

CLARKE COUNTY PLANNING COMMISSION
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April 7, 2017 Regular Meeting

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Clarke County Planning Commission

AGENDA – Regular Meeting

Friday, April 7, 2017 – 9:00AM

BERRYVILLE/CLARKE COUNTY Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - a. January 31, 2017 Briefing Meeting
 - b. February 3, 2017 Regular Meeting
 - c. February 28, 2017 Briefing Meeting

Set Public Hearing Items

3. **TA-17-02, Wireless Communications Facilities**

Public Hearing Items

None Scheduled

Board/Committee Reports

4. **Board of Supervisors (Mary Daniel)**
5. **Board of Septic & Well Appeals (George Ohrstrom, II)**
6. **Board of Zoning Appeals (Anne Caldwell)**
7. **Historic Preservation Commission (Doug Kruhm)**
8. **Conservation Easement Authority (George Ohrstrom, II)**

Other Business

Adjourn

UPCOMING MEETINGS

Tuesday, May 2, 2017 (3:00PM) – Briefing Meeting

Friday, May 5, 2017 (9:00AM) – Regular Meeting

Clarke County



**PLANNING COMMISSION
BRIEFING MEETING MINUTES -- DRAFT
TUESDAY, JANUARY 31, 2017**

A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, January 31, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel; Douglas Kruhm; Frank Lee; Cliff Nelson; and Jon Turkel.

Absent: George L. Ohrstrom, II; Scott Kreider; and Gwendolyn Malone

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:00PM.

AGENDA

The members approved the agenda by consensus as presented.

REVIEW OF AGENDA ITEMS FOR FEBRUARY 3, 2017 MEETING

Mr. Stidham began the meeting with an overview of the Agricultural Business Uses text amendment (TA-17-01) including reviewing additional changes that Staff identified since the January 6 meeting. He stated that Staff reformatted the report to help the public understand the proposed amendment by grouping the changes under topical headings. He added that background information is included to explain how the Commission developed the text amendment and how it expanded beyond the scope of the Board of Supervisors' original request. Regarding the onsite sale of agricultural products by a farm, he noted that the proposed regulations would not allow a farm to sell agricultural products produced by another farm. He gave the example of an apple producer not being allowed to sell eggs from another farm at their farm stand. He said that he wanted to bring this point to the Commission's attention in case they had specific concerns about this issue.

Mr. Lee asked how a nursery that grows trees onsite would be treated if they purchased seedlings from an offsite source. Mr. Stidham replied that they could sell the trees by-right because they are the end product and were grown onsite. Mr. Lee asked whether there would be a time limit that the seedling would have to be in the ground at the nursery before it could be re-sold. Mr. Fincham replied that it is similar to a pig farm that purchases piglets from offsite and sells them after raising them onsite for six months to a year – this would be considered by-right agriculture. He added that it would be difficult

to regulate the time that a plant or animal is on a farm before it can be re-sold onsite but for plants, they would have to be planted onsite for some period of time. Vice-Chair Caldwell asked Mr. Buckley for his opinion and he replied that he agreed with Staff on the interpretation as well as the enforcement concern.

Mr. Stidham also briefly reviewed the proposed rules that would establish a 12,000 square foot floor area threshold to require a special use permit for farm machinery sales and service and farm supplies sales in the AOC District. He noted that this floor area threshold would apply to a single structure or the total floor area of all structures on the property being used for the business. He also added that the Commission has not established a maximum floor area for the special uses but that reliance on well and septic system would likely limit the floor area of these businesses. Mr. Kruhm asked if sprinkler systems would be required for businesses with multiple buildings, rather than a single building, totaling 12,000 square feet or more of floor area. Mr. Stidham replied that it would be up to the Building Official to determine and may include whether smaller buildings are connected with a common roof or breezeway. Vice-Chair Caldwell asked what Staff envisioned the actual size that these businesses could be if well and septic system issues could be minimized, such as only having a small number of employees, and whether the proposed changes leave an opening for very large buildings to be developed. Mr. Stidham said that unless you have a corporate developer that is willing to make a significant investment, it would likely be cost-prohibitive to develop an above-ground storage tank to provide an on-demand water source for the sprinkler system. Vice-Chair Caldwell also asked where we have maximum floor area restrictions in the current ordinance and Mr. Stidham replied that they are in the Highway Commercial District and are intended to prevent “big-box” stores from being developed. She asked what the limitation is and Mr. Fincham said 50,000 square feet.

