

**SPECIAL USE APPROVAL
OCONEE COUNTY, GEORGIA**

TITLE

A Resolution granting Special Use Approval, as provided by the Unified Development Code of Oconee County, Georgia, pursuant to Article 12, Division I et seq.

ENACTMENT CLAUSE

Pursuant to the authority conferred by the Constitution and Laws of the State of Georgia and after consideration of an application for special use approval submitted by New Cingular Wireless PCS, LLC on July 25, 2022 requesting Special Use Approval on a ±127.34-acre tract of land located at Fambrough Bridge Road, Oconee County, Georgia, tax parcel no. C-09-006, on property owned by Fred Simonton, the Board of Commissioners of Oconee County does hereby grant following:

SECTION 1. A Resolution granting Special Use Approval for the property described above and on the attached Exhibit A is hereby granted to construct a cell tower in the AG zoning district with landscaping waiver requested due to the remote agricultural and rural location.

Said Special Use Approval is subject to the following conditions as set forth in "Exhibit A" attached hereto.

SECTION 2. Severability. It is intended that the provisions of this Resolution be severable and should any portion be held invalid, such invalidity shall not affect any other portion of the Resolution.

SECTION 3. Repeal of Conflicting Resolutions or Ordinances. All Resolutions or Ordinances and parts or sections of Resolutions or Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4. Effective Date. This Resolution shall take effect this date.

Said Special Use Approval application was submitted to the Oconee County Planning Commission and a Public Hearing was duly held by same on October 17, 2022, and a Public Hearing was held by the Oconee County Board of Commissioners at its regular meeting on November 1, 2022.

ADOPTED AND APPROVED, this 1st day of November, 2022.

OCONEE COUNTY BOARD OF COMMISSIONERS

BY:

John Daniell, Chairman

Mark Thomas, Member

Chuck Horton, Member

Amrey Harden, Member

Mark T. Saxon, Member

ATTEST:

Holly Stephenson
Holly Stephenson
Clerk, Board of Commissioners

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 1 of 12

CONDITIONS

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.
3. Approval of the landscape buffer waiver due to the remote agricultural and rural location of the site.

