Albemarle County Planning Commission
May 29, 2001

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, May 29, 2001 at 6:00 p.m. at the County Office Building, 401 McIntire Road, Charlottesville, Virginia. Members attending were: Dennis Rooker, Chairman; William Rieley, Vice-Chairman; Jared Loewenstein, William Finley, Tracey Hopper, Rodney Thomas; and Pete Craddock. Other officials present were: Stephen Waller, Michael Barnes, David Benish, Scott Clark, Joan McDowell, and Greg Kamptner.

Call to order and establish quorum

Mr. Rooker called the meeting to order and established a quorum.

Other Matters Not Listed on the Agenda from the Public

Mr. Rooker asked for additional matters from the public, there being none, the meeting proceeded.

Public Hearing Item

a. **SP-2001-009 Crossroads Waldorf School Early Learning Center (Sign #79**) – Request for a special use permit to allow for a private school with up to 85 students under Section 20.4.2 of the Zoning Ordinance which allows for Private School. The property, described as Tax Map 61X2 Parcel 4B contains 2.314 acres, and is located in the Rio Magisterial District on Four Seasons Drive Road, approximately one-quarter mile from intersection of Four Seasons Drive and Hydraulic Road. The property is zoned PUD (Planned Unit Development). The Comprehensive Plan designates this property For Urban Density Residential use in Development Area One. (Michael Barnes)

Mr. Barnes presented the staff report.

Mr. Loewenstein pointed out that the 85 students is a decrease from the 220 permitted previously. Would any of the other permitted uses conflict with the surrounding neighborhood, he said he was particularly wondering about traffic.

Mr. Barnes said that the Catholic school had a pretty regimented drop-off program, but had a larger student body. The traffic generation would be significantly less as they would have fewer students and both morning and afternoon programs. The parents would actually be there with smaller children.

Mr. Loewenstein said he was not only interested because of the possible impact to surrounding residents, but if the traffic generation from the other uses conflicts with the school traffic, he wants to be sure that the children are protected.

Mr. Thomas asked if ACAC was utilizing some of the building at the same time as the Catholic school and what traffic was generated.

Mr. Barnes said they were using the tennis courts and the swimming pool, but the school was using the whole building.

Mr. Benish said the applicant might be able to say what the remainder of the building would be used for.

Mr. Thomas said that the safety factor is the consideration.

Mr. Loewenstein said he was not sure if we could condition this to address the other uses beyond what the applicant has before us.

Mr. Rooker asked if the commission could address the use of the remainder of the building.

Mr. Kamptner said you could either do that, or require that additional use be subject to amendment of the special use permit.

Mr. Loewenstein agreed with that statement.

Mr. Rooker opened the public hearing on this issue and invited the applicant to speak.

Ms. Nancy Reid, administrator of Crossroads Waldorf School, said it was important to maintain a presence in town. We have a lot of experience with safety concerns. The children are never outside of our care. This use will obviously generate less traffic than the Catholic School. We are not certain how ACAC will use the rest of the building, but our request to them has been to minimize the use during the day. We have agreed to rent part of the office space at the front of the building to maintain safety.

Mr. Loewenstein asked Ms. Reid if she would have a problem limiting the remaining uses to those that already exist, except by amendment of the special use permit.

Ms. Reid said she did not want to speak to that without the attachment.

Mr. Loewenstein stated that he is proposing adding one condition to those in the staff report.

Ms. Reid said that #1 was fine and they are agreeable to the hours of operation. We did ask that the date in #3 be changed to August 15th to provide a little leeway in moving. We anticipate no more outdoor lighting. She asked Mr. Loewenstein how the additional condition would read.

Mr. Loewenstein said that he would limit the remaining uses to ones put into existence by the previous SP, except for amendment to this special use permit.

Ms. Reid said they would have no problem with it as a school, but she did not want it to jeopardize their lease with ACAC.

Mr. Rooker pointed out that the limitations on these uses are proffers.

Mr. Kamptner said that they were limiting the uses of the property.

Mr. Rooker pointed out that the owner has already proffered limiting the uses.

Mr. Loewenstein questioned whether or not there is anything in the list.

Mr. Benish pointed out that this was for a two-year period so if an extension is necessary, the impact can be considered.

Mr. Loewenstein stated that he was comfortable with the proffers as is.

There being no further comment, Mr. Rooker closed the public hearing.

Mr. Thomas moved for approval with amended conditions.

