

Reviewer: DJ Case # CUP2025-08
Fee Rcv'd: _____ Rept # _____
Date & Time Rcv'd: 8/16/2025
Pre-App Meeting: _____

LAND USE AMENDMENT APPLICATION

Board of Supervisors of Louisa County, Virginia

The following information shall be typed or printed and completed in full. Attach additional pages where necessary.

1. IDENTIFICATION OF REQUEST:

A: REZONING: From _____ () to _____ ()

B: CONDITIONAL USE: This request is to amend the conditions of an existing Conditional Use Permit, issued July 5, 1994, for a communications tower to delete the non-transferability

C: condition.

TEMPORARY CONDITIONAL USE: _____

D: _____

VARIANCE: _____

E: _____

PROFFER AMENDMENT: _____

F: _____

COMP PLAN AMENDMENT: _____

G: _____

COMP PLAN REVIEW FOR CONFORMANCE: _____

H: _____

SPECIAL EXCEPTION: _____

2. APPLICANT, PROPERTY OWNER, AGENT

A. NAME OF APPLICANT: American Tower Asset Sub II, LLC
If a corporation, name of agent: Lori H. Schweller, Esq., Williams Mullen, Attorneys

B. MAILING ADDRESS: 323 2nd Street, Suit 900, Charlottesville, VA 22902
Telephone # 434-951-5728

C. NAME OF PRESENT OWNER OF PROPERTY ON WHICH THIS REQUEST WILL OCCUR:
4 All Land, LLC, a Virginia limited liability company

D. MAILING ADDRESS: 8249 Crown Colony Parkway, Suite 100, Mechanicsville, VA 23116
Telephone #

If the applicant is not the owner of the property in question, explain: The Applicant has an easement to use a portion of the property for a wireless telecommunications facility. A copy of the Easement Agreement is attached to this Application for reference.

E. NAME OF PERSON TO BE NOTIFIED IN ADDITION TO THE APPLICANT AND/OR PROPERTY OWNER: _____

F. ADDRESS: _____
Telephone #: _____

3. **LOCATION OF PROPERTY** (Assistance will be given in obtaining the following information upon request).

A. VOTING DISTRICT Mineral B. TAX MAP # 42
C. SUBDIVISION NAME NA D. LOT/PARCEL# 34
E. PROPERTY LOCATION 977 Chopping Road, Mineral, VA
F. IS PARCEL UNDER LAND USE TAXATION PROGRAM? NO x YES _____

4. **EXPLAIN FULLY THE PROPOSED USE, TYPE OF DEVELOPMENT, OPERATION PROGRAM, ETC., AND THE REASON OF THIS REQUEST:** The property was the subject of a conditional use permit issued in 1994 to Southwestern Bell Mobile Systems, Inc. for a communications tower. The CUP included a condition that the CUP is non-transferable. The lease from the property owner to the permit holder has been assigned since that time, and the tower operator has changed over the years owing to assignments and corporate transactions. The purpose of this request is to delete the non-transferability condition (#8) of the CUP and update the permit revocation condition (#10).

(Attach applicable plans, renderings, elevations, photographs.)

5. **STATE HOW THIS REQUEST WILL NOT BE MATERIALLY DETERIMENTAL TO ADJACENT PROPERTY, THE SURROUNDING NEIGHBORHOOD OR THE COUNTY IN GENERAL. INCLUDE, WHERE APPLICABLE, INFORMATION CONCERNING: USE OF PUBLIC UTILITIES; EFFECT OF REQUEST ON PUBLIC SCHOOLS; EFFECT ON TRAFFIC--INCLUDE MEANS OF ACCESS TO THE NEAREST PUBLIC ROAD; EFFECT ON EXISTING AND FUTURE AREA DEVELOPMENT, ETC.** The proposed CUP amendment will not change the existing use or operation of the communications tower, which provides essential wireless communications services from Verizon Wireless, AT&T, and T-Mobile. The County noted the non-transferability condition when Verizon Wireless submitted an application to remove equipment and install equipment on the tower.