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 2 of 12

TAX MAP

Special Use P22-0176 - Fred Simonton III

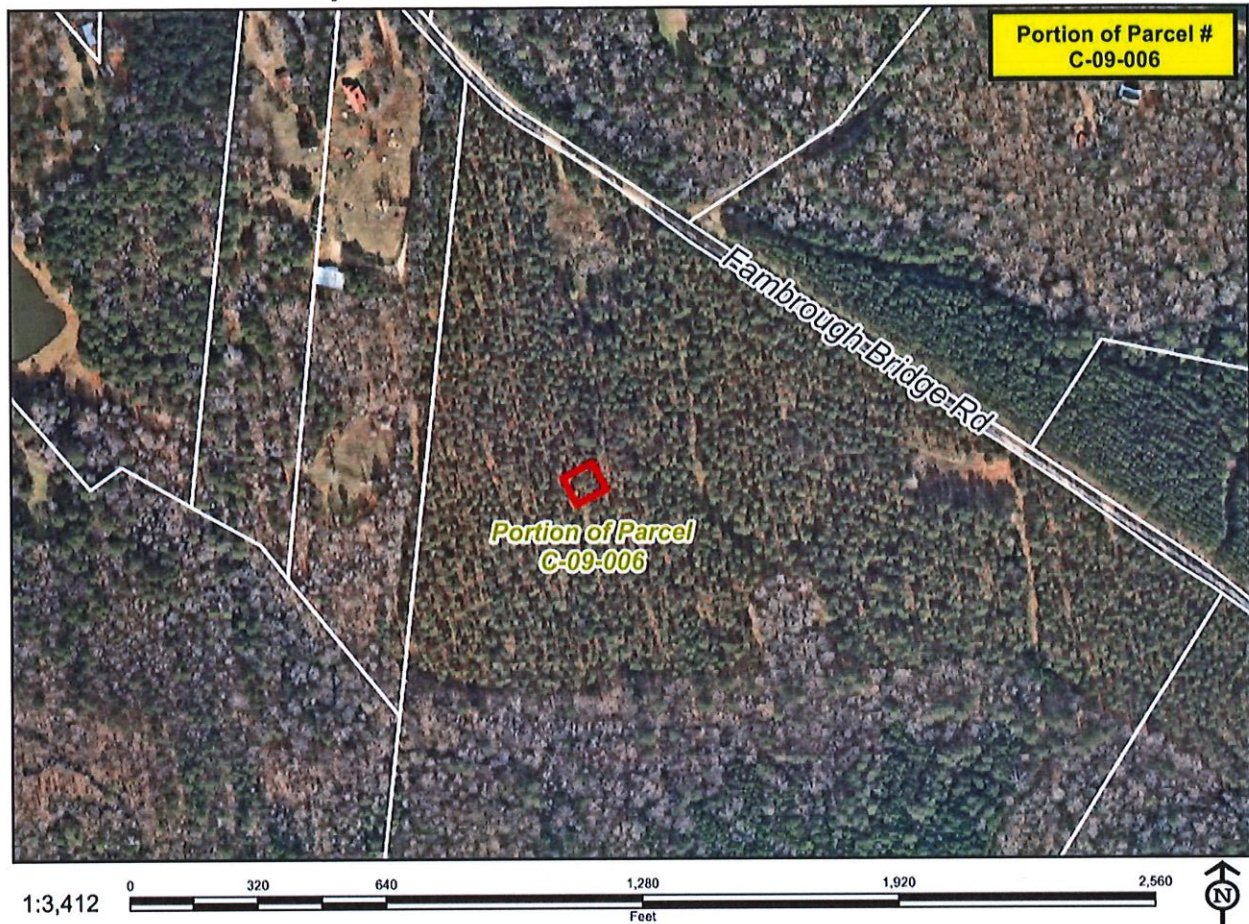


EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 3 of 12

LEGAL DESCRIPTION

**30' INGRESS-EGRESS & UTILITY
EASEMENT AT&T**

GA6233

Together with a 30-foot wide Ingress-Egress and Utility Easement (lying 15 feet each side of centerline) lying and being in the 223rd G.M. District, Oconee County, Georgia, being a portion of the lands of Fred H. Simonton, III, as recorded in Deed Book 666 Page 432 and Deed Book 667 Page 533, Oconee County records, being described by the following centerline data:

To find the point of beginning, COMMENCE at a ½-inch rebar found on the southwesterly right-of-way line of Farmbrough Bridge Road (also known as County Road 149 and having an 80-foot right-of-way), said rebar marking the northwest corner of said Simonton lands and having a Georgia Grid North, NAD83, West Zone Value of N: 1374592.8575, E: 2558504.6078; thence along said southwesterly right-of-way line of Farmbrough Bridge Road, 336.91 feet along the arc of a curve to the left, having a radius of 1380.13 feet and being scribed by a chord bearing, South 49°12'36" East, 336.07 feet to a point; thence, South 56°22'42" East, 60.85 feet to a point having a Georgia Grid North, NAD83, West Zone Value of N: 1374339.6121, E: 2558809.7240 and the true POINT OF BEGINNING; Thence leaving said southwesterly right-of-way line of Farmbrough Bridge Road and running, South 11°41'09" East, 136.57 feet to a point; Thence, South 14°27'00" East, 144.76 feet to a point; Thence, South 05°43'33" East, 143.90 feet to a point; Thence, South 02°32'59" West, 38.71 feet to a point; Thence, South 11°29'36" West, 97.97 feet to a point; Thence, South 20°09'35" West, 68.99 feet to a point; Thence, South 31°48'06" West, 35.93 feet to a point; Thence, South 09°24'41" West, 44.86 feet to a point; Thence, South 43°07'15" East,

81.40 feet to the ENDING at a point on the northwest line of the Lease Area.

Bearings based on Georgia Grid North, NAD83, West Zone.

As shown in a survey prepared for AT&T by POINT TO POINT LAND SURVEYORS, INC. dated June 3, 2021.

