

**ACTIONS**  
**Board of Supervisors Meeting of February 11, 2004**

February 12, 2004

<u>AGENDA ITEM/ACTION</u>	<u>ASSIGNMENT</u>
<p>1. Call to Order.</p> <ul style="list-style-type: none"> <li>Meeting was called to order at 9:03 a.m., by the Chairman. All BOS members except Mr. Rooker were present. Also present were Bob Tucker, Larry Davis, Wayne Cilimberg and Georgina Smith.</li> </ul>	
<p>4. From the Public: Matters not Listed on the Agenda.</p> <ul style="list-style-type: none"> <li>Mr. Robert Hague, a resident of Forest Lakes North, said the lakes in Forest Lakes use to be crystal clear and now they are brown. He believes this was caused by the construction in Hollymead. He asked the Board to put off any other major projects in that area.</li> </ul>	
<p>5.2 Resolution to accept road(s) in Running Cedar Court Subdivision into the State Secondary System of Highways.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b>, the resolution.</li> </ul>	<p>Clerk: (Attachment 1) Forward signed resolution and SR-SA form to Steve Snell in Engineering.</p>
<p>5.3. Approval of Department of Fire and Rescue's EMS License Change.</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> the Fire/Rescue Department changing its EMS license from "Advanced Life Support – non-transport" to "Advanced Life Support – transport".</li> </ul>	
<p>5.4 Adopt resolution accepting landowners' offer to sell conservation easement under the ACE Program.</p> <ul style="list-style-type: none"> <li><b>ADOPTED</b> the resolution, accepting Henley Forest's offer to sell a conservation easement to the County, for the amount of \$237, 644 and subject to the terms and conditions contained in the proposed deed of easement and <b>AUTHORIZED</b> the County Executive to sign the final deed of easement for this property.</li> </ul>	<p>Clerk: (Attachment 2) Forward adopted resolution to Ches Goodall in Planning and County Attorney.</p> <p>County Attorney: Proceed as directed.</p>
<p>5.5. SP-2003-07. Gregory R. Gallihugh-Nextel Partners (Sign #59).</p> <ul style="list-style-type: none"> <li><b>DEFERRED</b> to the March 17, 2004 Board meeting.</li> </ul>	<p>Clerk: Advertise the public hearing.</p>
<p>6. SP-03-72. Linda Vest – Alltel (Sign #87).</p> <ul style="list-style-type: none"> <li><b>APPROVED</b> SP-03-72, by a vote of 5:0, subject to the 23 conditions recommended by the Planning Commission.</li> </ul>	<p>Clerk: Set out conditions. (Attachment 3)</p>
<p>7. <b>Public Hearing:</b> Six Year Secondary Road Plan for 2004-2010 and County's Priority List for Road Improvements.</p> <ul style="list-style-type: none"> <li><b>DEFERRED</b> consideration of the approval of the Six Year Secondary Road Plan until March 3, 2004.</li> <li><b>DEFERRED</b> any recommendation to VDOT on the paving of Route 795 until March 3, 2004.</li> </ul>	<p>Clerk: Schedule on March 3, 2004 agenda.</p>
<p>8. From the Board: Matters Not Listed on The Agenda.  <u>David Bowerman</u></p> <ul style="list-style-type: none"> <li>Complimented staff on our website and how user friendly it is.</li> </ul>	

<u>Ken Boyd</u> <ul style="list-style-type: none"> <li>• Asked the Board if they were going to have a joint meeting with the City Council about transportation and water issues.</li> </ul>	
24. Adjourn. <ul style="list-style-type: none"> <li>• The meeting was adjourned at 9:56 p.m.</li> </ul>	

/gas

Attachment 1 – Resolution to accept road(s) in Running Cedar Court Subdivision into the State Secondary System of Highways.

Attachment 2 – Resolution accepting landowners' offer to sell conservation easement under the ACE Program.

Attachment 3 – Conditions of Approval.

**RESOLUTION**

WHEREAS, the street(s) in **Running Cedar Court Subdivision**, described on the attached Additions Form SR-5(A) dated **February 11, 2004**, fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board that the street(s) meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that the Albemarle Board of County Supervisors requests the Virginia Department of Transportation to add the road(s) in **Running Cedar Court Subdivision**, as described on the attached Additions Form SR-5(A) dated **February 11, 2004**, to the secondary system of state highways, pursuant to §33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements; and

BE IT FURTHER RESOLVED that the Board guarantees a clear and unrestricted right-of-way, as described, exclusive of any necessary easements for cuts, fills and drainage as described on the recorded plats; and

FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

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**RESOLUTION**

**RESOLUTION ACCEPTING OFFER TO SELL  
A CONSERVATION EASEMENT UNDER THE ACE PROGRAM**

**WHEREAS**, the County has received an offer to sell a conservation easement under the ACE Program from the owner of the following properties:

- Tax Map 6, Parcel 15 (Henley Forest, Inc. Property)
- Tax Map 6, Parcel 17 (Henley Forest, Inc. Property)

**WHEREAS**, owner offered to sell conservation easement on the respective properties to the County for a fixed purchase price, subject to terms and conditions set forth in the proposed deed of easement enclosed with the County’s invitation to offer to sell, subject to any further revisions deemed necessary by the County Attorney and agreed to by the owner.

**NOW, THEREFORE BE IT RESOLVED** that the Board of Supervisors hereby accepts the offer to sell conservation easement described above, and authorizes the County Executive to execute all documents necessary for completing the acquisition.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby directs the County Attorney to send copies of this resolution to the owner of the properties identified herein, or their contact person.

