



Phone (540) 967-3430

COUNTY OF LOUISA Fax (540) 967-3486
COMMUNITY DEVELOPMENT DEPARTMENT

www.louisacounty.com

TO: Members, Louisa County Board of Supervisors

FROM: Staff, Community Development Department

SUBJECT: CUP2024-08; Arcola Towers LLC, Applicant; Clarence N. & Evelyn J. Washington, Owners; Stuart P. Squier, Agent –Conditional Use Permit Request

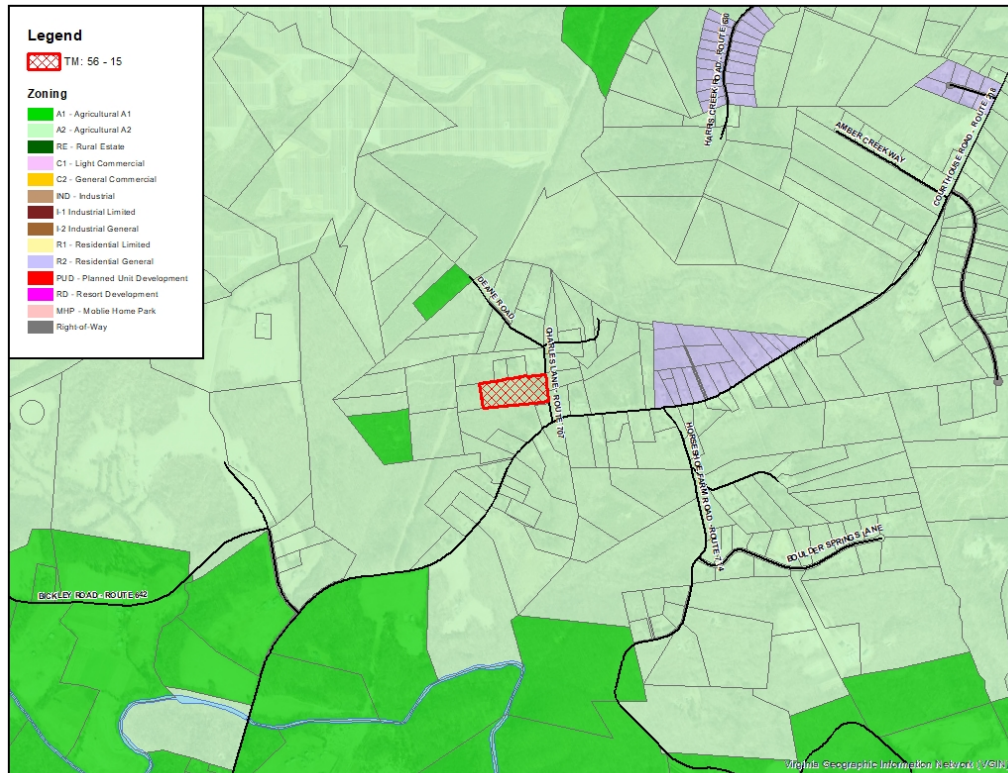
APPLICANT: Arcola Towers LLC

OWNER: Clarence N. & Evelyn J. Washington

DATE: January 22, 2025

The Board of Supervisors will meet to review this application on Tuesday, February 18, 2025, at 7:00 P.M. in the Louisa County Public Meeting Room.

