



## Rowan County Planning and Development Department

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### MEMORANDUM

TO: Rowan County Board of Commissioners  
FROM: Shane Stewart  
DATE: December 21, 2021  
RE: **SUP 01-18 Amendment**

#### **SUGGESTED BOARD OF COMMISSIONERS ACTION**

☐ Sworn oath for those testifying ☐ Receive staff report ☐ Petitioner comments ☐ Testimony from others ☐ Close hearing and discuss ☐ Three separate motions to adopt findings of fact ☐ Motion to Approve / Deny / Table **SUP 01-18 Amendment**

#### **REQUEST**

On behalf of Cellco Partnership d/b/a Verizon Wireless, Baker, Donelson, etal. PC is requesting a special use permit to accommodate a 165 foot wireless support structure (a.k.a cell tower) on a 24 acre tract identified as Rowan County Tax Parcel 422-179 located at 280 Rimer Road Salisbury. Verizon Wireless has an identified need to improve coverage and capacity within the Mt. Hope Church Road area southwest of the Town of Faith they determined could be accomplished by the construction of a new tower at the requested location. An identical request was approved by the Board of Commissioners on March 19, 2018 but expired due to the lack of a zoning permit being issued within two (2) years of approval (see enclosed certificate of approval).

#### **TELECOMMUNICATION REGULATIONS**

Federal and state laws recognize the development of wireless service infrastructure as necessary in maintaining the public health and safety through communication services for the general public, government agencies, and first responders. As a result, clear regulatory boundaries are established for local governments to regulate wireless service providers, which ensure a better understanding of expectations and timeline for obtaining approvals for the wireless service industry. North Carolina General Statute (NCGS) sections 160D-930 through 938

indicates local regulations may consider public safety, land use, aesthetics, land use based location priorities, design, dimensional standards, and consideration of existing facilities within the applicant's search ring. Alternately, local governments are prohibited from requiring information concerning the applicant's service area, customer demand, quality of service, or other information deemed proprietary.

<b>SPECIAL USE REQUIREMENTS</b>
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Section 21-60 (4) of the Zoning Ordinance indicates new wireless support structures are subject to the below standards identified in **bold text** followed by staff comments with references to the applicant's information binder. Note, most of the binder information remains unchanged from the 2018 application.

1. **New Wireless Support Structures. Applicants are encouraged to first investigate co-location opportunities on existing wireless support structures followed by consideration of preferred sites that minimize the impact on the North Carolina Scenic Byway corridor within the search ring.** Site acquisition consultant John Yeagley with Chase Real Estate Services certified that no towers or alternative buildings / structures were identified within the search area [see PDF pages 70 & 71 of the attached binder]. Using GIS, staff, to the best of their ability, likewise did not identify any "preferred sites" within the search ring.
2. **Completed Application to Include the Following:**
  - a. **Site plan containing information from section 21-52 and 21-60 (4) A 3 i – v.** All required information from these sections is noted on the site plan [see PDF pages 25-61 in binder].
  - b. **Photo simulations of tower.** Michael Gould, owner of Gould Digital Imaging, performed a "balloon test" in 2017 to simulate the limits of the proposed 165 foot tower and captured photographs from six (6) locations in the vicinity. Verizon Wireless mirrored the balloon test images with photo simulations from the same locations to also project the appearance of the proposed tower. Based on current tree coverage within the general vicinity, the tower would be well visible along portions of Rimer / Parks Rd. and, to a lesser degree, Mt. Hope Church Rd. south of the intersection of Pop Stirewalt Rd. and south of the intersection of Parks Rd. [see PDF pages 121-132 in binder].
  - c. **Tower capable of accommodating five (5) users and co-location policy.** The applicant acknowledges the proposed monopole tower must be designed to accommodate a total of five (5) potential carriers referenced on PDF page 72 in binder].
3. **Tower heights and types.** The proposed 165 foot monopole tower with a four (4) foot lightning rod is well under the Rural Agricultural (**RA**) district allowable height limit of 199 feet [see PDF page 49 in binder].
4. **Provisions for tower safety.** David Hill, Professional Engineer with Saber

Industries, indicates his office is prepared to certify a specific tower design that, if failure occurred, the tower would fall within fifty (50) feet of the tower base (also within the lease area) [see PDF pages 142 and 33].

