

County of Loudoun
Department of Planning

MEMORANDUM

DATE: November 3, 2009

TO: Stephen Gardner, Project Manager, Land Use Review

FROM: ^{PG} Pat Giglio, Planner, Community Planning

SUBJECT: SPEX 2007-0009 & CMPT 2007-0011, T-Mobile Beaumeade
2nd Referral

BACKGROUND

The applicant, Nextel Communications, is requesting a Special Exception and Commission Permit to construct a 130' monopole to accommodate a mobile telecommunication facility on a site located near the Washington and Old Dominion Regional Trail (W&OD Trail) and Smith Switch Road at 21260 Smith Switch Road in Ashburn. The subject site is owned by the Virginia Electric and Power Company (VEPCO) and adjoins an existing electrical substation and high-voltage overhead transmission corridor. The subject site is zoned Planned Development-Industrial Park (PD-IP) under the Revised 1993 Loudoun County Zoning Ordinance. In accordance with the Zoning Ordinance, a Special Exception is required for the proposed "telecommunications use" within the zoning district. A Commission Permit is also required to determine if the proposed public facility is in substantial accord with the Comprehensive Plan.

Staff has reviewed the most recent submittal dated September 29, 2009. Staff finds that the submitted materials adequately address and clarify those issues raised in the first referral regarding options for co-location on existing tall structures, signal propagation and the mitigation of potential visual impacts on the surrounding area. Staff finds the proposed construction of a telecommunications facility on the subject site may be justified to provide coverage to the area and that the location of the proposed 130-foot monopole in proximity to the existing electrical substation and high-voltage overhead transmission corridor is supported by Plan policies (*Telecommunications Plan, General Location Policies, Policies 2b & 6*). The proposed monopole and ground-mounted equipment will blend with and are consistent in design, appearance color and height with the existing electrical substation and overhead transmission poles and lines (*Telecommunications Plan, Countywide Visual Impacts, Policies 1 & 3*). It is anticipated that the proposed construction of the telecommunications

facility on the subject site will have a visual impact on the surrounding area, but its affects are negligible when compared to the existing visual impact created by the existing electrical substation and overhead transmission corridor

RECOMMENDATION

Staff finds that the application for a Special Exception (SPEX) is in conformance with the general location and design policies outlined in the Revised General Plan and Strategic Land Use Plan for Telecommunications Facilities. Staff finds that the proposed construction of the telecommunication facility will have a negligible visual impact on the surrounding area and is in conformance with the design guidelines for telecommunication facilities. Staff recommends that the applicant commit to the long-term maintenance and care of the proposed landscape buffer to ensure that the proposed facility is adequately screened. Staff recommends that applicant commit to the proposed details of the facility design and removal of the facility following cessation of use. Staff recommends approval of the Special Exception (SPEX) application with conditions.

Staff finds that the application for a Commission Permit (CMPT) to establish a telecommunication use on the subject site is consistent with the policies of the Revised General Plan and Strategic Land Use Plan for Telecommunications Facilities. Staff recommends approval of the Commission Permit (CMPT).

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

County of Loudoun
Department of Planning
MEMORANDUM

DATE: August 22, 2008
TO: Stephen Gardner, Project Manager, Land Use Review
FROM: Pat Giglio, Planner, Community Planning
SUBJECT: SPEX 2007-0009 & CMPT 2007-0011, Nextel-Jakboub

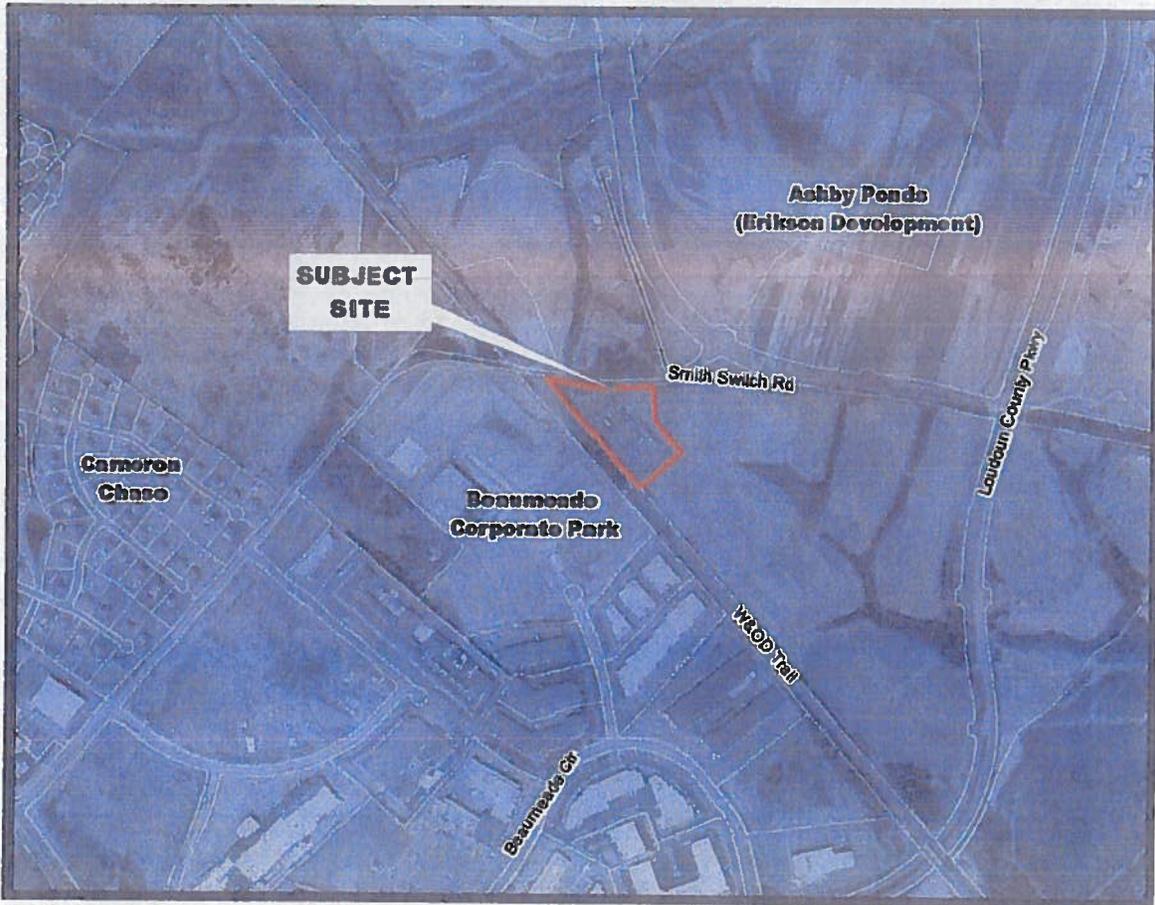
BACKGROUND

The applicant, Nextel Communications, is requesting a Special Exception and Commission Permit to construct a 130' monopole to accommodate a mobile telecommunication facility on a site located near the Washington and Old Dominion Regional Trail (W&OD Trail) and Smith Switch Road in Ashburn. The subject site is owned by the Virginia Electric and Power Company (VEPCO) and adjoins an existing electrical substation. The proposed mobile telecommunication facility will consist of a 130' monopole with an antennae array located near the top of the pole, and two additional antennae arrays further down the pole with space reserved for additional future antennae arrays. A single ground-mounted equipment shelter (12' x 20') and electrical generator will be located on a concrete slab near the base of the monopole within the fenced lease area. Additional areas for future ground-mounted telecommunication cabinets and equipment have been reserved within the lease area. A board on board fence will enclose the lease area that will be screened with a vegetative buffer.

The proposed mobile telecommunication facility is located on a 6.01-acre parcel at 21260 Smith Switch Road. The proposed mobile telecommunication facility is located on the south side of Smith Switch Road (Route 607) and north and east of the W&OD Trail. The subject site is bordered to the south by the existing VEPCO electrical substation and to the north by a vacant wooded parcel. The subject is currently zoned Planned Development-Industrial Park (PD-IP) under the Revised 1993 Loudoun County Zoning Ordinance. A site visit and review of County GIS records did not identify any environmental features on the subject site that would be impacted by the proposed construction.

In accordance with the Revised 1993 Zoning Ordinance, a Commission Permit is required when a public utility or public service facility is constructed. A Commission Permit is used to determine if the general location, character, and

extent of the proposed use is in substantial accord with the Comprehensive Plan. A Special Exception is also required for the proposed use within the zoning district.



COMPREHENSIVE PLAN CONFORMANCE

The site is governed under the policies outlined in the Revised General Plan. The site is located in the Suburban Policy Area within the Ashburn Community. The Revised General Plan identifies the site as suitable for Business uses (Revised General Plan, Planned Land Use Map). The proposed use is specifically governed under the policies of the Strategic Land Use Plan for Telecommunications Facilities (Telecommunications Plan).

ANALYSIS

A. LAND USE

Location

The Telecommunication Plan policies establish a hierarchy of preferred locations for new commercial public telecommunication facilities in the Suburban Policy

Area. The County's first preference for new telecommunication facilities are collocation on existing buildings, towers, monopoles, water tanks, overhead utility transmission line structures and other tall structures over 50 feet in height where possible to minimize the need for new structures (*Telecommunications Plan, Policy 1, p. 3*). Except for areas where towers or monopoles are permitted by right, an applicant for a new commercial telecommunication facility must demonstrate to the County that location on an existing tall structure greater than 50 feet in height is not feasible within a one-mile radius of the proposed site in the Suburban Policy Area (*Telecommunications Plan, Policy 5, p.4*). If it is determined that it is not feasible to locate on existing tall structures for physical, economic or technical reasons the County prefers that new towers or monopoles be located in planned industrial and employment areas where they are the most compatible with the surrounding land uses (*Telecommunications Plan, Policy 2, p. 3*).

The proposed site was selected by the applicant to reduce load at an existing telecommunication facility at 21593 Jesse Court approximately 1.5 miles east of the subject site and to provide improved wireless coverage along segments of Loudoun County Parkway and Smith Switch Road as well the surrounding area. While the construction of a new telecommunication facility may be justified to provide coverage to the area, the applicant has not demonstrated that telecommunication antennas could not be located on existing tall structures within the vicinity of the subject site, most notably the existing high tension utility transmission poles which are approximately 130 feet in height. Several existing high tension utility transmission poles within vicinity of the subject site have telecommunication antennas collocated on them presently.

The County's first preference for new telecommunication facilities are collocation on existing utility transmission poles and other tall structures over 50 feet in height where possible to minimize the need for new structures. Staff finds that existing tall structures (i.e. existing high tension utility transmission poles) are located in proximity to the subject site and requests that the applicant provide additional information to demonstrate that collocation on these structures is not feasible.

Design and Visual Impact

The Plan calls for design standards to mitigate the visual impacts of commercial public telecommunication facilities so as to "blend with the natural and built environment of the surrounding area" (*Telecommunications Plan, Policy 1, p.6*). The Plan directs that specific attention be paid to the setting, color, lighting, topography, materials, and architecture. Antennas and other telecommunication devices should be neutral in color to blend with the background, unless specifically required by the FAA to be painted or lighted otherwise (*Telecommunications Plan, Policy 2, p.6*). Accessory structures and equipment

buildings should also blend with the surrounding environment through the use of appropriate color, texture of materials, scale, landscaping and visual screening (*Telecommunications Plan, Policy 3, p.7*). The Plan also directs that tower and monopole sites should be designed and constructed to the minimum height necessary to accommodate at least three (3) providers and provide sufficient land area for additional equipment buildings unless doing so would create an unnecessary visual impact on the surrounding area (*Telecommunications Plan, Policy B-2, pg. 6*).

The proposed telecommunication facility on the subject site will consist of a 130' monopole with an antennae array located near the top of the pole, and two additional antennae arrays further down the pole with space reserved for additional future antennae arrays. The proposed monopole and superstructure of the antennae arrays is constructed of galvanized metal and will be light grey in color. All the associated wiring and conduit for the antennas will be located on the interior of the pole. The proposed ground-mounted equipment will be screened by an 8 foot tall board on board fence which will enclose the lease area that will be screened by a Type 4 vegetative buffer.



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View southwest , subject site in foreground with existing utility transmission poles and lines in background with collocated antennas on existing pole (center).

The applicant has provided photographs from a balloon test conducted to assess the visual impact of the proposed monopole on the surrounding landscape. The photographs are taken from various vantage points from the public right-of-ways and adjoining properties towards the subject site. The applicant has provided computer simulated color photographs depicting how the proposed monopole may appear from various vantage points. Based on the submitted drawings, photo-simulations, and a site visit to the area, the proposed visual impact created by the proposed 130-foot monopole and ground-mounted equipment will be nominal when compared to the existing visual impact created by the VEPCO electrical substation and the overhead utility transmission poles and lines.

The proposed 130-foot monopole and ground-mounted equipment are consistent in design, appearance and color with the industrial character of the existing VEPCO electrical substation and overhead utility transmission poles and lines. The proposed monopole will be approximately the same height as the existing 130' overhead utility transmission poles and lines adjoining the subject site. Staff recommends that the conditions of approval and general notes of the SPEX plat specify the color, texture, and materials of the proposed monopole and associated ground-mounted equipment shelters to ensure that the proposed construction blends with the existing character of the site and is consistent with the photo-simulations.