LEASE
AREA
AT&T
GA6233

All that tract or parcel of land lying and being in the 223rd G.M. District, Oconee County, Georgia, being a portion of the lands of Fred H. Simonton, III, as recorded in Deed Book 666 Page 432 and Deed Book 667 Page 533, Oconee County records, being more particularly described as follows:

To find the point of beginning, COMMENCE at a ½-inch rebar found on the southwesterly right-of-way line of Farmbrough Bridge Road (also known as County Road 149 and having an 80-foot right-of-way), said rebar marking the northwest corner of said Simonton lands and having a Georgia Grid North, NAD83, West Zone Value of N: 1374592.8575, E: 2558504.6078; thence along said southwesterly right-of-way line of Farmbrough Bridge Road, 336.91 feet along the arc of a curve to the left, having a radius of 1380.13 feet and being scribed by a chord bearing, South 49°12'36" East, 336.07 feet to a point; thence, South 56°22'42" East, 60.85 feet to a point having a Georgia Grid North, NAD83, West Zone Value of N:

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 4 of 12

LEGAL DESCRIPTION

1374339.6121, E: 2558809.7240; thence leaving said southwesterly right-of-way line of Farmbrough Bridge Road and running, South 11°41'09" East, 136.57 feet to a point; thence, South 14°27'00" East, 144.76 feet to a point; thence, South 05°43'33" East, 143.90 feet to a point; thence, South 02°32'59" West, 38.71 feet to a point; thence, South 11°29'36" West, 97.97 feet to a point; thence, South 20°09'35" West,

68.99 feet to a point; thence, South 31°48'06" West, 35.93 feet to a point; thence, South 09°24'41" West, 44.86 feet to a point; thence, South 43°07'15" East, 81.40 feet to a point on the northwest line of the Lease Area; thence along said Lease Area, North 63°14'48" East, 60.00 feet to a point and the true POINT OF BEGINNING; Thence running, South 26°45'12" East, 120.00 feet to a point; Thence, South 63°14'48" West, 120.00 feet to a point; Thence, North 26°45'12" West,

120.00 feet to a point; Thence, North 63°14'48" East, 120.00 feet to a point and the POINT OF BEGINNING.

Bearings based on Georgia Grid North, NAD83, West Zone.

Said tract contains 0.3306 acres (14,400 square feet), more or less, as shown in a survey prepared for AT&T by POINT TO POINT LAND SURVEYORS, INC. dated June 3, 2021.

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 5 of 12

NARRATIVE

August 18, 2022

Oconee County Planning & Code
Enforcement 1291 Greensboro Highway

Room A108
Watkinsville, GA
30677

WRITTEN NARRATIVE REGARDING SPECIAL USE PERMIT APPLICATION FOR THE APPLICANT, NEW CINGULAR WIRELESS PCS, LLC IN AN EFFORT TO IMPROVE CELL PHONE COVERAGE AND FIRST NET, REQUESTS THE REVIEW AND APPROVAL OF OUR SUP APPLICATION FOR THE CONSTRUCTION OF A NEW 195' MONOPOLE CELL TOWER LOCATED AT FAMBROUGH BRIDGE ROAD, WATKINSVILLE, GA 30677 (PARCEL: C 09 066 / ZONING DISTRICT AG (AGRICULTURAL) / PARENT TRACT: 127.34 ACRES / LEASE AREA: 0.3306 ACRES.

The following statement is intended to comply with the application requirements of Oconee County, Georgia and should be considered also as the letter of intent.

The proposed project is in conformance with the section 335. of the Unified Development Code (UDC).

There are no existing cell towers within the geographic area that will support our services and the geographic boundaries of the proposed service area cannot technologically be bifurcated to avoid the necessity for a freestanding tower/antenna and there exists a present demand and formal commitment by AT&T to provide service at the proposed site. Thus, the applicant is confident that the proposed use will enhance surrounding property values. To minimize adverse visual impacts the design of the tower is a neutral color comprised of galvanized steel with a height 195' monopole. This is the minimum height necessary to provide the applicant's communications service.