1. Maximum enrollment will be 85 students.
2. Normal hours of operation for the school shall be from 7:30 a.m. to 6:30 p.m. with occasional uses in the evenings and weekend.
3. The site shall not be used as a school after August 15, 2004.
4. Any additional outdoor lighting shall be shield or arranged to reflect light away from adjoining residential areas.

Please note that the applicant is required to receive zoning clearance before the use as a school commences.

Mr. Craddock seconded the motion, which passed unanimously.

Deferred Item

a. **SP-2001-005 Jensen (Triton PCS) (Sign #49)** – Request for special use permit to allow a 69 foot high wireless telecommunications pole in accordance with Section 10.2.2.6 of the Zoning Ordinance which allows for wireless towers ad appurtenances. The property, described as Tax Map 62 Parcel 91, contains 3.01 acres, and is located in the Rivanna Magisterial District on Stony Point Road [Route 20] approximately 3 miles from the intersection of Route 250 and Route 20. The property is zoned Rural Areas, (RA). The Comprehensive Plan designates this property as Rural Area. (Margaret Doherty)
DEFERRED FROM THE MAY 22, 2001 PLANNING COMMISSION MEETING.

Mr. Waller presented the staff report.

Mr. Rieley asked if the tree that provides the backdrop is on the same property as the tower.

Mr. Waller said he thought the tree was on an adjacent parcel owned by the applicant.

Mr. Rooker asked if it was clear what is covered by the condition that restricts cutting trees within a specified radius, even if they are not on the same parcel. Is all of this property owned by the applicant?

Ms. Hopper arrived.

Mr. Kamptner pointed out that condition #1 establishes an absolute height irrespective of the height of the surrounding trees, which is a different wording. He also pointed out the condition #2h would require an amendment to the special use permit to increase the height of the tower.

Mr. Rooker asked to verify that the conditions extend to all the property within specified the radius.

Mr. Kamptner said that if the applicant removed the trees, they would be in violation of the conditions of the SP.

Mr. Rooker stated that if the SP is revoked, they would have to come back and reapply.

Mr. Waller said that condition #5 also expands the tree preservation radius to 600 feet and the backdrop tree is within that radius.

Ms. Hopper asked what type of trees made up the site.

Mr. Rooker stated that it looks like the trees in the foreground are mostly pine while the tree in the backdrop is hardwood.

Mr. Waller said that most of the trees appear to be evergreen in the previous pictures.

Ms. Hopper said she unfortunately missed the May 24th balloon test.

Ms. Hopper expressed her curiosity about the statement on page 6 which states “information provided by the applicant has not demonstrated that no other locations within the proposed area of service are available”. Have any alternative sites been explored.

Mr. Waller replied that that is one of the standard statements made. This is the site we’ve reviewed. What they submitted is what we reviewed.

Mr. Rooker pointed out that the applicant did look at another site within the same property.

Mr. Waller said that the call for a new location was made in the field, then they resubmitted the application. He gave an additional correction within the conditions in that the plans referred to should be dated May 17, 2001.

Ms. Hopper noted that the pictures were taken recently during a time of high foliage.

Mr. Loewenstein pointed out that another set of earlier photos is being circulated.

Mr. Rooker opened the public hearing.

Mr. Mike Fogarty, representing the applicant, spoke. Regarding the conditioning of the trees surrounding the pole, it is his understanding that if anything were to happen to those trees, it would result in a complete redesign of the facility. The second issue, regarding available parcels, this in, in fact, the third location on this landowners property and the second different landowner. Initially, we wanted to use a lease area to the rear of this parcel, the second area chosen had concerns about visibility. The tower was initially sited differently, but was moved to take advantage of the large oak tree. This site is minimally visible, but completely backdropped. This site is located in an existing clearing surrounded by dense underbrush and a variety of large and small trees. We will access the site on an existing paved Jensen driveway. There will be little tree removal required resulting in minimal impact to the adjacent properties. As an ARB requirement, the landowner accepted the imposition of a 2 ¾ acre preservation zone fronting Route 20.

Mr. Rieley asked if that area was shown on any of the diagrams in the packet.

Mr. Fogarty said it did not, in essence it surrounds the lease area.

Ms. Hopper asked if the commission had a copy of plans for the new location.

Mr. Rooker replied that it does not show the entire circumference because it goes outside of the parcel.

Mr. Rieley said that they are not talking about a 600 foot radius protected area, that is a lot more than 2 ¾ acres.

Mr. Fogarty said the applicant is willing to accept no tree removal in the 600 foot radius, that is already imposed is the tree preservation zone.

Mr. Rooker pointed out that that would be in addition to the tree preservation zone.

