

Building, Planning & Zoning
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Bath County Planning Commission

Bath County Courthouse – Room 115 – 6:00 P.M.

March 28, 2019

MEMBERS PRESENT: Chairman John Loeffler, Vice-Chair Jason Miller, Monroe Farmer, Lynn Ellen Black, Cynthia Rudnick

MEMBERS ABSENT:

PUBLIC IN ATTENDANCE: Mike Bollinger (press), Dale W. Hill (Apex Towers, LLC), Kim Rexrode, Matthew Ratcliff, Wayne Hiner, Carl Chestnut, Richard Byrd, Wallace Robertson, Dr. Qureshi, Larry Poff, Amy Gwin.

STAFF PRESENT: Sherry Ryder

CALL TO ORDER:

Vice-Chair Jason Miller called the Bath County Planning Commission meeting to order at 6:00 p.m.

PUBLIC COMMENT—MATTERS UNRELATED TO THE AGENDA: None

ADDITIONS OR CORRECTIONS TO THE AGENDA:

Sherry Ryder requested to have the updates to the PSA infrastructure moved to next month. All agreed.

PUBLIC HEARING:

- **Apex Towers, LLC and Daniel and Kimberly Rexrode (Tax Map #: 22-16D) – Application for a Conditional Use Permit to erect a telecommunications tower to serve as a communications tower for Route 220 area from Warm Springs, Virginia to Monterey, Virginia. The property is zoned A-2 (Agricultural General) and A-1 (Agricultural Limited) and comprises 103.06 acres. The property is located in the Warm Springs Magisterial District.**

Vice-Chair Jason Miller passed the gavel to Chairman John Loeffler.

Sherry Ryder: The applicants have made application for a cell tower that will be erected on the property of Mr. & Mrs. Rexrode. The tower will be used as a telecommunication tower for cellular carriers. They have two companies that have expressed interest in co-locating on the tower once it is in operation. Those are AT&T and T-Mobile and that correspondence is in your packet. The tower will be a 250' lit tower (overall height 255' with lighting). There will be a spot for Bath County for emergency communications. The tower, once up and running, should provide coverage along the Route 220 corridor from Warm Springs to Monterey. There could be spots where there is no coverage due to our topography.

There is currently a tower in Warm Springs on Warm Springs Mountain and a tower in Monterey. The new tower would be able to have a line of site to those two towers and create coverage for the areas between those towers along Route 220. There will be space for up to four co-locators on the tower.

It will be a self-support tower with a security fence, utilities, equipment shelter buildings, backup generator, etc. Apex Towers is requesting that a landscaping plan be waived as existing heavy, mature and native vegetation surrounds the proposed compound and lease area. It is in the middle of the woods and the site isn't visible from the highway. The tower obviously will be seen, especially at night with the blinking light. I agree with this request.

There is an existing logging road to the proposed tower site. There will be some water bars located in the existing road along with some excavation in the turns. The E&S application is in the process of being submitted, along with a stormwater permit from DEQ. There will be a total of 1.53 acres disturbed in revising existing road and clearing the area for the tower. The road is about 2300 to 2500 feet long.

The tower will have a 250' minimum setback as set forth in our Ordinances.

In your binder you have; correspondence from Apex Towers LLC, the application, engineering report, correspondence from AT&T and T-Mobile, coverage maps, coverage prediction maps and a set of the preliminary plans. I have not had any opposition to this application. I have had questions, but they have been positive. I have received correspondence today that I was asked to make part of public record.

My opinion based on the foregoing is that the conditional use permit would be compatible and would not be a conflict to the Comprehensive Plan or Land Use Regulations. My recommendation is to approve it. The property is not located within a designated growth area and it fits in with Relevant Section(s): Bath County Land Use Regulations 603.00, et seq and 608.00 et seq. and Comprehensive Plan, page 11-13, 11-14.

Sherry Ryder read letters of support received that day for the public from, Bill Bratton, Bath County 911 administrator Teresa K. Phillips, Carl & Mary Lindsay and Cassie Ailstock.

Mr. Dale Hill of Apex Towers stated the tower would be part of the national First Net Program. After the Sept. 11, 2001 attacks, the federal government realized they had no means of communication across the United States. Virginia was the first to sign on and it is administrated by AT&T.

He is not sure how this will enhance our emergency services yet, but it will. The tower will be illuminated at the top and mid sections. but does have FAA clearance.

Lynn Ellen Black stated she is for the tower, but asked if it would be seen and would it be camouflaged?

Mr. Dale Hill: For many years we have had brown towers, but industries and most planning groups have gone with the galvanized towers. They have been found to have less visibility with the blue sky or grey tree trunks.

Chairman Loeffler: Opened the meeting for public comment.

Many spoke in favor of the project:

Matt Ratcliff – For emergencies and medical calls, this would be a god send.

Wayne Hiner – Works with chain saws cutting tree limbs. Cell phone in your pocket can be handy.

Kim Rexrode – Stated there is little to no cell service from Valley Animal Hospital, Warm Springs, to Route 84 in Highland County. About 25 miles. She works at the Hospital and depends on cell service for electronic medical records on her phone and needs to use a cell extender box at the house. Her husband works for the Hospital transport and also relies on cell service. She also spoke on behalf of the Bolar Volunteer Fire Dept. members.

Carl Chestnut - He thought it would be great for the County and people coming to the County and for hunters and loggers in the woods.

Richard Byrd - Chairman of the Board of Supervisors supports “wholeheartedly” the application. Important for economic development and the safety, health and wellbeing of the County. He stated it was time to move forward.

Wally Robertson – Supports the application and thanked the Rexrodes for providing the land for the tower.

Dr. Qureshi – Stated that his patients have trouble reaching him at home due to no cell service. The County needs cell service in cases of emergency away from the house.

Amy Gwin, Matt Hall and Mark Weiss - Expressed their support.

Chairman Loeffler closed the public hear and opened for Board discussion.

Lynn Ellen Black expressed how happy she was on the large group of support.

Cynthia Rudnick stated her concerns when she was out and about with real estate customers. Having no cell service to call for help if needed.

Chairman Loeffler called for a motion.

Vice-Chair Jason Miller: I make a motion to recommend for approval the Conditional Use Permit between Apex Towers and Kim and Daniel Rexrode. For the purpose of erecting a telecommunication tower. Tax Map # 22-16D. With the landscaping requirements waived. For an indefinite time period on the length of the CUP with the stipulations following suit if the tower should become unused for a time frame of 18 consecutive months, it is to be removed within 6 months following the 18 months.

Mr. Farmer: I second the motion.

VOTE: 5-0 Motion passed.

Sherry Ryder: For everyone here, this application goes before the Board of Zoning Appeals. They make the final determination and they meet at 7:00 p.m. on April 15, 2019 in this same room. They would like to hear from anyone they could on this application.

CHAIRMAN'S REPORT: None

STAFF REPORT

Sherry Ryder: Gave an overview of what was going on.

OLD BUSINESS: Comprehensive Plan

- **Update on PSA infrastructure – map update**

Board moved meeting to next month.

NEW BUSINESS: None

MINUTES:

Chairman Loeffler: We have the minutes for the January 28, 2019 meeting.

Vice-Chair Jason Miller: I make a motion we approve the January 28, 2019 minutes.

Lynn Ellen Black: Second.

VOTE: 4-0-1 approved. (Cynthia Rudnick was absent)

ADJOURN

Mr. Farmer: I make a motion we adjourn.

Lynn Ellen Black: I second.

VOTE: 5-0 Meeting adjourn.

Chairman John Loeffler

Date

4/22/19