

**PLANNING COMMISSION**  
**October 18, 2017**

THE REGULAR MEETING OF THE GREENE COUNTY PLANNING COMMISSION WAS HELD ON WEDNESDAY, OCTOBER 18, 2017, AT 6:30 PM IN THE COUNTY MEETING ROOM.

Members present were:     Jay Willer, Chairman  
                                  William Saunders, III, Vice-Chairman  
                                  John McCloskey, Member  
                                  Frank Morris, Member  
                                  Steven Kruskamp, Jr., Member

Staff present were:         Dale Herring, Ex-Officio Member  
                                  Bart Svoboda, Planning Director  
                                  Stephanie Golon, County Planner  
                                  Shawn Leake, Zoning Officer  
                                  Marsha Alley, Secretary

**CALL TO ORDER**

The Chairman called the meeting to order.

**PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE**

The Chairman lead the Pledge of Allegiance and offered a moment of silence.

**DETERMINATION OF QUORUM**

Each member stated their name on the record to determine a quorum.

Mr. Willer asked if the representative for the public hearing had arrived.

Nicole Scro answered that Ms. Long is on her way but that she could move forward until Ms. Long arrived.

Mr. Svoboda suggested that the Commission amend the agenda if they would like to allow additional time for the applicant's representative to arrive.

There was a brief discussion regarding amending the agenda. It was decided to move some items forward on the agenda.

**APPROVAL OF MINUTES**

Mr. Willer noted that there were two sets of minutes to be reviewed and approved.

Mr. Morris stated that he could approve the first minutes but noted that he had a

question regarding the second set of minutes.

Mr. Willer stated that the minutes would be considered separately.

Mr. Morris made a motion to approve the August 16, 2017 meeting minutes as submitted.

Mr. Saunders seconded the motion.

The minutes for the August 16, 2017 meeting were approved by a 3-0 vote with Mr. Kruskamp and Mr. McCloskey abstaining as they were not present at that meeting.

Mr. Saunders referred to the September 20, 2017 minutes and noted an error on page 11 in the large paragraph. He stated that the phrase that reads "an establishment clause" refers to the Constitution and would better read as "The Establishment Clause of the First Amendment of the United States Constitution" as it refers to a specific document.

Mr. Morris stated that there was a heated discussion regarding prayer and that since the last meeting, there have been issues come up in the public about what was said and what was not said. He asked if that should be clarified in the minutes. He noted that he did not want to approve something just to be approving it.

Mr. Willer suggested to Mr. Morris that if he had any specific changes, he could offer them at this point or that he could vote not to approve, or he could make a motion to defer the approval of the minutes to the next meeting when things could be more clarified.

Mr. Morris asked Mr. Svoboda if it would be appropriate for the two of them to speak about the minutes, noting that this issue does not apply in the same way as the Board of Zoning Appeals.

Mr. Svoboda stated that they could discuss the minutes.

Mr. Morris made a motion to defer the September 20, 2017 meeting minutes until next month so that he could have the opportunity to clear it up with Mr. Svoboda if that would be suitable to the Commission.

Mr. Saunders noted that there is a lot of material to be reviewed.

Mr. Willer asked Mr. Morris if he was making that motion.

Mr. Morris restated his previous motion.

Mr. Willer stated that he would be happy to second the motion as he believes it is always the right for someone to request a deferral.

Mr. Morris restated that he was requesting the deferral because he would like to have time to talk to Mr. Svoboda about why he made the request. He noted that he could discuss it in public if necessary but felt that it may be inappropriate.

Mr. Svoboda asked Mr. Morris if the minutes are inaccurate or insufficient.

Mr. Morris stated that he guessed that people are challenging that there were not enough details in there, noting that he did not mind having the discussion tonight.

Mr. Willer stated that if there are proposals to change or correct the minutes...

Mr. Morris interrupted to state that it looked like we would just go ahead and go with it.

Mr. Willer addressed Mr. Morris saying that if he wanted to change the minutes and would like to have more time to figure out how to change them, then a deferral would be appropriate.

Mr. Morris stated that he is trying to do just that.

Mr. Willer stated that re-discussing those issues would not be appropriate at this point.

Mr. Morris agreed.

Mr. Willer asked Mr. Morris if he would still like to maintain the motion to defer.

Mr. Morris restated the motion to defer the approval of the minutes for the September 20, 2017 to the next meeting.

Mr. Saunders seconded the motion.

Mr. Willer restated the motion for deferral to the November meeting.

The minutes for the September 20, 2017 meeting were deferred by a 5-0 vote.

Mr. Svoboda clarified that there are no scheduled applications for next month's meeting and asked if a meeting should be held for the minutes or if the next meeting for business would be agreeable.

Mr. Morris stated that the next scheduled business meeting would be fine whenever the next meeting is scheduled.

There was brief discussion to clarify that 'next meeting' would be the next meeting that is held.