Staff finds the design of the proposed telecommunication facility is in general conformance with Plan policies. Staff recommends that conditions of approval and the general notes of the SPEX plat specify the color, texture, and materials of the proposed monopole and ground-mounted equipment to ensure that the proposed facility blends with existing electric substation and industrial character of the area.

Plan policies call for telecommunication facilities to be designed and constructed at the minimum height necessary in order to mitigate any unnecessary visual impact on the surrounding area. Staff requests that the applicant provide commitments from prospective telecommunication providers for the three proposed antennae arrays and the additional locations (EL 110' AGL, 90' AGL and 80' AGL) remaining on the proposed monopole to justify the height of the proposed structure. Propagation studies should also be provided to illustrate the anticipated coverage of the proposed monopole at various heights in association with the existing/proposed network.

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B. SAFETY AND HEALTH POLICIES

Plan policies state "an applicant or its successors shall remove all unused structures and facilities from a commercial public telecommunications site, including towers and monopoles, within 90 days of cessation of commercial public telecommunications use or the expiration of the lease, whichever occurs first, and the site should be restored as closely as possible to its original condition" (*Telecommunications Plan, Policy C2, p. 10*). The applicant has agreed to a condition of approval requiring removal of equipment following cessation of use.

Staff recommends that a condition of approval be included to require removal of the facility following cessation of use.

RECOMMENDATION

Staff finds the location of the proposed telecommunication facility is in general conformance with Plan policies. However, Community Planning staff is not able to recommend approval of the Special Exception and Commission Permit request until such time as additional information to demonstrate that collocation of the proposed antennas on existing tall structure within the vicinity of the subject site is not feasible. Should it be found that collocation on existing tall structures in the vicinity of the subject site is not feasible and that construction of the proposed telecommunication facility is justified, staff requests that the applicant provide commitments pertaining to the color, texture, and materials of the proposed mono-pole and ground-mounted equipment to ensure that the proposed facility blends with the existing electric substation and industrial character of the area. Additionally, staff requests that the applicant provide commitments from future telecommunication providers to justify the height of the proposed structure and demonstrate the need for the facility. Propagation studies should also be provided to illustrate the anticipated coverage of the proposed monopole at various heights in association with the existing/proposed network. Staff also recommends the development of a condition of approval to ensure that the facility will be removed following cessation of use.

Staff would be happy to meet with the applicant to discuss any comments or questions.

CC: Julie Pastor, AICP, Director, Planning
Cindy Keegan, AICP, Program Manager, Community Planning-via email

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: April 23, 2010
TO: Stephen Gardner, Project Manager, Planning
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Nita Bearer, Planner, Zoning Administration
CASE NUMBER AND NAME: SPEX-2007-0009 & CMPT-2007-0011
T Mobile Beaumeade
LCTM: //80//13////C/ MCPI: 060-30-2345
PLAN SUBMISSION NUMBER: 3rd Submission (Revised)

Zoning staff have reviewed the proposed Conditions of Approval and plat associated with the subject special exception application and offer the following comments.

Conditions of Approval

Comments:

1. Condition #2 – Reference the FAA, FCC, State and Federal authorities as well as the County.
2. Condition #4 – (i) Under the 1993 LCZO, antennas and associated equipment are permitted by right. Zoning staff is concerned that requiring the “ground mounted equipment” to be designed and maintained in substantial conformance with the compound detail depicted on Sheet 2 may limit the rearrangement of the equipment within the compound or the addition of equipment. Zoning staff recommends deleting “and ground mounted equipment” in the first sentence. (ii) Reference the FAA and FCC as stated in the revised conditions.
3. Staff recommends the following revision to Condition #5:
 - a. Revise the condition as stated in the COA.
 - b. Delete sheets L1, L2, S1, and S2 from the plan set as these will be addressed at the time of site plan.
 - c. Label the existing front type 4 and the existing east side type 4 landscape buffers on sheets C1 & C2.
 - d. On sheets C1 & C2, illustrate 4 evergreen trees and 2 understory trees adjacent to the compound on the northwest front. Note that the trees shall be a minimum height of 6’ as required by Section 5-1403(A)(2).
 - e. On sheets C1 & C2, illustrate 12 evergreen trees along the eastern perimeter of the access driveway, extending between the rear of the front buffer yard to the southern

compound entrance except where clear visibility shall be provided per Section 5-300(B) at the driveway and ROW intersections. Note that the trees shall be a minimum height 6' as required by Section 5-1403(A)(2).

- f. Add a note on Sheets C1 & C2 indicating that the compound shall be surrounded by an 8' wood slat privacy fence or include this statement in the Conditions of Approval.
4. Condition #6 – For clarity, staff recommends revising the condition as stated in the revised COA.
5. Condition #7 – Staff recommends adding Condition #7 as stated to clarify the requirement for verification from the Metropolitan Washington Airports Authority (MWAA).

Please see the following recommended revisions and additions to the Conditions of Approval.

SPEX 2007-0009 CONDITIONS OF APPROVAL – March 24, 2010

1. **Substantial Conformance** – This Special Exception to permit development of a telecommunications monopole shall be developed in substantial conformance with Sheets T-1, C-1, and C-2 (the “Special Exception Plat”) of the plan set entitled “T Mobile Northeast LLC BEAUMEADE SUBSTATION” dated September 21, 2009, revised through ~~March 23, 2010~~ (insert revision date), prepared by Compass Technology Services (the “Plans”), and incorporated herein by reference. Approval of this application for Tax Map Number /80//13////C/ (PIN# 060-30-2345) (the “Property”) shall not relieve the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. **Lighting** – No permanent outdoor lighting shall be permitted on the facility unless otherwise directed by the County, Federal Aviation Administration, Federal Communications Commission, State or Federal Authorities.
3. **Removal of Equipment** – The Applicant or its successors shall remove all unused related telecommunications facilities and ground equipment from the site, within 90 days of cessation of commercial public telecommunications use or the expiration of the ground lease, whichever occurs first, and restore the site as closely as possible to its original condition.
4. **Design** - The Applicant shall design and maintain the monopole facility ~~and ground mounted equipment~~ in substantial conformance with the "TOWER ELEVATION" and "COMPOUND DETAIL" profiles depicted on Sheet C-2 of the Plans. The monopoles shall include a light grey color scheme, similar to that used in the adjoining VEPCO/Dominion Power electrical substation unless otherwise directed by the Federal Aviation Administration or Federal Communications Commission. All antennae arrays and associated telecommunications equipment shall also include a light grey color scheme, consistent with that used for the monopole.
5. **Landscaping** – ~~The Applicant shall install landscaping in accordance with the following: i. A Type 4 Buffer as depicted on the Plans shall be installed along the perimeter of the compound. The number and type of plantings along the north, south, and east boundaries of the compound shall be consistent with that required for a “Side/Rear” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance. The number and type of plantings along the western boundary of the compound shall be consistent with that required for a “Front” Buffer Yard as noted in Section 5-1414(B) of the Revised 1993 Zoning Ordinance but shall be enhanced to include a minimum of six (6) evergreen trees per one hundred lineal feet. The six (6) evergreen trees shall be in addition to the other plantings required as part of the “Front” Buffer Yard as noted above; ii. Existing plantings may be used to meet any of the afore-mentioned buffering requirements, provided such plantings are consistent with the criteria as outlined in Section i. above. In the event that existing plantings cannot achieve the criteria as outlined in Section i. above, new plantings shall be installed until such is met; iii. A minimum of twelve (12) evergreen trees shall be~~

~~planted along the eastern perimeter of the access driveway and shall extend from Smith Switch Road to the compound entrance. Said evergreen trees shall maintain a minimum height of three (3) feet at the time of planting; and iv. All landscaping shall be maintained in good condition. Any diseased or dying trees and/or shrubs shall be replaced with plantings of a like kind in the vicinity of said plantings removed.~~

At the time of site plan review, the applicant shall demonstrate that a type 4 landscape buffer exists as required by the 1993 Loudoun County Zoning Ordinance along the perimeter of the property on the north front and east side yards in the area of the compound. If the required buffer does not exist, it must be provided. In addition to the required type 4 landscape buffers, the applicant shall provide the additional plantings as illustrated on Sheet C1. Any diseased or dying trees shall be identified, removed and replaced in coordination with the County Urban Forester prior to site plan approval.

(If the existing type 4 landscape buffer is labeled on the plat and the additional plantings are illustrated, remove the first two sentences of this condition.)

6. **Dedication of Right-of-Way** – The owner shall dedicate right-of-way, thirty-five (35) feet from the ultimate centerline, to accommodate the future widening expansion of Smith Switch Road, consistent with that depicted on Sheet C-1 of the Plans. ~~The Owner shall~~ Such right-of-way dedication plat and deed shall be submitted to the County for review, approval execute plats and deeds for said dedication and return said plats and deeds to the applicable party for and recordation prior to site plan approval of for the telecommunications monopole. Neither the property owner nor the Applicant shall receive compensation for the afore-mentioned right-of-way.

7. Since the site is located less than five (5) miles from Dulles Airport, the applicant shall provide verification that the Metropolitan Washington Airports Authority (MWAA) has been notified in writing. Such written certification from MWAA shall be provided prior to first site plan approval.

Special Exception Plat

(If Sheet L-1 is eliminated, disregard 1 through 3.)

1. Section 5-1403(A)(2) requires a canopy tree to have a minimum caliper of one (1) inch dba and evergreen shrubs to be a minimum height of 30" at the time of planting. In the Planting Chart on Sheet L-1, provide the caliper of the proposed canopy trees and clarify the height of the proposed shrubs.
2. The quantity of plants listed in the "Quantity" column of the "Site Landscape Screening - Planting Chart" on Sheet L-1 is not consistent with the amount listed in the "Type 4 Buffer - Front (Proposed)" table.
3. Section 5-1403(A)(2) requires understory and evergreen trees to have a minimum height of 6' at the time of planting. Planting Note #16 on Sheet L-1 indicates that the trees will have a minimum height of 5'.
4. Correct the label for the front landscape buffer illustrated on Sheet C-2. The label indicates that the width of the buffer is 10', instead of 20'.
5. Throughout the plan, the parcel size provided includes the consolidated parcel size as approved in BLAD-2009-0034. On Sheet C-1, Monopole Setbacks, the acreage provided under lot requirement indicates 6.01, the parcel size prior to the boundary line adjustment. Correct the acreage size to be consistent with the BLAD-2009-0034.
6. BLAD-2009-0034 was recorded on 2/22/2010 according to the County Court records. The instrument number is 201002220009693. On Sheet C-1, remove the property boundary that existed prior to the boundary line adjustment.
7. Revise the special exception plat to illustrate the special exception area to include the compound, access driveway, parking area, area of additional plantings adjacent to the northwest front of the compound, and adequate area for the additional evergreen trees to be planted adjacent to the east side of the driveway as required in condition #5.
8. Revise the special exception plat to extend the driveway to provide access to both parking spaces.
9. Include the ground elevation on the illustration of the "Tower Elevation" on Sheet C-2.

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COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: October 27, 2009
TO: Stephen Gardner, Project Manager, Planning
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Nita Bearer, Planner, Zoning Administration *nb*



CASE NUMBER AND NAME: SPEX-2007-0009 & CMPT-2007-0011
T Mobile Beaumeade

LCTM: //80//13////C/ MCPI: 060-30-2345

PLAN SUBMISSION NUMBER: 2nd Submission

Zoning staff has reviewed the second submission of the special exception and commission permit application for conformance with the 1993 Loudoun County Zoning Ordinance.

STATEMENT OF JUSTIFICATION

Section 5-618 – Additional Regulations

1. 5-618(A)(5) – The response does not include the VZW antennas listed in the table of requirements of Section 5-618 on the title sheet. The VZW antennas exceed the maximum 5' height permitted by this section.
2. Section 5-618(B)(1)(b) - This section does not apply as the facility will be located within 750' from a residential district.
3. Section 5-618(b)(3)(E) - The subject application is for a special exception and commission permit. Also, the setbacks referenced do not correspond with the monopole setbacks provided on Sheet C-1 of the special exception plat.
4. Section 5-618(B)(4)(d) does not apply to this application as it refers to monopoles located in private toll roads.

Section 6-1310 – Issues for Consideration

1. 6-1310(F) – If existing trees are to be used to meet the landscape buffer and screening requirements, the area should be included within the special exception area or specified as a tree save area. Please note that at the time of site plan, the applicant must provide verification that the existing trees will meet the type 4 landscape buffer requirements.
2. 6-1310(A) & (O) – According to the Countywide Transportation Plan, the ultimate

condition of this portion of Smith Switch Road is a major collector requiring a 70' ROW and possible accommodation for bicycles. On the plat, illustrate and provide the width of the existing and proposed row-of-way. Zoning staff defers to the Office of Transportation and VDOT for review of the required ROW.

