



APPLICATION ACCEPTED: June 14, 2007  
PLANNING COMMISSION: March 5, 2008  
BOARD OF SUPERVISORS: March 10, 2008 @ 3:30 PM

# County of Fairfax, Virginia

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February 20, 2008

## STAFF REPORT

APPLICATIONS SEA 89-S-072  
(Concurrent w/ 2232-S07-4)

### SPRINGFIELD DISTRICT

**APPLICANT:** T-Mobile Northeast LLC/ Northern Virginia Electric Cooperative/Smartpole, Inc and New Cingular Wireless PCS, LLC

**ZONING:** R-C, WS

**PARCEL(S):** 66-4 ((3)) 1

**ACREAGE:** 4.81 acres

**FAR** 0.01

**PLAN MAP:** Residential use at 0.1 - 0.2 du/ac

**SE CATEGORY** Category 1, Use 8: Mobile and Land-based Telecommunication Facilities  
Category 1, Use 1: Light Public Utility Use

**PROPOSAL:** The applicant has filed for review by the Planning Commission to determine whether a proposed telecommunications facility satisfies the criteria of location, character and extent pursuant to Sect. 15.2-2232 of the Code of Virginia and requests to amend SE 89-S-072, previously approved for an electric substation, to permit the construction of a telecommunications facility (140 foot high tree monopole) and associated equipment cabinets on a portion of the site.

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
FAX 703 324-3924  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

## **STAFF RECOMMENDATIONS:**

Staff recommends that the Planning Commission find that the facility proposed under 2232-S07-4 does satisfy the criteria of location, character and extent as specified in Sect. 15.2-2232 of the Code of Virginia and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SEA 89-S-072, subject to the proposed development conditions contained in Appendix 1.

Staff recommends that the transitional screening and barrier requirements along all property lines be modified in favor of the existing vegetation as shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

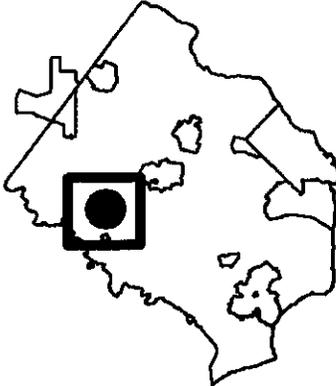
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



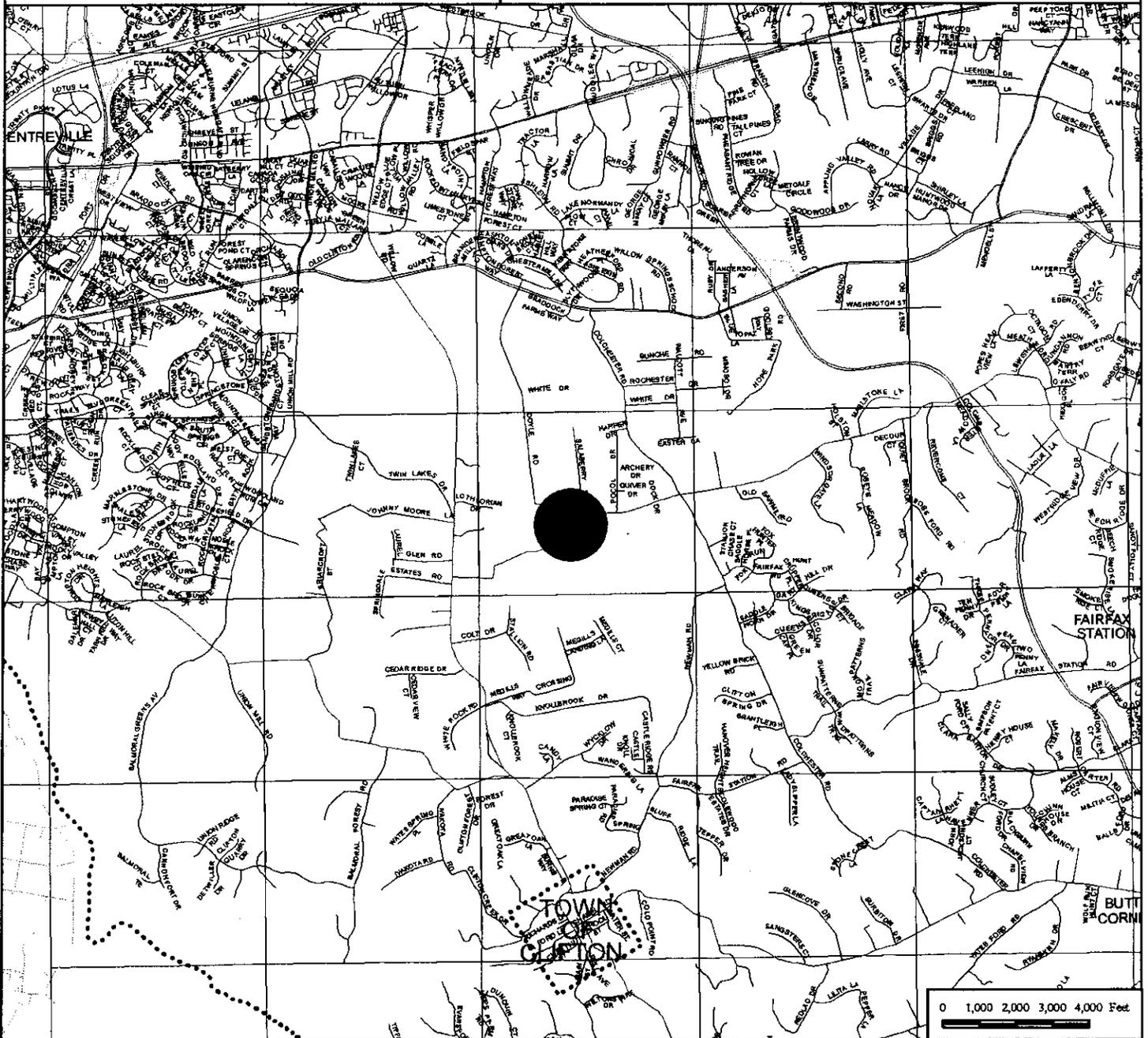
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception Amendment

SEA 89-S-072

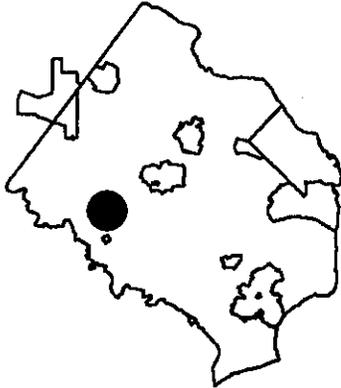


**Applicant:** T-MOBILE NORTHEAST LLC/NORTHERN VIRGINIA, ELECTRIC COOPERATIVE/SMARTPOLE, INC. & NEW CINGULAR WIRELESS PCS, LLC  
**Accepted:** 06/14/2007  
**Proposed:** AMEND SE 89-S-072 PREVIOUSLY APPROVED FOR ELECTRIC SUBSTATION TO PERMIT A TELECOMMUNICATIONS FACILITY  
**Area:** 4.81 AC OF LAND; DISTRICT - SPRINGFIELD  
**Zoning Dist Sect:** 03-0C04  
**Art 9 Group and Use:** 1-01 1-08  
**Located:** 12700 POPES HEAD ROAD  
**Zoning:** R- C  
**Plan Area:** 3,  
**Overlay Dist:** WS  
**Map Ref Num:** 066-4 /03/ /0001



# Special Exception Amendment

SEA 89-S-072

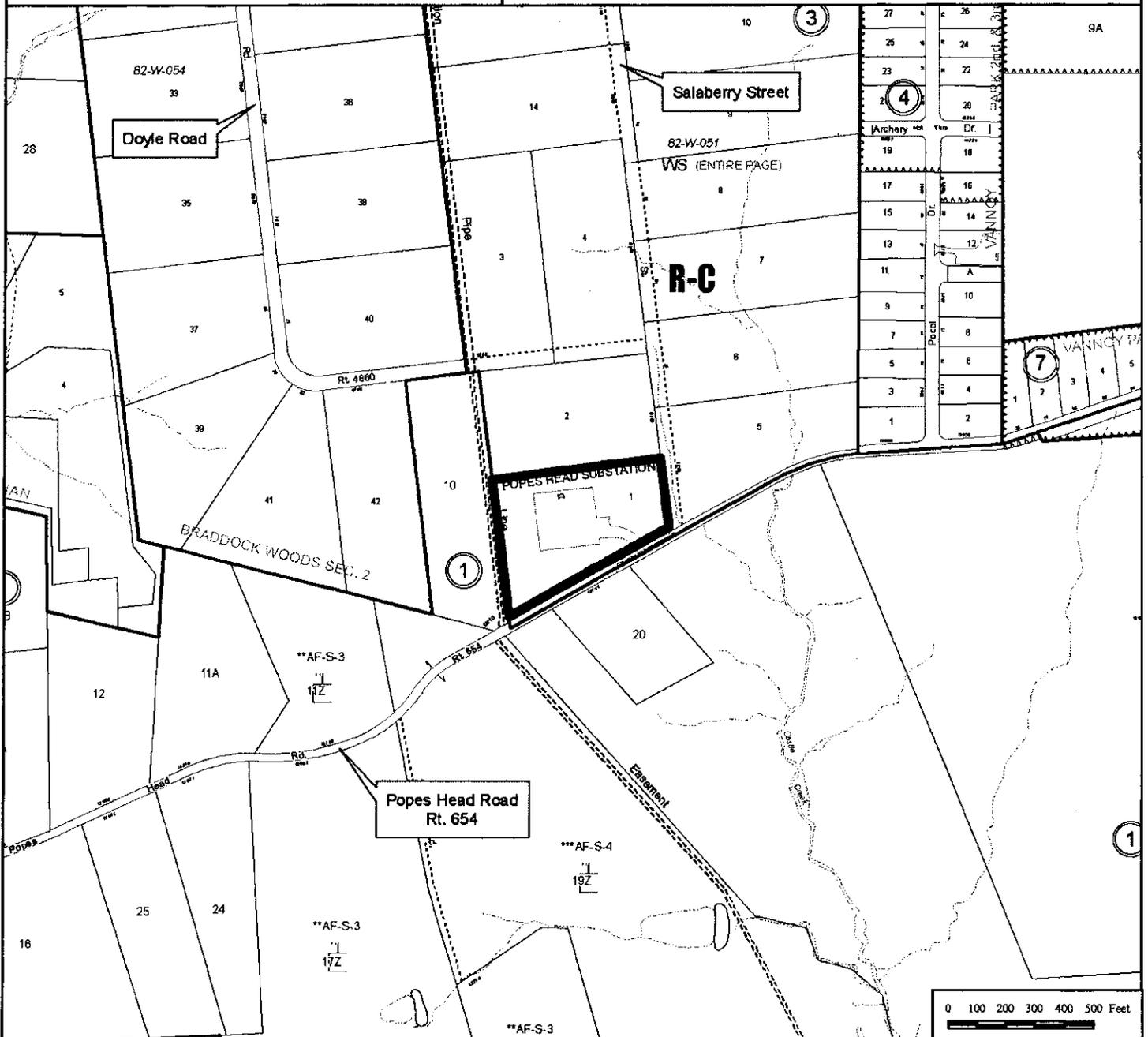


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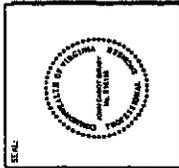








DATE	DESCRIPTION	BY
08-28-06	FINAL REVISION	MM
08-24-06	FINAL COMMENTS	MM
08-15-06	DRAWING	MM
08-14-06	SPECIAL EXPLOSION	MM



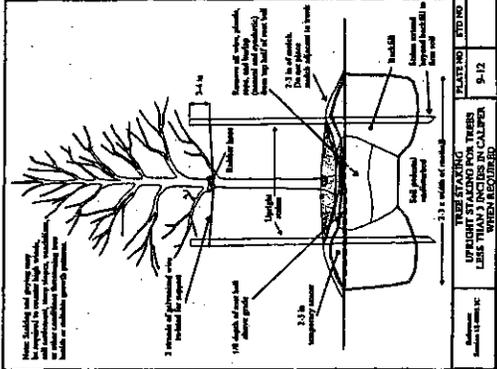
7-BOHLE INVESTMENT LLC  
 1700 BALTIMORE AVENUE  
 SUITE 200  
 PROLOGIC PARK BUILDING