## **PUBLIC HEARINGS**

**TowerCom, LLC (Valerie Long, Esq.)/Ronald & Janet Parham request a special use permit as required by Article 3-1-2.19 of the Greene County Zoning Ordinance for a 195 ft. monopole and wireless telecommunications facility on a 176.27 acre tract which is zoned A-1, Agricultural, and C-1, Conservation, located at 2100 Simmons Gap Road and identified on County Tax Maps as 46-(A)-20. (SUP#17-003)**

Mr. Willer read the request and asked Mrs. Golon for a report.

Mrs. Golon presented an overview of the proposal to the Commission. She described the parcel as a split-zoned parcel with a request for a 195 ft. monopole tower with an additional 4 ft. lightning rod. She pointed out the location of the property along Simmons Gap Road with an entrance off of a non-exclusive easement. She noted that along with other agencies, Albemarle County was notified of the request and that no apparent impacts were provided from any of those recipients. She presented photos, maps, and aerial photos of the property to demonstrate the property and its features. She stated that the potential development of the property by-right for single-family dwellings would be approximately 8 division rights in the A-1 zoned area and approximately 11 division rights in the C-1 zoned area with a total of approximately 19 division rights at this time, noting that the property is vacant. She reviewed the Future Land Use Map which designates the area as rural. She added that that request aligns with the goals of the Comprehensive Plan. She pointed out the photo simulation maps provided by the applicant. She reviewed an excerpt from the proposed site plan that demonstrated the current right-of-way and the 100 ft. by 100 ft. lease area. She noted that the project would require a formal site development plan if the special use permit is approved. She reminded the Commission that a special use permit does run with the land. She noted that towers have been discussed during the recent broadband discussions and displayed a broadband map and reviewed recent survey results. She stated that there is a need for services in that area. She reviewed the packet information and reminded that special use permits are legislative in nature and that conditions may be added to address impacts. She stated that Article 21 of the Greene County Zoning Ordinance lists the criteria for tower review. She added that staff recommends approval with several conditions.

Mr. Willer noted that this property has split-zoning and has 19 division rights. He asked if the tower would affect the division rights.

Mrs. Golon explained that the tower would not affect the division rights as it could be an accessory or primary use and would not affect the ability to have other primary or accessory uses on the parcel.

Mr. McCloskey referred to the tower map and asked if the proposed tower has been included on that map.

Mrs. Golon stated that the map includes towers that have been approved and

constructed and does not include the tower being discussed.

Mr. McCloskey remarked that there would be one proposed tower that was approved and not constructed.

Mrs. Golon referred to the tower that was approved in the Lydia area which has not been constructed at this time and noted that it was not included on the tower map.

There was a brief discussion regarding the timeframe of that tower.

Mr. Saunders asked if the 100 ft. x 100 ft. footprint is leased and would be a separate issue from the special use permit.

Mrs. Golon stated that the 100 ft. x 100 ft. area is where the tower will be located if approved.

Mr. Saunders asked if adjacent property owners had provided any comments.

Mr. Willer stated that there is a letter in the packet.

Mr. Saunders stated that he had read that earlier and wondered if there had been any positive feedback since then.

Mrs. Golon stated that the letter is included in the packet.

Mr. Willer referred to the broadband survey and asked where the proposed tower would be located on the map.

Mrs. Golon displayed the map and pointed out the proposed tower location.

Mr. Willer referred to the broadband map and noted that the proposed broadcast direction of this tower will likely not affect those red and black dots at all.

Mrs. Golon noted that she would defer to the applicant regarding the propagation maps.

Nicole Scro, of Williams-Mullen, representing TowerCom, addressed the Commission and introduced her colleague, Valerie Long, as well. She commented briefly about the balloon test and displayed an aerial map of the site. She reviewed several slides which demonstrated the location of the proposed tower and the natural screening features on the property which provide a nice backdrop for the project. She noted that there are twelve factors in granting a special use permit and considering possible impacts and that they have considered each one carefully. She stated that the 195 ft. monopole and the 4 ft. lightning rod would total 199 ft. in total tower height which is in accordance with the county's ordinance. She stated that the nearest residence is located about 1,500 ft. from the tower. She described the surrounding topography and tree

coverage in the area. She stated that tower design would include a galvanized steel tower, which would be a grey, less reflective finish, with an ingress and egress over an existing gravel driveway by a deed that was granted previously. She stated that the colocation policy and lease agreement is being maximized, with four users on the tower with T-Mobile being the user making the initial investment. She stated that the proposal is consistent with the Comprehensive Plan. She reviewed the propagation map showing the existing coverage in the area and the service that could be provided by the proposed tower. She added that they are hoping that it will expand the network for future investments while serving a portion of Greene County in addition to Albemarle County. She reviewed the slides of the photo simulation balloon test. She displayed several photos from different angles and perspectives. She reviewed the factors used to consider granting approval, noting that they believe they have found a great site that both provides coverage and addresses the county's focus in providing broadband and wireless coverage while minimizing any potential impacts. She stated that it is important to know that the request is consistent with Comprehensive Plan. She thanked the Commission for their time.

