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Proposed half mile telecommunication tower search rings from Matthew Danielson with Chatham Towers, LLC and Styers, Kemerait and Mitchell, Attorney at Law American Telephone & Telegraph (AT&T) Mobility for the 2013 tower build plan.

..ABSTRACT

Action Requested:

Public hearing request for review and input of proposed half mile telecommunication tower search rings from Matthew Danielson with Chatham Towers, LLC and Styers, Kemerait and Mitchell, Attorney at Law for AT&T Mobility for the 2013 tower build plan.

Introduction & Background:

Consistent with Article III of the Communication Towers Ordinance, a public hearing was held March 18, 2013 to gather public input on the annual tower build plan. One citizen spoke in favor of additional tower coverage within the county. No one spoke in opposition.

(Planning Board Comments are in bold)

The Planning Board met during their regularly scheduled meeting on April 2, 2013. There was discussion in general about the telecommunications ordinance in reference to the annual search ring submittal process and discussion about the “Major Wildlife Areas”. The Board asked staff to discuss the “Major Wildlife Areas”. Staff mentioned that the proposed rings only have small inclusions of identified Wildlife Areas and made mention to the requirement within the Telecommunications Ordinance that prohibits cell towers to build upon these designated areas.

The Board unanimously agreed with Staff’s recommended conditions for the 2013 Tower Build Plan and voted to recommend approval to the Board of Commissioners (8-0).

Discussion & Analysis:

Annually, Chatham County has a public hearing to receive requests from telecommunication tower contractors, providers, etc. to gain the approval to petition a landowner for a potential tower site within the search ring area presented. This is not an approval for a site specific location; the ½ mile search rings are required by ordinance in order to proceed to a site specific application that could be submitted within a one year timeline.

The proposed 2013 tower build plan includes a total of 13 search rings from two applicants, Chatham Towers LLC and AT&T Mobility. Below is a summary of the points of distinction of the applications:

Chatham Towers, LLC

- CHT-002 straddles the Chatham/Durham county line and lies within the Cary/Chatham Joint Plan area. See Attachment 4 for Town of Cary comments. Additionally, this search ring is partially within the US Army Corps jurisdiction for Jordan Lake and therefore that portion of federal land may not be subject to local ordinance regulation.
- CHT-009 is partly within the Pittsboro ETJ, resulting in a partial search ring.

AT&T Mobility

- Of the eight sites proposed, two are intended as co-locations: 368-453 and 368-466.
- Site numbers 368-317, 368-466, and 368-543 include portions of property within the US Army Corps jurisdiction for Jordan Lake and therefore those specific portions of the search ring may not be subject to local ordinance regulation.
- The applicant stated in the public hearing that they may seek a variance, for an increase in height limits on two proposed sites:
 - Site # 368-512- Search ring with proposed monopole with height of 300', located in Area 3 which has a height limit of 199'.
 - Site # 368-597- Search ring proposing lattice tower with height of 250', located in Area 3 which has a height limit of 199'

Karen Kemerait, representing AT&T Mobility, mentioned AT&T's desire to submit additional search rings within this year, which is not allowed under the current ordinance. Ms. Kemerait said she would meet with staff shortly to potentially propose a text amendment to allow the additional submittal of search rings.

Recommendation:

Planning Department and **Planning Board (by unanimous vote – 8 members present)** recommends approval of the 2013 Tower Build Plan with the following conditions:

1. No cell tower may be located within an area identified as a "Major Wildlife Area", as shown in Attachment 3.
2. Stealth and monopoles are preferred for Area 2 locations.
3. All new towers should be built to tallest allowable height to achieve the goal of maximum collocations.