Mr. Fogarty stated that they were two different conditions imposed by the ARB and the planning staff respectively. There would be some overlap in the two. He believes that the 600 foot radius was established because the oak tree is 585 feet from the tower site.

Mr. Rieley asked if the oak tree was located on the sketch.

Mr. Fogarty said it was not.

Mr. Fogarty said that there are two additional pages with your packages already. These included a scaled schematic of the pole, as well as tree height elevation schematic.

Mr. Rieley stated that the drawing is very helpful.

Ms. Hopper suggested that this become standard with applications.

Mr. Fogarty said that the applicant immediately put together a package and sent to the adjacent property owners and invited them to a neighborhood meeting and a balloon test, in response to concerns generated from staff mailings. Two property owners attended, one of whom is present tonight. From that property, the balloon is visible, but completely backdropped.

Ms. Hopper asked about the definition of nearly invisible.

Mr. Fogarty stated that those pictures showed the initially proposed site.

Mr. Rooker said that the pictures in the packet are pretty much the same shot.

Mr. Fogarty pointed out that the oak tree with no leaves, shown in the photos, was the backdrop.

Ms. Hopper said that according to the current photograph, if you were at the intersection, the tower would be seen each time you travel that road. We generally do not approve this kind of visibility. She asked if the pole could be located deeper into the site.

Mr. Fogarty stated that the tree providing the backdrop is located 580' from the road, on a hill. He does not think moving the tower 100' into the site would significantly alter the view.

Ms. Hopper said that the current plan was too visible, she asked if there was a way to work the site to take advantage of the tree cover in another way. She is interested in reaching a compromise with the applicant so that the residents don't have to see the tower every day.

Mr. Fogarty said that the tower is currently sited based on input from planning staff and the ARB. The oak tree provides a pretty significant amount of backdrop.

Mr. Thomas pointed out that one of the photographs is a zoom.

Mr. Craddock asked if a 30" base was a standard.

Mr. Fogarty said this is an issue that is currently under discussion on a variety of levels. 30" is a reasonable approximation for a steel pole at this height.

Mr. Rooker asked how we got 30" vs. 25".

Mr. Craddock pointed out that 30" is in the conditions.

Mr. Rooker wondered why the conditions do not match what is in the report.

Mr. Fogarty replied that the scaled schematics were added at the last minute to the staff report.

Mr. Rooker asked if the applicant had any problem with matching the specifications in the conditions.

Mr. Fogarty replied that would be OK if it were worded "approximately".

Mr. Thomas asked if the commission had had the same conversation the previous week about a 30' wooden pole.

Mr. Rieley responded that the pole in the previous application was 48". We asked staff to measure the Bellair pole and base their conditions on that.

Mr. Rooker said he would prefer wooden poles, visually. The only benefit to a metal pole would be if it could be smaller.

Mr. Rieley stated he is surprised by the difference between wood and metal poles.

Ms. Hopper asked if we recommended a wooden pole, could we specify the diameter enough to still allow the applicant to have the strength needed in the pole.

Mr. Rieley said we based it on the Bellair pole. He would feel comfortable with a wooden pole.

Mr. Fogarty stated that this is clearly a recent issue. With steel there is more control over the diameter. He believes that both of the Bellair poles are wooden. He does not know enough about them to condition them.

Mr. Rieley agreed. He said that if the commission stipulated a wooden pole, they should not attach a diameter to it.

Mr. Bob Yates, an adjacent property, looked at the proposed property. He is concerned that this violates the visibility requirements listed in the personal wireless facilities policy, you drive right at the pole. There is no way to avoid seeing this. The oak tree is over 500 feet away from the pole site. This tree is so far away, that just a little bit of angle change results in the pole being visible. The tower sticks up and is skylighted.

Ms. Hopper asked Mr. Yates to clarify the location of his property.

Mr. Yates replied that he is across the road, at the intersection of Minor Mill and Rt. 20. The 60' tree that is closest in proximity is an old pine tree. Most of those trees in the area are older pine trees, which are vulnerable to wind damage and disease. There is no provision in the proposal for the loss of the trees. He would like the pole to be moved back from Route 20 so that it is not the focal point as you move down the road.

Mr. Warren Bushey nearby resident, stated that his property is close by. He has been in the area for 36 years. He believes that Wolf Trap Road from that location to Charlottesville should be protected. It was an original stagecoach road and has historical significance. The traffic in that area has tripled in the time he has lived in the area. His property is 3 miles from Route 250. He pointed out that he did not receive a letter, although he is not an adjacent property owner.