Exhibit A
Project Parcel



INFORMATION SUMMARY	
TAX MAP AND PARCEL #:	56-15
TOTAL ACREAGE:	6.49
ELECTION DISTRICT:	Patrick Henry
CURRENT ZONING:	General Agricultural (A-2)
SURROUNDING ZONING:	General Agricultural (A-2)
EXISTING USE(S):	Vacant
REQUESTED USE(S):	Conditional Use Permit for a 197-foot telecommunications tower with a two-foot lightning rod for a total height of 199 feet.
FUTURE LAND USE	Rural
EXISTING LAND USE PERMIT(S):	N/A

APPLICANT:

Arcola Towers LLC
112 Washington ST #201
Middleburg, VA 20117

OWNERS

Clarence N. & Evelyn J. Washington
3400 Melwood RD
Upper Marlboro, MD 20772

AGENT

Stuart P Squier, AICP
513 Steward ST, STE E
Charlottesville, Virginia 22902

PROPERTY LOCATION:

The property is located on Charles Lane (Route 707), approximately .05 mile from Courthouse Road (Route 208), and is further identified as tax map parcel 56-15, in the Patrick Henry Election District.

REQUESTS:

Issuance of a Conditional Use Permit for a 197-foot telecommunications tower with a two-foot lightning rod for a total height of 199 feet in accordance with Section 86-154 Permitted uses with a conditional use permit and Section 86-665 Permitted uses table of Division 5. Telecommunications Regulations.

CONFORMANCE REVIEW:

1. 2040 Louisa County Comprehensive Plan

The primary goal of the Louisa County 2040 Comprehensive Plan (the “2040 Plan”), “*protects Louisa’s rural character and provides for efficient delivery of public services, and for accommodating economic growth in designated growth areas.*” The proposed tower will be

located between the Ferncliff and Louisa Growth Areas, .05 mile from Courthouse Road (Route 208), which has an annual average daily trip of 6,200. This tower would support communication of those that live and work nearby and those travelling along Route 208.

2. 2007 Louisa County Wireless Telecommunication Master Plan

This Plan establishes guidelines for the rational growth and development of wireless facilities thus minimizing tower proliferation throughout the County. The Telecommunications Master Plan combines land use strategies with industry accepted radio frequency (RF) engineering standards and propagation or wireless coverage maps to create an illustrative planning tool complimenting related zoning regulations. The Master Plan also provides an engineering analysis, an inventory of existing towers, and an assessment of future wireless needs.

The 2007 Telecommunications Master Plan' *Projected Theoretical Coverage for 2020 Including County-Owner Land Map* page 52 does not propose a tower in this area of the County (Exhibit L). However, since the creation of the *Projected Theoretical Coverage for 2020 Map*, technology and the demand for wireless services has increased over the past 17 years. Therefore, staff finds the proposed wireless tower at this location complies with the Master Plan as it may provide improved wireless coverage for the County.

3. 2024 Public Facilities Impacts Review

The Board of Supervisors adopted a Public Facilities plan on February 20, 2024, as an amendment to the 2040 Comprehensive Plan adopted August 5, 2019. Implementation of the Public Facilities plan allows the County to deliver the planned quality of life and service standards at current and future levels by identifying the impacts of proposed development and offering the means to consider proposed mitigation(s). The Plan aims to ensure that development impacts are adequately assessed and mitigated, to promote sustainable growth and to preserve the community's well-being. As Louisa County grows, the pressure on public facilities and services intensifies. The county expects proposed developments to consider the impacts on Public Facilities and to mitigate the impacts of the development. This mitigation can take various forms, such as impact fees, infrastructure improvements, land dedication, and other items, ensuring that the burden of growth does not disproportionately fall on existing residents and businesses in the County.

This application has therefore been evaluated to determine if it impacts the following areas:

Administration

Staff believes there would be a minimum level of impact to Administration. Community Development Department staff is currently involved in the Conditional Use Permitting Process. Community Development Department staff would also be involved in future site plan review, and development permit reviews and inspections.

Fire & EMS

Staff believes the proposed tower would have a positive impact on Fire & EMS service resulting in increased wireless service for communication during an emergency event.

Law Enforcement

Staff believes a positive impact on Law Enforcement service will result in the approval of a new tower as communication is crucial during an emergency event.

Parks and Recreation

Staff believes this project would have no impact on Parks and Recreation.

Schools

Staff believes this project would have a positive impact on Schools as it would allow parents the option of teleworking and students access to the internet for homework.

