



HAYWOOD COUNTY  
BOARD OF COMMISSIONERS

AGENDA REQUEST

***Must be presented to the County Manager's Office  
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING***

DATE OF REQUEST: 8-6-15

FROM: Kris Boyd

MEETING DATE REQUESTED: 8-17-15

*Regular meetings: First (1<sup>st</sup>) Monday of the month at 9:00 am  
Third (3<sup>rd</sup>) Monday of the month at 5:30 pm*

SUBJECT: Consideration of issuance of special-use permit for new telecommunications tower on Sleepy Hollow lane near Lake Junaluska

REQUEST: Request vote on application for special-use permit for new telecommunications tower on Sleepy Hollow Lane near Lake Junaluska

*(What action are you seeking?)*

BACKGROUND: An application, including variance, was submitted for a special-use permit to install a 132 foot monopine telecommunications tower on Sleepy Hollow Lane near Lake Junaluska. A public hearing was held on July 20<sup>th</sup> as required.

IMPLEMENTATION PLAN: Recommend approval of the application and variance stipulating an Erosion Control Plan and Land Disturbing permit be obtained from Haywood County prior to receiving a building permit or beginning construction.

FINANCIAL IMPACT STATEMENT:

*(What is the cost? Where is the money coming from? Optional or mandated?)*

SUPPORTING ATTACHMENTS: YES XX NO \_\_\_\_\_ HOW MANY? \_\_\_\_\_

LIST: \_\_\_\_\_  
\_\_\_\_\_

***If yes, one ORIGINAL ATTACHMENT, and 14 copies, copied front and back side of pages, stapled and three-hole punched must accompany the agenda request***

PowerPoint Presentation: YES \_\_\_\_\_ NO XX \_\_\_\_\_

PERSON MAKING PRESENTATION AT MEETING: Kris Boyd

TITLE: Planning Director

BOARD OF COMMISSIONERS

MARK S. SWANGER, CHAIRMAN  
J. W. "KIRK" KIRKPATRICK, III, VICE CHAIRMAN  
L. KEVIN ENSLEY  
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MICHAEL T. SORRELLS



COUNTY MANAGER  
IRA DOVE

COUNTY ATTORNEY  
LEON M. KILLIAN, III

## RESOLUTION

### Resolution for Wireless Telecommunication Special Use Permit

**WHEREAS**, pursuant to the Haywood County Code of Ordinances, Chapter 115: Wireless Telecommunication Facilities, (the "Ordinance"), on October 3, 2014, Cellco Partnership d/b/a Verizon Wireless (the "Applicant") filed an application, and on May 14, 2015 filed an amended application with the Haywood County Planning Department seeking a special use permit to construct a One Hundred Thirty-two (132') foot stealth monopine telecommunications tower located on that real property at 660 Sleepy Hollow Drive, Waynesville, North Carolina 28745 (the "Lake Junaluska Site"); and

**WHEREAS**, in conjunction with the application for special use permit, pursuant to the Ordinance, Verizon Wireless also requested a variance in regard to the setback of the proposed telecommunications tower from the property line to the North in the amount of sixteen feet, five inches (16'5"), and Verizon Wireless; and

**WHEREAS**, the amended application for the special use permit, and the narrative and twenty-four (24) exhibits attached thereto, and the application for a variance, and the eight (8) exhibits attached thereto, are collectively referred to herein as the "Application"; and

**WHEREAS**, the collective Application submitted into the record by Verizon Wireless, and the copy of the Verizon Wireless PowerPoint presentation submitted into the record, are incorporated herein by reference and made a part hereof.

**WHEREAS**, after due notice required by the Ordinance, a public hearing was held by the Haywood County Board of Commissioners on Monday, July 20, 2015, at which time the public was given an opportunity to be heard. The matter and Application were presented by Kris Boyd, Director of the Haywood County Planning Office; Laura Askins, legal counsel to Verizon Wireless, testified on behalf of Verizon Wireless and the Application; Sam Styles spoke with concerns about installation of storm water control measures as he lives down slope from the proposed location.