OTHER BUSINESS

Mr. Stidham reported that the Telecommunications Subcommittee met on January 25 and made revisions to the proposed text amendment for monopolies. He said that he is currently working individually with the members to finalize edits and, once finalized, will forward the draft to the County Attorney for review. Ms. Bouffault added that they hope to be able to present the text amendment at the next briefing meeting. Mr. Stidham noted that he will also be sending the draft to Frank Stearns (Verizon Wireless) to review and provide comments.

Mr. Stidham also reviewed two bills pending before the General Assembly that would impact regulation of telecommunications towers and counties’ ability to partner with the private sector on telecommunications infrastructure. Ms. Bouffault noted that there was a similar but more radical bill submitted last year regarding local tower regulations and that this year’s bill may be more coherent. She said she is concerned that localities are making unnecessary demands on applicants and the State may feel the need to reduce local authority because telecommunications is of prime importance.

Vice-Chair Caldwell asked Mr. Stidham to provide an update on the solar farm. Mr. Stidham reported that Staff is meeting with Hecate officials on Friday and that they have hired a general contractor and they want to break ground by the end of February. He noted that they are proposing a change to install gravel paths between the panels for maintenance vehicle access which will likely trigger additional review by DEQ. He added that this could have a significant impact on their approved stormwater management plan. Ms. Bouffault asked if they could use grass pavers instead

and Mr. Stidham said that they may be forced to do something like that because gravel is considered to be impervious surface. He also stated that if this proposed change impacts the erosion and sediment control plan, at a minimum he will likely require them to meet with the Plans Review Committee to discuss the changes. He concluded by stating that if they were making no changes, then all they have left to provide to Planning Staff are copies of all State and Federal permits, noise specifications on their equipment, and a check for \$42,000 for the first half of their good neighbor payment. He did not know whether they have submitted construction plans to the Building Department for review yet.

Vice-Chair Caldwell asked about the dumping onsite and Mr. Stidham said that they are required to have it all remediated before certificate of occupancy. He also said that DEQ documented the trash piles but he is unaware if they have taken any action, and Staff has issued a notice of violation to the property owner. Mr. Fincham said that the site gate is now being kept locked. Mr. Buckley asked about whether they were supposed to be fined if they did not begin producing power by December 2016. Mr. Stidham replied that Hecate officials later clarified that these are contractual penalties that they have with their investors and not regulatory fines. Mr. Buckley replied that it seemed like they were pushing the County for approval so they could meet the December deadline and now they are pushing us again to meet their new deadline. Mr. Stidham said that the review will move at the speed of the County's processes.

The meeting was adjourned by consensus at 3:40PM.

George L. Ohrstrom, II (Chair)

Brandon Stidham, Planning Director

Clarke County



**PLANNING COMMISSION
REGULAR MEETING MINUTES -- DRAFT
FRIDAY, FEBRUARY 3, 2017**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, February 3, 2017.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Mary Daniel; Doug Kruhm; Frank Lee; Gwendolyn Malone; and Jon Turkel.

ABSENT

Scott Kreider and Cliff Nelson

STAFF

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:02 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the Agenda.

Yes: Bouffault, Buckley, Caldwell (moved), Daniel, Kruhm, Lee, Malone, Ohrstrom and Turkel
(seconded)

No: No one

Absent: Kreider and Nelson

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of January 3, 2017.

Yes: Bouffault (moved), Buckley (seconded), Caldwell, Daniel, Kruhm, Lee, Malone, Ohrstrom and Turkel

No: No one

Absent: Kreider and Nelson

The Commission voted to approve the regular meeting minutes of January 6, 2017.