There will be no adverse impact on the local population density pattern and public infrastructure, including but not limited to schools, utilities and roads. The applicant will use existing utilities and a private easement via an existing permanent access off Fambrough Bridge Road. Access and traffic will not be an issue.

There will be no negative impact on the surrounding properties as a result of excessive noise. Careful siting was taken in to consideration in placing the proposed tower in an area surrounded on a lot by and consisting of mature densely populated evergreen trees and undergrowth. The proposed location provides for a setback distance from all property lines and the public right of way more than twice the height of the tower negating any concern of safety issues from adjoining lands.

The anticipated maintenance needs will include approximately 5 maximum trips to the site once a month with most trips being conducted during normal business hours 8 a.m. – 5 p.m. except for emergency related trips. There will be no negative impacts to surrounding properties as a result of these maintenance needs.

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 6 of 12

NARRATIVE

The subject property affected can be used in accordance with the existing Agricultural zoning district.

All adjoining parcels are also within the Agricultural zoning district and the proposed site provides ample natural screening which will be preserved to the fullest extent possible along with the proposed 20' wide landscape buffer surrounding the exterior of the fenced compound which will consist of Leyland Cypress at a minimum starting height of 6' and spaced at 12' on center for the first row and 6' on center for the second row. The applicant respectfully asks that the proposed landscape buffer be waived pursuant to Section 335.05, g. (6) as the existing natural buffer will block the ground equipment from all adjoining parcels and the public right of way. If the natural buffer was reduced in any way after the construction of the tower, the applicant will agree to install the required landscape buffer.

The security fence surrounding the ground equipment will be comprised of a 6' chain link with 3 rows of Class III barbed wire and the tower base will be void of any climbing device for added security.

Pursuant to the FAA Determination of No Hazard to Air Navigation (Aeronautical Study No. 2021-ASO- 42675-OE), no lighting of the tower is necessary.

The subject property is currently used for agricultural timberland purposes with no competing principal use on the property.

AT&T does not own or manage any cell towers within Oconee County or within one mile of the border of Oconee County. The inventory of existing sites evidences the tower or alternative structures within the county that AT&T is currently utilizing for collocation and this list is provided in the supplemental application package.

The supplemental RF Memo provides an explanation as to the justification for the tower and the propagation maps depict the view of the "before and after" service improvement for the associated area the proposed tower site will offer. Additional propagation maps have been provided illustrating the insufficient coverage that would be provided utilizing a tower height and antenna center line height of 125' and 150'. The operating frequencies for the applicant are listed below and will be used in accordance with and satisfy the FCC minimum standards:

700 MHz OFFSET LOWER_B+C (10 MHz) E-UTRA
BAND 17 PCS MHz A3+A4 (10MHz) E-UTRA Band
2

SW AWS1_3 C+J (15 MHz) Band 4_66

700 MHz NPSBN (10 MHz) E-UTRA
BAND 14 PCS MHz F (5Mhz) E-UTRA
Band 2

WCS MHz A+B (10 MHz) E-UTRA
Band 30 850 MHz B (10MHz) E-
UTRA Band 5

PCS MHz C5 (5Mhz) E-UTRA Band 2

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 7 of 12

NARRATIVE

The applicant intends to lease (sublet) excess space on the tower and to lease additional excess land on the tower site to additional carriers / telecom service providers. The applicant will only charge future tenant rates pursuant to the then present acceptable industry standards.

The tower will be designed and structurally sufficient to accommodate up to four (4) separate carrier wireless communication services.

Upon approval of the Special Use Application and prior to construction, AT&T Mobility will obtain the required Oconee County building permit.

