

**MINUTES****STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON****BOARD OF COMMISSIONERS  
February 16, 1998**

The Henderson County Board of Commissioners met for a special called meeting at 5:30 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bob Eklund, Vice-Chair Grady Hawkins, Commissioner Vollie G. Good, Commissioner Renee Kumor, Commissioner Don Ward, County Manager David E. Nicholson, Assistant County Manager/Staff Attorney Angela M. Skerrett and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Matt Matteson, Public Information Officer Chris Coulson, County Assessor Robert Baird, Planner Stuart Rohrbaugh, Assistant Staff Attorney Jennifer O. Jackson, Fire Marshal/Emergency Coordinator Rocky Hyder, Assistant County Appraiser Mark Edney and Property Addressing Technician Lee King.

**CALL TO ORDER/WELCOME**

Chairman Eklund called the meeting to order and welcomed all in attendance. He stated that the purpose of the meeting today was two-fold. The first item for discussion is "Switch For Life" property addressing and the second item is a work session on Telecommunications Towers.

**"SWITCH FOR LIFE" Property Addressing**

Robert Baird reminded the Board that they had received a document at their last meeting entitled "Where In The World Are You?". He asked if anyone had questions on that document. There were none.

Mr. Baird explained that his department had been working in sync with the postal system and Southern Bell because of the planned new zip code and new area code. The reason they had been doing this was to eliminate the citizens from having to change checks and other things more than one time.

Mr. Baird discussed voluntary change vs. involuntary change.

Why are addresses changing:

- ▶ In order to help emergency personnel to locate people quickly

Under the new distance address based system adopted by the County Commissioners on April 17, 1996, all structures in the county will have a street address not subject to change.

Mr. Baird gave an example on Pace Road where they have experienced six address changes in the last ten years. This new distance based address system will stop that

**APPROVED**

5.20.98



February 16, 1998

Page 2

change. Assigning property addresses used to be the responsibility of the post office but it is now the responsibility of the county.

Mr. Baird then showed a video entitled "Switch for Life". This video is anticipated as a public education tool for public hearings, public meetings, civic centers, library presentations and on Mediacom Channel #10 for at least a 3-6 month period beginning next week.

Robert Baird has been working with the municipalities. Some of the municipalities have confirmed they will use the new system. The others have not stated yet as they still have unanswered questions. Mr. Baird stated that 40 of the 100 counties in the State have implemented or are implementing the distance based addressing system. Eighteen of the 28 western North Carolina counties have begun using distance based addressing. Because of our topography, distance based addressing works best.

Mr. Baird stated that staff had done some things to help address the issue of costs associated with an address change:

- ▶ His staff has prepared a packet which includes drivers license change forms, eight change of address forms (preprinted), the official letter of the change, etc. for each citizen.

It was the consensus of the Board that citizen education on this issue is vital to its success.

The implementation window is March 22 through October 22, 1998:

- Begin mailing of letters
- Receive the return letters
- Hold public hearing on the 2,000 roads excluding the controversial roads
- Begin address maintenance
- Begin mailing packets between 1st of April and mid April
- Receive certification cards by April 24
- Begin to maintain the database
- Begin testing a new information call center by mid May
- Continue to mail and receive address related correspondence
- Mail new zip code information after or on July 1
- Begin the address requirements for permits on July 1
- Mail reminder notices to post new address by Aug. 1
- Change to the new system between Oct. 1 and Oct. 31.

David Nicholson informed the Board that the next thing they will have to do is hold a public hearing for the road names.

Chairman Eklund called a five minute break. The Board returned at approx. 6:30 p.m.

APPROVED

February 16, 1998

Page 3

**TELECOMMUNICATIONS TOWERS**

Chairman Eklund stated that the purpose of this work session was to review the proposed ordinances to regulate telecommunication towers in Henderson County. Two public hearings on this issue have been held. The first public hearing was held on January 8, 1998 and addressed the proposed county-wide ordinance. The second public hearing was held on February 2, 1998 and addressed the proposed zoning amendments. Two separate ordinances must be considered since only a portion of the county is zoned.

