



CHATHAM COUNTY COMMISSIONERS

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COUNTY MANAGER

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Resolution of the Chatham County Board of Commissioners

A RESOLUTION APPROVING A SPECIAL USE PERMIT REQUEST

BY Southern Tower BTS, LP

WHEREAS, Southern Tower BTS, LP has applied to Chatham County for a special use permit on Parcel No. 60359, located at 4162 Bonlee Bennett Rd, Bear Creek Township, for a new 285 ft telecommunications tower, 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. No error in the Ordinance is being claimed. The proposed use is allowed subject to an approval of a special use permit.
2. The requested special use permit is either essential or desirable for the public convenience or welfare because, among other reasons, 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. 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 requested permit is consistent with the objectives of the Land Development Plan by, 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.
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. 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.

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, Southern Tower BTS, LP, and incorporated herein by reference with specific conditions as listed and as shown in Attachment A below;

ATTACHMENT "A"

Site Specific Conditions

1. A building permit shall be obtained and remain valid at all times within two years of the date of this approval or this approval becomes null and void.
2. The recommendations from the Chatham County Appearance Commission shall be implemented into the site plan and provided to the Planning Department at the time of applying for the Commercial Zoning Compliance Permit. The CCAC and/or planning staff may conduct site visits at any time to confirm vegetation and plantings are being maintained and continue to provide the required screening as directed by Ordinance.

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 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.
4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Land and Water Resources, Watershed Protection, Building and Fire Inspections, and Environmental Health Division, etc.) shall be obtained, if required, and copies submitted to the Planning Department as part of the approval process.

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


Site Plan Shown Below:



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 September, 2024

Mike Dasher, Chair
Chatham County Board of Commissioners



Responsible Representative/Applicant

(By signing this document, you agree to all findings as noted and any conditions therefore imposed above)

ATTEST:

Jenifer Johnson, MMC, Clerk to the Board
Chatham County Board of Commissioners