Yes: Bouffault, Caldwell (moved), Daniel, Kruhm, Lee, Malone (seconded), Ohrstrom and Turkel

No: No one

Absent: Kreider and Nelson

Abstained: Buckley

Public Hearing Items

TA-17-01, Agricultural Business Uses

Proposed text amendment to amend §3-A-1 (Agricultural-Open Space-Conservation District – AOC), §3-A-2 (Forestal-Open Space-Conservation District – FOC), §3-A-3 (Rural Residential District – RR), §3-A-12 (Neighborhood Commercial District – CN), §3-A-13 (Highway Commercial District – CH), §3-C (Supplementary Regulations), and Article 9 (Definitions) of the Zoning Ordinance. The following amendments are proposed:

- Add “farm machinery sales and service” and “farm supplies sales” as permitted and special uses in the AOC District based on floor area limitations along with new supplementary regulations and definitions for each use.
- Amend definition of “agriculture” to more accurately reflect the County’s agricultural industry and to include “horticulture.”
- Delete definition of “horticulture” and permitted uses in the RR and FOC Districts.
- Add “The wholesale or retail sale of agricultural products, grown or processed in conjunction with an agricultural operation, that is clearly accessory and incidental to that agricultural operation” as a new accessory use in the AOC District.
- Delete definition and supplementary regulations for “Processing of agricultural products not totally produced in Clarke County (excluding wineries, breweries, cideries, and distilleries)” and special uses in the AOC and FOC Districts.
- Delete “Nurseries, greenhouses (commercial)” as permitted uses in the CN and CH Districts.
- Add “Historic mill” as a new permitted use in the AOC and CN Districts along with a new definition and supplementary regulations.
- Additional changes are provided for clarity purposes.

Mr. Stidham gave a brief presentation of the proposed changes for this text amendment. He said that this text amendment was developed in response to a July 19, 2016 request from the Board of Supervisors to the Planning Commission. He stated that the Board of Supervisors requested that the Commission evaluate agricultural business uses that are currently allowed only in the Highway Commercial (CH) or Neighborhood Commercial (CN) Districts and to determine whether they would be appropriate in the Agricultural Open-Space Conservation District (AOC). He said that the Commission began work on the request as a committee at their August 30, 2016 Briefing Meeting. He stated that this work included an in-depth review of the agricultural business uses that are currently allowed in the AOC, CH, and CN districts and the applicable definitions and supplementary regulations for these uses. He said that Staff has no outstanding concerns with the adoption of the text amendment. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing.

Chair Ohrstrom and Commissioner Daniel commended Mr. Stidham, the committee and everyone else involved for the excellent work on this proposed text amendment. Commissioner Bouffault complemented Mr. Stidham for his excellent presentation today. She said that she was on the committee and she thinks that everyone involved on the committee gave really good comments and

ideas on this proposed text amendment. She said that Mr. Stidham did a remarkable job putting all of this information into legal format.

There being no further comments, Chair Ohrstrom called for a motion.

The Commission voted to recommend adoption of the proposed text amendment to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell, Daniel, Kruhm, Lee, Malone (seconded), Ohrstrom and Turkel

No: No one

Absent: Kreider and Nelson

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated the budget season is underway and you can follow the progress on the calendar at the county website. She stated that the public hearing on the Agricultural Land Plan is scheduled for February 21, 2017.

Board of Septic & Well Appeals (George Ohrstrom, II)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that Historic Preservation Commission had their organizational meeting on January 18, 2017 and Betsy Arnett was voted as Chair and Page Carter was voted as Vice Chair.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the Conservation Easement Authority is trying to become the county with the largest amount of conserved land in easement. He said that we are in the running with Fauquier County and we are very close.

Other Business

Chair Ohrstrom said that he asked Commissioner Bouffault and Commissioner Kreider to serve on the Telecommunications Committee and they both agreed.

