

**MINUTES OF THE REGULARLY SCHEDULED MEETING OF:
THE ROCKINGHAM COUNTY PLANNING BOARD**



**BOARD OF COMMISSIONERS CHAMBERS
ROCKINGHAM COUNTY GOVERNMENTAL CENTER
WENTWORTH, NC
APRIL 8, 2024 AT 6:30 PM**

MEMBERS PRESENT: Paul Ksieniewicz, Chairperson
Julie Talbert, Vice-Chairperson
Keith Duncan
Jeff Kallam
Bernie Parnell
Quint Haley
Daniel Woods
John Roberts (Alternate)

MEMBERS ABSENT: Cory Scott

STAFF PRESENT: Hiram Marziano, Community Development Director
Lynn Cochran, Senior Planner
Victoria Pedigo, Planner
Bricen Wall, Code Enforcement Officer

I. CALL TO ORDER

Chairperson Ksieniewicz called to order the regularly scheduled meeting of the Rockingham County Planning Board at 6:30 pm.

II. INVOCATION

Mr. Kallam conducted the invocation.

III. ADOPTION OF THE AGENDA

Chairperson Ksieniewicz confirmed a quorum for conducting business. Mrs. Talbert motioned to adopt the agenda as written. Mr. Parnell seconded. The board voted unanimously to adopt the motion (7-0).

IV. APPROVAL OF MINUTES

March 11, 2024 – Mr. Duncan motioned to adopt the minutes as written, and Mrs. Talbert seconded. The board voted unanimously to adopt. (7-0)

V. REVIEW OF PROCEDURES FOR EVIDENTIARY HEARINGS

The Board of Adjustment was convened. Mr. Ksieniewicz reviewed the procedures for quasi-judicial evidentiary hearings. No board member indicated any conflict of interest or site visit to disclose.

VI. MATTERS BEFORE THE PLANNING BOARD

- a. Special Use Permit 2024-08: Duke Energy Carolinas has requested a special use permit to establish a new Wireless Telecommunications Tower on the parcel denoted by Rockingham County Tax PIN 7954-00-40-9463, located on Ernest Drive in the New Bethel Township.

Mr. Cochran presented the staff report, map information, site plan and application information to the board, reviewing the details of what the special use permit standards require and confirming that staff had found the application to be complete. He also noted that the applicant had requested an adjusted fall zone/setback requirement of 165 feet based on the engineering plans for the tower. Mrs. Talbert inquired about the details of this specific type of engineering. Mr. Cochran explained offered more details and deferred to the applicant to provide additional information. Mrs. Talbert asked if this is the first tower of this type that the board has considered. Mr. Cochran that it is the first, at least within the last eight to ten years. Mr. Scott inquired about the distance the tower will be located off of NC Highway 65. Mr. Cochran noted that it is approximately 500 feet.

Mr. Remington Jackson, legal counsel for the applicant addressed the Board. He presented information regarding the special use permit application, including a description of the property and tower. He also reviewed the needs justification and narrative He reviewed more information about the engineering design of the tower, including the fall zone and pointed out details of the site plan. Mr. Duncan inquired about the potential for shared use of the tower, asking if it will be only for Duke Energy purposes.

Mr. Patrick Berner, representative of Duke Energy Carolinas, took the podium to address the Board. He explained that county services, emergency services and other types of services will be allowed space on the tower. He offered additional details about the tower design. Mr. Ksieniewicz asked if other commercial carriers would be afforded space on the tower. Mr. Berner stated that yes, some degree of space will be available to commercial carriers. Mr. Cochran added that one requirement of the special use permit is that any new telecommunications tower must offer some degree of colocation capacity. Mr. Kallam asked for additional details regarding how the engineered fall specifications work in extreme environmental circumstances.

Mr. Berner explained that this is a tripod tower, self-supporting lattice. He gave the example of an extreme wind event. Should the tower structure begin to fail, it is engineered at 50% of the height of the tower to buckle onto itself. In an extreme event, this would cause the tower to break at this height and if the tower itself were to fail, the length of fall would equal 150 feet, given that the total height of the tower is 300 feet. He referred the board to the depiction of the tower included in the agenda item packet. Mrs. Talbert inquired about the lighting would be specific to the tower and Mr. Berner explained what types of lighting are required by FCC standards. Mr. Haley inquired about other towers in the vicinity and how far the tower will be located from any protected structure. Mr. Cochran pointed out information in the agenda packet that indicates two other towers located within four miles of this site and confirmed that the closest protected structure is located at least 1,000 from the tower site.

Mr. Tom Covington was present as an additional representative of Duke Energy Carolinas. The Board had no questions for him.

Mr. Ksieniewicz closed the public comment period and opened the floor for board discussion, motions and voting. Mr. Duncan motioned to “APPROVE this Special Use Permit based upon the Reasonableness Determinations that are included herein, including any additional conditions that may have been discussed and agreed upon, incorporated into this motion, to be included in the minutes and the board order.” Mrs. Talbert seconded. The board voted unanimously to approve this special use request (7-0).

The Board has reviewed **Case 2024-08**, a request for a **Special Use Permit allowing a New Wireless Telecommunications Tower** and as required by NCGS § 160D makes the following findings:

There is competent, material and substantial evidence in the record to support these conclusions and the Planning Board must find that all of the below exist to approve the permit.

1. The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. The use or development complies with all required regulations and standards of Rockingham County Unified Development Ordinance and with all other applicable regulations;
3. The use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property or that the use or development is a public necessity; and
4. The use or development conforms with the general plans for land use and the development goals of Rockingham County as embodied in Comprehensive Land Use Plan.

- b. Zoning Text Amendment 2024-10: a proposed amendment to the Rockingham County Unified Development Ordinance (UDO) that will establish an Advisory Committee (UAC), composed of members appointed by the Board of Commissioners, which will review text amendments to the UDO prior to consideration by the Planning Board and Board of Commissioners.

Mr. Cochran presented a text amendment to establish a UDO Advisory Committee (UAC), including staff recommendation to amend the text. He stated that the established UAC would cover text amendments only and not review map amendments. He added that this amendment was requested by the Board of Commissioners.

Mr. Duncan asked about representation from the various townships.

Mr. Ksieniewicz discussed the difficulty of finding people to serve on boards.

Mrs. Talbert motioned to “recommend approval of this this text amendment based upon the consistency determination statements that are included in the Board agenda packet, submitted during the presentation and as may be amended, incorporated into the motion, to be included in the minutes.” Mr. Kallam seconded. The board voted unanimously to recommend approval for this text amendment (7-0).

The Board has reviewed **Case 2024-10**, a proposed text amendment to establish a Unified Development Ordinance (UDO) text amendment review committee, designated as “the URC,” which will review and provide comment on proposed zoning text amendments prior to meetings of the Planning Board and Board of Commissioners. As required by NCGS § 160D the Board makes the following findings:

1. The proposed action is found to be consistent with the goals and policies of the adopted *Rockingham County Comprehensive Land Use Plan*.

VII. OTHER BUSINESS

- a. New Business: N/A
- b. Old Business: N/A

VIII. ADJOURN

As there was no additional business or discussion, Mrs. Talbert motioned to adjourn the meeting. Mr. Haley seconded. The board voted unanimously to adjourn at 7:10 pm (7-0).

Minutes Read and Approved,

Paul J. King 05/13/2024
Chairperson Date

Respectfully Submitted,

Alynn Adm 5/13/24
Planning Staff Date