PROJECT NO.: 1050033  
 DESIGNED BY: TMM  
 DRAWN BY: C.C.  
 SCALE: 1/8" = 1'-0"  
 GRAPHIC SCALE IN INCHES

NOVEC  
 WAC42 F  
 12700 POPES HEAD ROAD,  
 GLETON, VA 20124  
 SPECIAL EXCEPTION  
 2003-S174  
 SE09S-S172

LANDSCAPING PLAN  
 AND DETAILS  
 SHEET NUMBER:  
**Z-4**

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



TREE PLANTING & STAKING DETAIL

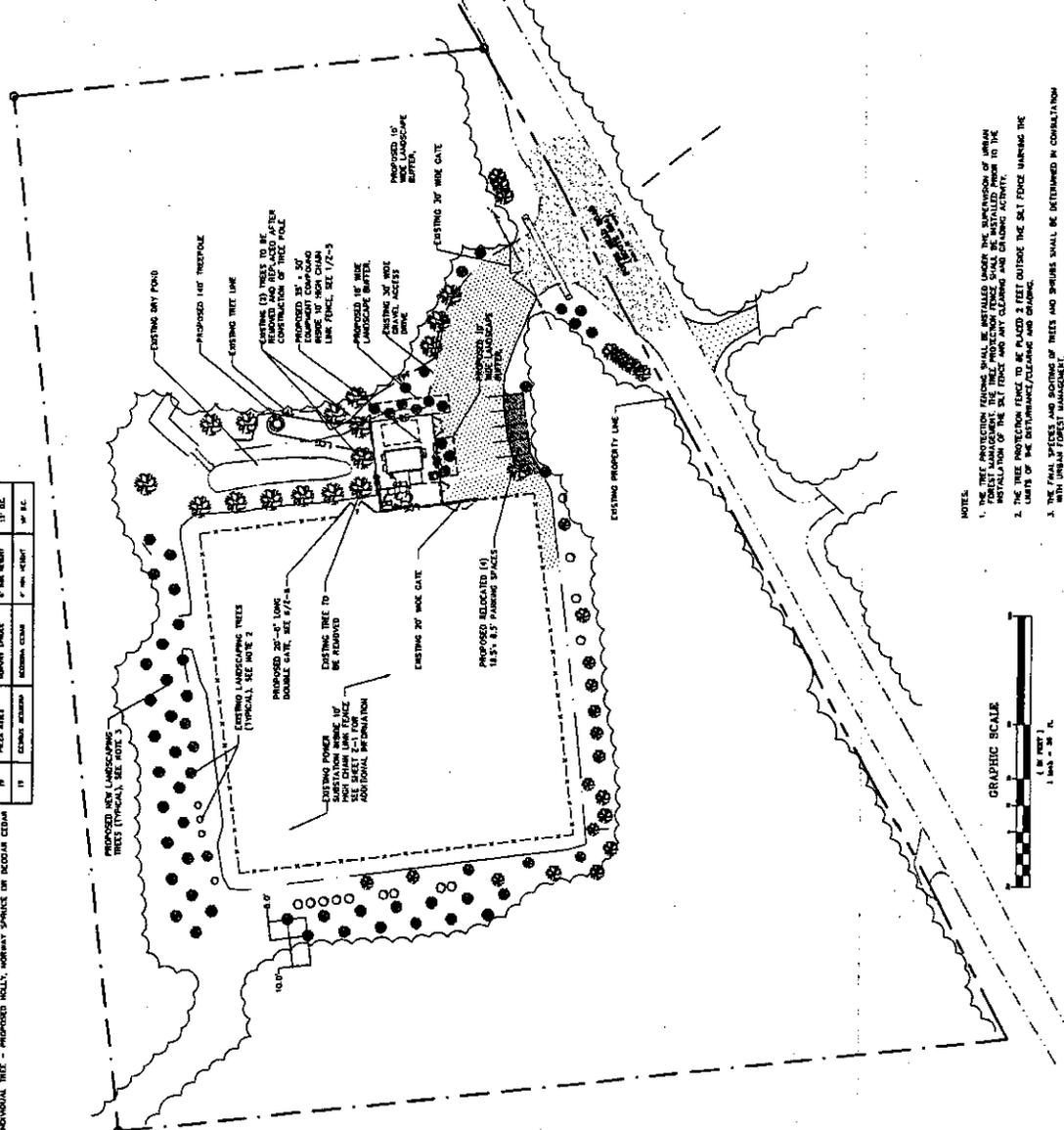
TREE PLANTING NOTES:

1. SQUARE PLANTING PIT THREE TIMES THE DIAMETER OF BALL & 4" DEEPER
2. LUSHEN BARREL W/PIPS TO ENSURE AIRBORNE
3. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
4. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
5. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
6. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
7. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
8. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
9. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE
10. 1/2" DIA. W/PIPS TO ENSURE AIRBORNE

PLANTING LEGEND

QUANTITY	SYMBOL	COMMON NAME	UNK. SIZE	SPACING
10	(Symbol)	AMERICAN HULLY	8" DIA. HEIGHT	10' x 10'
10	(Symbol)	WIDE LEAF	8" DIA. HEIGHT	10' x 10'
10	(Symbol)	AMERICAN HULLY	8" DIA. HEIGHT	10' x 10'
10	(Symbol)	WIDE LEAF	8" DIA. HEIGHT	10' x 10'

- INDIVIDUAL TREE - EXHIBITION TO BE REPLACED
- INDIVIDUAL TREE - DECIDUOUS EXISTING
- INDIVIDUAL TREE - EVERGREEN EXISTING
- INDIVIDUAL TREE - PROPOSED HULLY, NORWAY SPANICE OR BUCKLE CEDAR
- INDIVIDUAL TREE - PROPOSED HULLY, NORWAY SPANICE OR BUCKLE CEDAR
- INDIVIDUAL TREE - PROPOSED HULLY, NORWAY SPANICE OR BUCKLE CEDAR



- NOTES:
1. THE TREE PROTECTION FENCING SHALL BE INSTALLED UNDER THE SUPERVISION OF URBAN FOREST MANAGEMENT. THE TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO THE INSTALLATION OF THE SET FORCE MARKING.
  2. THE TREE PROTECTION FENCE TO BE PLACED 3 FEET OUTSIDE THE SET FORCE MARKING THE LIMITS OF THE DISTURBANCE/CLEARING AND GRADING.
  3. THE SMALL SPECIES AND SHRUBS SHALL BE DETERMINED IN CONSULTATION WITH URBAN FOREST MANAGEMENT.

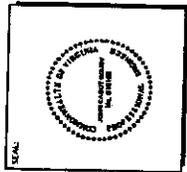


LANDSCAPING PLAN  
 SHEET Z-4



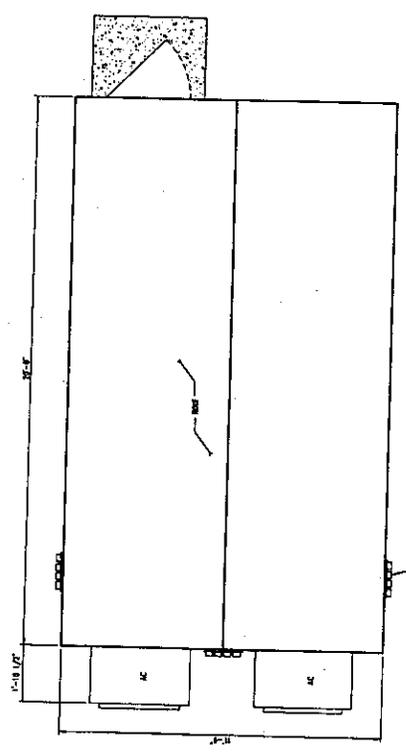


SUBMITTALS		BY
1-11-01	PROVIDE	ENTREX
2-11-01	REVIEW	ENTREX
3-11-01	APPROVE	ENTREX
4-11-01	APPROVE	ENTREX
5-11-01	APPROVE	ENTREX
6-11-01	APPROVE	ENTREX
7-11-01	APPROVE	ENTREX
8-11-01	APPROVE	ENTREX
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16-11-01	APPROVE	ENTREX
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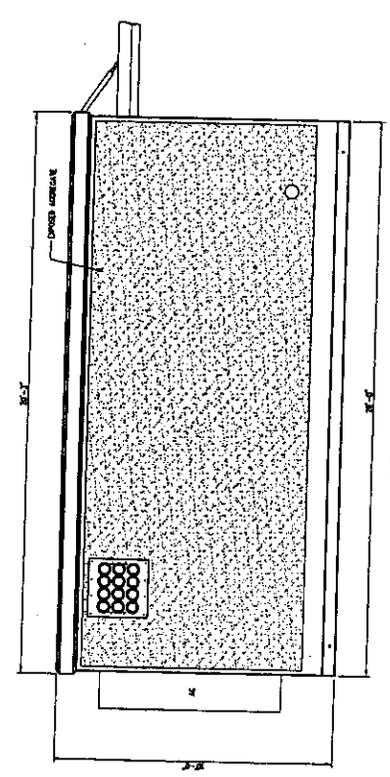


T-MOBILE NORTHWEST LLC  
 12000 BALTIMORE AVENUE  
 BELT FORTLE, MD 20719  
 PHONE: (301) 344-0000

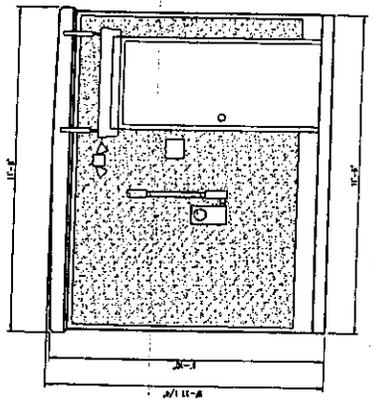
PROJECT NO.	1050.033
DESIGNER	W.A.
ENGINEER	C.E.
SCALE	AS SHOWN
DRAWING SCALE IN INCHES	
NOVEC	WAC142 F
12700 POPES HEAD ROAD	
CLETON, VA 20124	
SPECIAL EXCEPTION	Z23-S01.4
SEABR-5-172	
TITLE	
EQUIPMENT DETAILS	
SHEET NUMBER	Z-6



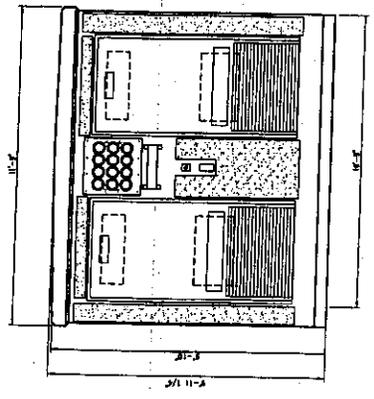
SHELTER PLAN  
 SCALE 1/8"=1'-0"



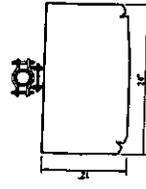
SIDE SHELTER ELEVATION  
 SCALE 1/8"=1'-0"



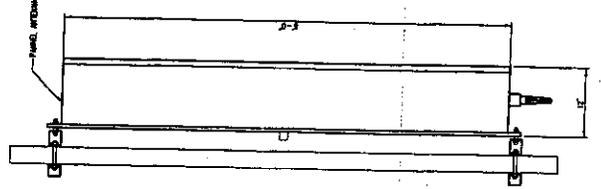
FRONT SHELTER ELEVATION  
 SCALE 1/8"=1'-0"



REAR SHELTER ELEVATION  
 SCALE 1/8"=1'-0"



ANTENNA PLAN DIMENSION



PANEL ANTENNA DETAIL  
 SCALE 1/4"=1'-0"









**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATIONS**

**2232-S07-4:**

The applicants, T-Mobile Northeast LLC/ Northern Virginia Electric Cooperative/Smartpole, Inc and New Cingular Wireless PCS, LLC Northern Virginia Electric Cooperative (NOVEC), have filed for review by the Planning Commission to determine whether the construction of a telecommunications facility (140 foot high tree monopole) and related equipment cabinets on the property of the Northern Virginia Electric Cooperative satisfies the criteria of location, character and extent pursuant to Sect. 15.2-2232 of the Code of Virginia, and therefore may be determined to be in substantial conformance with the Comprehensive Plan.

**SEA 89-S-072:**

The applicant seeks to amend SE 89-S-072, previously approved for an electric substation, to permit the addition of a telecommunications facility (140 foot high tree monopole) and associated equipment cabinets on the site of the Northern Virginia Electric Cooperative's (NOVEC) Popes Head Electric Substation located at 12700 Popes Head Road, Clifton. The existing substation is currently an unmanned facility that is operational 24 hours per day, seven days a week, with weekly to monthly inspections. The proposed telecommunication facility will operate in a similar manner. Proposed Development Conditions, Applicant's Affidavit, and Statement of Justification are contained in Appendices 1, 2 and Attachment A of Appendix 4, respectively.

**Waivers and Modifications:**

The applicant requests a modification of the transitional screening and barrier requirements along all four property lines in favor of the existing vegetation as shown on the SEA Plat.

**Category and Use:**

Two Category 1 special exception uses are proposed on the subject property zoned RC; Use 8, Mobile and Land-based Telecommunication Facilities, and Use 1, Light Public Utility Use. These uses must comply

with the Use Limitations of Section 3-C05, the General Standards of Section 9-006, Standards for all Category 1 Uses of Section 9-104 and 9-105, among others. (Appendix 5)

**LOCATION AND CHARACTER**

**Site Description:**

The 4.81 acre site is located on Tax Map 66-4 ((3)) 1 at 12700 Popes Head Rd, east of its intersection with Clifton Road. The site is currently developed with an electric substation and is bounded by an existing plantation gas-line easement and a single family dwelling unit to the west, vacant parcels to the north and east and a single family dwelling unit to the south. The chart below provides the land use, zoning and current plan recommendation for surrounding properties.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Vacant (Braddock Woods Subdivision Sect. 3 and 4)	R-C	Residential at 0.1 to 0.2 du/ac
South	Single Family Residential	R-C	Residential at 0.1 to 0.2 du/ac
East	Vacant (Braddock Woods Subdivision Sect. 3 and 4)	R-C	Residential at 0.1 to 0.2 du/ac
West	Single Family Residential Plantation Gas Pipe-Line	R-C	Residential at 0.1 to 0.2 du/ac

**BACKGROUND**

- On June 4, 1990, the Board of Supervisors approved SE 89-S-072 to permit an electric substation on 5.029 acres zoned RC and WS. Approximately, 0.2157 acres of right of way was dedicated along Popes Head Road. This is the subject property of the current application, which now covers 4.81 acres. Copies of the approved development conditions are contained in Appendix 3.

