

Albemarle County Planning Commission
DRAFT MINUTES September 24, 2019

The Albemarle County Planning Commission held a public hearing on Tuesday, September 24, 2019, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Julian Bivins, Vice-Chair; Daphne Spain; Karen Firehock; Pam Riley; Jennie More; Bruce Dotson; and Luis Carrazana, UVA representative.

Other officials present were Jodie Filardo, Director of Community Development; Amelia McCulley, Deputy Director of Community Development; Carolyn Shaffer, Clerk to Planning Commission; Andrew Knuppel; Rachel Falkenstein; and Andy Herrick.

Call to Order and Establish Quorum

Mr. Keller called the regular meeting to order at 6:00 p.m. and established a quorum.

From the Public: Matters Not Listed for Public Hearing on the Agenda

Mr. Keller invited comment from the public on other matters not listed on the agenda.

Mr. Sean Tubbs, Piedmont Environmental Council, noted that that day was the first day of the official launch of the School of Data Science at the University of Virginia. He said it was a major addition to the institution and one of the biggest drivers of growth in the community. He said that according to UVA Today, there will be at least 10 endowed chairs, as well as a number of faculty and students. He said the question is to what effect this will have on the community's population.

Mr. Tubbs said that as he has been monitoring land use issues for over a decade in the community, the forum for those questions to be asked has traditionally been the Planning and Coordination Council, or PAC. He said many of the commissioners may have attended the PAC or PAC Tech meetings that have been held. He noted that the PAC hadn't met since March, and two meetings were cancelled earlier that year. He said he understood that there was a meeting planned for October, but there is no official listing of it. He said usually, they meet in November instead of October, and he was curious as to the change.

Mr. Tubbs said there is also a Master Planning Committee that is not open to the public and not subject to the same meeting rules that the PAC is. He said as a reporter, he got good stories and was able to assist the community by covering that meeting on the important matter of regional growth and how to deal with it.

Mr. Tubbs said that in June, a member of the City Planning Commission (who sits on the Master Planning Committee) had reported that over the next 7-10 years, UVA is expecting a 15% growth. He said he was alerted by this number and said it would be consistent with growth trends over the years. He said that when he looked at the forecasts that UVA had submitted to the State Council of Higher Education, he found out it projects flat enrollment growth for undergraduates. He asked how this could be possible when there is a new school and general attrition in the community.

Mr. Tubbs explained that this is why he brought up PAC, as he hoped that this public body continues to exist into the future. He said that as questions are asked, there are big issues. He said the three-party agreement was a major landmark decision back in 1986 and offered a tradition where the three communities work together. He said he would like to know what the future of the PAC is.

Consent Agenda

There was no consent agenda.

Public Hearing Items

CCP201900002 ECC Monopole at COB 5th Street

Mr. Andrew Knuppel, Community Development, presented. He explained that this was a review for consistency with the Comprehensive Plan to establish a public use microwave radio communications facility supporting operations of the Charlottesville-UVA-Albemarle County Emergency Communications Center (ECC) in accordance with Section 15-2 22-32 of the Code of Virginia.

Mr. Knuppel said the purpose of the review was to consider whether the overall location, character, and extent of the facility were in substantial accord with the Comprehensive Plan. He said the scope of the review and action by the Planning Commission was limited to the appropriateness on the site for the proposed use, and the commission's finding would be forwarded to the Board of Supervisors, but that no additional action was required from them.

Mr. Knuppel said the Charlottesville-UVA-Albemarle County ECC operates a regional radio system supporting public safety. He said use of the current system dates to the late 1990s and early 2000s, and that over the past year, they have been undergoing a series of system upgrades to co-locations and other replacements to help improve the network, providing better coverage for reliability and redundancy for the existing system. He said the County Office Building at 5th Street (COB5) is home to police and fire rescue services for Albemarle County and also serves as the ECC's backup dispatch and equipment facility, which covers the enhanced 911 system as well as computer systems supporting the system.

