Wireless Telecommunications

Permit

APPLICATION FOR NEW WTP OR WTP MODIFICATION

Chatham County
Planning Department

P. O. Box 54, 80-A East St, Pittsboro, NC 27312
Telephone: (919) 542-8204 FAX: (919)542-2698

Section A. APPLICANT INFORMATION

NAME OF APPLICANT: American Towers LLC ("ATC") and AT&T Mobility ("AT&T")

MAILING ADDRESS OF APPLICANT: American Towers, LLC, 3500 Regency Parkway, Suite 100, Cary, NC 27518
AT&T Mobility, 2002 Pisgah Church Road, Suite 300, Greensboro, NC 27455

PHONE NUMBER/E-MAIL OF APPLICANT: Jill House, Project Manager, 919/466-5163; Jill.House@AmericanTower.com
Karen M. Kemerait, NC Zoning Counsel for AT&T and ATC,
Telephone: 919/600-6275; KKemerait@styerskemerait.com

PROPERTY OWNER INFORMATION (If different from the applicant): **Owner Authorization Signature Required; See page 6 of application.**

Name(s) Harold L. and Rita L. Rogers

Address: 1296 White Smith Road

Pittsboro, NC ZIP 27312

Telephone: 919/742-4406 FAX: None

E-Mail Address: None

PROPERTY INFORMATION: The following information is required to provide the necessary information to process the rezoning request.

*** Items with an asterisk pertain solely to applications within the zoned portions of the county.**

ADDRESS OF SUBJECT SITE: White Smith Road, Pittsboro, NC 27312 - Enter at clearing where logging road is.

CHATHAM COUNTY PROPERTY PARCEL NUMBER (AKPAR #): 10519

***CURRENT ZONING DISTRICT(S):** Unzoned

TOTAL SITE ACRES/SQUARE FEET: Total acreage of parcel 43.72. Disturbed Area for this project will be approximately 19,602 square feet.

PROPOSED USE(S) AND PROPOSED CONDITIONS FOR THE SITE: American Towers LLC proposes to construct a 300-foot self support telecommunications tower on a 100' X 100' leased area of the full parcel. AT&T Mobility proposes to attach its antenna on the tower at the 295-foot position on the tower. The remaining parcel will be used in the same existing and current manner, for agricultural purposes. Please refer to the Project Narrative for additional information.

It is important that the applicant provide information to explain how the permit request or revision satisfies the following required five findings. **All applications shall contain the following information**. Please use attachments if necessary. If there is a finding that you feel does not apply to this submittal, please mark with "N/A" for not applicable.

*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.**

Please see Project Narrative.

2. **The requested Wireless Telecommunications Permit or revision to the existing permit is either essential or desirable for the public convenience or welfare.**

Please see Project Narrative.

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.**

Please see Project Narrative.

4. **The requested permit will be or remain consistent with the objectives of the Land Conservation and Development Plan.**

Please see Project Narrative.

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.**

Please see Project Narrative.

Section B. SUBMITTAL INFORMATION AND PROCEDURE

(1) Sixteen (16) completed application packets and all supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. **(PLEASE SEE ATTACHED CALENDAR FOR ALL SUBMITTAL AND DEADLINE DATES)** A digital copy of the application packet shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

*(2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5 of the zoning ordinance.

PLEASE NOTE: A Community Meeting is required to be held PRIOR to the submittal of your application. Please see Section 2-3 (2) of the Wireless Telecommunication Facilities Ordinance.

Date Community Meeting Held: 4/1/2014

(3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.

a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.

b. The Planning Department shall take no further action on the application until the applicant submits the required information.

c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.

d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.

(4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

Section C. SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION and REQUIRED INFORMATION TO BE INCLUDED ON THE SITE PLAN

PLEASE INCLUDE ALL OF THE FOLLOWING (CHECK OFF). Please check the list below carefully before you submit:

(1) All Wireless Telecommunication permit application packages for any applicable wireless facility or wireless support structures must contain the following items, consistent with Section 2-3 (2) of the Wireless Telecommunication Facilities Ordinance:

[X] a. Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms;

[X] b. Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials;

[X] c. Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure;

[X] d. Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas;

[X] e. A statement that the proposed Wireless Support Structure will be made available for Collocation to other service providers provided space is available and consistent with Article 2 of this Ordinance. (*acknowledge requirement with a statement below*)

Signature - Karen M. Kemerait	Title NC Zoning Counsel for American Towers LLC and AT&T Mobility	4-4-2014 Date

[X] f. Proposed towers may not be located closer than one and one-half (1.5) miles from an existing tower unless need can be demonstrated. The Applicant shall provide a map of all other towers located within three (3) miles of the proposed tower location, along with information as to the heights of all such other towers.

[X] g. All requests for new towers shall identify at least one wireless tenant that intends to locate on the proposed tower at time of application for building permit. If a wireless tenant is not identified, then the building permit shall not be issued.

Acknowledgment of Requirement: Karen M. Kemerait — NC Zoning Counsel — 4/4/2014

Signature — Title for ATC & AT&T — Date

[X] h. A statement that the proposed Telecommunication tower may not be placed in any "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992. (*acknowledge requirement with a statement below)*

The tower will not be placed in any Major Wildlife Areas identified as identified in the Inventory of the Natural Areas and Wildlife Habitats of Chatham County, NC, 1992.

Signature Karen M. Kemerait — Title NC Zoning Counsel for American Towers LLC and AT&T Mobility — Date 4-4-2014

(2) The application shall include a **site plan**, drawn to scale, with supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to the predetermined ordinance requirements, will govern the development and use of the property. The following information must be provided, if applicable:

[X] a. Information showing the boundaries of the proposed property as follows:

1. A GIS or survey map and parcel number of the subject property.
2. If only a portion of the parcel is being proposed for the Wireless Telecommunications Permit, a boundary survey and vicinity map showing the property's total acreage, parcel number, current zoning classification(s) and the general location in relation to major streets, railroads, and/or waterways,

[X] b. Legal Description of proposed Wireless Telecommunications Permit subject area;

[X] c. All existing and proposed easements, reservations, and rights-of-way;

[X] d. Proposed number and general location of all building sites, their approximate location, and their approximate dimensions;

[X] e. Proposed use of all land and structures, including the number of residential units and the total square footage of any non-residential development;

[X] ef. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant; **(SECTION 2-4 (11) WIRELESS TELECOMMUNICATION ORDINANCE LANDSCAPING REQUIREMENTS)**