II. SPECIAL EXCEPTION PLAT

1. Approval of a boundary line adjustment, BLAD-2009-0034, to increase the lot area to 7.6387 acres is pending. Upon approval of the BLAD, the special exception plat must be updated to reflect the approved acreage.
2. Correct the title sheet to reflect that the application is for a special exception and commission permit for a telecommunications monopole. Provide the application numbers SPEX-2007-0009 and CMPT-2007-0011 and the correct title.
3. Correct the Vicinity Map to reflect the correct location of the site.
4. In the table of "Loudoun County Telecommunication Ordinance Checklist Requirements" on Sheet T-1, correct Section 5-618(A)(5) to indicate that panel antennas shall not exceed five feet in height as required by the 1993 Loudoun County Zoning Ordinance.
5. Provide the election district (Broad Run) in the Site Summary table.
6. Provide the boundaries and label the special exception area on Sheet C-1. Indicate the lot area and dimensions of the special exception area. Note that the special exception area must include the compound, access, buffer area, and parking area.
7. Verify the information for the adjacent properties and correct the plat.
8. In the "Zoning Summary" table on sheet C-1, indicate that the existing use of the property is an "electrical distribution substation" and the proposed use is a "telecommunications monopole."
9. Remove the names of the proposed users of the compound and monopole from the plat.
10. Clarify why a landscape plan is provided on Sheet L-1 with no reference to landscaping. A type 4 landscape buffer will be required along the front of the site which is adjacent to Smith Switch Road.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: August 28, 2008
TO: Stephen Gardner, Project Manager, Planning
THROUGH: Marilee Seigfried, Deputy Zoning Administrator
FROM: Nita Bearer, Planner, Zoning Administration
CASE NUMBER AND NAME: SPEX-2007-0009 & CMPT-2007-0011
Nextel-Jakboub VA 3891A
LCTM: //80//13/////C/ MCPI: 060-30-2345
PLAN SUBMISSION NUMBER: 1st Referral



I. APPLICATION SUMMARY

Zoning staff has reviewed the above-referenced special exception application for conformance with the 1993 Loudoun County Zoning Ordinance. The parcel is zoned Planned Development-Industrial Park (PD-IP) and is within the Route 28 Taxing District and the Ldn 60 noise contour of the Airport Impact Overlay District. Although the property is located within the Route 28 Taxing District, the property owner chose to be regulated by the 1993 Loudoun County Zoning Ordinance. According to County records, an electric utility substation is located on the property. The materials submitted for review of the application consist of the following:

1. Information Sheet (w/checklist waiver letter, photo-simulations, coverage maps, and threatened and endangered species NEPA Summary Report)
2. State of Justification dated October 23, 2007
3. Plat revised through January 10, 2008

II. CONFORMANCE WITH SECTION 6-1310, ISSUES FOR CONSIDERATION IN REVIEWING A SPECIAL EXCEPTION APPLICATION

Section 6-1310 includes factors that shall be given reasonable consideration when reviewing a special exception application. The applicant should provide a statement of justification and address all applicable factors within the statement. Staff has the following comments:

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1. *6-1310(A) Whether the proposed special exception is consistent with the Comprehensive Plan.*
The applicant has indicated in the explanation that the proposed use is a permitted use pursuant to Section 4-503. The proposed use is a use permitted by approval of a special exception pursuant to Section 4-504(P) as it will be located within 750 feet of a residential district.
2. *6-1310(B) Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*
Staff recommends that a note be added to the plat indicating the method of fire protection that will be provided.
3. *6-1310(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*
The applicant has indicated that the proposed site is adequately screened by an existing stand of mature trees. Please note that, if the applicant proposes to use the existing stand of trees located north and east of the site, it must be demonstrated at the time of site plan that the existing vegetation is adequate to meet the type 4 landscape buffer requirements.

III. CONFORMANCE WITH SECTION 5-618(B)

1. For clarification purposes, please note that the applicant indicated on page 3 of the Statement of Justification that Section 5-618(B)(2)(b) is not applicable to this application. This section is applicable as the site is within 750 feet from a residential district and the special exception is required. Section 5-618(B)(1)(b) is not applicable.
2. As required by Section 5-618(B)(3)(b), the applicant has provided space on the monopole for the minimum three providers. On page 4 of the Statement of Justification, the applicant indicated that other service providers shall be allowed to co-locate provided that future installations will not interfere with existing antennas. In order to alleviate the need for approval of another special exception for the site if additional providers desire to co-locate at the site, zoning staff recommends that the applicant indicate on the plat the maximum number of providers that may be allowed to co-locate on the monopole and to consider whether the proposed special exception area will accommodate equipment for the maximum number of providers.
3. Pursuant to Section 5-618(B)(3)(c), the approved height of the monopole shall include the antennae height. Include the antennae height in the height of the monopole requested.
4. State the text of Section 5-618(B)(3)(m) regarding removal of unused equipment and facility on the plat.
5. On page 6 of the Statement of Justification, the applicant referenced an FAA determination as required by Section 5-618(B)(3)(n). Zoning staff could not locate the determination in the packet.

IV. OTHER ZONING COMMENTS

1. On the plat, provide a table of the required lot and building requirements as required by Section 4-500 and what is proposed and the required and proposed setback from the W&OD Trail as required by Section 5-900(B).
2. Also on the plat, provide a table of the requirements of Section 5-618(B) and what is proposed.
3. On Sheet C-1, the applicant has indicated a setback of 86' for the front yard setback under "Proposed Tower Setback from Residentially Zoned Properties." According to the plat, the monopole is set back 180' from the residentially zoned property. Also, please note that the east side and rear of the monopole area is not adjacent to residentially zoned property.
4. For clarification purposes, as the Zoning Ordinance contains a section specific to "towers," please replace all references to a "tower" with "monopole" as this application pertains to a monopole site.

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County of Loudoun

Office of Transportation Services

MEMORANDUM

DATE: August 15, 2008
TO: Stephen Gardner, Project Manager, Department of Planning
FROM: Art Smith, Senior Coordinator, Planning and Development
SUBJECT: SPEX 2007-0009, CMPT 2007-0011
Nextel – Jakboub VA 3891 A
First Referral



Background

These applications, a Special Exception and a Commission Permit, would allow the construction of a 130 foot monopole and a 240 square foot equipment shelter. The project site is located on the south side of Route 607, Smith Switch Road, immediately east of the W&OD trail. It is expected this facility will generate less than 1 vehicle trip per day.

Currently, this section of Route 607 is an unpaved gravel surface road. Latest 2005 VDOT traffic counts indicate daily traffic volumes of approximately 900 ADT. Improvement of the section of Route 607 is not on the Secondary Road Program nor are there any existing private sector proffers.

Issues

1. The applicant should consult VDOT's referral for any entrance requirements.
2. At some point in the future there will likely be a grade separated Route 607/W&OD crossing. This facility has not been designed nor is there any allocated funding. However, the applicant should be aware that this future facility could impact driveway access to the tower.

Conclusion

OTS has no objection to the approval of this application.

ATTACHMENT 1_c.

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

October 28, 2009

DAVID S. EKERN, P.E.
COMMISSIONER



Mr. Stephen Gardner **MSC#62**
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
Leesburg, Virginia 20177-7000

Re: **SPEX 2007-0009 & CMPT 2007-0011 T-Mobile Beaumeade**
(formerly Nextel-Jakboub VA3891A)
Loudoun County

Dear Mr. Gardner:

I have reviewed the above plan as requested in your submittal dated October 19, 2009, and received on October 23, 2009. The following comments are offered:

1. A 30' wide commercial entrance is required at the access point to the public street.
2. Frontage improvements should be provided across the entire site frontage of Smith Switch Road.
3. This site has been permitted to delay frontage improvements in the past. It is now time to construct the frontage improvements with the increased use on this site.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Mr. Imad Salous

spex2007-0009se2TMobileBeaumeadeNextelJakboubVA3891A.10-28-09SG

ATTACHMENT 1 *a.*

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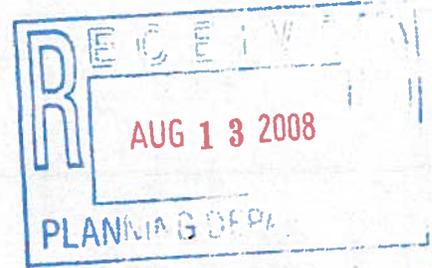


COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)
August 8, 2008



Mr. Stephen Gardner **MSC#62**
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
Leesburg, Virginia 20177-7000

Re: SPEX 2007-0009 & CMPT 2007-0011 Nextel-Jakboub VA3891A
Loudoun County

Dear Mr. Gardner:

I have reviewed the above plan as requested in your submittal dated July 30, 2008, and received on August 4, 2008. The following comments are offered:

1. A 30' wide commercial entrance is required at the access point to the public street.
2. Frontage improvements should be provided across the entire site frontage of Smith Switch Road.

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Mr. Imad Salous
spex2007-009se1NextelJakboubVA3891A.B-8-08SG

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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359

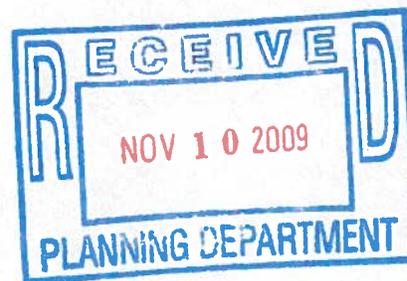


Memorandum

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: November 9, 2009
Subject: T Mobile - Beaumeade, Second Referral
SPEX 2007-0009 & CMPT 2007-0011

Thank you for the opportunity to review the second submission of the above captioned application. The Fire and Rescue Planning Staff has no comments

If you have any questions or need additional information, please contact me at 703-777-0333.



c: Project file

Teamwork * Integrity * Professionalism * Service

ATTACHMENT 1 e.

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LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management
803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Stephen Gardner, Project Manager *aw*
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: September 5, 2008
Subject: Nextel – Jakboub VA
SPEX 2008-0009 & CMPT 2008-0011



Thank you for the opportunity to review the above captioned application to allow a monopole and associated equipment facility in the PD-IP Zoning District. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

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**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Stephen Gardner, Project Manager, Planning Department (MSC #62)
From:  Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)
Through:  Mark A. Novak, Chief Park Planner, Facilities Planning and Development
CC: Diane Ryburn, Director

Steve Torpy, Assistant Director
Su Webb, Chairman, PROS Board, Catoclin District
Michael Capretti, PROS Board, Broad Run District
Robert C. Wright, PROS Board, Open Space Member
James E. O'Connor, PROS Board, Open Space Member

Date: October 22, 2009

Subject: T Mobile Beaumeade SPEX 2007-0009 & CMPT 2007-0011
2nd Submission of former Nextel-Jakboub VA 3891A

Election District: Broad Run **Sub Planning Area:** Ashburn

MCPI # 060-30-2345

PRCS Staff reviewed the 1st Submission of these applications on August 20, 2008. These applications were previously submitted under the name "Nextel-Jakboub VA 3891A." T Mobile Northeast LLC has since taken over the project, and Nextel and Verizon will become partners later in the project. Since no major changes have occurred to the proposal, PRCS offers no objection to the approval of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.



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**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Stephen Gardner, Project Manager, Planning Department (MSC #62)
From: Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)
Through: Mark A. Novak, Chief Park Planner, Facilities Planning and Development
CC: Diane Ryburn, Director
Steve Torpy, Assistant Director
Su Webb, Park Board, Chairman, Catoctin District
Michael Capretti, Park Board, Broad Run District
Date: August 20, 2008
Subject: Nextel-Jakboub VA 3891A (SPEX 2007-0009 & CMPT 2007-0011)
Election District: Broad Run **Sub Planning Area:** Ashburn
MCPI #: 060-30-2345



BACKGROUND AND ANALYSIS:

Nextel Communications of the Mid-Atlantic is applying for a Special Exception and Commission Permit to construct a 130-foot monopole and associated 240 sq. ft. equipment shelter in the PD-IP Zoning District. The Property is located within the Broad Run Election District at 21260 Smith Switch Road. The Property is east of the Village of Ashburn.

The Applicant is seeking the approval of this application to permit a monopole with 12 antennas to provide adequate Nextel service in the area of Ashburn. The Applicant is seeking approval of this site near Loudoun County Parkway to reduce the load at their Broad Run facility. The Applicant is submitting this application under the guidelines for the "Strategic Land Use Plan for Telecommunications Facilities" adopted as part of the Comprehensive Plan with CPAM 1996-0003. The Policy states that, "[t]he County's first preference is to have new antennas collocate on existing tall structures, monopoles, and towers in order to minimize the need for new monopoles and towers."

RECOMMENDATIONS:

PRCS supports any and every effort made by the Applicant to utilize the proposed site, given that other large electrical transmission lines and transformers are located nearby.