Mr. Knuppel said that as part of the upgrade to the system, the ECC proposes to establish a microwave radio communications facility supporting that COB5 backup dispatch and equipment facility.

Mr. Knuppel said that COB5 is an institutional use in Neighborhood V of the Comprehensive Plan, covered in the Southern Western Urban Neighborhoods Master Plan. He said it is on slightly over 1,300 acres between 5th Street and Stagecoach Road and indicated to the location on a map. He noted it is located on an Entrance Corridor.

Mr. Knuppel said the monopole would be a 123-foot-tall monopole with microwave dishes mounted at about 67 feet and 120 feet above ground level. He said it would be located within the rear vehicle equipment storage lot that is currently accessed from Stagecoach Road. He said the ground equipment associated with the project would be located behind the building and would not be visible from the 5th Street Entrance Corridor. He said part of the reasoning for siting out this location was that the dispatch facility requires continuous communications with the overall system.

Mr. Knuppel said in reviewing the Comprehensive Plan, there were two main chapters that were applicable to the project – mainly, the “Historic, Cultural, and Scenic Resources” chapter, and the “Community Facilities” chapter of the plan. He said the goal of the Historic, Cultural, and Scenic Resources is, “Albemarle’s historic, cultural, and scenic resources will be preserved, and attractive Entrance Corridors will welcome visitors and residents to, and within, the county.” He said there were a couple of objectives that touched on the goal, including Monticello’s viewshed and the visual quality and integrity of the roadways and Entrance Corridors.

Mr. Knuppel said that as part of the review process for the project, staff requested a balloon test to be done. He noted that they brought the project to the Architectural Review Board (ARB) for an advisory review as well.

Mr. Knuppel said the balloon test was held on July 30, 2019 at the site. He presented a view from the current storage lot, noting there would be a gate and that the monopole would be located in the back. He presented another view from the driveway of COB5 in order to provide an idea of the scale compared to the height of the current building. He presented another view of northbound on 5th Street near the Old Lynchburg Road intersection and its intersection with Stagecoach Road and indicated to the driveway of COB5 looking north. He presented what he called a typical view from the west side of 5th Street looking towards the building, with 5th Street and Wahoo Way facing south towards the building, with the new 5th Street Place development further up and with I-64 becoming closer.

Mr. Knuppel said the monopole would also be visible from the I-64 Entrance Corridor and presented a view from the eastbound travel lane, facing south towards the building. He showed a similar view from the westbound lane.

Mr. Knuppel said staff brought the application to the ARB for their advisory input on the proposal, noting they had no objection to the ground equipment as it would not be visible from the Entrance Corridor. He said the ARB did determine that the proposed location would likely have negative visual impacts on the 5th Street and I-64 Entrance Corridors and recommended that the monopole be a shade of light gray to help minimize the impacts (in contrast to the typical Java Brown that is typically seen with treetop towers).

Mr. Knuppel noted that the Entrance Corridor legislation in the Albemarle County Code states, “Where the public health or safety and any requirement of this section 30.6 or any term or condition of a certificate of appropriateness conflict, the public health or safety shall prevail.” He said this circumstance would not require a certificate of appropriateness for the power itself, and the ground equipment will not be visible. He explained he was providing context as to how the Entrance Corridor regulations are weighed against public health and safety considerations.

Mr. Knuppel said that the other major component with the review was the Community Facilities chapter of the Comprehensive Plan. He said there were a number of strategies related to the Community Facilities objective that were relevant. He summarized that the proposal provides for the co-location of a new public use of an emergency service need at an existing public facility, and that COB5 was the home of the police and fire rescue services for Albemarle County as well as the dispatch facility. He said the proposal would allow the building to function as a primary dispatch facility in the case of a critical event that impacts the current facility at Ivy Road and to provide redundancy for that location. He said the function as a backup facility necessitates the link and prevents the relocation of the facility at a different site.

