Albemarle County Planning Commission
August 22, 2000

The Albemarle County Planning Commission held a meeting and public hearing on Tuesday, August 22, 2000 in the County Office Building. Members attending were: Mr. William Finley, Chairman; Mr. Dennis Rooker, Vice-Chairman; Mr. William Rieley; Mr. Pete Craddock; Mr. Rodney Thomas; Ms. Tracey Hopper. Other officials present were: Mr. Wayne Cilimberg, Director of Planning and Community Development; Mr. Greg Kamptner, Assistant County Attorney; Ms. Yadira Amarante, Planner; Ms. Joan McDowell, Planner; Mr. Jeff Thomas, County Engineering. Absent: Mr. Jared Loewenstein.

Approval of Minutes – August 8, 2000
The Commission moved, seconded, and unanimously approved the minutes of August 8, 2000 as amended.

Review of Board of Supervisors Meeting – August 9 and August 16, 2000
Mr. Cilimberg presented a review of the Board of Supervisors August 9th and August 16th meeting. He reported that at their August 9th meeting, the Board approved the attachment of telecommunications antenna on the Virginia Power Pantops tower facility; they also approved the Special Use Permit for the Olivet Presbyterian Church expansion, and the rezoning and SP for the Albemarle SPCA. The Board also adopted a Resolution of Intent for the Commission to hold a public hearing on the request to amend the Rural Areas section of the Zoning Ordinance as it pertains to the request from Keswick.

Mr. Cilimberg said that at their August 16th meeting, the Board approved the cell tower request for CFW on Barracks Road and at Union Run, and approved the Woolen Mills warehouse fill in the floodplain request, the outdoor storage & display for Free Bridge Auto Sales, the Rosslyn Ridge office on Hydraulic Road, and the Covenant Church rezoning subject to the proffer offered.

Other Matters Not Listed on the Agenda from the Public.
None were offered, and the meeting proceeded.

Consent Agenda:
There was no Consent Agenda presented.

Deferred Items:

ZMA-99-10 Creekside (Sign #78 & 79) - Request to rezone 22.1 acres from R-1, Residential to PRD, Planned Residential Development, to allow development of apartments and associated recreational facilities. The property, described as Tax Map 91 Parcel 2C, is located in the Scottsville Magisterial District at the intersection of Route 20 South (Scottsville Road) and Route 1150 (Mill Creek Drive). The Comprehensive Plan designates this property as Urban Density Residential, recommended for 6.01 - 34 dwelling units per acre in Neighborhood Four. *Deferred from the July 18, 2000 Planning Commission meeting.*

SDP-99-148 Creekside Apartments Preliminary Site Plan - Request for preliminary site plan approval for 264 units in 12 buildings of garden apartments on 22.104 acres with existing zoning of R-1 residential, requested for rezoning to PRD Planned Residential District. *Deferred from the July 18, 2000 Planning Commission meeting.*

Ms. Echols presented the staff report, noting that the Commission requested additional information from the staff and the applicant at their July 11 meeting. She mentioned that the traffic information requested could not be gathered because it would not be indicative of traffic levels while school is in session, which greatly increases traffic volumes on Route 20. Ms. Echols mentioned that the widening of Route 20 is number two on the list of the county's primary road improvement plans, and would be completed 3 to 6 years from now. She explained that slope plantings are provided in the booklet; the county's landscape architect has reviewed the plans.

Ms. Echols explained that the housing office provides rental subsidies, based on the number of people in a household and household income. She said that the housing office would provide a total subsidy of $864 a month for a family of four with an income of $35,000 annually.

Mr. Rooker asked if the $864 is considered affordable housing.

Ms. Echols replied that affordable rental housing is housing that doesn't exceed 30% of the income of residents who make between 0% and 80% of the median household income annually. She explained that the housing office provides rental subsidies, and has a formula based on the number of people in the household and their incomes.

Mr. Rooker asked if a $1,000 rental would qualify for a subsidy.

Mr. Cilimberg replied that there is a maximum rent allowed based on the number of bedrooms. The housing office establishes the maximum rent they will provide subsidy for under that number of bedrooms.

Mr. Rooker asked if $870 is the maximum rent that qualifies for subsidization.

Ms. Echols responded that the housing office gave her a definition of affordable housing as "0% to 80% of the median household income annually."

Mr. Rooker emphasized that he would like to get a definition that is clear, as this does not tell if housing qualifies as affordable. "If we can't say that there is some specific figure that's being looked at to determine whether or not it qualifies, then how are we to know when somebody brings a project before us, whether or not it contains any units of affordable housing."

Mr. Cilimberg said that he believed that a subsidy program would only pay so much towards the rent of any house.

Mr. Rooker responded, "That tells me who gets subsidized, but doesn't tell me what the definition of affordable housing is."

Mr. Cilimberg said that the Zoning Ordinance defines affordable housing, and mentioned that there is a tax credit program for rental housing in which an owner must provide a certain number of units at a certain amount.

Mr. Rooker stated that it was important to know what affordable housing if the Commission is going to ask developers to build it.

Ms. Echols mentioned that a couple of years ago, what DISC looked at this issue, the upper end of affordable housing was $125,000 for sale housing.

Ms. Echols noted that the latest copy of the application plan, which addresses the grading near Monticello High School. She explained that if the school board provides a grading easement, then the retaining walls in the area of most concern to the Planning Commission appear to go away. Ms. Echols said that the retaining walls are smaller and shorter than those originally proposed, and allow for more gradual grading up the slope. She mentioned that the applicant has talked to school board staff, who is willing to recommend approval to the School Board.

Ms. Echols said that the school board staff is not willing to recommend approval for a set of stairs going up through that area closest to the school, because where the end of the steps are is in a service area, and they are afraid that it would not be a safe place for students to end up on site. She said that staff would prefer that students use existing sidewalks on Mill Creek Drive, as well as those within the development.

Mr. Riley pointed out that if they use the designated sidewalks, they will end up in the service area in walking to the front of the school.

Ms. Echols said they get to the corner and then shoot off to the office as opposed to the side.

Mr. Cilimberg pointed out that there is a sidewalk all along Mill Creek Drive, so students can go right up to the school.

Ms. Echols said that staff needs to take a recommendation to the School Board regarding pedestrian access.

Ms. Echols explained that 5.5 acres, or 24.92% is proposed to be undisturbed, and the ordinance requires 25% undisturbed. The applicant also has additional open space of 2.91 acres, for a total open space of 8.42 acres. She clarified that a waiver would be needed for the 24.92%.

Ms. Echols stated that the proffers have been clarified, and a signed copy has been received.

Mr. Thomas asked Mr. Jeff Thomas how tall the retaining walls would be, and if the knoll was being taken down.

Mr. Jeff Thomas replied that there was a 13-foot high wall, which has no been split into stair steps of 4 to 7 feet maximum. He confirmed that the slopes are still 2 to 1, but are no longer one big retaining wall. Mr. Thomas agreed that this configuration is "a whole lot safer."

Mr. Rieley said that this provision of additional information solidifies his concerns about this project, and its relationship to adjacent properties. He stated that some of the changes are positive, and was surprised to see so much attention paid to landscaping, as it has been the best part of the proposal. Mr. Rieley said that he is concerned that this proposal doesn't meet design standard that should be adhered to in the development areas. He said that there hasn't been any fundamental change in this design since the last time it was considered by the Commission.

Mr. Rieley elaborated that there seems to be a weak relationship between the individual buildings and adjacent buildings. He said that the relationships of the buildings to each other, to the streets, and to the land, really looks "chaotic." Mr. Rieley said that there is no semi-public space associated with any of the buildings that would give them the kind of quality that would justify this kind of density. He recalled past Commission requirements for meaningful semi-public space in a trailer park, and in a small subdivision in Crozet. "My feeling is that what we have before us is still short of the mark – the standard we should be holding in the development areas."

Mr. Rooker wondered what alternatives, given the density and topography of the land, would be viable to rearrange the site. He said that he would like to see the applicant speak to how useable the open space is, and what kind of recreational area it provides for residents.

Public comment was invited.

Ms. Denise Lacouer, the applicant, addressed the Commission.

Ms. Lacouer said that it is "a challenge to be a developer in Albemarle County these days" because of Zoning Ordinances, building codes, the ARB, and VDOT standards to contend with. She read from the Neighborhood Model (DISC), emphasizing that the document expressly states that "many of the concepts and practices described in this document run afoul of the current zoning and subdivision regulations in Albemarle County."

Ms. Lacouer stated that she feels that she has reached "the best compromise that we can." Ms. Lacouer said that they have achieved high density, with a proposed 12 dwelling units per acre. She said that Mill Creek Drive was just constructed and Route 20 South is due for widening in the very near future. Ms. Lacouer emphasized that the subdivision will have two points of ingress and egress, is located adjacent to Monticello High School, and is within ¼ mile to the new proposed middle school.

She said if the Commission doesn't approve the development, they are sending a message that they don't want development in southeast Albemarle County, or wants it further south on Route 20. Ms. Lacouer pointed out that they have met the 12 principles in the Neighborhood Model, despite site constraints. She compared her proposed development to Willow Lake and its relationship to Monticello High School.

Ms. Lacouer reported that she spoke with adjoining landowners to the development, who indicated that they did want a pedestrian link. She emphasized that her development has sidewalks along all roads, pedestrian paths along common areas, tree plantings which provide shade, and neighborhood friendly streets and paths. Ms. Lacouer said that she would encourage the county to consider a bus route to Mill Creek and Monticello High School.

