



# Jackson County Planning Department

## Memorandum

To: Don Adams, County Manager

From: John Jeleniewski; Planning Department

CC: Heather Baker, County Attorney

Date: 6/15/2020

Re: Public Hearing for new cell tower structure; 511 Joe Branch Road, PIN-7612-40-5317

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Mr. Adams,

I have recently received a complete application submittal for a proposed new cell tower structure to be located on property owned by Gorsie Conley Nations off of Joe Branch Road in Whittier. The applicant is *Diamond Communications, LLC* (tower owner) and *AT&T Mobility* will be the service provider with two additional "co-locations" available on the structure. This proposed tower will be 180' in height and located on an undeveloped area of the property. The Jackson County *Telecommunications Ordinance* requires that a Conditional Use Permit for new tower construction be reviewed by the Jackson County Board of Commissioners during a quasi-judicial hearing which will need to be advertised in a local newspaper. In addition, the applicant is requesting a wavier for the private access road to exceed the maximum 20% grade as required by the Subdivision Roadway standards.

I have attached a copy of the completed application form and an overall site plan for reference. Please feel free to contact me with any questions.



# Wireless Communication Facility Application

## Jackson County Planning Department

Permit #	_____
Date Received:	_____
Received By:	_____
Application Fee Amount:	_____
<i>Office Use Only</i>	

### Applicant Information:

Name: Diamond Communications LLC  
 Address: 820 Morris Turnpike, Suite 104, Short Hills, NJ 07078  
 Phone Number: 610-585-6853

### Property Ownership Information:

Property Owner: Gorsie Conley Nations  
 Owner's Address: 511 Joe Branch Road, Whittier, NC 28789  
 Owner's Phone Number: 828-586-5901  
 Date Property Acquired: May 14, 1992

### Property Information:

Postal Address: 511 Joe Branch Road, Whittier, NC 28789  
 Size (Sq. Ft. or Acres): 40.18 acres  
 PIN #: 7612405317

Directions to property: From I-40, Exit 27 for US-74 toward US-19/US-23 Clyde. Continue 29 miles and turn left on Barkers Creek Road just after Dillsboro, NC. In 3 miles, take a slight right onto Thomas Valley Road. Go .7 miles to Joe Branch Road and turn left. Go .7 miles to the end of the road and the access will begin there.

### Application Summary:

Summary of Work Proposed: To construct a 180-foot monopole wireless antenna support structure and wireless facility within a 100-ft X 100-ft leased area on the subject parcel.

Height of Tower (Ft.): 180 feet Existing: \_\_\_\_\_ New: X  
 Tower Owner: Diamond Communications LLC  
 Facility Provider: AT&T Mobility

### Applicant Information:

<u>Diamond Communications LLC</u> Applicant and Tower Owner	<u>AT&amp;T Mobility</u> Wireless Communication Provider/ Facility/ Equipment Owner
<u>820 Morris Turnpike, Suite 104, Short Hills, NJ 07078</u> Owner's Address (Tower Owner)	<u>2002 Pisgah Church Road, Suite 300, Greensboro, NC 27455</u> Address of Provider(s)
<u>610-585-6853</u> Telephone Number	<u>twaniewski@diamondcomm.com</u> Email
<u>336-541-7273</u> Telephone Number	<u>sh0548@att.com</u> Email

Upon submittal of the petition, all required items must be verified by a Planning Department staff member before an application is considered completed and filed for processing. Incomplete applications are not accepted and will be returned to the petitioner. A public hearing is required for a new tower. The applicant shall be notified by the Planning Department in writing within 15 working days of submission of an application as to the completeness of the Wireless Communication Facility application and any deficiencies. An amended application shall be required to correct any deficiencies. In the event the application is resubmitted with correction and denied again, the Wireless Communication Facility permit application fee is not refundable.