Solid Waste

Community Development staff believes there would be a minimum level of impact. Construction debris and refuse is also anticipated from the development to cause impacts as a user of the landfill. Standard charges would apply.

4. Louisa County Land Development Regulations

Sec. 86-151. – General Agricultural (A-2) district—Statement of intent; policy guidance, states the following:

“The agricultural (A-2) district is provided to allow for the compatible mixture of agricultural uses and limited residential development in rural areas and protect and retain the rural open character of the countryside. Very low-density residential uses are allowed along with agricultural uses that are compatible with residential activity to provide for community cohesion in the rural areas and encourage land use interdependence. Zoning standards are also included to ensure the co-existence of these uses with each other. The creation of lots fronting on existing state roads or federal highways is strongly discouraged. Agricultural (A-2) district uses range from agricultural to neighborhood oriented commercial and community services. The use of development setbacks, shared access, reverse-front lots and roadside buffers are encouraged to retain the rural character of the county along-side the open farm activities prevalent in the county”.

The General Agricultural (A-2) zoning district allows for a Broadcasting or Communication Tower with a conditional use permit:

*“**Broadcasting or communication tower.** Any unstaffed facility for the transceiving of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transceiving devices or antenna. Excluded are "amateur radio towers," which are described separately. Also excluded are wireless communication antennas which fit the definition of "utility services, minor."*

5. Louisa County Telecommunications Regulations

Section 86-665. Permitted uses of the Louisa County Telecommunications regulations requires the issuance of a conditional use permit for freestanding Wireless Communication Facilities (WCFs) >100' in height. A conditional use permit application has been submitted for processing and review.

CURRENT ZONING VIABILITY ANALYSIS:

Parcel 56-15 is currently zoned General Agricultural (A-2). There is no evidence that the current zoning and land use is not economically viable. If Conditional Use Permit is not approved the property could be used as is, subdivided for additional single-family home sites, or general farming by-right.

6. Section 86-43 Intent, requirements, conditions, and procedures for Conditional Use Permit:

In determining imposed conditions, the governing body shall take into consideration the intent of this chapter and may impose reasonable conditions that:

(1) Abate or restrict noise, smoke, dust, or other elements that may affect surrounding property.

Staff Analysis: The Louisa County Land Development Regulations and proposed conditions set standards for these items.

(2) Establish setback, side, and front yard requirements necessary for orderly development and to prevent traffic congestion.

Staff Analysis: The Louisa County Land Development Regulations set standards for these items. The Virginia Department of Transportation (VDOT) is responsible for reviewing and approving entrances. The applicant will be required to submit a site plan for review by agencies such as VDOT.

(3) Provide for adequate parking and ingress and egress to public streets or roads.

Staff Analysis: The Louisa County Land Development Regulations set standards for these items.

(4) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered detrimental to adjoining property.

Staff Analysis: The Louisa County Land Development Regulations and proposed condition set standards for these items.

(5) Tend to prevent such use from changing the character and established pattern of development of the community.

Staff Analysis: The proposed use would not hinder agricultural development pattern of the parcels in this area.

NEIGHBORHOOD MEETING RESULTS:

A Neighborhood Meeting was held in the Louisa County Public Meeting Room on December 11, 2024, at 4:00PM, at which two (2) individuals attended. Nobody spoke in opposition. There was discussion on topics from timeline of construction, traffic impacts, and how/why this parcel was chosen.

PLANNING COMISSION MEETING RESULTS:

A Planning Commission Meeting was held in the Louisa County Public Meeting Room on January 8, 2025, at 7:00PM at which no citizens attended for the case. The Planning Commission found the request to be in substantial accord with the 2040 Louisa County Comprehensive Plan in accordance with Section 15.2-2232 of the State Code of Virginia; and voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the conditional use permit request of CUP2024-08, a telecommunications tower in accordance with Section 86-154 Permitted uses with a conditional use permit; and a Wireless Communication Facility >100 feet in height in accordance with Section 86-665 Permitted uses table of Division 5. Telecommunications Regulations, with the twenty-one (21) conditions recommended by staff.