Mr. Fogarty stated his sympathy to the concerns about visibility. The design is consistent with the policy and was done in conjunction with staff and the ARB. The County mandates that the facility be redesigned should the trees be destroyed. It is 173 feet to the right-of-way and 233 feet to the paved section of Rt. 20. The tower is not skylighted from the intersection. It is effectively backdropped. The ARB's sole purpose is to protect the visibility from the entrance corridor.

Mr. Rooker asked about the possibility of moving the pole back from Route 20.

Mr. Fogarty pointed out that it is currently 233' to the actual roadway, the pole needs to be located close to the road to be effective.

Mr. Dale Finnochi, with Crown Communication, pointed out that in between the location of the tower and the large oak tree is vast open field that goes uphill. The view would deteriorate because of the terrain if the tower were moved.

Mr. Craddock asked for the location of the nearest tower.

Mr. Fogarty replied it was on Route 250, at the intersection with Rt. 20. He said this was the northernmost point in the current plan.

Mr. Thomas pointed out that there are no setback waivers requested with this application.

There being no further comment, Mr. Rooker closed the public hearing.

Mr. Rieley asked Mr. Fogarty to reconcile the horizontal scale with the information in the plan. He asked if the horizontal and vertical scales were the same.

Mr. Fogarty replied that he thought it was, but he does not know.

Mr. Rieley said that the plans seem to indicate that there is nothing of 61' within a 25' radius, while the other drawing shows two trees.

Mr. Fogarty replied that may be. The numbers at the base of the trees correspond with the tree exhibit.

Mr. Rieley stated that there seems to be a substantial vertical exaggeration.

Mr. Rieley said it would be good to have both scales the same to give a more consistent view.

Ms. Hopper asked about the conditions, she said that she does not see in the conditions a requirement to get an amendment to the SP should any of the trees fall.

Mr. Rooker said that if the tree went down a redesign would be required.

Mr. Kamptner said that these conditions do not do that, unlike previous applications.

Mr. Rooker said that the benefit to this application is that the tower cannot get any higher, the detriment is that it is not directly tied to the height of the trees.

Ms. Hopper asked if the applicant is agreeing to the condition.

Mr. Fogarty would be amenable to tying the height to the tree height. Conditions regarding whether any of these trees are removed are in the ARB conditions.

Ms. Hopper stated that type of alternative seems very helpful.

Mr. Rooker questioned whether from a conditions standpoint we want to alter the condition to reflect the height of the trees.

Ms. Hopper replied she did not think it would be appropriate as this is a backdrop situation.

Mr. Rooker asked Ms. Hopper if she was comfortable with the set height.

Ms. Hopper said she is not comfortable with the application, but alternatively ARB condition #4 should be a condition of the SP. She said she thinks the requirement should be something more comprehensive than site redesign because of the visibility issue.

Mr. Rooker said that while the oak tree provides some backdrop, the foreground screening would not disappear if the oak tree fell.

Ms. Hopper replied that the sight line protection from Rt. 20 would be lost if the oak tree fell. You will still be able to see the pole even with the backdrop.

Mr. Thomas pointed out that the pole will be camouflaged by color to a certain extent.

Mr. Rooker said that staff has spent a great deal of time on this issue. Looking at the pictures, the telephone poles and wires are much more visible than this pole. The pictures show a small protrusion of a pole. It seemed to him that the ARB has protected this situation from the tree disappearing. He suggested incorporating some of the ARB conditions into the SP.

Mr. Kamptner suggested incorporating, with some modifications, the ARB's conditions #2, 3, and 4.

Ms. Hopper appreciates and respects how hard staff and the ARB has worked on this application. The cell tower policy speaks about visibility. Visibility is often addressed by trees surrounding a site. This is in an entrance corridor. She will vote against this issue because it is in an avoidance area and is visible. She suggested including the pines in the conditions.

Mr. Rooker suggested a condition that if any tree within a certain radius over a certain height comes down the facility would have to be redesigned and submitted for reapproval.

Mr. Finley asked if that would be unique for this application.

Mr. Rooker asked if this particular tower is any more visible than those located along Route 64. We have focused our efforts down to a much more refined scale. We can't prohibit the provision of service by carriers, but we can limit the visibility of the towers.

Mr. Loewenstein agrees with everything Ms. Hopper said. This applicant has shown sensitivity to the wireless policy. He thinks there is a difference between this particular tower and some others. Looking at the pictures and traveling out to the site, he is really uncomfortable with the amount of visibility. He is also concerned that the visibility issue is so dependent on a couple of trees.