Ms. Lacouer continued to pull phrases and passages from the Neighborhood Model to support her style of development.

She said that 63% of her site is in unpaved area, including designated open space, 5 tot lots, and a 6,000 square foot clubhouse and pool centrally located within the development. At Mr. Rieley's request, Ms. Lacouer pointed out the location of the tot lots.

Mr. Rooker asked how much of the open space is relatively flat, usable for active recreation.

Ms. Lacouer replied that the pond and streambed are fairly flat along stream area, fairly flat along Route 20, and then go uphill. She stated that there is one open space parcel of approximately 3.63 acres.

Ms. Lacouer stated that they have placed over 30% of their parking under buildings, and said that she worked to try to nestle the buildings into the terrain. She presented rent comparables from various apartment complexes in the area.

Mr. Rooker asked if there is a location for a bus stop.

Ms. Lacouer stated that she would be happy to have a bus stop near the clubhouse of their community, and would be glad to provide one.

Mr. Rooker asked if they were providing anything beyond minimum screening requirements.

Ms. Lacouer responded that they are working with the ARB and the county landscape architect to effectively screened the site. She said that ARB recommendations have prompted them to reduce the berm size and screen through plantings instead.

Mr. Finley asked if the buildings were included in the 63% non-impervious total.

Ms. Lacouer responded that the buildings would be included in the 63%.

Ms. Hopper asked if she had an estimate of what rents would be.

Ms. Lacouer said that she is not sure yet, but she would have to be within market range.

Mr. Craddock asked about the undisturbed area.

Ms. Lacouer responded that 24.92% is undisturbed, along the stream, and other parts will be graded for pipe installation, etc., but will not be paved or built on.

Mr. Craddock noted that in the previous report, most of the site was wooded.

Ms. Echols responded that most of the land is currently wooded, and most of the woods would need to be removed except in those areas primarily along the stream and a right hand side of the driveway, where the trees will remain.

Mr. Rieley commented that at the last Commission meeting, there was discussion of possible alternative layouts, and they have not been presented.

Ms. Lacouer replied that they have had "many masters to please," and cannot see any alternative plans. She said that in her opinion, this is the "best way" to develop the property.

Mr. Rieley said that the "pulling of individual pieces of the Neighborhood Model out and throwing it up at us is not helpful." He said that the basis of the Commission's decision should be sound planning principles and an orderly development that justifies higher density. Mr. Rieley said that the Commission has been emphasizing that they want higher density in the growth areas, but what comes along with that higher density is good design.

Mr. Rieley said, "What we have here I think is a very ordinary plan that we could just as easily have seen 20 years ago. I agree that there are constraints that are imposed by existing ordinances and by VDOT, but these are private roads after all. So this could be a lot better, and my concern is that if we vote to recommend this rezoning based on this plan and the sort of fragmentary arguments based on the Neighborhood Model, we're really saying in our recommendation to the Board that as long as there is high enough density in these areas, and there are a few sidewalks, that beyond that, anything goes. I really don't think that's the message that we want to send."

Mr. Rooker asked, "What specifically do you not see here? They to have sidewalks, they have substantial plantings, they have connectivity to the extent that they can achieve it given the desires of the surrounding property owners. They have a significant amount of open space given the density of the development, and they seem to be providing a fair amount of active and passive open space."

Mr. Rieley responded that his concern is the relationship of the buildings to eachother. "I think to argue on a site in which your virtually grading the entire site that the existing land form is creating this orientation – I think it's hard to argue that. I think this is a classic case of cramming as much building and parking lot and steep slope onto a given area as you possibly can, and has a result, you don't end up with anything else. So, when you walk out of these buildings, you have building, parking lot, and steep slope, and nothing else until you walk down 50 or 60 feet down to the level where the pond is…I would be much more favorably inclined toward more smaller spaces that are useable outdoor spaces associated with these buildings."

Mr. Rieley recalled the Engineering Department's presentation which showed a building with steep slopes on either side, with parking lots, and nothing else left over "and we were all

appalled." Mr. Rieley concluded that "if these buildings had more of the grades taken up by the buildings themselves, and there were actually more buildings, I think it could be a better design. It's not the density the troubles me, it's the configuration." He added, "I think if we recommend approval, and the Board agrees with us, I don't think we're going to be happy driving down Route 20, and looking at the results of what we've done, based on the fact that we know for that we knew 20 years ago."

Mr. Thomas said that he feels the developer is doing the best they can do with the property as it is. "Any other property in the county would have the same issues." He added that the DISC models planned for future are not yet part of Comprehensive Plan, and the Commission may be putting the horse before the cart. "I think it meets all of the Comp. Plan designs, and therefore I support this project."

Mr. Finley stated, "I've looked at it, I think it's pretty good."

Mr. Rooker said he is troubled by the extent to which the Commission can be objective, not subjective. He said that the staff has drawn a number of conclusions that this meets some aspects of the Neighborhood Model. Mr. Rooker stated that the applicant has attempted to achieve connectivity, is sensitive to transportation issues, and the property is proper place to locate high-density development. Mr. Rooker indicated that because staff is not in a position yet to do an analysis of where alternative locations could be, it is difficult to make an objective determination that what is being done is not the best location for buildings given the density and topographic features of the land.

Mr. Rieley said that if you hold to the objective criteria of not approving a development in which most of the development results in buildings, steep slopes, and parking lots, "that's objective." He added, "That's what this represents, and to say that this represents what the Neighborhood Model is proposing is not supportable." Mr. Rieley added that this proposal looks like the "don't do" illustrations in DISC.

Mr. Rieley emphasized that in the development areas, where there is an enormous increase in density, it is in the public interest that it be well designed. He added, "I think having usable outdoor space adjacent to buildings like this is terribly important. I think that the developments we have seen and allowed that didn't provide for that, have suffered and the community has suffered as a result."

Mr. Rooker said, "I don't necessarily think this is the best design that could be had with respect to the density on the property, but in terms of locating usable open space, they have put most of the open space in flatter areas where it can be utilized. And the massing of the buildings is taking place primarily on slopes."

Mr. Finley asked if there were things on the books that the developer could use to come up with a better design.

Mr. Rieley said that the Board adopted the 12 principles of the Neighborhood Model, which can certainly be used in planning.

Mr. Rieley stated, "I think that we should be holding our projects that have this kind of order of magnitude of increasing density to a higher standard of design then we have before us."

Ms. Hopper commented, "That's been done historically with past rezonings," noting that DISC pulls out principles that exist in the Comprehensive Plan and reorganizes them.

Ms. Hopper applauded Ms. Lacouer for making changes, and said it would have been nice to see design alternatives.

Mr. Rooker commented that DISC mentions public recreation land being available, within a short walking distance to residents, not necessarily adjacent. "The open space here appears to me to be as accessible as the open space that we talk about having in DISC-type neighborhoods – within a short walking distance." He added, "A number of the features that we have tried to get developers to bring to us over the last couple of years seem to have been brought to us in this proposal."

Ms. Lacouer re-addressed the Commission, emphasizing that the Neighborhood Model suggests sensitivity to topography, which they have achieved in this design. She said that even though the roads are private, they have to be kept to the highest standards, and they can't exceed a 10% slope. Ms. Lacouer added that the Zoning Ordinance requires all parking to be a maximum 5% slope, no more than 100 feet from the front doors. She emphasized that they have come up with three different designs, and "we don't see another design" that fits the ordinances today.

Mr. Finley asked if VDOT would take over the roads and make them public.

Ms. Lacouer replied that they will meet all public road standards, but don't have a drainage area.

Mr. Craddock said that he is still lacking information on the traffic on Route 20, and does not know if the road is adequate now, much less with increased traffic.

Mr. Rooker said that the traffic count in 1997 was 7,700 vehicle trips per day, and Georgetown Road has 18,000 vehicle trips today. He emphasized that Route 20 is proposed for a major upgrade, and the road is "pretty decent" along the Monticello High School stretch.

Mr. Rooker asked staff to comment on the schedule for improvements on Route 20.

Mr. Cilimberg said that there is not a construction date available yet, and VDOT is in the functional plan stage now, which is the very earliest design. He said the road would have to go to both location and design public hearings, and right-of-way acquisition. Mr. Cilimberg mentioned that the route would be a four-lane road, but that's more than three years out, at least. He confirmed that Route 20 is second in the requests to the county for primary road improvements; first is Meadowcreek Parkway.

Mr. Rooker asked if their had been any determinations of levels of service on Route 20.

Mr. Cilimberg replied that the level of service discussion normally centers around intersections in the urban areas. "The issue is the geometrics of this road."

Mr. Rooker asked about VDOT's comments.

Ms. Echols responded that VDOT's comments had to do with the location and of entrances on Route 20, as well as on Mill Creek Drive. She said that if VDOT is concerned about levels of service, they ask the applicant for traffic analysis, and he didn't in this case.

Ms. Echols noted that typically in a multifamily development the road is a series of driveways, and this isn't really a public/private road issue, although there are requirements for driveways and parking lots that talk about maximum grades. She recognized that there are different design options for sites, but they do not all result in the same kind of density or unit type. Ms. Echols stated that she would not characterize this as a DISC-like development, although some elements of the proposal do meet DISC principles. She said that the applicant has provided a lot of information about landscaping on the reconstructed slopes.