**COMPREHENSIVE PLAN PROVISIONS (Appendix 4)**

**Plan Area:** III  
**Planning District:** Pohick Planning District

**Planning Sector:** P1-Twin Lakes Community Planning Sector

**Plan Map:** Residential at 0.1 - 0.2 du/ac

**Plan Text:**

In the Fairfax County Comprehensive Plan, 2007 Edition; Pohick Planning District as amended through September 25, 2006, P-1 Twin Lakes Community Planning Sector; Recommendations, Land Use; page 18; the Plan states:

"1. The entire P1 Planning Sector is located within the watershed of the Occoquan Reservoir. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Almost all of the land in the sector is planned for residential uses within a density range of .1 .2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well established character of existing development in this sector.

2. Non residential uses requiring special exception or special permit approval should be rigorously reviewed. In general, these uses should be located at the boundary of Low Density Residential Areas and Suburban Neighborhoods or where their impact on existing residences is minimal. These uses should be granted only if the following conditions are met:

- Access for the use is oriented to an arterial;
- The use is of a size and scale that will not adversely impact the character of the area in which it is located; and
- The use is designed to mitigate impacts on the water quality of the Occoquan Reservoir."

In the Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition; Public Facilities, as amended through January 10, 2005; MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES, GENERAL GUIDELINES, pages 38 and 39:

"Objective 42: In order to provide for the mobile and land based telecommunication network for wireless telecommunication systems licensed by the Federal Communications Commission, and in order to achieve opportunities for the collocation of related facilities and the reduction of their

visual impact, locate the network's necessary support facilities which include antennas, monopoles, lattice towers and equipment buildings in accordance with the following policies:

- Policy b. Locate new structures that are required to support telecommunication antennas on properties that provide the greatest opportunity to conceal the telecommunication facilities and minimize their visual impact on surrounding areas.
- Policy c. Subject to the availability and feasibility of a public site, when multiple sites have equal opportunity to minimize impacts, consider public lands as the preferred location for new structures.
- Policy f. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.
- Policy h. Design, site and/or landscape mobile and land-based telecommunication facilities to minimize impacts on the character of the property and surrounding areas.
- Policy i. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public way. Analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
- Policy j. Mitigate the visual impact of proposed telecommunication structures, and their antennas and ancillary equipment, using effective design options appropriate to the site such as:
  - locating facilities near to or within areas of mature vegetation and trees which effectively screen or provide an appropriate setting for the proposed structure or which, when viewed in context, considering perspective views, relative topography and other factors, mitigate their visual presence and prominence;

Objective 43: Design telecommunication facilities to mitigate their visual presence and prominence, particularly when located in residential areas, by

concealing their intended purpose in a way that is consistent with the character of the surrounding area:

Policy a. Disguise and camouflage the appearance of telecommunication facilities so as to resemble other man-made structures and natural features (such as flagpoles, bell towers, and trees) that are typically found in a similar context and belong to the setting where placed;"

**ANALYSIS**

**Special Exception Amendment Plat (Copy at front of staff report)**

Title of SEA Plat: "T-Mobile Northeast LLC, NOVEC WAC142F"  
 Prepared By: Entrex Communications Services, Inc  
 Original and Revision Dates: October 3, 2006, as revised through January 25, 2008

Description of SEA Plat:

The SEA Plat has thirteen sheets.

SEA Plat: T-Mobile Northeast LLC, NOVEC WAC142F	
Sheet #	Description of Sheet
1 of 13 (T-1)	Title Sheet, General Notes
2 of 13 (Z-1)	SEA Plat, SE Notes, Building Information Table, Setback Tables
3 of 13 (Z-1A)	Existing Conditions Plan, Vicinity Map
4 of 13 (Z-2)	Easement Plat
5 of 13 (Z-3)	Tree Pole Elevations
6 of 13 (Z-4)	Landscape Plan and Details
7 of 13 (Z-4A)	Sediment/Erosion Plan and Grading Plan
8 of 13 (Z-5)	Tree Pole Elevation and Related Equipment Compound Layout
9 of 13 (Z-6)	Equipment Details
10 of 13 (Z-7)	Equipment Details
11 of 13 (Z-8)	Civil Details including Fence, Surface and Cabinet Details
12 of 13 (Z-9)	Stormwater Management Plan and Calculations
13 of 13 (Z-10)	Tree Protection Details

Site Layout: The 4.81 acre site is rectangular in shape, well vegetated and currently developed with the Northern Virginia Electric Cooperative's (NOVEC) Popes Head Electric Substation. This substation is located in the center of the site and is enclosed within a compound area bounded by a 10 foot high chain link fence. Deciduous and evergreen trees measuring 75 feet to 95 feet in height surround the compound area on all sides. A dry pond for stormwater management is located to the east of the compound area. One access point is provided to the site on the southeast side from Popes Head Road. Existing parking is provided on a large gravel surface parking lot located to the immediate southeast of the electric substation compound area.

Proposed Telecommunication Facility: The applicant proposes to construct a telecommunication facility on the site of the Northern Virginia Electric Cooperative's (NOVEC) Popes Head Electric Substation located at 12700 Popes Head Road, Clifton. This facility will include a maximum 140 foot tall tree monopole (a telecommunications monopole designed to resemble an evergreen tree) and a maximum 35 foot by 50 foot equipment compound area (1750 square feet) bounded by a 10 foot high chain link fence. In addition, the facility will be designed to accommodate 7 telecommunications service providers (4 wireless telecommunication carriers, 2 wireless telecommunication carriers for voice and data backhaul services and 1 carrier for wireless internet service). Details are provided below.

Proposed Tree Monopole: The tree monopole is proposed to be located to the east of the mid-point of the existing dry pond, which is approximately 60 feet north of the proposed equipment compound area. As depicted on Sheets Z-3 and Z-5 of the SEA Plat, the applicant proposes to install antennas for 2 wireless telecommunications carriers (T-Mobile and Cingular) with up to twelve (12) antennae (6 feet long by 2 feet wide by 1 foot deep) for each provider within the branches of the tree monopole. These antennas will be located at a height of 132 foot RAD (*RAD refers to the height location on a pole of the center of radiation for an antenna*) center for T-Mobile and 122 foot RAD center for Cingular. The tree monopole will be designed to accommodate two additional wireless telecommunications carriers in the future with up to twelve (12) antennas (6 feet long by 2 feet wide by 1 foot deep) for each provider within the branches of the tree monopole to be located at a height of 112 foot RAD center and 102 foot RAD center. Two 3 foot diameter dish microwave antennas located at the 127 foot RAD center and two 1 foot diameter dish microwave antennas located at 117 RAD center will also be installed on the tree monopole and used for voice and data backhaul services. In addition, two internet antennas (3 inch diameter by 12 foot long whip antenna) for community use are proposed on the 80 foot RAD center and will be installed in the future. All of these antennas will be concealed by branches/foliage of the tree monopole and will not protrude beyond the branches. **Graphic 1** shows all antennas as proposed on the SEA Plat.





Proposed Telecommunication Equipment: All proposed equipment shelters/cabinets for T-Mobile, Cingular, the community use internet carrier and any future carrier will be limited to a maximum height of ten (10) feet and will be located within the telecommunications compound area as shown on the SEA Plat and in Graphic 2. T-Mobile is proposing three equipment cabinets (2 foot 5 inch wide by 4 foot 3 inch long), a PPC radio cabinet (5 foot 9 ½ inch long by 2 foot 4 inch wide) and a BBU (battery backup unit) cabinet (3 foot wide by 2 foot 4 inch deep by 5 foot 6 inch high) on a 12 foot wide by 16 foot concrete pad; Cingular is proposing one equipment shelter with a maximum height of 9 feet and 11 inches on a 11 foot 6 inch wide by 20 foot long pad. The community use internet carrier includes an equipment shelter measuring 8 feet wide by 8 feet long, a Cell Site Cabinet (CSC) measuring 3 feet wide by 1 foot 8 inch depth by 5 feet 6 inch high and a utility frame.

Access and Parking: One access point is provided from Popes Head Road on the southeast side of the subject property. An existing gravel driveway connects the access point to the electric power substation entrance. Four parking spaces are provided to the south of the proposed equipment compound area.

Landscaping and Open Space:

Approximately 79% of the site is open space. Some landscaping will be removed during construction and will be replaced on the north and east sides of the equipment compound area. Additional landscaping, which primarily includes evergreen trees, will be provided on the southern and eastern sides of the proposed equipment compound area; at the entrance; along the access road; and around the perimeter of the electric power station and dry pond to supplement the existing good quality vegetation on the site used to screen the uses.

**Land Use/2232 Analysis (Appendix 4)**

Section 15.2-2232 of the Code of Virginia, as amended, charges the Planning Commission with determining whether the general location or approximate location, character, and extent of the proposed facility are substantially in accord with the adopted Comprehensive Plan.

Location

Plan guidelines support the location of telecommunication uses on an existing public utility site in a predominately residential area when other, more suitable land uses, such as public property or commercial or industrial properties are not available and the telecommunications facility is located to blend with its surroundings. The applicant states that a number of other sites in the

surrounding vicinity were evaluated, some as far away as 1 mile from the subject property, as a possible alternative location. No commercial or industrial properties were present in the vicinity of the area to be served. Publicly-owned properties were not suitable for the location of the tree monopole for lack of acceptance by public agency. Other sites did not meet coverage objectives due to the distance of their location from the service area. In addition, existing telecommunication facilities are too far from the target coverage area around the subject property. The proposed location has been determined ideal for adequate service for this facility consistent with the Plan guidelines to consider public, commercial or industrial land as preferred locations.

The subject property includes large stands of trees along all four boundaries as well as in its interior in the eastern portion of the site. While the density of growth varies throughout the site, staff concludes that these existing trees will screen views of the facility from adjoining nearby residential and planned residential land uses, as recommended by the Plan. Furthermore, the applicant has proposed additional landscaping to mitigate existing and future visual impact of the proposed tree monopole and equipment compound.

The collocation of the substation and a telecom facility meets the collocation criteria of the Comprehensive Plan. The proposed facility will be central to service an existing void area and will be designed to accommodate at least 7 telecommunications service providers (4 wireless telecommunication carriers, 2 wireless telecommunication carriers for voice and data backhaul services and 1 carrier for wireless internet service), in accordance with Plan recommendations for collocation. Finally, the proposed telecommunications facility is not located within a flood plain or other environmentally sensitive area, in accordance with the Plan Guidelines.

#### Character

The proposed tree monopole will be designed to look like an evergreen (pine) tree with simulated bark, tree limbs and pine needles on the branches. This tree monopole design in combination with existing and proposed landscaping should mitigate its visual impact and help the facility to blend with its surroundings.

A visual impact analysis was conducted to determine the maximum mitigation of the visual impact of the proposed 140 foot tree monopole. Only two homes approximately 429.8 feet and 418.8 feet, respectively from the subject property, have a distant, partial view of the tree monopole as it rises above the tree canopy. To further mitigate the impact it was determined that by moving the monopole 70 feet to the northeast of the original location provided additional tree screening and canopy to lessen view of the amount of the

simulated evergreen tree structure extending above the tree line from surrounding properties.

To mitigate the visual impact to the properties to the south and west which is planned, zoned and developed as residential use, the applicant will: 1) restore evergreen plantings along the perimeter of the substation compound; 2) landscape the southern side of the proposed equipment compound and relocated parking area; and 3) provide supplemental evergreen plantings along the main access road. Additional tree limbs will be located at the on the southern side of the tree monopole trunk to enhance the simulated evergreen tree as viewed from Popes Head Road and development to the southwest.

While most of the existing trees on site range in height from approximately 75 to 95 feet, the 140 foot tree monopole will be placed in the center of the subject property to take advantage of the predominately wooded site. This central location will maximize the distance between the tree monopole and surrounding wooded residential and vacant properties, resulting in minimal visual impact. Therefore the proposed tree monopole is in harmony with and should effectively blend with the wooded, residential character of the area.

In order to further mitigate any visual impact of the proposed equipment compound, evergreen trees will be planted along the southern and eastern side of the equipment compound, screening the view from the public way, Popes Head Road. Supplemental evergreen landscaping along the entrance, the access road and the dry pond create a natural screen which distracts the viewer from the higher portion of the tree monopole elevation. The restoration of the perimeter evergreen landscaping around the NOVEC substation compound will also facilitate further mitigation of visual impact of the substation and the tree monopole upon the surrounding low density residential area.

