

Albemarle County Planning Commission
June 19, 2018

The Albemarle County Planning Commission held a public hearing on Tuesday, June 19, 2018, 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, Jennie More, Daphne Spain, Bruce Dotson and Bill Palmer, UVA representative. Absent was Karen Firehock and Pam Riley, Vice-Chair.

Other officials present were David Hannah, Natural Resources Manager; Andrew Knuppel, Planner; Tim Padalino, Senior Planner, Bill Fritz, Manager of Special Projects; Andrew Gast-Bray, Assistant Director of Community Development/Director of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

Call to Order and Establish Quorum

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

The meeting moved to the next agenda item.

Regular Item.

B201800883ATWR Country Green-Special Exception for a Tier I personal wireless facility proposed on an existing Virginia Dominion power structure

PROPOSAL: Alteration to an existing 100 foot power tower to add antenna on a platform for wireless communication at a new top height of 110 feet and ground equipment in an approximately 300 square foot equipment area that will be fenced and landscaped. The site would be accessed using a 15' wide access and utility easement running parallel to Redfields Road before turning to follow the Dominion power lines. A special exception is requested to permit the platform mounting type.

WAIVERS: Yes – § 18-5.1.40.a(4)(f) - showing trees within 50' of the facility, § 18-5.1.40b(2)(c) - projection of antenna beyond 18 inches, and § 18-5.1.40.b(3) - tree conservation plan

ZONING CATEGORY: R1 Residential LOCATION: Dominion Virginia Power transmission lines south of Redfields Road; between Hayrake Lane and Fieldstone Road TAX MAP/PARCEL: 076S0-02-OS-001II, 076S0-02-00-06300
MAGISTERIAL DISTRICT: Samuel Miller
(Andrew Knuppel)

Andrew Knuppel, Neighborhood Planner, presented a PowerPoint presentation to summarize the staff report. This is an application for a proposed Tier I personal wireless service facility to be collocated on an existing Dominion power transmission tower. As you know, the Tier I application type permits the collocation of facilities on existing structures, subject to administrative review and approval if they meet the design standards outlined in the Zoning Ordinance. This proposal has requested three special exceptions, including requests to waive showing trees within 50 feet of the facility and a tree conservation plan, and a request to modify a design standard related to projection of antennas and mount type. This request to modify a design standard is why this item is before you tonight.

In a context map, Mr. Knuppel pointed out the site is located between the Redfields and Oak Hill Farm (Wintergreen Farm) developments, along a Dominion Virginia Power transmission line easement that runs north south between the developments. The area was designated as open space in the Oak Hill Farm development.

Overview

- This is a request for approval of a special exception for a Tier I Personal Wireless Service Facility collocated on an existing Dominion power transmission tower.
- Tier I applications are intended to allow for the collocation of wireless facilities on existing structures while minimizing visibility.

- Tier I facilities are subject to administrative review and approval if they meet the Zoning Ordinance's design standards in Section 5.1.40.
- The applicant has requested the following special exception requests to modify the regulations found in Section 5.1.40:
 - 5.1.40.b(2)(c) projection of antennas and mount type
 - 5.1.40.a(4)(f) showing all trees where the dripline is located within 50 feet of the facility
 - 5.1.40.b(3) tree conservation plan

Mr. Knuppel pointed out it was one of the design standards that was the main reason you are seeing this application tonight. The ordinance allows for flush antenna mounted types essentially that the back of the antenna be between 12" and 18" from the back of the facility and the specific language is above on the first bullet. This antenna proposes a platform mounting type and increases the projection or standoff of the facility to about 3' 6". They are requesting this platform mount type to a change in a new policy that no longer permits flush mounted types on Dominion towers, which requires a facility to be located above the static line hence the platform mount located above the power line. Again, this change requires a special exception to modify the distance requirement.

As you are aware special exception requests are evaluated based on their consistency with the County's Comprehensive Plan and in this case the Personal Wireless Service Facility Policy. The reason this request is before you tonight is for direction regarding the interpretation of the Wireless Policy particularly the two points shown on the slide.

- **Electric transmission towers are specifically identified as Opportunity Sites in the Wireless Policy.**
- **Platform mount types are specifically discouraged and identified as not complying with the Wireless Policy's design guidelines.**

The pages from the policy describing these two points were included in the staff report. As you may be aware Dominion's policy that is, they do not allow platform mount types and this request presents a conflict between these two principles as platform mount types are again effectively the only type of mount permitted on Dominion transmission towers.