Mr. McCloskey referred to a printed description which mentioned galvanized stainless steel and asked for clarification as to what type of galvanized steel would be used.

There was a discussion regarding the tower design and the finish which would minimize reflection. Ms. Scro explained that the design would meet industry standards and would be in accordance with the ordinance.

Mr. Kruskamp asked if the tower would be lit.

Ms. Scro stated that the tower will not have any lights.

Mr. Willer clarified that according to law, the height being less than 200 ft. does not require a light as the tower would not interfere with a direct flight path.

Mr. McCloskey asked if the intent was to provide service to Albemarle and not to Greene.

Ms. Scro stated that T-Mobile does not look at the county lines as a service area, adding that they determine areas by the coverage gaps. She noted that there is a benefit to Greene County as well.

Mr. Willer addressed the colocation options for the tower, noting that there would likely be four (4) other colocations available in addition to the T-Mobile antenna. He asked if the colocations would create a different propagation for services.

Ms. Scro stated that she believed that the total number of colocations would be four (4), T-Mobile and three (3) others. She stated that the colocations would likely provide similar coverage as the mountain limits the antennas.

Mr. Willer noted that the number of colocations is referenced in two documents, one refers to four (4) colocations and the other refers to five (5).

Ms. Scro stated that the tower is designed to offer as much colocation as possible and that she believed that to be four (4) total.

Mr. Saunders referred to his earlier comment regarding adjacent property owners and asked if anything was provided in the package about adjacent property owners.

Mr. Willer stated that there was information provided.

Mr. Saunders stated that he did not receive that information. He asked if the neighbors and others were invited to witness the balloon test.

Ms. Scro stated that the neighbors and others were invited to attend the balloon test on August 29<sup>th</sup>.

Mr. Willer provided Mr. Saunders with the information.

Mr. Saunders stated that he did receive that information.

Mr. Morris asked what the service percentages are for service to Greene and Albemarle.

Ms. Scro stated that she did not know the answer to that question and displayed the propagation map to review the coverage areas.

Mr. Saunders stated that he had been confused regarding the adjacent property owner feedback as the information that he did receive referred to the right-of-way.

Mr. Willer clarified that there was one piece of written feedback from neighbors and that Mr. Saunders had found that in his packet.

Mr. Saunders pointed out that he had been aware of that feedback before but note that it discussed right-of-way.

The Chairman opened the public hearing.

Lance Petty, adjacent property owner in Albemarle and Greene Counties, offered the following comments and concerns:

- noted that the right-of-way that is being discussed goes through his property
- noted concerns about the easement granted to Parham's for ordinary, customary ingress and egress to their land and they cannot convey it to any other party; the issue is not settled with TowerCom on his behalf; TowerCom has the ability to use it to assess the property but not to use it

- on a reoccurring basis
- Mr. Morris raised a good point that the propagation map does not quantify the benefit to Greene County versus Albemarle; clear that the primary beneficiaries of the project are the residents of Albemarle County and in order to accommodate that, we will compromise the viewshed of the area
  - the proper risk versus benefit analysis should be completed in order to benefit the maximum number of citizens in Greene County with the least costs
  - noted that the county is beautiful
  - the project does not benefit the county citizens; neighbors are fine with the cellphone coverage; the backdrop shows the leaves, but noted that when the leaves drop, it will look different; myriad of issues to be considered; have not quantified the benefit to the county.

There being no further public comment, the public hearing was closed.

Mr. Willer asked Mrs. Golon and the applicant if there were any photos that demonstrate the view from Mr. Petty's house.

Mr. Petty stated that he does not have a house on the property but noted that the house site would be located in Greene County.

Mr. Willer explained to Mr. Petty that the question was directed to staff.

Mrs. Golon displayed the photo that demonstrated the Petty property.

There was discussion as to the photos that most accurately display the Petty property.

Mr. Willer cautioned Mr. Petty again regarding speaking from the floor and the public hearing having been closed.

Mrs. Golon presented the photo that demonstrated the gravel driveway.

Mr. Willer asked where the nearest residence is located.

Ms. Scro displayed a photo of Blue Acres Farm and pointed out on the photo where the nearest residence is located. It was noted that the property owners had not raised any issues.

Mr. Morris referred to the division rights of the property and asked Ms. Scro how they could determine how far a house would be built to the tower, given the number of division rights.

Ms. Scro explained that TowerCom would lease an area 100 ft. x 100 ft. for the construction of the tower but would not control the division of the property.

Mr. Morris asked staff if a house could be constructed within 150 ft. of the tower.



Ms. Scro stated that she believed that the setback is 110% of the maximum height of the tower which would likely make the setback requirement about 215-220 ft. She supposed that any construction would have to meet that setback from the tower.

Mr. Svoboda explained that the ordinance refers to existing structures not proposed structures. He noted that it would be reviewed as a part of the plan. He noted that the property owner understands the issues that come along with the tower. He added that the regulations in place at the time of construction and division would determine the distances, setbacks, etc.