[X] fg. All existing and proposed points of access to public and/or private streets;

[X] gh. Stream buffers required through this or other Chatham County Ordinances or Regulations, and other Local, State, or Federal regulatory agencies. Delineation of areas within the regulatory floodplain as shown on the Official Flood Insurance Rate Maps for Chatham County;

[X] i. Proposed phasing, if any;

[X] *jh. Generalized traffic, parking, and circulation plans; **(SECTION 14 ZONING ORDINANCE- OFF**

STREET PARKING)

[X] ki. Proposed provision of utilities;

[X] jl. The location of known sites of historic or cultural significance within or adjacent to the project area, including any structure over 50 years old;

[X] km. The approximate location of any cemetery;

[X] *ln. Proposed number, location, and size of signs; **(SECTION 15 ZONING ORDINANCE- SIGN REGULATIONS)**

[X] om. Location and description of any proposed lighting on the project site with a note that any lighting will comply with the Chatham County Lighting Ordinance.

[X] np. The location of existing and/or proposed storm drainage patterns and facilities intended to serve the proposed development, and impervious surface calculations; and

[X] *oq. Environmental Impact Assessment pursuant to **Section 11.3** of the Zoning Ordinance, if applicable. If you are or will be disturbing two or more acres in connection with this application, you are required to submit and EIA with this application. Failure to do so will result in the delay of scheduling your request for public hearing or may be returned completely for re-submission.

(2) In the course of evaluating the proposed usethis application, the Zoning Administrator, Planning Board, or Board of Commissioners may request additional information from the applicant. This information may include, but not be limited to, the following:

[X] a. Proposed screening, buffers, and landscaping over and above that required by these regulations, as well as proposed treatment of any existing natural features;
[X] b. Existing and general proposed topography;
[X] c. Scale of buildings relative to abutting property;
[X] d. Height of structures;
[X] e. Exterior features of the proposed development;
[X] f. Any other information needed to demonstrate compliance with these regulations.

NOTE: <u>The Zoning Administrator has the authority to waive any application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.</u>

SECTION D. SIGNATURE STATEMENTS

OWNER'S SIGNATURE: In filing this application, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate Karen M. Kemerait to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Signature: Harold L. Rogers Rita L. Rogers
Harold L. Rogers / Rita L. Rogers - Property Owners
Date: april 03, 2014

APPLICANT SIGNATURE: I hereby acknowledge that I am making this application on behalf of the above owner's statement or myself as the owner and that all the information presented in this application is accurate to the best of my knowledge, information, and belief. I acknowledge understanding of the requirements set out in this application and in the ordinances and/or guidelines used to determine the completeness of this submittal and to proceed as determined.

Signature: Karen K
Karen M. Kemerait, NC Zoning Counsel for American Towers LLC and AT&T Mobility
Date: April 4, 2014

OFFIE USE ONLY:

DATE RECD: _____

BY: _____

APPLICATION #: PL20_____

FEE PAID $: _____

STATE OF NORTH CAROLINA
CHATHAM COUNTY

BEFORE THE CHATHAM COUNTY
BOARD OF COMMISSIONERS AND
PLANNING BOARD

APPLICATION NUMBER:_____

In re: AMERICAN TOWERS LLC'S AND AT&T MOBILITY'S APPLICATION FOR A WIRELESS TELECOMMUNICATION PERMIT TO CONSTRUCT A 300-FOOT WIRELESS ANTENNA SUPPORT STRUCTURE WITH A FIVE-FOOT LIGHTNING ROD	)))))))	APPLICANTS' PROJECT NARRATIVE AND STATEMENT OF COMPLIANCE WITH THE CHATHAM COUNTY ZONING ORDINANCE AND ORDINANCE REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES IN CHATHAM COUNTY, NORTH CAROLINA

I.
STATEMENT OF APPLICATION

American Towers LLC ("American Tower") and AT&T Mobility ("AT&T"), pursuant to the requirements set forth in the Ordinance Regulating Wireless Telecommunications Facilities in Chatham County, North Carolina ("Wireless Telecommunications Facilities Ordinance") and the Chatham County Zoning Ordinance ("Zoning Ordinance"), submit this Application for a Wireless Telecommunications Permit ("Application") so that American Tower may construct and operate a 300-foot antenna self-support structure with a five-foot lightning rod so that AT&T may attach its antennas to the tower and provide wireless telecommunications services to the residents of and visitors to Chatham County under its license issued by the Federal Communications Commission ("FCC").

II.
BACKGROUND

Modern wireless communications include far more than cellular and digital phone networks. Today, wireless communications include a great number of services, such as voice, advanced messaging, data, real-time information (news, weather, sports, etc.), photographs, video, entertainment, and connections to social media. The number of services that are available continues to increase.

The convenience, safety and efficiency benefits – as well as the "connectedness" with the world -- achieved through digital phones (and especially the latest generation of "smart phones"), has created a tremendous demand for these and other burgeoning services. It is projected that, within the next few years, fully three-quarters of the American population will utilize a wireless

device to communicate on a daily basis. It is clear that wireless infrastructure is needed to serve a growing population of wireless customers, especially since roughly one of five traditional landline phone users has switched to "wireless-only". Today, more than 247 billion emails and 90 billion "tweets" are sent each day, and it is projected that video over instant messaging and video calling will have increased sevenfold from 2009 to 2014. Individuals and households are not the only ones who are going wireless. Businesses increasingly depend on wireless service to conduct their business, and more people are working remotely from the businesses. For example, more than three times as many small businesses today strongly agree that wireless technology is key to staying competitive – 49 percent today versus 16 percent in 2007.

The FCC has designated and auctioned a limited number of radio spectra for wireless communication providers to deliver wireless communications services across the United States. AT&T holds one of those licenses. Increasingly, AT&T and other wireless communication licensees are competing with existing telecommunication services, and each other, giving consumers more flexibility and lower prices, and fueling innovation and technological improvements.