This is not the first time a request like this has come before the Commission. However, prior approvals were based on the screening and mitigation of visibility impacts and a recognition of the fact that strict adherence to the design guidelines outlined in the zoning ordinance and the wireless policy would preclude the usage of these Dominion towers as Opportunity Sites. We are here tonight because staff seeks direction regarding interpretation of the Wireless Policy with regard to these two points. More specifically, we are asking for a recommendation regarding which point is more important in the context of this application.

Again, a summary of why this policy was included in the staff report, but here are a few of the most relevant points.

- The Policy encourages the construction of facilities that have limited visual impact on the community.
- Visibility is the primary focus in the review of personal wireless service facilities.
- Facilities with limited visibility are encouraged.
- Personal wireless service facilities should utilize existing structures where possible.
- Antennas should be mounted close to the supporting structure and be designed to minimize visibility.

The Zoning Ordinance and Wireless Policy do not require that facilities be invisible: facilities can hide in plain sight with mitigating techniques to reduce or eliminate visual impacts. In the context of this application, these can include:

- Camouflage: A way of painting and mounting a personal wireless service facility that requires minimal changes to the host structure in order to accommodate the facility and will not increase the massing of the structure.
- Screening: Siting the facility to be screened from view by trees, terrain, buildings, etc. where the tower stands. Therefore, do the trees block it or provide a backdrop. The Tier 1 Design Standards act as a

camouflage so no screening or siting standards are involved in review of a Tier 1 facility. However, again, the proposed platform mount prevents this camouflage and review of a special exception may consider the facility in the broader context of the Wireless Policy.

- Siting the facility to avoid skylighting, (e.g. the sky is the backdrop of the facility).

The Tier I design standards in Section 5.1.40 work to camouflage the facility.

The photos in the next slide were all in your staff report, but he will walk through a few photos to show why this issue was raised. He noted on Pfister Avenue, which was the lower point on the road, you can see the facility and the tower is mostly backdropped here but the facility above may be skylit from this point. Another view is from the Maroon Creek Court and from the intersection of Bleeker/Pfister you can see the top of the tower is already skylit here, as well as Pfister at the end of the cul-de-sac is skylit. He pointed out the view near the access road where you can see that there are some trees nearby that may screen it from the immediately adjoining property but for the most part, they are few and far between in the area. Looking down Redfields Road again, you can see the transmission tower rising above the tree. Looking down Morningside Lane, you can see a tree buffer immediately around properties but ultimately screening is not doing a whole lot in this area and you can see the topography. Looking at the easement from Redfields it basically is a straight on shot. In the next photo was a picture from a similar facility that was approved in early 2016; it went through both the Commission and Board for gaining approval and at that time the visibility impacts would be minimal.

Just to recap Mr. Knuppel said it remains entirely possible, based on the prior photos that a by-right flush mounted facility could have been visible, but the design type would have served to camouflage and mitigate the visibility impacts. With this said,

- The proposed platform mount and 10' extension clearly prevent opportunity for "camouflage".
- The site lacks opportunities for screening.
- The proposed platform mount and extension may increase skylighting.
- While these requests are reviewed on their own merits, prior approvals have used screening techniques to mitigate visibility impacts from the usage of the platform mount and these techniques are not present in this request.
- However, these prior approvals have supported an interpretation of the Wireless Policy that prioritizes the usage of existing structures as Opportunity Sites. It is with this interpretation in mind that staff is making its recommendation.

Factors favorable

- The facility would utilize an existing structure, not located in an avoidance area.
- The facility would fill in coverage gaps in wireless service to surrounding neighborhoods and adjacent roadways.

Factors unfavorable

- The proposed "top hat" or platform-mounted antenna array is specifically discouraged by the Wireless Policy because of negative visual impacts.
- The height of the proposed antenna platform, relative to the surrounding trees, increases visibility.
- The applicant has not submitted applications to pursue alternative options in the area.