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Along with appropriate color, design and setting, this "blending" with other large equipment is essential so that the tower will not stand alone and will not further adversely affect the viewsheds of eastern Loudoun County. PRCS defers all other environmental and planning comments to the Environmental Review Team (ERT) and Community Planning, and offers no objection to the approval of this application.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated 9-30-09 for the application of
(enter date of affidavit)

T-Mobile Northeast LLC
(enter name(s) of applicant(s))

in Application Number(s): SPEX 2007-0009 + CMPT 2007-0011
(enter application number(s))

I, Sean P. Hughes, do hereby state that I am an

(check one) applicant (must be listed in Paragraph B of the above-described affidavit)
 applicant's authorized agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one) I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (enter today's date)

I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

Paragraph B-1
 Paragraph B-2
 Paragraph B-3

Paragraph C-1
 Paragraph C-2
 Paragraph C-3

WITNESS the following signature: Sean P. Hughes

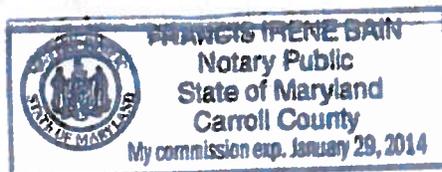
(check one) applicant applicant's authorized agent

Sean P. Hughes, Applicant's Authorized Agent
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this April day of 21, 2010,
in the State/Commonwealth of Maryland, County/City of Howard

Francis Irene Bain
Notary Public

My Commission expires: 1/29/2014



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I, Sean P. Hughes, do hereby state that I am an

Applicant

Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): SPEX 2007-0009 & CMPT 2007-0011

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

<i>PIN</i>	<i>NAME (First, M.I., Last)</i>	<i>ADDRESS (Street, City, State, Zip Code)</i>	<i>RELATIONSHIP (Listed in bold above)</i>
	Virginia Electric & Power Co. (Dominion Virginia Power)	Tax Dept. 17 th /OJR Attn: J. Wagner, PO Box 26666, Richmond, VA 23261-6666	Title Owner
	T-Mobile Northeast LLC	12050 Baltimore Avenue Beltsville, MD 20705	Applicant
	Lake Murray Consulting, LLC	14510 Dorsey Mill Road, Glenwood, MD 21738	Agent for Applicant
	COMPASS Technology Services, Inc.	5449 Bells Ferry Rd., Acworth, GA 30102	Agent for Applicant

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)
Virginia Electric & Power Co. (Dominion Virginia Power), Tax Dept. 17th/OJR Attn: J. Wagner
PO Box 26666, Richmond, VA 23261-6666

Description of Corporation:

- There are 100 or fewer shareholders and all shareholders are listed below.
- There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.
- There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

<i>SHAREHOLDER NAME</i> (First, M.I., Last)	<i>SHAREHOLDER NAME</i> (First, M.I., Last)

Names of Officers and Directors:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. President, Treasurer)

Check if applicable:

- There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)
T-Mobile Northeast LLC, 12050 Baltimore Avenue, Beltsville, MD 20705

Description of Corporation:

- There are 100 or fewer shareholders and all shareholders are listed below.
- There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.
- There are more than 500 shareholders and stock is traded on a national or local stock exchange.

*See attached disclosure statement of Corporate Ownership Schedule

Names of Members:

T-Mobile USA, Inc.

Names of Officers and Directors:

Rene Obermann	Chairman
Robert P. Dotson	President and Chief Executive Officer
Brian Kirkpatrick	Executive Vice President and Chief Financial Officer
David A. Miller	Senior Vice President, General Counsel and Secretary
Susan Nokes	Senior Vice President, Chief Customer and Operations Officer
Cole Brodman	Senior Vice President and Chief Technology and Innovation Officer
Neville Ray	Senior Vice President, Engineering Operations
Robert Strickland	Senior Vice President and Chief Information Officer
Denny Marie Post	Senior Vice President and Chief Marketing Officer
Larry Myers	Senior Vice President and Chief People Officer
Peter Ewens	Senior Vice President, Corporate Strategy and Development
John Birrer	Senior Vice President, Customer Service
Susan Sallee	Vice President, Accounting and Controller
H. "Skip" Cornett	Vice President, Tax
Lauren Venezia	Vice President, Deputy General Counsel and Assistant Secretary

Check if applicable:

- There is additional Corporation Information. See Attachment to Paragraph C-2.

**ATTACHMENT TO PARAGRAPH C-2
CORPORATE OWNERSHIP SCHEDULE**

<u>Entity</u>	<u>Members/Shareholders</u>	<u>Ownership</u>
T-Mobile Northeast LLC with Greater than 5% ownership.	T-Mobile USA, Inc. 12920 SE 38 th Street Bellevue, WA 98006	100%
T-Mobile USA, Inc. shareholders with Greater than 10% ownership of ANY Class of Stock	T-Mobile Global Holding GmbH Kennedyallee 1-5 53175 Bonn, Germany	100%
T-Mobile Global Holding GmbH shareholders with Greater than 10% ownership of ANY Class of Stock	T-Mobile Global Zwischenholding GmbH Friedrich-Ebert-Allee 140 53113 Bonn, Germany	100%
10% or greater shareholder of ANY class of stock of T-Mobile Global Zwischenholding GmbH	Deutsche Telekom AG Friedrich-Ebert-Allee 140 D-5311 Bonn, Germany	100%
10% or greater shareholder of ANY class of stock of T-Mobile Global Zwischenholding GmbH	Deutsche Telekom AG Friedrich-Ebert-Allee 140 D-5311 Bonn, Germany	Approx. 14.82%
10% or greater shareholder of ANY class of stock of Deutsche Telekom AG	Federal Republic of Germany (FRG)	
Deutsche Telekom AG is a publicly traded company.	Address for the FRG: % Federal Ministry of Finance Wilhelmstr. 97 10117 Berlin PA.: PO Box 272 10117 Berlin Kreditanstalt fuer Wiederaufbau (KfW), a bank controlled by the German Government Address for KfW: Palmengartenstrasse 5-9 60325 Frankfurt am Main	Approx. 16.87%

*Publicly trade on NYSE under trading symbol DT.

DEFENDANT'S CORPORATE DISCLOSURE
STATEMENT – Page 3

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)
Lake Murray Consulting LLC, 14510 Dorsey Mill Road, Glenwood, MD 21738

Description of Corporation:

- There are 100 or fewer shareholders and all shareholders are listed below.
- There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.
- There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>
Sean P. Hughes	

Names of Officers and Directors:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>
Sean Hughes	President

Check if applicable:

- There is additional Corporation Information. See Attachment to Paragraph C-2.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, **and if such corporation is an owner of the subject land**, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)
COMPASS Technology Services, Inc., 5449 Bells Ferry Road, Acworth, GA 30102

Description of Corporation:

- There are 100 or fewer shareholders and all shareholders are listed below.
- There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.
- There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

<i>SHAREHOLDER NAME (First, M.I., Last)</i>	<i>SHAREHOLDER NAME (First, M.I., Last)</i>
Jan C. Massey	Fran W. Massey
Walter M. Prather	Paula F. Prather
Geoffrey M. Eggers	

Names of Officers and Directors:

<i>NAME (First, M.I., Last)</i>	<i>Title (e.g. President, Treasurer)</i>
Fran W. Massey	President
Paula F. Prather	Vice President
Walter M. Prather	Secretary
Sandra L. Densmore	Treasurer

Check if applicable:

- There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

(check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>

Check if applicable:

Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

a. One of the following options **must** be checked:

- In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:
- Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

- Additional information attached. *See Attachment to Paragraph C-4(a).*

b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state). None

Check if applicable:

- Additional information attached. *See Attachment to Paragraph C-4(b).*

c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state). None

Check if applicable:

- Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

Sean P. Hughes

check one: Applicant or Applicant's Authorized Agent

Sean P. Hughes, Agent for Applicant

(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 30th day of September 2009, in the State/Commonwealth of Maryland, in the County/City of Howard

Nancy Johnson
Notary Public

My Commission Expires: 4/28/2012

Notary Registration Number: _____



Statement of Justification for T-Mobile CMPT and SPEX application for a new 130' Monopole to be located at 21260 Smith Switch Road, Ashburn

Applicant: T-Mobile

12050 Baltimore Avenue
Beltsville, MD 20705



Representative: Sean Hughes
703-906-0184
shugheslaw@comcast.net

T-Mobile Site #WAN 493- Beaumeade
Property Owner: VIRGINIA ELECTRIC & POWER COMPANY
Tax ID #: 060-30-2345
Tax Map/Parcel: 80/13/C
Zoning Designation: PDIP
District Broad Run
Acreage: 6.01

Pursuant to Section 15.2-2232 of the Code of Virginia, Nextel Communications of the Mid Atlantic, Inc. ("Nextel"), by and through their agent, General Dynamics Information Technology ("GDIT"), hereby requests a determination that the proposed wireless telecommunication application described herein is in substantial accordance with the Loudoun County Comprehensive Plan. We appreciate your time and consideration in review of this application for Special Exception and Commission Permit.

Description of Proposed Use:

Nextel requests review and approval of a proposed telecommunications facility to be located on the northeast side of the existing VEPCO substation at 21260 Smith Switch Road. The coordinates of the site are 39° 01' 36.1"N and 77° 27' 24.2"W. The current use of the subject property is an electric utility transmission substation. The purpose of the proposed facility is to reduce load at site #VA0458-Broad Run, located at 21593 Jesse Court, and improve coverage along Loudoun County Parkway, Smith Switch Road and the surrounding area.

The proposed facility will include installation of a new 130' monopole to include antennas to be located at heights of 100' AGL and 130' AGL with space remaining for fixture antennas. Nextel will locate twelve (12) DEN antennas measuring 48" in length at a height of 100' and three (3) CDMA antennas at 130'. Additionally, the proposed facility will include one 12'x20' equipment shelter and backup power

generator. The proposed facility will be located within a 2760 sf fenced compound. The proposed facility will function as a base transmission station for Nextel's wireless telecommunication network. This digital network operates with a transmitting frequency between 851-866 megahertz and a receiving frequency between 806-821 megahertz. The proposed facility is subject to the standards of Section 5-618. The proposed facility will comply with the standards set forth in Section 5-618 as well as the general special exception standards of Section 6-1310.

5-618 Telecommunications Use And/Or Structures. The following performance standards shall be applied to telecommunication uses and/or structures.

(A) Antennas. Structure mounted and rooftop mounted antennas and related unmanned equipment may be developed subject to the performance standards below to the extent permitted by right in the district use lists.

(1) Antennas and related unmanned equipment are permitted on an existing telecommunications monopole, telecommunications tower, or structure forty (40) feet or greater in height in all zoning districts subject to the performance standards outlined in this section. The height of the proposed monopole will be 130 feet. The subject parcel is located in PDIP zoning district.

(2) Notwithstanding the height requirements in Section 5-618(A)(1), antennas and related unmanned equipment are permitted in all zoning districts on buildings and structures owned or controlled by a public use or fire and/or rescue company. N/A

(3) Such antennas and related equipment may exceed the maximum building height limitations, provided the use is in accordance with the development criteria herein. The construction and use of the proposed facility shall be in accordance with these criteria.

(4) Omni directional or whip antennas shall not exceed twenty (20) feet in height or seven (7) inches in diameter and shall be of a material or color that matches the exterior of the building or structure. N/A

(5) Directional or panel antennas shall not exceed five (5) feet in height or two (2) feet in width and shall be of a material or color which matches the exterior of the building or structure. The proposed antennas will measure less than five (5) feet in height and two (2) feet in width and appropriately blend in material and/or color with the existing surroundings and structure. Specs and/or sketches of the antennas are or will be supplied as.

(6) Satellite and microwave dish antennas shall not exceed six (6) feet in diameter and shall be screened from public view. N/A

(7) No commercial advertising shall be allowed on any antenna. No advertising shall be located on the antennas or within the proposed compound.

(8) Signals or lights or illumination shall not be permitted on any antenna, unless required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County. Lighting is not required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County. No signals, lights, or illumination will be located on the antenna.

(9) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per user on each site. Structures shall not exceed 12 feet in height. If located within the structure upon which the antennas are mounted, they may be located in the areas which are excluded from the determination of net floor area without changing the exclusion of those areas from the calculation of the density of the structure. The structure shall be of a material or color that matches the exterior of the building or structure. As detailed in the attached drawings, the proposed equipment shelter measures 240 square feet in area and will not exceed 12 feet in height. The exterior of the proposed shelter shall be of a neutral color to blend in with the surrounding area.

(10) If the equipment structure is located on the roof of a building, the area of the equipment and structures shall not occupy more than twenty-five (25) percent of the roof area. N/A

(B) Monopoles. Monopoles and related unmanned equipment structure(s) may be developed as a permitted or special exception use, as listed below:

(1) Monopoles, Permitted By Right. Monopoles shall be permitted by right subject to the performance criteria listed in Section 5-61 8(B)(3), in the following situations:

(a) In all zoning districts, if located within an overhead utility transmission line right of way with existing structures greater than eighty (80) feet in height. N/A

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, or MR-HI zoning districts provided it is located 750 feet or greater from an adjoining residential district. N/A.

(c) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, when accessory to a fire or rescue station. N/A

(2) **Monopoles, Special Exception Required.** Except as provided above, telecommunications monopoles shall be permissible subject to approval of a special exception and subject to the performance standards listed in Sections 5-618(B)(3) and 5-618(B)(4), in the following situations:

(a) In the AR, A-10, TR, JLMA-1, JLMA-2, JLMA-3, A-3, CR-1, CR-2, CR-3, CR-4, PD-TREC and RC zoning districts, except as provided in Section 5-618(B)(1)(c), and in the CLI, PD-CC(CC), PD-CC(SC), PD-CC(RC), PD-TC, PD-UC, PD-TRC and PD-CV zoning districts. N/A

(b) In the PD-OP, GB, PD-GI, PD-SA, PD-IP, PD-RDP, and MR-HI zoning districts when located 750 feet or closer from an adjoining residential district

(c) In all zoning districts, except PD-H, R-districts, PD-AAAR, and PD-RV, as an accessory use to a fire and rescue station, except as provided in Section 5-618(B)(1)(c). N/A

(d) In all zoning districts, within the right of way of a private toll road. N/A

(3) **Monopoles, General Performance Criteria.** All telecommunications monopoles, whether permitted by right or permissible with the approval of a special exception application, shall be subject to the following criteria:

(a) The proposed telecommunications monopole shall be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. In addition, the facility shall be located in the interior of the property and areas of existing vegetation, if applicable, shall be used to screen the facility. The proposed monopole will be compatible with development in the vicinity with regards to the setting, color, lighting, topography, materials and architecture. The monopole will be sited on the northeast side of an existing electric power substation. The galvanized steel monopole will be light grey in color and will blend with the sky. The compound will be enclosed within an 8' tall wood fence. The proposed fence will be located approximately 15 feet from the existing substation.