The FCC's grant of wireless licenses comes with a mandate that the licensees substantially complete construction of their respective communication systems expeditiously. To complete their systems, licensees must develop an infrastructure or system of strategically placed, low-powered antenna. The signal for the antenna is limited by factors such as variations of the terrain and the finite capacity of signals at any given time; therefore, each antenna covers a limited geographic area. The antennas are therefore placed in such a way as to provide contiguous coverage and fill the gaps throughout a given region, as well as to provide sufficient and consistent "capacity". In searching for a site upon which to locate its telecommunications antennas, AT&T first evaluates whether there are existing facilities upon which it could locate its antennas (see "Statement of Necessity" below). When there are no existing structures of sufficient height or location that would support its telecommunications antennas and meet its coverage and capacity needs, AT&T must either build a support tower in the area where coverage or additional capacity is needed or contract with a tower company, such as American Tower, to build the respective tower so that AT&T may attach its antennas to the tower.

III.
PROJECT DESCRIPTION

To fill a significant gap in AT&T's wireless telecommunications coverage in Chatham County, American Tower and AT&T respectfully request a Wireless Telecommunications Permit to develop a telecommunications facility to be located on a parcel of land owned by Harold and Rita Rogers, parcel identification number 10519, located on White Smith Road, Pittsboro, North Carolina. The proposed site will be set back on a 100-foot by 100-foot leased parcel (10,000 square feet) on an approximately 43.51-acre tract of land that is unzoned. The proposed tower will be located approximately 259 feet from White Smith Road and approximately 496 feet from the nearest property line. The site will be accessed by a 30-foot wide access and utility easement and a 12-foot wide gravel access road from White Smith Road The proposed tower is a 300-foot self-support tower with a five-foot lightning rod. A small

equipment cabinet for each collocating service provider will be located at the base of the tower on concrete pads. The tower and the 60-foot by 80-foot fenced compound will have room to accommodate the antennas and equipment of AT&T and at least three additional wireless service providers. The tower compound will be secured by an eight-foot-high chain link fence as shown on the site plans for this facility. The proposed tower will comply with all FAA regulations, as well as all applicable regulations of the Chatham County Zoning Ordinance and the Wireless Telecommunications Facilities Ordinance. The site provides for ample parking, though little will be required, turn-around space, and controlled traffic movement. In short, this site is an ideal location for a telecommunications facility to provide AT&T's wireless telecommunications services to a currently unserved area of Chatham County.

IV.
STATEMENT OF NECESSITY

The voice and data signals for mobile wireless telecommunications systems travel through the air to receiving and transmitting antennas. The antennas must be at a height sufficient to simultaneously provide coverage for users in the surrounding territory as well as "hand off" calls as users travel from one coverage area to the next. In unserved areas or where the antennas' capacity has been reached, calls are "dropped" when a caller enters such areas and calls cannot be made. Where such coverage problems arise or where gaps in AT&T's coverage exist, AT&T issues a "search ring" within which well-placed antennas would fill the gap or resolve the capacity problem. Within the search ring, several alternatives, including existing structures, if any, are evaluated. Each alternative is considered by a team of engineers and other specialists who select the best location. If existing structures are not available within the search ring, considerations in selecting a site include the size of the tract of land, zoning requirements, elevation, topography, accessibility, natural visual buffers, and proximity to current and prospective users. Also, in selecting the proposed site, American Tower and AT&T considered the objectives of the Wireless Telecommunications Facilities Ordinance and the Zoning Ordinance, and sited the tower facility so that it will have the least visually intrusive effect reasonably possible and so that the tower will not impair the integrity or character of the surrounding or adjoining districts.

AT&T has identified the need for wireless facilities to meet its coverage needs in and around this area of Chatham County. AT&T's first choice is always to collocate on an existing tower, building or other structure, if one exists. After performing extensive research of the area, American Tower and AT&T determined that there is no existing tower or structure within the search ring on which AT&T could locate its antennas. For that reason, American Tower has proposed constructing a new self-support tower to serve AT&T's coverage needs.

The proposed tower is required to provide telecommunications coverage for AT&T to mobile traffic and residential areas along White Smith Road, Silk Hope Gum Spring Road, Epps Clark Road, Henderson Tanyard Road and to residents living in and around the surrounding areas.

V.

STATEMENT OF COMPLIANCE WITH THE ZONING ORDINANCE AND THE WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

In support of this application, American Tower and AT&T respectfully submit the following information and the information contained in the application binder filed herewith, that establishes that this application meets all applicable requirements of the Wireless Telecommunications Facilities Ordinance and the Zoning Ordinance.

Ordinance Regulating Wireless Telecommunications Facilities in Chatham County, North Carolina

Article 2 (Permits)

2-1 APPROVALS REQUIRED FOR WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES:

1. **Administrative Review and Approval.** The following types of applications are subject to the review process as provided in Section 2-2 and design requirements of Section 2-4. No other type of zoning or site plan review is necessary:

   a) New Wireless Support Structures that are less than sixty (60) feet in height in any zoning district or unzoned portions of the county;

   b) New Wireless Support Structures that are up to one hundred and ninety-nine (199) feet in height, in any general use industrial District or properties coded as industrial uses by Chatham County Tax Record in the unzoned portions of the county if not within one and a half (1.5) miles of another tower unless need can be demonstrated;

   c) Concealed Wireless Facilities that are sixty (60) feet or less in height in any zoning district or =zoned portions of the county;

   d) Concealed Wireless Facilities that are one hundred fifty (150) feet or less in unzoned portions of the county and in any zoning district *except* residential districts;

   e) Substantial Modifications (see definition);

   f) Collocations.

The Administrative Review and Approval Process is not applicable to this Application.

2. **Wireless Telecommunications Permit.** Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval pursuant to this Ordinance shall be permitted in any district upon the granting of a Wireless Telecommunications Permit from the Board of Commissioners in accordance with the standards for granting Conditional Use Permits set forth in the Chatham County Zoning Ordinance.

Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review

and Approval that are located within the unzoned portions of the county shall be permitted upon the granting of a Wireless Telecommunications Permit processed in the same manner as conditional use permits, as described in Section 2-3 of this ordinance.

Acknowledged. The proposed tower will be located on an approximately 43.51-acre tract of land that is located in an unzoned area of the County.

3. **Exempt from All Approval Processes.** The following are exempt from all Chatham County's approval processes and requirements under this ordinance:

   a) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined M this ordinance.

   b) Ordinary Maintenance of existing Wireless Facilities and Wireless Support Structures as defined in this Ordinance;

   c) Wireless Facilities placed on Utility Poles; and

   d) COWs placed for a period of not more than one hundred twenty (120) days at any location within the County or after a declaration of an emergency or a disaster by the Governor.

   Not applicable.