Mr. Stidham stated that there is a possibility that there will not be a March 3, 2017 regular Planning Commission meeting. He said that today is the filing deadline and we are not expecting any new applications to come in. He stated that there will be a Planning Commission Briefing meeting and a workshop on the Telecommunications Subcommittee's proposed text amendment on February 28, 2017 starting at 3:00 p.m.

On motion by Commissioner Kruhm and seconded by Commissioner Malone the meeting was adjourned at 9:28 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

Clarke County



**PLANNING COMMISSION
BRIEFING MEETING MINUTES -- DRAFT
TUESDAY, FEBRUARY 28, 2017**

A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, February 28, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel (arrived late); Scott Kreider; Douglas Kruhm (arrived late); Frank Lee; Gwendolyn Malone; Cliff Nelson; and Jon Turkel.

Absent: George L. Ohrstrom, II

Staff Present: Brandon Stidham, Planning Director

Others Present: Frank Stearns (Verizon Wireless); Cathy Kuehner (Winchester Star)

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:00PM.

AGENDA

Vice-Chair Caldwell asked if there were any changes to the agenda. Ms. Bouffault briefly reviewed a handout she provided showing area population estimates, noting that given the County's population and growth rate she did not expect there to be a stampede of new telecommunications tower applications in the future. Vice-Chair Caldwell added that cellular telephone providers are only looking for sites along major highways. Mr. Turkel noted that Frank Stearns said there is Federal funding for providers to bring service to rural areas and that is why it is important for the County to revise its telecommunications regulations to facilitate this service expansion. Vice-Chair Caldwell asked if these funds are grants to communities or incentives provided to private companies, and Mr. Turkel said that is funding for private sector efforts. Mr. Turkel added that the private-sector providers would look to spend this Federal funding in areas where the regulatory hurdles are lowest. Vice-Chair Caldwell asked if the funding is enough of an incentive for companies to expand. Mr. Stearns said that the Federal Communications Commission is pressuring the private sector to expand to underserved areas through its licensing authority. Mr. Turkel said that while the County does not necessarily have the population density to attract providers, there is hope that this Federal effort will help to expand service here.

The members approved the agenda by consensus as presented.

DISCUSSION, TELECOMMUNICATIONS SUBCOMMITTEE REPORT ON PROPOSED WIRELESS COMMUNICATION FACILITIES REGULATIONS TEXT AMENDMENT

Mr. Stidham began by reviewing the Summary of Major Proposed Changes document that describes how the text amendment differs from the current monopole regulations. With no questions from the members on the Summary, Mr. Stidham then reviewed the February 17, 2017 letter provided by Mr. Stearns that contains comments and suggested changes to the text amendment.

Regarding Mr. Stearns's concern with the term, "visible," in reference to considering existing "visible" WCFs when evaluating the visual impact of a new wireless communication facility (WCF) per 6-H-12-a, Mr. Stidham noted that Mr. Turkel had requested inclusion of this term. Mr. Turkel explained that the change was intended to emphasize that any existing WCFs in the area of a new proposed WCF that cannot be seen should not be counted against the applicant in evaluating the overall visual impact of the new WCF. Vice-Chair Caldwell added that there are two existing towers in the County now that you cannot see. Mr. Stearns suggested replacing "visible" with "not readily apparent" and the members accepted this recommended change.

Mr. Stearns had also expressed concern with the requirement that stealth silos must be placed within fifty feet of an existing barn or paddock, and Mr. Stidham asked for him to explain the concern in more detail. Mr. Stearns provided an example from another jurisdiction where a similar requirement prevented the equipment building from being designed as a barn, resulting in a lesser stealth design than the applicant proposed. Mr. Stidham asked if the 12 foot height limitation for equipment cabinets is problematic and Mr. Stearns replied that it is not.