Supplemental Enclosures:

Special Use Application Fee

Owner Authorization Form

Warranty Deed

Typed Legal Description of Survey

Disclosure of Campaign Contributions

Disclosure of Interest

Proof of property tax paid

Special Use Impact Analysis Narrative/Letter of Intent Concept Plan/Site Plan

Water/Sewer capacity letter from Water Resources (not required); Representative Photos (not required)

Landscape plan

Utilities Inventory

Environmental Impact Statement (Phase 1)

National Environmental Policy Act Environmental Screening and Checklist (NEPA)
Structural Engineering Report

FCC ASR

FAA No Hazard Determination Agent Authorization Inventory of existing sites

RF Memo/Letter of Need/Non-Interference Statement Propagation Maps (Before and After)

FirstNet Handout

EXHIBIT "A" TO SPECIAL USE APPROVAL #P22-0176

Page 8 of 12

NARRATIVE

Sincerely,

Chad Caudill

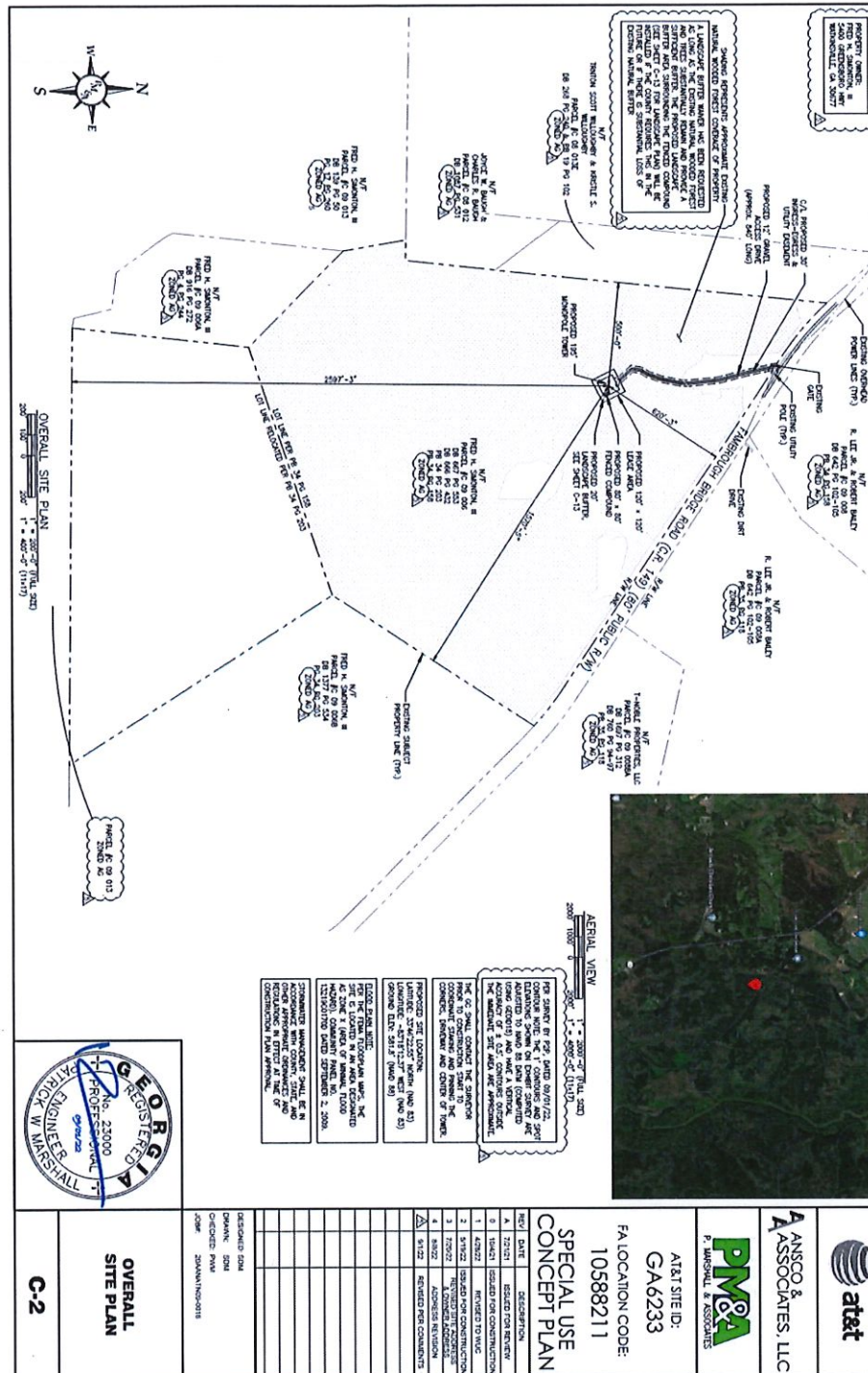
Shirah and Company, LLC
202 Marina Drive