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CONDITIONS

**SP-03-72. Linda Vest – Alltel (Sign #87).** Public hearing on a request to allow construction of personal wireless fac w/wooden monopole, approx 85 ft in total height & 10 ft above height of tallest tree w/in 25 ft. The proposed fac includes flush-mounted panel antennas & ground equipment, in accord w/Sec 10.2.2.6 of the Zoning. TM 109, P 43C, contains 2.16 acs. Znd RA. Loc on Rt 718 (Murrays Lane), approx 1 mile N of intersec of Murrays Lane & Rt 29. Samuel Miller Dist.

The facility shall be designed, constructed and maintained as follows:

1. With the exception of all changes that would be required in order to comply with the conditions listed herein, the facility including the monopole, the ground equipment building, and any antennas shall be sized, located and built as shown on the construction plans entitled, "Alltel-Hardware River Site", last revised January 8, 2004 and provided herein as Attachment I. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation;
2. The calculation of pole height shall include any base, foundation or grading that raises the pole above the pre-existing, natural ground elevation;
3. The top of the pole shall not exceed seventy-three (73) feet above the finished ground level contour of seven hundred and ninety-five (795) feet, nor shall it exceed a top height of eight hundred and sixty-eight ( 868) feet, as measured Above Mean Sea Level (AMSL);
4. The wooden monopole shall be a brown wood color that is consistent with the trees surrounding the site;
5. The ground equipment cabinets, antennas, concrete pad and all equipment attached to the pole shall be the same color as the pole and shall be no larger than the specifications set forth in the application plans;
6. Only flush-mounted antennas shall be permitted. No antennas that project out from the pole beyond the minimum required by the support structure, shall be permitted. However, in no case shall the distance between the face of the pole and the faces of the antennas be more than twelve (12) inches;
7. No satellite or microwave dishes shall be permitted on the monopole;
8. No antennas or equipment, with the exception of a grounding rod, not to exceed one (1) inch in diameter and twelve (12) inches in height, shall be located above the top of the pole;
9. No guy wires shall be permitted;
10. No lighting shall be permitted on the site or on the pole, except as herein provided. Outdoor lighting shall be limited to periods of maintenance only. Each outdoor luminaire shall be fully shielded such that all light emitted is projected below a horizontal plane running though the lowest part of the shield or shielding part of the luminaire. For the purposes of this condition, a luminaire is a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply;
11. The permittee shall comply with section 5.1.12 of the Zoning Ordinance. Fencing of the lease area shall not be permitted;
12. Site grading and graveling around the site shall be minimized to only provide the amount of space that will be necessary for placement of the monopole and equipment shelter;
13. All proposed grading and construction shall be held outside the dripline of trees to remain. Additional methods of tree protection, including but not be limited to tree protection fencing, shall be provided for the trees that are identified as numbers fifty-three (53), fifty-five (55), ninety-seven

- (97), two hundred and eighty (280), two hundred and eighty-two (282), two hundred and ninety (290), two hundred and ninety-two (292) and seven hundred (700) on the tree survey; and
14. The tree conservation area shall be shown on the construction plans.

Prior to the issuance of a building permit, the following requirements shall be met:

15. Size specifications and other details, including elevation drawings of the antennas and ground equipment shall be included in the construction plan package;
16. Certification by a registered surveyor stating the height of the tallest tree within twenty-five (25) feet that will be used to justify the final height of the monopole shall be provided to the Zoning Administrator.
17. Prior to beginning construction or installation of the pole, the equipment cabinets or vehicular or utility access, an amended tree conservation plan, developed by a certified arborist shall be submitted to the Zoning Administrator for approval. The plan shall specify tree protection methods and procedures, and identify any existing trees to be removed on the site - both inside and outside the access road and lease area. All construction or installation associated with the pole and equipment pad, including necessary access for construction or installation, shall be in accordance with this tree conservation plan. Except for the tree removal expressly authorized by the Director of Planning and Community Development, the permittee shall not remove existing trees within two hundred (200) feet of the facility on the subject parcel. A special use permit amendment shall be required for any future tree removal within the two hundred (200) foot buffer, after the installation of the subject facility;
18. With the building permit application, the applicant shall submit the final revised set of site plans for construction of the facility. During the application review, Planning staff shall review the revised plans to ensure that all appropriate conditions of the special use permit have been addressed;

After the completion of the pole installation and prior to the issuance of a Certificate of Occupancy or to any facility operation, the following shall be met:

19. Certification by a registered surveyor stating the height of the pole, measured both in feet above ground level and in elevation above sea-level (ASL) using the benchmarks or reference datum identified in the application shall be provided to the Zoning Administrator;
20. Certification confirming that the grounding rod's: a) height does not exceed one foot above the monopole; and, b) width does not exceed a diameter of one-inch, shall be provided to the Zoning Administrator; and
21. No slopes associated with construction of the facility shall be created that are steeper than 2:1 unless retaining walls, revetments, or other stabilization measures acceptable to the County Engineer are employed.

After the issuance of a Certificate of Occupancy, the following requirements shall be met:

22. The applicant, or any subsequent owners of the facility, shall submit a report to the Zoning Administrator by July 1 of each year. The report shall identify each personal wireless service provider that uses the facility, including a drawing indicating which equipment, on both the monopole and the ground, are associated with each provider; and
23. All equipment and antennae from any individual personal wireless service provider shall be disassembled and removed from the site within ninety (90) days of the date its use is discontinued. The entire facility shall be disassembled and removed from the site within ninety (90) days of the date its use for personal wireless service purposes is discontinued. If the Zoning Administrator determines at any time that surety is required to guarantee that the facility will be removed as required, the permittee shall furnish to the Zoning Administrator a certified check, a bond with surety satisfactory to the County, or a letter of credit satisfactory to the County, in an amount sufficient for, and conditioned upon, the removal of the facility. The type of surety guarantee shall be to the satisfaction of the Zoning Administrator and the County Attorney.