However, again, staff is recommending approval of this special exception request based on the utilization of an existing structure. The applicant has requested the following special exception requests to modify the regulations found in Section 5.1.40:

- 5.1.40.b(2)(c) projection of antennas and mount type
- 5.1.40.a(4)(f) showing all trees where the dripline is located within 50 feet of the facility
- 5.1.40.b(3) tree conservation plan

Although staff is recommending approval we understand that our interpretation maybe depart from what the Commission and Board have decided in prior cases and that is why it is being brought to your attention this

evening. That said, he would be happy to answer questions.

Mr. Keller invited questions for staff.

Ms. Spain asked if there was a homeowner association meeting or anything with the neighbors and Mr. Knuppel replied that there was not.

There being no further questions, Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Valerie Long, representing the applicant with Williams Mullens, said joining me here tonight is Ryan Fletcher with NB&C, a consulting firm that assists Shentel with locating wireless sites in the area. She thanked Mr. Knuppel for laying out the issues clearly and thinks it is probably fairly clear what we are looking for. She said as the Wireless Policy contemplates collocation is always the first choice for any wireless provider. The ordinance provides an incentive that is very attractive in the sense that Tier 1 collocations are a by right application; all they require is a building permit. It is faster to get those sites built; they provide better coverage; the wireless providers like the service that they provide and it is the number one priority recommendation of the Wireless Policy as well as the County's Wireless Ordinance. The challenge, however, is that up until a few years ago Dominion Power would allow the antennas on their facilities to be flush mounted. She said that a few years ago Dominion Power determined that was no longer a safe mounting technique for their employees. In addition, it also creates challenges with the reliability of their system. Since it requires a six-week lead-time to shut down one part of their system in order to desensitize the line and enable their employees to install the antennas. She pointed out they only require their employees to actually go up and install the antennas because of too many safety challenges and no longer willing to allow those risks to their employees or allow challenges to the reliability of their system. They are still willing, however, to support collocation just in the manner that we have applied for here.

Ms. Long said as staff noted there are two criteria for the special exception. We have to demonstrate that compliance with the ordinance, in this case the flush mounting requirements, would not forward the purposes of the Zoning Ordinance or otherwise serve the public health, safety or welfare and also that the modified regulation as we have requested would satisfy the purposes of the ordinance at least to an equivalent degree. Just as the staff looked to the Wireless Policy from 2000 for guidance as did we and there is some language in there that also supports our proposal. It talks about Design Standards, which include flush mounting suggestions and recommendations, and those are less critical when evaluating opportunity sites. She said the Wireless Policy specifically designates collocation on existing structures as an opportunity site.

Ms. Long said it is our conclusion that a collocation that does not meet the flush mounting requirement and still provides less visible impacts than a completely new facility would even one with flush mounted antennas. She said also that collocation in and of itself is a form of camouflage, which the Wireless Policy expressly refers to as a tool to mitigate visual impacts. She pointed out that there have been a lot of changes that have taken place since the Wireless Policy was adopted in 2000, and has not been updated in over 18 years. As you all know, some components of your Comprehensive Plan gets updated at least every five years and some of them more often than that since you almost always have one rolling in and out of updates. She said at the same time the technology and equipment needs and requirements for wireless facilities have dramatically changed technology. We all know how much our technology has changed since some of us had cell phones and certainly not everybody and we all rely on them so much more than we did back in the year 2000. She said the antennas on the facilities have become larger and heavier, which is just part of the challenge for the Dominion employees in putting them up and mounting them. She said they have to use bucket trucks and it is just not safe for them.

Ms. Long said in 2000 the wireless providers were merely trying to provide in-car coverage trying to cover the major roads and nobody was even thinking about in-building coverage so we could use our phones in our homes, businesses, schools and our places of gathering. She said the carriers were merely trying to cover the major thoroughfares and now in 2018 everybody is demanding and requiring in-building coverage meaning we want and

need our phones to work wherever we are. More and more household's everyday are relying on wireless phones exclusively in their homes, businesses, service establishments and related facilities.

Ms. Long said as you may know the Federal Telecommunications Act which governs the Wireless Policy, among other things it governs local regulation of wireless services, expressly provides that local regulations shall not prohibit or have the effect of prohibiting the provision of personal wireless services. There are no other locations near the coverage objective, Redfields Subdivision, available for lease that would provide a facility. She said staff noted in the staff report a factor that was unfavorable that we have not submitted any other applications and it is because we don't have any to submit; this is the application that is available. She pointed out NB&C and other consultants for Shentel have been working literally for years trying to find a location in this area that would provide service to the Redfields residents. They spent several years working with the Redfields Homeowner's Association to collocate on one of the structures that is actually in their common areas but because it would have required an access road to be built through their attractive meadows in their open space they were not comfortable with that.