6. **EXPLAIN ANY EXISTING USE PERMIT, SPECIAL EXCEPTION, (Prior) CONDITIONAL USE PERMIT, TEMPORARY CONDITIONAL USE PERMIT OR VARIANCE PREVIOUSLY GRANTED ON THE PARCEL IN QUESTION:** Conditional Use Permit approved by the Louisa County Board of Supervisors on July 5, 1994 for construction of a 350 foot cellular communications tower and related equipment building on the west side of State Route 623, approximately 3.1 miles north of Route 22/33.

7. INDICATE THE FOLLOWING WITH RESPECT TO THE SUBJECT PARCEL:

- A. EXISTING LAND USE(S): forest
- B. EXISTING STRUCTURE(S): cell tower with related ground equipment
- C. EXISTING ZONING: A2
- D. ACREAGE OF REQUEST: 22
- E. UTILITIES: electricity, telephone existing
(Intended use, example: public water and/or sewer; individual well and/or septic tank; other source.)
- F. IS THIS PROJECT IN OR NEAR A PINE PLANTATION? no
- G. IS THIS PROJECT IN AN AG/FORESTAL DISTRICT? no

8. IF REQUESTING A VARIANCE, EXPLAIN THE UNIQUE PHYSICAL HARDSHIP OR EXTRAORDINARY SITUATION THAT IS THE JUSTIFICATION FOR THE VARIANCE:

NA

9. GIVE COMPLETE NAMES AND ADDRESSES (INCLUDING ZIP CODES) OF ALL OWNERS ADJACENT, ACROSS THE ROAD OR HIGHWAY FACING THE PROPERTY AND ACROSS ANY RAILROAD RIGHT-OF-WAY, CREEK, OR RIVER FROM SUCH PROPERTY, EVEN IF SUCH PROPERTY LIES IN ANOTHER COUNTY OR TOWN. (THIS INFORMATION MUST BE OBTAINED BY THE APPLICANT).

* PROPERTY OWNER'S NAME: Lisa D. Spicer MAILING
ADDRESS: 1070 Chopping Road, Mineral, VA 23117

TAX MAP # 42

SUBDIVISION NAME NA LOT/PARCEL# 42

ACREAGE 5.88 ZONING A2

* PROPERTY OWNER'S NAME: Nicholas J. Marotta MAILING
ADDRESS: 13209 Pennerview Lane, Fairfax, VA 22033

TAX MAP # 42

SUBDIVISION NAME NA LOT/PARCEL# 43

ACREAGE 68.5 ZONING A2

* PROPERTY OWNER'S NAME: Jeremy and Charity Boston MAILING
ADDRESS: 913 Chopping Road, Mineral, VA 23117