Mr. Knuppel noted that Strategy 1g mentioned that government facilities should conform to county regulations, standards, and policies and would not conform to the Entrance Corridor design guidelines, as discussed earlier.

Mr. Knuppel said Objective 6 in the Community Facilities states, "To continue to operate an ECC that coordinates emergency communications within the region in an expedient and professional matter." He said Objective 6a further expands upon that, stating that a community member in the proposed facility would directly support the operations of the ECC and provide redundancy for the existing dispatch center for emergency calls.

Mr. Knuppel said the factors favorable in the staff report included that the proposed use would support the ECC, addressing its prioritized emergency needs and health and safety concerns as identified in the Comprehensive Plan. He said the co-location of the facility at an existing public safety facility was also a favorable factor. He noted that staff let Monticello know that they were conducting the balloon test and that they had no concerns about the design of the facility. He said it would not have a negative visual impact on the Monticello viewshed.

Mr. Knuppel said the factor unfavorable was that the location and design of the facility is expected to have a negative visual impact on the Entrance Corridor as it is inconsistent with the guidelines. He said it does serve a prioritized public safety purpose.

Mr. Knuppel stated that staff recommended the commission find the facility to be in substantial accord with the Comprehensive Plan.

Mr. Keller addressed the public, noting that the proposal was an odd one because, in effect, Albemarle County is the applicant, but they have people who will speak for the proposal besides staff. He asked if there were questions for staff before the presentation was made.

Mr. Dotson said his understanding was that with the finding of consistency, the action of the commission is the final commission and is shared with the Board of Supervisors only for informational purposes. He asked if the final decision on the proposal would be made that evening by the commission.

Mr. Knuppel said this was correct and that the County Attorney could weigh in otherwise. He said the Board of Supervisors could overturn the decision with a majority vote, and that the applicant could also appeal the finding of the commission.

Mr. Herrick said this was correct. He explained that the Board of Supervisors could overrule the commission, but if the Board chose not to, the commission would have the final say if it approves of the use.

Mr. Keller asked if this meant that the item would typically go on the consent agenda.

Mr. Herrick said it would be placed on the consent agenda for informational purposes and if pulled from there, the Board could consider it.

Ms. Riley said that in the staff report, under "Purpose of Review," it states that the commission's review should be related to the appropriateness of the site for the proposed public use. She said it then goes on to say that it is not an action or recommendation whether the facilities should be

funded or constructed. She asked if the commission's decision was limited to the appropriateness of the site for the proposed public use, in terms of the review.

Mr. Knuppel said that the language mostly reflected the fact that they are publicly-funded facilities that were coming to the commission. He said that similarly to how the commission has some input in the CIP process, the proposal was focused on consistency with the Comprehensive Plan and location, siting, etc.

Mr. Gabe Elias, ECC Systems Manager, said he works at the Charlottesville-UVA-Albemarle County ECC. He said ECC is the 911 call-taking entity for the county as well the city and university. He said they also dispatch police, fire, and EMS for all three jurisdictions. He said that importantly, ECC is the steward of the Regional Land Mobile Radio System, which serves public safety and public service.

Mr. Elias said the P25 project (named after the technology standard being used) is to upgrade that radio system, as indicated in the staff report. He said the system serves nearly 3,000 users, with over half of those users belonging to Albemarle County, both through general government and the School Division. He said the system was cut over to in 2006, with the project having been born in the late 1990s.

Mr. Elias said he would like to put the tower into larger context, note a couple of pieces of the public process, and address one of the public concerns contained in the commissioners' packet which relates both to the ECC's work and to the project. He explained that the P25 project will upgrade and replace the aging infrastructure and that it was important to improve coverage around the county and the city for responders. He said they also want to improve the reliability and the redundancy, and that COB5 was a core component. He said the proposed 123-foot monopole was a key piece of the connectivity network that connects the towers together and connects the primary and backup dispatch centers together. He said it was critical to be co-located with the backup dispatch center.