Ms. Long said again she would reiterate some of the things she already mentioned and would show them a map in a moment but this is a very densely developed area and part of the designated Development Area. She said most of the area that is not in lots is in either roads or sensitive areas such as streams, critical slopes and other areas. The green space areas are wide open just like the Redfields area is – their open space is in many cases open views. She pointed out on a slide a map that shows the proposed facility location that is along an existing Dominion Power line easement. She pointed out the location Shentel first sought to work with the Redfields Association but in order to provide access to those they would have had to cut an access road from Redfields Road into their open meadow so that the facility could be accessed and they were just not comfortable with the impact that would have on their open space. By contrast, once Wintergreen Farm was sold to a developer and subdivision began the developers knew that they wanted their residents to have wireless access. She said Shentel reached out to them and asked if they would work with us and their response was absolutely since the structure is already there and anybody who is buying a home in our neighborhood will buy knowing that structure is there and that a little bit of additional height on top of that tower is a small price to pay in exchange for having robust wireless service for these residents.

Ms. Long pointed out that they have streams, stream buffer areas, large areas of critical slopes, preserved slopes, lakes and there really is nowhere else. She noted the only area was in the middle that would provide wireless service to all these Redfields residents as well as the Wintergreen Farm, which is called Oakhill now, and a number of other residential communities in that area. She said as we outlined in our application we contend that the special exception criteria has been satisfied, the minimal incremental visibility resulting from our request will be outweighed by the benefits that this facility would provide in terms of public health, safety and welfare. In addition, the modified regulation as requested would satisfy the purposes of the wireless intent to at least an equivalent degree; the Wireless Policy says we are going to allow service, we want you to mitigate your visual impacts, we want you to collocate whenever you can, and collocation is so important the ordinance created this tiered review and approval process that makes these facilities normally by right and we are just caught up in this unfortunate situation with Dominion and the fact that the Wireless Policy has not been updated nor has the Wireless Ordinance been updated since Dominion changed its policy. She also has copies of the photo simulations that are in your packet and we have propagation maps showing the significant increase in in-building coverage that this would provide. She said since she was out of time she would continue if you like or can take a seat.

Mr. Keller said if we have questions that it will be on your return. He invited public comment. Hearing none, he invited the applicant to come back for questions. He invited questions from the Commissioners.

Mr. Dotson asked Ms. Long to put up the existing coverage map.

Ms. Long replied certainly and that this is the existing coverage map the areas in yellow show where Shentel or Sprint phones are only available outside, not in a car or building; the green areas have in-vehicle coverage but not in-building coverage; and finally the areas in blue have in-building coverage. As you may note those areas tend to

be concentrated around the interstate and is because the providers covered the interstates first and those who happen to live close to an interstate get the benefit of more robust coverage than those who do not. Another challenge has to do with the dramatic increase in the number of devices that we all have in our homes and businesses now. It is not only about coverage it is about capacity so we are using our phones for not just phone calls but pulling up our board packets, things on the internet, doing research, telemedicine, video and all those things with significantly more data and straining the network far more than just mere voice phone calls. So these sites are necessary to provide that infill coverage.

Mr. Dotson said in ignoring the topography is there sort of a normal distance that a tower can provide in-house service.

Ms. Long replied that it depends on the height and you said beside from topography but topography really does play a role. It also depends on the level of tree coverage and the heights of trees relative to the antennas. This facility will be very effective. It just so happens that the area around the tower had been cleared for a long time, which was one thing she wanted to clarify it, is an existing cleared easement area. She said Shentel or the developer has not cleared the area and it has been there for a very long time. However, unfortunately just the nature of the topography the Redfields area was more open so there is not the level of dense tree coverage that is there. Therefore, it will provide better service than if it were shorter and even if there were trees unless there were trees about 100' tall they will not impact as much.

Mr. Dotson said let me go to what is behind my question since he knows you represent a number of different companies and you have been before us before so you are familiar with the larger context. He said if what you say here is true that today people expect much more in-house coverage and we obviously have Dominion lines at various locations in the community are we going to see requests like this every 2 miles or 5 miles widely.