TAX MAP # 42-1

SUBDIVISION NAME: NA LOT/PARCEL# 3B

ACREAGE 9.22 ZONING A2

* PROPERTY OWNER'S NAME: The William A. Cooke Foundation

MAILING ADDRESS: P.O. Box 462, Louisa, VA 23093

TAX MAP # 42

SUBDIVISION NAME: NA LOT/PARCEL# 33

ACREAGE 25.12 ZONING A2

* PROPERTY OWNER'S NAME: The William A. Cooke Foundation

MAILING ADDRESS: P.O. Box 462, Louisa, VA 23093

TAX MAP # 27C-1

SUBDIVISION NAME: NA LOT/PARCEL# B

ACREAGE 16.89 ZONING A2

* PROPERTY OWNER'S NAME: Christopher D. Brooks

MAILING ADDRESS: 175 Twin Cedars Road, Mineral, VA 23117

TAX MAP # 27C-1

SUBDIVISION NAME: NA LOT/PARCEL# B3 & C1

ACREAGE 4,894 ZONING A2

* PROPERTY OWNER'S NAME: Patricia D. Wolfrey MAILING

ADDRESS: 39 Twin Cedar Road, Mineral, VA 23117

TAX MAP # 27C-1

SUBDIVISION NAME: NA LOT/PARCEL# C

ACREAGE 2.767 ZONING A2

* PROPERTY OWNER'S NAME: Jay T. Jolliffe

MAILING ADDRESS: 1206 Chopping Road, Mineral, VA 23117

TAX MAP # 42

SUBDIVISION NAME: NA LOT/PARCEL# 41

ACREAGE 22.25 ZONING A2

* PROPERTY OWNER'S NAME: _____

MAILING ADDRESS: _____

TAX MAP #

SUBDIVISION NAME: _____ LOT/PARCEL# _____

ACREAGE _____ ZONING _____

* PROPERTY OWNER'S NAME: _____

MAILING ADDRESS: _____

10. HEREWITH IS DEPOSITED THE FEE REQUIRED. CHECKS OR MONEY ORDERS
MADE PAYABLE TO TREASURER, COUNTY OF LOUISA.

13. **I/WE HEREBY CERTIFY THAT TO THE BEST OF MY/OUR KNOWLEDGE ALL OF THE ABOVE STATEMENTS AND THE STATEMENTS CONTAINED IN ANY EXHIBITS TRANSMITTED ARE TRUE AND THAT THE ADJACENT PROPERTY OWNERS LIST HEREWITH ARE THE OWNERS OF RECORD AS OF THE DATE OF APPLICATION.**

**NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. ANY REQUEST WHICH
REQUIRES PLANS MUST BE ACCOMPANIED BY THOSE PLANS AT THE TIME OF
SUBMISSION OF THE APPLICATION.**

DATE: July 24, 20 25.

By: 

SIGNATURE OF APPLICANT

(Same Name as Used in Item 2-A, Page 1)

By: 

SIGNATURE OF OWNER

(Same Name as Used in Item 2-C, Page 1)

By: 

SIGNATURE OF AGENT

(Name of Person Other Than, but Acting for the
Applicant, Responsible for this Application)

American Tower Asset Sub II, LLC

APPLICANT'S NAME

(Typed or Printed)

4 All Land, LLC, a Virginia limited liability company

OWNER'S NAME

(Typed or Printed)

Williams Mullen /Lori H.

Schweller, Esq.

AGENT'S NAME





LANDOWNER LETTER OF AUTHORIZATION FOR PERMITTING

Licensee Name: Celco Partnership d/b/a Verizon Wireless
@ ATC Site Name: Mineral / ATC Site #: 310370 / Project #: 14921176
Site Address: 977 Chopping Rd, Mineral, VA 23117
Coordinates: 38.03718473, -77.92405042

I, Shawn Tuthill, of 4 ALL LAND LLC, owner of the property identified above or duly authorized agent thereof, do hereby authorize Celco Partnership d/b/a Verizon Wireless, American Tower, and their parents, subsidiaries, affiliates, successors, assigns, contractors, and/or agents, to act as my non-exclusive agent for the sole purpose of filing and consummating any land-use, building, or electrical permit application(s) as may be required by the applicable permitting authorities for proposed equipment additions and/or modifications by Celco Partnership d/b/a Veizon Wireless within the leased area. The Project generally consists of the following:

Proposing: the following equipment is being physically installed on the tower:

6 - 95.9' PANEL
2 - 29.5' BOB/SSB
3 - 15' RRU/RRH
2 - 1 5/8" Hybriflex

Removing: The following equipment is being physically removed from the tower:

3 - 74.9' PANEL
3 - 96.5' PANEL
6 - 96' PANEL
1 - 19.2' BOB/SSB
1 - 19.2' BOB/SSB
3 - 6.9' DIPLEXER/DUAL COUPLER
3 - 13' RRU/RRH
3 - 21.4' RRU/RRH
3 - 26.6' RRU/RRH
6 - 1 5/8" Coax
2 - 1 1/4" Hybriflex Cable

Application Groundspace:
Removing a diesel generator

Signature: 

Print Name: Shawn Tuthill

NOTARY BLOCK

State of Virginia
County of Hanover

On 7/24/25, before me, Shawn Tuthill personally appeared Christy M. Catlett, who provide to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Virginia that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature Christy Catlett (Seal)
My Commission Expires: 1-31-26



*American Tower as used herein includes any affiliates or subsidiaries of American Tower Corporation

FILE COPY



(410) 712-7700

County of Louisa

Post Office Box 160
Louisa, Virginia 23093

(703) 967-0401
FAX 703) 967-3411

July 7, 1994

Jeff Owens
Southwestern Bell Mobile Systems, Inc.
T/A Cellular One
7150 Standard Drive
Hanover, MD 21076

Dear Mr. Owens:

At a regular meeting of the Louisa County Board of Supervisors held July 5, 1994, the Board voted to approve your request for a Conditional Use Permit. The Conditional Use Permit was issued for the construction of a 350 foot cellular communications tower and 12'x26' equipment building. The property is located on the west side of State Route 623, approximately 3.1 miles north of Route 22/33.