Staff concludes that the proposed tree monopole's interior site location, design, narrow silhouette, concealed antennas and surrounding supplemental and existing trees will effectively mitigate the facility's visual impact on adjacent development. Therefore, the proposed tree monopole will be compatible and in context with the character of the wooded, residential area along Popes Head Road. In staff's opinion, the proposed facility should not have a negative visual impact on the overall character of the surrounding area which is consistent with Plan objectives.

#### Extent

The 4.8-acre subject property is a wooded parcel with an electric power substation, transformer and related equipment compound, four parking spaces, dry pond and access road. The simulated evergreen tree monopole

and the equipment compound (approximately 50 feet by 35 feet) will occupy 2,472 square feet which accounts for one percent of the total area of the subject property. The property's size permits substantial setbacks of the facility and its location on the property will not cause the loss of any parking spaces because the four spaces will be relocated to the southern side of the access road near the entrance gate to the substation compound. DIT staff has concluded that the proposed facility including the providers' antennas to be installed on the tree monopole, will pose no harm to the County or its citizens. Therefore, staff concludes that the proposed unmanned facility will not have an adverse impact on the use of the existing site or on the possible future development of the site, in accordance with the Plan guidelines.

### Conclusion

Staff concludes that the subject proposal, Application 2232-S07-4, T-Mobile Northeast, L.L.C. (T-Mobile), Smartpole, Inc. (Smartpole), NOVEC and New Cingular Wireless P.C.S., L.L.C. (Cingular) to construct a 140 foot high tree monopole, antennas, equipment shelters and compound and site improvements located at 12700 Pope Head Road, Clifton, satisfies the criteria of location, character, and extent as specified in Section 15.2-2232 of the Code of Virginia, and recommends that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

**Environmental Analysis:** (Attachment B of Appendix 4)

### **Issue: Stormwater Management/Water Quality Protection**

An existing SWM pond situated north of the proposed electrical equipment compound area is intended to accommodate the water quality and quantity requirements for the existing electric power substation. Staff is concerned about the location of the proposed telecommunications facility and access to the storm water management pond for maintenance and inspection. Any final determination regarding stormwater management for the site will be made by staff in the Department of Public Works and Environmental Services (DPWES).

### **Resolution:**

In the memo dated October 26, 2007 (see Attachment G of Appendix 4), staff from DPWES indicated that the application generally meets the Stormwater Management and Best Management Practices (SWM/BMP) requirements. The applicant will be required to demonstrate that all SWM/BMP facilities are adequate to service the proposed expansion at the time of Site Plan Review.

If the proposed facilities are not in substantial conformance with the SEA Plat, then the applicant may need an additional SEA application.

**Issue: Tree Preservation**

The subject property is located in a portion of the R-C zoning district. As a policy standard for uses requiring special permit or special exception approval, staff recommends that a minimum of fifty percent of the site be set aside as undisturbed open space. While a large portion of the site appears to meet this standard, some additional clearing and grading may be required to accommodate the proposed telecommunications facility.

**Resolution:**

The applicant has met with Urban Forest Management (UFM) to discuss various landscaping options that would provide the optimal screening for the proposed telecommunication facilities that would not interfere with existing vegetation, utility easements or equipment (see Attachment E of Appendix 4). The applicant agreed to augment the existing landscaping in areas where screening appeared insufficient. The applicant will plant additional landscaping at the entrance, along the access road, and around the perimeter of the electric power station compound and dry pond. A development condition has been written to ensure that the type, species and locations of the additional landscaping depicted on the Sheet Z-4 of the SEA Plat is provided in accordance with the PFM and approved by Urban Forest Management. The other issues listed in the UFM Memorandum (Attachment E of Appendix 4) have been addressed by the applicant on the SEA Plat.

All environmental issues associated with this request have been resolved with proposed development conditions.

**Transportation Analysis (Attachment C of Appendix 4)**

There are no outstanding transportation issues. Since the proposed facility will be unmanned and require only routine maintenance, it will generate minimal traffic and cause little to no impact on adjacent roadways.

**Park Authority Analysis (Attachment H of Appendix 4)**

Fairfax County Park Authority (FCPA) staff reviewed the application and indicated that a disturbance assessment of all land to be disturbed on the site and additional archaeological studies should be provided if needed. The applicant proposes to locate a tree monopole and equipment compound area in an area of the site that was previously disturbed by the existing electric power substation development. A development condition will be imposed to

prevent any further disturbance beyond the limits of clearing and grading on the subject property. Imposition of the development condition will satisfy staff's concern.

In addition, the Historic Preservation Planner reviewed the application and indicated that the subject property is in close proximity with the Robey's Mill Historic Overlay District, Hanslot (a Fairfax County Inventory site) and eighteen properties identified in the Historic Resources Survey. The applicant provided photo documentation regarding the visibility of the proposed tree monopole on these properties, which indicated that the proposed tree monopole would not be visible from these sites (see Attachment I of Appendix 4). Staff reviewed the documentation and determined that there is no visual impact on the identified heritage resource properties.

### ZONING ORDINANCE PROVISIONS

In accordance with Paragraph 1 of Section 9-104 of the Zoning Ordinance, a Category 1 Special Exception use is not required to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which it is located.

Transitional Screening and Barrier Requirement		
Direction	Required	Provided
North	Type 3 <sup>1</sup> Barrier D, E or F <sup>2</sup>	None <sup>3</sup> 10 foot tall chain link fence
South	Type 3 Barrier D, E or F	None <sup>3</sup> 10 foot tall chain link fence
West	Type 3 Barrier D, E or F	None <sup>3</sup> 10 foot tall chain link fence
East	Type 3 Barrier D, E or F	None <sup>3</sup> 10 foot tall chain link fence

1. Transitional Screening 3 shall consist of an unbroken strip of open space a minimum of 50 feet wide planted with: (1) One large evergreen tree with an ultimate height of 40 feet or greater for every 10 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one large deciduous tree with an ultimate height of 50 feet or greater for each 30 linear feet, plus one medium evergreen shrub with an ultimate height of 12 feet or less for every 15 linear feet. OR (2) With approval of the Director, one large deciduous tree with an ultimate height of 50 feet or greater for every 15 linear feet, plus one medium evergreen tree with an ultimate height of 20 to 40 feet for every 5 linear feet, plus one small deciduous tree with an ultimate height of 20 feet or less for each 12 linear feet, plus 7 medium evergreen shrubs with an ultimate height of 12 feet or less for each 10 linear feet.
2. Barrier D shall consist of a 42-48 inch tall chain link fence and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs. Barrier E shall consist of a 6 foot tall wall, brick or architectural block faced on the side facing the existing use and may be required to be so faced on both sides as determined by the Director. Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.

3. The has requested a modification of the transitional screening and barrier requirements for all four property lines in favor of the existing vegetation in accordance with Section 13-304 of the Zoning Ordinance.

## **Waivers/Modifications**

### **Transitional Screening and Barrier Requirements**

Because the subject property is zoned R-C and surrounded by R-C zoned parcels, transitional screening and barriers are required on all four sides of the substation. The proposed telecommunication facility is located on a portion of a much larger parcel that is heavily vegetated. This vegetation includes approximately 35 to 240 feet of undisturbed trees around the periphery of the site with four small disturbed strips used for an access drive, stormwater management facilities and underground utilities. The Zoning Ordinance requires a 50 foot wide unbroken strip of open space and a 42-48 inch tall barrier around the entire site. While the only barrier provided is a 10 foot tall chain link fence around the substation and the proposed telecommunication compound area that is transparent, staff believes that the surrounding properties have sufficient screening provided by the existing vegetation (consisting of hardwood and evergreen trees averaging 100 feet tall) to preclude the need for additional screening and barriers. In accordance with Par. 3 of Sec. 13-304 of the Zoning Ordinance, the transitional screening requirements may be modified when the adjacent property is landscaped to minimize adverse impacts. With the existing trees surrounding this property on all four sides and the proposed supplemental vegetation shown on the SEA Plat, this condition is met. Staff recommends approval of a modification of the transitional screening requirements and modification of the barrier requirements for all four property lines in favor of the SEA Plat.

### **Special Exception Requirements (Appendix 5)**

#### **General Special Exception Standards (Sect. 9-006)**

General Standard 1 requires that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan. As stated in the Land Use/2232 Analysis, staff believes the proposal is in harmony with the Plan.

General Standard 2 requires that the proposed use be in conformance with the general purpose and intent of the applicable zoning district regulations. The R-C District permits mobile and land based telecommunication facilities and light public utility uses as a special exception use. The site is designed to be compatible with the adjacent residentially zoned land.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. As stated in the Land Use/2232 Analysis, the proposed site has been designed as a collocation with an existing facility to minimize the impact of the proposed telecommunication facility on neighboring properties. It is staff's opinion that the proposed location, coupled with the substantial surrounding vegetation will not hinder future development of adjacent parcels.

General Standard 4 requires that the proposed use be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. Access for the site is provided from a gravel road extending from Pope's Head Road. Traffic associated with this facility will be minimal, given that only weekly or monthly maintenance inspections will be required. Due to the low number of trips generated by the use, it is staff's opinion that the application will not create any hazardous traffic conditions.

General Standards 5, 6 and 7 require landscaping, screening, open space, adequate utility, drainage, parking and loading to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in the Ordinance. The applicant has met or exceeded the requirements of the Zoning Ordinance with the exception of the transitional screening and barrier requirements, which staff has recommended to be modified. In staff's opinion these standards have been met.

#### Category 1 Standards (Sect. 9-104)

Category 1 special exception uses are not required to comply with the lot size requirements or the bulk regulations set forth in the Zoning Ordinance. There shall be no storage of materials or equipment, repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. In addition, the applicant must demonstrate that there is no alternative site available for such use in a C or I District within one mile of the proposed location. A site plan is required in conformance with Article 17.

The subject property is zoned R-C and no storage or maintenance facilities are proposed. In addition, the applicants have stated that attempts were

made to find alternative sites for this use. There are no commercially or industrially zoned properties within one mile of this location to provide an alternate location for this use. A FCPA property (Twin Lakes Golf Course) is located just west of the subject property off Clifton Road and was determined to be a feasible alternate location. However, FCPA staff denied the request. The applicants investigated other alternative sites but concluded that those alternatives would be too far from the coverage objective area. This site was chosen because it allows a collocation with an existing electric power substation and will adequately address a substantial deficiency of wireless service in the area. The proposed location has been determined ideal for adequate service for the proposed telecommunication facility consistent with the Plan guidelines to consider public lands or commercial and industrial land use as preferred locations. Staff concurs with this conclusion and considers this standard satisfied.

Additional Standards for Mobile and Land Based Telecommunication Facilities (Sect. 9-105)

Standard 1 requires that except for antennas completely enclosed within a structure, all antennas and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted. As previously stated, the applicant proposes to construct a 140-foot tree monopole and telecommunication facility that will be designed to accommodate up to 7 telecommunication service providers (4 wireless telecommunication carriers, 2 wireless telecommunication carriers for voice and data backhaul services and 1 carrier for wireless internet service). The applicant proposes to install antennas for 2 wireless telecommunications carriers (T-Mobile and Cingular) with up to twelve (12) antennae (6 feet long by 2 feet wide by 1 foot deep) for each provider within the branches of the tree monopole. This tree monopole will be designed to accommodate two additional wireless telecommunications carriers in the future with up to twelve (12) antennas (6 feet long by 2 feet wide by 1 foot deep) for each provider, two 3 foot and 1 foot diameter dish microwave antennas for voice and data backhaul services, and two internet antennas for community use. The stealth design of the tree monopole will conceal the antennae and the telecommunication tower. Therefore, this standard has been satisfied.

Standard 2 requires that except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-203, no commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure. The applicant has not proposed any advertising or signs on the telecommunication tree monopole or equipment compound area. Staff believes that this standard has been satisfied.

Standard 3 requires that if any additions, changes or modifications are to be made to monopoles or towers, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code. A development condition has been included that would require conformance with this standard should any modifications be made to the proposed telecommunication facility. Therefore, with the implementation of this development condition, staff believes that this standard has been satisfied.

Standard 4 requires that no signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light. The proposed telecommunication facility includes a 140 foot tree monopole. A development condition has been included requiring that a steady red marker light be installed unless waived by the Zoning Administrator. Therefore, with the implementation of this development condition, staff believes that this standard has been satisfied.

Standard 5 requires that all antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use. A development condition requiring conformance with this standard has been included. Therefore, with the implementation of this development condition, staff believes that this standard has been satisfied.

### **Overlay District Requirements**

#### Water Supply Protection (WSPOD) (Sect. 7-808)

The Water Supply Protection Overlay District requires that developments provide water quality control measures designed to reduce by one-half the projected phosphorus runoff pollution for the proposed use. Both stormwater management and best management practices are proposed to be provided by an existing dry pond; the adequacy of these measures will be determined at the time of site plan review.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

In staff's opinion, the proposed telecommunication facility satisfies the criteria of the location, character, and extent as specified in Section 15.2-2232 of the Code of Virginia.

In staff's opinion, with the adoption of the proposed development conditions, the Special Exception is in harmony with the Comprehensive Plan and in conformance with all applicable Zoning Ordinance provisions.