There was discussion relating to the division rights and the potential development of the property. It was noted that the division rights were provided as additional information about the property, noting that it is currently vacant but could develop in the future. It was also noted that the tower would not impact the division rights assigned to the property.

Mr. Saunders stated that towers seem to be issues that are generally open to lots of stakeholders. He asked if the balloon test was advertised.

Mr. Svoboda stated that he would allow the applicant to address that question. He noted that legal obligations have been met by the county. He added that in some past cases, the additional community outreach was organized by specific groups. He gave a brief description of the advertising requirements noting that some localities have additional regulations that require more public hearings.

Ms. Scro stated that they had intended to perform the balloon test because it aids in visualizing the proposed tower. She noted that it was suggested by Mrs. Golon for the same reason but that it was not required. She stated that the balloon test is a great visual tool and a community outreach tool and that TowerCom wanted to voluntarily perform the test although it was not required. She added that a notice was placed in the paper and that mailings were sent to a large number of surrounding property landowners.

Mr. Morris asked which newspaper was used to run the notice for the balloon test.

Ms. Scro stated that she was unsure of the name of the newspaper but could find that information and provide it later.

Mr. Willer clarified that the neighboring properties received a notice regarding the balloon test.

Ms. Scro assured the Commission that the neighboring properties were mailed direct mailings regarding the balloon test.

Mr. Saunders pointed out that it is customary to notify neighboring landowners

when there is an issue, such as a special use permit, and asked how it applies when the issue goes beyond the first layer of property owners.

Mr. Svoboda reviewed the state code regulations for notifications and explained that the state code set the limits and requirements for notifications. He stated that it would be difficult to determine the stopping point if you go beyond the state code requirements, so in order to be consistent and fair, the county follows the state code in that respect.

There was discussion regarding the notification process, state code requirements, and notification methods that are used that are not required by the state code, such as property notice signs.

Ms. Scro produced the list of property owners who were notified of the balloon test.

Mr. Willer stated that the copy would be kept for the record.

Mr. Saunders confirmed that direct contact was made with everyone on the list.

Ms. Scro assured the Commission that everyone listed was contacted.

Mr. McCloskey asked if this type of tower would be allowed in Albemarle County.

Mr. Svoboda stated that their regulations may have changed and they use a sliding scale, noting that Ms. Long may be better prepared to answer that question.

Mr. McCloskey stated that his struggle is that it is not serving Greene as much as it is Albemarle, noting that it is being built in Greene where different regulations are in place. He asked how the proposal is in accordance with the Comprehensive Plan if it is not serving Greene.

Mr. Svoboda stated that the balance is in serving Greene and protecting the viewshed as noted by an adjacent property owner. He added that in order to get the most return for Greene County, then we need to move the tower 700 ft. and put it right on top of the mountain which would make the most difference. He noted that in order to not do that, then a series of towers is needed to cover gaps in service. He noted that in most cases, the county has been able to keep them off of the mountains in order to protect that portion of the viewshed. He remarked that the struggle in trying to protect the viewshed is in placing shorter towers in different places and in trying to reach a balance. He added that it is under the purview of the Planning Commission to recommend what that balance is and how to blend it. He noted that the ordinance refers a galvanized tower but notes that it can be a neutral color.

Mr. Willer asked to view the map of existing towers.

Mrs. Golon displayed the map and pointed out the towers in that area and the types of services provided on them.

Mr. Willer stated that there are towers that do serve areas outside of Greene County as the county likely benefits from towers in other localities.

Mr. Svoboda stated that there are towers outside of the county that are relied upon to provide service in Greene County.

Mr. Golon pointed out that it is regional planning.

Mr. Svoboda stated that there are lots of factors to consider in trying to develop the network for service.

There was discussion regarding the proposed tower site and whether or not it is the best location for a tower, the service not being limited to county residents, and the lack of a grid analysis for the county, noting that the analysis information is proprietary. There was also discussion relating to previous case information that included service maps for various carriers. It was noted that the proposed tower would likely provide the potential for a grid being placed in that area.

There was a brief discussion as to the number of customers in that area.

Mr. Kruskamp was curious as to what the impact would be in that area as it relates to the services that could be provided.

Mr. Willer explained that if this tower is built and one had T-Mobile service, one would be happy. He noted that if one had a different carrier, then it would not matter unless that carrier worked with T-Mobile to provide a colocation on the tower.

Ms. Long suggested that one could change their plan to T-Mobile.

Mrs. Golon reminded that the tower companies have to give preference to the county emergency services. She noted that the information was not available but that this may be a potential benefit in that regard in that area.

Mr. McCloskey asked if the emergency services colocation would be one of the five (5).

Mrs. Golon explained that the companies are not disclosed and that the county must request the emergency services colocation on the tower.

There was a review of the propagation map and the service areas and signal quality of the different shades of green represented.