Mr. Riley asked for clarification about Route 20 road improvements.

Mr. Cilimberg stated that this project was not even on "the VDOT radar screen" until about three years ago. However, because of the situation of increased traffic around Monticello High School and a recent road fatality in the area, VDOT has now recognized the need for improvements. Mr. Cilimberg emphasized that the Primary Road Improvements Program is a district program, which has to compete with projects all over this part of the state. "Where it stands right now is it has been funded for design."

Mr. Rieley asked how long out this project would be.

Mr. Cilimberg said there's no real way to predict an exact construction time, but at a minimum even if the money were now available, VDOT has to go through a location hearing, a design hearing and right-of-way acquisition. That in itself takes two to three years. "Beyond three years I think before you could realistically expect anything to be under contract."

Mr. Rooker asked to what the criteria are for VDOT to conduct a traffic study.

Mr. Cilimberg replied that moves to VDOT traffic studies are a result of their concerns about impact to intersections, level of service in urban areas, as well as concerns about exceeding capacity of the road. "We can't only assume that based on what they felt like the traffic generation would be, level of service and capacity was not going to be an issue."

Mr. Finley asked Ms. Echols to review the development schedule for the proposed buildings.

Ms. Lacouer replied that the earliest she could foresee construction beginning would be two years from now for Phase I.

Mr. Rooker asked about the purpose of the lake/pond.

Ms. Lacouer responded that the lake would serve both as a detention basin, and as a passive amenity. She said that that is the only logical location for the basin due to the direction of waterflow.

Mr. Rieley said that there is an enormous watershed that flows through there, and wondered how this pond can serve as a stormwater detention pond.

Mr. J. Thomas re-addressed the Commission. He said that a lot of what's driving the location of this detention pond is that the north of the proposed access way is a perennial stream, as opposed to an intermittent stream; the water protection ordinance makes it a protected stream buffer in that area. He said that the peak runoff from the apartment property would occur long before the peak itself reaches the pond, because there is a different concentration in that area. "This detention pond is designed to…shave the peak of the flow from the site itself." He agreed that the pond can handle the peak.

Mr. Rooker asked Mr. Craddock to express his concerns about the traffic in the area.

Mr. Craddock said that he has observed an enormous amount of traffic going into the Monticello High School site, and the "S" curves there are pretty treacherous. "You start putting lots of young kids with lots of inexperience behind the wheel, and 2,000 more car trips per day, to me it's a recipe for disaster."

Ms. Hopper indicated that she does not have enough information to determine whether the additional car trips would be a disaster or not.

Mr. Rooker asked if there is anything objective to look at with respect to the amount of traffic this road is being asked to handle, compared to other roads. He stated that he is not aware of any subdivision has been turned down based on expectation of increased traffic without any hard facts. He noted that in many cases, the applicant is asked to contribute to the cost of improvements, based on the percentage of traffic that would be added by the applicant. "What's troubling me here is there's nothing objective that says the traffic added by this particular project is going to do anything to the capacity or safety of the road."

Ms. Hopper said that there was a traffic issue on the Calvet property, although VDOT did not require a study.

Mr. Kamptner stated that VDOT was involved in the location of the entrance, and the item was actually just a critical slope waiver.

Ms. Echols mentioned that an action was also needed on this application for a critical slopes waiver.

Mr. Rooker stated that he is not comfortable turning down this property based on the traffic situation without some objective criteria that indicates that this development will make the roads unsafe. "We're going to face these kinds of problems every time we look at development in the

urban areas. Is the infrastructure adequate to handle the development. I think we need help as we go along in making those determinations."

Mr. Rieley said he is troubled by the relationship between the recent accident and the geometry of the roadway in conjunction with the roadway's need for improvement, pointing out that the road alignment there was set by wagons.

Mr. Rooker stated that while roads pick up in traffic, the traffic slows down to a safer rate of speed.

Mr. Rieley said, "You usually have more accidents but they're less serious."

MOTION: Mr. Thomas moved, Mr. Rooker seconded approval ZMA 99-10 with proffers and including the waiver for a modification of the application plan to allow disturbance of open space of less than 25% of the site and a critical slopes waiver. In a 3-3 vote, with Mr. Thomas, Mr. Rooker, and Mr. Finley voting in favor, and Mr. Rieley, Ms. Hopper and Mr. Craddock voting against, the Commission failed to recommend approval of ZMA 99-10 and SDP 99-148.

SUB 00-101 Milton Village Preliminary Subdivision - Request for plat approval to create seven (7) lots averaging 8.71 acres on a new internal public road. Property is located on approximately 63.045 acres zoned RA (Rural Area). It is described as Tax Map 79-Parcel 43F and is located on State Route 729 (Milton Road) approximately 600' south of its intersection with State Route 732. This property is located in the Scottsville Magisterial District and is designated for Rural Area uses in Rural Area 4 in the Comprehensive Plan. *Deferred from the August 8, 2000 Planning Commission meeting.*

Mr. Craddock announced that as an adjacent landowner, he would not participate in the discussion and vote of SUB 00–101.

Ms. Amarante presented the staff report, reviewing the items that the Commission had asked her to investigate after their consideration of the proposal two weeks prior. She said that Engineering's analysis concluded that a private road in approximately the same alignment serving seven lots would have no less impact than public road as presently proposed. Ms. Amarante stated that there are no regulations dictating that well water or wells be approved before from preliminary plat approval. She said that a Rural Preservation Development has been discussed with the applicant, but he has expressed no interest in pursuing that type of development.

Public comment was invited.

Dr. William Orr, who owns the property, addressed the Commission. He said that he has owned 53 acres at Milton for the last 15 years, and no one has come forward to try to purchase the property, even though they have tried to sell it. Dr. Orr said that he spoke with Ms. Amarante about selling development rights through ACE, and found out that the property is not designated historic and is a small parcel in the context of the ACE parcel. Dr. Orr stated that after consulting with an attorney, he believes that this is an administrative review for decision, not

requiring a vote by Planning Commission. Dr. Orr said that he will soon test for wells to see if the property has adequate water for the development. He stated that he would agree to allow archeologists to study his site after his division is approved, providing that the land was put back as it was.

Mr. Finley asked Mr. Kamptner to comment on Dr. Orr's statement about this proposal not requiring Commission review.

Mr. Kamptner responded that this proposal was called up by a citizen, which takes the administrative review at the staff level up to the Commission.

Ms. Hopper asked Dr. Orr to confirm whether archeologists would be given access to the site.

Dr. Orr responded that he would allow archeologists to come on the site, and stated that they could test the roadbed, as that seems to be the area most likely to be impacted.

Mr. Rooker asked Mr. Kamptner if he agreed with analysis Dr. Orr's attorney made regarding options to approve the subdivision.

Mr. Kamptner replied that the ministerial decision is whether or not the application complies with the Subdivision and Zoning Ordinances, and staff has not found any regulation that the preliminary plat does not satisfy.

Mr. Thomas asked what he would you do if they found artifacts in the road area.

He replied that he would stop what they were doing and survey the whole piece. He emphasized that he had never seen anything historic on the property.

Mr. Thomas commented that it was very gracious of Dr. Orr to allow the archeologists to study the site.

Mr. Robert Verdeman addressed the Commission. He said that he is trained as an archeologist and was asked by Pat Sternheimer to review the location of Milton Village. Mr. Verdeman said that many maps from Milton do not adequately show the town's location. He presented Jefferson's map of Milton, and an 1801 map found in the Jefferson papers that exactly lays out the town site and the lots around the town site. Mr. Verdeman confirmed that the writing on the first map was Jefferson's upon purchasing the land from the estate of Bennett Henderson. He emphasized that Dr. Orr's road would cut through the center of town, and the development of the site would impact the old town lots.

Mr. Finley asked him when he became interested in Milton.

Mr. Verdeman responded that he went to Graduate School with Ms. Sternheimer, and has known about Milton for several years.

Ms. Pat Sternheimer addressed the Commission. She said she has worked on Milton for the last 9 years, and has accumulated over 2,000 documents, 500+ of which are deeds. She explained that there will be 22 Milton lots impacted by Dr. Orr's proposal, including 11 impacted by the road alone. Ms. Sternheimer said that artifacts beneath the lots could include burial sites and other things that would tell a lot about the life of the lower/middle class of Jefferson's time. She added that Jefferson owned 20 lots at Milton, and built a road directly from Monticello to Milton.

Ms. Sarah Bon Harper, Archeology Field Manager of Monticello, addressed the Commission. She said that the Thomas Jefferson Memorial Foundation is very concerned about the impact of the development to Milton, which is a very important part of Albemarle's early history as well as an important part of the Monticello Plantation. Ms. Bon Harper said that if state funds are used in the building of the road, some kind of archeological testing is usually required.

Mr. Scott French, Associate Director of the Carter G. Woodson Institute of African American and African studies at U.Va. addressed the Commission. He said that the institute has begun a study of historically black neighborhoods in Charlottesville/Albemarle, and Milton could be an important part of that.

There being no further public comment, the matter was placed before the Commission.

Mr. Rooker asked if the private road were eventually going to become public, if the Department of Historic Resources would be involved as Ms. Bon Harper said they would for roads that start out as public.

Mr. Cilimberg replied, "Not to my knowledge."

Mr. Thomas said she found it very disheartening that Ms. Sternheimer and Dr. Orr have not spoken.