### **Staff Recommendations**

Staff recommends that the Planning Commission find that the facility proposed under 2232-S07-4 does satisfy the criteria of location, character and extent as specified in Sect. 15.2 2232 of the Code of Virginia and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SEA 89-S-072, subject to the proposed development conditions contained in Appendix 1.

Staff recommends that the transitional screening and barrier requirements along all property lines in favor of modified to the existing vegetation as shown on the SEA Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **APPENDICES**

1. Proposed Development Conditions
2. Affidavit

**APPENDICES (Cont.)**

3. SE 89-S-072 Development Conditions
4. Land Use/2232 Analysis; includes:
  - Attachment A - Statement of Justification
  - Attachment B - Environmental Analysis
  - Attachment C - Transportation Analysis
  - Attachment E - Urban Forest Management Analysis
  - Attachment G - Stormwater Management
  - Attachment H - Park Authority Analysis
  - Attachment I - Historic Resource Analysis
5. Applicable Zoning Ordinance Provisions
6. Glossary

## APPENDIX 1

### PROPOSED DEVELOPMENT CONDITIONS

SEA 89-S-072

February 20, 2008

If it is the intent of the Board of Supervisors to approve SEA 89-S-072 located at 12700 Popes Head Road (Tax Map 66-4((3)) 1) previously approved pursuant to SE 89-S-072 for an electric substation pursuant to Sect. 3-C04 of the Fairfax County Zoning Ordinance to permit the addition of a telecommunications facility (tree monopole and related equipment compound area) pursuant to Sect. 3-C05 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those conditions carried forward from previous approval are marked with an asterisk\*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception amendment plat approved with the application, as qualified by these development conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 11, Site Plans. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with the approved Special Exception Amendment (SEA) Plat entitled "T-Mobile Northeast LLC, NOVEC WAC142F", prepared by Entrex Communications Services, Inc, dated October 3, 2006, as revised through January 25, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Right-of-way to 30 feet from the centerline of Popes Head Road necessary for future improvements shall be dedicated for public street purposes and shall be conveyed to the Board of Supervisors in fee simple at the time of site plan approval or within sixty (60) days upon demand by the Virginia Department of Transportation (VDOT) or the Department of Public Works and Environmental Services (DPWES). All ancillary easements necessary for the construction of future road improvements to Popes Head Road shall be conveyed to the Board of Supervisors upon demand by DPWES.\*

5. A spill containment plan which conforms with the Rural Electrification Administration's guidelines and current Environmental Protection Agency specifications shall be provided to DPWES and implemented prior to site plan approval.\*
6. An infiltration trench or other on-site stormwater management measure shall be provided that achieves Best Management Practices (BMP) criteria to reduce surface erosion on site, as determined by DPWES at site plan.\*
7. The project shall conform to National Electric and Safety Code Standards and the regulations of the Federal Communications Commission with respect to electromagnetic radiation. The applicant shall provide to DPWES the electric and magnetic field measurements at the property lines prior to and following construction of the substation for public information.\*
8. Lightning mast concrete support poles shall be dark brown in color as determined by DPWES.\*
9. All electric lines on site shall be buried.\*
10. The substation shall conform to the Fairfax County Noise Ordinance as determined by DPWES and the Zoning Administrator.\*
11. All transformers on site shall be enclosed by a noise attenuation wall to mitigate adverse noise impacts on the surrounding residential community. The design, height and color of the walls shall be subject to review and approval by DPWES prior to site plan approval.\*
12. The telecommunications tower shall be designed as a tree-pole in substantial conformance with the elevation shown on Sheet Z-5 of the SEA Plat. The maximum height of the telecommunications tower shall not exceed 140 feet inclusive of all antennas and other appurtenances.
13. The total number of antennae panels, omni-directional or whip antennae and microwave dishes shall be limited to a maximum of fifty-four (54) as shown on Sheet Z-5 of the SEA Plat. The size, location and configuration of the antennas and microwave dishes shall be in substantial conformance with the elevation depicted on the SEA Plat. Minor modifications to the antennas and microwave dishes may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. The types of antennas may be substituted for antennas of similar type provided that any substitute antenna does not exceed the size permitted under the Zoning Ordinance.

14. The equipment compound area may include equipment shelters, cabinets, electrical panels, telephone panels and other improvements necessary and/or required for the operation of the telecommunications facility. Equipment shelters/cabinets shall have a maximum height of ten (10) feet and shall be located within a 1,750 square-foot telecommunications compound area as shown on the SEA Plat.
15. All associated equipment shelters/cabinets for the telecommunication facility shall be enclosed by a ten (10) foot tall chain link fence as shown on the SEA Plat.
16. The tree monopole shall not be lighted or illuminated unless required by the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the County. A steady marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for the flight safety of police and emergency helicopters.
17. There shall be no outdoor storage of materials, equipment, or vehicles within the wireless compound for the telecommunications facility.
18. No signs shall be permitted on the subject property for the advertisement of the users of the telecommunications facility.
19. Should the need arise to alter the telecommunication tree-pole from that shown on the SEA Plat, the applicant shall submit engineering and structural data to DPWES affirming that said alterations conform to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
20. Any component(s) of the telecommunications facility shall be removed within one hundred and twenty (120) days after such component(s) are no longer in use.
21. A landscape plan shall be submitted concurrent with site plan review and shall be subject to the review and approval of the Urban Forest Management Department (UFMD), DPWES. The existing and supplemental trees and landscaping shall be provided and maintained along all lots lines as shown on the SEA Plat, subject to the review and approval of UFMD, DPWES. Any dead or dying plantings shall be replaced as approved by UFMD, DPWES.
22. Tree Preservation: The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of

the Urban Forest Management Division, DPWES. The tree preservation plan shall consist of tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 8 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading as shown on the SEA Plat for the entire site. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan." The applicant shall also submit concurrently a monetary value for each tree surveyed that is to be preserved. The monetary values shall be determined using the Trunk Formula Method contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, and shall be subject to review and approval by UFMD. The Location Factor of the Trunk Formula Method shall be based on projected post-development Contribution and Placements ratings. The Site rating component shall be equal to at least 80%. The combined total of monetary values identified in the approved Tree Preservation Plan for trees designated to be preserved shall serve as a baseline sum in determining the amount of the Tree Bond.

23. Tree Bond: A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undisturbed areas identified on the approved SEA Plat. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the subdivision plan, and for work relating to the protection and management of undisturbed areas identified on the approved SEA Plat. If the applicant fails to complete any work identified in the approved site plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used

by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as described in the Tree Preservation condition, above. Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFMD, DPWES.

24. **Tree Preservation Walk-Through:** The Applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chainsaw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
25. **Limits of Clearing and Grading:** The Applicant shall conform strictly to the limits of clearing and grading as shown on the SEA Plat, subject to allowances specified in these conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
26. **Tree Preservation Fencing:** All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below. All tree protection fencing shall be installed after the tree

preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by UFMD, DPWES.

27. **Root Pruning and Mulching:** The Applicant shall root prune and mulch, as needed to comply with the tree preservation requirements of these conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
  - Root pruning shall take place prior to any clearing and grading, or demolition of structures.
  - Root pruning shall be conducted with the supervision of a certified arborist.
  - Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment.
  - Mulch shall consist of wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas.
  - An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.
28. **Site Monitoring.** During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted in conformance with these conditions and as approved by UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and

tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall include once weekly inspections during phase I activities and once monthly inspections during phase II activities. This schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFMD, DPWES.

29. Available space on the telecom tree-pole and within the equipment compound area shall be made available for lease for telecommunications purposes to other telecommunications operators, including but not limited to Fairfax County, subject to reasonable industry-standard lease terms and fair market rent.
30. In order to ensure conformance with applicable safety standards, the Fairfax County Department of Information Technology (DIT) shall have the option to conduct monitoring of radiation emissions as deemed necessary. In the event that the monitoring indicates that the radiation levels exceed the amounts deemed appropriate by the applicable standards, any and all necessary actions determined necessary and approved by DIT shall be taken immediately to comply with accepted standards and agreements and to reduce radiation emissions to the applicable standards.
31. The electric power substation equipment located inside the 10 foot high chain link fence shown on Sheet Z-1 of the SEA Plat may be reconfigured without a SEA application provided that all screening, landscaping, noise attenuation levels and safety measures are maintained.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The

request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: July 9th, 2007  
 (enter date affidavit is notarized)

I, James R. Michal, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below            *96262a*

in Application No.(s): SEA 89-S-072  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

1(a). 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 foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Northern Virginia Electric Cooperative	10323 Lomond Dr., Manassas, VA 20109	Title Owner/Co-Applicant/Lessor
Smartpole, Inc.	1890 Preston White Dr., Suite 103, Reston, VA 20191	Tower Owner/Co-Applicant
T-Mobile Northeast LLC	12050 Baltimore Ave., Beltsville, MD 20705	Lessee/Co-Applicant
New Cingular Wireless PCS, LLC	7150 Standard Dr., Hanover, MD, 21076	Lessee/Co-Applicant
James R. Michal, Esq.	1120 20th St., NW Suite 300, Washington, DC 20036	Attorney/Agent for Lessee
Jackson & Campbell, PC	1120 20th St., NW Suite 300, Washington, DC 20036	Attorney/Agent for Lessee

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

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

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

## SPECIAL EXCEPTION AFFIDAVIT

DATE: July 9th, 2007  
 (enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
 (enter County-assigned application number(s))

1(b). 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 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

## CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code) New Cingular Wireless PCS, LLC  
 7150 Standard Dr., Hanover, MD 21076

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial and last name)  
 Cingular Wireless II, LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262 a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Cingular Wireless II, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Cingular Wireless, LLC  
New Cingular Wireless Services, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New Cingular Wireless Services, Inc.  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Cingular Wireless, LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Cingular Wireless, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Long Distance, Inc.	BLS Cingular Holdings, LLC
SBC Alloy Holdings, Inc.	Bell South Mobile Data, Inc.
Cingular Wireless Corp.	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Long Distance, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Telecom, Inc.

(check if applicable)      There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Telecom, inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Teleholdings, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Teleholdings, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96762a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Communications, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Alloy Holdings, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

- SBC Teleholdings, Inc.
- Southern New England
- SBC Management Services, LP
- New Southwestern Bell Mobile Systems, Inc.
- Telecommunications Corporation
- New SBC Wireless, Inc.
- AWACS, Inc.
- Pacific Telesis Group
- SBC Services, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New Southern Bell Mobile Systems, Inc.  
175 East Houston St.,  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Teleholdings, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

AWACS, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Southern New England Telecommunications Corporation  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

New SBC Wireless, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Pacific Telesis Group  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

SBC Services, Inc.  
175 East Houston St.  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Cingular Wireless Corporation  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.  
Bell South Corporation

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bell South Corporation  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

BLS Cingular Holding, LLC  
5565 Glenridge Connector  
Atlanta, GA 30342

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

- AB Cellular Holding, LLC
- Wireless Telecommunications Investment Company, LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

AB Cellular Holding, LLC  
5565 Glenridge Connector  
Atlanta, GA 30432

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bell South Mobile Data, Inc.  
RAM Broadcasting Corporation

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Wireless Telecommunication Investment Company, LLC  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bell South Mobile Data, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Bell South Mobile Systems, Inc.  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bell South Corporation

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

RAM Broadcasting Corporation  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Bell South Mobile Data, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
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96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Bell South Mobile Data, Inc.  
1155 Peachtree Street, NE  
Atlanta, GA 30309

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Bell South Mobile Systems, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
SBC-MSI, LLC  
175 East Houston Street  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Southwestern Bell Texas Holdings, Inc.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Southwestern Bell Texas Holdings, Inc.  
175 East Houston Street  
San Antonio, TX 78205

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

SBC Communications, Inc.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Jackson & Campbell, P.C.  
1120 20th Street, N.W. Suite 300  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Smartpole, Inc.  
1890 Preston White Dr., Suite 103  
Reston, VA 20191

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Arthur Kellar  
Leonard Forkas, Jr.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile Northeast LLC  
12050 Baltimore Avenue  
Beltsville, MD 20705

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

T-Mobile USA, Inc.