Chairman Eklund reviewed the goals for this meeting:

1. Make sure that we understand the drafts as presented and the comments received which pertain to each.
2. Review the Board consensus on how we wish towers to be regulated in both the zoned and unzoned areas.
3. Provide staff with enough clear direction to bring back a final draft incorporating the consensus which is reached on each issue at this work session. The Board will receive the final draft on Wednesday, February 18, 1998.

The Board will have until March 2, 1998 to review the final draft. He asked that the Commissioners present any final wording changes they may have on March 2 rather than take up valuable time needed to discuss issues at this meeting. He reminded the Board that the moratorium expires at midnight on March 4, 1998; therefore, it is imperative that the Board take action at the March 2 meeting.

Jennifer Jackson reviewed with the Board the contents of their Communication Towers notebooks which were divided into three sections:

"General Information"  
"County-wide Ordinance"  
"Zoning Amendments"

**General Information** included a zoning map, a chart on the differences between the County-wide Ordinance and the Zoning Amendments as proposed, and a summary chart which would aid the Board and Staff in determining how each tower is treated in each geographic area of the County.

**County-wide Ordinance & Zoning Amendments** each contain a summary of the respective regulations, the proposed regulation, the power point presentations for each of the respective public hearings, the comments received and the minutes of the public hearings.

**SCENARIOS**

Matt Matteson and Karen Collins then took the Board through an exercise (six different scenarios) to illustrate how different types of towers will be treated in both zoned and

unzoned areas if the drafts, as proposed, were adopted without change. These scenarios created much Board and Staff discussion.

David Nicholson asked for discussion of issues raised by the proposed regulations:

- **AMATEUR RADIO TOWERS/ANTENNAS**

Should they be totally exempt? Jennifer Jackson led the discussion on this item. It was the consensus of the Board to have no regulations on amateur radio towers up to 80 feet but above that they would be treated the same as other towers of the same height in both zoned and unzoned areas. The Board also felt the need to require notification of surrounding property owners, at least as far away as the height of the tower.

- **DISTANCE BETWEEN TOWERS/SEPARATION BETWEEN TOWER AND A RESIDENTIAL BUILDING**

Matt Matteson led this discussion. Presently distance between towers is not an issue unless the tower is 150 feet or above. A differentiation is made between types of towers. Presently regulations are that towers cannot be closer than one mile apart except in the case of a monopole tower when the distance between can be cut in half. The Board agreed with these regulations.

Karen Collins explained the difference in the two ordinances regarding separation. The Zoning Ordinance treats non-residential and residential differently. The separation from existing towers gives a break to monopoles. In the unzoned areas it's 75% of the tower height to separate a tower from an occupied structure be it a residence or a non-residence. In the zoned areas it's 75% of the tower height if its a non-residence and it goes up to 100% of the tower height if its a residential structure. In regards to geyed and lattice towers the percentage increases to 100% of the tower height in the unzoned areas, residential and non-residential and 150% of the tower height if its a residential structure. The Board wished to bring the residential in line with the unzoned.

- **LEVEL OF REVIEW**

Angela Skerrett discussed the level of review in relation to tower height with regard to the zoned and unzoned areas. She stated that there are different thresholds in the unzoned and zoned areas which trigger the higher levels of review.

In the unzoned areas there are three basic levels of review.

The most generous or most restrictive to the tower owner would be level I.

Level I towers are less than 50 feet, co-location, and placement on alternative structures and replacement towers.

Requirements: Appear before the Zoning Administrator, fill out an application for and pay an application fee, present a sketch showing the location, present an engineering certification to say that your tower is structurally sound. Some easements may be needed. No notice is required. If requirements are met, permit is granted.

Level II towers are any towers 50 - 299 feet.

Requirements: Appear before the Zoning Administrator, submit application form, permit fee, tower profile with dimensions engineering certification, site plan, statement regarding accommodation of additional user, statement regarding co-location, evidence of mailed notices (to adjacent property owners within radius of height of tower), evidence of lack of alternative sites, and easements if needed. Ordinance Administrator will review, if requirements met, then permit will be granted.