**By signing below, the applicant acknowledges, understands, and agrees to comply with the following statements:**

1. No Wireless Communication Facility or Wireless Support Structure shall be installed, constructed or modified until the Wireless Communication Facility permit has been approved and a building permit has been issued.
2. The application (including all accompanying documents) and any and all representations made by or on behalf of the applicant on the record during the application and hearing process, whether written or verbal, shall be sworn, accurate, complete, detailed, and non-conclusory and shall be deemed to have been relied upon in good faith by the County. Any verbal representation shall be treated as if it were made in writing.
3. An application for a Wireless Communication Facility permit shall be signed on behalf of the applicant by the person vested with the authority to bind and commit the applicant to the conditions of the permit, with the person(s) preparing and signing the application and its accompanying documents being competent to make and having knowledge of the representations made therein and attesting under oath to the truth and completeness of the representations.
4. The applicant's proposed Wireless Communication Facility shall be maintained in a safe manner, and in compliance with all conditions of the Wireless Communication Facility permit, without exception, unless specifically granted relief by the board in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, state and federal laws, rules, and regulations.
5. The construction of the Wireless Communication Facility is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the state of North Carolina.
6. The applicant acknowledges and understands that should the facility not be used for a period of 180 days, the applicant will remove the facility at its expense within 90 days of abandonment as set forth in Section IX of the Wireless Communications Ordinance.
7. All utilities at the Wireless Communication Facility site shall be installed underground if practical and in compliance with all laws, ordinances, rules and regulations of the county, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
8. All Wireless Communication Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified, or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the county, state, or United States, including, but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code, and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Town Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
9. A holder of a Wireless Communication Facility permit shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the county or other governmental entity or agency having jurisdiction over the applicant.
10. The holder of a Wireless Communication Facility permit shall notify the county of any proposed modification of a Wireless Communication Facility and shall apply to the county to modify, relocate or rebuild a Wireless Communication Facility.
11. The county may hire any consultant and/or expert necessary to assist the county in reviewing and evaluating the application for Substantial Modifications, new Wireless Communication Facilities, and co-locations, including the construction and modification of the site, once permitted, and any site inspections. An applicant shall pay the consultant's fee as set forth in the contractual agreement between the consultant and the county. The payment of the consultant's fee to the county shall precede any work being done as regards to processing an application.
12. The applicant shall comply with the current Wireless Communication Ordinance.

I, Tom Waniewski, acknowledge, understand and agree to comply with all 12 of the above statements.

I, Tom Waniewski, do hereby swear that all of the information provided on this document and contained in this application is true and accurate.

Applicant Signature



Date

3/26/20

STATE OF ~~New Jersey~~ Pennsylvania

COUNTY OF Montgomery

Sworn to and subscribed before me this day by Thomas Waniewski.

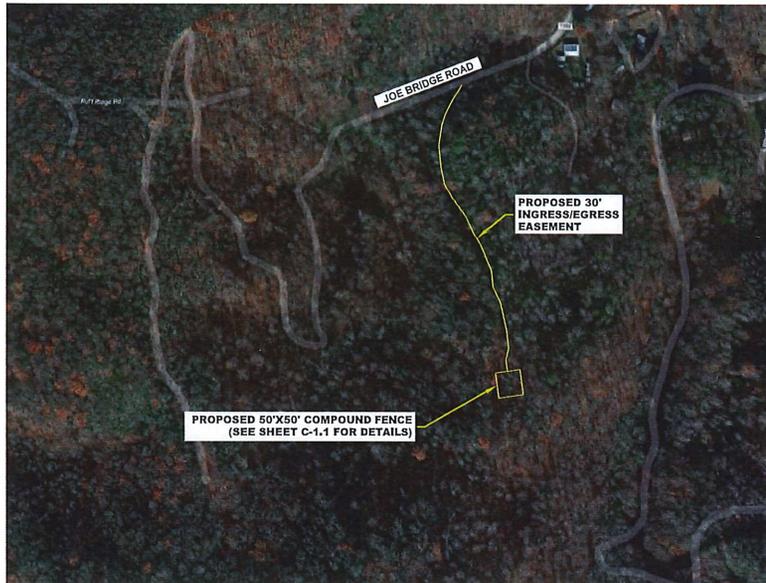
Witness my hand and official seal this the 26<sup>th</sup> day of March, 2020

Commonwealth of Pennsylvania - Notary Seal  
Tuquan Jones, Notary Public  
Montgomery County  
My commission expires March 28, 2023  
Commission number 1344042  
SEAL  
Member, Pennsylvania Association of Notaries

