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SPECIAL USE PERMIT

Caldwell County, North Carolina

Findings of Fact

SUP 2024-01

Owners: John Daniel Cassavaugh

The Caldwell County Board of Commissioners met in regular session on July 8, 2024 to consider an application for a Special Use Permit for a Wireless Telecommunications Facility filed by Jonathan L. Yates for TowerCom IV-B, LLC for a tower to be located on 3341 Clarks Chapel Road, Parcel ID 06-128-1-8.

Having heard all the evidence and arguments presented at the hearing, the Board makes the following Findings of Fact based upon substantial evidence presented.

Findings of Fact

1. The application was duly filed and complete. All materials required have been submitted to the Board and been reviewed or are pending. Applicant is aware that SUP will not be issued if all ordinance requirements are not met.
2. The application is for the construction of a 195' monopole-design communications tower to be located on a tract owned by John Daniel Cassavaugh.
3. Notice of the request was properly mailed to all adjoining property owners, and the public hearing was properly advertised.
4. At the public hearing, all witnesses were under oath and both sides were given opportunities to present evidence and to cross-examine witnesses. No parties appeared in opposition.
5. The Board finds that the application meets all of the standards in the Caldwell County Zoning Ordinance required for issuance of a Special Use Permit. This evidence was not overcome by other testimony and evidence presented at the hearing.
6. The Board finds that the tower will promote the public health, safety and general welfare of Caldwell County if located where proposed and operated according to

the plans as submitted because cell towers do not produce chemicals or other toxins that would threaten public health or ground water. The tower will be built according to all applicable building codes and electrical code standards.

7. The Board finds that the proposed tower will maintain or enhance the value of contiguous property.
8. There was no evidence before the board that a cell tower at this location will prevent uses allowed on adjoining properties from occurring in their normal course, nor was there evidence that the construction of a cell tower at this location would impede the normal development and improvement of surrounding properties for all allowed uses.
9. The Board finds that the tower would be in compliance with the general plans for the development of the county as embodied in the Zoning Ordinance regulations and the Comprehensive Plan.
10. Based upon the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

Conclusions of Law

1. The Applicant has presented competent, material and substantial evidence that their application complies with all standards and requirements in the Caldwell County Zoning Ordinance required for issuance of a Special Use Permit to construct a wireless telecommunications facility.
2. TowerCom IV-B LLC, based upon these findings, is entitled to a Special Use Permit and its application is therefore approved.

Now, therefore, it is ordered that the Special Use Permit be and the same is hereby issued to the Applicant. Ordered this __ day of _____, 2024 and signed and filed after adoption by the Board on the ___day of ____, 2024.