Mr. Rooker asked how far the towers on Rt. 64 were located from the road.

Mr. Loewenstein said he thought it was the road line that made the difference in this case, in that you drive directly toward the pole.

Ms. Hopper said there was also a difference between an interstate and a two-lane entrance corridor.

Mr. Rooker pointed out the Rt. 64 was also an entrance corridor.

Mr. Benish clarified that entrance corridors are not avoidance areas. It has a priority but is not defined as an avoidance area.

Mr. Rieley asked if this was an exercise of staff going out with the applicant to find the best site in the area, or was it looking at a couple of different sites in the area.

Mr. Waller stated that from talking with both Margarets there was a lot of time spent in the field that day.

Mr. Benish worked closely with the applicant to try to find the best location in this area.

Mr. Rooker said he is sometimes troubled by the discussion of other sites. There is something of a burden on the applicant if they are required to research and analyze several different sites without guidance. He asked who should bear the burden of suggesting alternative sites.

Ms. Hopper said that when you don't have a site that is fully compliant and has visibility issues, it tends to encourage approval less when the possibilities have not been explored.

Mr. Rooker stated that we have an instance here where the applicant has adjusted this site 3 or 4 times. Staff has gone out and affirmed this was a good site. The ARB issued a certificate of appropriateness for the site. Now we are telling the applicant that they should have explored more sites.

Mr. Rieley said he was simply trying to clarify the applicant's representation of the process.

Mr. Benish said that when staff looks at these projects we look at trying to minimize visibility to the extent that the site is brought to us. Options are examined on that site and in that area. There was a mutual agreement between the staff and the applicant that the pole had been positioned for minimum visibility.

Mr. Rieley said that hypothetical two is that we approve this site as is. He asked if the commission thought that if three of these pine trees die, and we are now looking at half the pole, is there any prospect that we or the ARB will insist that the entire pole be removed.

Mr. Rooker said that we have in effect done that already when the pole is based on the height of the tallest tree. The tower will have to drop if the tree falls.

Mr. Rieley pointed out that at Bellair, the tree that was the gauging point is gone.

Mr. Rooker asked if he was suggesting there was a violation of the conditions at the Bellair tower.

Mr. Rieley said that was an enforcement issue.

Ms. Hopper said that in drafting conditions, we need to think about the feasibility of enforcement. Perhaps this would be more enforceable because of the visibility issues.

Mr. Rooker stated that we have been approving facilities based upon tree heights. Perhaps there should be another limitation used in this case due to visibility concerns.

Ms. Hopper said this is being done in a different way, which is creative and interesting. But she thinks that there is a visibility issue that is not addressed.

Mr. Rooker asked what if we had an either or, the tower can't be over 69' or more than 8' above the tallest tree in a certain radius.

Mr. Kamptner said he was going to suggest a condition like that. He said that we might need an additional condition to address the trees providing the screening in front of the tower.

Mr. Finley asked who was responsible for enforcement.

Mr. Kamptner replied the zoning administrator.

Mr. Finley asked how soon must the correction be made if the tree falls.

Mr. Kamptner replied that the process would begin when the zoning administrator became aware of the violation. A notice of violation would be sent out. They would then have some time to correct the violation or 30 days to appeal that determination.

Mr. Finley asked if they were going to lower the pole, would they simply saw it off.

Mr. Kamptner replied that he is not sure what they would do.

Mr. Rooker stated that some of the poles are telescoped so they could lower the top of the pole.

Mr. Thomas said that they would just need an adjustable pole.

Mr. Rieley said that because we don't have the capacity to tell if these poles are even built in compliance, we should try to anticipate that we have good sites that have some resilience built into them.

Mr. Thomas asked if that would require the applicant to find sites that have trees with longevity.

Mr. Rieley responded that he thought that should be a consideration.

Mr. Rooker said to the extent that we impose conditions, we are doing that.

Ms. Hopper said that's because this is a marginal site, that's why we are doing it. We are generally looking at sites with some resilience to them, that have trees of different ages and heights .

Mr. Loewenstein said he thinks this site is too visible anyway.

Mr. Rooker said that the extent to which the trees screen is a question. The concern about the backdrop tree is addressed by the ARB conditions. We can incorporate that and other conditions to deal with the screening issue.