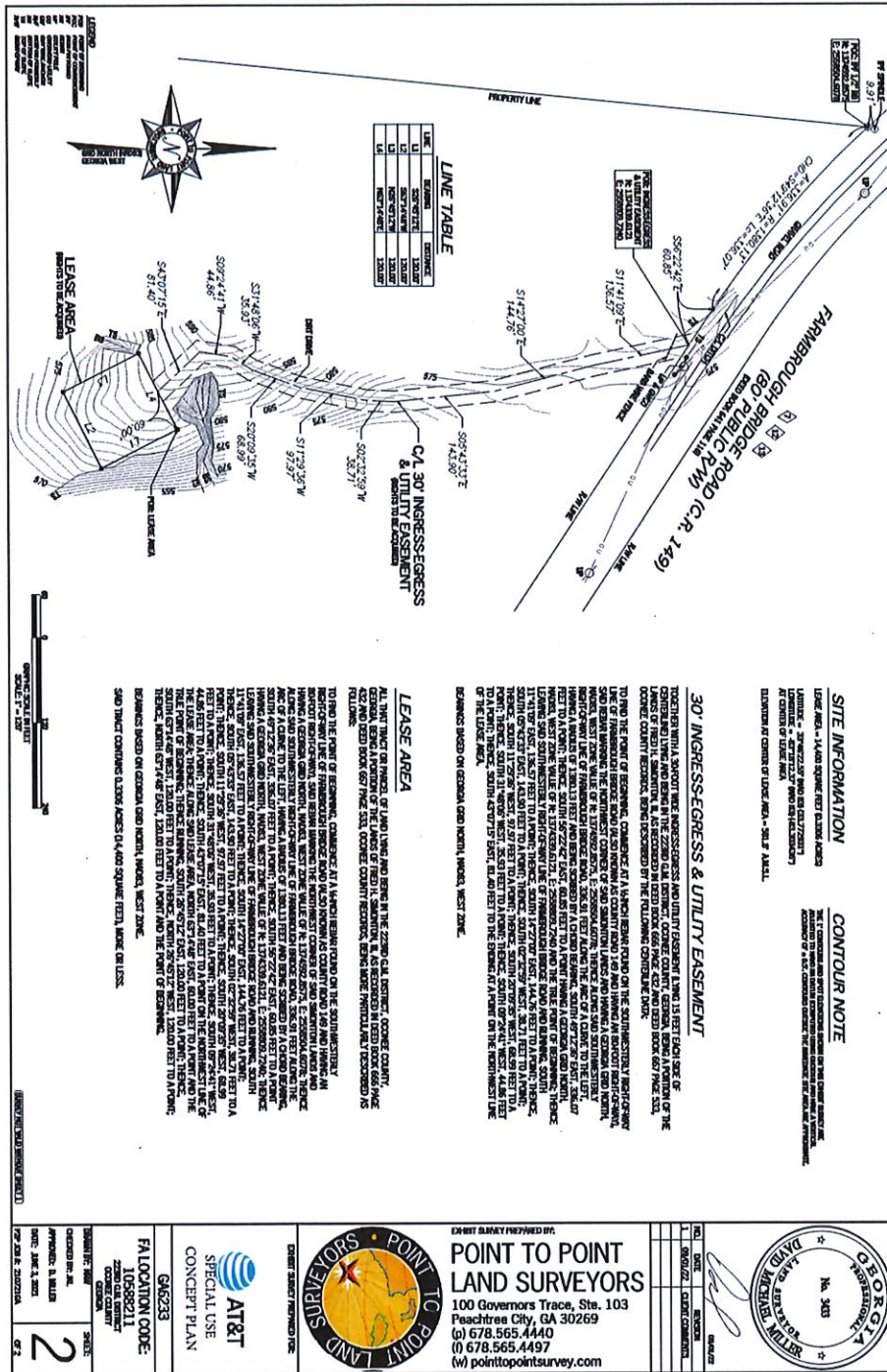
St. Simons Island, GA 31522
Cell: 904-437-7377

ccaudill@shirahandcompany.com

[illegible]