2-2 ADMINISTRATIVE REVIEW AND APPROVAL PROCESS

1. **Content of Application Package for New Sites.** All Administrative Review application packages must contain the following:

   a) Commercial Building Permit application form signed by applicant and required fees;

   b) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms; and

   c) Site plans detailing proposed improvements. Drawings must depict improvements related to the applicable requirements, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements as required by the Central Permitting Department and any other approving body or department if applicable.

   d) Documentation from a licensed professional engineer of calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance.

   Not applicable.

2. **Content of Application Package for Other Sites/Facilities.** All Administrative Review application packages must contain the following items. Additional information may be required upon request:

   a) Commercial Building Permit application form signed by applicant and required fees;

   b) For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.

   c) For substantial modifications, drawings depicting the improvements along with their dimensions.

   d) All requests for new towers shall identify at least one wireless tenant that intends to locate on the proposed tower at time of application for building permit. If a wireless tenant is not identified, then the building permit shall not be issued.

   Not applicable.

3. **Procedure and Timing.**

   a) Applications for Collocation, Monopole or Replacement Pole, a Concealed Wireless Facility, a Substantial Modification. Within thirty (30) days of the receipt of an application for a Collocation, a Monopole or Replacement Pole, a Concealed Wireless Facility, a Substantial Modification, the Planning Department will:

      i. Review the application for conformity with this Ordinance. An application under this Section is deemed to be complete unless the Planning Department notifies the applicant in writing (for purposes of clarification, written responses may be made via electronic notification or US Postal Service mail), within ten (10) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application, complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cm-e the specific deficiencies. If the applicant cures the deficiencies within ten (10) calendar days, the application shall be reviewed and processed within thirty (30) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to cure the specific deficiencies, the thirty (30) calendar days deadline for review shall be extended by the same period of time;

      ii. Make a final decision to approve the Collocation application or approve or disapprove other applications under Section 2-2 (2); and

iii. Advise the applicant in writing of its final decision. If the Planning Department denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.

iv. Failure to issue a written decision within thirty (30) calendar days shall constitute an approval of the application.

b) Applications for New Wireless Support Structures That Are Subject to Administrative Review and Approval. Within forty five (45) calendar days of the receipt of an application for a New Wireless Support Structure that is subject to Administrative Review and Approval under this Ordinance, the Planning Department will:

i. Review the application for conformity with this Ordinance. An application under this Section is deemed to be complete unless the Planning Department notifies the applicant in writing (for purposes of clarification, written responses may be made via electronic notification or US Postal Service mail), within fifteen (15) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within forty five (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the forty five calendar days deadline for review shall be extended by the same period of time;

ii. Make a final decision to approve or disapprove the application; and

iii. Advise the applicant in writing of its final decision. If the Planning Department denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.

iv. Failure to issue a written decision within forty five (45) calendar days shall constitute an approval of the application.

Not applicable.

2-3 WIRELESS TELECOMMUNICATION PERMIT PROCESS

1. **Wireless Telecommunication Permit Standards.** Any Wireless Facility or Wireless Support Structures not meeting the requirements of Section 2-1(1) or (3), may be

permitted in all zoning districts and unzoned areas upon the granting of a Wireless Telecommunication Permit, subject to:

a) The submission requirements of Section 2-3(2) below; and

b) The applicable requirements of Section 2-3(2) below; and

c) The requirements for a Conditional Use Permit as established by Section 17 of the Chatham County Zoning Ordinance. Applications for Wireless Facilities and/or Wireless Support Structures not subject to Administrative Review and Approval that are located within the unzoned portions of the county shall be processed in the same manner as conditional use permits, inclusive of the requirements of Section 2-3(2) below.

Acknowledged.

2. **Content of Wireless Telecommunication Permit Application Package.** All Wireless Telecommunication permits, application packages for any applicable wireless facility or wireless support structures must contain the following:

a) Completed Wireless Telecommunication Permit Application and required fees;

Please see the completed Wireless Telecommunication Permit Application and required fees located under Tab 1 of the Application Binder.

b) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue the zoning application. Such submissions need not disclose financial lease terms;

Please see the Letter of Authorization/Appointment of Agent located under Tab 4 of the Applicable Binder.

c) Written description and scaled drawings of the proposed Wireless Support Structure or Wireless Facility, including structure height, ground and structure design, and proposed materials;

Please see the Construction Drawings located under Tab 8 and information regarding the proposed materials for the tower located under Tab 27 of the Application Binder. The proposed tower is a 300-foot self-support tower with a five-foot lightning rod, and it will be constructed of galvanized steel. A small equipment cabinet for each collocating service provider will be located at the base of the tower on concrete pads. The tower and the 60-foot by 80-foot fenced compound will have room to accommodate the antennas and equipment of AT&T and at least three additional wireless service providers. The tower compound will be secured by an eight-foot-high chain link fence.

d) Number of proposed Antennas and their height above ground level, including the proposed placement of Antennas on the Wireless Support Structure;

Please see Page C-3 of the Construction Drawings located under Tab 8 of the Application Binder. AT&T's antennas will consist of three sets of antennas, and they will be located at the 295-foot location on the tower. There will be room on the tower for the antennas of three additional wireless carriers at locations below the 295-foot location on the tower.

e) Line-of-sight diagram or photo simulation, showing the proposed Wireless Support Structure set against the skyline and viewed from at least four (4) directions within the surrounding areas;

Please see the line-of-sight diagram (or photo simulation) located under Tab 17 of the Application Binder.

f) A statement that the proposed Wireless Support Structure will be made available for Collocation to other service providers provided space is available and consistent with Article 2 of this Ordinance.

Please see the Collocation Certification of American Tower located under Tab 23 of the Application Binder. As stated in the Collocation Certification, American Tower will comply with Section 2-3(2)(f) of the Wireless Telecommunications Facilities Ordinance, and agrees that the proposed tower will be made available for collocation to other service providers.

g) Proposed towers may not be located closer than one and one-half (1.5) miles from an existing tower unless need can be demonstrated. The Applicant shall provide a map of all other towers located within three (3) miles of the proposed tower location, along with information as to the heights of all such other towers.

As shown in the documentation contained in the Tower Survey and Location Map located under Tab 5 of the Application Binder, the proposed tower will not be located closer than 1.5 miles from an existing tower. Please see a map of all towers located within 3 miles of the proposed tower location, along with information as to heights of all such towers also located under Tab 5 of the Application Binder.

h) All requests for new towers shall identify at least one wireless tenant that intends to locate on the proposed tower at time of application for building permit. If a wireless tenant is not identified, then the building permit shall not be issued.