Mr. Rieley said this is a tough issue. He said that there are conditions within which he could support this item. One would be the reduction in height of the pole to approach 5 feet over the height of the tallest trees. He also thinks we should insist on a wooden pole. He would like to incorporate the "either/or" suggestion as well as the ARB conditions. We should stipulate that if this situation deteriorates in any way, the whole issue would be revisited.

Mr. Finley asked if a wooden pole was less visible.

Mr. Rooker said he thought it was, in that they better blend in with the surroundings.

Mr. Thomas agreed.

Mr. Rooker said that in an entrance corridor and a highly visible area, we should go with a wooden pole. He suggested looking at the ARB conditions #2, 3, and 4 specifically.

Mr. Kamptner suggested changes to ARB conditions #2 and 3 beginning with "no trees or significant vegetation". He suggested that the County require that these areas be shown on the plan.

Mr. Rooker said that in condition #4, we talked about fashioning a condition that would apply to the important trees in the foreground as well as this tree in the background. Can we specifically identify those trees, or can we generically describe those trees within the condition.

Mr. Rieley asked why we should not have every tree within a 100' radius treated the same way as the backdrop tree. Upon examination of the supplied drawings, he revised his suggestion to 200'.

Mr. Rooker said that the condition, if we applied it, would say "trimming, cutting or removal of any tree, larger than 12" in diameter and within a 200 foot radius, by any means, natural or otherwise, shall result in a required change to the design of the facility, with an amendment to the special use permit".

Mr. Kamptner said that would be appropriate.

Mr. Rooker said that in terms of height, we were discussing a 66' height limitation and not more that 5' above the elevation of the tallest tree within a 50' radius. He said that the tallest tree is at 50' so he would be comfortable going to 100' or 75' for the radius.

Mr. Finley asked if this condition would require reapplication if one of the trees fell.

Mr. Rooker replied that they would be required to come back if any tree fell within 200'. This is an additional condition referring to the height of the tower.

Ms. Hopper said that if one of the trees cracked in half in a storm, it should trigger the need for reapplication.

Mr. Rieley said that Mr. Rooker's language seemed to address that concern.

Mr. Thomas stated that it also has the word review in there, rather than amended.

Mr. Rooker said he thought an amendment would be required to make changes to the site.

Mr. Kamptner said that the loss of any tree in the radius would not necessarily impact the visibility.

Mr. Rooker replied that we could make that judgment at the time.

Mr. Benish said that we have incorporated a diameter of tree previously to focus on those that would have a significant impact.

Mr. Rieley said that was a good idea and suggested a 12" diameter requirement.

Mr. Thomas asked who is to report the downed tree, or who is responsible for policing that.

Mr. Rooker said that people often come forward to report violations. Also, the commissioners that drive by it everyday would be in a perfect position to monitor the site.

Ms. Hopper said she has a problem with approving such a marginal site with the enforcement issues. The public does not know who to call or how the process works.
Mr. Rooker said that is true with respect to every special use permit we pass and with all the conditions established.

Mr. Loewenstein stated that this kind of application is going to become an increasing problem with regards to enforcement. We are getting more and more of these applications that require afterthought. He does not think that County zoning staff can do that realistically, nor should we expect the citizens to do it. We should craft conditions and guidelines that would cover that.

Ms. Hopper said that we are pushing the visibility envelope.

Mr. Rooker said that he did not see this site as more visible than other sites that have been approved.

Mr. Loewenstein stated that the distinction in this case lies in the road alignment.

Mr. Rieley stated that was an important consideration. This is not a great site. Based on the criteria he uses to evaluate these items, this site is right on the borderline. He said that if we vote on it, it should only be with stringent conditions.

Mr. Rooker said that if we voted on it and it ultimately passed, it would go to the board with some additional conditions. Perhaps it will provide a mechanism for going forward for protecting other sites.

Mr. Loewenstein stated that hopefully the board would not remove conditions.

Mr. Finley asked if this would be the first time we've made a requirement to come back if any of the trees fell.

Mr. Rooker said that we have imposed conditions that have to do with protecting the tower visibility with the nearby trees in the past. He thinks this a broader application of that principle.

Mr. Finley asked if we were proposing that condition because the site is borderline.

Mr. Rooker stated that a number of commissioners are concerned enough about the visibility of the site to merit voting against the application or merit adding conditions.

Mr. Rooker reviewed the proposed condition changes.

Mr. Finley moved for approval subject to the following conditions:

1. As shown on the latest revised plan entitled Jenson (Triton PCS), the top of the monopole shall not exceed a total height of 66 feet or exceed a top elevation of 555 feet, as measured Above Sea Level (ASL), nor shall it ever be more than 5 feet taller than the tallest tree within 75 feet of the monopole, whichever is less. No antennas or equipment, with the exception of the grounding rod, shall be located above the top of the pole.