Mr. Rooker stated that it is a very unfortunate circumstance as the county does not have a Historic Preservation Ordinance, nor has the Board adopted the Historic Preservation Plan. "We do not the discretion legally, I don't think, to turn this subdivision down as much as I personally would like to."

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of SUB 00-101 with conditions as presented.

Mr. Rieley agreed with Mr. Rooker that this is a classic case of why we need a historic preservation ordinance so badly, and why a voluntary ordinance is "thoroughly inadequate." He said that it is another project that points out the need for having a provision for assurance of water supply on every lot before its platted. Mr. Rieley said that while he submits to the higher authorities, as he cannot find any grounds legally vote against this. "I can't, in good conscience, however, vote in favor of it." He abstained from the vote.

Mr. Finley stated that people are preserving historic sites throughout the county, and historic property rates predate Milton Village.

Ms. Hopper said she would vote in favor of the subdivision also, noting that the county is working as fast as it can on historic and water supply issues. She encouraged Dr. Orr and the archeologists to work together.

Mr. Rooker asked staff to investigate whether the Department of Historic Resources has the ability to look into whether the site needs to be reviewed prior to a private road being built, since the road will eventually become public.

The motion passed in a 4-0 vote, with Mr. Craddock and Mr. Rieley abstaining.

The Commission took a brief recess.

Public Hearing Items:

SP 00-026 ALLTELL/Berman – Request for approval to construct a 93-foot tall monopole telecommunications tower, with three (3) flush-mounted panel antennas and collocation antennas, on 17.065 acres zoned RA, Rural Areas and EC, Entrance Corridor. The property, described as Tax Map 72-Parcel 19B, is located on the west side of Route 635 (Miller School Road) at the Interstate Route 64 overpass. The Comprehensive Plan designates this property as Rural Areas (Rural Areas 1).

Mr. Waller presented the staff report, noting that this is one of three requests that have been proposed to provide seamless coverage along I-64 West of Charlottesville, and there are certain similarities between the requests: all include a steel monopole with directional antennas flushmounted near the top of the pole. Staff has reviewed each of this requests for compliance with the draft Wireless Policy Manual, the Zoning Ordinance, and the Comprehensive Plan. The Wireless Policy manual bases the criteria of review for wireless facilities largely on the impact of visibility.

He said that with each request, the applicant is also proposing approval of monopoles that have the capability of being extended an additional 15 feet in order to provide possible opportunities for co-location. Staff's review of this facility focuses only on the information pertaining to the base heights of the towers; these heights are based on the tallest tree within 25 feet. Any future proposals for co-location must be reviewed separately, and may require amendment of the special use permits.

Mr. Waller said that in the application for SP 2000-26, the applicant is requesting approval to construct a monopole that extends five feet above the height of tallest tree within 25 feet. The property is adjacent to I 64 at the overpass for State Route 635, and in accordance with the draft Wireless Policy Manual guidelines for Tier Two facilities, the applicant would normally be allowed to request approval of a pole at 10 feet above the tallest tree within 25 feet; however the board of Zoning Appeals has granted variance for this facility at a height that limits it to 90 feet.

Mr. Waller said that it is staff's opinion that the top portion of the tower may be visible from the westbound lane of I-64, only when there are no leaves on the trees. He said that the ARB has issued a certificate of appropriateness for this facility, with additional conditions that must be reviewed and approved by the design planner prior to construction of the facility; these conditions have been made a part of staff's recommendation.

Staff has reviewed this request for compliance with the provisions of the Zoning Ordinance, and recommends approval of the special use permit with the conditions set forth in the staff report. Mr. Waller noted that the applicant is also requesting a setback and site plan waiver.

Mr. Thomas asked about the verification that trees have grown.

Mr. Waller responded that if the applicant wants to raise the height of the tower to get beyond trees that have grown, they would have to submit a certification that the tree has grown; then they could request to raise the height of the tower. He emphasized that the general conditions for these facilities include a condition requiring the Director of Planning's approval of the cutting of trees within 200 feet of the facility – including the tower and all surrounding equipment. He said that the average tree in this site is 80 feet, with one at 96 feet; the applicant is asking permission to cut the top of the tree down at a height more in line with the average tree heights.

Mr. Thomas asked where the tower would land if it fell.

Mr. Waller replied that the applicant has indicated that the poles collapse onto themselves.

Mr. Rooker noted that there is no condition relating to the size of the ground equipment and RF isolator.

Mr. Waller answered that they are included as a footprint in each of the plans. He said they are tied to the schematics through the site plans.

Mr. Kamptner stated that Condition #4 ties down the location to what's shown in the plan.

Mr. Rooker said he would like something in the conditions to address the ground equipment size and location as it relates to the plans submitted.

Mr. Rieley noted that there is no vertical measurement given for the equipment.

Mr. Rooker commented that his preference would be not to encourage collocation, as it increases visibility and goes against the ideas in the Wireless Policy Manual.

Mr. Cilimberg said that Condition #6 was modified by the Board of Supervisors several months ago, and this is a standard treetop condition included. He added that Condition #3 says that co-location can be provided for.

Mr. Rooker stated that he reads it as encouraging co-location.

Mr. Cilimberg said that the Board felt that changes in technology might allow collocation at the same height, without the separation that causes visibility.

Mr. Rooker noted that the applicant would still have to come back for an amendment to the special use permit, and co-location could be addressed then.

Mr. Rieley asked why the wooden poles are not being recommended.

Mr. Waller responded that the Wireless Policy Manual does allow for concrete and steel poles. He said that staff conditions request that the poles be the same color as wood.

Mr. Rieley commented that these poles are substantially larger in diameter at the base.

Mr. Cilimberg said that that type of pole allows the applicant to extend the height based on tree height.

Public comment was invited.

Mr. Dick Gibson of Alltel addressed the Commission. He said that this is a new system for Alltel, which proposes that a group of poles will deliver the necessary signal to cover I-64. He said that removing any of the core and repeater sites means the system will not work. Mr. Gibson emphasized that the poles proposed are nearly invisible, and are all located in wooded areas with one exception. He mentioned that Alltel proposes all treetop monopoles, noting that the Wireless manual treats steel, wooden, and concrete structures the same. Mr. Gibson explained that Alltel has selected a steel pole for potential co-location opportunities.

Mr. Gibson said that the steel pole also allows for growth of trees, allows for running of the coax cable on the inside of the pole, and has better structural integrity. He noted that the pole would basically "accordion onto itself" in very high winds.

Mr. Gibson said that Alltel does have some concerns with staff recommended conditions: two of the applications have wooden poles recommended, and Alltel would prefer steel; lightning rod is only 1 inch in diameter, and should not be included in overall height; three sites need an RF isolator (3 feet by 2 inches) inserted between the two antennas to separate the signal between the upper antenna and lower antenna. Mr. Gibson presented photos of the antenna type used at the sites, emphasizing that they would be flush mounted to the pole. He stated that Alltel has already received endorsement by the ARB, necessary waivers by the BZA, as well as recommendation for approval from staff.

Regarding the Berman site, Mr. Gibson stated that the tower would be well concealed. He emphasized that Alltel needs relief from Condition #3C to allow for protrusion of the RF Isolator, and Condition #5C to allow for the additional height of the lightning rod. Mr. Gibson said that Condition #8 calling for a tree conservation plan seems like an unnecessary expense when there is a condition already imposed by the ARB prohibiting tree removal within 200 feet of the site.

Mr. Gibson clarified that the equipment shelter size is specified in the application as 66" high, 56" high, and 34" deep; there will be two for each site, side by side.

There being no further public comment, the matter was placed before the Commission.

Mr. Finley asked how Commissioners wished to proceed given Alltel's concerns

Mr. Cilimberg said that Condition #8 was added by the Board of Supervisors as a way to ensure that the installation would not affect trees within 200 feet, except those that need to be removed. "It's a condition that other carriers very honestly are having to comply with."

Mr. Rooker asked about the RF isolator and condition requiring flush mounting.

Mr. Waller said that he assumed the isolator would be a thin pole, and was unaware until today that it was a larger piece of equipment. Noting Attachment G2, Mr. Waller said the isolator appears to be nearly invisible in the rendering; however, Mr. Gibson's diagram shows a larger item.

Mr. Gibson explained that the purpose of the RF isolator is to prevent radio waves projected out from the top antenna from bouncing off trees and causing interference with the lower antenna. "It's in essence to deflect the radio signal out to customers as opposed to having it bounce off the tree and back and interfere with the antenna on the lower side. It is something that is essential for this system to function." He emphasized that the ARB has approved the arrangement, and the RF isolator will be at or below treetop level; he mentioned that one already exists on a CFW tower in Albemarle County.

Mr. Finley asked about the lightning rod and the condition which limits its height.

Mr. Cilimberg noted that the issue of grounding rods has not come up before, adding that if the diameter is only one inch, it would be hard to detect.

Mr. Waller stated that he did not have a problem removing wording from the condition so that the rod would be allowed. He added that as long as the RF isolator is kept at or below the tree line, that would also be acceptable.

Mr. Rooker noted that the picture just presented showed the RF isolator way down below the tree level.

Mr. Gibson stated that that picture shows a device that look similar to an RF isolator, but used as an ice bridge to protect dish antenna from ice falling off of the tower. "The structure is the same, but the function is different. In our case, it would need to be located two feet below the bottom of the top antenna on the repeater sites, which are I-64 East, I-64 West, and Berman."