Ms. Long replied that it was a good question and hard to say. She said certainly again the Wireless Ordinance encourages collocation so if we did not have this disconnect, which she will call it, between Dominion's policy and procedures and the Wireless Ordinance then she thinks you would because they would then be by right and would not have to ask for a special exception. If there were a location that Shentel could find to put a tree top tower in this location they would have done that. We have already spent six or eight months, actually a lot longer than that, on this application just trying to get it processed through. She said if there had there been an equally effective easily approvable Tier 2 facility location we would have pursued that, but we literally do not have an option in this area.

Ms. More said my question is about coverage and you did say there is not any coverage at all in the areas that you are showing and it is just for the company that you represent.

Ms. Long replied that this is for Sprint, which Shentel is the wireless provider for Sprint in this community but yes it does not talk about other carriers. She said the ordinance talks about having all the carriers being equal so we don't have to demonstrate that there is no coverage since all the carriers have the opportunity to provide their own network coverage.

Ms. More pointed out she was asking because you were saying that it was attractive to the new neighborhood that the owner could tell the residents that they would have coverage which was implying that they have no option for coverage through another carrier.

Ms. Long replied that she did not intend to imply that and my intention was that when people move to new neighborhoods and they are a Sprint customer they want to know that their Sprint phone is going to work and don't always want to switch to another provider just in order to have their service work.

Ms. Spain asked Mr. Fritz are we going to be seeing some modification of the Zoning Ordinance of the flush mount at some point or updating that.

Mr. Fritz replied that the applicant is correct that the Comprehensive Plan was adopted in 2000 and the ordinance was originally adopted in 2004. It has had some changes over time to reflect changes in technology, the law and the like. The Albemarle Broadband Authority recently requested that the Board of Supervisors review the County regulations about wireless communications as it related to whether or not it is potentially interfering with the deployment of broadband services particularly in the rural portions of the county, but to some extent within the urban areas of the county also. Therefore, there has been some discussion about doing that. It is a significant undertaking. There are also things afoot at the state level and you will be seeing a zoning text amendment we will be bringing to you late this summer or early fall to respond to some changes that were made in Richmond. The FCC seems perpetually has rule making under consideration and there have been some discussions at the federal level to revisit the Telecommunications act. He said so the answer is yes.

Ms. Spain asked if that would also include the flush mount versus the platform.

Mr. Fritz replied yes, it would include flush mount versus platforms, new construction, collocations, 5G, different technologies, and the issue of legacy phones that are basically operating on the older systems whether they still need to be served or you could discontinue service to those like the switch from analog to digital television. He said that was at the federal level not at a state or local level. He said it was fair to say that where we are right now with the state of wireless communications at a major transition point much like the 1996 Telecommunications Act that he thinks forces are starting to form that will take us in a new direction and could only give ideas of what those directions are. He said Mr. Keller and I discussed bringing something to you in the future to talk about these kinds of things I can give you some ideas of where think we might be going but to say he had a clear picture he would be lying.

Mr. Bivins asked staff to go to page 7 of attachment D, he was trying to get a sense of how large the platform is when you look at collocating it on the power line to have a sense of what we see on Georgetown Green. He asked if that was what we are saying, if that is the size of it, and how big is that.

Mr. Fritz noted that Andrew had a picture of it and would switch it back to it.

Mr. Bivins asked if that was what we are talking about.

Ms. Long replied that it is and she would go back and show you our photo simulations of a few. She said the difference is that the existing structure on Georgetown Green was painted white; the existing structure at issue here is painted brown; and she would show one that is closer. She said you can see how open that area is already and this was taken from a cul-de-sac of the new subdivision and someone who buys a house will see that structure. She said what we are showing is that the antennas would match the existing structure but we are certainly open to doing it any other way but we thought that would be most appropriate. She said that was the standard is you match the color of the structure so in some places it blends in better that way and some places not as much and that is why they often do them just gray. We are open to any of those options but it is essentially the same design. She pointed out they get it as close into the pole as possible given the requirements of Dominion's safety policy.

Mr. Keller asked if there were any other questions. He asked Ms. Long to go back to the image of Georgetown and asked if another provider wanted to collocate there would they be able to go up, add more in that particular 360 degree array or would they have to go to another pole.

