

October 1, 2020

PRESENT: George A. Coyner, II, Chairman
 Justine D. Tilghman, Vice Chair
 Thomas W. Bailey
 Daisy A. Brown
 Thomas V. Thacker
 James R. Benkahla, County Attorney
 Sandra K. Bunch, Zoning Administrator and Secretary
 John R. Wilkinson, Director of Community Development
 Beatrice B. Cardellicchio-Weber, Executive Secretary

ABSENT: None

VIRGINIA: At the Called Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 1, 2020 at 10:00 A.M., in the County Government Center, Verona, Virginia.

The staff briefing was held at **10:00 a.m.** in the Board of Supervisors Conference Room where the Zoning Administrator reviewed the staff report for each request on the Board's agenda. Copies of the staff reports can be found in the Community Development Department.

VIEWINGS

The members of the Board of Zoning Appeals assembled at the Government Center and went as a group to view the following:

- ALLEN P. DAHL - SPECIAL USE PERMIT
- TRAVIS SHIFFLETT OR LAUREN SIMPSON - SPECIAL USE PERMIT
- JEFF HOLLAND, AGENT FOR CELLCO PARTNERSHIP DBA VERIZON WIRELESS - SPECIAL USE PERMIT

At each location, the Board observed the site and the premises to be utilized. The Board also viewed the development and the character of the surrounding area.



 Chairman



 Secretary

October 1, 2020

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ABSENT: None

VIRGINIA: At the Regular Meeting of the Augusta County Board of Zoning Appeals held on Thursday, October 1, 2020, at 1:30 P.M., in the County Government Center, Verona, Virginia....

MINUTES

Ms. Brown moved that the minutes from the September 3, 2020, meeting be approved.

Mr. Bailey seconded the motion, which carried unanimously.

RUSTY K. OR KARI G. DAVIS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Rusty K. or Kari G. Davis, for a Special Use Permit to amend operating condition #2 to allow more than three (3) events per month for SUP#20-13 on property they own, located at 106 Zion Church Road, Waynesboro in the Wayne District.

Ms. Kari Davis asked what is the reasoning behind the three (3) events a month?

Chairman Coyner said they would not want to have an event every single weekend.

Ms. Davis asked if it was because of disturbance in the neighborhood or traffic?

October 1, 2020

Chairman Coyner said both.

Ms. Davis stated as of August, the Board approved a request to put a second venue adjacent to ours. She said she is just curious how that is going to coincide with all of their restrictions with traffic for the venues because if she has three (3) a month and theirs are on a different weekend, and there are weekends and months that have five (5) weeks, then they have essentially exceeded the three (3) a month by putting two (2) venues right neighboring each other on the same road and the same side of the street. She said the Shenandoah Valley became the number two (2) destination location for weddings behind Charleston, South Carolina and it is rapidly growing and getting a lot of attraction for a lot of business in our area. She noted with her venue alone they have over two dozen vendors. She said they really do a lot especially when we get out of town people, we send them to all of our vendors in order to really support the community. She said we pride ourselves in supplying our local vendors with business. She stated they are not a year round venue, and will only operate April until October, popular wedding months have been May, June, September, and October. She said July and August are typically not booked because we are not a climate controlled venue, and it is hot and humid and people are on vacation. She said many months have five (5) weekends in 2021. She said if she can only have three (3) events a month, they essentially lose eight (8) events from April to October, which also affects the vendors. She said they have not had any complaints. She said her request now is to have our three (3) limit per month restriction lifted so she can accommodate everyone and operate every weekend that we are in season. She said we currently have three (3) weddings, waiting to hear after today to see if they can book because we have already filled up the calendar. She said they have already hit the three (3) a month limit. She said they have couples just waiting to see if they can get in or otherwise they will have to turn them away to other venues.

Mr. Rusty Davis stated we have been granted twenty-four (24) weekends per year so twenty-four (24) events. He said with this number three (3) per weekend, running from April to October, that gives them twenty-one (21) events with the three (3) per month.

Chairman Coyner said it is your choice just to operate from April to October.

Mr. Davis said they have to winterize the barn because of the weather. He said it is our choice but it has to do with supply and demand. He said he has never really had a request for a July wedding. He said the request is very low in August and very low at the end of June. He said they never have more than three (3) in April. He said May, September and October are high.