Mr. Elias brought up the partnership with Albemarle County Public Schools, noting that it was not shown on the construction drawing because the site wasn't fully designed yet. He said the ECC has partnered with the county schools to support their wireless broadband network project, which provides broadband data services to their constituency as well as to public safety.

Mr. Elias said it was also important to highlight that while the county is the ECC's fiscal agent, ECC is a public body. He said ECC believes, just as the county does, that these public projects should not be exempt from public process. He said he wanted to highlight for members of the public the steps ECC has taken so far. He said they took input from the 5th and Avon Community Advisory Council on July 18, as well as conducting a balloon test on July 30. He said this input was provided for the staff report. He said on September 31, they then went to the ARB, which made the recommendation about the gray color.

Mr. Elias said that the final piece was, if they were approved, the ECC intends to begin construction in the fall of 2019. He said in a perfect world, this would take 30-40 days, or perhaps longer, to construct the actual tower and foundation. He said as separate mobilization later on, they would come back and put antennas on that tower as well as the rest of their towers.

Mr. Elias offered to answer questions to both the commission and the public. He noted that in one of the attachments of correspondence, there was a concern from a local resident about the noise

and the glycol ice storage tank removal project. He said the ECC would own this and that part of the project was clearing out the ice storage tanks. He said after reading the concern, he committed to work with Community Development to develop whatever the best method is to reach out to the local community there. He said they would not overwhelm them with emails, but that they would let them know when to expect large trucks or loud noises and construction, if the proposal is approved.

Mr. Bivins asked if Mr. Elias could give the commission a sense of what the pushpins on slide 2 represented.

Mr. Elias replied that the pushpins on the map were the tower sites for the project and were a representation of the larger system that was being upgraded and built. He said his hope was that this would place COB5 in a larger context. He said there were existing towers at several mountains and would be adding some lease sites at other mountains.

Mr. Bivins referred to the slide, asking about the difference between the aqua and green pins. He noted a green pin on Buck's Elbow and an aqua pin at Heard Mountain.

Mr. Elias replied that the green pins were existing mountaintop sites in the system and some of the microwave relay sites. He said the aqua pins represent the expansion of the system. He said in terms of improving coverage and reliability, these locations address those.

Mr. Bivins asked if those existed already.

Mr. Elias replied that the sites exist. He said that the sites new to the ECC system will be leased sites, so that the ECC would be co-locating on commercial sites. He said the existing tower sites were the green pins, and the proposed sites were new places for the ECC. He said the non-existing site would be COB5 because it was the proposal to build there.

Ms. Firehock asked if this meant that the ECC would again come before the commission for all the aqua-colored pinned sites.

Mr. Elias replied no, explaining that those were co-locations and existing wireless towers on which they would place additional vertical and ground equipment. He said construction would not take place for those. He said the only other construction would be the already in-process replacement tower at Buck's Elbow. He said the ECC has already come to the Board of Supervisors and were also engaged in a more federal, historical review for Peter's Mountain in order to expand a tower. He noted that COB5 would be a new tower.

Mr. Bivins asked if the COB5 tower were approved, if the ECC's dishes would be the only ones on the tower or, at some point in time, if there would be commercial dishes on the pole.

Mr. Elias replied that he did not expect commercial dishes there. He said the public schools would have a cellular array for the private broadband there. He said Mr. Bivins' question was an apt one and had also been asked at the 5th and Avon CAC meeting. He said he did not intend to co-locate anything on the pole, but that he worked for an organization that works for a public body that could overrule him.

Mr. Elias said that one thing that addresses this in the staff report is that there is a limit to any tower to what it can hold. He said a monopole in particular doesn't present one with many options

to expand it, and so it has been designed with enough capacity to do what the ECC needs as well as to add the schools. He said they could not sell off the capacity because if an upgrade was needed in the future, they may need that capacity later.

Ms. Spain asked Mr. Elias to define “enhanced 911.”