(check if applicable)      There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile USA, Inc.  
12920 SE 38th Street  
Bellevue, WA 98006

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

T-Mobile Global Holding GmbH

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile Global Holding GmbH  
Kennedyallee 1-5, 53175 Bonn Germany

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

T-Mobile International AG & Co. KG

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile International AG & Co. KG  
Kennedyallee 1-5,  
53175 Bonn Germany

**DESCRIPTION OF CORPORATION:** (check one statement)

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- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

T-Mobile International Holding GmbH  
T-Mobile International AG

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile International Holding GmbH  
Kennedyallee 1-5, 53175 Bonn Germany

**DESCRIPTION OF CORPORATION:** (check one statement)

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- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Deutsche Telekom AG

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

T-Mobile International AG  
Kennedyallee 1-5,  
53175 Bonn, Germany

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
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**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Deutsche Telekom AG

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Deutsche Telekom AG  
Friedrich-Ebert-Allee 140  
D-53111 Bonn, Germany

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Federal Republic of Germany  
C/O The Federal Ministry of Finance

Kreditanstalt Fuer Wiederaufbau

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Federal Republic of Germany  
C/O The Federal Ministry of Finance  
Wilhelmstr. 97  
10117 Berlin, Germany

GOVERNMENT OF GERMANY, THERE ARE NO SHAREHOLDERS

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

NOT APPLICABLE

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Kreditanstalt Fuer Wiederaufbau  
Palmengartenstrasse 5-9  
60325 Frankfurt Am Main

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Federal Republic of Germany  
C/O The Federal Ministry of Finance

(check if applicable)      There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Northern Virginia Electric Cooperative  
10323 Lomond Dr.  
Manassas, VA 20109

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Northern Virginia Electric Cooperative is a  
NOT FOR PROFIT Corporation; There are  
no shareholders

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 9th, 2007
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
SBC Management Services, L.P.
175 East Houston St., San Antonio, TX 78205

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

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

SBC-MSI, LLC
General Partner

Southwestern Bell Texas Holdings, Inc.
Limited Partner

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: July 9th, 2007  
(enter date affidavit is notarized)

96262a

for Application No. (s): SEA 89-S-072  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and 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 Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, 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 through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)  
NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: July 9th, 2007  
(enter date affidavit is notarized)

*Ab262a*

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly 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 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 depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)  
NONE

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

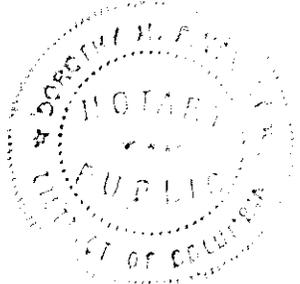
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: *James R. Michal*  
(check one)  Applicant  Applicant's Authorized Agent  
James R. Michal, Attorney for Applicant  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 9 day of July, 2007, in the State of District of Columbia, County/City of Washington.

*Anthony M. Finckley*  
Notary Public

My commission expires: My Commission Expires February 28, 2009





COMMONWEALTH OF VIRGINIA  
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030



June 15, 1990

Mr. Scott A. Bonner  
Northern Virginia Electric Cooperative  
10323 Lomond Drive - Post Office Box 2710  
Manassas, Virginia 22110

Re: Special Exception  
Number SE 89-S-072

Dear Mr. Bonner:

At a regular meeting of the Board of Supervisors held on June 4, 1990, the Board approved Special Exception Number SE 89-S-072, in the name of Northern Virginia Electric Cooperative, located at Tax Map 66-4 ((3)) 1 for use as an electric substation pursuant to Section 3-C04 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this Special Exception shall be in conformance with the approved Special Exception Plat entitled Popes Head Substation and prepared by R. B. Thomas Jr., Ltd. which is dated December 1988 as revised June 4, 1990 and these conditions.

-2-

4. Landscaping and barriers shall be provided and maintained in good condition as shown on the Landscape Plan prepared by R. B. Thomas, Jr., Ltd. dated December 1988 as revised October 1989, subject to review and approval by the County Arborist. In the event white pines are deemed an inappropriate species for this site as determined by the County Arborist, a substitute species to white pines shall be provided by the applicant, as determined by the County Arborist. In the event that the proposed supplemental white pines along the western boundary of the site present a safety hazard as determined by the Department of Environmental Management (DEM), they shall be replaced with plantings to screen the adjacent residential dwelling, to be reviewed and approved by the County Arborist.
5. Right-of-way to 30 feet from the centerline of Popes Head Road necessary for future improvements shall be dedicated for public street purposes and shall be conveyed to the Board of Supervisors in fee simple at the time of site plan approval or within sixty (60) days upon demand by the Virginia Department of Transportation (VDOT) or the Department of Environmental Management (DEM). All ancillary easements necessary for the construction of future road improvements to Popes Head Road shall be conveyed to the Board of Supervisors upon demand by DEM.
6. A temporary sediment basin shall be provided, as determined by DEM at the time of site plan approval, to ensure the adjacent tributary is not impacted by increased pollutant loads.
7. A spill containment plan which conforms with the Rural Electrification Administration's guidelines and current Environmental Protection Agency specifications shall be provided to DEM and implemented prior to site plan approval.
8. An infiltration trench or other on-site stormwater management measure shall be provided that achieves Best Management Practices (BMP) criteria to reduce surface erosion on site, as determined by DEM at site plan.
9. A buffer shall be maintained in accordance with the limits of clearing and grading shown on the Special Exception Plat dated December 1988 as revised October 1989. No structures shall be erected within the limits of clearing and grading. The removal and replacement of dead trees within the limits of clearing and grading shall be permissible subject to review and approval of the County Arborist.

-3-

10. The project shall conform to National Electric and Safety Code Standards and the regulations of the Federal Communications Commission with respect to electromagnetic radiation. The applicant shall provide to DEM the electric and magnetic field measurements at the property lines prior to and following construction of the substation for public information.
11. In the event that a waiver of the dustless surface requirement is denied by the Board of Zoning Appeals, the proposed entrance and parking area shall be constructed of dustless materials.
12. Lightning mast concrete support poles shall be dark brown in color as determined by DEM.
13. All electric lines on site shall be buried.
14. The substation shall conform to the Fairfax County Noise Ordinance as determined by DEM and the Zoning Administrator.
15. All transformers on site shall be enclosed by a noise attenuation wall to mitigate adverse noise impacts on the surrounding residential community. The design, height and color of the walls shall be subject to review and approval by DEM prior to site plan approval.

• This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Under Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty-six (36) months after the approval date of the Special Exception unless the activity authorized has been established, or unless construction has commenced and is diligently pursued, or unless additional time is approved by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the approval of this Special Exception. A request for additional time shall be justified in writing, and must be filed with the Zoning Administrator prior to the expiration date.

## COUNTY OF FAIRFAX, VIRGINIA

## MEMORANDUM

**TO:** Regina Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** David B. Marshall, Chief   
Facilities Planning Branch, Planning Division  
Department of Planning and Zoning

**SUBJECT:** Section 15.2-2232 Review  
**Application 2232-S07-4**  
**T-Mobile Northeast, L.L.C./Smartpole, Inc./NOVEC/**  
**New Cingular Wireless P.C.S., L.L.C.**  
**Concurrent with SEA 89-S-072**  
**12700 Popes Head Road, Clifton**  
**TAX MAP: 66-4 ((3)) 0001**

**REFERENCE:** SEA 89-S-072 T-Mobile Northeast, L.L.C./Smartpole, Inc./NOVEC/  
New Cingular Wireless, P.C.S., L.L.C.

**DATE:** January 25, 2008

In accordance with the Standard Operating Procedures approved by the Board of Supervisors on July 25, 1994, which provide guidance to Department of Planning and Zoning ("DPZ") staff regarding the review of public facilities projects pursuant to Va. Code Sec. 15.2-2232, the Facilities Planning Branch of the Planning Division offers the following comments on the proposed telecommunication facility (concurrent with Special Exception Amendment SEA 89-S-072.)

**PROJECT DESCRIPTION**

(Attachment A)

Applicants, T-Mobile Northeast, L.L.C. (T-Mobile), Smartpole, Inc. (Smartpole), NOVEC and New Cingular Wireless P.C.S., L.L.C. (Cingular) propose to construct a telecommunications facility consisting of a 140-foot simulated evergreen tree monopole (subsequently referred to as a tree monopole) and related equipment compound on the site of the Northern Virginia Electric Cooperative's (NOVEC) Popes Head Electric Substation ("the subject property") at 12700 Popes Head Road, Clifton.

The subject property is comprised of an electric power substation enclosed in a compound surrounded by a 10-foot high chain link fence, that is located in the western half of the subject property. The main access road (with an entrance gate) connects the electric power station compound to Popes Head Road, on the southeast side of the subject property. North of the access gates to the electric substation compound, a small parking area is located to the east of the electric power substation compound along with a dry pond. The remainder of the subject property consists of large stands of predominately deciduous and some evergreen trees which range approximately from 75 feet to 95 feet in height.

The proposed tree monopole will be located east of the mid-point of the dry pond, approximately 60 feet north of the existing parking area, adjacent to the proposed equipment compound. The proposed tree monopole is located 126.1 feet from the northern property boundary, 199.5 feet from the eastern property boundary, 203.4 feet from the southern property boundary and 382.9 feet from the western property boundary. Originally, the applicant proposed that a 130-foot monopole be located within the currently proposed equipment compound located northeast of the gate to electric power station compound, parking area and main access road. However as the result of a balloon test to measure potential visual impacts of the proposed structure, it was determined that the proposed monopole's location would negatively impact surrounding residential development and the public way of Popes Head Road. A subsequent balloon test demonstrated that a tree monopole located approximately 70 feet northwest of the original monopole location would facilitate the structure blending with existing tree stands to the north and east as well as benefit from screening by trees further south adjacent to the dry pond and main access road. The proposed equipment compound would be located immediately adjacent to eastern side of the electric power station compound, to the north of the substation compound access gates.

Initially the development of this telecommunications facility will consist of the installation of the tree monopole, 12 antennas for T-Mobile, 12 antennas for Cingular, the equipment compound, T-Mobile and Cingular wireless telecommunications equipment cabinets, a CSC (Cell Site Cabinet) cabinet, ice bridge, underground RF cable conduits and utility frame. Subsequently, two additional sets of antennas (12 antennas each), two sets of dish microwave antennas (4 antennas) and two community use internet antennas may be added to the tree monopole for a total of 54 antennas. Within the equipment shelter two lease areas for shelters or cabinets are reserved along with a lease area for future community internet use.

The applicant amended Application 2232-S07-4, under which the proposed facility will include the following (all areas and dimensions are approximate):

- Location:** The tree monopole will be located in the central portion of the property, on a strip of land between the edge of the midpoint of the dry pond and the treed area of the eastern half of the subject property; the equipment compound will be located immediately adjacent to the substation equipment compound, north of the substation compound access gates.
- Site:** Total acreage: 4.8 acres; Portion of Site Occupied by Proposed Use: 2,472 square feet.
- Structure:** 140-foot tall steel telecommunications monopole, which will resemble an evergreen tree.
- Antennas:** 2 wireless telecommunications carriers (T-Mobile and Cingular) with up to twelve (12) antennae (6-foot long by 2-foot wide by 1-foot deep) for each provider within the branches of the tree monopole to be located at a height of 132-foot RAD center (RAD refers to the height location on a pole of the center of radiation for an antenna) for T-Mobile and 122-foot RAD center for Cingular. Two additional wireless telecommunications carriers with up to twelve (12) antennas (6-foot long by 2-foot wide by 1-foot deep) for each provider within the branches of the tree monopole to be located at a height of 112-foot RAD center and 102-foot RAD center. Two 3-foot

diameter by 15-inch depth dish microwave antennas will be located at 127-foot RAD center and two 1-foot diameter by 9-inch depth dish microwave antennas will be located at 117-foot RAD center. Two internet antennas (3-inch diameter by 12-foot long whip antenna) for community use is proposed for the 80-foot RAD center. The proposed antennas will be concealed by branches/foilage of the tree monopole and will not protrude beyond the "branches" of the tree monopole.

**Equipment:** Equipment shelter dimensions for the different carriers are as follows: T-Mobile – three equipment cabinets (2-foot 5-inch wide by 4-foot 3-inch long), PPC radio cabinet (5-foot 9 ½-inch long by 2-foot 4-inch wide) and a BBU (battery backup unit) cabinet (3-foot wide by 2-foot 4-inch deep by 5-foot 6-inch high) on a 12-foot wide by 16-foot concrete pad; Cingular – one equipment shelter and pad (11-foot 6-inch wide by 20-foot long); Community Use Internet Carrier – equipment shelter dimensions are 8-foot wide by 8-foot long; A CSC Cabinet (3-foot wide by 1-foot 8-inch depth by 5-foot 6-inch high) and a utility frame.

**Compound:** The compound's dimensions are 35' x 50' with an area of 1,750 square feet. The compound, enclosed by a 10-foot chain link fence, will initially contain the 2 telecommunications carrier equipment pads: T-Mobile equipment cabinets on a 12-foot wide x 16-foot long concrete pad and a Cingular shelter on an 11-foot 6-inch wide by 20-foot long concrete pad. There are three lease space areas for future providers within the equipment compound: two future telecommunications carrier equipment shelter lease areas, 12-foot by 16-foot wide and 12-foot wide by 20-foot long, respectively and a future community use internet lease area, 8-foot wide by 8-foot long. To the south and east of the compound, outside the 10-foot chain link fence will be located transitional screening in the form of evergreen landscaping.

**Utilities:** All utilities needed for the proposed facility are available.

**Access:** Two gates, 1) 6-foot wide and 2) 12-foot wide along the southern side of the equipment compound which open onto the access road.

**Operations:** Unmanned; operational 24 hours/day; a few maintenance visits per year.

**Screening:** Landscaping is proposed for the southern and eastern side of the equipment compound. Existing trees will be removed during construction and replaced on the north sides of the equipment compound. The original approved landscape plan for SE 89-S-072 (except for the landscaping along the western property boundary) will be restored to the site which includes evergreen landscaping at the entrance and along the access road, around the perimeter of the electric power station compound and dry pond.