The Board approved the Conditional Use Permit with the following conditions to insure project compatibility and minimize potential nuisance from development:

1. That the site be developed according to all Agricultural (A) District regulations;
2. That development be in accordance with a site plan approved by Louisa County;
3. That all necessary permits be secured from the Louisa County Zoning/Building Department;
4. Prior to release of the building permit for the tower or the building, a copy of FAA approval shall be submitted to the Planning Office;
5. The operation of this tower shall not interfere with any other communication system including, but not limited to, television, radio, microwave, and satellite transmissions or use of any electronic equipment in the County;
6. Any UHF, VHF or other type of transmitters/receivers that would interfere with the County's Emergency communications to be prohibited from this tower;
7. The tower shall be painted and lighted in accordance with FAA regulations;

8. The Conditional Use Permit is not transferable to another applicant or owner;
9. Inspections - the Board of Supervisors or their designated representatives reserves the right to inspect the site at any reasonable time without prior notice;
10. Permit Revocation - violation of any condition of this permit shall be grounds for revocation of the Conditional Use Permit. If a violation does occur, Southwestern Bell Mobile Systems, Inc. will have ninety (90) days in which to remove the tower.
11. Space shall be reserved on the tower, (up to 300' or higher as long as it does not cause interference), for Louisa County Emergency Services use at no cost to the County. In addition, the applicant will provide suitable communications equipment to enhance emergency services in Louisa County as an in-kind contribution to the Volunteer Fire and Rescue Organizations, with additional costs not to exceed \$10,000 wholesale price, and said contribution would be transferable and cumulative to another tower if it is not needed at this particular site. Equipment shall be in accordance with specifications from the Emergency Services Coordinator.
12. An emergency number be provided for Louisa County cellular users to connect them directly to the Sheriff's Department until the E-911 system is implemented in Louisa County.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,



William C. Porter, Jr.
County Administrator

WCPjr/raf

WILLIAMS MULLEN

Direct Dial: 434.951.5728
LSchweller@williamsmullen.com

September 12, 2025

VIA EMAIL: RMawyer@louisacounty.gov; TEgeland@louisacounty.gov
and FEDERAL EXPRESS

Louisa County Community Development
1 Woolfolk Avenue, Suite 201
Louisa, VA 23093

Attention: Renee Mawyer, Associate Planner/Deputy Subdivision Agent
Tom Egeland, Jr., Deputy Director of Community Development / Deputy Zoning Administrator

RE: **Comprehensive Plan Substantial Accord Review in relation to
Conditional Use Permit Amendment Request**

Applicant: American Tower Asset Sub II, LLC

Property: Tax Map Parcel 42-34; 977 Chopping Road, Mineral, VA; 22 acres

Property Owner: 4 All Land, LLC, a Virginia limited liability company

Dear Ms. Mawyer and Mr. Egeland:

American Tower Asset Sub II, LLC, which is a wholly-owned subsidiary of American Tower Corporation, submitted a request on August 12, 2025 to amend an existing Conditional Use Permit (CUP) for an existing wireless communications facility (the "WCF" or the "Chopping Road WCF"). The request is to delete one and amend another condition of the existing Conditional Use Permit, issued July 5, 1994, "for the construction of a 350-foot cellular communications tower and 12' x 26' equipment building" on "property located on the west side of State Route 623, approximately 3.1 miles north of Route 22/23" (the "CUP").

We have been informed that the County requires a review of the WCF to determine if it is substantially in accord with the County's Comprehensive Plan. I note that Sec. 86-664 of Division 5 (Telecommunications Regulations) of the Louisa County Zoning Ordinance provides that facilities that are approved by a special use permit process, as this WCF was approved in 1994, "shall be deemed substantially in accord with the comprehensive plan." As such, we submit that the WCF may be deemed in substantial accord with the comprehensive plan by operation of the County Code.