Mr. Elias replied that it is the current 911 technology that the county currently uses. He said the original 911 was simply a way to call a three-digit number and get that call routed to the Public Safety Answering Point (PSAP). He said enhanced 911 came along somewhat later and includes not only the dialer’s phone number, but their location. He said including the location was not a new enhancement but has been happening for a while.

Mr. Dotson said the commission had some experience in dealing with cell towers, but virtually no experience with dealing with microwave technology. He asked Mr. Elias to briefly describe the differences with microwaves. He also asked for the rationale behind the large separation between the two antennas (120 feet, and 67 feet) and the function of the two different antennas.

Mr. Elias described “microwave” as a wireless connectivity technology that could be thought of as wireless fiber. He said fiber has many advantages in terms of carrying a great amount of data, but it is also fairly easy to cut fiber. He said that by using the wireless fiber technology, or microwave backhaul, they could bring back the remote connections to some central point (in this case, the dispatch center and core network).

Mr. Elias said microwave is a point-to-point link, and the large circular dishes one can see that are usually 3, 6, or 8-12 feet are used to focus the signal at a distant point and transmit it straight to that point. He said looking at the larger picture, microwave is used to run the signal around to each site in a ring that is redundant in case, for instance, if a path is lost because an antenna is damaged, or a tree grows into the path. He said on commercial towers, one often sees small dishes that are used there for backhaul. He said microwave is a very common wireless backhaul mechanism to take data, voice, and information from a remote radio site and bring it back to a core switching center. He said the core function of the microwave technology was to replace the fiber in a more robust and reliable way.

Mr. Elias addressed the question of the separated antennas. He said that with any microwave tower design, it is ideal to work with the minimum height that one can get away with, for many reasons. He noted that it is very expensive to build tall towers, and tall towers are often also unsightly. He said the design should make the tower high enough to accomplish the goal and allow for some period of growth (e.g. 15-25 years) of statistically predicted tree growth or urban growth.

Mr. Elias said the separation indicates the destination paths, and that the destination paths for the project are downtown and on Buck’s Elbow. He said to get to Downtown Charlottesville and to Buck’s Elbow (west of Crozet), the towers are wildly different heights, with Buck’s Elbow’s tower being about 3,000 feet high, and with downtown’s being much lower. He said the idea was that the dishes point straight at each other, with room for growth so that trees can grow up and not get into the path. He said they have had the experience of having trees grow up into the path and interruption at work.

Mr. Dotson said he was not sure why the towers were designed to be 120 feet and 67 feet. He said it seemed as if they would both be 120 feet.

Mr. Elias replied this was not necessarily true. He said that a hard antenna is on the tower, and the more loading it presents to wind, the more robust steel and perhaps the thicker the tower has to be. He said the towers are designed as a system and determination is made as to what needs to be accomplished, allowing for some growth or redundancy later if the systems are possible swapped out.

Mr. Elias said if both dishes were put at the top, they would be increasing the wind load on the tower, resulting in more stress on it in big storms. He said that if the destination site can point straight to the tower, and the tower is designed higher, it then has to be angled as opposed to being level. He noted that some of the antennas are 6 feet in diameter and heavy, so the more standard level position those are designed at, the easier it is to construct, sustain, and recover, with fewer variables to consider.

Mr. Dotson asked if the function of the 120-foot tower and the 67-foot tower the same, and if it was simply a straight line to different locations.

Mr. Elias replied yes. He said the way the networks are designed for redundancy is that they want to create redundant paths to and from any point. He said each of the dishes performs the same function, which is to bring in the remote signals and send them around the network and out to other towers. He said the towers are doing exactly the same thing and are simply pointing in different directions. He said that on a good day, the data is coming in one direction and going out the other.

Mr. Elias presented an example of having to take down one of the antennas, or lighting strikes it, making it inoperable. He said the network is constructed in such a way so that no site actually loses connectivity. He said that each site has an east-west entrance, similar to what is done with fiber if one was building a facility served by fiber or copper infrastructure. He said in a fallback scenario, data can be looped to another antenna so that the network continues to function until the repair is made.

