

BLAND COUNTY PLANNING COMMISSION

Meeting Minutes for April 6th, 2009

Members Present:

Jim Baker, Henry Blessing, Meagan Bradshaw, Guy Boone, Elmer Chewning, Stephen Kelley, and Robert Trobaugh

Members Absent:

John Dodson, Jerry Mercer, Deborah Looney, and R.B. Anderson

Others Present:

Joel K. Cagle, Planning Commission Secretary; Jonathan Sweet, Bland County Administrator

CALL TO ORDER

At 6:30 PM, Planning Commission Vice-Chairman Jim Baker called the meeting of the Bland County Planning Commission to order at the Bland County School Board Office; Bastian, Virginia. The Invocation was given by Vice- Chairman Baker and allegiance was pledged to the flag of our country by everyone present.

ROLL CALL

Planning Commission Secretary Joel Cagle took the roll call and announced that a quorum was present.

APPROVAL OF MINUTES

Vice-Chairman Baker invited a motion to approve the minutes of the March 2nd, 2009 meeting. Commissioner Boone made the motion to approve the minutes of the March 2nd, 2009 meeting; Commissioner Kelley provided the second, and the motion passed unanimously.

NEW BUSINESS

*An application from Michael Lewis requesting a public hearing to rezone Tax Map 13A1-A-2 from Agricultural to Commercial, for the purpose of operating an allowed use of a retail store (#35), specializing in sales and service of computers.

Mr. Lewis approached the Planning Commission and explained the purposed use of the property. The intention is to utilize an existing building to house the computer operation.

A motion was made by Commissioner Kelley to approve a public hearing for the above rezoning request. Commissioner Trobaugh provided the second. The motion passed unanimously.

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PUBLIC HEARING

An application from the County of Bland requesting a CUP to install a 90' self-supporting, communication tower for the purpose of supporting Wireless Broadband equipment; Tax Map # 61A1-A-2; @ 15 Osborne Drive; Owned by the Bland County Board of Supervisors, used at the Mechanicsburg Community Center.

Mr. Sweet, County Administrator spoke on behalf of this application. This site is phase III of the wireless broadband plan for Bland County. Mr. Sweet spoke on the benefits of wireless broadband that would be offered to the Mechanicsburg community in particular and the County in General.

A public hearing was opened, but there being no one registered to speak, was closed by Vice Chairman Baker.

It was explained that the 20 pre-set conditions from Section 62-134 would apply, however due to the County owning the tower some of the restrictions are a mute point.

A motion was made by Commissioner Boone to forward the CUP request to the Board of Supervisors with the following preset conditions as per section 62-134 of the Bland County Code attached.

- (1) A buffer of evergreen screening (trees or hedging) may be required around the entire facility with the exception of any associated office building. A section of fence at least six feet in height shall be provided completely around the base of the tower and any associated equipment.
- (2) As part of the application for a conditional use permit, a site plan of the proposed facility must be submitted to and approved by the zoning administrator. As part of the site plan submittal, the applicant must provide the county with detailed information regarding the proposed facility's location, latitude and longitude, and proposed service area.
- (3) The facility shall not interfere with the radio, television or communications reception of nearby property owners in residence at the time of construction and each subsequent company location. The applicant shall take steps to successfully eliminate any such interference.
- (4) All towers and other structures shall meet all safety requirements of all applicable building codes.

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- (5) All towers and their related compound shall be set back from the property line and related structures, including fences, a minimum distance of 30 feet in the agricultural district and shall be set back from the property line that distance required in the zoning regulations for other zoning districts in which the tower is to be located; provided, however, that set backs may be increased by the board of supervisors as a specific condition of approval for any tower.
- (6) Verifiable evidence of the lack of antenna space on existing towers, buildings or other structures suitable for antenna location, or evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant.
- (7) An engineering report, certifying that the proposed tower is compatible for a minimum of four uses, must be submitted by the applicant.
- (8) Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant.
- (9) Towers may be required to be camouflaged or otherwise made as unobtrusive as possible but otherwise shall only be painted and/or lighted if required by the Federal Aviation Administration, and documentary evidence from the FAA requiring such painting or lighting must be provided to the county by the applicant.
- (10) All applicants must provide documentary evidence that the facility will not exceed applicable health standards established by the federal government and/or American National Standards Institute.
- (11) No advertising of any type may be placed on the tower or accompanying facility.
- (12) All tower structures must be dismantled by the owner of the structure if not properly maintained and if unused for a period exceeding 24 consecutive months. The board of supervisors may require the posting of surety by the applicant in an amount sufficient to cover the costs of dismantling, and the surety shall be submitted to the county prior to the issuance of the conditional use permit.

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- (13) The applicant shall provide evidence that adjoining property owners and other residents of the community have been contacted to discuss specific proposals prior to public hearings before the planning commission and board of supervisors. Prior to the initial public hearing on any application the applicant shall conduct a "balloon" or other demonstration to evidence the location and height of the tower to be constructed with notice of the date and time of such demonstration provided to the adjoining property owners, members of the planning commission, members of the board of supervisors and director of planning. Additionally, such notice of the demonstration shall be advertised for at least one week prior to the demonstration in a newspaper of general circulation.
- (14) All owners of tower structures shall annually on or before January 30 of each year, provide in writing to the county commissioner of revenue the name and address of the owner of all antenna or other structures located on any tower as of January 1 of that year.
- (15) All towers and all antenna located thereon shall obtain all necessary local, state and federal permits, including building permits, prior to construction, provided antennas located on a permitted tower shall not require an additional conditional use permit.
- (16) Any conditional use permit issued hereunder shall expire if the tower is not constructed and has a service provider located thereon within 180 days from approval of the permit by the board of supervisors may grant on extension of up to 180 days for completion of the work.
- (17) As part of the application for a conditional use permit, unless the applicant is a provider of radio, television or communication signals, an executed lease or letter of intent for space on the proposed tower by a provider of radio, television or communication signals shall be submitted. At the time of obtaining a building permit the applicant or tower provider shall provide evidence of a lease for space on the tower.
- (18) The owner of the tower shall notify the County of any changes in carriers or positions that they occupy on the tower and that same information to be provided to the E-911 Coordinator within 30 Days after such changes occur.

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- (19) The owner of the tower shall provide Bland County antenna space on the tower, at no cost to the County, at an elevation of 130' or at another height to be determined jointly by the owner of the tower and the County's Emergency Service Staff to accommodate the County's Emergency Services and other County Communication needs.
- (20) The Owner of the tower shall supply the County with a Coverage Area Map by individual Carrier.

A second was provided by Commissioner Trobaugh, and the vote was unanimous.

OLD BUSINESS

None

ITEMS TABLED FROM PREVIOUS MEETING

None

NEW BUSINESS

Mr. Cagle presented more printed information on wind energy for the Commission's review.

ADJOURNMENT

There being no further business to come before the Planning Commission at this time, Commissioner Trobaugh made a motion to adjourn the meeting; Commissioner Boone provided the second, Vice-Chairman Baker obliged and the meeting was adjourned at 8:05PM.

Respectfully Submitted,

Joel K. Cagle- Secretary
Planning Commission
County of Bland