STAFF RECOMMENDATION:

The following twenty-one (21) conditions are recommended for consideration for the Conditional Use Permit to allow for the establishment of Broadcasting or communication tower:

1. Construction of the 197-foot-tall monopole tower with a 2 foot tall antenna or its facility shall only take place Monday through Saturday 7:00 AM to 7:00 PM.
2. All ground equipment shall be properly shielded from pedestrian view.
3. The Board of Supervisors or their designated representative shall have the right to inspect the site at any reasonable time without prior notice.
4. All exterior lighting at the wireless communication facility shall be designed and installed to mitigate light pollution to the surrounding areas and skies and shall comply with the specifications of the International Dark-Sky Association (www.darksky.org).
5. If the approved new tower facility at this location does not become operational within two (2) years from the approval date, then this conditional use permit shall become void. The applicant is allowed one administrative extension of one year from the Zoning Administrator.
6. The overall tower height shall not exceed 199 feet in height above ground level, which shall include any antennas and a lightning rod.
7. The facility shall be developed in accordance with an approved site plan and erosion and sediment control plan to be approved by the appropriate government agency. The applicant shall post the phone number to call 24 hours for noise complaints.
8. The applicant shall secure all necessary permits from the Louisa County Community Development Department.
9. Prior to issuance of a building permit for the facility, the applicant shall supply to the Community Development Department a copy of a FAA determination letter and completed NEPA study for the tower.
10. The FCC Licensee and affected carriers or service providers shall be responsible for immediately correcting any interference.
11. The color and lighting system for the tower facility shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Director of Community Development.
 - b. The tower shall not be lit, unless lighting is required by the Federal Aviation Administration (FAA).
12. The cellular carriers shall route all emergency “911” calls directly to the Public Safety Access Point charged with taking emergency “911” calls. At the time of application, the Public Safety Access Point is the Louisa County Emergency Services.

13. The tower shall be structurally designed and built to permit the colocation of a minimum of four (4) wireless carriers' antenna arrays and related equipment.
14. The applicant or its assigns or successors in interest shall agree to remove the tower, at their own expense, from the above referenced site not more than six months from the date that the tower is no longer being used to provide space for telecommunications operations and/or providers.
15. The facility shall not be accessible to any unauthorized persons.
16. The monopole tower shall have all antenna feed lines installed inside the monopole.
17. All access ports for the tower shall be sealed in a manner that prevents access by birds or other wildlife.
18. The applicant shall provide the County with an "as built" sealed report by a Registered Virginia Professional Engineer that the tower will support the designed loading to permit the colocation of a minimum of four (4) wireless carriers' antenna arrays and related equipment and be in compliance with ANSI/EIA/TIA 222-F (as amended).
19. The applicant is responsible for notifying the Louisa County Community Development Department of the date that the primary lease tenant has become operational and is providing telecommunications services to its customers from the tower.
20. Entrance permit and/or an approval letter shall be issued by the Virginia Department of Transportation prior to issuance of any building permits.
21. Violation of any conditions contained herein shall be grounds for revocation of the Conditional Use Permit.

Enclosures:

Exhibit A: Conditional Use Permit Application
Exhibit B: Zoning Narrative
Exhibit C: Tower Plans
Exhibit D: Photo Simulations
Exhibit E: Balloon test letter & affidavit
Exhibit F: Notice to carriers
Exhibit G: FFA Letter
Exhibit H: Letter of Commitment
Exhibit I: 1000' Buffer list
Exhibit J: Trileaf NEPA review in progress letter
Exhibit K: Altairis Final Response
Exhibit L: 2007 Master Plan 2020 Projected theoretical coverage map