

Statement of Justification

Applicant: Milestone Tower Limited Partnership IV, d/b/a Milestone Towers
Site Name: Shackleford Plumbing
Property Address: 1150 White Oak Road, Fredericksburg, VA 22405
Supervisor District: George Washington
Parcel ID No: 56 41
Zoning Classification: A1 (Agricultural)
Property Owner: Charles & Vicki Shackleford

Milestone Tower Limited Partnership IV, d/b/a Milestone Towers, requests a Conditional Use Permit to allow for the construction and operation of a wireless telecommunications facility. The facility will consist of a 150' tall monopole and associated equipment located in a leased compound area screened by an 8' vinyl fence. Milestone also seeks a Conditional Use Permit for the proposed 8' fence; the proposed compound will fall within the required 55' (30' ROW + 25' yard) setback. The overall property is owned by Charles & Vicki Shackleford and is used for a plumbing business.

Current Improvements on and Description of Subject Property

The total area of the parcel is 4.1 acres. It is located at the confluence of White Oak and Chapel Green Roads. The proposed location of the monopole is in the far northwestern portion of the parcel in an area already cleared of trees. The majority of the parcel is utilized by the landowner for a plumbing business and offices. The parcel is zoned A1 (Agricultural). The surrounding area can be categorized as primarily rural-residential in use, with open fields with some dense pockets of tree coverage.

Proposed Use

Milestone requests a Conditional Use Permit to construct a 150' (with 2' lightning rod) tall monopole and associated equipment to house a telecommunications use. The use will be designed to accommodate a minimum of five (5) wireless telecommunications carriers, including T-Mobile. The facility location is approximately 34' from the closest property boundary (north), and 529'3" from the nearest off-site residence. Access to the monopole location will be via a new twelve foot (12') wide gravel access drive that connects with the parcel's existing paved access drive. The Zoning Drawings submitted with the Application, prepared by MRA, Inc, show the site and compound plans and full details of the facility, antennas and related equipment.

Milestone has entered into an agreement with the Shacklefords, pursuant to which T-Mobile will lease space at the site from Milestone to install and operate a wireless telecommunications facility on the Property. T-Mobile will install 9 antennas on the tower in three sectors at a RAD center elevation of 145' above ground level. Detail is provided on sheet C-3 within the Zoning Drawings.

The tower is designed to accommodate four additional telecommunication carriers at RAD center heights of 135', 125', 115', and 105' above ground level. An elevation of the tower showing the location of all antenna platforms is provided on Sheet C-3 of the Zoning Drawings.

T-Mobile will install its equipment cabinets within the fenced compound area. T-Mobile will also place their equipment on a 20' x 10' concrete pad within the compound area. Sheet C-4 of the Zoning Drawings provides the Compound Plan.

The proposed telecommunications use will be a component of T-Mobile's network serving the southern area of Stafford County. The use will not interfere with radio, television or telephone reception and the radio frequency emissions will comply with all applicable EPA and FCC emission requirements. Furthermore, neither the antennas nor the related equipment will produce any noise, fumes, dust, odors, light, glare or vibrations, except at such time as the generator is infrequently tested or used for emergency service.

The proposed telecommunications use will not change the current hours of operation on the property and will operate 24 hours per day, 365 days per year. There are no on-site employees, patrons or clients associated with the proposed use. With the exception of visits to the site one or two times per month for routine maintenance and repairs, the site will not impact local traffic and will not be hazardous or conflict with the existing and anticipated traffic in the area.

Vicinity or general area to be served by the proposed use

The propagation coverage maps included with the application package illustrate the area to be served and the projected improvement in T-Mobile's service with the construction of the proposed site.

The proposed site was selected by T-Mobile to provide and improve wireless coverage. There is a significant need for additional cellular capacity & coverage in this portion of Stafford County and specifically in the vicinity of White Oak Road. This proposed site aims to address these capacity & coverage issues. The site will improve the coverage level in the area surrounding the proposed site as well as work with existing neighboring T-Mobile sites to handoff wireless signals. The proposed facility will relieve capacity on neighboring T-Mobile sites. The proposed facility will improve service and reduce the number of dropped calls.

Conditional Use Permit Provisions

The proposed facility is in compliance with the provisions for Conditional Use Permits contained in Section 28-185 of the Stafford County Zoning Ordinance as presented in the following:

Standards for Issuance (Section 28-185, (d) (1) through (6))

Standard 1. The use shall not tend to change the character and established pattern of development in the vicinity of the proposed use.