Valerie Long apologized for interrupting her colleague, as she was doing a great job, and clarified that some of the lighter shades of green demonstrate a certain

level of service but that they are nowhere near T-Mobile's service objective for the quality of strength and reliability of the service. She reviewed the shades and the service levels for each. She added that it is about competition and the Federal Telecommunications Act (1996) was intentional in terms of supporting and furthering the spread of wireless communications throughout the country. She explained that the law was enacted to sell frequencies or licenses to a number of wireless providers in everyone community so that they can compete with one another to build the strongest network with the goal being that the consumers will have better service, better prices, and better technology and reliability. She stated that the goal of the statute is to allow all of the providers to have service and that it is very clear that the local government retains the ability to regulate the towers and the service, it is very clear that you cannot discriminate against various providers. She added that this tower will hopefully provide some financial benefit to future carriers as it would be a smaller investment for them. She noted that the hope is to provide T-Mobile coverage in this area and that it may be what is needed to have other carriers invest in that area as well. She commented that they had to balance the goals of providing service and respecting the goals of having the towers blend in as much as possible, noting that the mountain is a tremendous benefit in accomplishing that goal of blending but it also blocks the signal on the other side. She added that they hope that they have struck the right balance as that was their goal.

Mr. Kruskamp asked if other providers are interested at this time.

Ms. Long stated that she was unaware of any at this time but noted that the licensed providers in the area are AT & T, Verizon, US Cellular, Sprint, Shentel, whose goal is to build a network in rural areas. She stated that there are no guarantees and explained that TowerCom will own the tower and will lease space to T-Mobile and will have incentive to reach out to other providers for colocation.

Mr. Willer asked Ms. Long to clarify the number of colocations available on the tower as there seems to be a discrepancy in the number referenced in the narrative and on the plan.

Ms. Long stated that the plans would control the number.

Mr. Willer clarified that the tower is designed for the five (5) colocations, one being T-Mobile, one being available for the county emergency services if the county chooses that option, and the other three (3) being for other carriers.

Ms. Long stated that Mr. Willer's assessment was correct.

Mr. Morris asked what made them choose this location and if other properties were considered. He stated that he had spoken with several other landowners in that area, one being an adjoining landowner, and that they said that they were never contacted regarding testing on their property, noting that they were contacted about the information.

Ms. Long explained the process that the Radio Frequency (RF) Engineers use to evaluate the properties based on the identified coverage gaps. She described the search ring that is used by the tower company to locate the most desirable sites. She stated that the tower company then researches county rules, send out letters to landowners within the search ring to see who might be interested. She noted that when a landowner confirms their interest, the tower company will then determine which property offers the best coverage for the company's objectives. She commented that this could include which property would provide the least visible tower site, which one could get approval more readily, which one has access, which one could provide the best screening options, and that often times it is based on having a willing landowner. She remarked that the Parham property was likely chosen because it provides elevation, nice coverage along Simmons Gap Road, and the backdrop of the mountain helps it to blend in.

Mr. Morris acknowledged that he was not a cellphone tower expert by any means, but noted that his two concerns were that, one, if the tower were to be rolled around the mountain a bit, it may offer more coverage to Greene County and two, based on the propagation map, from a business point of view, it would make more business sense to put the tower in a more populated area like the Stanardsville district as opposed to this area of the county.

Ms. Long stated that it is an area where they do not have coverage now and that it has been identified as an area where service can be provided and the customer base can increase, noting to that the companies often respond to customer complaints or requests. She commented that there may be future plans to develop in other areas but for now, the current objective is along Simmons Gap Road. She stated that the tower could have been moved higher on the mountain but the signal is blocked by the terrain and it would be more visible at the higher elevation. She reviewed other development and colocation options. She noted that it is a challenge and that it must be taken one step at a time and there is always a balance between coverage and the reality of working with height regulations, terrain, and the concern for visual impacts.

Mr. Willer offered that the coverage likely refers to the number of customers in addition to the acreage that is covered as it is a business decision.

Ms. Long agreed that it is a business decision which can make it challenging in providing service in some rural areas. She reviewed the business aspect of the project and noted that it is a step in the right direction of providing service to as many customers as possible.

Mr. Willer stated that there is a broader effort in Greene County being led by Mr. Herring to try to find better ways to connect more residents in the county and that the county understands the physical and commercial challenges, noting that every step may be a beneficial one.

Ms. Long stated that this may help the county to achieve those goals.

Mr. McCloskey asked if a time restriction for construction could be placed on the approval of the special use permit since there was an approval in 2013 which has not been constructed.

Mr. Svoboda stated that the Commission could recommend that construction be commenced by a certain date. He noted that other issues such as color could be conditioned as well. He reminded the Commission that approval of a special use permit runs with the land. He added that if the use ceases, the tower must be dismantled which is already stated in the zoning ordinance.

There was discussion relating to the color and finish of the tower and the industry standard that is used.

Mr. Morris asked if Alan Yost commented on the request as in the past he had been concerned about Route 810 as a scenic byway.