**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

SPECIAL USE CASE NO. P22-0176

DATE: October 5, 2022

STAFF REPORT BY: Guy Herring (Director of Planning and Code Enforcement)

APPLICANT NAME: New Cingular Wireless PCS, LLC

PROPERTY OWNER: Fred Simonton

LOCATION: Fambrough Bridge Road (C-09-006)

PARCEL SIZE: ±127.34 acres

EXISTING ZONING: AG (Agricultural District)

2040 CHARACTER AREAS MAP: Agricultural Preservation

EXISTING LAND USE: Agricultural timberland

SPECIAL USE REQUESTED: Special use approval for a cell tower

REQUEST SUMMARY: The applicant is requesting a special use permit to construct a cell tower in the AG zoning district with a landscaping waiver request due to the remote agricultural and rural location.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: October 17, 2022

BOARD OF COMMISSIONERS: November 1, 2022

ATTACHMENTS:

- Application
- Narrative
- Special Use Impact Analysis
- Plats of Survey
- Concept Plan
- NEPA Report
- FCC and FAA Reports
- Environmental Assessment Report
- Inventory of Existing Cell Tower Sites
- Structural Reports



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject property is zoned AG and has been owned by the current owner since 2003. The parcel consists of open land and woodlands.
- There are no previous special use permits for the subject site.

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Undeveloped/wooded	AG (Agricultural)
SOUTH	Residential agricultural timberland, undeveloped/wooded	AG (Agricultural)
EAST	Undeveloped/wooded	AG (Agricultural)
WEST	Undeveloped/wooded, residential agricultural timberland	AG (Agricultural)

PROPOSED PROJECT DESCRIPTION

- The applicant is requesting a special use permit to install a cell tower with an access road on 0.3306 acres of the 127.34-acre property.
- The applicant intends to lease the space for the tower and access.
- The proposed cell tower is a 199' monopole cell tower comprised of galvanized steel. The applicant asserts this height is the minimum height necessary to provide adequate communications service.
- AT&T selected this location for a tower needed to deploy a FirstNet carrier to aid first responders. The current coverage in the area is not adequate without a new tower to increase coverage.
- The estimated value of the proposed improvements is unknown.
- Landscaping waiver request per UDC Section 335.05.g.6. due to the remote agricultural and rural location of the proposed site.

PUBLIC FACILITIES

Water:

- There will be no need for water service on the site and water lines are not proposed.

Sewer:

- There will be no need for sewer service on the site and sewer lines are not proposed.

Roads:

- The site will be accessed from an existing permanent access off Fambrough Bridge Road. No additional access points or road improvements are proposed.

TRAFFIC PROJECTIONS

- There is minimal projected impact to traffic as part of this Special Use permit request. The applicant expects a maximum of 5 trips a month to the site for maintenance needs.

ENVIRONMENTAL

- No 100-Year Flood Plain is located on the site.
- No Jurisdictional Wetlands areas are located on the site.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

Water Resources Department:

- No comments

Public Works Department:

- No comments

Fire Department:

- No comments
-

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR SPECIAL USE CONSIDERATION” AS SET FORTH IN SECTION 1207.02 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

A. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?

Freestanding towers over 100 feet in height are allowed in AG per Special Use permit. The AG zoning district is intended to preserve rural landscapes, discourage the subdivision of prime agricultural lands, and minimize requirements for public services such as schools, fire protection, transportation improvements, and waste disposal. The proposed special use will not create any additional lots, nor will it necessitate additional County services or greatly interfere with the rural character of the area. Staff holds that the proposed special use is consistent with the stated purpose of the AG zoning district.