(b) New telecommunications monopoles shall be designed to accommodate at least three (3) providers, unless:

(i) Doing so would create an unnecessary visual impact on the surrounding area; or

(ii) No additional need is anticipated for any other potential user in the vicinity; or

(iii) There is some valid economic, technological, or physical justification as to why co-location is not possible.

(iv) The applicant shall identify the conditions under which future co-location by other service providers is permitted.

The proposed monopole will be designed to accommodate at least three (3) providers. Other service providers shall be allowed to co-locate provided that future installations will not interfere with existing antennas.

(c) The height of such monopole, including antennas, shall not exceed 199 feet, as measured from the natural ground elevation. The requested height of the proposed monopole is 130'AGL.

(d) Satellite and microwave dishes attached to monopoles shall not exceed two (2) feet in diameter. N/A

(e) Except as provided in Section 5-618(B)(3)(o) and Section 5-618(B)(4)(d), telecommunications monopoles shall not be located any closer than one (1) foot for every live (5) feet in height to any property line. Structures and buildings may be constructed within the setback areas of the monopole, provided other zoning standards are met. As shown in the attached Special Exception and Commission permit plat the setback requirements are met as proposed.

(f) The related unmanned equipment structure(s) shall not contain more than 500 square feet of total gross floor area per telecommunications provider on each site. Structures shall not exceed 12 feet in height. As indicated in the attached drawings, the proposed equipment shelter measures 240 square feet in area and will not exceed 12 feet in height

(g) Unless otherwise required by the Federal Communications Commission or the Federal Aviation Administration, monopoles shall blend with the background. The galvanized steel monopole will be light grey in color and will blend with the sky.

(h) No signals or lights or illumination shall be permitted on a monopole, unless required by the Federal Communications Commission, the Federal Aviation Administration, State or Federal authorities, or the County. Lighting is not required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), State or Federal authorities, or the County. No signals, lights, or illumination shall be located on the proposed monopole

(i) No commercial advertising or signs shall be allowed on a monopole. No commercial advertising or signs shall be located on the proposed monopole.

(j) A commission permit shall be required. Nextel is applying for a commission permit and special exception concurrently.

(k) No monopole shall be located within a County designated historic district. The subject property for location of the proposed monopole is not located within a County designated historic district.

(l) No monopole shall be located within a PD-H or PD-RV zoning district except as provided in Section 5-618(B)(1)(a) and Section 5-618(B)(2)(d). N/A

(m) All unused equipment and facilities from a commercial public telecommunications site shall be removed within 90 days of cessation of commercial public telecommunication use and the site shall be restored as closely as possible to its original condition. Nextel agrees to this condition.

(n) Applicants for any commercial public telecommunications facility shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding from the FAA that the proposed facility is not a hazard or obstruction to aviation is necessary prior to the issuance of a zoning permit. If a proposed telecommunications facility is higher than 199 feet or within five (5) miles of the property boundary of either Dulles or Leesburg Airports, the applicant shall provide verification that 1) the appropriate airport authority (Metropolitan Washington Airports Authority or the Town of Leesburg) has been notified in writing and 2) the FAA has determined that the proposed facility is neither a hazard nor an obstruction to aviation. The proposed monopole is less than 199' with a requested height of 130'. The subject property is located within five miles of the Dulles Airport as indicated on the map below. Please find attached FAA determination of hazard or obstruction.

(o) When locating on a Loudoun County or Loudoun County Sanitation Authority site or fire and/or rescue company site: 1) the telecommunications equipment shall not interfere with the existing telecommunications equipment of the primary use; and 2) the setback provisions of Section 5-618(B)(3)(e) shall not apply. In addition, the landscaping/buffering provisions of the Ordinance may be reduced or waived if the site has been developed in accordance with Section 5-1409(G). N/A

(p) Applicants proposing a new telecommunications monopole within one (1) mile of a County designated historic district or Virginia Byway shall

submit a minimum of three (3) visual simulations and written justification as to why the monopole could not be sited elsewhere. This requirement shall also be applied if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places. The subject property is not listed on the National Register of Historic Places. Based on the Loudoun County mapping system, the subject property is not located within one mile of a County designated historic district or Virginia Byway.

(q) Telecommunications monopoles shall not be located along ridge lines, but downslope from the top of ridge lines, to protect views of the Catoctin, Bull Run, Hogback Short Hill, and Blue Ridge Mountains. The proposed monopole will not be located along the ridgelines of these mountains.

(r) Applicants shall submit documentation, in written and graphic form, regarding the service area to be provided by the proposed telecommunications monopole. The purpose of the proposed facility is to reduce load at site #VA0458-Broad Run, 21593 Jesse Court, and improve coverage along Loudoun County Parkway, Smith Switch Road and the surrounding area. VA 0458 is located along route 28, north of West Church road and about 1.75 miles south of route 7. The third sector of VA0458 covers a 2.5 mile area west of route 28, along and north of route 625. At present, this sector has 17 radios, and sees 500 Erlangs per day causing several dropped calls and call access failures. The proposed facility will manage some of the traffic currently handled by VA0548, and subsequently improve the quality of service in this area. Propagation maps have been included with this application to serve as a graphic depiction of Nextel's coverage objective. The first propagation plot shows signal coverage from NVA 0548 and the two immediate adjacent on-air sites. Green depicts the coverage from the overloaded sector, NVA0548-3. The second plot shows coverage from the proposed site. The last plot depicts the future coverage with the proposed and currently on-air sites. It is clear that the area now covered by NVA0548-3 has been reduced by half allowing the new site to cover the other half.

(4) Monopoles, Additional Submission Requirements. The following additional information shall be submitted by applicants for monopoles required to be approved by special exception.

(a) The applicant shall provide photo imagery or other visual simulation of the proposed telecommunications monopole shown with the existing conditions of the site. This simulation shall be provided from a minimum of three (3) perspectives. The applicant shall address how the facility can be designed to mitigate the visual impact on area residents, facilities, and roads. The applicant agrees to provide requested photo imagery. The proposed monopole design is consistent with the existing use, thus reducing the visual impact.

(b) Except for areas where permitted by right, an applicant for a new commercial public telecommunication monopole shall demonstrate that location on an existing telecommunications facility or structure greater than 40 feet in height is not feasible. The applicant shall evaluate telecommunications facilities and structures greater than 40 feet in height within a one (1) mile radius of the proposed facility within the Eastern Loudoun Urban Growth Area. Elsewhere in the County, the applicant shall evaluate these locations within a two (2) mile radius of the proposed facility. Technological, physical, and economic constraints may be considered in determining infeasibility. Co-location may be determined to be infeasible in the following situations:

(i) Planned equipment would exceed the structural capacity of existing and approved telecommunications facilities, considering existing planned use of those facilities, and such facilities cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost;

(ii) Planned equipment will cause interference with other existing or planned equipment for that telecommunications facility, and that interference cannot be prevented at a reasonable cost;

(iii) Existing or approved telecommunications facilities do not have space on which planned equipment can be placed so as to provide adequate service; and

(iv) Existing and approved telecommunications facilities will not provide adequate signal coverage.

The Site Selection Process:

Nextel first considered the existing monopole/transmission tower located at Smith Switch Road @ Washington & Old Dominion Trait This site was eliminated because the property does not provide sufficient space to accommodate both the EDEN and CDMA equipment. Because there were no other viable existing sites from which the network objectives could be attained, Nextel proposed a new structure to be located on VEPCO property at 21260 Smith Switch Road. This is the only area location that is suitable for our use and includes a compatible existing use. This location is the least obtrusive site for the proposed facility.

(c) In addition to those entitled to notice under the provisions of Section 6-600 of this Ordinance, all owner(s), or their agent(s), of all properties abutting or immediately and diagonally across the street or road from those properties whose owners are entitled to notice under Section 6-600, shall be provided with the same written notice. The applicant is also encouraged to meet with community and homeowners association groups in the area. The applicant

agrees.

(d) Telecommunications monopoles permissible by special exception pursuant to Section 5-61 8(B)(2)(d) shall not be subject to the lot requirements, building requirements, and open space requirements, if applicable, of the zoning district in which they are located. Site plan attached

6-1310 Issues for Consideration

In considering a special exception application, the following factors shall be given reasonable consideration. When a special exception or minor special exception application includes a request for approval of temporary special events, the following factors shall be reasonably considered taking into account the proposed special events as well as the principal special exception use. The applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance;

(A) Whether the proposed special exception is consistent with the Comprehensive Plan. T-Mobile's proposed special exception is in substantial accordance with the Comprehensive Plan. The proposed facility will be sited in PD-IP district, located beside an existing power substation. The requested use is a permitted use under 94-503. Per Chapter 3 of the Comprehensive plan, the demand for local services has doubled in Loudoun County over the past decade due to increasing growth in population. Correspondingly, this growth has caused parts of the wireless carriers' networks to become overburdened, resulting in unacceptable handling of call volume. The requested facility will cause calls to be distributed appropriately resulting in a higher quality service for area residents, businesses and visitors. This location will provide improved coverage along Loudon County Parkway, one of the County's primary transit corridors. The requested facility further contributes to the County's vision for economic development, as the availability of quality communications can directly support existing businesses while attracting new business activity. A solid communications infrastructure will help to promote business concentration. Thus, creating a business environment conducive to growth. Additionally, the wireless telecommunications network can positively impact the quality of life for the residents. While the County wishes to promote safe, healthy lifestyles for its residents, the requested facility will improve area coverage to include coverage to the Old Dominion Trait Appropriate wireless coverage offers residents a greater level of safety and security, particularly in parks and along running h-a-ils. Families are able to communicate and emergency service responders are better able to locate those who are lost or victims of an accident

(B) Whether the proposed special exception will adequately provide

for safety from fire hazards and have effective measures of fire control. The proposed facility will be consistent with all applicable requirements, including building and fire code. The proposed facility will not present safety or fire hazards.

(C) Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area. The proposed facility is an unmanned facility that will not produce noise, traffic, waste, or otherwise negatively impact the surrounding uses. The site will be visited approximately once per month by a technician for regular maintenance.

(D) Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area. There will be no glare or light generated by the proposed use.

(E) Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels. The proposed use is compatible with uses in the neighborhood and adjacent parcels. Moreover, it is highly congruent to the neighboring VEPCO substation use that includes power poles and an existing monopole. The existing use of the substation makes this the best location to site such facility.

(F) Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses. Applicant will work with staff to ensure that sufficient existing or proposed landscaping, screening and buffering will exist on the site and/or in the neighborhood to adequately screen surrounding uses. The proposed location is set back from the road and abutting properties and screened by an existing stand of mature trees. The substantial setback and siting in conjunction with existing power poles makes the requested location ideal. Additionally, Nextel proposes placement of an 8' wood fence to enclose the compound. This additional buffer will ensure safety as well as eliminate view of the tower base and equipment shelter. The proposed wood fence will compliment the existing wood fence that surrounds the existing electric utility transmission substation.

(G) Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. The requested facility will have no effect on any such feature.

(H) Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality. The requested facility will not damage or generate adverse impact on any animal habitat, vegetation, water or air quality.

(I) Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public. The proposed special exception at this location will contribute to and promote the welfare and convenience of the public. The requested facility will improve area coverage to include coverage to the vicinity to include Loudoun County Parkway, and along Smith Switch Road and the Old Dominion Trail. Appropriate wireless coverage offers residents a greater level of safety and security on the road and particularly in parks and along running trails. Families are better able to communicate and emergency service responders are better able to locate those who are lost or victims of an accident. Residents, businesses and commuters will experience improved service along Loudoun County Parkway and in the general vicinity.

(J) Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services. The proposed use will be an unmanned facility, therefore, the traffic patterns will not be adversely affected. Once the facility is constructed, normal traffic will include approximately one visit per month by a service technician for regular maintenance.

(K) Whether, in the case of existing structures proposed to be converted to uses requiring a special exception, the structures meet all code requirements of Loudoun County. N/A. Nextel requests special exception for the construction of a new structure. If approved, the new structure will comply with all code requirements of Loudoun County.

(L) Whether the proposed special exception will be served adequately by essential public facilities and services. The proposed use will not generate demand for essential public facilities and services as it is an unmanned facility, not intended for human habitation.

(M) The effect of the proposed special exception on groundwater supply. The proposed special exception will have no effect on the groundwater supply.

(N) Whether the proposed use will affect the structural capacity of the soils. A geotechnical study will be performed prior to construction of the facility. The facility will be designed so as not to affect the structural capacity of the soils.

(O) Whether the proposed use will negatively impact orderly and safe road development and transportation. The proposed use will have no impact on orderly and safe road development and transportation. Once the facility is constructed, normal traffic will include approximately one visit per month by a service technician for regular maintenance. The present ROW as shown on the

attached plat is approximately 50'. Applicant will work with staff re any road issues relevant to the application.