2. The facility shall be designed, constructed and maintained as follows:
   a. The wooden pole shall be a shade of brown that is consistent with the color of the bark of the trees;
   b. Guy wires shall not be permitted;
   c. No lighting shall be permitted on the site or on the pole, except as provided by condition number nine (9) herein;
   d. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be earthtone in color and shall be no larger than the specifications set forth in the latest revised plans entitled Jenson (Triton PCS).
   e. 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.
   f. Within one month after the completion of the pole installation, the permittee shall provide a statement to the Planning Department certifying the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL);
   g. The pole shall be no taller than the height described in condition number 1 of this special use permit without prior approval of an amendment to this special use permit.

3. The facility shall be located as shown on the latest revised plans entitled Jenson (Triton PCS).

4. Equipment shall be attached to the pole only as follows:
   a. Antennas shall be limited to the sizes shown on latest revised plans entitled Jenson (Triton PCS);
   b. No satellite or microwave dishes shall be permitted on the monopole;
   c. Only flush mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the antennas project out from the pole more than 12 inches.

5. Prior to beginning construction or installation of the pole 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 both inside and outside the access easement and lease area shall be submitted to the Director of Planning and Community Development for approval. All construction or installations associated with the pole and equipment pad, 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 six hundred (600) feet of the lease area, or the vehicular or utility access. A special use permit amendment shall be required for any future tree removal within the six hundred-foot buffer, after the installation of the subject facility.

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

7. 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 pole and shall identify each user of the pole and identify each user that is a wireless telecommunication service provider.

8. No slopes associated with construction of the pole 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.

9. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire 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 luminaire. For the purposes of this condition, a luminaire 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. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be required.

11. Access road improvements shall be limited to drainage improvements and minimal grading necessary to improve the travel surface and the application of gravel. Should installation of the facility require provision of greater access improvements, these improvements shall be removed or reduced after installation is completed.

12. The permittee shall submit a revised set of site drawings to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

13. No trees or significant vegetation shall be removed from the area bounded by the new access easement from Route 20 to the tower site, the utility easement across parcels 89 and 91, the westernmost boundary of parcel 91, and the property lines of parcels 89 and 91 along Route 20. The area subject to this condition is shown on pages SP-2 and Z-2 of latest revised plans entitled Jenson (Triton PCS).

14. Neither the 88 foot tall tree located 585 feet from the monopole nor any tree having a diameter of 12 inches or greater at chest level within a 200 foot radius of the monopole, shall be trimmed, cut, or removed by any means, natural or otherwise. The removal of such a tree shall result in a required change to the design of the facility, with additional review and approval of an amendment to the special use permit. The 88 foot tall tree and the area within a 200 foot radius of the monopole is shown on page SP-2 of latest revised plans entitled Jenson (Triton PCS).

Mr. Thomas seconded the motion, which passed by a vote of 5-2 with Ms. Hopper and Mr. Loewenstein voting no.

Mr. Thomas moved for approval of the site plan waiver with conditions.

1. Approval of an erosion and sediment control plan prior to the issuance of a building permit;
2. The applicant shall provide adequate area for one parking space;
3. The applicant shall submit a revised set of site plans to the Department of Planning and Community Development. Prior to the issuance of a building permit for construction of the facility, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed in the final revisions of the construction plans.

Mr. Craddock seconded the motion, which passed unanimously.

Work Session

a. Rural Areas (Scott Clark)

Mr. Clark presented the draft set of guiding principles.

Mr. Rooker asked if any effort was being made to incorporate the information that answered the commission's previous questions.

Mr. Clark replied that he is currently researching those questions.

Mr. Rooker said at one time the County had some information about the number of people employed in agriculture and related activities. He would like to have access to that information again.

Mr. Clark replied that the plan is to present that at the next work session.

Mr. Rooker asked about the goals of the Sustainability Council and verified that they were incorporated by reference.

Mr. Finley said that there should be some review of the statements as to whether or not they are currently working.

Mr. Rooker pointed out that these would be the guiding principles. The commission is charged with looking at amending, modifying or readopting these goals.

Mr. Finley stated that people are not mentioned in any of these principles.

Ms. McDowell replied that this is the opportunity to give those comments, this document will be the framework for the Rural Area Review.

Mr. Finley said that the thrust is on protection, he asked if there would not still be rural communities that need protection.