Applicants' Response: The undeveloped portion of the property on which the proposed tower will be located is zoned A1. The site has a clear pattern of established development given it's current use. The new facility will serve the numerous rural residences in the vicinity. Views of the new structure from the nearby area will be largely obscured by the existing dense wooded areas and general topography that surround the site. Views from a farther distance will also be obscured by the wooded surrounding and the vegetation in the area. The facility will be unmanned, will not be lighted or create noise or odors, and will not generate traffic on local locals. The proposed use will not adversely affect or change the character and established pattern of development in the vicinity.

Standard 2. The use shall be in harmony with the uses permitted by right under a zoning permit in the land use district and shall not adversely affect the use of adjacent properties.

Applicants' Response: The proposed use will be in harmony with the uses permitted by-right in the A1 zone. The use will not affect the use or enjoyment of adjacent properties or those within the general area and will improve wireless telecommunication services to residents and travelers.

Standard 3. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

Applicants' Response: The proposed telecommunications use will be screened from view at the base with fencing as well as extensive landscaping. The use will be in general harmony with the surrounding area and will not affect the use or future development of the Property or neighboring residential properties. The facility will be unmanned, generate a very small amount of traffic with less than two trips per month, blend with other tall structures on the adjacent electrical power transmission easement and will have minimal land disturbance.

Standard 4. The use shall not adversely affect the health or safety of persons residing or working in the vicinity of the proposed use.

Applicants' Response: The proposed telecommunications facility will meet all federal standards for such uses and will not adversely affect the health or safety of residences or workers in the area. The use will improve services useful for emergency communication. Users in surrounding areas will be provided with improved communication in times of need or dangerous situations.

Standard 5. The use shall not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Applicants' Response: The use will not be detrimental to the public welfare nor injurious to any property or improvements. Minimal land disturbance is required for the facility and the use will not create or generate any adverse side effects.

Standard 6. The use shall be in accord with the purposes and intent of this chapter and the comprehensive plan of the county.

Applicants' Response: The use meets the general standards for conditional permit uses and is in accord with the Comprehensive Plan as below in this Statement of Justification.

Impact Statements

Traffic Volumes and Capacities: The use will generate 1-2 traffic trips per month for routine inspection, repair and maintenance and will not have a negative impact on local streets, roads and highways.

Public Water and Sewer Capacities: The use is unmanned and will not require water or sewer connections and will have no impact on such utilities.

Noise, Dust and Smoke Emissions: Neither the antennas nor the related equipment will produce any noise, dust, emissions or odors.

Compliance with the Stafford County Comprehensive Plan

The proposed use meets the requirements of the Stafford County Telecommunications Plan dated June 2011 and the Criteria and Standards set forth within as follows:

Countywide Siting Criteria: The Telecommunications Plan set the following priorities for the establishment of new telecommunication facilities within Stafford:

- 1. Co-Location on existing buildings or structures**
- 2. Locate on publicly owned lands that are occupied or planned for public buildings or parks**
- 3. Locate in overhead power line corridors**
- 4. Industrial zoned property**
- 5. Agriculturally zoned property**

Applicant Response: There are no other tall structures in T-Mobile's search area that will accommodate the proposed use and meet T-Mobile's technical coverage objectives. Upon review, Milestone identified this property with an area available for development. Milestone is proposing to locate the structure on property that meets the fifth priority of the siting criteria; Agriculturally zoned property.

As provided by the "additional details on siting criteria" under the "Countywide Siting Criteria", the following details are relevant to the application proposal:

1. In November of 2009, the Federal Communications Commission (FCC) voted unanimously to approve new rules for tower siting that will speed up the application process time limits for new and existing telecommunications facilities. The FCC is giving states and localities a so-called “shot clock” for tower siting applications. The new rules give state and local jurisdictions a deadline of 90 days to process collocation applications and 150 days for new telecommunications facility applications. However, when applications are incomplete as filed, the timeframes do not include the time that applicants take to respond to State and local governments’ request for additional information. However, this automatic tolling (the start of the “shot clock”) applies only if the local jurisdiction notifies the applicant within the first 30 days that its application is incomplete. The FCC allows the “shot clock” deadlines to be extended by 90 or 150 days by mutual consent. Note that the “clock” begins at the time between when the application is submitted to the local government and the time it takes the local government to notify the applicant that their application is incomplete. The clock stops once all the information requested is submitted.

Applicant Response: The applicant acknowledges the stated FCC provisions.

2. Priority is to be given to co-location of facilities on water towers, within major utility transmission lines, and other existing suitable tall structures.

Applicant Response: Milestone did not identify any other structure within the search area suitable for collocation and capable of meeting coverage objectives.

3. New telecommunication facilities should be located an appropriate distance from any existing telecommunication facility. Consideration should be given for a reduction in this distance following submission of objective information justifying such request.

