



# Chatham County, NC

## Legislation Text

---

**File #:** 20-3571, **Version:** 2

---

Vote on a request to approve a quasi-judicial request by Chatham County Emergency Management on a conditional use permit for a new proposed 300 foot communications tower to be located at the new proposed Emergency Operations Center, Parcel No. 12481, 188 Innovation Way, being approximately 272 acres, Hickory Mountain Township.

### **Action Requested:**

Vote on a request to approve a quasi-judicial request by Chatham County Emergency Management on a conditional use permit for a new proposed 300 foot communications tower to be located at the new proposed Emergency Operations Center, Parcel No. 12481, 188 Innovation Way, being approximately 272 acres, Hickory Mountain Township.

### **Introduction & Background:**

A quasi-judicial public hearing was held August 17, 2020. Planning staff presented the application and Emergency Operations Director, Mike Reitz, commented. No other persons spoke.

In the Spring of 2019, the Chatham County Board of Commissioners approved a text amendment to allow communication towers for purposes of emergency facilities to exceed the 300 foot limit to allow them up to 400 feet. The Board also approved a capital improvement budget item for five such towers to be located in various areas of the county where communication issues exist and to be able to upgrade radio equipment in order to keep up to date with the new technology for emergency services.

Since then Chatham County has purchased a 200+ acre tract with future plans for a new Emergency Operations Center, school administration building, and potentially a government services building. The tract will be subdivided at a later date for each prospective user and the communications tower will be located on the new parcel for the EOC. This tower is proposed to be 300 feet.

**The Planning Board reviewed the item during their regularly scheduled meeting on September 1, 2020 and reviewed the application and all supporting materials. There was little discussion and no concerns regarding the new tower except for confirmation on how Emergency Management would know when the lighting went out on the tower and the protection of Harland Creek with any development on the site stating the county should be a good example of good development.**

**By unanimous vote (10-0), the Planning Board recommends approval of the CUP.**

### **Discussion & Analysis:**

In reviewing and considering approval of the CUP, the Board must find that all of the findings of facts shall be supported. Per the Zoning Ordinance, "In considering an application for a conditional use

permit or revision to a CUP, 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 conditional use permit or revision thereof should not be granted, such proposed permit shall be denied.”

Findings are as follows:

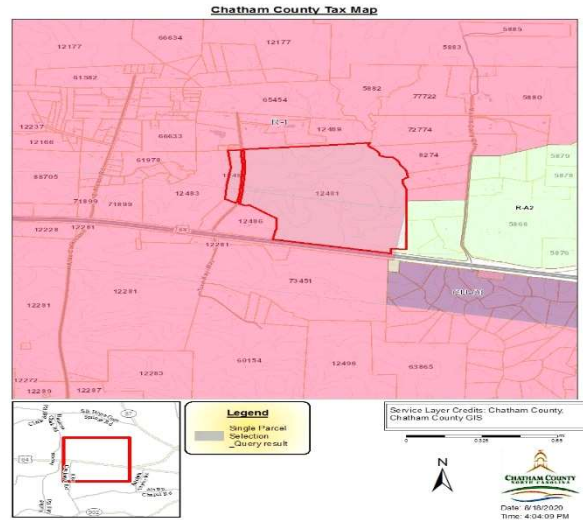
**Finding 1 - The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** The use under the Conditional Use Permit option is allowable in the R-1 Residential zoning district. No errors are claimed. **It is planning 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.**

*The following map shows the zoning in the area where the tower is proposed. The property is zoned R-1, Residential and the adjoining properties are also residentially zoned. The property also adjoins*



*the Town of Pittsboro's planning jurisdiction.*

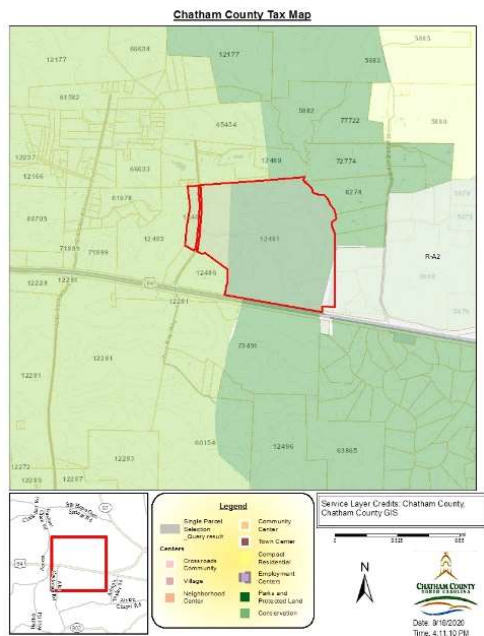
A photo simulation was provided in order to show no adverse impacts on the surrounding area. The area is wooded and will be located well away from US 64.

A study was also conducted by Pyramid Network Services which was also verified by the Chatham County Historical Association that there are no historical structures on this property. There is one on an adjacent parcel per Bev Wiggins with the association. This tower is to be constructed with a 0' fall zone so adjacent properties should not be affected if the tower fails.

There will be no noise generated from the tower site. The tower is proposed to be a total of 300 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. This tower is 1.49 miles from another tower; however that tower is not capable of meeting 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.**

*The following shows the majority of the parcel in the Conservation designation with a portion in the Agricultural designation*



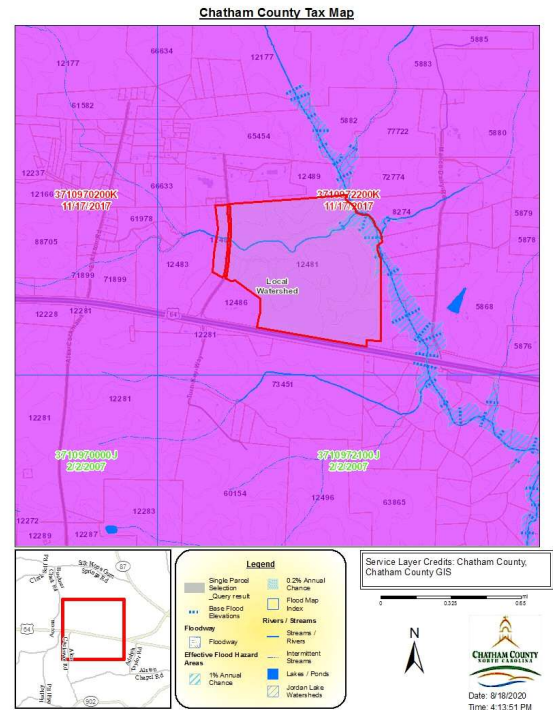
In November 2017, the Commissioners adopted Plan Chatham. The county is among the fastest growing counties in the state and the population increase is resulting increased government services. One area of most importance is emergency services. On page 21 of the Plan, it states the county is 708 square 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.**

*The following shows the Watershed classification of Local and FEMA Flood information with a portion of the parcel having some special flood hazard area. The proposed tower site is on the western*



boundary of the property and outside of flood prone areas.

There will be no county water or septic needed for this site. Access to the site will be by private road, 15 feet wide 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 Board and planning staff supports the conditional use permit request.**

**How does this relate to the Comprehensive Plan:** 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.

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.

### **Recommendation:**

The Planning Board recommends adoption of resolution approving the conditional use permit by unanimous vote (10-0) to the Board of Commissioners. The following conditions are provided for consideration if approved:

### **Site Specific Conditions**

1. None

### **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 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.
3. 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:**

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 conditional listed above.
6. Non-Severability - If any of the above conditions is held to be invalid, this approval in it's 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.