Ms. Long replied that she did not know if the Dominion Policy would allow them to extend higher than that since she had never seen one where Dominion has allowed that. She said usually what happens they will go to one down the row if they can.

Mr. Fritz said there were three issues at place, one is whether or not Dominion would allow, the second would be

whether or not the structures are capable of supporting it, and the third is the exempt collocation regulations that were handed down to us by the FCC. He said they say that if Dominion would allow it and if the structure was capable of supporting it we would have to allow an extension of 10 percent of the height of the tower or 20' whichever is greater for the placement of a new facility. Also, the antenna from those structures could extend from the tower $\frac{1}{2}$ the diameter of the tower or 20' whichever is greater, and we would not be able to deny it.

Ms. Long said at this point she was not aware that any proposal like that has been submitted anywhere in the county.

Mr. Fritz said that he did know that Dominion would allow it and if the structure can do it, which is why he giving you that there are three very distinct issues, would Dominion allow it, is it structurally possible and then if those two he was giving you what the FCC impact is.

Mr. Keller said as a follow up to that if we are successful and Andrew will support you coming back and having a discussion with us, a question would be whether Dominion in the new lines that they are doing, like the new one towards 231 towards Gordonsville. He asked if those towers now are starting to be the replacement towers that VEPCO has started structuring in such a manner to accept greater weight and height.

Mr. Fritz replied that our understanding from some conversations that we have had is there have actually been some instances where the provider has coordinated with Dominion for the replacement of old towers that were sufficient strength and height to support not only the Dominion power lines but also the new equipment. He said he did not know if Dominion is automatically putting in lines with the idea that it pulls new construction with the idea that they may be used; their primary business is the delivery of electricity not the power. He said based on our limited knowledge that we do not believe that is something they are doing, but something open during the construction process if a telecommunication provider would go to them and say we would like to have the tower at this location to be beefier, then they could work out something between Dominion and the provider.

Mr. Dotson said just to follow up on this the reason that FCC policy does not apply here is because we are not dealing with a cell tower we are dealing with an electrical transmission tower.

Mr. Fritz pointed out that right now it is not an eligible facility because it does not house transmission equipment that approved by the local jurisdiction. He said once we approve this it becomes an eligible facility and that makes it eligible for the exempt collocation.

Mr. Dotson said the answer was that no there was not a community meeting when Commissioner Spain asked it, as a follow on was there adjacent property owner or other kind of notification.

Mr. Knuppel replied that adjacent owners were notified of this and he has not received any contact regarding the notification letter.

Mr. Dotson asked if we have a parcel map that we could see what the adjacent property is.

Mr. Fritz pointed out that one of the things Andrew and he had been talking about that we have a policy if the property owner owns abutting property jump over and because the Homeowner Association owned that property and they owned the adjacent we really had to jump over quite a few properties beyond what we normally would do. He said the distance was greater than normal.

Mr. Knuppel pointed out on the tax map the parcels notified.

Mr. Dotson pointed out that he did not pick that up from the staff report and asked when this goes to the Board of Supervisors they would like to have the notification point out, and Mr. Fritz replied that it was a good idea.

Ms. More asked if the Georgetown facility that was approved the only other example we have of this.

Mr. Knuppel replied that on May 9, the Board approved a similar special exception for a facility on Profit Road but he did not think it had been constructed yet. He said he believed there are others within the county as well. He said there is another one on Sunset Avenue that has a similar type of mount.

Mr. Fritz pointed out there are two at the intersection of Route 20 and 250 East that was approved not that long ago.

Ms. More asked was visibility an issue here because that feels like we are having these two things where we want to collocate but it is highly visible. She asked about the other ones.