Mr. Rooker noted that the Commission has not seen such an array from other companies. "What I don't understand is why other applicants are coming in with pole towers with flush-mounted antennas, and they don't seem to be an RF isolator. They don't seem to be so dependent upon a

series being approved in specific locations. Why is it that we have these very strict technical requirements that don't seem to apply to these other systems."

Mr. Gibson responded that he can't speak to other companies, but some others have dish antennas and may not be using repeaters. He said that for Alltel, "it's a system requirement. You're going to have interference if the ice bridge isn't there that is going to significantly deteriorate the signal." Mr. Gibson emphasized that the ARB has endorsed the arrangement, and added that the trees and distance will provide significant screening.

Mr. Rooker asked about the purpose of the RF isolator.

Mr. Gibson replied that the isolator prevents the signal from bouncing off trees and causing interference with the second level antenna.

Mr. Thomas asked what would happen if all of the poles are put up, then the system doesn't work.

Mr. Gibson responded that the poles would have to come down.

Mr. Thomas asked if the poles would be arranged in a telescopic fashion for expansion.

Mr. Gibson responded that there would need to be another section stacked on top, but they're flanged so that they can collapse onto themselves. He said it is engineered to bend over in thirds in the event of very severe wind.

Mr. Thomas said it concerns him that the tower is only 50 feet from a major highway.

Mr. Finley asked if the RF isolator would be above or below the treetops.

Mr. Gibson responded that it would be "essentially at treetop level."

Mr. Craddock asked how many other signals could be carried from this tower.

Mr. Gibson replied that if there are roaming agreements in place, anyone can use the signal. "The way the future of the industry is going, you'll be able to use your phone anywhere you go in the country [off of existing towers]." He emphasized that Alltel needs to provide service coverage to draw customers.

Mr. Finley asked if Commissioners were ready to act on SP 00-026.

Mr. Rieley said he thinks the Commission should get specific about the height of the lightning rod and RF isolator, noting that there seems to be a "vertical creep" with tower applications.

Mr. Rooker suggested a condition stating that the RF isolator would not be higher than the tallest tree located at the same base elevation.

Ms. Hopper suggested including dimensions of the RF isolator.

Mr. Rieley noted that Attachment G shows dimensions of 2 feet by 2 feet.

Mr. Gibson clarified that the dimensions should be 3 feet by 3 feet.

Mr. Rieley commented, "That's going to have a substantial impact on the visibility of these things."

Mr. Kamptner suggested language to address the RF isolator, amending Condition #3C to include "No antennas that project out from the pole shall be approved, except that one RF isolator not to exceed 3 feet by 3 feet may extend from the pole as shown on Attachment G, Page 2." He also suggested changing the word in Condition #5 from "Antennas" to "Equipment."

Commissioners also agreed to eliminate Condition #6, which seems to encourage co-location.

Mr. Rieley stated that approving this SP is "somewhat of a leap of faith." He said that he thinks the metal poles will be more visible, but is anxious to get something in place along I-64 before VDOT "does something outrageous."

MOTION: Mr. Rooker moved, Ms. Hopper seconded SP 00-026 with conditions modified as follows:

3c. Only flush mounted antennas shall be used. No antennas that project out from the pole shall be approved, **except that one RF isolator not to exceed 3 feet by 3 feet may extend from the pole as shown on Attachment G, Page 2**.

5. **Equipment** may be attached to the tower only as follows:
   a. Antennas shall be limited to those shown in the plan titled "ALLTELL/Berman";
   b. Satellite and microwave dish antennas are prohibited;
   c. No portion of the tower, including the antennas, shall extend more than five feet above the highest part of the tallest tree within 25 feet; a grounding rod whose height shall not exceed two feet and whose width shall not exceed one inch diameter at the base and tapering to a point may be installed at the top of the pole.
   d. The RF Isolator shall be located below the height of the tallest tree located at the same base elevation as the tower within 25 feet of the facility, and so as not to be visible from any public road.

Elimination of Condition #6.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of waivers for setback and site plan associated with SP 00-026.

Mr. Rooker commented that he is not necessarily convinced that metal poles are as acceptable as wooden poles, but in the manual, there is no distinction made. "I think the applicant has in good faith proceeded based upon what the manual says."

Mr. Rieley said that based on the experience with these, perhaps the manual will need to be revised.

SP 00-027 ALLTELL/Yancey Mills – Request for approval to construct a 90-foot tall monopole telecommunications tower, with three (3) flush-mounted panel antennas and collocation antennas, on 14.195 acres zoned RA, Rural Areas and EC, Entrance Corridor. The property, described as Tax Map 71-Parcel 37J, is located near Yancey Mills on the east side of State Route 824 (Patterson Mill Road; between 824 and Interstate Route 64. The Comprehensive Plan designates this property as Rural Areas (Rural Areas 3).

Public comment was invited.

Mr. Gibson re-addressed the Commission. He stated that all of his previous comments apply to this proposal also, including the allowance for the lightning rod height.

Ms. Lindsay Friedman addressed the Commission. She asked if the Commission votes on the first two and approves them, would they automatically approve the third.

Mr. Finley stated that the Commission would take public comment on each proposal, and would vote on each permit accordingly.

There being no further public comment, the matter was placed before the Commission.

Mr. Cilimberg noted that there is no condition addressing the height of the ground equipment.

Mr. Rooker suggested that the Condition should state: it will be no larger than the specifications shown in the application.

MOTION: Mr. Rooker moved, Mr. Rieley seconded reconsideration of SP 00-026 to address the ground equipment. The motion passed unanimously

MOTION: Mr. Rooker moved, Mr. Rieley seconded adding a Condition 3e stating: The ground equipment shall be painted dark brown in color **and shall be no larger than the specifications set forth in the application.** The motion passed unanimously.

Mr. Rooker said that he would be comfortable approving SP 00-027 with the same conditions as SP 00-026, with a five-foot height over the tallest tree than 10 feet.

Mr. Cilimberg said that generally, the Commission has granted 7 feet.

Mr. Rooker stated that this application would be 5 feet, plus 2 feet for the lightning rod.

Mr. Waller confirmed that there are grounding rods on wooden poles also.

Mr. Rooker said using a consistent set of conditions would allow for 5 feet plus 2 feet for the lightning rod.

Ms. Hopper noted that the RF isolator condition would not be applicable, because there is no isolator.

Mr. Rieley asked about the plantings to screen of the ground equipment.

Mr. Waller mentioned that the screening is a condition of approval of the site plan waiver.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 00-027 with conditions modified as follows:

3c. Only flush mounted antennas shall be used. No antennas that project out from the pole shall be approved.
e. The ground equipment shall be painted dark brown in color **and shall be no larger than the specifications set forth in the application.**

5. Equipment may be attached to the tower only as follows:
e. Antennas shall be limited to those shown in the plan titled "ALLTELL/Yancey Mills";
f. Satellite and microwave dish antennas are prohibited;
g. No portion of the tower, including the antennas, shall extend more than five feet above the highest part of the tallest tree within 25 feet; a grounding rod whose height shall not exceed two feet and whose width shall not exceed one inch diameter at the base and tapering to a point may be installed at the top of the pole.

Elimination of Condition #6.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of the site plan and setback waivers associated with SP 00-027, with conditions as presented. The motion passed unanimously.

SP 00-028 ALLTELL/Ivy Exit – Request for approval to construct a 107-foot tall monopole telecommunications tower, with three (3) flush-mounted panel antennas and collocation antennas, on 2.97 acres zoned RA, Rural Areas and EC, Entrance Corridor. The property, described as Tax Map 74-Parcel 2C, is located on State Route 637 (Dick Woods Road), approximately ½ mile south of the Ivy Exit (Exit 114) off of Interstate Route 64, between I-64 and Route 637. The Comprehensive Plan designates this property as Rural Areas (Rural Areas 3).

Public comment was invited.

Mr. Gibson of Alltel re-addressed the Commission. He said that the Ivy Exit site is a core site, and Alltel is requesting a tower height of 94 feet. The facility is located 900 feet from I-64, and there was a balloon test done August 10th, which showed the balloon to not be visible. Mr. Gibson said that Alltel would like the tower not to be reduced in height, noting that the Wireless Policy Manual allows for 10 feet above the trees. "The system is engineered to take advantage of every foot, and the five feet [from the Yancey Mills proposal] that was lopped off is not going to be helpful at all." He said that again they would like the lightning rod to be allowed to extend an additional two feet above the antenna height.

Ms. Hopper asked if this proposal includes an isolator.

Mr. Gibson confirmed that the Ivy site does not include an isolator.

Mr. Richard Albeck, a Rosemont resident, addressed the Commission. He expressed concern about the impact the tower would have on the beauty of the Virginia countryside. He stated that regardless of the tower height, it will have an impact. Mr. Albeck said that when the leaves are not on the trees, the tower will be even more visible. He emphasized that cellular phone coverage in the area is currently acceptable, and stated that perhaps Alltel does not have the technology that other wireless carriers have. Mr. Albeck said that residents living at higher elevations will see the tower from above. He also noted that people driving on I-64 shouldn't be talking on the phone anyway.

Mr. Robert Hoge addressed the Commission. He stated that the site is not deep in the woods, and is only about 10 to 15 yards from the edge of the road; the site is also very narrow. Mr. Hoge expressed concern that a neighbor, Mrs. Ray, would not be able to cut trees if the condition for no tree removal applies. Mr. Hoge emphasized that he and Mrs. Ray have refused requests for cell towers on their property, and the Board of Supervisors turned down a request for a tower less than ¼ mile from this site. "To look at three junked vehicles on this proposed site is bad enough, but to allow a cell tower there would be adding insult to injury."