Nevertheless, we provide the following support for a finding by the Planning Commission that the WCF is in substantial accord with the current County Comprehensive Plan.

The WCF is located at 977 Chopping Road north of Mineral. It serves the area between the Mineral Growth Area and the property developing to the north along Chopping Road (State Route 623) and Zachary Taylor Highway (S. R. 522) leading to the Lake Anna Growth Area. County wireless needs have grown substantially since the adoption of the Telecommunications Master Plan, dated September 17, 2007. The County experienced population growth, but, more significant, wireless usage has increased dramatically since 2007.

September 12, 2025

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On August 4, 2025, Verizon Wireless obtained approval for a new WCF approximately 0.28 mile from the intersection of Zachary Taylor Highway (Route 522) and Chopping Road (Route 623)¹ (the “522 WCF”). The 522 WCF is needed even though Verizon Wireless has antennas on the Chopping Road WCF and on the existing tower near the County Fire & EMS Training Center at 26 Sacred Heart Avenue (where the new sector facing Mineral is overloaded). More coverage and capacity are needed in this growing area of the County. Verizon Wireless intends to remove and replace the antennas on the Chopping Road WCF to provide improved service from this important site.

The Louisa County Comprehensive Plan lays out strategies for growth in Chapter 3: Land Use. The Land Use Plan identifies guiding principle 1. to preserve and protect the County's rural heritage. The WCF is located in an area designated as Rural on the County's Future Land Use Map. The Plan denotes Rural Values and Character in 3.1.1 to include the importance of agriculture, forestry, hunting, and fishing, as well as having jobs that residents can work close to home.

This WCF is critical for the continuance of high-quality wireless communications services provided by Verizon Wireless, AT&T, and T-Mobile, which serve existing and future residents, agriculture, rural activities, and travelers through the area, all of which increasingly rely on wireless communications infrastructure for everyday life. Wireless communications enable remote work, support advanced agricultural applications, and support commerce. In addition, the WCF provides effective access to 911 first responders such as fire, EMS, and police. Residents and travelers in the area have benefitted from wireless communications from this WCF for approximately 20 years, while experiencing little to no impact from the facility.

At its meeting on July 10, 2025, the Planning Commission found the Verizon Wireless request for approval of the 522 WCF 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. The Staff Report to the Planning Commission for the 522 WCF hearing provides relevant information for this request because the 522 WCF will be a handoff or connecting site for the existing Chopping Road WCF, located in the same area of the County. The staff report addressing Comprehensive Plan Conformance for the 522 WCF states as follows:

“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 2040 Plan contains many ideas for protecting and preserving the County's rural character, including a thorough review (and update where necessary) of designated growth areas, based on detailed future needs analyses, trends and projections. Simultaneously, the Plan provides the means for planning the delivery of capable public services to ensure a healthy future economy.

The proposed tower is located between two growth areas (Lake Anna & Mineral), on Zachary

¹ The 522 WCF parcel (Tax Map parcel 28-97F) fronts on both State Routes, but the tower site is accessed from Route 522 (Zachary Taylor Highway).

Taylor Highway (Route 522) which has an annual average daily trips of 4900. Chopping Road (Route 623) has an annual average daily trips of 4100.

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 K). However, since the creation of the 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 reviews, 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.

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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 increase coverage allowing more parents the option of teleworking and students access to the internet for homework.

Solid Waste

Community Development staff believe 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."

In summary, recent staff analysis clearly describes how the existing WCF, located in the same area of the County as the 522 WCF, supports County goals set out in the Comprehensive Plan and 2024 Public Facilities Impact Review.

Thank you for your consideration of this request. Please contact me with any questions at 434-951-5728 or LSchweller@williamsmullen.com.