AT&T intends to locate on the proposed tower in order to provide telecommunications coverage in Chatham County. Specifically, as stated in the RF Justification located in Tab 7 of the Application Binder, AT&T will provide telecommunications coverage to mobile traffic and residential areas along White Smith

Road, Silk Hope Gum Spring Road, Epps Clark Road, Henderson Tanyard Road, and to residents living in the surrounding areas.

i) Notwithstanding the above, telecommunication towers may not be placed in any "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992.

The proposed tower is not located in any "Major Wildlife Areas" identified in the "Inventory of the Natural Areas and Wildlife Habitats of Chatham County, North Carolina", 1992. Please see the Map located under Tab 16 of the Application Binder.

3. **Procedure and Timing.** Within one hundred fifty (150) calendar days of the submittal deadline of an application under Section 2-3 of this Ordinance, the County will:

a) Complete the process for reviewing the application for conformity with ordinances applicable to Conditional Use Permits.

b) Make a final decision to approve or disapprove the application.

c) Advise the applicant in writing of the final decision. If the Board of Commissioners denies an application, it must provide written justification of the denial.

d) Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

Acknowledged.

2-4 GENERAL STANDARDS AND DESIGN REQUIREMENTS

1. **Design.**

a) Wireless Support Structures shall be subject to the following:

i. Shall be engineered and constructed to accommodate a minimum number of Collocations based upon their height:

a. Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;

b. Support structures greater than one hundred feet (100) but less than one hundred-fifty (150) feet shall support at least at least three (3) telecommunications providers;

c. Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.

The proposed tower is a 300-foot self-support tower, and it will support at least four telecommunications carriers. Please see Page C-3 of the Construction Drawings located under Tab 8 of the Application Binder.

b) The Equipment Compound area surrounding the Wireless Support Structure must be of sufficient size to accommodate Accessory Equipment for the appropriate number of telecommunications providers in accordance with Section 2-4 (1) (a).

Please see Page C-2 of the Construction Drawings located under Tab 8 of the Application Binder. As noted in the Construction Drawings, the compound area will be of a sufficient size to accommodate the accessory equipment of AT&T and at least three additional carriers

2. Concealed Wireless Facilities shall be designed to accommodate the Collocation of other Antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

Not applicable.

3. Upon request of the Applicant, the County may waive the requirement that new Wireless Support Structures accommodate the Collocation of other service providers if County finds that Collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer Antennas will promote community compatibility.

The applicants are not requesting that this requirement be waived.

4. **Setbacks**

a) Unless otherwise stated herein, Wireless Support Structures and Wireless Support Facilities shall be set back from all property lines a distance equal to its engineered fall zone or fifty (50) feet, whichever is greater.

Please see Pages C-1 and C-1A of the Construction Drawings located under Tab 8 of the Application Binder that show that the proposed tower exceeds this setback requirement. The 300-foot tower will be set back 955 feet from the property line to the east, 496 feet from the property line to the north, 638 feet from the property line to the south, and 259 feet from White Smith Road. Therefore, the tower will be setback from all property lines distances greater than the engineered fall zone of 250 feet.

b) For towers greater than one hundred (100) feet, a setback of 50% of the Wireless Support Structure tower height is required from adjoining property lines and right-of-way. Provided however, the setback limit shall never be less than the distance equal to its engineered fall zone or fifty (50) feet, whichever is greater. The setback requirement also applies to Wireless Support Facilities.

Please see Pages C-1 and C-1A of the Construction Drawings located under Tab 8 of the Application Binder that show that the proposed tower exceeds this setback requirement. The 300-foot tower will be set back 955 feet from the property line to the east, 496 feet from the property line to the north, 638 feet from the property line to the south, and 259 feet from White Smith Road. The tower will be setback from all property lines distances greater than the engineered fall zone of 250 feet.

5. Height

a) In zoned residential districts and properties coded as residential uses by Chatham County Tax Record in the unzoned portions of the county, Wireless Support Structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the County shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request, the Applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the Board of Commissioners.

The proposed 300-foot tower is located in an unzoned area of the County. The parcel where the tower will be located has a primary coding of agricultural and a secondary coding of residential pursuant to the Chatham County Tax Record. As the tower needs to be constructed at a height of 300 feet in order to provide adequate telecommunications coverage in the area, the Applicants request that the County vary the height restriction to allow the tower to be constructed to a height of 300 feet.

The Applicants submit that this waiver request is both reasonable and in accordance with the intent and objectives of the Wireless Telecommunications Facilities Ordinance and the Land Use Plan. A purpose of the Wireless Telecommunications Facilities Ordinance is to provide for the public health, safety and welfare by ensuring that residents and businesses in Chatham County have reliable access to wireless telecommunications networks and state of the art mobile broadband communications services. The Wireless Telecommunications Facilities Ordinance further states that it is the County's intent to ensure that the County has sufficient wireless infrastructure to support its public safety communications and to ensure access to reliable wireless communications services throughout all areas of the County. By allowing this waiver request, the objectives of the Ordinance will be accomplished. As demonstrated in the propagation studies located under Tab 7 of the Application Binder, significantly greater telecommunications coverage will be provided with a 300-foot tower, as opposed to a 199-foot tower. If American Tower were required to construct a 199-foot tower rather than the proposed 300-foot tower, there would be significant gaps in coverage, and AT&T would not be able to provide coverage to all intended areas. By allowing this waiver request, the objectives of the Land Use Plan will also be furthered -- the rural character of the area will be maintained since only one tower will be required in the area. Thus, by granting this waiver request, AT&T will be able to provide greater telecommunications coverage in the area, only one tower will need to be constructed in the area, and the rural nature of this area of the County will be preserved.

b) No towers may exceed a height greater than three hundred (300) feet.

Acknowledged. The proposed tower is a 300-foot lattice tower.

6. **Lot Size**

a) The lot size required for wireless facilities should at a minimum provide the space needed for the access road, tower base, equipment and setback buffers. Lots created for the sole purpose of locating wireless facilities are not required to comply with otherwise required minimum lot size standards.

The parcel where the proposed tower will be located is a large, 43.51-acre tract of land that will provide the space needed for the access road, tower base, equipment, and setback buffers. Please see Pages C-1, C-1A, and C-2 of the Construction Drawings located under Tab 8 of the Application Binder that shows that the parcel provides ample space for the access road, tower base, equipment, and setback buffers.