Mr. Clark pointed out items 4 and 8, which address the needs of rural residents and rural communities.

Mr. Finley replied that those items address only existing residents. He questioned the approach.

Mr. Rieley said that perhaps we could include a clause that addresses that issue. He suggested adding a clause about protecting and enhancing the quality of rural life and rural communities.

Mr. Finley stated that we have a few rural crossroads communities and villages, but what do we do in the rural areas for shopping and services.

Ms. McDowell asked if he wanted more growth areas.

Mr. Finley asked if there wasn't a way to balance healthy, vibrant rural communities as part of our culture. Do we really want to discourage <u>any</u> development in the rural areas.

Ms. McDowell replied that staff is seeking just that kind of input.

Mr. Rooker said that every time there has been a proposal to allow more commercial development in the rural areas, there has been an outcry of citizens against it. The largest part of the outcry comes from people who live in the rural areas. He does not really get a sense that the people who live in the rural areas want to encourage more commercial growth in those areas.

Mr. Finley pointed out that the traditional people in the rural areas are not the kind that come to the public meetings.

Mr. Thomas stated that the point is not to leave the rural people out in the cold. The point is to protect our rural areas. The rural areas will be taken care of and the people along with it.

Mr. Loewenstein said that we are trying to protect a rural quality of life. This does not necessarily include a 5-minute walk to the grocery store. Most people who live in the rural areas live there because they prefer it that way. These principles protect that kind of life for those who currently enjoy it.

Mr. Rooker suggested adding an item 1 F to address the rural communities. He asked to reschedule this item for next week, at the end of the meeting, so that the commission has some time to review the guiding principles.

Mr. Loewenstein said he thought that Mr. Finley was correct. He said that the commission needed to look at the existing language critically to determine if the County was currently meeting those objectives, and if not, what needs to be changed.

Mr. Rieley raised the issue of item 1a, he believes the commission should consider putting conservation on equal footing with agriculture and forestry among out goals.

Mr. Rooker asked if item 1c addressed that issue.

Mr. Rieley replied that 1c does address it, but he believes that conservation probably plays a greater role in the preservation of natural resources.

Mr. Rooker asked if he would like to add an item.

Mr. Rieley replied that he would, or that it could simply be folded into 1a.

Mr. Rooker stated that another item to look at is trying to provide ways that other permissible uses of land that might make it more economically viable for individual landowners to conserve their property.

Mr. Clark said he was trying to cover that in item 2.

Mr. Rooker stated that it seems important to include that more explicitly in the document.

Mr. Clark said that he was trying to address that in item 3 as well.

Mr. Rooker replied that when he reads the words “rural production” he thinks of farming. There are potential expanded uses that might not be adverse to the preservation of land, that would also be economically viable, such as bed and breakfasts.

Ms. McDowell suggested that staff work on the language during the next week.

Mr. Finley mentioned that in other countries the rural population is driving.

Mr. Finley asked about the Virginia strategy for sustainability mentioned in paragraph 1 of the attachment.

Mr. Loewenstein said his understanding was that the Council’s mission statement was a product of those discussions.

Ms. McDowell stated that she went to conference earlier this year and there is a sustainability group, their focus is on economic development rather than the preservation of farms.

Mr. Loewenstein pointed out that the mission of the council, while general, does go in the direction of Mr. Finley's concerns.

Old Business

Mr. Rooker asked for any old business.

There being none, the meeting proceeded.

New Business

Mr. Rooker asked for new business.

Ms. Hopper requested a joint meeting with the ARB to discuss common standards.

Mr. Rooker said that Mr. Finnochi discussed with him a work session on the telecommunications policy manual. He suggested he meet with Mr. Cilimberg to schedule a time. It might be appropriate to invite the ARB to that work session

Mr. Finley asked that there be someone in attendance to give technical advice on poles and other current issues.

Mr. Rooker said he thought Mr. Finnochi would have technical people in attendance, the question would be whether or not the County wanted to have someone there. He envisioned having a number of applicant's in attendance with their technical people.

Mr. Thomas pointed out that they all want to apply properly.

Mr. Rooker said that part of the idea of the telecommunication policy manual was to streamline the application process.

Ms. Hopper would like to have an independent RF engineer hired by the County.

Mr. Rooker said that during the emergency system work session they mentioned that there was an individual who consulted with them on that system.

Mr. Rieley said he thought that would be very useful.

There being no further business, the meeting adjourned at 9:00 p.m.

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V. Wayne Cilimberg, Secretary

Recorded and transcribed by Lynda Myers, Recording Secretary