

**UNAPPROVED MINUTES OF THE SEPTEMBER 12, 2007 MEETING
OF THE PLANNING COMMISSION**

SUP-12-07 Verizon Co-location at Brick Bat Road

Ms. Leanne Reidenbach presented the staff report stating that Ms. Jessica Wright of Verizon Wireless, has applied for a special use permit to construct a 14 foot extension on an existing 185 foot tower, for a total height of 199 feet. The purpose of the extension is to allow co-location of one additional antenna array on the existing American Tower. The property is located at 3470 Brick Bat Road, is zoned A-1, General Agriculture, and designated as Rural Lands by the Comprehensive Plan. Staff noted that conditions #1, 4, and 6 had been amended for clarification since the staff report was written. Staff recommends that the Planning Commission recommend approval of this application with the amended conditions to the Board of Supervisors.

Ms. Sowers stated that changes to conditions #4 and #6 resulted from a discussion the previous evening at the Board of Supervisors' meeting.

Ms. Hughes asked for comments and/or questions from the Commissioners.

Ms. Billups questioned whether the County is allowed to establish its own lighting system for towers in the County for safety purposes.

Mr. Kinsman answered that if it is safety related the County may be able to do it, but generally these kinds of things are the domain of the FAA. He was not sure if the FAA would allow the County to develop their own set of standards. The concern would be that lightening would increase the visual impact of the tower.

Ms. Sowers stated that there is a Board policy provision stating a clear preference that towers specially not be lighted. Staff spent a great deal of time to get this tower to a specific height that would no require light. Staff's policy is consistent with FAA safety regulations that towers under 200 feet not be lighted.

Ms. Hughes opened the public hearing.

Mr. Steve Romine, an attorney with LeClair Ryan, spoke on behalf of the applicant Verizon Wireless. Mr. Romine gave an overview of the cell phone industry. He stated that Verizon first looks to co-locate before erecting any new towers. Mr. Romaine showed the existing coverage area and also the area where no or unreliable coverage exists. Originally the application requested a 30 foot extension to the tower. In working with staff and realizing the sensitivity of the Route 5 corridor, the tower height was reduced to 199 feet. Mr. Romine showed photographs of different locations and what the tower visibility was. He did reiterate that 95% of the time the tower would not visible. These pictures were actually taken in the 5% area where it would be visible. Mr. Romine stated his belief that this application meets all County regulations stated in the Ordinance. Verizon has agreed to all conditions given by staff. Mr. Romine requested

the Planning Commission recommend approval of this application to the Board of Supervisors.

Mr. Obadal questioned what kind of assurance the County would have that this tower will be 199 feet.

Mr. Romine stated that Verizon has agreed to have a certified engineer verify the height as part of the conditions of this application.

Mr. Obadal stated that the applicant would be responsible for lowering the tower if it is too high.

Mr. Romine stated yes it would be the applicant's responsibility.

Ms. Jones stated that if there is an accurate measurement on the existing tower it would assist in making sure that when adding additional feet it would make it consistent with the application.

Mr. Fraley asked how the County knows the tower's current height. He stated that it was suggested by the Board of Supervisors during a discussion on cell towers that staff somehow verify the height of structures currently in the County. Mr. Fraley stated that he did not have confidence on the accuracy of the current towers and their heights.

Mr. Sowers stated that staff is taking it under consideration.

Ms. Hughes asked if the height of the existing tower been certified.

Mr. Romine said it was certified by an engineer to be 185 feet.

Mr. Sowers stated that prior to obtaining a final Certificate of Occupancy the applicant will have to prove correct height. Staff will work with the applicant to have these measures in place.

Ms. Jones stated that the concern is to not go over by 1 foot which would trigger FAA Regulations.

Mr. Sowers stated that there was a case where staff did measure by dropping a tape but that it was a proposed site not a current one.

Mr. Obadal asked the applicant if there was any alternative technology to the use of towers themselves.

Mr. Romine stated that at one time low flying satellites were used but were not very effective. His best estimate is that cell towers are expected to be used for the next 25 to 30 years. One type of technology, Distributed Antenna System (DAS), can be used but are more effective in a more urban environment. They are very costly though.

Mr. Fraley asked if DAS was operating in Canada or Rhode Island.

Mr. Romine did not know.

Mr. Fraley asked if there were any photos available that were taken in the winter since the towers may be more visible at that time.

Ms. Sowers stated that staff did take some pictures during that time period but did not have them present.

Mr. Fraley wanted the citizens to be aware of the difference.

Mr. Romine did have some photos available that were taken in February at the original proposed height (215 feet).

Ms Hughes asked about the height of the tower in Charles City. She questioned whether that one could be extended or if it would be possible to modify that tower to achieve the goals of this application.

Mr. Romine stated that extending the tower in Charles City would not be effective because of the distance. There was not enough energy to power the gap.

Mr. Obadal questioned whether there were any indications that there were users on the other tower.

Mr. Romine stated that yes there are other carriers. The tower on the right will handle two carriers, possibly a third. The conditions of this application were to remove the facilities no longer being used by the County before extending the tower. Mr. Romine stated that American Tower owns these towers and Verizon is just renting the space.

Mr. Joseph Chauvin, 3542 Brick Bat Rd, has been a resident of the area since 1997. He stated that when these towers were first built he received no notification, but also indicated that he was not the property owner at the time of their original approval. The only notification he has received is with this application. Both of these towers are visible from all angles of his property. Mr. Chauvin has no complaints with coverage at this time. His main concern is the 400 foot residential structure buffer around the tower. He had future plans for other dwellings on the property which may be in that 400 foot buffer and is concerned about the effect. Mr. Chauvin is also concerned the future desirability of his property. He has a home based business so the property is more than just his residence. He is concerned about the assessment value since these towers are visible from all sections of his property. He disputes the picture from Route 5 and feels the tower is very visible in the summer and winter.

Ms Hughes closed public hearing.

Ms. Jones motioned for approval.

Mr. Krapf seconded the motion.

In a roll call vote the application was approved with the amended conditions. (7-0). AYE: Fraley, Billups, Krapf, Jones, Kennedy, Obadal, Hughes

Mr. Fraley asked for comments from Mr. Sowers concerning the 400 foot buffer.

Mr. Sowers suggested the applicant contact Ms. Reidenbach to obtain more information. This tower was built before the wireless communication facility section of the Ordinance was created. Mr. Sowers was not sure what the collapse radius is, but staff will obtain that information and make it available to Mr. Chauvin.

Mr. Obadal suggested that maybe some plantings could be incorporated in application to address Mr. Chauvin's concerns.

Mr. Sowers stated there was an additional buffer attached to this Special Use Application. However, all plantings required are on the applicant's property.

Mr. Obadal suggested that maybe as a "good neighbor" incentive the applicant might be able to provide extra trees what might help with the visibility issue.

Mr. Sowers said staff will investigate further with the applicant.