**WHEREAS**, Kris Boyd, Director of the Haywood County Planning Office and code enforcement officer for Haywood County, testified that the Application met the standards set forth in the Ordinance;

**WHEREAS**, at its scheduled meeting on August 17, 2015, the Haywood County Board of Commissioners voted to approve the Application, subject to the approval of this final Resolution.

**NOW THEREFORE**, after considering the evidence offered at the public hearing, upon motion duly made and seconded, it is resolved as follows:

1. The Haywood County Board of Commissioners (the "Board") makes the following findings under Section 115 of the Ordinance:
  - a. All public notice requirements of the Ordinance have been satisfied:
  - b. Cello Partnership d/b/a/ Verizon Wireless, has satisfied the requirements of the Ordinance in regard to that special use permit, and has carried its burden of proof to the satisfaction of the Board:
  - c. Cello Partnership d/b/a/ Verizon Wireless, has satisfied the requirements of the Ordinance in regard to the request for a variance, and has carried its burden of proof to the satisfaction of the Board, in one or more of the following particulars:
    - (i) Unique technical reasons not shared by other providers of functionally equivalent services prohibit its ability to provide personal wireless services and that no combination of locations, techniques or technologies generally known in the industry, can resolve its technological deficiency at a reasonable cost. Verizon Wireless' main objective in connection with the Lake Junaluska Site is to improve coverage to the North of Highway 19, South of Interstate 40 and East of Highway 276. That area is presently covered by Verizon Wireless' Ivy Hills and West Canton Sites. The coverage provided by the Ivy Hills Site is limited due to a significant change in elevation to the North of Highway 19. The West Canton Site is currently operating at full capacity. The Lake Junaluska Site will allow Verizon Wireless to resolve both of these technical coverage limitations at the Ivy Hills Site, thereby allowing Verizon Wireless and other wireless carriers to provide adequate coverage to the communities surrounding Lake Junaluska. The Lake Junaluska Site will address the capacity issues at the West Canton Site by serving as an "offload site" – meaning it will free up capacity at the West Canton Site. Therefore, in addition to increasing coverage between Highway 19 and Interstate 40, the Lake Junaluska Site will allow the West Canton Site to provide a better quality of coverage in all directions.
    - (ii) The proposed variance would result in further mitigation of adverse visual and other environmental impacts than would otherwise be possible due to the requirement that an additional tower otherwise be constructed. The Lake Junaluska Site is a suitable parcel of property for the construction of a telecommunications tower. There is an existing elevated water tank at the proposed location and, therefore, a telecommunications tower will be in harmony with the existing use of the property. Moreover, the Lake Junaluska Site has been leveled and graded for the water tank and there is an existing access road between the proposed location and Sleepy Hollow Drive. Due to these existing improvements, the installation of the telecommunications tower will require minimal, if any, disturbance of the existing trees and protected mountain ridge.
2. That the Application of Cellco Partnership d/b/a/ Verizon Wireless, satisfies the requirements of the Ordinance, and that Cellco Partnership d/b/a Verizon Wireless shall therefore be granted a special use permit under Section 115 of the Ordinance to construct a new additional Hundred Thirty-two (132') stealth monopine telecommunications tower located on that real property at 660 Sleepy Hollow Drive, Waynesville, North Carolina 28745, as more specifically addressed and requested in the Application.

3. That the Application of Cellco Partnership d/b/a Verizon Wireless, satisfies the requirements of the Ordinance, and that Verizon Wireless shall therefore be granted a variance which will permit the setback of the proposed telecommunications tower from the property line to the North to be reduced to sixteen feet, five inches (16'5"), as more specifically addressed and requested in the Application.

This 17<sup>th</sup> day of August, 2015

Haywood County Board of Commissioners

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Mark Swanger, Chairman