Mr. Dotson said he was asking, in part, to understand the engineering of the tower, but since visibility was related to height and 67 feet was good enough for some functions, he wanted to understand why both antennas couldn't be 67 feet tall.

Mr. Elias explained that at 67 feet, one of the destination sites could be reached, but the only way back to the other site is to go to the top of it, and that it goes back to the entire network design. He said that just as the pole and foundation are designed, zooming out, the entire ring is a system and feasible paths must be considered, which not only involves trees and construction, but elevation. He said microwaves cannot be fired through a mountain. He indicated on the map to the aqua and green colored pushpins, explaining that for all those sites, two paths are sent out from each one. He said optimizing this results in a design that requires the tower to be higher.

Ms. Riley said she had a related question to the visibility concern and to the concern not only from the neighbors, but by the ARB, about visibility along the I-64 Entrance Corridor. She asked if any other sites were considered and if so, where were they and what was the rationale behind choosing the selected site over others.

Mr. Elias replied that the reason the pole has to be located at COB5 as opposed to placing the tower elsewhere was that COB5 serves as the backup 911 center and backup core equipment

housing site, noting it was a partnership between the ECC and Albemarle County, who is a major stakeholder. He said the radio system being built has redundant key components so that they could lose either facility and continue to keep the radio system functioning. He said without those core components, that is when police, fire, EMS, school buses, service authorities, airport employees, jails, and all partners within the 2,300-3,000 users cannot communicate.

Mr. Elias said the functionality is split into two locations, and COB5 was the natural location for the equipment because the backup 911 center is already located there, and it is natural to have the dispatch center for the radio system co-located with the core equipment. He added that the ECC's backup data systems are also located at COB5. He said this has been a long-running partnership with the county with COB5, and to move the tower elsewhere would then, in turn, require the ECC to still construct a tower at COB5 the signals back in order to avoid relying entirely on fiber, which could be cut.

Mr. Keller opened the public hearing.

Mr. Sean Tubbs, representative of Piedmont Environmental Council (PEC) and resident of the City of Charlottesville, addressed the commission. He said the important question was to whether or not the tower is consistent with the Comprehensive Plan. He stated that PEC feels the tower is not consistent with the Comprehensive Plan and urged the commission to recommend this to the Board of Supervisors accordingly.

Mr. Tubbs said that overall, PEC urged the commission to consider the project in the context of the county's overall policy about towers and the wireless policy in terms of how it evolves overtime. He said Albemarle County adopted a policy in 2002 that sought to limit the visibility of such towers. He said this was a policy that had overwhelming support from the community over the years and has helped preserve the viewshed. He said it was a policy which has served the county well over that time.

Mr. Tubbs said that over the years, the county has begun to see that support somewhat waning. He said he was aware that the provision in the county (30.6.9) that states that public safety interests must be waived above other interests. He reflected back on this provision, stating that according to the documentation, there was a good explanation provided, but that according to the documentation submitted to the commission, the PEC was not sure that the ECC had gone far enough to justify the location in writing.

Mr. Tubbs expressed it was important to see that it was part of other things involved with the expansion idea. He said it was part of a larger overall effort, noting that with the Peter's Mountain tower, for instance, the Board of Supervisors opted not to proceed with the Special Use Permit to amend a previous approval that set conditions that are not being met at present time. He said PEC feels that this would be a positive thing to do, and when viewed in connection with the project, it was important to keep this in mind.

Mr. Tubbs said that in September 2018, the Board of Supervisors approved a tower at Western Albemarle, which went against the recommendation from the Planning Commission at that time. He said the notion at that time was that it was not consistent with the Comprehensive Plan. He said that in the case of the proposal, the tower would likely go forward regardless, but as a matter of process at present time, it was not consistent with the Comprehensive Plan.