Mr. Fritz replied some of the other ones had better screening or because of where they were sited and the other had a very different situation in it was much more an urban commercial area than this. He explained the reason that we are bringing this before you is just that issue that we are trying to reconcile the two things that are within the Comprehensive Plan and the Zoning Ordinance. He said we have the Comprehensive Plan saying make use of opportunity sites and then saying but and then we have a process that says make use of opportunity sites but and we are trying to reconcile those two things. He said staff did not want to be presumptive in saying well that we think that obviously one should win over the other. In addition, we did not want to put it on the consent agenda since we wanted to have a discussion to help guide us for future applications as we think we likely are likely to get more of these. He said as we now know Dominion has changed their policy, which they have done in the past because when we did the Wireless Policy that was what Dominion required and then changed to allow the flush mounting and now have changed back again. He said they have had those concerns about safety and can absolutely understand those concerns; but we are trying to reconcile those two things. He asked if we are significantly closing the door on what are absolutely opportunity sites or not. He said staff recognizes that they are opportunity site; the Comprehensive Plan and Zoning Ordinance talk about them and we are not trying to diminish the value of them at all but we want to have that conversation.

Ms. Spain said the decision on the one at Pantops was made with the priority put to collocation and Georgetown Green was within the Entrance Corridor and there was more discussion about that.

Mr. Fritz replied that the Pantops one would have been in the Entrance Corridor also.

Ms. Spain pointed out that it was that those structures already exists and that takes precedent over the visibility issue.

Mr. Keller invited further discussion.

Ms. More asked staff regarding the third unfavorable factor to elaborate in response to what we have heard from the applicant that says the applicant has not submitted applications to pursue alternative options in the area.

Mr. Knuppel replied that is just staff stating that we have not received other applications and we have not denied any of the applications at this point to create that effective denial of service. He said there has not been anything else brought before us at this point.

Ms. More asked staff to explain if this goes on to the Board and approved for the Dominion site would that be for every application that would come through for future Dominion sites. She asked how that would be handled.

Mr. Fritz replied not; they would still require a special exception. However, if we received guidance from the Board of Supervisors that the use of opportunity sites is really the driving factor what we would then do is place those special exceptions on the consent agenda for the Board to consider. He said if the Board thought that a particular site was inappropriate, re-thought the policy or wanted to take a bigger look at it, they could then pull that off the

consent agenda and have a more robust conversation. So no, it is not an automatic approval because under the current ordinance each one that would be like this would still have to go through an approval process by the Board of Supervisors.

Mr. Keller asked if anyone cared to make a motion.

Ms. Spain moved to recommend approval of the modifications for the reasons outlined in the staff report for B2018-00883ATWR Country Green-Special Exception for a Tier I personal wireless facility.

Mr. Dotson seconded the motion.

Mr. Keller Invited discussion.

Ms. More said that she was not going to support this and had gone back and forth quite a bit since she thinks the collocation is important but also thinks the visibility is equally important. She said given Dominion's new rule because of safety the suggestion had been made we need to possibly revisit our policy, however, in the meantime she still feels there are opportunities for collocation where visibility can still be taken into consideration. She said we have seen an example of one of those and would not be comfortable with it moving forward as a consent agenda item on the Board's agenda. She said so those are my concerns in how it would be a major change in that process.

Mr. Fritz pointed out that is how we would do now that when there is a special exception we put that on the Board's consent agenda if we are supporting the request.

Mr. Keller said he would support it but with some reluctance. He said since the director has supported the idea of you coming for a 101 we will talk about it under new business. He said it seems in light of 4K, 5G, the deregulatory nature of the moment, the County Broadband Plan that is focusing more on fiber and made a decision to focus more in fiber than wireless. He said it would be helpful to have the 101 to think about this in a time when we are not focusing on one particular item.

Mr. Fitz replied yes, we can do that.

Ms. Spain said on the other hand not putting this array on the top of that Dominion structure is not going to make that structure more attractive. She said it does not seem to be marginally less attractive by the addition of an array and she thinks that is part of what we approved with the Pantops position as well.

Ms. More said my concern is what you outlined is that we don't know if they can say that Dominion is okay with it and the structure can support it that it couldn't then go up 20' more or out 20' more. She said we do not know that once we say yes to this. She agreed that it was not very attractive anyways and so it is something unattractive on top of something that is already attractive. Ms. More said she feels like there could be other sites along that stretch that might have some concealment elements that this one is not giving.

There being no further discussion, Mr. Keller asked for a roll call.

The motion was approved by a vote of 4:1 (More no) (Riley, Firehock absent)

Mr. Dotson asked what B2018 meant, and Mr. Fritz replied it meant building permit and because this is a Tier 1 that is how we do it.

Mr. Keller said the request for B2018-883ATWR would move forward to the Board of Supervisors with our recommendation.

The meeting moved to the next agenda item.