Mr. Stidham asked Mr. Stearns to go into more detail regarding his concerns with the underground equipment requirement for flagpole stealth structures. Mr. Stearns said that he has not seen a provider install equipment underground primarily due to the heating and cooling requirements, and he has not encountered a locality requesting equipment to be installed underground. He added that flooding issues are problematic with underground installations. Mr. Stidham asked if equipment is typically installed away from flagpole stealth structures and Mr. Stearns replied yes, either in a nearby building or on a rooftop.

Following completion of the review of the letter, Mr. Stearns stated that he wanted to compliment the Commission on their foresight of addressing small cell regulations in accordance with legislation that was recently adopted by the General Assembly. Mr. Turkel thanked Mr. Stearns for his input throughout the process.

Mr. Stidham then moved to an overall discussion of the outstanding policy questions and other concerns that the members might have. Mr. Turkel asked whether the policy questions would be forwarded back to the Subcommittee for additional work. Mr. Stidham said that an additional Subcommittee meeting may not be necessary unless something arose in the legal review that requires significant changes. Ms. Bouffault said that she did not think another Subcommittee meeting would be needed and that the full Commission could address the policy questions. Ms. Bouffault asked whether the County Attorney's review would be limited to legal analysis or would it expand to the policy and technical elements. Mr. Stidham replied that he is only being asked to review the text amendment from a legal standpoint.

Vice-Chair Caldwell said that she had three major issues to discuss. The first issue is with the elimination of setback distances from sensitive properties and features in 6-H-12-a-5(a). Regarding setbacks from the river, she asked Mr. Stearns if a provider would ever consider placing a WCF in a 100 year floodplain. Mr. Stearns replied that these are not preferred because they are low-lying elevations and that a tower would only be sited in a floodplain if there was nowhere else to place it and serve a specific need. He added that the only floodplain installation that he is aware of involved placing the tower and equipment on 10 foot piers. Mr. Stidham said that a floodplain variance would be needed to construct a structure in the 100 year floodplain.

Vice-Chair Caldwell said that she is most concerned with the removal of additional setbacks from the Appalachian Trail and from eased properties. She noted that the Appalachian Trail provides a wilderness experience that could be damaged by the presence of a tower and its equipment sheds within the corridor. Mr. Turkel asked what the current maximum setback is and Mr. Stidham said 400% of the tower height. Mr. Turkel asked whether this should be the baseline setback for discussion or whether she had another number in mind, and Vice-Chair Caldwell replied that she did not have a specific setback distance in mind. Mr. Turkel said that perhaps the focus should be on a setback distance from the trail rather than a setback from parcels that compose the trail corridor. Ms. Bouffault suggested conducting a survey of trail users to determine whether they want to have good cell service while on the trail for safety purposes. Mr. Kreider noted that long-distance hikers do not have the ability to keep their phones charged and some carry emergency beacons if they run into trouble.

Vice-Chair Caldwell said that she remains concerned with the reduction in the setback from eased properties and Ms. Bouffault noted that she is aware of two easement property owners that would like to have towers locate on their property. Vice-Chair Caldwell said that she is not opposed to placement of towers on eased properties because the easement holder would have the greatest say in those situations. She said she is more concerned with towers going on non-eased properties located adjacent to eased properties. Mr. Turkel noted that providing a greater setback from eased properties gives eased property owners additional rights which may or may not be appropriate. He added that landscape buffering and other elements could better control impact of a new tower on eased properties.

Vice-Chair Caldwell stated that her next concern is with the reduction of the perimeter buffer depth from 120 feet to 25 feet. She said that 25 feet is not deep enough to provide sufficient screening for a tower compound regardless of what you plant in it. She said she envisions a larger perimeter buffer area to allow preservation of existing trees, and additional discretion would be allowed for the Commission to determine how much additional landscaping would be required on a case by case basis to provide sufficient screening. Mr. Stidham said that applicants need to know a baseline to plan their site, meaning it is more important to know the dimensions of the buffer area than what is required to be planted in it. Mr. Turkel asked if this would be for Class 1 and 2 towers since Class 3 and 4 towers would be addressed in the special use permit. Mr. Stidham replied that this would apply to Class 2, 3, and 4 towers. Vice-Chair Caldwell suggested making the buffer area 50 feet with preservation of existing trees and supplemental plantings on a case by case basis. Mr. Turkel asked where we got the 25 foot buffer width from and Mr. Stidham said that is the current buffer requirement for commercial uses. Mr. Stidham asked if the members would be comfortable with a total 50 foot buffer area with a

minimum 25 foot wide planted area closest to the compound fence, and the Commission would have the ability to require additional plantings in the remaining 25 feet on a case by case basis. Members agreed to this proposed change.