5. **Retention of consultant.** Through an applicant reimbursement process, Rowan County utilizes the services of City Space Consultants to review telecommunication tower requests. City Space indicated neither of the two (2) nearest towers located outside the applicant's search would, in their opinion, meet Verizon's needs. Their findings concur with the applicant's justification for the tower location and height [see attachment "Consultant Review"].
6. **Obstruction lighting and marking.** The proposed monopole design will contain a galvanized finish as required by the Zoning Ordinance and will not require lighting or special marking by the Federal Aviation Administration (FAA). The proposed tower is not located within the Airport Zone Overlay (AZO) for the Mid Carolina Regional Airport.
7. **FCC license.** Verizon Wireless is licensed by the Federal Communications Commission (FCC) to provide wireless communication services.

#### EVALUATION CRITERIA

As provided in Section 21-59, the applicant provided their responses to the evaluation criteria with staff comments indicated below [see PDF pages 15-18 of

the attached binder].

1. **Adequate transportation access to the site exists.** This parcel has 30 feet of frontage on Rimer / Parks Road (SR#s 2600 and 2558 respectively) and an existing driveway that serves a storage building. After construction, the facility would only receive routine maintenance trips, which would add a nominal number of trips to Rimer Road.
2. **The use will not significantly detract from the character of the surrounding area.** According to GIS data, 66 towers are located within Rowan County many of which blend reasonably well within their surroundings. Much like electrical transmission lines and water towers, these towers play an important role in maintaining public health and safety but contain visual impacts that are difficult if not impossible to address but nonetheless have become fixtures in the built environment. Monopole towers less than 199 feet in height are permitted in 98% of the county's zoning jurisdiction subject to a special use permit, a process that assumes the use is generally compatible with surrounding properties.
3. **Hazardous safety conditions will not result.** In the unlikely event of tower failure, the structure would be certified by a North Carolina Professional Engineer to fall within the lease area. This would be a condition of approval.

4. **The use will not generate significant noise, odor, glare, or dust.** Wireless towers do not create significant levels of noise, odor, glare (non-lighted tower), or dust (gravel driveway).
5. **Excessive traffic or parking problems will not result.** Telecommunication towers are unmanned land uses that do not generate much traffic outside of periodic maintenance estimated at one (1) trip per month according to the applicant.
6. **The use will not create significant visual impacts for adjoining properties or passersby.** Wireless support structures are similar to solar energy systems in that visibility is the primary impact associated with the use. This monopole tower will not have lighting or special markings, be located approximately 1,450 feet off Rimer Rd., 760 feet from the nearest residence, and surrounded by a large wooded (at present time) area on all sides. As evidenced from the balloon test and photo simulations, the proposed tower would be visible along portions of Rimer / Parks Roads and two (2) small sections of Mt. Hope Church Rd. Since trees may be timbered at any point, caution should be used in any reference to findings regarding current vs. future site condition.

#### **PROCEDURES**

The BoC must adopt facts supporting the below findings of fact based on the above six (6) criteria:

1. The development of the property in accordance with the proposed conditions will not materially endanger the public health or safety;
2. That the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity; and
3. That the location and character of the development in accordance with the proposed conditions will be in general harmony with the area in which it is located and in general conformity with any adopted county plans.

**See enclosed Certificate of Approval from the previous request, which contains findings of fact that may be used.**

#### **STAFF COMMENTS**

Based on the information received and consultant review, this request, subject to the below conditions of approval, meets the standards for approval. If approved, staff offers the following conditions for consideration:

1. Subject to compliance with all plans and supporting document packages received from Baker, Donelson et al. PC updated on December 15, 2021;

2. Subject to compliance with applicable FAA, FCC, State Historic Preservation Office (SHPO), and NCDOT standards;
3. Prior to permitting, applicant shall provide certification by a North Carolina Professional Engineer the proposed tower would fall within the lease area, comply with ANSI / TIA-222G, and be designed to accommodate a total of five (5) carriers;
4. All current and future feed cables lines shall be installed within the support structure all access ports sealed to prevent wildlife intrusion; and
5. If an emergency power backup generator is to be used, the noise level shall not exceed 65 decibels at the nearest property edge. Testing shall be limited to the hours between 9:00 AM and 4:00 PM (Monday through Friday).

### **CELLCO BINDER DETAILS**

<u>Topic</u>	<u>Pages</u>
• Statement of Compliance with Ordinance Details	4-18
• Evaluation Criteria	15-18
• Network Objective	22 & 23
• Search Area	24
• Site Plan	25-16
• Statement Regarding Search Area	70-71
• Compliance with Future Co-locations	72
• Aerospace Study	73-75
• Real Estate Impact Study	81-119
• Balloon Test / Photo Simulations	121-132
• NEPA Review	133-141