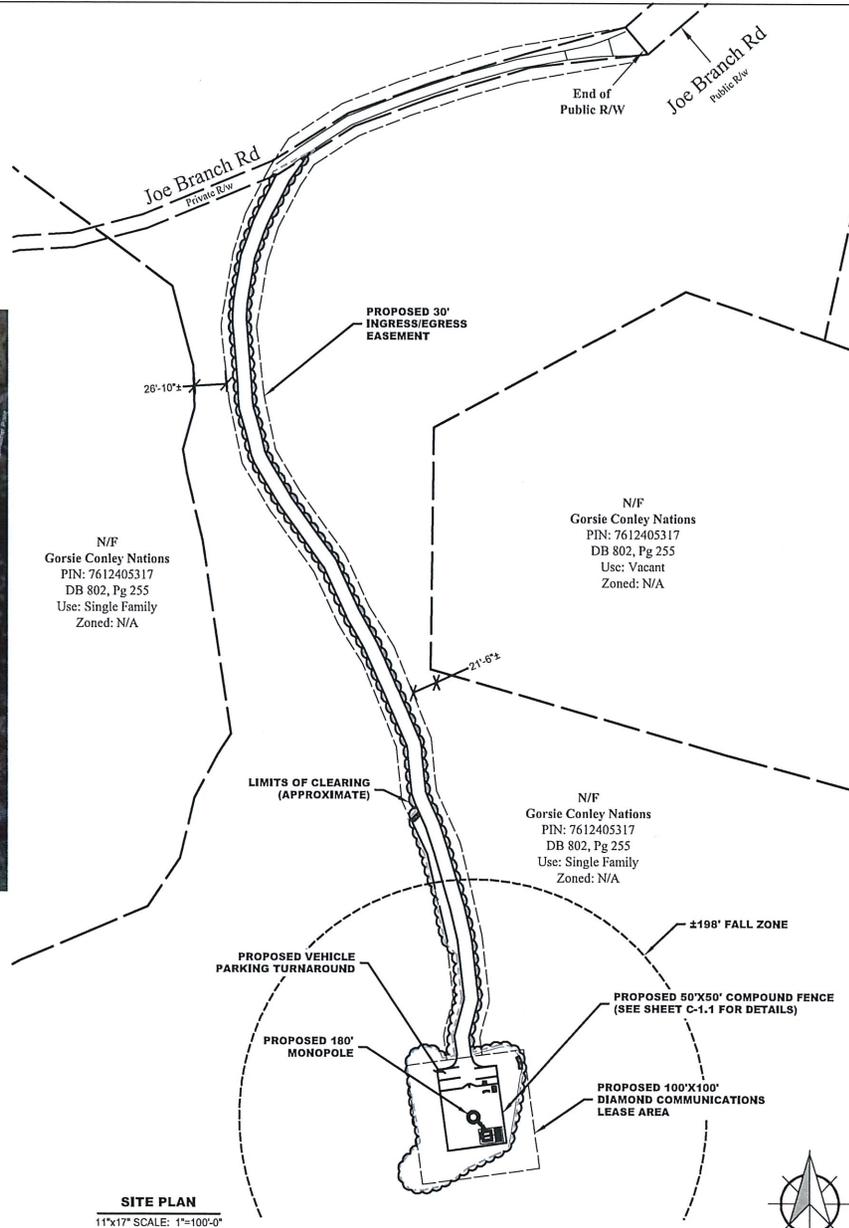
Tuquan Jones  
Signature of Notary Public

Tuquan Jones  
Printed name of Notary Public

My Commission Expires: 03/28/2023



**SITE LOCATION PLAN**  
11"x17" SCALE: N.T.S.



**SUBMITTALS**

DATE	DESCRIPTION	REV	ISSUED BY
03/28/19	CONSTRUCTION	0	JSD
06/25/19	REVISED	1	SRH
10/08/19	REVISED	2	SRH
10/08/19	REVISED	3	DSW
12/09/19	REVISED	4	DSW
05/15/20	REVISED	5	HMP

DRAWN BY: JSD  
 CHECKED BY: BBR  
 APPVD BY: MCS  
 DEWBERRY PROJECT NO: 50107717

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PREPARED FOR:  
 at&t

PREPARED FOR:  
 Diamond Communications LLC

PREPARED BY:  
**Dewberry**  
 DEWBERRY ENGINEERS INC.  
 2610 WYCLIFF ROAD, SUITE 410  
 RALEIGH, NC 27607  
 NCBEL#: F-0929

AT&T SITE ID: DIAMOND SITE ID:  
 020-157 NC039

AT&T SITE NAME: DIAMOND SITE NAME:  
 NATIONS GLORYLAND WAY

SITE ADDRESS:  
 511 JOE BRANCH ROAD  
 WHITTIER, NC 28789

FA LOCATION:  
 10583913

DIAMOND SITE NAME / NUMBER:  
 HOLLYKNOLL / NC041

SHEET TITLE  
 SITE PLAN

SHEET NUMBER  
 C-1