The applicant states that there are no existing nearby structures tall enough on which to collocate antennas in order to fill a gap in service in this area of the County. According to the applicant there will be no environmental or transportation impacts, no noise or light pollution, no adverse impacts on air or water quality, or any impacts on historically significant areas. The applicant notes that the tree monopole's height is the minimum necessary to accomplish the required coverage in the Popes Head area and will have collocation capability for up to 7 telecommunication service providers (4 wireless telecommunications, 2 telecommunication carriers for voice and data backhaul services, and 1 carrier for wireless internet service).

## **On- and Off-site Considerations**

On- and Off-site impacts anticipated by the applicant are summarized below:

- *Traffic* – Due to the limited number of site visits required to maintain the telecommunications equipment at the unmanned site, no impacts relating to traffic are anticipated. There is no parking proposed for the telecommunications facility; the relocated four (4) parking spaces adjacent to the electric substation compound will be available for the use by visitors to the site.
- *Noise control* – Due to the unmanned nature of the site and the limited equipment installed, no impacts relating to noise are anticipated.
- *Light pollution* – The proposed facility will not be lighted.
- *Air quality* – No impacts relating to air quality are anticipated.
- *Visual impact* – The applicant has stated that the proposed facility will have no material adverse impact on the visual quality or character of the general proposed area. The facility is proposed in an R-C (Residential-Conservation) zoned property, where the surrounding properties are sparsely developed and heavily wooded providing natural screening for the proposed telecommunication facility. The proposed telecommunication facility will not require the removal of any trees and keep the existing natural screening of the tree line intact. The applicant has made efforts to minimize any negative visual impact from the installation of the structure on the surrounding properties by disguising it as an evergreen tree which utilizes tree branches to obscure the antennas. Additionally, the tree monopole location will be located to utilize the existing mature woodland tree buffer that exists on all sides of the site to minimize any impacts. The multi-species tree vegetation provides many different tree heights which will help break up the visual impact of the structure. Supplemental plantings will buffer the view from Popes Head Road and the planned or developed residential area to the south and west. Additional evergreen plantings will be provided on the perimeter of the electric power substation compound consistent with the original approved site plan for the subject property.
- *Water Supply and Water quality* – This project has a total disturbed area of 2,499 square feet for the first phase and according to the applicant does not require storm water management.

## **PLANNING ANALYSIS**

The subject property is located on the north side of Popes Head Road between Pocol Drive to the east and Clifton Road to the west. It is bordered by two large lot, single family detached homes to the west and another to the southwest. The remainder of land to the north, south and east is undeveloped. The property and the surrounding area is planned for residential use at .1-.2 dwelling units per acre and private open space according to the Comprehensive Plan map and zoned Residential Conservation District (R-C) and Water Supply Overlay District (WS). This area is located in the Twin Lakes Community Planning Sector (P1) of the Pohick Planning District in Area III.

In the Fairfax County Comprehensive Plan, 2007 Edition; Area III; Pohick Planning District as amended through September 25, 2006, P-1 Twin Lakes Community Planning Sector; Recommendations, Land Use; page 18; the Plan states:

- “1. The entire P1 Planning Sector is located within the watershed of the Occoquan Reservoir. Protection of the Occoquan Reservoir water quality is the primary objective for this area. Almost all of the land in the sector is planned for residential uses within a density range of .1-.2 dwelling unit per acre. This conforms with findings in the Occoquan Basin Study and is commensurate with predominant densities and the well-established character of existing development in this sector.
2. Non-residential uses requiring special exception or special permit approval should be rigorously reviewed. In general, these uses should be located at the boundary of Low Density Residential Areas and Suburban Neighborhoods or where their impact on existing residences is minimal. These uses should be granted only if the following conditions are met:
  - Access for the use is oriented to an arterial;
  - The use is of a size and scale that will not adversely impact the character of the area in which it is located; and
  - The use is designed to mitigate impacts on the water quality of the Occoquan Reservoir.”

Fairfax County Comprehensive Plan, Policy Plan, 2003 Edition; Public Facilities, as amended through January 10, 2005; **MOBILE AND LAND-BASED TELECOMMUNICATION SERVICES, GENERAL GUIDELINES**, pages 38 and 39:

**“Objective 42: In order to provide for the mobile and land based telecommunication network for wireless telecommunication systems licensed by the Federal Communications Commission, and in order to achieve opportunities for the collocation of related facilities and the reduction of their visual impact, locate the network’s necessary support facilities which include antennas, monopoles, lattice towers and equipment buildings in accordance with the following policies. ...**

- Policy b. Locate new structures that are required to support telecommunication antennas on properties that provide the greatest opportunity to conceal the telecommunication facilities and minimize their visual impact on surrounding areas.
- Policy c. Subject to the availability and feasibility of a public site, when multiple sites have equal opportunity to minimize impacts, consider public lands as the preferred location for new structures. ...

- Policy f. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate. ...
- Policy h. Design, site and/or landscape mobile and land-based telecommunication facilities to minimize impacts on the character of the property and surrounding areas.
- Policy i. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public way. Analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
- Policy j. Mitigate the visual impact of proposed telecommunication structures, and their antennas and ancillary equipment, using effective design options appropriate to the site such as:
- locating facilities near to or within areas of mature vegetation and trees which effectively screen or provide an appropriate setting for the proposed structure or which, when viewed in context, considering perspective views, relative topography and other factors, mitigate their visual presence and prominence; ...
- Objective 43: Design telecommunication facilities to mitigate their visual presence and prominence, particularly when located in residential areas, by concealing their intended purpose in a way that is consistent with the character of the surrounding area. ...**
- Policy a. Disguise and camouflage the appearance of telecommunication facilities so as to resemble other man-made structures and natural features (such as flagpoles, bell towers, and trees) that are typically found in a similar context and belong to the setting where placed;...”

## ZONING REVIEW

The property is zoned R-C, WS and is subject to Special Exception SE 89-S-072. Special exception amendment approval is required in order to construct a tree monopole on this site. Special Exception Amendment application SEA 89-S-072 was submitted on January 30, 2007 for a light utility use and a telecommunications facility.

## **ENVIRONMENTAL REVIEW**

(Attachment B)

The staff of the Environment and Development Review Branch, Planning Division in DPZ reviewed the application and noted the following issues:

### **Stormwater Management**

#### **Issue:**

The subject property is currently developed with an electrical substation. Runoff from the developed portions of the site are conveyed to an existing storm water management facility. The location of the proposed new monopole/tree-pole may encroach into a portion of the existing storm water management pond. The location of the proposed telecommunications facility also raises questions regarding easy access to the storm water management pond for maintenance and inspection. Any final determination regarding storm water management for the site will be made by staff in the Department of Public Works and Environmental Services (DPWES).

#### **Resolution:**

The Department of Public Works and Environmental Services (DPWES) has determined that the latest plans generally meets the Storm Water Management requirements. The applicant should endeavor to reduce volume of runoff leaving the site by use of LID measures.

### **Tree Preservation**

#### **Issue:**

The subject property is located in a portion of the R-C zoning district. As a policy standard for uses requiring special permit or special exception approval staff recommends that a minimum of fifty percent of the site be set aside as undisturbed open space. While a large portion of the site appears to meet this standard some additional clearing and grading may be required to accommodate the proposed telecommunications facility.

#### **Resolution:**

Staff recommends that the applicants keep all clearing and grading to a minimum. Additionally, replacement landscaping and supplemental landscaping should be provided to ensure adequate screening for the facilities during all seasons.

## **TRANSPORTATION REVIEW**

(Attachment C)

The Fairfax County Department of Transportation staff provided the following comments:

The Fairfax County Department of Transportation (FCDOT) has reviewed the generalized development plan revised through June 2007. The applicant has dedicated adequate right-of-way

along its Popes Head Road frontage and thus, FCDOT offers no objections to the approval of this application.

## COMMUNICATION REVIEW

(Attachment D)

The Emergency Communications Branch of the Department of Information Technology (DIT) has thoroughly reviewed 2232-S07-4, based on placement of a 130 foot monopole, with twelve (12) panel antennas, for telecommunications use, at the 127 foot level of the monopole and twelve (12) panel antennas, for telecommunications use, at the 117 foot level of the monopole. DIT has concluded that the application is in harmony with the Telecommunications portion of the Comprehensive Plan and meets or exceeds Federal Communications Commission Standards for emission levels at the site.

This review has shown that all known antennas on the monopole will have combined emissions of less than 1% of the Federal Communications Commission Rules and Regulations (47 CFR Part 1.1310 Radiofrequency Radiation Exposure Limits for General Public/Uncontrolled Exposure Standards) in the unsecured area, at ground level, within 2000 feet of the monopole.

## URBAN FORESTRY

(Attachment E)

Staff of the Urban Forestry Division of the Department of Public Works and Environmental Services reviewed the proposed development and provided the following comments:

At the December 4, 2007 meeting of the Urban Forestry staff, DPZ staff and the applicant, various landscaping options were discussed that would provide the optimal screening for the facilities that would not interfere with the utility easements or equipment. These include the following: 1) relocating a line of trees from the western property line to the cleared area just west of the existing substation; 2) augmenting the existing landscaping in areas where the screening appeared insufficient; and 3) which evergreen species to plant and which species to avoid based upon the evident damage to the existing landscaping by deer browsing.

The latest plan submitted to DPZ on December 10, 2007, appears to have incorporated all the on-site recommendations we had discussed. Based upon this latest plan, UFMD provides the following comments:

**Comment:** On Sheet Z-4, under the Tree Planting Notes, delete Note #7 since we no longer recommend wrapping the trunks of trees. Also, in Note #9, change the "pine straw mulch" to "pine bark or shredded hardwood mulch".

**Comment:** On Sheet Z-4, reference is made to the evergreen species which were recommended at the site meeting, however, no specification for the proposed tree sizes is provided. The proposed evergreen trees should be a minimum six feet (6') in height upon installation, and no taller than ten feet (10') in height to offer the best chances for survival. A Planting Key/Legend should be provided with this plan to identify all the proposed landscaping tree species and sizes per the PFM requirements 12-0700.

## **WATER SUPPLY**

(Attachment F)

The Fairfax Water staff has reviewed the subject application and concluded that Fairfax Water does not own or maintain any facilities at the site. The closest available public water main is an existing 12-inch pipe at Popes Head and Pocol Drive, approximately 800 feet away. If water service is required at the site, any plans to extend the distribution system must be reviewed and approved by Fairfax Water.

## **ENVIRONMENTAL AND SITE REVIEW DIVISION**

(Attachment G)

## **DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES**

### Chesapeake Bay Preservation Ordinance (CBPO)

There is no Resource Protection Area on the property.

### Floodplain

There is no regulated floodplain on the property.

### Downstream Drainage Complaints

There is no record of drainage complaints on file.

### SWM

DPW&ES has reviewed the subject application and it generally meets the Storm Water Management requirements. The applicant should endeavor to reduce volume of runoff leaving the site by use of LID measures.

## **PARKS**

(Attachment H)

Fairfax County Park Authority (FCPA) staff reviewed the application and determined that a disturbance assessment of all land to be disturbed on the site and additional archaeological studies should be provided if needed. The development condition should be imposed to prevent any further disturbance beyond the limits of clearing and grading on the subject property. Imposition of the development condition will satisfy staff's concern. A development condition addressing this issue has been included in the staff report for SEA 89-S-072.

## **HISTORIC RESOURCES**

(Attachment I)

The Historic Resources staff of the Planning Division of DPZ initially concluded that:

The name and location of the thirteen extant heritage resource properties located within a 1-mile radius or within a 1 ½ to 1 ¾ mile radius of 12700 Popes Head Road which are listed on the National Register of Historic Places, the Fairfax County Inventory of Historic Sites or in the Historic Resources Survey were not evaluated for the 2004 Section 106 review. Therefore it is not known if they would be adversely affected by the proposed undertaking. As a result, these properties should be considered and included in the Area of Potential Effect to document whether or not there is an effect on the properties. The responsibility to provide this documentation lies

with the applicant.

In lieu of a new Section 106 study, the applicant and staff agreed that providing photographic documentation was sufficient to determine whether or not there is a visual effect on the thirteen extant heritage resource properties.

Current/revised comment:

As a result of the initial comment, the applicant has provided photo documentation regarding the visibility of the proposed monopole on the thirteen properties cited above which are located within a ¾ mile radius of 12700 Popes Head Road. The documentation indicates that the proposed monopole would not be visible from any of these sites.

Finding:

There is no visual effect on the thirteen identified heritage resource properties.

**ALTERNATIVE LOCATIONS**

According to the applicants, adequate locations within the surrounding rural area of Popes Head Road in Clifton is extremely limited. Due to the historic district and to the zoning classification of the area the applicant identified three locations for analysis. The current proposed location at Popes Head Road, a Sprint monopole (State Highway 7100 and Braddock Road) and the Twin Lakes Golf Club. The Sprint monopole was rejected by the Radio Frequency engineers because it was outside of the search ring and it would not meet the coverage objectives. Twin Lakes Golf Course just off of Clifton Road is owned and operated by the Fairfax County Park Authority ("FCPA"). On March 17, 2004, a telephone conversation with FCPA staff concluded with the FCPA rejecting an offer to place a tree monopole on the Twin Lakes Golf Course. NOVEC's Popes Head Substation is the only acceptable place for the placement of the wireless telecommunication facility with the ability to accommodate other wireless carriers searching for collocating facilities which complies with the Comprehensive Plan. The applicant is allowing IT access to occur as a service to the community and surrounding area.