B. Is the proposed special use compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan?

The subject portion of the property lies within with the character area of Agricultural Preservation, as shown on the 2040 Future Development Map. The Agricultural Preservation character area is intended for lands in row crops, hay fields, or in pasture; woodlands and areas under forestry management; commercial wholesale nurseries; sparsely settled homes on individual tracts; and areas of sensitive natural resources. The 2018 Comprehensive Plan Update lists semi-public and institutional uses as compatible secondary land uses in the Agricultural Preservation character area. Staff holds that the proposed special use is compatible with the goals, objectives, purpose, and intent of the Comprehensive Plan as a proposed use that will support the surrounding rural uses and lifestyle.

C. Will the establishment of the special use impede the normal and orderly development of surrounding property for uses predominate in the area?

Predominant uses in the immediate vicinity of the subject property are residential, agricultural timberland and undeveloped wooded land. The proposed cell tower should not impede the normal and orderly development of surrounding property as the tower site is located away from nearby residential structures. The closest residential structure is approximately 878 feet from the proposed cell tower site.

D. Is the location and character of the proposed special use consistent with a desirable pattern of development for the locality in general?

Based on the Character Area designation of Agricultural Preservation (see above), a desirable pattern of development for the area would be a composition of “open land and active agricultural production of food crops, fiber crops, animal feed, poultry, livestock, and commercial timber production” along with sparsely distributed homes. While the proposed use does not directly fit with the desired uses, the proposed cell tower will provide cell service in a location that needs more cell coverage according to the RF Affidavit memo provided with the application. Furthermore, the selected site is a large site of 127.34 acres with setbacks larger than required.

- E. Is or will the type of street providing access to the use be adequate to serve the proposed special use?**
Yes, the access from Fambrough Bridge Road is expected to be adequate as no traffic increases are projected for the proposed special use.
- F. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?**
No traffic increases are projected as a result of the proposed special use. The site plan proposes a 12-foot gravel drive in a 30-foot-wide easement to be constructed to provide direct ingress/egress from Fambrough Bridge Road to the tower site. Repairs and improvements to the road will be made as necessary. The existing access point from Fambrough Bridge Road should be adequate to provide for traffic/pedestrian safety, the anticipated volume of traffic, and access by emergency vehicles.
- G. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?**
The special use request does not require additional County water or sewer services; impact to police and fire protection services should be minimal. The tower will be unmanned and only monthly maintenance visits are anticipated. Staff holds that public facilities should be adequate to serve this special use.
- H. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare, and odor?**
The tower will be set back approximately 620 feet from Fambrough Bridge Road, 500 feet from the western property line, 1570 feet from the eastern property line, and 2,597 feet from the southern property line. The tower will not have lighting per the FAA Aeronautical Study included in the application. The newly acquired acreage will be subject to Sec. 335.05 requirements for providing a landscape buffer of not less than 20 feet wide for a tower more than 150 feet tall. This should provide adequate screening to protect adjacent properties in the area from any adverse impacts. However, the applicant has requested that the proposed landscape buffer requirements be waived.
- I. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?**
The proposed cell tower special use will not have regular hours of operation and should not adversely impact nearby properties. The applicant expects a maximum of 5 trips a month to the site for maintenance needs, excluding emergencies.
- J. Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?**
The proposed tower is 199 feet high in total, which includes the tower height (195 ft) and attached lighting rod (4 ft). The closest residential structure is approximately 878 feet from the proposed cell tower site with the second closest residential structure located approximately 2,180 feet away. Due to the large distances between the cell tower and neighboring structures on other properties, staff believes the cell tower to be compatible with the surrounding area.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Based on Board of Commissioners policies, decision-making criteria, and standards outlined in the development codes of Oconee County, staff recommends approval of the present special use request. Staff recommends it be subject to the following conditions to be fulfilled by the developer/owner at his/her expense:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. All such improvements shall be shown on the preliminary site plan and site development plans for the project and no development permit shall be issued until Owner has agreed to such improvements and dedication.

3. Approval of the landscape buffer waiver due to the remote agricultural and rural location of the site.