October 1, 2020

Ms. Davis said our engineer approved them for 250 people on a weekend right now. She said right now our operating conditions say that we can have 125 on one day and 125 on the other, which kind of contradicts the events. She said according to the operating guidelines, that is not the case because we can only have one (1) event, a weekend. She would also like that limit to be lifted as well and our occupancy for our building and our septic be 250. She said it is setup like a church per weekend so if people come in like you would on a Sunday service and 250 people use the bathroom, then that is regulated for 250 people so essentially when our guests come on that event it works its way through the rest of the week. She said it was worded 125 on a Friday and 125 on a Saturday, but that is not how we want to operate. She stated that she is fine to eliminate July to do that.

Ms. Bunch stated she did not advertise changing the number of attendees and the operating conditions state 200. She said even though the Health Department approved 250, the Board limited it to 200 and it was not advertised to change that number.

Ms. Tilghman asked if she is basically just doing weddings right now?

Ms. Davis said yes but other events may come up. She said they are strictly weddings at this point.

Chairman Coyner asked if they plan on opening up a restaurant?

Ms. Davis stated no. She said they are happy just doing one (1) weekend because their guests get a whole weekend to come set up and be part of our farm and our family for the entire weekend.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed.

Ms. Tilghman stated there could be twenty-six (26) weekends, April through October but the Board has limited it to twenty-four (24) events and she could live with this knowing that there will not be any July events. She said they are only having weddings by their choice. She moved to approve twenty-six (26) events with no events in July.

Ms. Bunch stated you cannot increase the number of events without advertising it.

Ms. Tilghman stated there should be no events in July. She said in April, May, June, August, September and October they could happen every week if it happened to be a five (5) weekend month. She said they are going to have to pick two (2) of those weekends and not have an event. She amended her motion to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Be limited to twenty-four (24) events per year, **April – October, however, no events during the month of July**, and only one (1) per weekend.
- 2. All other operating conditions of Special Use Permit #15-40 and #20-13 remain.

Mr. Bailey seconded the motion, which carried unanimously.

ALLEN P. DAHL - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Allen P. Dahl, for a Special Use Permit to have outdoor storage of commercial vehicles, semi-trailers, and equipment on property owned by Leslie K. Graham, Trustee of Leslie K. Graham Revocable Trust, located at 11 Orchard Hills Square, Staunton in the Beverley Manor District.

Mr. Allen Dahl stated they would like a space to safely store the equipment. He stated they are pretty well shielded from view except on the one side by Food Lion. He said they plan on putting in some trees to shield that side. He said he may come back to talk to the Board about doing something larger on the entire parcel where he might rent stuff out but right now, all we are talking about is for their own use.

Chairman Coyner asked if the storage area will be confined to the chain link?

Mr. Dahl stated yes. He said in the larger plan, he would like to have an office trailer on that spot similar to a contractor yard. He said thirty (30) days might be a little tough to do the turnaround on that. He asked if the Board would give him six (6) months for

October 1, 2020

Balzer to do a plan. He noted that he would hate to move the trailer away and then have to bring it right back.

Chairman Coyner asked if they meet the criteria for an office trailer?

Mr. Dahl stated yes.

Ms. Bunch stated it does need to have an industrialized office trailer label.

Mr. Dahl stated Larry's Homes used this for their sales office. He stated he was selling homes.

Ms. Bunch stated he could do that because he used it as a show model too. She said that was fine but if you're going to use it for just general office, it has to be an industrialized office trailer.

Chairman Coyner stated the applicant needs to screen the site with a ten (10') foot opaque fence or trees and it be maintained.

Ms. Brown asked how tall is the fence now?

Mr. Dahl said it is seven (7') foot all around.

Chairman Coyner stated the screening where the chain link fence is now needs to be tall enough so you cannot see the outside storage from Food Lion's parking lot.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Danny Sandy, 330 Old Greenville Road, Staunton, stated his main concern is where the entrance is going to be and the noise.

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Mr. Dahl stated they come and go on that road that goes up to Food Lion. He said he will not take anything out the back way. He said he does not anticipate a bunch of comings and goings and noise.

October 1, 2020

Chairman Coyner asked if there is a lot of goings and comings to fix this equipment?