Applicant Response: The proposed structure is an appropriate distance from any existing telecommunications facility and will not interfere with any such facility. There are no existing telecommunications structures within T-Mobile’s search area that meet technical coverage requirements. T-Mobile has provided propagation maps within the application package showing the relationship of the proposed site with other existing T-Mobile sites in this portion of Stafford County.

4. Priority is to be given to new facilities proposed for large tracts of industrial or commercially zoned property.

Applicant Response: The proposed new facility will be located on a large tract of property, but is not, however, industrially or commercially zoned.

5. Facilities are not to be located in areas which will have an adverse visual impact upon County historic districts, properties listed in the National and State Register, and other sites deemed significant by Stafford County.

Applicant Response: The proposed facility will not be located in an area that will have an adverse impact on any historic districts or properties.

6. Facilities are not to be located near airports where they may interfere with aircraft operations.

Applicant Response: The FCC TOWAIR Determination was that no FAA filing is required due to lack of proximity to any airport/s.

7. Facilities are not to be located in areas which will have an adverse impact upon gateways into the County.

Applicant Response: The facility is not within nor will have an adverse impact upon a gateway into Stafford County.

8. Priority is to be given to facilities locating within the existing right-of-way/easements established for overhead power lines.

Applicant Response: The facility will not be located in a powerline right-of-way or easement but will be located on land adjacent to overhead power lines.

9. Priority is to be given to facilities locating within the Virginia Department of Transportation (VDOT) right-of-way, along Interstate 95 at interchange and overpass locations.

Applicant Response: The facility will not be located a in VDOT right-of-way or along I-95.

10. Priority is to be given to locating facilities within railroad right-of-way adjacent to industrial or agricultural districts, away from residential concentrations.

Applicant Response: The facility will not be located in a railroad right-of-way but will be located in an agricultural district. The facility will not be within a residential concentration.

11. For the purpose of in-fill or supplemental coverage, priority will be given to the replacement of existing structures at public locations, such as parks, schools, fires and rescue stations, commuter lots and similar locations.

Applicant Response: While the proposed facility will not replace an existing structure, it will be sited near public locations.

12. Outside the Urban Services Area, priority is to be given to facilities proposed to be located interior to parcels, which are designed to minimize their effect upon adjacent properties.

Applicant Response: Site constraints will not allow the proposed facility to be located in the interior of the parcel.

13. Telecommunications facilities are not to be located near government or scientific facilities where they may interfere with the mission of such facilities.

Applicant Response: The proposed facility will not interfere with the mission of government or scientific facilities. Additionally, the facility is not located near government or scientific facilities.

14. Telecommunications facilities are to be located so that they will not interfere with the operations of health care facilities.

Applicant Response: The proposed facility will not interfere with the operations of any health care facility.

15. Location of facilities at or near residential development will be discouraged.

Applicant Response: The proposed facility will be located on an agriculturally-zoned parcel with existing residences nearby, but will be largely buffered by existing vegetation in the area as well as distance between uses. The bottom portion of the tower and the equipment compound will be largely screened from all viewpoints.

16. For the purpose of adding additional services at an existing location, carriers will be permitted to extend the length of an existing facility or remove it, and replace it with a larger facility capable of handling the additional need.

Applicant Response: The application is for a new telecommunications facility.

17. Location of new towers should require public hearings for conformity to this plan.

Applicant Response: The applicant acknowledges the Stafford County public hearing requirements.

18. Telecommunications facilities or other tall structures are to be located so that they will not interfere in the transmission pathways of the County government's telecommunications network.

Applicant Response: The proposed structure will not interfere with the transmission pathways of the Stafford County's telecommunications network.

19. Telecommunications facilities should not be located in or near wetlands, other known bird concentration areas (Federal refuges, staging areas, or rookeries), in known migratory or daily movement flyways, or in habitat of threatened or endangered species.

Applicant Response: The proposed site is not near any floodplain and not near or within wetlands or known bird concentration areas.

20. Carriers are strongly encouraged to consider adding broadband access to any telecommunications facilities they are planning to establish in the County.

Applicant Response: Broadband access is provided by the proposed facility.

Facility Design Standards

1. Facilities should be designed to minimize visual impacts on the surrounding area, particularly near residential development. Technologies to screen the tower and stealthing techniques to make facilities blend with the surrounding development should be pursued. Consideration should be made with regard to existing tree lines, topography, buildings, and paint color of towers.

Applicant Response: Existing vegetation in the surrounding area will serve to mitigate and disrupt views from many vantage points and when the structure is within a view shed only the upper portion will be visible. The Application package includes photosimulations showing the appearance of the facility from vantage points in the area which can be used to assess visual impact.