7. **Aesthetics**

a) Lighting and Marking.

i. Wireless Facilities or Wireless Support Structures shall not be illuminated unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

The proposed tower will be lit, as required by the FCC. American Tower will comply with the FCC's lighting requirement.

ii. The desired tower color is gray or natural colors for concealed towers. Towers that are painted alternating patterns are not permitted unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

The proposed tower will be constructed of galvanized steel, grey in color, and it will harmonize and blend with and into the environment and natural color of the background. The proposed tower will be painted if required by the FCC or FAA and in accordance with applicable standards of the FCC or FAA. Please see Page C-3 of the Construction Drawings located under Tab 8 of the Application Binder.

b) All lighting, other than required by the FAA, must conform to the Chatham County Lighting Ordinance.

Acknowledged. All lighting in the compound, other than lighting required by the FAA, will conform to the Chatham County Lighting Ordinance.

8. **Signage.**

a. Signs located at the Wireless Facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which Wireless Facilities are located (e.g., approved signage at locations on which Concealed Facilities are located).

Acknowledged. The signage details are shown on the Signage Details on page C-11 of the Construction Drawings located under Tab 8 of the Application Binder.

9. Accessory Equipment.

a) Accessory Equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the Wireless Facility or Wireless Support Structure. Any equipment not used in direct support of such operation shall not be stored on the site.

Acknowledged. The accessory equipment located on the site will be used only to house the equipment and supplies of AT&T and any additional co-locating telecommunications providers.

b) If the site is designed for or equipped with on site generators for electric power supply, then a retention basin for liquids shall be provided that is designed according to recommendations of the County Fire Marshal and/or the County Emergency Operations Office.

A generator will be provided on the site. Please see details on the Generator & Fuel Tank Elevations on Page C-6 of the Construction Drawings located under Tab 8 of the Application Binder. The retention basin for liquids will be designed according to recommendations of the County Fire Marshal and/or County Emergency Operations Office.

10. Fencing.

a) Ground mounted Accessory Equipment and Wireless Support Structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the County.

The tower compound will be secured and enclosed with an eight-foot high chain link fence with three strands of barbed wire as shown on the Fence Details on Page C-10 of the Construction Drawings located under Tab 8 of the Application Binder.

b) The County may waive the requirement of Section 2-4 (10) (a) if it is deemed that a fence is not appropriate or needed at the proposed location.

Acknowledged. However, the Applicants are not requesting a waiver of the

requirement of Section 2-4(10)(a).

11. Landscaping

a) Sites in heavily wooded locations are strongly preferred. If the site is not heavily wooded, a continuous all-season opaque screen of at least six (6) feet in height and spaced to obscure the security fence within four (4) years of planting shall be placed around the boundaries of the site (excluding the access road). Vegetation shall be not less than two (2) feet in height at the time of planting. It is not the intention that the existing vegetation be removed to then be replaced by the described buffer; substantial vegetation may be supplemented to achieve the desired screening.

b) If the tower site is in an open field with no residence within 1700 feet, where the effect of buffering would yield a ring of vegetation around the tower base in an open field, then this requirement may be reduced or eliminated. If the site is heavily wooded, and a reasonable assurance can be provided that the site will remain that way, the screening planting requirements may be reduced or eliminated. If at a later date, the site changes from a heavily wooded site, the planting screen described above may be required.

The proposed tower will be located in a wooded area of the parcel. Please see the site sketch located and the line of sight diagram located under Tabs 12 and 17 of the Application Binder. As shown on Pages L-1 and L-2 of the Construction Drawings located under Tab 8 of the Application Binder, landscaping will be provided around the perimeter of the security fence.

ARTICLE 3
MISCELLANEOUS PROVISIONS

3-1 ABANDONMENT AND REMOVAL

1. If a Wireless Support Structure is Abandoned, and it remains Abandoned for a period in excess of twelve (12) consecutive months, the County may require that such Wireless Support Structure be removed only after first providing written notice to the owner of the Wireless Support Structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the Wireless Support Structure within sixty (60) days of receipt of said written notice.

   Acknowledged.

2. In the event the owner of the Wireless Support Structure fails to reclaim the Wireless Support Structure within the sixty (60) day period, the owner of the Wireless Support Structure shall be required to remove the same within six (6) months thereafter. The County may ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

Acknowledged.

3-2 MULTIPLE USES ON A SINGLE PARCEL OR LOT.

1. Wireless Facilities and Wireless Support Structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

Acknowledged.

ARTICLE 4
WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE

1. Wireless Facilities and Wireless Support Structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

Acknowledged.

2. Activities at Non-Conforming Wireless Support Structures. Notwithstanding any provision of this Ordinance:

   a) Ordinary Maintenance may be performed on a Non-Conforming Wireless Support Structure or Wireless Facility.

   b) Collocation of Wireless Facilities on an existing non-conforming Wireless Support Structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the Administrative Approval process defined in Section 2-2., provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

   c) Substantial Modifications may be made to non-conforming Wireless Support Structures utilizing the Wireless Telecommunication Permit process defined in Section 2-3 of this Ordinance.

   Acknowledged.

ARTICLE 5
ENFORCEMENT AND REMEDIES

5-1 ENFORCEMENT OFFICER: The Chatham County Planning Director, or his/her designee, shall administer and enforce the provisions hereof Such plans and applications as are finally approved shall be incorporated into any permit.

Acknowledged.

5-2 VIOLATIONS. Any violation of this ordinance or the terms of any tower permit shall be subject to the enforcement remedies and penalties set forth in this ordinance and as by law provided. Each day's violation of any provision of this ordinance or the terms of any tower permit shall constitute a separate and distinct offense.

Acknowledged.

5-3 ENFORCEMENT PROCEDURE: Upon finding a violation of this ordinance, the enforcement officer shall notify the owner and service provider(s) of the nature of the violation and measures necessary to remedy the violation.

Acknowledged.

5-4 FAILURE TO COMPLY: Upon failure of the owners and/or service provider(s) to comply with a notice of corrective action, the owner and service provider(s) shall be subject to such remedies and penalties as may be provided herein.

Acknowledged.