Mr. Dahl stated not really. He said the tractors and other stuff will be stored up there so if we are going to use them out on the job we might pick them up and then take them out but no daily back and forth. He said the storage trailers will be used if they have to go in and get some materials out of those trailers.

Ms. Tilghman asked if the only way you can get in is back up that road?

Mr. Dahl said they have a road on the back part of the farm that you could theoretically use but he does not think it is even passable.

Chairman Coyner declared the public hearing closed. He said the objective is to screen the trailers and that the screening be high enough so that it can be screened. He said it should be ten (10') foot with trees or a fence.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of Section 25-673 "Site Plan Contents" of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies including stormwater impacts.
2. The doublewide manufactured home to be removed within sixty (60) days.

Operating Conditions:

1. All equipment, machinery, materials, and semi-trailers be kept in the two (2) acre storage area shown on the site plan.
2. A double row of ten (10') foot high evergreens planted six (6') on center or a ten (10') foot high opaque privacy fence be installed along the front of the two (2) acre storage area and must be maintained at all times.
3. All natural vegetation remain and be maintained to provide adequate screening along the side and rear property lines.

October 1, 2020

- 4. No junk or inoperable vehicles, equipment, or parts of vehicles or equipment be kept outside.
- 5. Site be kept neat and orderly.
- 6. Applicant be permitted to only enter on Orchard Hills Square.

Ms. Brown seconded the motion, which carried unanimously.

TRAVIS SHIFFLETT OR LAUREN SIMPSON - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Travis Shifflett or Lauren Simpson, for a Special Use Permit to expand a non-conforming dwelling no closer than the existing dwelling on property they own, located at 1011 Laurel Hill Road, Verona in the Beverley Manor District.

Mr. Travis Shifflett stated he wants to add a bathroom addition on the left side that is closest to the driveway. He said it will not come out any further than the existing bump out on the house that is already there.

Chairman Coyner said it looks like you are really making some major improvements.

Mr. Shifflett stated yes. He said the bathroom works better on that driveway side than anywhere else. He said it was originally a four (4) bedroom house and then he is doing the twenty (20') foot addition on the back. He said basically he made the whole front of the upstairs a master suite and then there will be three (3) bedrooms in the upstairs, a bathroom and laundry room.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

There being none, Chairman Coyner declared the public hearing closed. He said the Board visited this site this morning.

Ms. Brown stated the house was built in the 1900s and the setback in the zoning regulations were different from today. She said he would be putting the addition in line with the house. She moved to approve the request with the following conditions:

Pre-Conditions:

None

Operating Conditions:

- 1. Applicant obtain a Building Permit for the 6' X 8' bathroom addition.
- 2. Applicant construct the addition no closer than the current survey shows.
- 3. Applicant submit a foundation survey to Community Development.

Ms. Tilghman seconded the motion, which carried unanimously.

JEFF HOLLAND, AGENT FOR CELLCO PARTNERSHIP DBA VERIZON WIRELESS - SPECIAL USE PERMIT

This being the date and time advertised to consider a request by Jeff Holland, agent for Cellco Partnership dba Verizon Wireless, for a Special Use Permit to construct a 199' wireless telecommunication tower on property owned by Tony or Teresa Floyd, located on the south side of Howardsville Turnpike (Route 610), west of the intersection of Howardsville Turnpike and China Clay Road in the South River District.

Ms. Lori Schweller, representing Verizon Wireless, presented a Power Point Presentation to the Board (copy is in the file).

Chairman Coyner asked how big is the building at the site?

Ms. Schweller stated Verizon Wireless no longer uses the shelters that they used to put which used to be about 12' x 8'. She said now they use, like the other carriers, outdoor concrete pads, as opposed to enclosed buildings. She noted there would be a generator on site to make sure the facility continued to work in case of electrical outages.

Chairman Coyner asked how frequently do service people need to go back and forth?

Ms. Schweller stated about once a month to check on the facility and make sure the generator operates. She said there is no lighting at all on the monopole itself. She said

October 1, 2020

there would not be any noise from the site at all except just a periodic testing of the generator which is very quiet. She showed an elevation schematic showing you what they are proposing with the 195' tall monopole. She said it will have a matte stainless steel finish and be non-reflective and the ground equipment at the base would be screened. She said there is a four (4') foot lightning rod which brings the total height to 199'. She stated since there are no airports in the area, it does not need to be lit at all. She said there is room on this monopole for additional wireless providers which would benefit the citizens in the area who have those additional wireless service providers as well.