Mr. Bill Fishback addressed the Commission. Mr. Fishback said that the same issue arose 5 years ago, and this tower is in virtually the same location. He emphasized that the tower is above the tree line, and the tallest tree is just 75 to 80 feet. "If we're going to protect this corridor, then we have to think about [this carefully]." Mr. Fishback said that Sally Thomas met with homeowners in the area, and said that the county was making great effort to switch or encourage the use of these poles. He said that Alltel "had better get their technology up to speed with the others."

Ms. Lindsay Friedman addressed the Commission. She reported that there are 51 lots in Rosemont, sold with "a view." Ms. Friedman said that this tower will be directly across the road from this neighborhood. "I think that we can probably do better than that in this community."

Ms. Shirley Ray addressed the Commission, stating that she owns two pieces of property that adjoin the parcel where the tower will be located. She said that two real estate agents have told her that having a tower will decrease her property values. Ms. Ray encouraged Commissioners to deny the request for the tower.

Mr. Richard Simon addressed the Commission, stating that he is building a home in Rosemont. Mr. Simon said that the home that he's building is less than 1500 feet from the tower, and it will be easily visible from his living room window. He said his home is elevated slightly above the tower height, and it is likely that the proposed antenna will be very prominent from many places in Rosemont. Mr. Simon pointed out inconsistencies in the staff report relating to the tower height, noting that the tower would be 40% higher than most trees in the area. He noted that the tower would violate many of the policies of the county's wireless manual, especially relating to visibility. Mr. Simon noted that no real design views of the tower have been presented. He commented that as a radio astronomer, he believes that Alltel's 800 MHz analog technology requires larger equipment; newer digital systems have shorter wavelengths and smaller equipment.

Mr. Joel Loving of Langford Farms subdivision, located 1200 feet from the proposed site, addressed the Commission. He spoke on behalf of the 38 families living in Langford. Mr. Loving said, "this tower is not necessary," emphasizing that his phones work just fine. "The technology is there. There is absolutely no reason for any more cell towers." Mr. Loving said that the Langford Farms neighborhood adamantly opposes construction of any cellular towers within such a close proximity to our homes. "There is no reason for this tower. From a technological standpoint it is not necessary, and aesthetically, it would be a horrible delight to the beautiful Ivy Valley."

Mr. Peter Tuss of Rosemont addressed the Commission. Mr. Tuss stated that the balloon is visible in the photos presented. He said that as you drive Rosemont Drive, the balloon becomes more visible, especially as you reach the top of the mountain. Mr. Tuss said that he is an Alltel customer, and it works just fine in that area, noting that he is willing to accept four minutes a month that his phone might not work versus looking at the tower 24 hours a day.

Mr. Greg Gallaghe, owner of the property, addressed the Commission. He said that he has lived there all his life, and does not believe the tower will be visible.

Ms. Cathy Verrell, a resident of Langford Farms, addressed the Commission. She suggested sending a "model" tower in January to really see what the visibility would be. "I like that co-location thing, and perhaps we could considerate it on the already existing horribly visible tower 1.4 miles east on 64."

Ms. Suzanne Berry stated that there is the technology to put a satellite up in the air, and "I think [Alltel] should save their money and do that."

Ms. Charlotte Hoge, a 48-year resident of Ivy, addressed the Commission. She said that she opposed the tower proposal for the Ewall property, which was eventually denied. Ms. Hoge said that the property for the current proposed tower was once in her family, and is a small parcel that is not shielded very well. She said that the Ivy Valley has been described as having one of the prettiest views in Albemarle County, and this tower will not enhance that view for either tourists, or families living nearby.

There being no further public comment, the matter was placed before the Commission.

Mr. Gibson re-addressed the Commission. He noted that the tower spoken about that was denied was 150 feet. The currently proposed tower is in a wooded area, and branches would form a barrier. Mr. Gibson said that Rosemont residents would be looking down on this tower as they look down on utility poles. He stated that CFW is the only company that has towers on the I-64 corridor, which is the Alltel coverage objective. "Obviously, if the service were adequate now, the company he wouldn't be investing the money it is to improve the service."

There being no further public comment, the matter was placed before the Commission.

Mr. Craddock wondered why an extension would be need is if the trees were already tall and mature. He also commented that the average tree height is approximately 70 feet.

Mr. Rooker noted that the tower height has proposed in the conditions is limited by height of the tallest tree.

Ms. Hopper said that this application doesn't take the tallest tree within 25 feet; it takes an average, which may be an average of some very tall trees.

Mr. Rieley stated that this proposal reflects a limitation in the county's general guideline for the tallest tree within 25 feet; the 96-foot poplar tree is to the side of the tower location, and will only offer screening from a small wedge. "Most of the trees that are between this site and 64 are 50, 60, 70 feet tall."

Mr. Rooker commented that the Commission has been dealing with towers for a number of years, and originally considered towers like the 150-foot tower that was turned down in the Ivy area. He noted that there were many towers approved that are highly visible in the county. In response to those problems, the county and Commission has spent many, many hours coming up with the Wireless Policy Manual that would reflect the community values, the desire to have facilities that are not highly visible. Mr. Rooker mentioned that Albemarle County was written up by the *Roanoke Times* as the model for the way to handle towers with respect to the competing interests of aesthetics and visibility.

Mr. Rooker added, "I'd like to just create that background for the efforts that have been made to try to get towers to a point where they are acceptable in the community." Mr. Rooker added that localities are prohibited by federal law from preventing cellular service from being exercised by carriers who own frequencies. He stated that the applicant has attempted here to meet the requirements of the policy manual.

Mr. Rooker stated that he is concerned about the tower height with respect to the trees, and it would be helpful to deal with the height of the trees along 64 as opposed to the height that might be anywhere around the tree.

Mr. Riley noted that his calculations show the 96-foot poplar tree to be an anomaly. "If you discount that tree, and average the rest of the trees that are within this spectrum, the average height is 67 feet. A 94-foot pole in that landscape is indeed going to be dramatic."

Mr. Rooker suggested dealing with the tallest tree on the north side of the tower.

Mr. Riley suggested using 70 feet as the benchmark rather than 96 feet.

Mr. Cilimberg stated it sounds like the Commission is interested in using a measurement a certain amount above the site lines to 64, which can be some range less than 180 degrees and not a specific height.

Mr. Riley suggested discounting the 96-foot tree and averaging the rest of them.

Mr. Waller reminded Commissioners that Alltel is also requesting to top the 96-foot tree down to the level of the 84-foot tree they are basing the tower height on.

Mr. Riley noted that the 96-foot tree is on the interstate side.

Mr. Rooker suggested it would be better to have the tall tree topped, and have the tower be more in line with the average height of trees in the area around it.

Mr. Cilimberg suggested having the condition state that the tall tree is to be excepted from the consideration of height.

Commissioners agreed, and also agreed to keep the height at five feet above, with two feet for the lightning rod.

MOTION: Ms. Hopper moved, Mr. Rooker seconded approval of SP 00-028 with conditions modified as follows:

1. The height of the tower shall not ever exceed five (5) feet above the height of the tallest tree located at the same base elevation as the tower; computations shall except the 96-foot poplar as shown on the tree survey.

3c. Only flush mounted antennas shall be used. No antennas that project out from the pole shall be approved.

e. The ground equipment shall be painted dark brown in color **and shall be no larger than the specifications set forth in the application.**

5. Equipment may be attached to the tower only as follows:
   a. Antennas shall be limited to those shown in the plan titled "ALLTELL/Ivy Exit";
   b. Satellite and microwave dish antennas are prohibited;
   c. No portion of the tower, including the antennas, shall extend more than five feet above the highest part of the tallest tree; computations shall except the 96-foot poplar as shown on the tree survey. A grounding rod whose height shall not exceed two feet and whose

width shall not exceed one-inch diameter at the base and tapering to a point may be installed at the top of the pole.

Elimination of Condition #6.

8. This condition will be modified prior to the Board of Supervisors September 22nd meeting to allow for a reduction in the height ("topping") of the 96-foot poplar tree.

The motion passed unanimously.

MOTION: Ms. Hopper moved, Mr. Rooker seconded approval of the site plan waiver associated with SP 00-028, with conditions as presented.

SP 00-029 ALLTELL/Mechums River – Request for special use permit to allow communications facility including a 95-foot tall monopole communications tower, with three (3) flush-mounted panel antennas, two equipment cabinets, and an emergency generator on a 1,200 square foot leased section of a 34.23 acre parcel in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers. The property, described as Tax Map 72-Parcel 43B, is located in the White Hall Magisterial District north of I-64 at the end of Route 683 at 107 Shelton Mill Road. The property is zoned RA Rural Area; the Comprehensive Plan designates this property as Rural Area.

Ms. McDowell presented the staff report. She noted that the tower is located on the north side of I-64, off of a private road approximately 780 feet from the I-64 right-of-way. Ms. McDowell said the tower is on a hill above I-64 in a fairly isolated area near the existing CFW tower. She said that she was concerned that the I-64 corridor was carefully screened view of this tower, and noted that when traveling west on I-64, the trees adjacent to the proposed tower would probably block it from view. Ms. McDowell said when traveling east on I-64, looking through the trees, the balloon in the test was not visible.