In the zoned areas at least 10 days in advance and no more than 30 days in advance adjacent property owners have to be notified. No advance notice is required in the unzoned areas, just notice. The Board felt that it should be advance notice for zoned and unzoned.

Level III towers are towers over 300 feet.

Requirements are the same as for Level II plus must submit list of adjacent property owners. Board of Commissioners review after a quasi-judicial public hearing. If requirements are met, permit is granted.

The three thresholds in the **unzoned areas** are under 50 feet, 50-299 feet, and over 300 feet.

In the **zoned areas** they are less than 50 feet, 50-150 feet, 150-250 feet, above 250 feet.

The lowest level of review is for the following: less than 50 feet tall towers, co-location, antennas located on alternative structures, replacement towers. This is anywhere in any zoned area. Also anything less than 250 feet in an industrial zone would receive the lowest level of review. No notice is required to your industrial neighbor either. Review by the Zoning Administrator.

The next level of review in zoned areas is for towers that are permitted uses in C-2, RM-1, RM-2, RC, RT, and O & I or transition zones. Any tower less than 250 feet in the transitional zones has a little higher level of review. The requirements are the same as the Level II permits with Zoning Administrator to review in-house.

The highest levels of review are V and VI and would include those towers higher than 250 feet in an industrial or highway commercial zone, anything that is higher than 50 feet and less than 150 feet in residential zones. Between 50 and 150 feet in a residential zone would require a special use permit. Anything higher than 250 feet in the industrial zone requires a special use permit.

The big question put to the Board was do you want more shorter towers or less taller towers.

- **REVIEW BOARD**

Jennifer Jackson informed the Board that the Planning Board suggested the Board of Commissioners might want to free up their time and not hear all of these appeals for various towers. If the Board is interested in delegating that authority to a Board, Staff suggested that the Zoning Board of Adjustment might be the proper Board to hear the appeals.

- NOTICE OF INTENT

Angela Skerrett asked the Commissioners how far away from the proposed tower do you think people should receive notice. In the unzoned areas currently for the Level II and Level III permit property owners within the tower height radius and adjacent property owners must be notified. The Board agreed with The Planning Board comment and Staff that they would like to see notice go out to people for twice the tower height in unzoned areas.

In the zoned areas, mailed notices go to property owners within a half mile plus the adjacent property owners.

- PROTECTED MOUNTAIN RIDGES

Matt Matteson mentioned the definition of view sheds. There was much Board discussion. It was decided that Staff would bring back more information. This regulation could present a problem for the radio industry and the T.V. industry in a zoned area.

- APPLICATION PROCESS

David Nicholson briefly mentioned fee schedules, standards, and profiles which precipitated Board discussion.

- PROCEDURES

Angela Skerrett discussed variances. In the unzoned areas the Board of Commissioners would grant variances and in the zoned areas the Board of Adjustment would grant variances. Whoever granted the variance would have the authority to revoke it. Appeals in zoned areas from the Zoning Administrators decision would go to the Zoning Board of Adjustment and then on to Superior Court. In unzoned areas appeals would come before the Board of Commissioners and then to Superior Court.

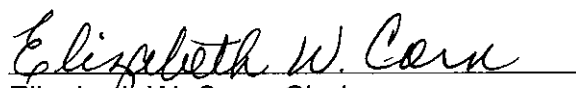
**Additional Direction to Staff**

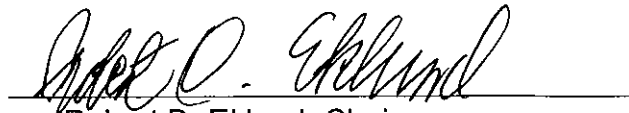
The Board wanted staff to include radar towers.

Staff will work on items of direction and will have a draft to the Board of Commissioners for Wednesday's meeting.

There being no further business to come before the Board, the meeting was adjourned.

Attest

  
Elizabeth W. Corn, Clerk

  
Robert D. Eklund, Chairman