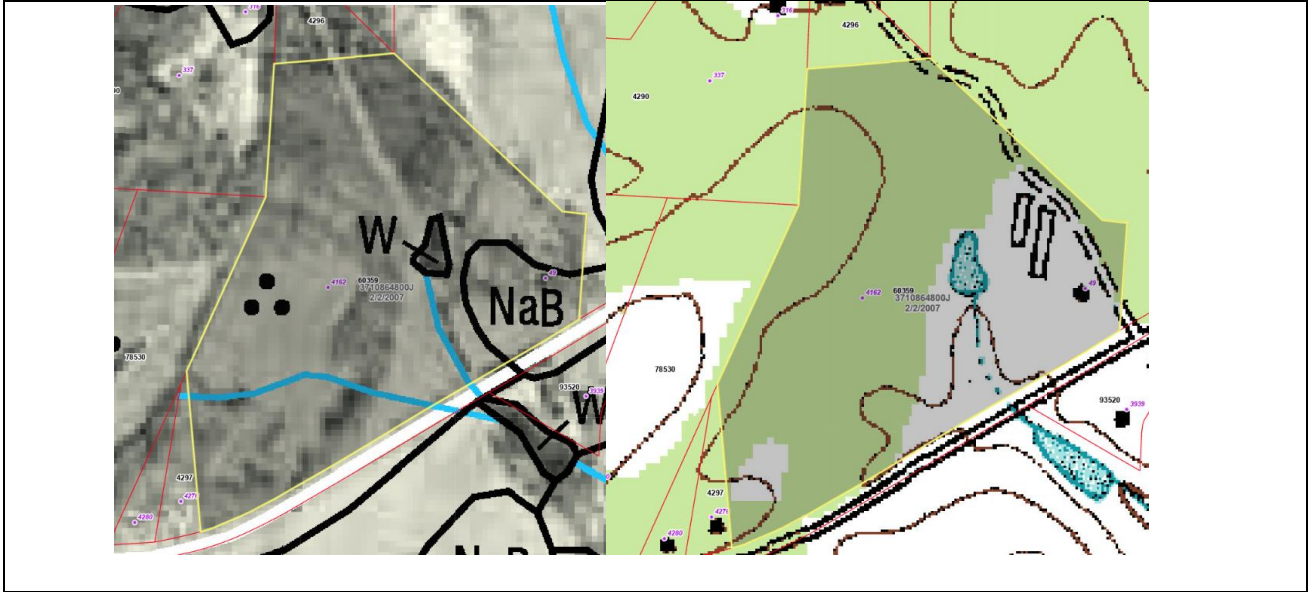
Pg. 113-Resiliency Policy 2- aids in improving emergency response time by providing better coverage for the area when citizens rely on cell phones and/or internet to get assistance.

*Agricultural designation of the Land Use Plan*



- 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.** No improvements for water or septic are needed for this project as this is an unmanned facility. There will be a new 20 ft wide access drive constructed and permitted through NCDOT and their standards.

The property is within the LWA Local watershed and there are no restrictions for this use. There is no floodable area on the property. The site will be away from the pond and blueline stream shown on the NRCS map but not the USGS map. An evaluation of the land disturbance area will be conducted by the Watershed Protection Department as the plans indicate a ditch crossing with the access road.



**Recommendation:**

Under the Zoning Ordinance procedures, the Planning Board may review the proposal for recommendation of approval or denial to the Board of Commissioners. The Planning Board has up to three meetings to conduct this review. However, Special Use Permits under the quasi-judicial process are specific in that no other evidence may be presented outside of the public hearing but clarifying questions to materials submitted may be permissible.