She noted that the conditions of approval address the height of the tower in relation to the trees, and the CFW tower was approved at 5 feet above the tree level. In the Alltel application, Ms. McDowell adjusted the height to accommodate the lightning rod. She noted recommended changes to the proposed conditions, including the tower being metal painted dark brown instead of wood; and adding to Condition #1: "Prior to issuance of a building permit, the applicant shall provide a statement to the Planning Department by a registered surveyor certifying the height of the tallest tree within 25 feet of the tower. Within one month after the completion of the tower, the applicant shall provide a statement to the Planning Department certifying the height of the tower."

Mr. Rooker suggested making that condition being made consistent on all of the approvals going to the Board of Supervisors.

Mr. Kamptner said that staff could provide a supplement to their staff report that goes to the Board which reflects that condition.

Ms. Hopper asked about Mr. Waller's condition regarding the slopes on the road.

Ms. McDowell responded that the applications are site-specific, and this application is on a very isolated farm road not involving slope.

Public comment was invited.

Mr. Dick Gibson of Alltel re-addressed the Commission. He noted that the balloon test was conducted at 98 feet; the requested height is for 94 feet, and the recommended height is for 86 feet. Mr. Gibson requested a change in condition to allow for the tower to be 10 feet above the tallest tree.

Mr. Rooker clarified that the condition already states "10 feet above the highest tree within 25 feet of the facility."

Mr. Gibson agreed that that was acceptable, and mentioned the lightning rod height as previously considered with the other applications. He noted that this application contains an isolator.

Mr. Rooker pointed out that the conditions needs to say "the tallest tree **measured** at the same base elevation," not "the tallest tree **located** at the same base elevation."

Mr. Cilimberg noted that the language would need to be changed in all conditions previously approved.

Mr. Rooker suggested adding language to adjust the wording to accommodate elevations.

Ms. Hopper said that the balloon looked very visible in the pictures circulated.

Ms. McDowell responded that the balloon was flying at the height requested by the applicant (98 feet), and the eventual height may or may not be the same. "However it ends up, it will be at sea level 10 feet above tree level, including the height of the antenna."

Mr. Rooker suggested using 5 feet to be consistent with previous applications.

Ms. McDowell suggested allowing the grounding rod to be above that.

Mr. Rooker stated that it makes sense to use previous conditions as approved.

There being no further public comment, the matter was placed before the Commission,

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 00-029 with conditions modified as follows:

1. The height of the tower shall not ever exceed ~~ten (10)~~ five (5) feet above the height of the tallest tree located at the same base elevation as the tower within twenty five (25)

feet of the facility. The tower shall be designed, constructed and maintained as follows:

a. The pole shall be a natural wood pole and metal pole painted dark brown in color;
b. Guy wires shall not be permitted;
c. No lighting shall be permitted on the site or on the tower pole, except as provided by condition number 9 herein;
d. The ground equipment cabinets shall be dark brown in color;
e. Only flush mounted antennas shall be permitted. No antennas that project out from the pole shall be permitted.

2. The tower shall be located on the site as follows:

~~a.~~ The tower shall be located on the site as depicted in Attachment C. as set forth in this application.

b. The proposed facility shall be located not more than 25 feet from the existing access road.

3. Antennas shall be attached to the tower only as follows:

~~a.~~ Antenna shall be limited to the exhibit as shown in a plan labeled "Attachment D."–as set forth in this application.
b. No satellite or microwave dishes shall be permitted on the tower.
c. No portion of the tower, including the antennas and grounding rod, shall extend more than ten (10) feet above the highest part of the tallest tree within twenty-five (25) feet at the same base elevation as the tower.

4. The tower shall be used, or have the potential to be used, for the collocation of other wireless telecommunication providers, as follows:

a. The permittee shall allow other wireless telecommunications providers to locate antennas on the tower and equipment on the site, subject to these conditions:
    (1) Prior to approval of a final site plan for the site or the waiver of the site plan requirement, the applicant shall execute a letter of intent stating that it will make a good faith effort to allow such location and will negotiate in good faith with such other provider requesting location on the tower or the site;
    (2) The applicant shall provide to the County, upon request, verifiable evidence that it has made a good faith effort to allow such location. Verifiable evidence of a good faith effort includes, but is not limited to, evidence that the permittee has offered to allow other providers to located on the tower and site in exchange for reciprocal rights on a tower and site owned or controlled by another provider within Albemarle County.

(3) The monopole cannot ever extend above tree heights, except as described in condition number one of this approval, without approval of a Major Amendment to this special use permit.

5. Prior to beginning construction or installation of the tower or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site outside the access easement and tower lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installation associated with the tower and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the tower and equipment building.

6. The permittee shall comply with Section 5.1.12 of the Zoning Ordinance. A fence surrounding the lease area is not a requirement; however, should a fence be installed, the materials and height shall be restricted as follows:

- an earth-tone painted or natural wooden privacy fence along the perimeter of the lease area

7. The tower shall be disassembled and removed from the site within ninth (90) days of the date its use for wireless telecommunications purposes is discontinued.

8. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the tower and shall identify each user of the tower and identify each user that is a wireless telecommunication service provider.

9. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaries shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaries. For purposes of this condition, a luminaries is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

10. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

The motion passed unanimously.

MOTION: Ms. Hopper moved, Mr. Rooker seconded approval of a site plan waiver associated with SP 00-029. The motion passed unanimously.

SP 00-030 ALLTELL/I-64 West – Request for special use permit to allow a personal wireless facility including a 53.5 foot high monopole, 3 panel antennas, two equipment cabinets, and an emergency generator on a 1200-square foot leased portion of a 83.17 acre parcel in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers. The property, described as Tax Map 53-Parcel 6, is located in the White Hall Magisterial District north of I-64 west of State Route 650 and State Route 690 near Newton Road. The property is zoned RA Rural. The Comprehensive Plan designates this property as Rural Area.

Ms. McDowell pointed out that SP 00-030 and SP 00-041 are on the same site. She said that this site was highly visible compared to the one just discussed, and is highly visible from a vantage point from the lower scenic outlook on the interstate coming back from Waynesboro (near Crozet). She said that staff disagrees with a metal pole, because an existing CFW wooden pole is very successful in that area.

Public comment was invited.

Mr. Dick Gibson of Alltel addressed the Commission. He said that Alltel would like to have a metal pole, and at the distance from the overlook you couldn't distinguish wood from metal. Mr. Gibson also asked for allowance of the lightning rod above the tower height.

There being no further public comment, the matter was placed before the Commission.

Ms. McDowell clarified that SP 00-041 (Triton) is proposing a wooden pole.

Mr. Rooker noted that the Commission has approved a series of metal poles painted brown, and a wireless manual seems to speak interchangeably of wooden and metal poles, and wondered why this application stipulates a wooden pole.

Ms. McDowell responded that this site is visible from I-64, and is visible from a scenic overlooked. She added that this is in a very sensitive area, and a wooden pole in the area is relatively obscured by the trees and by the slope. "The CFW tower is wooden…and it works."

Mr. Rieley agreed that this situation calls for a wooden pole, noting that the CFW is one of the better ones in the county. "I do think it makes sense in areas where we have multiple locations of towers to be consistent."

Mr. Rooker agreed.

At Mr. Gibson's request, Commissioners agreed to make condition #5d. consistent with the CFW restrictions, allowing an antenna extension of seven feet measured above the highest part of the tallest tree within 50 feet.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 00-030 with conditions modified as follows:

1. The height of the tower shall not ever exceed seven (7) feet above the height of the tallest tree located at the same base elevation as the facility within twenty-five (25) feet of the facility. The tower shall be designed, constructed and maintained as follows:
   f. The pole shall be a natural wood pole and dark brown in color;
   g. Guy wires shall not be permitted;
   h. No lighting shall be permitted on the site or on the tower pole, except as provided by condition number 12 herein;
   i. The ground equipment cabinets shall be dark brown in color.

2. The tower shall be located on the site as follows:
   a. The tower shall be located on the site as depicted in Attachment E.
   b. The proposed facility shall be located not more than 25 feet from the existing access/utility road.

3. Antennas shall be attached to the tower only as follows:
   d. Antenna shall be limited to the size and design as shown on Attachment F.
   e. No satellite or microwave dishes shall be permitted on the tower.
   f. No portion of the tower, including the antennas and grounding rod, shall extend more than seven (7) feet above the highest part of the tallest tree within 25 feet at the same base elevation as the tower.

4. The tower shall be used, or have the potential to be used, for the collocation of other wireless telecommunication providers, as follows:

   a. The permittee shall allow other wireless telecommunications providers to locate antennas on the tower and equipment on the site, subject to these conditions:
      (1) Prior to approval of a final site plan for the site or the waiver of the site plan requirement, the applicant shall execute a letter of intent stating that it will make a good faith effort to allow such location and will negotiate in good faith with such other provider requesting location on the tower or the site;
      (2) The applicant shall provide to the County, upon request, verifiable evidence that it has made a good faith effort to allow such location. Verifiable evidence of a good faith effort includes, but is not limited to, evidence that the permittee has offered to allow other providers to located on the tower and site in exchange for reciprocal rights on a tower and site owned or controlled by another provider within Albemarle County.

(3) The monopole cannot ever extend above tree heights, except as described in condition number one of this approval, without approval of a Major Amendment to the special use permit.