Chairman Coyner asked how many carriers could be on this tower?

Ms. Schweller stated they show three (3) in order to comply with the County ordinance, but usually in facilities such as this the monopole usually has sufficient structural capacity to hold up to five (5) and even six (6), but they would have to be analyzed if we had more carriers requesting because we have an engineers letter for only up to the three (3) at this point. She said they did do a balloon test to evaluate a potential visual impact and you can see from the map these are the locations where photographs were taken and the red dots indicate locations near the site where the balloon was visible and the blue indicates locations where the balloon was not visible. She said they take those tests and do some more computer modeling in order to create photo simulations of what that monopole would look like from those locations (which she showed the Board). She stated that she is aware that the Board received a couple of letters from neighbors who are concerned about a couple of issues like property values. She noted only 63% have access to broadband and what the study found was a 10% increase in the number of residents with access to internet, which is classified as broadband would see an increase average in home values. She said there was no measurable difference found between the values of homes within a quarter mile of a cell tower than those that were further away according to the study. She said an interesting tidbit from this study was that all the realtors in the study reported that people looking at homes, asked about the quality of the wireless service in the area or check their phones for that service. She noted another concern that was expressed had to do with safety issues. She noted RF emissions are all around us and they are regulated by the Federal Communications Commission which has been regulating them for decades. She said the American Cancer Society also has information about this subject on its web pages and also points out that these types of radio waves are non-ionizing and certainly not thought to be dangerous to human beings.

Chairman Coyner asked if the applicant planned on starting construction soon?

October 1, 2020

Ms. Schweller stated probably building would not start until 2021 but this is a high priority site.

Ms. Brown asked about the sites on Howardsville Turnpike and Interstate 64?

Ms. Schweller stated she does not have any information about those sites but can follow up with the Board.

Chairman Coyner asked if there was anyone wishing to speak in favor, or in opposition to the request?

Mr. Charles Price, 1561 Howardsville Turnpike, Stuarts Draft, stated until a few short weeks ago he knew nothing about cell towers. He said all the information that he ever searched came off the internet and he has not made up any of the information that he is going to share with you. He said he and his wife are 100% against this proposed cell tower being built. He said he chooses to believe that you all will take this into consideration including all of the opposing letters and that this is not for the wellbeing of our community. He said he does not see how you can ignore the opposition and approve this proposal to make one landowner happy. He noted this cell tower reminds him of a prescription drug that is good for one thing but it could have potential negative side effects. He said the research shows the negatives outweigh the positives. He noted these wireless outfits should be made to add a disclaimer just like the pharmaceutical companies do at the end of their commercials disclosing the possible side effects to the health of the human environment. He said in his case, his property values would decrease \$100,000. He said this is totally unacceptable to him. He stated the World Health Organization has listed the RF radiation as a possible carcinogen, meaning causing possible cancer so the radiation is harmful. He stated the closer you are physically located to a cell tower, the more harmful it is and this connects with your whole body causing headaches and memory loss as well as cardiovascular stress, birth defects, and cancer. He said he especially enjoys watching the wildlife in the fields. He said in their research they have found that these towers can possibly destroy egg embryos, which could cause his bird colony to abandon his site. He stated he has read an awful lot about cell towers having a negative impact on them and the environment. He asked the Board to respect the wishes of the community and deny this request. He said he took it upon himself to reach out to his neighbors to see how they feel. He said he created this petition. He noted this petition reflects the whole neighborhood telling the Board, that they do not want a cell tower. He said this will have a negative impact but he said this will not have a negative impact to the Floyds because they do not live here.