2. Within rural areas, telecommunications facilities should be located where sufficient tree cover is present to screen the base of the tower, except when located within utility and transportation right-of-ways.

Applicant Response: The telecommunication facility will be located in a rural area; landscaping will be used to mitigate views from most vantage points.

3. Facilities should be constructed to accommodate a minimum of three providers, where height restrictions permit.

Applicant Response: The proposed tower and related equipment compound are designed to accommodate a total of five telecommunication providers with T-Mobile at the top position (145') on the tower.

4. Antennas on structures are to be designed to be compatible with the principal structure's architectural design, color and scale.

Applicant Response: The color and layout of the antenna arrays will be compatible with the structure.

5. Communications facilities should be constructed, sited and appropriately landscaped so as to visually blend into the surrounding areas.

Applicant Response: The facility will be located adjacent to White Oak Road with landscaping planted along the edge of the compound area to provide additional screening if needed. The tower will not be painted as structural steel blends best with the existing environment.

6. Security fencing is to be located at the base of any facility.

Applicant Response: The facility will be enclosed by an eight foot (8') tall vinyl fence.

7. The County should maintain the flexibility to decide on a case by case basis whether a lattice tower or monopole design is best suited for a particular site.

Applicant Response: The monopole design will accommodate up to five telecommunication providers.

8. Setbacks from property lines in agricultural and residential districts should be equal to the height of the communications facility. Exceptions to the setback should be considered if proper screening is provided.

Applicant Response: The applicant intends to provide proper screening as setback requirements cannot be met due to site size constraints.

9. Setbacks from adjoining dwellings should be at a minimum equal to the height of the tower.

Applicant Response: All setbacks from adjoining dwellings exceed the height of the structure. The closest dwelling to the monopole is 529'3" away.

10. Communications facilities should generally be sited toward the interior of the property.

Applicant Response: The proposed facility will be within an open section of the property. It will be located as "interior" as possible given site limitations.

11. Infill sites should be designed to blend in with surrounding structures, such as a light standard, flagpole, within church steeple, on a roof top, or as a component of other suitable tall structures.

Applicant Response: The site will be sited adjacent to existing overhead power lines. There are no other tall structures in the vicinity of the proposed tower site.

12. Facilities located within VDOT Right-of-Way should have a warning beacon regardless of its height.

Applicant Response: The structure is not within VDOT right-of-way.

13. Telecommunications towers requiring lights for aviation safety should use the minimum amount of pilot warning and obstruction avoidance lighting required by the FAA. Unless otherwise required by the FAA, only white (preferable) or red strobe lights should be used at night, and these should be the minimum number, minimum intensity, and minimum number of flashes per minute allowable by the FAA. The use of solid red or pulsating red warning lights should be avoided. Where appropriate, shields should be installed to minimize visibility of the warning lights from the ground.

Applicant Response: The structure is not proposed to be lighted.

14. Construction of new tower facilities should include accommodation of space on the tower and ground lease area for county communication equipment if needed. Such accommodations shall be at no cost to the county to locate equipment on the tower or within an equipment compound.

Applicant Response: Space is available on the proposed facility for use by Stafford County.

Submission Requirements: Section 28-185 (c) (1) a. through (1) f.

As stated under Section 28-185 (c) (1) a through f, the Application package includes the following materials in support of the application:

- a. A completed Application for a Conditional Use Permit on an approved form provided by the Department of Planning and Community Development.
- b. A generalized development plan in accordance with Article XII.
- c. A nonrefundable application fee, as established by the Board of Supervisors
- d. Impact statements on the effects to traffic volumes and capacities, public water and sewer capacities, noise, dust and smoke emissions as part of the Statement of Justification.
- e. Written verification from the county treasurer that all delinquent real estate taxes on the subject property have been paid in full (*Note: this item is not provided as it is a Stafford County-owned parcel and therefore not subject to real estate taxes*)
- f. Traffic impact analysis as outlined in 24 VAC 30-155 shall be submitted when any conditional use permit would generate one hundred fifty (150) or more vehicle trips per day above the existing use and the site would meet the VDOT requirements for TIAs under 24 VAC 30-155 or Stafford County rezoning TIA requirements. Proffers or conditions which limit the vehicle trips per day may be taken into consideration when calculating the maximum development. An addendum or supplementary TIA shall be submitted when required by VDOT regulations.

Conclusion

In light of the foregoing, the Applicant respectfully submits that this Conditional Use Permit Application is in compliance with the Stafford County Zoning Ordinance and Comprehensive Plan. Granting the Applicant's request will be appropriate and in the interest of the citizens of Stafford County.