(P) Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan. The proposed special exception will generate jobs during the construction phase as well as ongoing employment for maintenance of the facility. By providing wireless telecommunications service in the area, the proposed special exception can advance competition while promoting communications which is essential for business growth and development

(Q) Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth. The proposed special exception does consider these needs and can help to advance future growth in these areas. Communications is essential for future growth and development of agriculture, industry and business. The requested special exception can directly impact those needs by providing a high quality, reliable service

(R) Whether adequate on and off-site infrastructure is available. Adequate on and off site infrastructure is available for the successful integration of the requested facility into the Nextel wireless telecommunications network

(S) Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses. The proposed use will not generate any odor.

(T) Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas. The proposed construction will take place on site. The subject property includes an existing 20' gravel access road with a 20'x20' turnaround There is no expected impact to neighborhoods, school areas or regular traffic flow to be caused by construction traffic.

Lake Murray Consultants
14510 Dorsey Mill Road
Glenwood, Maryland 21738
(703) 906-0184 Cell

December 29, 2009

Mr. Stephen Gardner
Loudoun County, Department of Planning
1 Harrison Street, S.E.
3rd Floor
Leesburg, VA 20175



Re: Telecommunications facility application
SPEX 2007-0009 and CMPT 2007-0011

Dear Mr. Gardner:

Enclosed for your review please find letters from Sprint Nextel and Verizon Wireless noting their intentions to locate upon the proposed telecommunications facility if approved and responses to the second referrals for the above noted site.

Responses to Comments of Nita Bearer, Planner, Zoning Administration

Section 5-618- Additional Regulations

1. This has been addressed in the Statement of Justification and attached Plat drawing-as all antennas sizes are within allowed limit.
2. This has been addressed in the Statement of Justification.
3. This has been addressed in the Statement of Justification and attached Plat drawing-as setbacks are shown and correct on the Plat drawing.
4. Do not see this section, but concur that this application is not located on private toll road.

Section 6-1310- Issues for Consideration

1. Agree to work with staff on this issue for consideration pertaining to appropriate landscape buffer and screening and noted such in Statement of Application.
2. Agree to work with staff on this issue for consideration pertaining to road issues. The existing ROW is approximately 50' and believe that the road is still a gravel one with limited traffic. Further, each wireless carrier will visit the location approximately one time per month after completion of

construction for general maintenance and thus minimal use of the road will continue.

Special Exception Plat

Please see attached revised Plat drawing with changes noted below.

1. Agree to such change when time is appropriate and dictates.
2. Completed
3. Completed
4. Completed
5. Completed
6. Completed. The area is labeled and notes area for compound and for overall use/disturbance of Special Exception area.
7. Completed and made one change as observed in County records.
8. Completed
9. Completed
10. Addressed and show landscape plan.

Thank you for your continuing assistance on this matter. Please let me know if you have any questions and advise re next steps in proceeding forward with this application.

Sincerely,



Sean P. Hughes

Lake Murray Consultants

Lake Murray Consultants
14510 Dorsey Mill Road
Glenwood, Maryland 21738
(703) 906-0184 Cell



September 29, 2009

Mr. Stephen Gardner
Loudoun County, Department of Planning
1 Harrison Street, S.E.
3rd Floor
Leesburg, VA 20175

Re: Telecommunications facility application
SPEX 2007-0009 and CMPT 2007-0011

Dear Mr. Gardner:

Enclosed for your review please find responses to first referrals for the above noted site. We respectfully request that our responses be accepted via this letter, as a supplement to the previously filed (stamped received by the County on February 23, 2007) Statement of Justification (dated 10/23/06) as well as the attached drawings (one original set and seven copies. The reason we respectfully request a supplement to the Statement of Justification is that the original Statement of Justification was not filed by our office and we have been unable to locate an electronic copy.

Responses to Comments of Nita Bearer, Planner, Zoning Administration

II. Conformance with Section 6-1310, Issues for Consideration in Reviewing a Special Exception Application

1. Applicant concurs that the use is not a permitted use per Section 4-503 and that it is permitted by approval of a special exception pursuant to Section 4-504(P) since it would be located within 750 feet of a residential district.
2. This change has been added to the revised plans submitted with this resubmission.
3. We concur to address this item at site plan time if not before such time.

III. Conformance with Section 5-618(B)

1. Applicant concurs that section 5-618(B) (2) (b) is applicable since the site is within 750 feet of a residential district and thus that a special exception is required.

A-59

2. This change has been added to the revised plans and it is noted that the monopole shows Sprint Nextel at the top platform slot on the pole, T-Mobile on the next platform slot down, Verizon on the third platform slot and Sprint Nextel equipment at the bottom platform slot of 100 feet. It also shows on the ground areas marked for Sprint Nextel, T-Mobile, Verizon and a future provider.
3. The height of the proposed monopole will be 130 feet; however, the overall height of the structure will be 133 feet including the antenna as shown on the revised plans submitted. The top of the lightning rod is at 138 feet in height above ground.
4. This change has been added to the revised plans.
5. See attached FAA determination that notes that 138 feet above ground level does not exceed obstruction standards and thus would not be a hazard to air navigation.

Other Zoning Comments

IV.

1. This change has been added to the revised plans.
2. This change has been added to the revised plans.
3. This change has been added to the revised plans.
4. Applicant concurs that the proposed structure is a monopole and to use that terminology moving forward vs. tower.

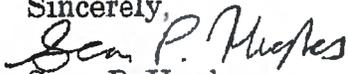
Responses to Comments of Pat Giglio, Planner, Community Planning

1. Regarding request for additional information regarding demonstrating why Sprint Nextel cannot locate this structure on an existing tall structure greater than 50 feet in height within a one-mile radius of the proposed site. In this case this pertains to the existing VEPCO/Dominion Power poles in the area of the proposed monopole. The additional explanation as to why Sprint is unable to locate its CDMA, and iDEN equipment, as well as why T-Mobile and Verizon can not locate upon the existing VEPCO/Dominion Power poles in the area is that the visual and practical impact would be much greater to attempt to locate the above mentioned facilities each on individual VEPCO/Dominion Power poles in the area which are located upon the W&D Trail. This would result in greater visual impact from the multiple arrays on multiple poles as well as the ground via the need for ground equipment below multiple poles on the W&D Trail and as access roads and driveways, traffic, etc. encumbering the desired use of the trail. In fact the proposed pole in this location and situation allows cleaner access and less disturbance versus using multiple W&D trail poles and subsequent impact on said trail. Further, the proposed visual impact of the new monopole inside the VEPCO/Dominion

Power right of way is non-material to non-existent due to the fact that it is inside the substation, nearly identical in height to the existing power lines running through this area and by allowing the multiple wireless providers to locate upon one structure and one compound area. This is supported by the previously supplied photo simulations. Last, initial discussions with the Northern Virginia Regional Park Association (NVRPA) by Sprint Nextel indicated that NVRPA would prefer not to lease space along the W&D Trail and that the financial considerations of such a potential contractual arrangement would have greatly exceeded market rate and terms and thus been impractical for Sprint Nextel and carriers considering all factors.

Regarding the request for additional support regarding the requested height for a 130 monopole with cellular antennas extending to 133 feet, this will come by engineering (Radio Frequency ("RF")) plots supplied. These plots clearly show the current coverage in the area without the site and how it is not sufficient and reliable for Sprint Nextel customers. Further, the plot showing what the coverage would provide for Sprint Nextel customers at the requested height shows the important enhanced wireless coverage in the area and how it links up to other existing or planned sites in the area. Sprint Nextel states that the requested height is the minimum height needed in order to provide the requested and required enhanced services for its customers who live, work and travel in this area of Loudoun County and will provide further evidence of this need via live testimony from its Radio Frequency engineers at public hearings and meetings. Further, both T-Mobile and Verizon customers likewise have need for service on the site and both would take the top slot if available in place of Sprint Nextel. And engineering requirements and industry practice necessitates ample vertical separation of ten (10) feet and hence reason and need for Sprint Nextel (CDMA) at the top at the 130 foot level, T-Mobile at the 120 foot level, Verizon at the 110 foot level and Sprint Nextel (iDEN) at the 100 foot level. Sprint Nextel does have a firm commitment from T-Mobile and Verizon to locate upon this site and hence why they are shown on the second and third platform slots on the monopole and on the ground. We can also supply a letter of intent to locate here from T-Mobile and Verizon.

Thank you for your continuing assistance on this matter. Please let me know if you have any questions and advise re next steps in proceeding forward with this application.