5-5 REMEDIES: Any one or all of the following procedures may be used to enforce the provisions of this ordinance:

1. Injunction: Violations may be enjoined, restrained, abated or mandated by injunction.

2. Civil Penalties: Any person who violates this ordinance shall be subject to assessment of a civil penalty in the amount of $50.00 per day for the first violation. If the same violation occurs on the same property within six (6) years after the initial violation is remedied, a civil penalty in the amount of $100.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the second occurrence of the violation is remedied, a civil penalty in the amount of $200.00 per day shall automatically apply. If the same violation occurs on the same property within six (6) years after the third or any subsequent occurrence of the violation is remedied, a civil penalty in the amount of $500.00 per day shall automatically apply. For the purposes of assessing civil penalties each day such violation continues shall be considered a separate and distinct offense.

3. Stop Work: Whenever any tower is being constructed, erected, altered or repaired in violation of this ordinance or the terms of its permit, the work may be immediately stopped by the authorized code enforcement officials is as allowed by North Carolina General Statutes.

4. Revocation of Permit: A permit may be revoked for any substantial departure from the terms of the approved application including false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of any

applicable state, federal or local law may also be revoked.

5. Criminal Penalties: Any violation of this ordinance shall be a misdemeanor or infraction as provided in G.S. 14-4.

Acknowledged.

5-6 VARIANCES: An application for a variance from the strict terms of this ordinance shall be submitted in writing to the Board of Adjustment prior to the issuance of a permit in the same manner as applications for variances in zoning matters. A variance may be granted in the same manner and upon the same grounds as set forth in the Chatham County Zoning Ordinance.

Acknowledged.

5-7 JUDICIAL. REVIEW: Except as otherwise provided, appeals by persons aggrieved by a decision of the Board of Adjustment or the Board of Commissioners upon any application for a variance or permit shall be to a court of competent jurisdiction in the nature of a writ of certiorari. The procedure shall be the same as set forth for conditional use permit applications in the Chatham County Zoning Ordinance.

Acknowledged.

Chatham County Zoning Ordinance:

5.7. Procedure

Applications for new conditional zoning districts or expansion of existing Conditional Zoning Districts shall be processed, considered and voted upon using the following procedure. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.

A. Community Meeting

(1) The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide mailed notice of the meeting.

a. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement or public or private right of way.

b. Notice may be sent to additional properties by the applicant.

c. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.

The community meeting was held on April 1, 2014. Notice of the community meeting was mailed by first class mail on March 17, 2014 to abutting property owners and to properties directly across a street, easement, or public or private right of way. Information showing that this requirement has been met is located under Tab 10 of the Application Binder.

(2) A written report of the community meeting shall be included as part of the application packet.

a. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

A written report of the community meeting that includes a list of people who attended the meeting is located under Tab 10 of the Application Binder.

b. In the event the applicant has not held at least one meeting pursuant to this subsection, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of the meeting held or a report filed pursuant to this subsection shall be considered by the Board of Commissioners, but shall not be subject to judicial review.

Not Applicable.

(3) Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

Not applicable.

B. Chatham County Appearance Commission Review

The applicant is required to meet with the Chatham County Appearance Commission for review of landscaping and signage plans prior to submittal to the Planning Department. The Appearance Commission shall have forty-five (45) days from the date of submittal to forward a recommendation to the applicant and Planning Department. The submittal date shall be seven (7) days prior to the date of the Appearance Commission meeting.

Not Applicable.

C. Submittal to Planning Department

(1) A completed application and supporting information shall be submitted to the Planning Department at least forty-five (45) days prior to the Public Hearing. A digital copy of the application and all accompanying materials shall be submitted pursuant to the Planning Department Digital Document Submission Guidelines.

Acknowledged.

(2) The Planning Department shall, before scheduling the public hearing, ensure that the application contains all the required information as specified in Section 5.

Acknowledged.

(3) The Planning Department shall have fifteen (15) days from the date of submittal to notify the applicant that the application is complete for scheduling the public hearing.

a. If the Planning Department determines the information is not sufficient for review, the Department shall notify the applicant of the specific information that is required for review.
b. The Planning Department shall take no further action on the application until the applicant submits the required information.
c. Once the applicant corrects the identified deficiencies, the applicant shall resubmit to the Planning Department at least 45 days prior to the next Public Hearing meeting, and the Department shall have 15 days to review the information and notify the applicant that the information is sufficient for review.
d. A determination that an application contains sufficient information for review as provided in this subsection (b) does not limit the ability of other county agencies, the Planning Board or the Board of Commissioners to request additional information during the review process.

Acknowledged.

(4) The application is reviewed by the Technical Review Committee prior to the Public Hearing for comments and recommendations from other agencies.

Acknowledged.

D. Joint Public Hearing by Board of Commissioners and Planning Board

(1) The Board of Commissioners and Planning Board shall receive public comment on Conditional Zoning District applications in a public hearing at the County Commissioners' last regular meeting in January, February, March, April, May, June, August, September, October, and November.

Acknowledged.

(2) The lack of quorum of the Planning Board at such meetings shall not affect the proceedings nor require further hearings.

Acknowledged.

(3) Notice of the public hearing shall be given according to State law. At a minimum, the following notice shall be provided:

a. A notice of the public hearing shall be prominently posted on the site proposed for the Conditional Zoning District or on an adjacent public street or highway right-of-way. When multiple parcels are included in the proposed Conditional Zoning District, a posting on each individual parcel is not required, but sufficient notices shall be posted to provide reasonable notice to interested parties.
b. Mailed notice shall be sent to adjoining properties pursuant to State law.
c. Published notice of the hearing shall be given pursuant to State law.

Acknowledged.

(4) The Board of Commissioners may continue the Public Hearing in order to receive more public input or requested information from the applicant.

Acknowledged.

E. Planning Board and Board of Commissioners Action

Once the Public Hearing is closed by the Board of Commissioners, the Planning Board and Board of Commissioners shall review the application pursuant to the procedure outlined in Sections 19.6 — 19.11.

Acknowledged.

5.8 Effect of Approval

A. If an application for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.

Acknowledged.

B. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to Section 5.9.

Acknowledged.

C. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.

Acknowledged.

D. Any conditional zoning district shall have vested rights pursuant to Section 19.11.

Acknowledged.

5.9 Alterations to Approval

A. Except as provided in Section 5.9(B), changes to the approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the procedures in Section 5.7.

Acknowledged.

B. The Zoning Administrator shall have the delegated authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

Acknowledged.