October 1, 2020

Ms. Brenda Price, 1561 Howardsville Turnpike, Stuarts Draft, stated they have lived here for 37 years. She said this property has been in the family for over 100 years, therefore, she takes this cell phone tower proposal very personal. She said there were seven (7) of us notified about the cell tower with no specifications, no explanations, no details and a cell phone tower is serious business and should not be taken lightly, especially when you have a whole community opposed to it. She said they are going to be sitting under 24/7 radiation. She is here on behalf of her family and neighborhood to tell you exactly why Howardsville Turnpike is not where a cell tower needs to be especially with one in a three mile radius. She noted the cell tower company will tell you that there is no danger, that is not true because their goal is to put up these cell towers so when 5G does come around, they will have faster speed and it is going to give you more radiation and you are going to be in more danger. She said the more tower power, the more higher the frequency, and the higher the frequency, the more radiation and that is why the cell tower companies are pushing to get them closer and closer. She said the noise from these towers resembles a high pitch of static electricity. She said radiation is invisible, you cannot see it or smell it. She said you cannot even see that it penetrates through the walls, your bodies and everything including plants. She said the American Cancer Society even admits that cell phone towers cause warnings to body tissue. She said we are human beings who did not ask for this and then to my amazement when I read the article from January 2, 2020 from the News Leader, the representative for Apex Tower made out the statement that there is no conclusive evidence published by leading health organizations that it links towers or cell phones to health problems. She noted that is flat out untrue. She noted the representative also made the comment, and she quotes, "I hope we are presenting something that will be pleasing to the County today." She said he did not mention the petitioners. She said the neurological side effects from cell tower activities are too many to list, so she is not going into great detail because she feels pretty sure you guys have heard it and probably read it. She said everybody wants the amenities of a cell tower, they want to have their reception and they want to have everything to get the best bang for your buck, but nobody wants and nobody deserves to live next door to a cell tower. She said the pictures that were shown here are very deceiving. She said the tower will be in view of my sunset in the afternoons (she showed the Board pictures). She said this tower will cause negative impacts on birds and wildlife. She said the birds migrate here to raise their babies. She said they have this site listed as Lyndhurst with a Stuarts Draft address but this is Sherando area not Lyndhurst. She took it upon herself to contact Mr. Weaver who owns a tower and he told her that he has been contacted and they want to upgrade his tower as well. She said it is working and it does just fine. She said three miles up the road, we have radiation already. She asked if anyone has contacted the George Washington National Forest, the Forestry Department, or the US Fish and Wildlife Service. She said the Floyds residence comes right up against the George

October 1, 2020

Washington National Forest which is protected land and we need to respect it. She said Mr. McCauley lives in the area and his name was not on the list of people to contact, and he is probably closer than anybody to the land. She noted that the District Ranger was totally unaware of this because the George Washington National Forest was never contacted. She said the tower will not be concealed like this report says, maybe the base will be, but it's going to be standing out 100 foot over the top of the tree line. She said it really does not belong there. She also reached out to the US Fish and Wildlife Service and there is currently five threatened and endangered species in the area. She said we have a community full of good people, and we do not encourage innovation of our property. She said it makes me sick to my stomach and she cannot eat or sleep. She noted on the report you received from the consultant said that he sees no evidence of unsafe RF exposure levels being generated at this site if construction were to proceed as proposed and in the next paragraph in this report, it says appropriate steps, including warning signage, at the site must be taken to protect the general public site workers from unsafe, RF exposure in accordance to federal regulation. She said it can't be both, which one is it. She said there is no evidence, but the very next paragraph, it tells you that everything has to be posted and it goes on and proceeds to tell you about how it meets the guidelines, but it has to be posted. She said everybody has called her back except for the FCC and she is still waiting to hear something from them. She said it is totally ridiculous to put something like that, in the middle of the neighborhood. She noted this is not the place for the tower, it needs to go on down the road or take it on over to Lyndhurst. She said they do not have cell coverage down that way in Lyndhurst, we have a cell tower three (3) miles up the road.

Ms. Ramona Balsley, 1536 Howardsville Turnpike, Stuarts Draft, stated the tower will be in her front yard and she is strongly opposed. She said they have lived there for forty (40) years and are both at retirement age and we picked where we live on purpose. She said they do not want it. She said she begs to differ that it will not devalue their property. She said she does not want to look at that every day. She wants to see the mountains and the turkeys and deer. She said everyone has the chance of getting cancer from the tower, she had surgery last month for cancer. She is worried about that quite a bit. She does not think this is where it belongs. She said she is strongly opposed.