Mr. Svoboda stated that Mr. Yost attended the balloon test

There was discussion regarding the proposed tower site and how it relates to Route 810. It was pointed out that Mr. Yost and Mrs. Golon visited Skyline Drive to visualize the balloon and its impact on the viewshed and it could not be visualized from that vantage point. It was also noted that the tower is not located on Route 810 in Greene County and that it cannot be visualized from Route 810 in Greene County.

Mr. Willer stated that Mr. Petty raised the issue about the access road across his property and that he wants to address the issue. He noted that it may not be an issue for the Commission to address but he wanted to acknowledge it.

Mr. Svoboda stated that the access would need to be determined and settled prior to the site plan approval process. He agreed that it is not in the purview for the Commission to review as the issue will be reviewed during plan approval. He reminded that the Commission will be making a recommendation to the Board of Supervisors for the use itself and the impacts to the area and the county as a whole.

Mr. Saunders stated that he pointed out the email for that reason as it deals with the right-of-way which is not before the Commission.

Mr. Willer understands Mr. Petty's concern and did not want it to be ignored. He added that it is not our purview to debate the issue but acknowledged that he raised that point.

Mr. Willer reviewed the options for recommendations for approval, noting that Mr. McCloskey had mentioned a construction timeline.

Mr. Morris stated that he would like to see more information on options of rolling the tower around the mountain a little in order to cover more of Greene County. He added that he is not against cell phone towers as they are needed but would like to see more coverage in Greene if possible.

Mr. McCloskey stated that he had an overall concern that the tower is being built here because the ability to build in Greene is easier and may have less hurdles than building in Albemarle. He added that he understands the concept of building a network but did not believe that Greene would want this tower built now. He stated that he would not block the tower from moving forward but would like to see a time limit for construction.

Mr. Saunders stated that there is the opportunity to defer but noted that this is a specific request for a specific location. He asked the Commission if a deferral would be requested to allow time for study.

Mr. Morris stated that he would like the applicant to provide some different options with the tower located around the mountain, not on top of it.

There was discussion regarding the types of information that may be helpful in reviewing the possibility of relocating the tower.

Mr. Svoboda addressed the earlier discussion relating to possible conditions for approval. He noted that the applicant would need to comment on a suitable construction timeline based on other necessary approvals prior to construction. He pointed out that there is a drawing that demonstrates the land area in question that would be used for the tower, noting that the land is controlled by the owner. He suggested that he was unsure if additional information would result in any different information than what is already available.

The proposed tower area was pointed out on the map. There was discussion regarding the proposed tower area, the setback requirements, and the possibility of moving the tower. There was also discussion regarding the potential division of the property and the effect that the tower would have on setbacks during the division process. It was noted that the property owner is exercising his rights as the property owner to lease the area for a tower, knowing that it may or may not affect the way the property may be divided in the future. It was noted that these are choices that the property owner must make. There was also discussion relating to the possibility of locating the tower on a different parcel in the area that may be more suitable. There were various references to previous tower requests and the information that was submitted for them.

Mr. Willer asked the applicant to offer insight relating to these discussions and asked how large the search ring was for this project.

Ms. Scro stated that she was unsure of the size of the search ring and referred to the propagation map to demonstrate that this location allows moving in to areas of weaker signals, noting that the network must build on what is existing.

Mr. Willer referred to Mr. Morris' question and asked if moving the tower counter-clockwise would be more suitable for offering more service to Greene County while satisfying the applicant's needs.

Mrs. Long stated that they did not have that information as this site had been identified and other criteria had been met. She stated that the coverage objective is for coverage along Simmons Gap Road and to make the connection to the east to existing facilities.

Mr. Saunders stated that this could be a stepping stone toward bridging the gap especially in rural areas that provide connection back to the network.

Ms. Long stated that it may be that Verizon may have a site nearby that does not provide coverage there but this tower may likely close the gap for them, noting that it may not work the same way for all carriers. She pointed out that each carrier operates on different frequencies.

Mr. Morris asked who prepared the data for this submittal.

Ms. Long stated that if data means the propagation and coverage maps, then the T-Mobile Radio Frequency Engineers prepared that information.

Ms. Long explained that tower companies work with carriers to identify appropriate tower sites, obtain approvals, and construct the towers and then the carriers lease the area from the tower companies.

Mr. Morris mentioned that carriers can share database coverages based on the frequencies.

Ms. Long explained that often times towers that are constructed by carriers are sold to tower companies due to the maintenance costs. She stated that usually tower companies own the towers and they often publish their databases in order to sell colocation space. She noted that if there is an existing tower near the coverage objectives, then it is identified and the network is planned around colocation of existing structures noting that it is required by the county, it is faster, and it makes sense.

Mr. Willer stated that the information and technology is fascinating and is a part of a huge effort in Greene that is underway to encourage better service throughout the county.

Mr. Willer reviewed the proposal for consideration tonight and the options for recommendations.