Mr. Tubbs brought up a final question for the commission to consider, which involved the idea of

the provision of the broadband facilities for the public school system. He asked if this perhaps triggered the need for a Special Use Permit as opposed to a CCP.

Mr. Neil Williamson (Free Enterprise Forum) addressed the commission. He expressed his appreciation for Mr. Tubbs' comments and the many questions the Planning Commission had raised about the tower. He said many of the questions, because of the manner in which the ordinance is written, are not germane, noting the location and the color (which would be gray because of recommendations from the ARB). He said the balloon test was laughable if it was a private sector tower.

Mr. Williamson said he had no problem with the location and understood the need, but that he had an issue with the double standard. He said when considering public safety, cell towers and propagation maps are considered. He noted there was a map shown with pinpoints and understood that microwaves cannot transmit through mountains. He said cell phone companies have expressed many of the same reasons as to why they need to place their towers in certain locations, but that they would be told that they need to be placed somewhere outside of the Entrance Corridor.

Mr. Williamson said the question was not about visibility, but about public safety. Regardless, he said he had to ask if he was on I-64 broken down (or worse, his daughter was), this was her public safety, and the cell tower that is approved or denied is also about public safety.

Mr. Keller closed the public hearing and brought the meeting back to discussion and action.

Mr. Bivins asked if Mr. Elias could speak to the two emails from the neighbors, with one being about the care and non-condition of the property behind her and how this has been resolved. He asked if Mr. Elias could also provide more information about the community meeting that took place.

Mr. Elias replied that he had two emails with him, and that one email discussed the tower in regard to the perception of the level of condition and maintenance of the COB5 facility. He said he forwarded this email to Facilities and Environmental Services (FES) so that they are aware of the issues, as it deals with maintenance of the site along the neighbor's property line. He said in regard to the community meeting, there were a couple of adjoining property owners who raised some concerns about visibility from their private properties and if there would be other wireless facilities co-located there. He said there were questions about light and noise emissions and if it would have to be lit for FAA regulations (which it would not) and if it would interfere with other signals or frequencies (which it would not).

Mr. Elias said there had also been comments about the tank removal and vehicle traffic from the Stagecoach Road entrance to the facility. He added that another neighbor called him a couple weeks prior who was opposed to the visibility of the tower.

Mr. Dotson asked in terms of other towers (which wouldn't necessarily serve the same function) what the tallest tower was that had been allowed or approved by the county.

Mr. Elias replied that he did not have the answer but could look into it and get back with him.

Ms. More said she was curious about the existing Buck's Elbow tower, which had come before the commission previously because it needed improvements. She said she couldn't recall if the

tower went up in height in order to do this.

Mr. Elias replied that Ms. More was correct. He said the Buck's Elbow tower was a replacement tower and did increase in height.

Ms. More asked if this was done in order to better serve the ECC.

Mr. Elias replied yes, noting that the tower itself was very old and full. He said that even the transition would not have been supported on the current tower. He said the ECC was having trouble maintaining it and still was. He said this was both a safety concern and growth concern for the system to project the coverage out.

Ms. More asked what the tower was full of.

Mr. Elias replied that the tower has several public sector co-locations and includes a private co-location that the ECC inherited from Albemarle County. He referred to the original project that began in the 1990s and went forward into the early 2000s, noting that the site was an Albemarle County site that was using the public safety system and that they had a co-location which has been grandfathered in.

Ms. More asked if it was with the county.

Mr. Elias replied that the ECC manages the tower, but it is a county-owned structure and leases with Albemarle County directly.

Ms. More asked for clarification about the visibility, as it seemed as if with what the ECC was trying to achieve, concealment elements may actually interfere with the signal. She asked for explanation as to why other sites that may not be as visible would not work. She asked if this was due to possibly having another site, but then the COB5 building would still need something smaller on it in order to achieve the same transmission.