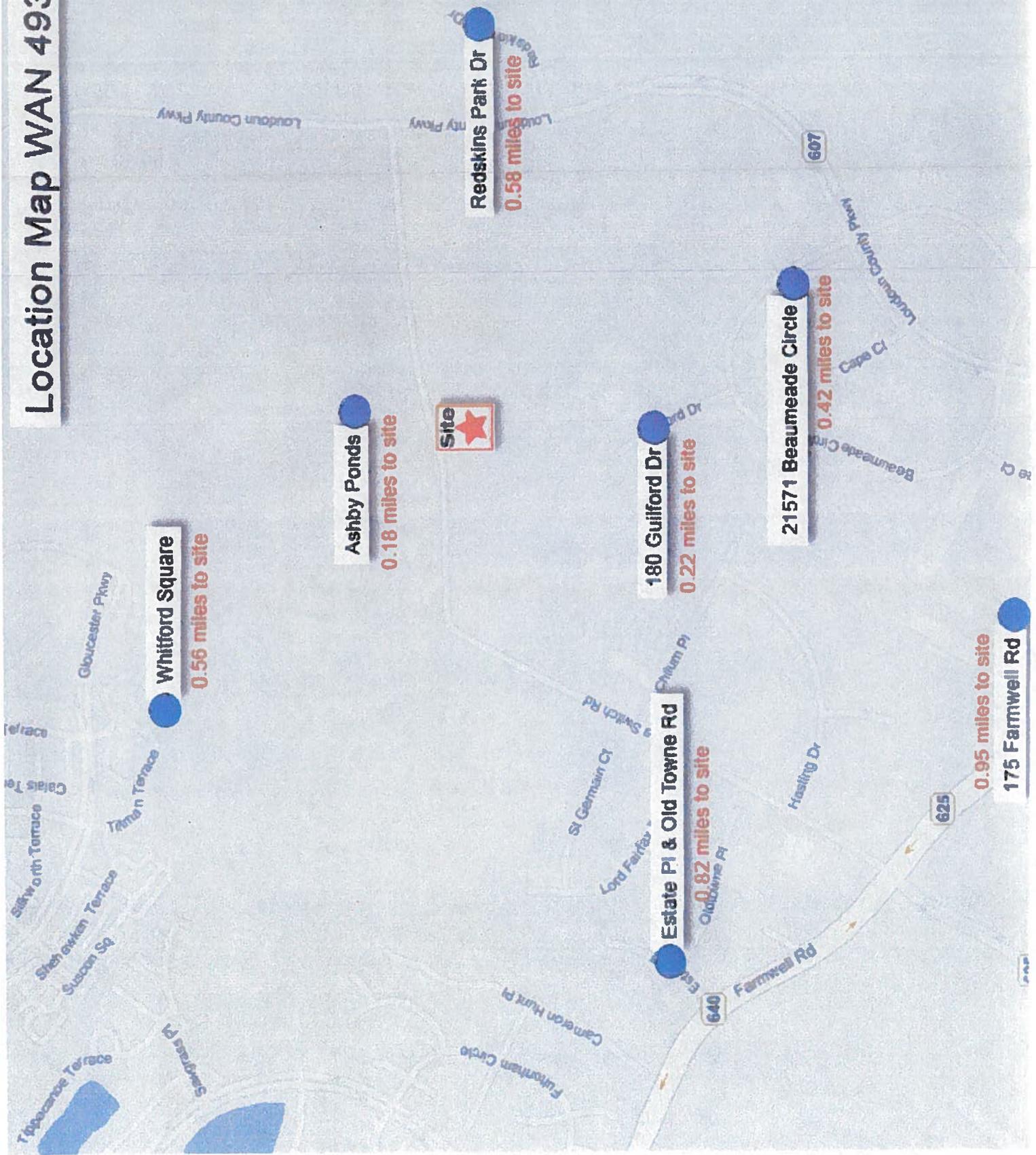
Sincerely,

Sean P. Hughes
Lake Murray Consultants

A-61

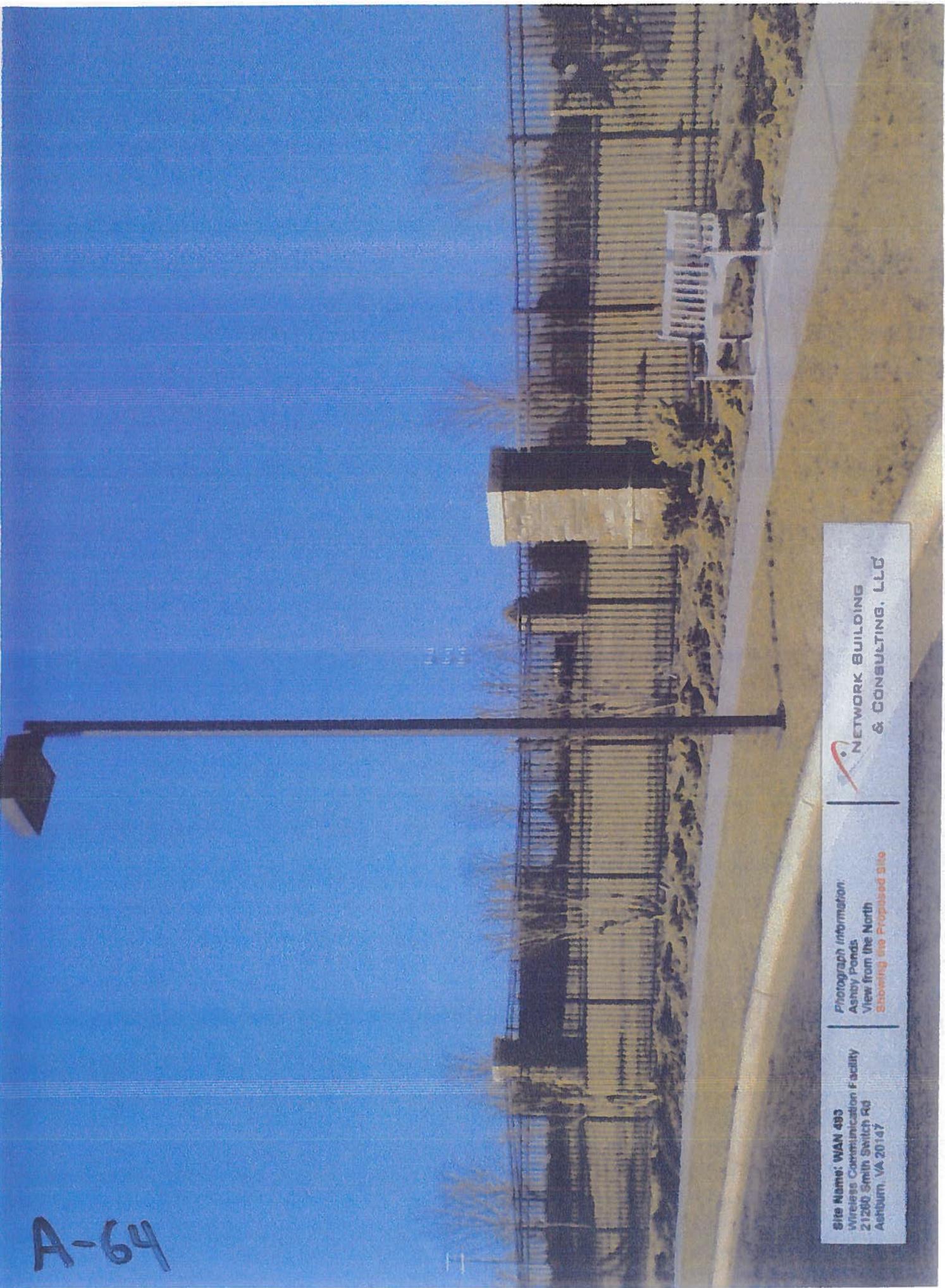
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A-62

Location Map WAN 493



A-64



Site Name: WAN 493
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

Photograph Information:
Ashby Ponds
View from the North
Standing on Proposed Site

 NETWORK BUILDING
& CONSULTING, LLC

A-65

Site Name: WAKI 493
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

Photograph Information:
44355 Whitford Square
View from the Northwest
Showing the Existing Site

NETWORK BUILDING
& CONSULTING, LLC



A-66

Site Name: WAN 493
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

Photograph Information:
Recesses Park Dr
View from the East
Showing the Proposed Site

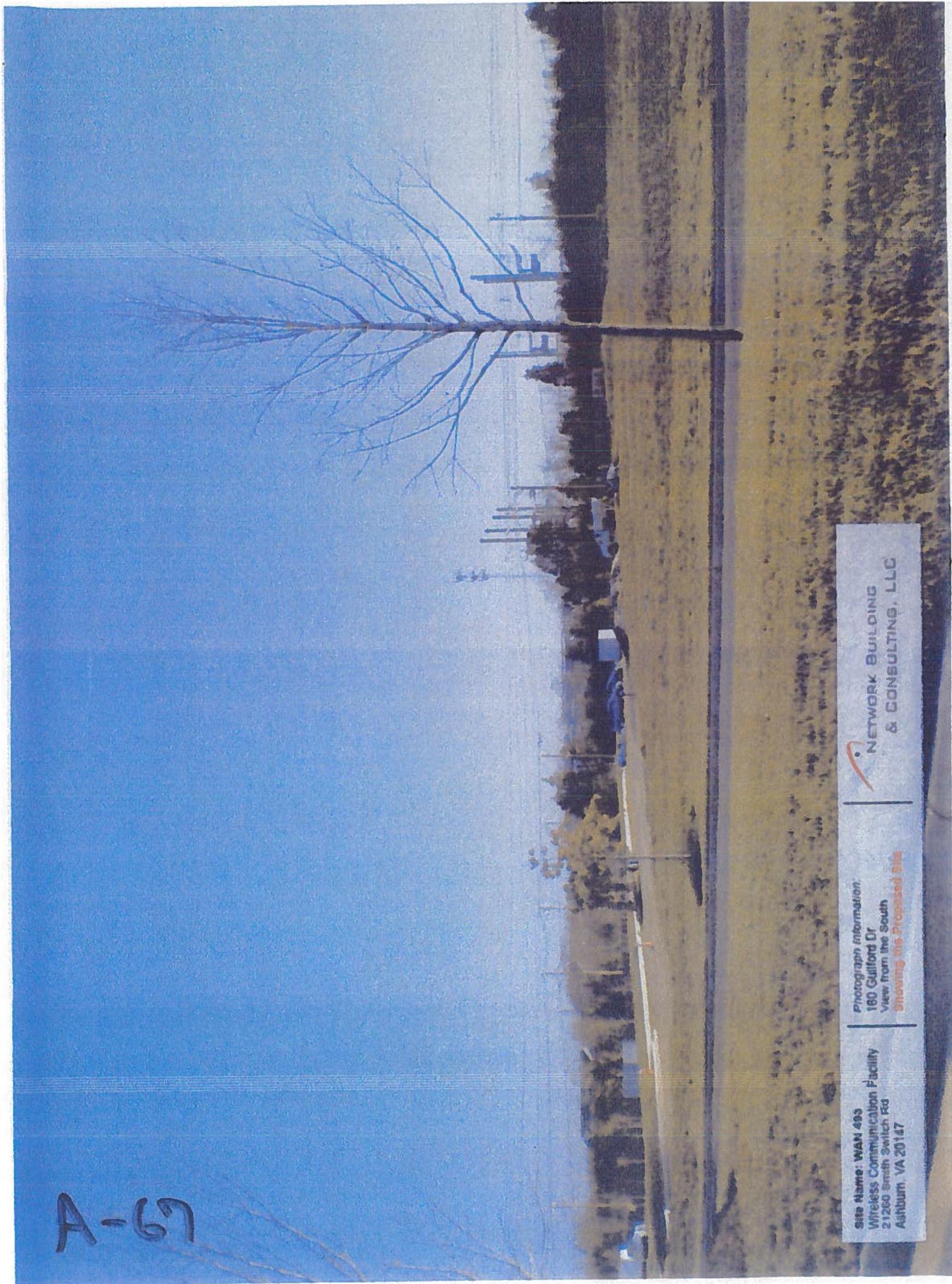
 NETWORK BUILDING
& CONSULTING, LLC

A-67

Site Name: WAN 493
Wireless Communication Facility
21260 Smith Switch Rd
Auburn, VA 20167

Photograph Information:
160 Guilford Dr
view from the South
Showing the Proposed Site

 NETWORK BUILDING
& CONSULTING, LLC



A-68

Site Name: WAM 493
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

Photograph Information:
Estate Pl & Old Towne Rd
View from the Southwest
Showing the Proposed Site

 NETWORK BUILDING
& CONSULTING, LLC



A-69

Site Name: WAN 483
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

Photograph Information:
21571 Beaumede Circle
View from the South
Showing the Existing Site
SITE NOT VISIBLE



NETWORK BUILDING
& CONSULTING, LLC



A-70

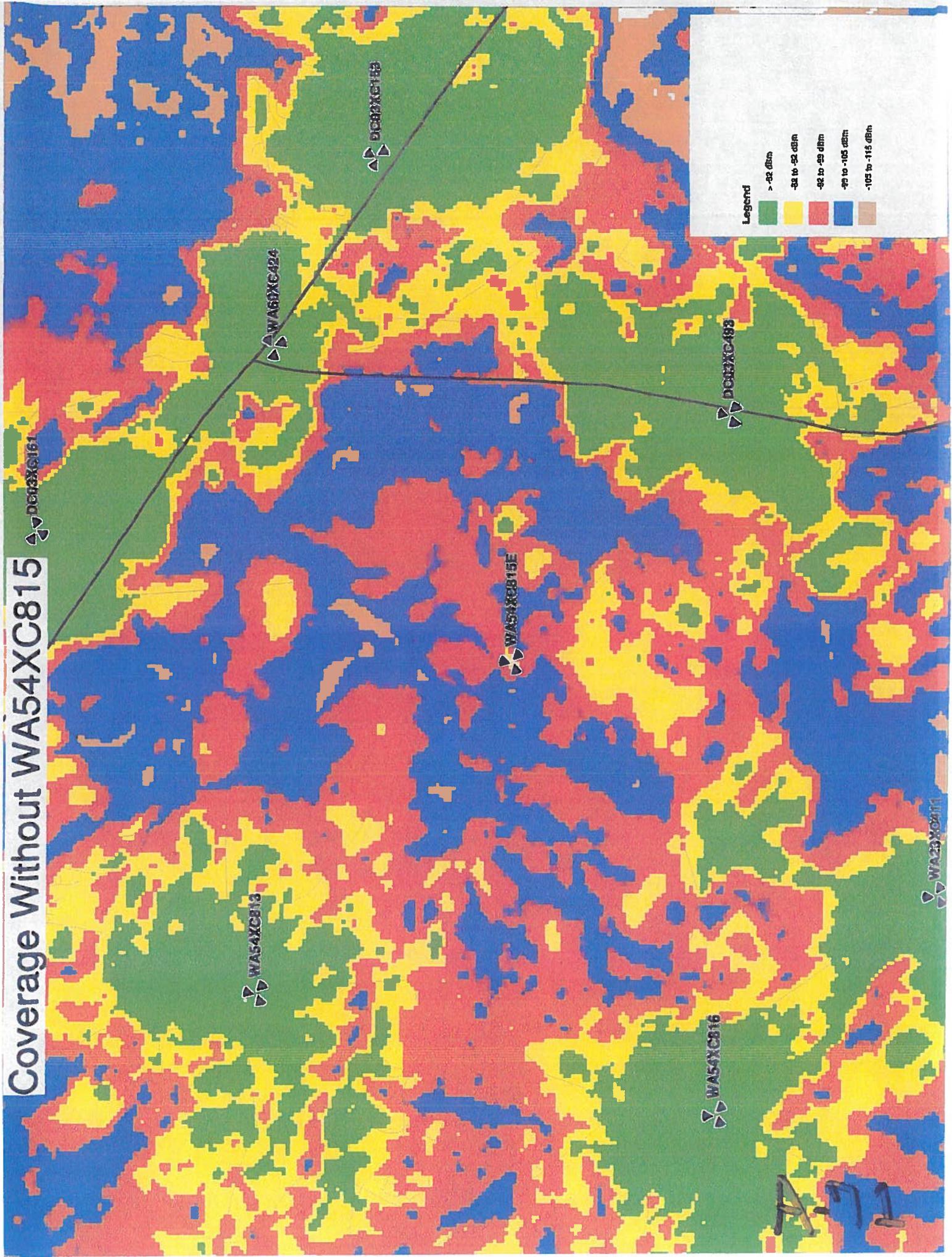


Site Name: WAN 483
Wireless Communication Facility
21260 Smith Switch Rd
Ashburn, VA 20147