C. The Zoning Administrator shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Board of Commissioners action is deemed appropriate under the circumstances. If the Zoning Administrator declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

Acknowledged.

SECTION 17 CONDITIONAL USE PERMITS

Permits for conditional uses as provided for in this Ordinance may be authorized by the Board of Commissioners in certain circumstances and subject to certain procedures as set forth herein. In some zoning districts certain listed uses are permitted only as conditional uses.

Acknowledged.

17.1. Procedure

Requests for conditional use permits as authorized by this Ordinance shall be processed and considered in the same format as set forth in this Ordinance for conditional zoning district requests, but shall follow quasi-judicial procedures. No vote greater than a majority vote shall be required to issue such permits for the Board of Commissioners. For the purposes of this section, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the board' for calculation of the requisite majority. In considering an application for a conditional use permit 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 of Commissioners should find, after

public hearing, the proposed conditional use permit should not be granted, such proposed permit shall be denied. Conditional use permits may include time limits for expiration if specified criteria are not met.

Acknowledged.

In granting a conditional use permit, the Board of Commissioners shall make the following affirmative findings:

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.

   A 300-foot telecommunications tower is permitted on the parcel of land owned by Harold and Rita Rogers, which is located in an unzoned area of the County, pursuant to a Conditional Use Permit.

2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.

   The requested conditional use permit and proposed tower is either essential or desirable for the public convenience and welfare of the residents of Chatham County, including the residents and people living, working and travelling around the proposed site. Thousands of facilities such as this one are located in the State of North Carolina (and tens of thousands nationwide), and none presents any threat or danger to public health or safety. Radio emissions from the facility will comply with all federal laws, including those established by the Federal Communications Commission (FCC), and the emissions will fall well below emission standards for this type of facility, as established by the American National Standards Institute (ANSI). (Please see the FCC compliance information provided under Tab 9 of the Application Binder.)

   Moreover, as previously mentioned, the convenience, safety and efficiency benefits – as well as the "connectedness" with the world -- achieved through digital phones (and especially the latest generation of "smart phones"), has created a tremendous demand for these and other burgeoning services. It is projected that, within the next few years, fully three-quarters of the American population will utilize a wireless device to communicate on a daily basis. It is clear that wireless infrastructure is needed to serve a growing population of wireless customers, especially since roughly one of five traditional U.S. landline phone uses has switched to "wireless-only". Today, 247 billion emails and 90 billion "tweets" are sent each day, and it is projected that video over instant messaging and video calling will have increased sevenfold from 2009 to 2014. Individuals and households are not the only ones who are going wireless. Businesses increasingly depend on wireless service to carry them through the day. For example, more than three times as many small businesses today strongly agree that wireless technology is key to staying competitive – 49 percent versus 16 percent in 2007.

In addition, the proposed communications service will increase public safety and welfare because residents and those traveling through the proposed coverage area will be able to place and receive calls during emergencies. Wireless communication is a public safety necessity, as communication is critical in times of crisis. Seventy-four percent of Americans who own mobile phones say that they have used their hand-held devices in an emergency and gained valuable help. Most importantly, in times of natural disasters, wireless communication consistently emerges as the essential -- and often only -- means for emergency communication. Chatham County residents will be able to access 911 emergency services in the event that severe weather downs traditional land-line communications services. Thus, the residents of Chatham County will directly benefit from the availability of wireless telecommunications services.

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.

   The proposed use will not impair the integrity or character of the surrounding or adjoining districts. The proposed tower is located in the wooded area of the parcel with existing mature trees and vegetation surrounding the site. Due to the wooded nature of the area, the base of the tower will not be visible from any location. Please see the Property Impact Analysis that concludes that the proposed tower will not impair the integrity or character of the surrounding or adjoining districts, located in Tab 18 of the Application Binder.

   The proposed tower will be in harmony with the character of the area in which it is to be located. The proposed tower will not create a nuisance or hazard to the community, as it is not a service facility that is open to the public, and it is an unmanned facility that should not create the need for emergency access. It will generate no more than two to four vehicle trips per month (for maintenance purposes). The tower will not generate odor or noise. Thus, the impact of this use on the surrounding area and the road network is consistent with and similar to rural uses in the area.

   Also, the proposed tower will not be detrimental to the health, safety or welfare of the community. Please see the response to Section 2 above for additional information that the proposed tower will further the health, safety and welfare of the community. As stated above, the facility will be constructed and maintained in accordance with all local, state and federal regulations.

4. The requested permit will be consistent with the objectives of the Land Use Plan.

   The requested permit will be consistent with the objectives of the Land Use Plan. The proposed tower will be consistent with the following governing policies of the Land Use Plan: (1) the tower will preserve both the form and function of the rural character of the area in which it is to be located, and (2) the tower will provide infrastructure that supports the land use, economic development and environmental objectives. The proposed tower will be located in a wooded area of a large (43.51-acre) tract of land so

that it will have the least visually intrusive effect reasonably possible. Since the 300-foot tower will meet the coverage needs in the area, the proposed tower will prevent the need for an additional tower in the area to provide the required coverage. Thus, the rural character of the area will be preserved by the construction of one tower – rather than two towers – in the area. Furthermore, as stated in Section II above, this wireless infrastructure is needed to serve the demand for wireless telecommunications services in this area of the County. Individuals, households, and businesses are increasingly relying upon wireless services to communicate on a daily basis, and the proposed wireless infrastructure is necessary to meet the demand for services.

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 utilities, access road, and soil and erosion control plan are provided in accordance with the County's plans, policies and regulations. Please see the Construction Drawings located under Tab 8 of the Application Binder.

In granting a conditional use permit, the Board of Commissioners may impose such additional restrictions and requirements upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the conditional use permit, otherwise the permit shall be denied. Any conditional use permit so authorized shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board of Commissioners, as provided for in this Ordinance. A member of the Board of Commissioners shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Acknowledged.

VI.
CONCLUSION

This proposed telecommunications facility will be an integral part of AT&T's and other wireless carriers' personal wireless telecommunications systems, bringing wireless digital services to the citizens of this area of Chatham County who have previously been unserved or for whom service has been spotty and inconsistent. At all times, American Tower and AT&T and their agents will cooperate with Chatham County in every way possible in the permitting, construction, and operation of this proposed facility.

Respectfully submitted on this 4th day of April, 2014.

Karen M. Kemerait
Counsel for American Towers LLC
and AT&T Mobility