Mr. Michael Sours, 1582 Howardsville Turnpike, Stuarts Draft, stated he will see the base of that tower and the whole thing sticking up 190' up in the air. He said he has been there for 30 plus years and planning on retiring there. He said he really does not want his taxes increased because of a cell tower. He said his service works fine in this area with Verizon. He said that he does not want to see a tower sticking up there because it will be ugly.

October 1, 2020

Chairman Coyner asked if there was anyone else wishing to speak regarding the request?

There being none, Chairman Coyner asked the applicant to speak in rebuttal.

Ms. Schweller stated that Virginia is a beautiful, beautiful state. She said that she has been doing this work for Verizon for over fifteen (15) years and I don't think I've ever done a cell tower site that wasn't in an absolutely gorgeous location of rolling hills. She said she does understand that people are concerned about their view shed but want to point out that Verizon Wireless is not a tower builder. She said we are trying to improve the service to all in this area and this is for 4G at this point. She noted 5G is not rolling out in Virginia except in certain urban areas like Virginia Beach and Richmond. She said one day we hope to bring 5G to all Virginia but at this point just to be very clear, it is a 4G tower. She noted it is not like an X-ray and it is not like all of the things that have been described. She stated if you use a cell phone, if you use wireless internet then you are using RF emissions. She said it does not matter whether the tower is five (5) miles away or half a mile away. She said it is all around you and that is important to understand. She said it is also important to understand that the FCC regulates wireless facilities. She said she is sure all of you understand that but she just wanted to mention this for the benefit of all of us that because the federal government studies this so carefully and there is a lot of misinformation on websites and it is very scary, but our government reviews all of the valid studies and makes standards for this industry. She said Verizon Wireless complies with the standards of the industry and it is not part of the zoning decision to consider health effects. She wanted to make the audience aware of that even though she knows there are concerns that is taken care of by the federal government as well as the evaluation of environmental, historic, tribal, natural resources. She noted all of these resources are looked at through a long due diligent process. She said they have to go through that and it all has been done. She said this is meant to be a benefit for the County. She said the people who live there right now have great service which happens a lot but their engineers are looking at the modeling and looking at capacity of what is coming down the line and they know the site is needed. She said they do not want to spend \$250,000 to build a new site if it is not needed but we know this site is needed and that is why we are proposing this to you today. She noted unfortunately the site has a name assigned by an RF engineer in an office in Virginia Beach or Richmond and we understand that it is not sitting in Lyndhurst. She said it is just more of an ID than anything else. She did apologize for that confusion on the name of the site.

Ms. Tilghman asked if the 5G towers will be tall towers or short ones?

October 1, 2020

Ms. Schweller stated at this point the 5G that Verizon Wireless has is on very short towers in urban areas and they have to be very close together. She said they are using replacement Dominion poles and electric poles that are very short because that has very short wavelengths. She said it is very different now and she cannot say there will not be another technology, ten (10) years down the road, but these are not 5G towers at this point. She noted it is true that there are signs on the site that have to comply with OSHA and FCC regulations, having to do with technicians who are working right in front of the antennas. She stated that is a very different thing if you are standing eight hours in front of an antenna than if you are 300' away at ground level. She noted if you look at the studies, it is pretty interesting to see how significantly the RF effect of radiation deteriorates as it moves through space and then on a plane. She said when you are on ground level, you are not receiving anything, the signs, referred to earlier have to do with technicians right up against it, in the compound area at the same level as the antennas.

Mr. George Condyles, President of the Atlantic Group of Companies, stated he has been the County's consultant for many years. He stated 5G is the meshing of networks together. He said this 4G network will be able to house in what is called a greater bandwidth, it is limited to the ability for more people to access the network. He said with Covid-19, one thing that is true across the board is that children have had to be educated out of their home remotely and people have had to work out of their home if they met the criteria that was set forth by the federal government. He said this has taxed the existing wireless networks, especially if you look at a school child as a good example, the schools have been handing out hotspots to the students along with some getting a Chromebook. He said hotspots take up bandwidth and every time someone goes on to the network, that is one less channel that is being able to be used. He said even before Covid-19 hit the wireless carriers were seeing their networks being overtaxed. He said now the carriers are trying to play catch up in an attempt to keep up with demand. He said when there are weak areas of coverage, then the carriers need to go in an place a tower. He said larger carriers are looking how to upgrade the existing towers and then how to get that robust coverage out in the rural areas. He said that it is not really Lyndhurst but what happens is, the wireless company picks something in the geographic area and that is probably the biggest crossroads of the town and village and then from there, they make their selections but that name, though, is then recognized by the FCC, and all of the different federal agencies, as the name of the project. He said with RF exposure and that is under the purview of the FCC but he would like to give a little bit of an explanation so the public will have a little bit better view. He said there are two exposures, one is occupational exposure and the other is public exposure. He said the FCC does require that signage is placed on these tower