Regarding the Appalachian Trail setback, Mr. Turkel said that it might be a good idea to establish a setback based on percentage of height from the trail itself. Mr. Stidham asked whether the trail is located entirely on Federal property. Mr. Turkel said that it is either on Federal or PATC property. Mr. Stidham suggested that a 400 foot setback could be appropriate but also said that Staff could assemble a map showing how close private property comes to the bed of the trail to determine an appropriate setback.

Vice-Chair Caldwell said that her third issue deals with towers located on the ridgeline. Her concern is that a tower could be constructed just below rather than on top of the ridgeline and have the same adverse visual impact. Mr. Turkel asked whether she is specifically concerned with the Blue Ridge ridgeline and she replied yes because that is the ridge that is most visible. Mr. Turkel asked if the study provided any guidance regarding locating towers along the ridge and Mr. Stidham said that he would check. Vice-Chair Caldwell said that her concerns could be addressed if wording were added to keep towers from being visible above the tree line on top of the ridge. Mr. Stidham said that this could be verified pretty easily with a balloon test. Ms. Bouffault said that you need to make sure that the ordinance clearly applies to the Blue Ridge ridgeline. She also noted that WISP providers rely on line of sight to towers and that this needs to be taken into consideration. Mr. Nelson recommended using the term “topographic crest” to describe the Blue Ridge ridgeline most accurately. Mr. Stearns noted that Loudoun and Fauquier Counties dealt with this same issue. He added that if a new tower is not visible from the other side of the mountain, then you have accomplished your goal of preventing adverse visual impact along the Blue Ridge ridgeline.

Moving back to policy issues from the Stearns letter, Mr. Stidham asked whether the members would be comfortable adding the suggested fourth objective to 3-C-2-u-1(a). Mr. Turkel suggested adding “while maintaining the County’s character” to the language, and members agreed to this addition. Mr. Kruhm asked how consistent this language is with the Telecommunications Study and Mr. Stidham replied that it should be OK.

Mr. Stidham asked whether silo stealth towers should be allowed as Class 3 WCFs up to 120 feet. Mr. Nelson asked whether there are any silos in the County that are over 80 feet and Mr. Stidham replied that he is not aware of any. Mr. Kruhm asked whether there is a prohibition on silos up to 120 feet and Mr. Stidham said he was not sure how height requirements apply to agricultural structures. Ms. Daniel asked for clarification that the Federal co-location law would apply in addition to the maximum height requirements specified in the text amendment. Mr. Stidham said yes and noted that the Federal co-location law would not require you to approve a co-location over 199 feet and require lighting. This would be a material change in the tower that is not covered by the co-location law. Ms. Daniel asked whether this would apply to stealth structures like stealth silos. Mr. Stidham and Mr. Stearns speculated that for a stealth silo structure, you would have to raise the silo dome so that all antennas could be contained within because attaching external antennas would be a material change. Regarding the issue of allowing stealth silos up to 120 feet, Mr. Stidham said that it is a matter of scale and whether taller silos would fit with the character of the County. Mr. Buckley noted that there is a