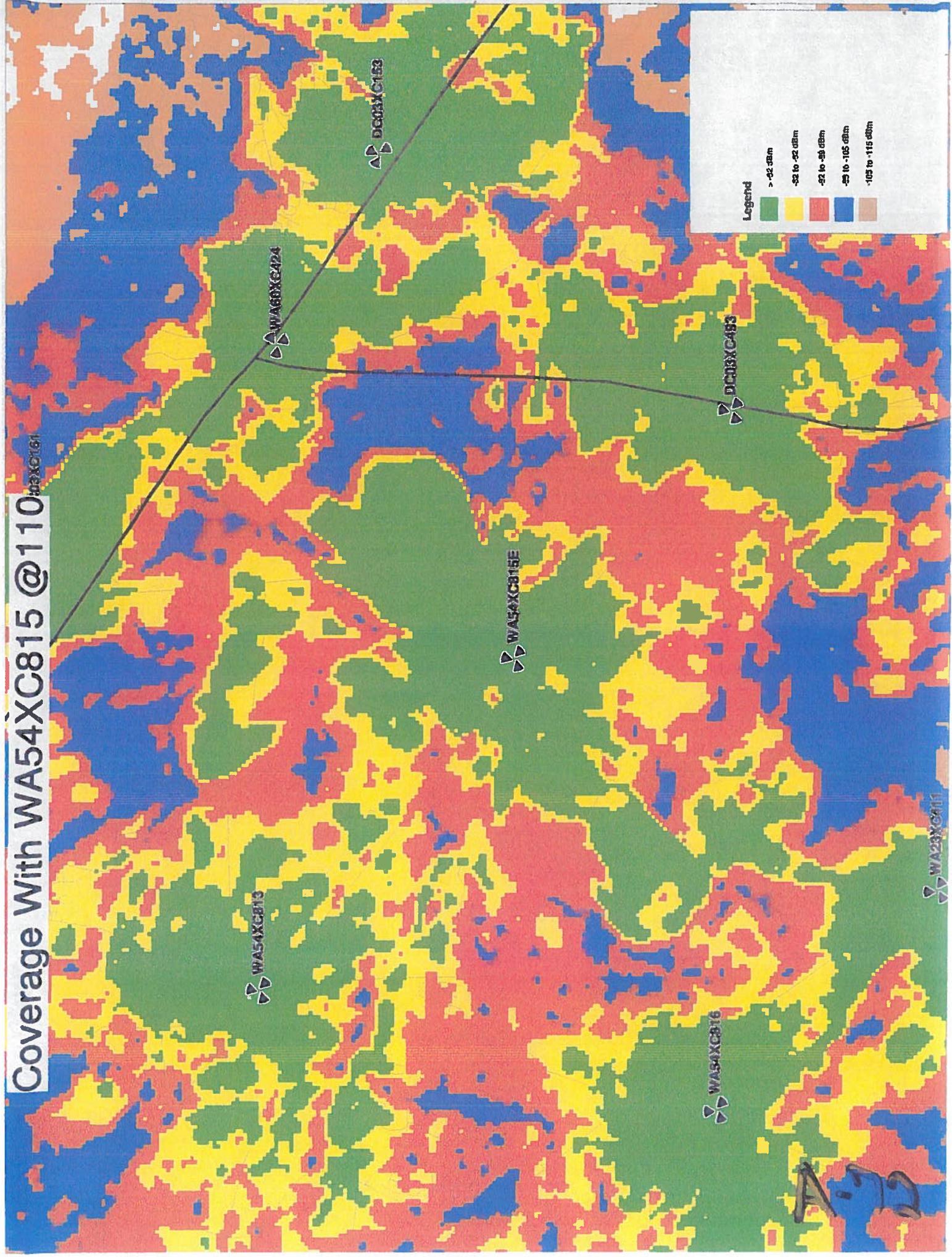
Photograph Information:
175 Farmwell Rd
View from the South
Showing the Existing Site
SITE NOT VISIBLE

 NETWORK BUILDING
& CONSULTING, LLC

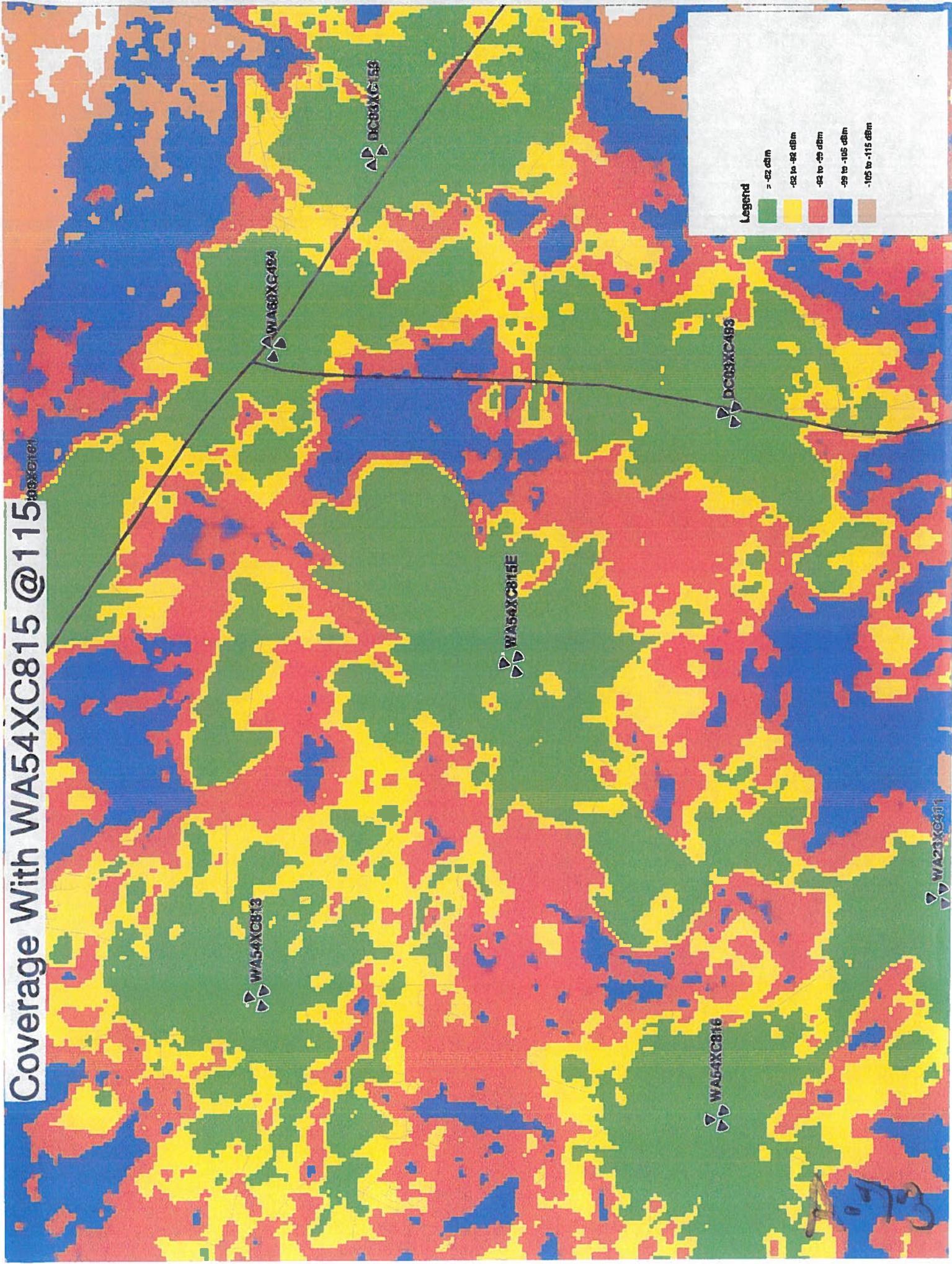
Coverage Without WA54XC815



Coverage With WA54XC815 @110 dBm



Coverage With WA54XC815 @115

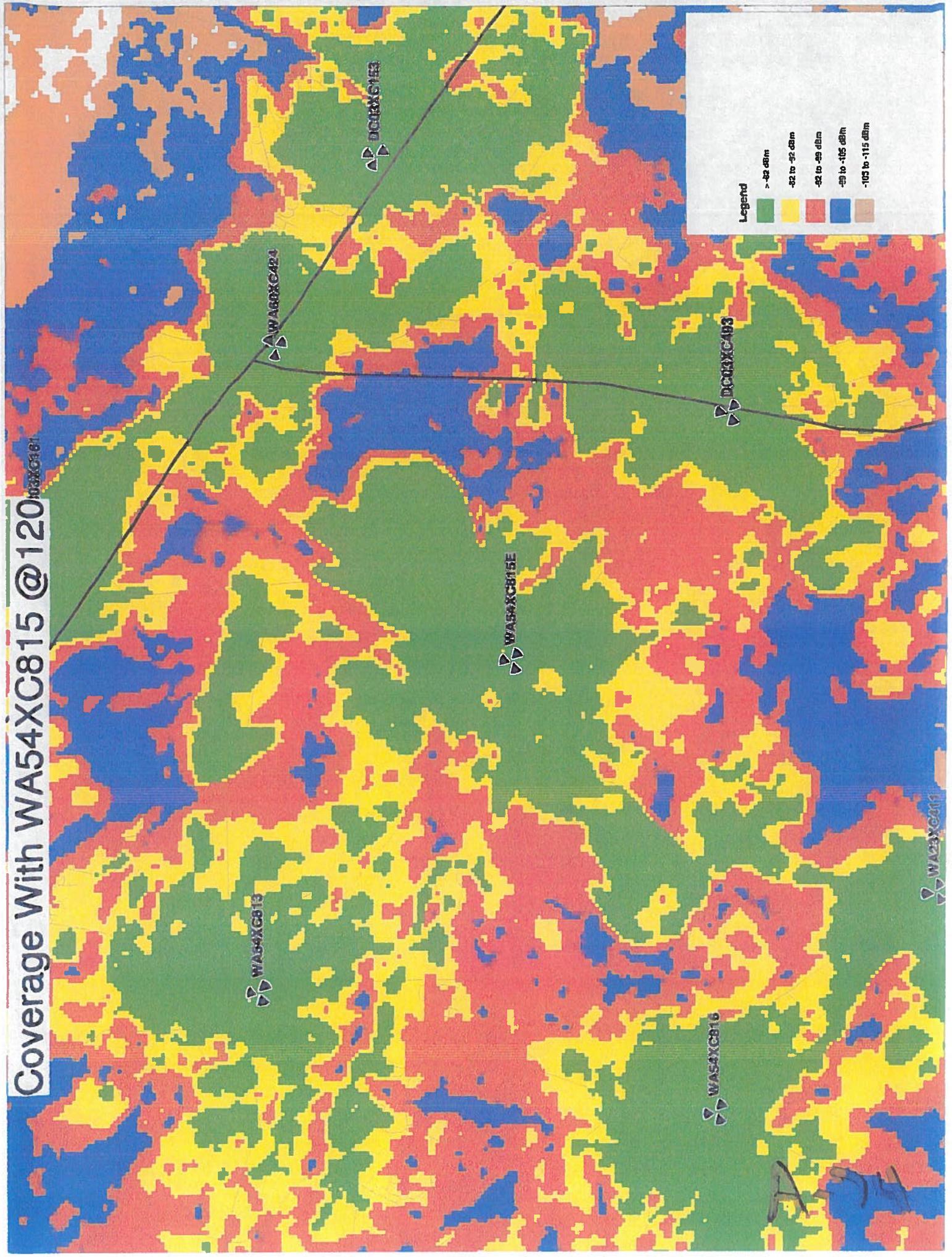


Legend

- > -82 dBm
- 82 to -88 dBm
- 88 to -95 dBm
- 95 to -105 dBm
- 105 to -115 dBm

2073

Coverage With WA54XC815 @120



Coverage With WA54XC815 @130

WA54XC1611

WA54XC819

WA54XC424

DC03XC153

WA54XC815E

WA54XC816

DC03XC493

WA23XC411



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VERIZON WIRELESS
MD/DC/VA REGIONAL NETWORK GROUP
9000 JUNCTION DRIVE
ANNAPOLIS JUNCTION, MD 20701
(301) 512-2000

BRIAN STOVER
MANAGER - REAL ESTATE/ZONING
301.512.2459 - DESK
301.512.2187 - FAX
410.404.4633 - PORTABLE

October 27, 2009

Jason Campbell, Senior Development Manager
T-Mobile Northeast LLC
12050 Baltimore Ave
Beltsville, MD 20705.



**RE: Application for Proposed Raw Land Site Telecommunications Facility
Loudoun County Cases: SPEX 2007-0009 & CMPT 2007-0011
Beaumeade Substation
21260 Smiths Switch Road, Ashburn, VA
Tax Map #: 060-30-2345-000
Verizon Wireless Site: Smiths Switch**

Dear Mr. Campbell,

Verizon Wireless has submitted an application to Virginia Electric and Power Company ("VEPCO") to collocate on a proposed telecommunications facility to be located on property owned by them known as Beaumeade Substation. T-Mobile and Sprint have made similar applications. T-Mobile has made arrangements with VEPCO to pursue Loudoun County zoning approvals for the proposed telecommunications facility on behalf of the applicants.

Please consider this letter as evidence of Verizon Wireless' intent to collocate on the proposed telecommunications facility. Verizon Wireless' equipment is included in the submittal that T-Mobile made for the facility to Loudoun County and is coordinating efforts with T-Mobile as necessary regarding the proposed facility and the zoning process.

Please notify me if you have any questions.

Best regards,



Brian Stover

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Sprint Nextel
7055 Samuel Morris Dr., ste 100
MDCOLO0101-1013
Columbia MD 21046

April 30, 2009

Jason Campbell
Senior Site Development Manger
12050 Baltimore Avenue
Beltsville, MD 20705



RE: Letter of Intent - Jacobub - Dominion Substation
Sprint Nextel site id: **WA54XC815 VA3891**
T-Mobile site ID : **WAN493**
Site Address: **21260 Smith Switch Road Ashburn VA 20147**

Dear Mr. Campbell,

It is Sprint written intent to allow T-Mobile to proceed with the active zoning application in which both companies are party to. T-Mobile will have to fully sponsor any activities or fees related to the zoning process if it wishes to proceed from this point. Sprint Nextel will keep its zoning interest and lease rights to the proposed tower. Sprint will also provide T-Mobile (upon request) with any due diligence documents it has completed (or are in the process of completing) to assist in the completion of the zoning process.

Regards,

Jay O'Neill
Real Estate Manager
Sprint Nextel
410.953.7594
jay.2.oneill@sprint.com

Acknowledge by: _____

Date: 5-26-09

CC via email,
Ron Bobiak, Compass Technology Services
Howard Zechiel, NB&C
Sean P Hughes

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