October 1, 2020

sites, but it comes in three varieties, blue, yellow and red. He said these sites will all have what is called blue colored signs and that falls underneath the FCC guidelines. He said it is basically to warn the public that there is a transmitter here and that it is not a good idea to climb the tower or get up there 195' up in the air but the tradesman or the craftsman who is doing that, it lets him know that there is an active transceiver there but of course he would know because he was sent there to do something. He said in non-ionization, there is no exposure to the public, however, in your decision making process, this is all covered by the Federal Communications Commission. He said there are various reports and studies that have to be done, one is what is called a National Environmental Protection Agency (NEPA) study and another is a historic study and a phase one environmental study and they have to meet certain criteria with the FCC. He stated the applicant has provided their studies and it was reviewed. He said there are no adverse impacts for this tower, therefore, he feels that this application has merit. He stated it has met the criteria that the County sets as well as state and federal government mandates and it should be recommended for approval.

Chairman Coyner asked about the proximity of this tower to another?

Mr. Condyles stated on an analog network those towers could be 5-10 miles apart years ago but when things changed to be digital with 2G and 3G what that did was it made the harmonics of the signal to propagate in a different way and so towers can be 4-5 miles apart, depending on the foliage for 3G. He said if you are rolling into 4G, the sites have to be closer together depending on topography and this is in building penetration. He said this has all the correct setbacks. He said 4G is what we should strive to be here in this area. He said in the Shenandoah Valley this is for reliable 4G with robust data packages.

Ms. Tilghman said people say we have all of the coverage we need. She asked why do we not have all of the coverage that is needed?

Mr. Condyles stated when people refer to have all the coverage it is mostly voice coverage. He said data comes in light, medium and heavy. He said if you want to go on your phone, you know you could probably pull up YouTube and look at your Facebook which would go into the light category. He said when you are going to be on all day with your local high school doing geography or distance learning with a university you are going to need a heavier dose of data.

Ms. Tilghman stated the public demands this, but nobody wants it in their backyard.

October 1, 2020

Mr. Condyles said with the 5G they have to be shorter and be closer together, but we are not there yet.

Ms. Tilghman stated we make a decision but it is within certain limitations.

Ms. Brown asked about the channel card at the bottom of the base but what was the second item that is used?

Mr. Condyles stated the applicant is going to put in a concrete pad that is 11 ½ x 16 with metal cabinets. He explained the tower and the different platforms and antennas.

Chairman Coyner declared the public hearing closed. He said no one wants it in their backyard but it is much needed. He said he appreciated the input from the local citizens.

Mr. Thacker moved to approve the request with the following conditions:

Pre-Conditions:

1. Submit site plan meeting the requirements of **Section 25-673 "Site Plan Contents"** of the Augusta County Zoning Ordinance to be approved by all appropriate departments and/or agencies, including a complete Erosion & Sediment Control Plan and Stormwater Management Plan within two (2) years.
2. The applicant will submit all necessary information and a bond, irrevocable letter of credit, or appropriate surety to comply with Section 25-68.7 "Bonding" of the Augusta County Zoning Ordinance within two (2) years.

Operating Conditions:

1. Be permitted to construct a 195' monopole style telecommunications tower with a four (4') lighting rod.
2. Tower design will allow a minimum of two (2) additional co-locators.
3. The tower will **not be lighted**.
4. The fenced compound area be screened by a **double row of six (6') foot high staggered evergreen trees planted ten (10') foot on center, per section 25-**

October 1, 2020

68.6 of the Augusta County Zoning Ordinance, and the trees be maintained at all times.