Mr. Morris stated that he would like to see it deferred so that the applicant could provide additional locations and a graph to review to see if Greene could be better served. He added that he is not opposed to the tower and does not want



to turn it down but would need more information in order to make a good, honest decision.

Mr. Kruskamp stated that he understood Mr. Morris' comments and would agree that he would be curious to hear a little more and to better understand the selection process and the specifics surrounding that in order to do his due diligence as to why that site was chosen and to make sure that the decision is being made with consideration of the potential impacts to the area.

Mr. Svoboda suggested that in order for additional information to be provided, it would be helpful to know what the information might be that would assist in making a decision.

There was discussion regarding the need for reasons to be stated to support the motion to defer.

Mr. Morris stated that would like to know how large the search ring was and what land was included. He added that he wanted to be sure that they looked at the best option instead of having a sub that was connected with a landowner and made the decision.

Mr. Willer stated that according to Ms. Long's explanation, they looked at some circle of some size and found what was best for their business decision, noting that it may not be the best for the county. He noted that he had mixed feelings about it. He referred to a previous tower request where additional information was provided by neighboring residents and the company did not consider those alternative sites. He stated that he did not want to ask the applicant to provide additional information that may or may not be helpful and result in driving the business away.

Mr. Morris stated that if a company was hired to perform the search, then the data within the search area should already be available.

Mr. Kruskamp stated that he would like to know two basic things, one being, to know how many current clients there are in that service area, and the other being, what is being considered as far as prospects that could be captured by placing the tower at this site.

Mr. Svoboda explained that there are code requirements that must be followed and that there are ordinance requirements that must be adhered to when making decisions. He stated that we are charged with looking at the ordinance based on the listed criteria to determine what is best for the county. He stated that the decision is about the use and the impacts that may accompany it, noting that it is not within the purview of the Commission to make market decisions based on the number of customers that they may have.

Mr. Saunders stated that the county wants to be business friendly. He added that it is likely that an engineering analysis was done but was not a part of the

application, noting that it may be proprietary information. He stated that the Commission needs to identify what information is needed in order to make a better decision sometime in the future.

Mr. Morris stated that he would like to see the engineer's paperwork, noting that it affects the public.

There was discussion regarding the engineer's information and the availability of it and the possibility of it being proprietary information. There was also discussion regarding the location of the property and the concern in protecting the natural beauty of the area and the viewshed.

Mr. Willer reviewed the guidelines for the consideration of this type of application, noting that these are the guidelines that the applicant has followed as well. He wondered if the applicant is being asked to go beyond the ordinance by requesting other items.

Mr. Morris stated that the previous tower applicant followed them and provided information.

Mr. Willer stated that the guidelines may have been exceeded then but that it does not mean it will happen this time.

Mr. Morris made a motion to defer special use permit application SUP#17-003 for a telecommunications tower to be located on Tax Map 46-A-20 for the following reasons:

There was discussion on the wording of the reason for deferral relating to the need of a subject matter expert.

Mr. Willer stated that he would oppose that proposal because he suspected that T-Mobile has performed the research for their business purposes and found the location that best serves them. He added that they do not have to take into account what is best for Greene County but that the Commission has to take into account is that we have this choice or nothing at this location as they have done their diligence locating a site. He noted that a deferral could be requested but that he could not vote for it but pointed out that is the nature of a five person board.

Mr. Morris stated that he felt that it would not be fair for him to vote against it without asking for the data and allowing the applicant the opportunity to provide it but added that he felt like he could not vote for it, serving the people and doing what we are supposed to do, without asking for the information, noting that he was torn.

Mr. Willer asked if the applicant had any comments that could assist the Commission.

Ms. Long stated that they could appreciate and understand the Commission's perspective. She explained that this site meets the best combination of all of the factors. She reviewed the compliance with the ordinance regulations. She stated that this site meets the best balance. She added that she could request the search ring, noting that sometimes the search ring falls within a single parcel. She explained that elevation issues that affect the signal and noted that the distance from the road makes a difference as well even with the visibility from the road. She stated that there may well be that there is another parcel that would have worked better but the landowner was not willing to lease or there was no access. She pointed out that one landowner was interested but the parcel did not work. She stated that this is the location that they felt met all of the objectives of the ordinance as well as the coverage needs. In response to Mr. McCloskey's comments, she added that T-Mobile is interested in having the tower constructed by the end of the year but there are various factors that play in with coordinating contractors and providers as well as gaining additional approvals.

Mr. McCloskey stated that he does not want it to be three years down the road and there is no tower constructed.

There was a brief discussion regarding the construction timeline and the benefits to having an open-ended timeline and the benefits to having a construction deadline.

Ms. Long stated that she could try to obtain the search ring and the information that was used to identify this parcel.

Mr. Morris stated that was exactly what he was asking for. He added that Richard Herring owned a nearby parcel and it would be good to know how the engineer came up with his findings.