Mr. Elias replied that the reason for the site being located there was because it must be close to the equipment to run the cables down from the antennas into the core equipment. He said the effort is to avoid dependence on fiber optics, which get cut, and maintain the single-network performance all the way through. He said to put it elsewhere, it would still have to reach COB5 one way or another, and that this would drive up costs and complexity. He added that there would still be roughly similar height requirements so instead of the tower being located at COB5, they would then have to acquire the land to place it elsewhere while still having the height and still constructing something at COB5 to attain this.

Ms. Riley asked what would have to be the height of the monopole if it was just receiving, acknowledging that it would be a more expensive proposition.

Mr. Elias replied that he was unsure. He said he would have to have people from L3 Harris (the system vendor) look into this, which would involve reengineering the network as it presently stands.

Ms. Spain said a comparable issue came up with a cell tower at Albemarle High School, which was in the Entrance Corridor. She said there was a debate at the time among the Planning Commissioners as to whether to preserve the Entrance Corridor visual guidelines and/or enable

a broadband distribution. She said her feeling has always been that when parts of the Comprehensive Plan may conflict with each other, the public service does take priority, as Mr. Knuppel pointed out in the staff report. She said she would be prone to approve the proposal in the same way she did with the Albemarle High School cell phone tower.

Ms. Firehock said she agreed with Ms. Spain, but commented that in that case, there were claims made that it would be useful to have better cell coverage, but it wasn't quite to the level of the current argument made for public safety. She said, in other words, this was the county's own Emergency Response System asking the commission to make their system work, where in the other case, it was to improve cell coverage to be helpful.

Ms. More asked if she was talking about Western Albemarle, Albemarle High, or both.

Ms. Spain replied it was Albemarle High School, noting that it was the educational section of the Comprehensive Plan that was being considered.

Ms. Firehock added that there were a few letters expressing that it would be positive, but it wasn't to the same degree of needing the coverage as a lynchpin in the county's system and ability to communicate and respond.

Ms. More recalled Mr. Tubbs' question about the broadband aspect with the school. She said she assumed that staff reviewed this and that it didn't trigger a need for a Special Use Permit.

Mr. Knuppel replied that the school's broadband proposal was not included with the proposal, so it was not reviewed, but was acknowledged in the staff report that it was mentioned. He said at this point, it would be subject to the other regulations and Telecommunications Act that would cover some of the co-location facilities. He said he was not sure whether or not it would require a Special Use Permit, but that it would simply be a co-location on the tower. He said he would confirm this and what would be required.

Ms. Riley said the proposal was located in this district and that she was prepared to make a motion. She recognized that the ARB's letter reflects her concerns about the visibility of the location. She said she did agree with fellow commissioners in their statements about public purpose and the public safety need outweighing the inconsistency with the Comprehensive Plan in terms of visibility and location in the Entrance Corridor.

Mr. Keller said that in the private sector, the commission is advised as to whether those poles will come down at some point when the technology has moved on to another phase that doesn't require poles. He asked what the county's policy was on this.

Mr. Knuppel said that regarding the county's policy for county-owned facilities and a sunset clause, he was not sure he was prepared to answer the question.

Mr. Herrick said he wasn't sure if this question was actually before the commission, but it was simply about whether a location of a tower of this height is consistent with the Comprehensive Plan. He said he did not know if this question was in the lines of a Special Use Permit where there could be some limiting conditions on it.

Mr. Keller recalled a time when the county wasn't bringing its own items before the Planning Commission and expressed that this has been a great move forward over the past several years

where items have continued to come to the commission. He said he realized this was a requirement, and that everyone was operating in a positive spirit, which is what his question was about. He said it was more to be part of the record for staff to reflect upon in terms of the future, as the technology becomes outdated, and what would be the responsibilities of the applying or owning party.

Ms. Riley moved to find the location, character, and extent of the Regional P25 Radio Infrastructure Project, public facility, and public use thereof, as proposed, to be in substantial accord with the Comprehensive Plan for the factors identified in the staff report.

Ms. Spain seconded the motion, which was carried by a vote of 7:0.