



Established 1771

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A RESOLUTION APPROVING A CONDITIONAL USE PERMIT REQUEST

BY American Tower Corporation and AT&T Mobility

WHEREAS, American Tower Corporation and AT&T Mobility has applied to Chatham County for a conditional use permit on Parcel No. 10519, known as the Gum Springs Site, located off White Smith Rd., near Henderson Tanyard Rd., Hadley Township, for a 300' self-supported telecommunications tower on a lease area of approximately 0.45 acres of the 43.72 acre tract and a waiver request to exceed 199' in height pursuant to Section 2-4 of the Wireless Telecommunication Facilities Ordinance, and;

WHEREAS, the Chatham County Board of Commissioners having considered all of the evidence in the whole record and based upon the competent, substantial and material evidence in the record, including, without limitation, the Applicant's written materials, all of which are incorporated herein by reference, hereby finds as follows:

1. The use/s requested are among those listed as eligible uses in the district in which the subject property is located or is to be located. The proposed tower is located on a parcel within the unzoned portion of the county. However, telecommunication towers are regulated by the Wireless Telecommunications Facilities Ordinance, which requires a Wireless Telecommunication Permit approval processed in accordance with the standards for granting Conditional Use Permit set forth in the Chatham County Zoning Ordinance. Therefore the use requested is listed as an eligible conditional use in the district the subject property is located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare because, among other reasons, The applicant states the proposed tower will provide convenience, safety, efficiency, as well as connectedness for the community. Presently, there is little if any wireless service in the subject area and a publicly communicated need for additional wireless coverage.
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. This finding can be met due to the galvanized steel, gray color of the tower, the minimized lighting impact on the landscape and additional support for emergency communications needs for the community.

4. The requested permit is consistent with the objectives of the Land Development Plan. This request meets the recommendations of the Land Conservation and Development Plan Policy Objective #7: Preserve both the form and function of rural character- the landscape. The proposed tower is at such a height, that fewer of these towers will be required across the landscape, therefore preserving the rural character of Chatham County. This request is also consistent with Policy Objective #12: Provide infrastructure in ways that support the land use, economic development and environmental objectives: this proposed utility will support rural home-based businesses and encourage economic development.

5. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided through the proposal consistent with the County's plans, policies and regulations and confirmed through any additional conditions placed on its approval as seen below. The application materials indicate that adequate utilities, access roads, stormwater controls and other necessary infrastructure will be provided to support the proposed use. Further, the Technical Review Committee reviewed the plans and the applicant has addressed concerns raised from that review. Other features such as recreation and open space are not required for this use.

NOW, THEREFORE, BE IT RESOLVED BY THE CHATHAM COUNTY BOARD OF COMMISSIONERS, as follows:

That a Conditional Use Permit be, and it hereby is, approved for the reasons hereinabove stated subject to the additional stipulations and conditions set forth hereinafter; and

BE IT RESOLVED FURTHER, that the Chatham County Board of Commissioners hereby approves the application for the conditional use permit in accordance with the plan submitted by the Applicant and as shown in "Attachment A", American Tower Corporation and AT&T Mobility, and incorporated herein by reference with specific conditions as listed below;

Site Specific Conditions

1. The tower shall be gray in color, constructed of galvanized steel.
2. Approval from NCDOT on the relocated commercial driveway must be obtained and a copy presented to the Planning Department before the issuance of the first building permit for the new structures.
3. At least one wireless tenant that intends to locate on the proposed tower must be identified at the time of building application. If a wireless tenant is not identified, then the building permit shall not be issued.
4. If requested by the County, American Towers, LLC will provide a co-location site to the County for the placement of antennas in support of the County's emergency communication needs at no charge to the County, so long as the co-location by the County does not interfere with the other carriers located on the tower.

Standard Site Conditions

1. 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.

2. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.
3. A building permit must be obtained and remain valid at all times within 2 years from the date of this approval or this permit shall become null and void.

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

BE IT FURTHER RESOLVED, that the Board of Commissioners of the County of Chatham hereby approves the application for a conditional use permit and the waiver request to exceed 199' in height in accordance with the plans and conditions listed above.

Adopted this, the 18th day of August, 2014

By: Brian Bock
~~Walter Petty, Chair~~ *Brian Bock, Vice Chair*
Chatham County Board of Commissioners

ATTEST:

Lindsay K. Ray
Lindsay K. Ray, Clerk to the Board
Chatham County Board of Commissioners



ATTACHMENT "A"

Being a portion of Parcel number 10519, located off of White Smith Rd., near Henderson Tanyard Rd. (Approximately 0.45 acres out of the 43.72 acre tract)