Ms. Long stated that one thing that is telling is that there is a request for a 199 ft. tower and there is only one member of the public here in opposition to it. She noted that everyone at the balloon test was very excited.

Mr. Morris asked how many people attended the balloon test that lived around there.

Ms. Long stated that all of them were neighbors and were supportive. She added that she could provide the information noting that it will mean a delay for them but that they could do it if that would help. She stated that they believe that they have the best site, unless there had been a better site with a landowner who was not interested or willing to lease or a site that would never be approved through the process. She commented on the balloon test photos noting that it is not invisible but it did blend in very well. She noted that it will provide the coverage objectives for T-Mobile.

Mrs. Golon pointed out that Article 21 lists specific requirements for the application for a tower and the packet submitted by the applicant did meet all of the requirements.

There was a discussion regarding the list of requirements for application and the criteria used to review the request.

Mr. Willer offered an overview of the items and concerns that have been discussed and the motions being considered.

Mr. McCloskey stated that it would seem that a tower built in Greene would service more of Greene County but that he understood the concept of building a network. He noted that he was leaning to option number 2 of the proposed motions to add "d" to commence construction within one (1) year from the date of approval of the Board of Supervisors or whatever trigger point that would be best used.

Mr. Saunders suggested that there would likely be other approvals that would be required within that timeline.

Mr. Willer reminded that the legal issue relating to access that would need to be addressed.

Mr. Svoboda stated that this is a recommendation to the Board and that conditions may be modified and additional information could be provided.

Mr. Willer asked Mr. McCloskey to read the proposed motion as it exists and then review the proposed condition to be added.

Mr. McCloskey read the motion to recommend approval of special use permit application SUP#17-003 for a telecommunications tower to be located on Tax Map 46-A-20 with the following conditions:

- a. The base station shelter that is proposed to house the radio transmitting equipment and emergency back-up generator shall be a natural brown color with aggregate stone finish siding.
- b. The tower and all attachments shall be maintained with the industry standard non-reflective, matte, galvanized steel finish that does not require any other special paint treatments.
- c. Any antennae shall be consistent with the tower color.
- d. Proposed Additions: Construction shall commence within one (1) year from the date of approval by the Board of Supervisors.

There was discussion regarding the motion and the proposed condition d.

Mr. Willer asked Mr. McCloskey if he would like to formally make that motion.

Mr. McCloskey stated that he would make that motion as read with the addition of condition d.

Mr. Saunders seconded the motion.

Mr. Willer asked Mr. Svoboda if the additional condition needed to be more specific.

Mr. Svoboda stated that the addition of condition d would be fine.

Mr. Willer explained that this is a recommendation to the Board of Supervisors and reviewed the motion.

The vote was taken.

AYE

Mr. Kruskamp  
Mr. McCloskey  
Mr. Saunders

NAY

ABSTAIN

Mr. Morris

Mr. Willer

The motion to recommend approval of SUP#17-003 carried by a 4-0 vote with Mr. Morris abstaining.

**OLD/NEW BUSINESS**

Mr. Svoboda reviewed Other Planning Matters.

Town of Stanardsville

Mr. Svoboda reviewed the Town of Stanardsville revitalization projects as well as the CDBG grant. He announced that the dedication ceremony for the Blue Ridge Heritage Memorial project will be held on October 29<sup>th</sup> at 2 pm.

Next Month's Agenda

Mr. Svoboda informed the Commission that there are no scheduled public hearings for next month. He stated that there will be a rezoning request and a special use permit request for December. He added that there is no business to discuss in November and a meeting would not be necessary and asked for feedback from the Commission.

Mr. Willer stated that he had no reason to meet if there is no agenda.

Mr. Morris asked for an update on the work list.

Mrs. Golon stated that the Ruckersville Area Plan took precedence over the work list at this point in time.

There was discussion regarding the work list and the priority of the Ruckersville Area Plan.

Mr. Willer stated that there is nothing immediately approaching the Commission from the work list

Mr. Svoboda stated that there are placeholders for items on the work list and that staff time has been dedicated to reviewing submitted applications from the public, noting that other Boards that do not normally meet as often have been meeting more regularly as well. He added that the budget review is approaching as well as the Capital Improvement Plan.

Mrs. Golon gave an update regarding the Ruckersville Area Plan, the recent public meeting, and the feedback that was provided. She stated that the next public meeting will be scheduled some time in December. She added that the committee meeting will be held on the second Friday of each month.

Mr. Willer reminded everyone that there will be no meeting in November.

Mr. Svoboda stated that there will be a meeting in December.

Mr. Willer stated the meeting in December will be held on December 20<sup>th</sup>.

#### **OTHER PLANNING MATTERS**

These items were reviewed under Old/New Business.

#### **ADJOURNMENT**

Mr. Willer thanked Mr. Saunders for overseeing the meeting last month in his absence.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Marsha Alley*  
Secretary

  
\_\_\_\_\_  
Planning Commission, Chairman

10.20.17  
\_\_\_\_\_  
Date