Very truly yours,



Lori H. Schweller

Enclosures

cc: American Tower Corporation

WILLIAMS MULLEN

Direct Dial: 434.951.5728
LSchweller@williamsmullen.com

August 12, 2025

VIA EMAIL: RMawyer@louisacounty.gov; TEgeland@louisacounty.gov
and FEDERAL EXPRESS

Louisa County Community Development
1 Woolfolk Avenue, Suite 201
Louisa, VA 23093

Attention: Renee Mawyer, Associate Planner/Deputy Subdivision Agent
Tom Egeland, Jr., Deputy Director of Community Development / Deputy Zoning Administrator

RE: **Conditional Use Permit Amendment Request**

Applicant: American Tower Asset Sub II, LLC

Property: Tax Map Parcel 42-34; 977 Chopping Road, Mineral, VA; 22 acres

Property Owner: 4 All Land, LLC, a Virginia limited liability company

Dear Ms. Mawyer and Mr. Egeland:

On behalf of the Applicant, American Tower Asset Sub II, LLC, which is a wholly-owned subsidiary of American Tower Corporation, I request an amendment to an existing Conditional Use Permit (CUP) for an existing wireless communications tower. Our request is to amend certain conditions of the existing Conditional Use Permit, issued July 5, 1994, "for the construction of a 350 foot cellular communications tower and 12' x 26' equipment building" on "property located on the west side of State Route 623, approximately 3.1 miles north of Route 22/23" (the "CUP"). The CUP approval letter, enclosed for reference, is addressed to Jeff Owens, Southwestern Bell Mobile Systems, Inc. t/a Cellular One. As permitted by the CUP, the Property is developed with a 350-foot guy-wired communications tower and a ground equipment compound (the "Facility"). The building permit for the tower was issued on August 12, 1994, and the tower was built in 1994-95.

Enclosed are the following:

- Land Use Amendment Application
- Landowner Letter of Authorization for Permitting
- Verizon Wireless Regulatory Compliance letter
- Check in the amount of \$1,150 made payable to Louisa County
- Copy of Existing CUP approval letter

Antennas and related equipment at the Facility provide wireless communications services from Verizon Wireless, AT&T, and T-Mobile. Verizon Wireless submitted a collocation application package in January 2025 to allow Verizon Wireless to remove and replace certain antennas and equipment. We understand that this collocation application raised awareness about the non-transferability condition with Community Development.

CUP Conditions Amendment Request

The Applicant requests elimination of Condition #8, which provides that "***the Conditional Use Permit is not transferable to another applicant or owner.***" Over the years since the CUP was issued, the original permit holder, Southwestern Bell Mobile Systems, Inc. assigned the lease through corporate mergers and assignments; and, by assignment, dated February 28, 2007, the Applicant acquired rights in the lease so that the current owner and operator of the Facility is the Applicant. Further, the Property owner at the time of the CUP was Miles Robert Gibson. He has transferred the property to 4 All Land, LLC. Louisa County's current conditional use permits typically are issued for the property and "run with the land" regardless of ownership or operator, so the requested change of eliminating the non-transferability condition will make the CUP consistent with other conditional use permits in the county.

As a tall tower with antennas providing service from the three major wireless communications providers, the Facility serves many County residents, so it is essential that the CUP not be terminated for violation of the condition. We ask for a simple update of the CUP to strike the outdated condition of non-transferability, thus bringing the CUP into compliance.

Additionally, the Applicant requests amendment of Condition #10 by deleting the second sentence, which requires the former permit holder, Southwestern Bell, to remove the facility within 90 days of any permit violation. It is appropriate to replace this condition with the updated condition used in the recent Arcola Towers project discussed below: "***Violation of any conditions contained herein shall be grounds for revocation of the Conditional Use Permit.***" The Zoning Ordinance provides in Section 86-43(e) that the Board of Supervisors may revoke a conditional use permit under certain circumstances. The Applicant should be entitled to a public hearing before the revocation of the CUP in the case of an alleged violation. Also, since Southwestern Bell is no longer the lessee / Facility owner/operator, the second sentence is out of date with respect to the responsible party.