5. The applicant will notify the Augusta County Community Development Department within thirty (30) days of the date the tower is no longer used for telecommunications purposes. The tower shall be disassembled and completely removed from the site within 180 days of such notification.
6. The applicant will not unreasonably deny the telecommunications providers the opportunity to co-locate on this tower.
7. The County shall have a permanent and perpetual right of first refusal to place on the tower at any available co-location space (along with sufficient space to locate equipment within the equipment compound) a whip antenna or other antenna or device for public safety purposes that meets the communications goals of the County; provided, however, that the County is responsible for placing and maintaining its own equipment and for removing such equipment once it is no longer in use. Such right of co-location is predicated on the County's following the applicant's co-location intake procedure, which will involve submitting detailed equipment information and paying any fees associated with such application. Prior to accepting a request from a third party to co-locate at a certain location on the tower, the applicant shall offer, in writing, the tower location, along with sufficient space to locate ground equipment within the equipment compound, to the County (the "Notice of Co-Location Opportunity"). If the County does not respond within thirty (30) days of receipt of the Notice of Co-Location Opportunity, the right shall be deemed to have expired as to that location on the tower. If the County responds in writing that it desires to exercise its right of co-location, the County shall have ninety (90) days from receipt of the Notice of Co-Location Opportunity to exercise its right of first refusal to occupy that specified space. The County shall exercise its right of first refusal by signing a binding lease or letter of intent specifying the area to be used, the permitted equipment (including loading limitations), term of use, and rent. If, within ninety (90) days of the Notice of Co-Location Opportunity, the County declines the opportunity or does not enter into a binding lease or letter of intent with the applicant, then the right of first refusal shall expire as to that location on the tower, and the applicant may make that space available to other users, subject to the County's continuing right of first refusal as to other unoccupied locations on the tower.

October 1, 2020

- 8. Construction of the approved project shall commence within two (2) years of final approval and be diligently pursued to completion.

Mr. Bailey seconded the motion, which carried unanimously.

MATTERS TO BE PRESENTED BY THE ZONING ADMINISTRATOR

LOREN CONNER, AGENT FOR FIVE STARS, LLC - EXTENSION OF TIME

A request by Loren Conner, agent for Five Stars, LLC, for a Special Use Permit to have an apartment within a pre-1980 structure on property owned by Five Stars, LLC, located at 1785 Lee Highway, Fort Defiance in the North River District. - **180 DAY EXTENSION OF TIME REQUEST – BZA EXTENDED PERMIT UNTIL OCTOBER 1, 2020 MEETING IN ORDER TO DISCUSS PROGRESS WITH THE APPLICANT.**

Ms. Bunch stated the applicant said it is not feasible for them to go through with the application. She said they will be requesting a cancellation of their permit. She said there is no need for the Board to act on this Extension of Time.

R. ALLEN OR CINDY WEEKLY - EXTENSION OF TIME

A request by R. Allen or Cindy Weekly, for a Special Use Permit to construct two buildings for the existing masonry business and to have outdoor storage on property owned by Gordon O. White, Trustee, located at 2954 Lee Highway, Mount Sidney in the North River District. - **THREE YEAR EXTENSION OF TIME REQUEST**

Mr. Ralph Allen Weekly stated he did not know that he had a deadline on the house. He said that he has been working as many hours as he can. He asked if the Board would give him additional time to complete the project.

Ms. Tilghman moved to approve the three (3) year Extension of Time.

Ms. Brown seconded the motion, which carried unanimously.

October 1, 2020

STAFF REPORT

- 19-67 Five Stars, LLC – Extension of Time Filed – October Agenda
- 19-68 Kent or Amy Shull
- 19-69 Michael D. or Dana W. Lowery
- 19-70 David L. Gardner
- 19-71 CJ Properties of Augusta, LLC
- 19-72 Lively Hope Farm, LLC

Ms. Bunch stated SUP#19-67 will be asking for a cancellation. She noted SUP#19-68 through SUP#19-70 are all in compliance. She noted SUP#19-71 has not submitted their site plan, therefore, staff has sent them a letter. She said SUP#19-72 is in compliance.

Mr. Benkahla discussed the court cases with the Board.

There being no further business to come before the Board, the meeting was adjourned.



 Chairman



 Secretary