5. Prior to beginning construction or installation of the tower or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site outside the access easement and tower lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installation associated with the tower and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the tower and equipment building.

6. The permittee shall comply with Section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

7. The tower shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

8. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the tower and shall identify each user of the tower and identify each user that is a wireless telecommunication service provider.

9. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1, unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

10. Any necessary extensions or improvements of the access easement/road shall be limited to the following restrictions:

    a. the access road shall be built with side slopes on cut and fill slopes 2:1 or less steep; and
    b. the access road shall disturb no more than 75’ in cross section.

11. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

12. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminary shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaries. For purposes of this condition, a luminaries is a complete lighting unit consisting of a lamp or lamps

together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of a site plan waiver associated with SP 00-030. The motion passed unanimously.

SP 00-041 Triton/PCS CVR 349H (Herring) – Request for special use permit to allow the construction of a 58 foot tall wooden telecommunications pole, in accordance with Section 10.2.2.6 of the Zoning Ordinance. The property, described as Tax Map 53-Parcel 6, contains 83.417 acres, and is located in the White Hall Magisterial District off of Green Hill Lane approximately ½ mile northwest of the Route 6 West overpass of New Town Road (Route 690). The property is zoned RA, Rural Areas, and EC, Entrance Corridor. The Comprehensive Plan designates this property as Rural Area 1.

Public comment was invited.

Ms. Gloria Frye, an attorney for McGuire Woods representing Triton, addressed the Commission. Ms. Frye pointed out that Triton proposes a wooden pole with flush mounted brown antennas. She stated that the CFW pole sits in a little clearing, and the Alltel pole would be very close to that. Ms. Frye report that the Triton facility would be located about seven feet lower, and can be nestled against a grove of trees.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 00-041 with conditions modified as follows:

1. The height of the tower shall not ever exceed seven (7) feet above the height of the tallest tree located at the same base elevation as the facility within twenty-five (25) feet of the facility. The tower shall be designed, constructed and maintained as follows:
   j. The pole shall be a natural wood pole and dark brown in color;
   k. Guy wires shall not be permitted;
   l. No lighting shall be permitted on the site or on the tower pole, except as provided by condition number 12 herein;
   m. The ground equipment cabinets shall be dark brown in color.

2. The tower shall be located on the site as follows:
   b. The tower shall be located on the site as depicted in Attachment D.
   b. The proposed facility shall be located not more than 25 feet from the existing access/utility road.

3. Antennas shall be attached to the tower only as follows:
   g. Antenna shall be limited to the size and design as shown on Attachment E.
   h. No satellite or microwave dishes shall be permitted on the tower.

i. No portion of the tower, including the antennas and grounding rod, shall extend more than seven (7) feet above the highest part of the tallest tree within 25 feet at the same base elevation as the tower.

4. The tower shall be used, or have the potential to be used, for the collocation of other wireless telecommunication providers, as follows:

   a. The permittee shall allow other wireless telecommunications providers to locate antennas on the tower and equipment on the site, subject to these conditions:
      (4) Prior to approval of a final site plan for the site or the waiver of the site plan requirement, the applicant shall execute a letter of intent stating that it will make a good faith effort to allow such location and will negotiate in good faith with such other provider requesting location on the tower or the site;
      (5) The applicant shall provide to the County, upon request, verifiable evidence that it has made a good faith effort to allow such location. Verifiable evidence of a good faith effort includes, but is not limited to, evidence that the permittee has offered to allow other providers to located on the tower and site in exchange for reciprocal rights on a tower and site owned or controlled by another provider within Albemarle County.
      (6) The monopole cannot ever extend above tree heights, except as described in condition number one of this approval, without approval of a Major Amendment to the special use permit.

5. Prior to beginning construction or installation of the tower or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site outside the access easement and tower lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installation associated with the tower and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the tower and equipment building.

6. The permittee shall comply with Section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted.

7. The tower shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

8. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the tower and shall identify each user of the tower and identify each user that is a wireless telecommunication service provider.

9. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1, unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

10. Any necessary extensions or improvements of the access easement/road shall be limited to the following restrictions:

    c. the access road shall be built with side slopes on cut and fill slopes 2:1 or less steep; and
    d. the access road shall disturb no more than 75' in cross section.

11. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

12. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminary shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaries. For purposes of this condition, a luminaries is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Thomas seconded approval of a site plan waiver associated with SP 00-041. The motion passed unanimously.

SP 00-031 ALLTELL/I-64 East – Request for special use permit to allow a personal wireless facility including a 92-foot high monopole, 3 panel antennas, two equipment cabinets, and an emergency generator on a 1200-square foot leased portion of a 10.3 acre parcel in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for microwave and radio-wave transmission and relay towers. The property, described as Tax Map 73-Parcel 31D is located in the Samuel Miller Magisterial District on the east side of Route #708 South of I-64 and north of Route 637 at 271 Malvern Farm Road. The property is zoned RA, Rural Area. The Comprehensive Plan designates this property as Rural Area.

Public comment was invited.

Mr. Gibson re-addressed the Commission, requesting a metal pole, the RF isolator, and the lightning rod as previously addressed.

There being no further public comment, the matter was placed before the Commission.

Mr. Rooker asked Mr. Gibson if he would prefer a 7-ft. height with a wooden pole or a 5-ft. height with the metal pole.

Mr. Gibson responded, "10 feet with a metal pole."

Mr. Rooker stated that he wanted to be consistent with prior applications.

Mr. Gibson conferred with his staff, and then said that height is the more important issue.

Ms. McDowell noted that to be consistent with CFW on this site, it would need to be five feet above the highest part of the tallest tree within 25 feet.

Ms. Hopper wondered about allowing the metal pole.

Mr. Rooker noted that in co-located sites already with a wooden pole, a wooden pole should be recommended.

MOTION: Mr. Rooker moved, Ms. Hopper seconded approval of SP 00-031 with conditions modified as follows:

1. The height of the tower, as measured Above Sea Level (ASL), shall not ever exceed five (5) feet above the height of the tallest tree, as measured Above Sea Level (ASL), within twenty five (25) feet of the facility. The tower shall be designed, constructed and maintained as follows:

n. The pole shall be a natural wood pole and dark brown in color;
o. Guy wires shall not be permitted;
p. No lighting shall be permitted on the site or on the tower pole, except as provided by condition number 10 herein;
q. The ground equipment cabinets shall be dark brown in color;
r. Only flush mounted antennas shall be permitted. No antennas that project out from the pole shall be permitted.
s. A grounding rod, whose height shall not exceed two feet and whose width shall not exceed one-inch diameter at the base and tapering to a point may be installed at the top of the pole.
t. The RF Isolator shall be located below the height of the tallest tree located at the same elevation Above Sea Level as the tower within 25 feet of the facility, so as not to be visible from any public road.
u. Prior to issuance of a building permit, the applicant shall provide a statement to the Planning Department by a registered surveyor certifying the height of the tallest tree within twenty-five (25) feet of the tower.
v. Within one month after the completion of the pole, the applicant shall provide a statement to the Planning Department certifying the height of the tower.

13. The tower shall be located on the site as follows:

c. The tower shall be located on the site as depicted as set forth in the application.
d. The proposed facility shall be located not more than 25 feet from the existing access road.

14. Antennas shall be attached to the tower only as follows:

j. Antenna shall be limited to the exhibit as shown in a plan labeled "Attachment D."

k. No satellite or microwave dishes shall be permitted on the tower.

l. No portion of the tower, including the antennas~~,~~ shall extend more than five (5) feet above the highest part of the tallest tree within 25 feet, as measured Above Sea Level, at the same base elevation as the tower.

15. Prior to beginning construction or installation of the tower or the equipment cabinets, or installation of access for vehicles or utilities, a tree conservation plan developed by a certified arborist, specifying tree protection methods and procedures and identifying any existing trees to be removed on the site outside the access easement and tower lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installation associated with the tower and equipment building, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the tower and equipment building.

16. The permittee shall comply with Section 5.1.12 of the Zoning Ordinance. A fence surrounding the lease area is not a requirement; however, should a fence be installed, the materials shall be restricted as follows:

- the fence shall be constructed with barbed wire to match the existing fence adjacent to the subject lease area.

17. The tower shall be disassembled and removed from the site within ninety (90) days of the date its use for wireless telecommunications purposes is discontinued.

18. The permittee shall submit a report to the Zoning Administrator one time per year, no later than July 1 of that year. The report shall identify each user of the tower and shall identify each user of the tower and identify each user that is a wireless telecommunication service provider.

19. No slopes associated with construction of the tower and accessory uses shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

20. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminary shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaries. For purposes of this condition, a luminaries is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

21. Around the perimeter of the lease area, inside the fence to avoid damage from grazing animals, a landscaping buffer utilizing a variety of plant material, with a majority of the material consisting of evergreen materials, shall be installed by the applicant. A

landscape plan shall be submitted for approval by the Director of Planning or designee prior to issuance of building permits.

The motion passed unanimously.

MOTION: Mr. Rooker moved, Mr. Rieley seconded approval of site plan and setback waivers associated with SP 00-031. The motion passed unanimously.

Old Business
There was no old business presented.

New Business
Mr. Cilimberg reminded Commissioners that they have a DISC worksession at 4:00 on Tuesday, August 29, 2000, prior to their regular meeting.

There being no further business, the meeting adjourned at 11:50 p.m.