stealth silo in Rappahannock County that is clearly taller than a normal silo and obvious that it is not an agricultural silo. Mr. Stidham asked whether he thought it was a bad example and Mr. Buckley replied no and that it is better than a lattice tower in terms of appearance. He added that it does not adversely impact the viewshed but that it definitely appears to be a telephone structure. He said the structure is much taller and has a much smaller diameter than silos in the vicinity which makes it stick out more rather than blend in. Mr. Lee asked about the incentive to the provider to use a stealth silo. Mr. Buckley said he thought it was less expensive and Mr. Turkel said that property owners may prefer the design as a condition of leasing the site. Ms. Bouffault asked for clarification that you could construct a 199 foot WCF as a monopole and Mr. Stidham replied yes and that this is probably close to the maximum height from an engineering perspective. Mr. Turkel and Ms. Bouffault both said that they would be more comfortable with leaving the stealth silo design at a maximum of 80 feet plus the additional height for co-location under Federal law. Mr. Kreider noted that the requirement for having a stealth silo within 50 feet of a barn might be a problem. Mr. Stidham added that if an applicant cannot meet this requirement, then they would likely apply for a non-stealth structure. Vice-Chair Caldwell suggested removing the 50 foot requirement to address this concern and the members agreed.

Mr. Stidham asked about how to address landscaping and perimeter buffering requirements for stealth structures. Vice-Chair Caldwell said that we should go with the 50 foot perimeter buffer with 25 foot landscaped area and give the Commission authority to determine additional landscaping. Mr. Turkel replied that the question is only in regards to the stealth design structures which are different. Mr. Stidham suggested only requiring the perimeter buffer for tree stealth structures and the members agreed. Mr. Buckley asked if freestanding bell towers are allowed in the AOC District. Mr. Stidham replied that they would have to meet the requirements for accessory structures and that bell tower stealth structures would be regulated by the text amendment. Members also indicated that the underground equipment requirement for flagpole stealth structures could be removed.

Mr. Stidham asked about the setback of 100% of the WCF height from habitable structures. Mr. Turkel and Ms. Bouffault said they thought the fall zone setback would apply and Mr. Stidham said that the Subcommittee did not address it. Mr. Turkel recommended using the fall zone setback and the members agreed.

Mr. Stidham asked if there is any concern with the use of the term, "guidance," regarding locating WCFs in Permitted Commercial Tower Development Areas (PCTDAs). Members had no issues with retaining this wording.

Mr. Stidham asked about allowing Class 3 WCFs in the Rural Residential (RR) and Neighborhood Commercial (CN) Districts. Ms. Bouffault said that she would prefer to be lenient on this issue and allow them. Mr. Stidham noted that these zoning districts are located in the core of Millwood and White Post and in Shenandoah Retreat. Ms. Bouffault said that there are existing water tanks in these areas for co-location so from a practical perspective it is unlikely that provider would want to site a tower there. Vice-Chair Caldwell said there is also the issue of Class 5 amateur radio towers in the Historic (H) District. Mr. Stidham noted that these areas are surrounded by multiple AOC-zoned properties, and members indicated that they were fine with the language as written.

Mr. Turkel asked about the 12 foot height requirement for equipment. Mr. Stidham said that he would make sure that this applies to equipment cabinets and not to buildings that house the equipment. He also noted that he will rewrite the site plan requirements for each WCF class to avoid being unnecessarily repetitive. He said if the County Attorney can complete his review soon, he will try to send out materials to the Commission for the April Briefing Meeting a little earlier. Mr. Kruhm asked whether “fall zone” would be moved to the definitions section and Mr. Stidham replied yes.

OTHER BUSINESS

Mr. Stidham gave a brief update on the status of the Hecate Energy solar farm project. He noted that they have proposed minor changes to the site plan that will impact the erosion and sediment control and stormwater management elements. He said that he is planning to address these changes administratively given the scope rather than bring the site plan back to the Commission and Board of Supervisors. Mr. Kreider asked if they have started work on the site and Mr. Stidham said that they have outstanding items in addition to the site plan changes that must be resolved before land disturbance and building permits can be issued. Vice-Chair Caldwell asked about the junk on the property and Mr. Stidham replied that this would have to be addressed during construction and before a certificate of occupancy can be issued.

The meeting was adjourned by consensus at 4:30PM.

Anne Caldwell (Vice-Chair)

Brandon Stidham, Planning Director