Conditional Use Permit Support

The Louisa County Code, Chapter 86 – Land Development Regulations, Division 5 – Conditional Use Permits allows certain uses where so listed in the district regulations of the zoning district where the use is located subject to conditions the Board of Supervisors deems necessary. Subsection (b) of Section 86-43 provides that

"(b) 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.*
- (2) Establish setback, side and front yard requirements necessary for orderly development and to prevent traffic congestion.*
- (3) Provide for adequate parking and ingress and egress to public streets or roads.*
- (4) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered detrimental to adjoining property.*
- (5) Tend to prevent such use from changing the character and established pattern of development of the community."*

As a constructed tower, the Facility will not cause any noise, smoke, dust, or other negative impacts on surrounding properties. The Facility is set back from the road on a 22-acre forested parcel and has been in place for two decades. The proposed amendments to the CUP conditions will not alter the Facility in any way that would change the character of the neighborhood. On the contrary, approving the requested revisions to the CUP conditions will allow the Facility to remain in place with no technical violations, thus providing essential wireless services to County residents. Verizon Wireless, AT&T, and T-Mobile use the Facility to provide important wireless services to the community.

Current Communications Tower Conditions Comparison

We discussed in our pre-application meeting for this proposal that it may be useful to compare the existing CUP conditions to current County CUP conditions for wireless communications facilities. A recently approved communications facility for Arcola Towers LLC, CUP2024-08 (February 20, 2025 approval letter) provides an example of conditional use permit conditions the County currently imposes on similar projects. The majority of its 21 conditions are inapplicable to the Facility because it is already constructed. The Applicant's preference is to leave the existing CUP conditions as-is except #8 and #10, as discussed above. We have the following comments regarding the recent CUP20-24-08 as they relate to the Facility CUP:

- I. 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.

Inapplicable since the Facility is already constructed and is 350'.

2. All ground equipment shall be properly shielded from pedestrian view.

Inapplicable since Facility is already constructed with ground equipment well concealed within wooded parcel.

3. The Board of Supervisors or their designated representative shall have the right to inspect the site at any reasonable time without prior notice.

Already provided for in existing CUP #9.

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).

Current CUP Condition #7 addresses painting and lighting, which is already installed.

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.

Inapplicable as Facility is constructed.

August 13, 2025

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6. The overall tower height shall not exceed 199 feet in height above ground level, which shall include any antennas and a lightning rod.

Inapplicable; CUP is for a 350' tower.

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.

Inapplicable as Facility has been developed. The Facility does not generate noise.

8. The applicant shall secure all necessary permits from the Louisa County Community Development Department.

Inapplicable as Facility has been developed and constructed.

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.

Inapplicable as Facility has been developed and constructed.

10. The FCC Licensee and affected carriers or service providers shall be responsible for immediately correcting any interference.

Issue is addressed by Condition #5 of the existing CUP.

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).

Existing Facility is neutral colors, and it is required to be lit by the 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.

The Applicant cannot agree to this condition because it does not apply to the Applicant but to the cellular carriers so is not within the Applicant's control.

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.

The Applicant would not object to this new condition.

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.

The Applicant would not object to this condition.

15. The facility shall not be accessible to any unauthorized persons.

The Applicant would not object to this condition.

16. The monopole tower shall have all antenna feed lines installed inside the monopole.

Inapplicable as Facility includes a guy-wired tower, not a monopole.

17. All access ports for the tower shall be sealed in a manner that prevents access by birds or other wildlife.

Inapplicable as Facility includes a guy-wired tower, not a monopole.

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).

Inapplicable as Facility has been developed and constructed.

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.

Inapplicable as Facility is in operation.

20. Entrance permit and/or an approval letter shall be issued by the Virginia Department of Transportation prior to issuance of any building permits.

Inapplicable as Facility has been developed and constructed.

21. Violation of any conditions contained herein shall be grounds for revocation of the Conditional Use Permit.

The Applicant would like to replace existing condition #10 with this condition.

In summary, because most of the current conditions applied to communications towers are inapplicable to this Facility, we ask simply for the elimination of Condition #8 and replacement Condition #10 of the CUP with an updated condition.

August 13, 2025
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Thank you for your consideration of this request. Please contact me with any questions at 434-951-5728 or LSchweller@williamsmullen.com.

Very truly yours,



Lori H. Schweller

Enclosures

cc: American Tower Corporation