**ON-SITE MONOPOLE HEIGHT TEST**

The applicant conducted a balloon test on August 18, 2007 to evaluate the visual impacts upon the surrounding existing and planned residential area from the proposed 130-foot high monopole at the entrance to the fenced electric power station compound (originally proposed location) and an alternative location with a 140-foot high simulated evergreen tree monopole (tree monopole) adjacent to the dry pond. The community was invited to attend this test.

Observations at the test of the proposed monopole location near the electric power station compound entrance revealed that the surrounding on-site stands of trees (located to the east and north) provided adequate mitigation of the visual impact of the proposed 140-foot monopole (with

up to 7 sets of antennas) upon development to the east (residential subdivision) and north (planned residential use). However, observations from the existing and planned residential development to the west and south, indicated that the proposed 130 foot monopole was visible due to the narrow and sparsely planted area of 75-foot high trees located in the southwest and western edges of the subject property. The 130-foot monopole would be located 218 feet from the north property boundary; 287 feet from the eastern property boundary; 144.9 feet from the southern property boundary and 333.9 feet from the western property boundary. The combination of the proposed 130-foot monopole height (elevation of 380 feet ASL) exceeding the height of the surrounding trees by 55-60 feet, close proximity to the southern and western boundaries and the weak vegetative screening adjacent to the southern and western boundaries provided by deciduous trees (especially in winter time when the leaves are not present) result in visual impact to existing and future residential development in the western and southern surrounding areas. Missing tree plantings along the western boundary and surrounding the electric power station compound further exacerbate the visual impact of the electric power station and the proposed monopole upon the western surrounding area.

The observations from Popes Head Road, heading west, indicated that the proposed monopole location near the compound entrance was in complete view from the public way and future residential development to the south. At this location the monopole is adjacent to the access road that leads to the compound entrance and neither the proposed monopole nor the access road are screened from the public way or future residential development to the south. The missing tree plantings along the access road further exacerbate the visual impact of the electric power station upon the areas to the south and the public way.

Pursuant to discussions with an adjacent resident and staff, the applicant proposed an alternate location for the monopole at a height of 140 feet (elevation of 376 feet ASL; 4 feet lower than the original monopole requiring an increase to 135 feet in height and combined with additional 5 feet of tree top limbs resulting in a total height of 140 feet) which was to the northeast of the original monopole location, adjacent to a dry pond. The proposed equipment cabinet remained in the same location near the entrance of the electric power station fenced compound. Due to the location of the 140-foot monopole adjacent to a large stand of trees, it was determined that a simulated evergreen tree monopole (tree pole) would be appropriate to achieve a blending with stands of 75-foot to 85-foot trees which comprise the landscape of the site to the north and east. At this location, the tree pole will be 126.1 feet from the northern boundary; 199.5 feet from the eastern boundary; 203.4 feet from the southern boundary; and 382.9 feet from the western boundary.

Due to the distance from the southern boundary, the screen of the trees immediately adjacent to the proposed tree pole location; and removal from line of sight to the public way along Popes Head Road, the proposed tree pole does not visually impact the existing and planned residential area located to the south. The distances from the northern boundary and the eastern boundary, encompassing areas covered with deciduous and evergreen trees which are approximately 65-85 feet in height, screen the proposed tree pole. The distance of the tree pole from the western boundary is 60 feet more than the original monopole location, providing additional distance to facilitate the mitigation of the tree pole's height by a 60-80 foot wide treed buffer located to the west of the electric power station compound. Trees located along the southern side of the dry pond

provide buffering for the base of the tree pole as viewed from the parking area and the southern portion of the subject property.

While the alternate 140-foot tree monopole is 50-60 feet taller than the surrounding tree stands, the distance from the surrounding existing and planned residential development is sufficient combined with the subject property's existing tree buffers to blend this "taller" tree into the landscape of the site. The location of the proposed tree pole is removed from the line-of-sight from the public way, Popes Head Road, and the southern existing and planned residential area thus serving to mitigate the tree pole's visual impact. The applicant will also provide supplemental evergreen branches at the 50-foot and 60-foot elevation of the tree monopole along the southern side of the "trunk" to enhance the simulated evergreen tree as viewed from Popes Head Road and development to the southwest. The proposed location and stealth treatment are preferred options for this location.

The proposed equipment cabinet compound will be fenced with chain link to blend with the existing NOVEC substation compound chain link fence and evergreen landscaping will be provided along the southern and eastern sides of the proposed equipment compound. The missing landscaping along the access road and surrounding the substation compound should be provided by NOVEC to bring the subject property into compliance with the original landscape plan of the SE. This will provide necessary buffering and screening for the proposed tree pole and its equipment cabinet compound.

## **CONFORMANCE WITH THE COMPREHENSIVE PLAN**

Section 15.2-2232 of the *Code of Virginia*, as amended, charges the Planning Commission with the determination whether the general location or approximate location, character, and extent of the proposed facility are substantially in accord with the adopted Comprehensive Plan.

- Location

Plan guidelines support the location of telecommunication uses on an existing public utility site in a predominately residential area when other, more suitable land uses, such as public property or commercial or industrial properties are not available and the telecommunications facility is located to blend with its surroundings. The applicant states that a number of other sites in the surrounding vicinity were evaluated, some as far away as 1 mile from the subject property, as a possible alternative location. No commercial or industrial properties were present in the vicinity of the area to be served. Publicly-owned properties were not suitable for the location of the tree monopole for lack of acceptance by public agency. Other sites did not meet coverage objectives due to the distance of their location from the service area. In addition, existing telecommunication facilities are too far from the target coverage area around the subject property. The proposed location has been determined ideal for adequate service for this facility consistent with the Plan guidelines to consider public, commercial or industrial land as preferred locations.

The subject property includes large stands of trees along all four boundaries as well as in its interior in the eastern portion of the site. While the density of growth varies throughout the site,

staff concludes that these existing trees will screen views of the facility from adjoining nearby residential and planned residential land uses, as recommended by the Plan. Furthermore, the applicant has proposed additional landscaping to mitigate existing and future visual impact of the proposed tree monopole and equipment compound.

The collocation of the substation and a telecom facility meets the collocation criteria of the Comprehensive Plan. The proposed facility will be central to service an existing void area and will be designed to accommodate at least 7 telecommunications service providers (4 wireless telecommunication carriers, 2 wireless telecommunication carriers for voice and data backhaul services and 1 carrier for wireless internet service), in accordance with Plan recommendations for collocation. Finally, the proposed telecommunications facility is not located within a flood plain or other environmentally sensitive area, in accordance with the Plan Guidelines.

- Character

The proposed tree monopole will be designed to look like a evergreen (pine) tree with simulated bark, tree limbs and pine needles on the branches. This tree monopole design in combination with existing and proposed landscaping should mitigate its visual impact and help the facility to blend with its surroundings.

A visual impact analysis was conducted to determine the maximum mitigation of the visual impact of the proposed 140-foot tree monopole. Only two homes approximately 429.8 feet and 418.8 feet, respectively from the subject property, have a distant, partial view of the tree monopole as it rises above the tree canopy. To further mitigate the impact it was determined that by moving the monopole 70 feet to the northeast of the original location provided additional tree screening and canopy to lessen view of the amount of the simulated evergreen tree structure extending above the tree line from surrounding properties.

To mitigate the visual impact to the properties to the south and west which is planned, zoned and developed as residential use, the applicant will: 1) restore evergreen plantings along the perimeter of the substation compound; 2) landscape the southern side of the proposed equipment compound and relocated parking area; and 3) provide supplemental evergreen plantings along the main access road. Additional tree limbs will be located at the on the southern side of the tree monopole trunk to enhance the simulated evergreen tree as viewed from Popes Head Road and development to the southwest.

While most of the existing trees on site range in height from approximately 75 to 95 feet, the 140-foot tree monopole will be placed in the center of the subject property to take advantage of the predominately wooded site. This central location will maximize the distance between the tree monopole and surrounding wooded residential and vacant properties, resulting in minimal visual impact. Therefore the proposed tree monopole is in harmony with and should effectively blend with the wooded, residential character of the area.

In order to further mitigate any visual impact of the proposed equipment compound, evergreen trees will be planted along the southern and eastern side of the equipment compound, screening

the view from the public way, Popes Head Road. Supplemental evergreen landscaping along the entrance, the access road and the dry pond create a natural screen which distracts the viewer from the higher portion of the tree monopole elevation. The restoration of the perimeter evergreen landscaping around the NOVEC substation compound will also facilitate further mitigation of visual impact of the substation and the tree monopole upon the surrounding low density residential area.

Staff concludes that the proposed tree monopole's interior site location, design, narrow silhouette, concealed antennas and surrounding supplemental and existing trees will effectively mitigate the facility's visual impact on adjacent development. Therefore, the proposed tree monopole will be compatible and in context with the character of the wooded, residential area along Popes Head Road. In staff's opinion, the proposed facility should not have a negative visual impact on the overall character of the surrounding area which is consistent with Plan objectives.

- Extent

The 4.8-acre subject property is a wooded parcel with an electric power substation, transformer and related equipment compound, four parking spaces, dry pond and access road. The simulated evergreen tree monopole and the equipment compound (approximately 50 feet by 35 feet) will occupy 2,472 square feet which accounts for one percent of the total area of the subject property. The property's size permits substantial setbacks of the facility and its location on the property will not cause the loss of any parking spaces because the four spaces will be relocated to the southern side of the access road near the entrance gate to the substation compound. DIT staff has concluded that the proposed facility including the providers' antennas to be installed on the tree monopole, will pose no harm to the County or its citizens. Therefore, staff concludes that the proposed unmanned facility will not have an adverse impact on the use of the existing site or on the possible future development of the site, in accordance with the Plan guidelines.

## CONCLUSIONS AND RECOMMENDATIONS

Staff concludes that the subject proposal, Application 2232-S07-4, T-Mobile Northeast, L.L.C. (T-Mobile), Smartpole, Inc. (Smartpole), NOVEC and New Cingular Wireless P.C.S., L.L.C. (Cingular) to construct a 140-foot high tree monopole, antennas, equipment shelters and compound and site improvements located at 12700 Pope Head Road, Clifton, satisfies the criteria of location, character, and extent as specified in Section 15.2-2232 of the *Code of Virginia*, and recommends that the Planning Commission find the proposal substantially in accord with provisions of the adopted Comprehensive Plan.

REVISED

2232 REVIEW APPLICATION  
10/2005

**COUNTY OF FAIRFAX, VIRGINIA**  
**APPLICATION FOR DETERMINATION**  
**PURSUANT TO**  
**SECTION 15.2-2232 OF THE CODE OF VIRGINIA**

Application Number: 2232-507-4  
(assigned by staff)

*The application contains three parts: I. Application Summary; II. Statement of Justification; and I Telecommunication Proposal Details. Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.*

*(Please Type or Print All Requested Information)*

**PART I: APPLICATION SUMMARY**

**ADDRESS OF PROPOSED USE**

Street Address 12700 Popes Head Rd  
City/Town Clifton, VA Zip Code 20124

**APPLICANT(S)**

New Cingular Wireless PCS, LLC

Name of Applicant T-Mobile Northeast LLC/Smartpole, Inc./ NOVEC &  
Street Address 12050 Baltimore Ave  
City/Town Beltsville State MD Zip Code 20705  
Telephone Number: Work (202) 457-1652 Fax (202) 457-1678  
E-mail Address jmichal@jackscamp.com  
Name of Applicant's Agent/Contact (if applicable) James R. Michal, Esq.  
Agent's Street Address 1120 20th St. NW Suite 300  
City/Town Washington State DC Zip Code 20036  
Telephone: Work (202) 457-1652 Fax ( ) 202-457-1678

**PROPOSED USE**

Street Address 12700 Popes Head Rd, Clifton, VA 20124

Fairfax Co. Tax Map and Parcel Number(s) 0664-03-0001

Brief Description of Proposed Use \_\_\_\_\_

To install a one hundred and thirty-five feet (135) high monopole designed as a tree-pole, a 5' high tree canopy, upon which to install up to twelve (12) wireless telecommunications antennas ("Facility") at a RAD center of 132' for T-Mobile, up to 12 wireless antennas at a RAD center of 122' for Cingular, up to 12 wireless antennas for a future wireless telecommunication carrier at a RAD center of 112', and up to 12 wireless antennas for a future 4th telecommunications carrier at a RAD center of 102'. Telecommunication related equipment, shelter/cabinets, will be located within a lease area of two thousand four hundred and seventy two (2,472) square feet. The Facility will be enclosed by a proposed ten (10) feet high chain link fence and will be co-locatable for up to 4 wireless providers including T-Mobile and Cingular. All antennas will measure approximately 6'x2'x1' or less.

Total Area of Subject Parcel(s) 4.8132 Acres (acres or square feet)

Portion of Site Occupied by Proposed Use 2,472 square feet (acres or square feet)

Fairfax County Supervisor District Springfield

Planned Use of Subject Property (according to Fairfax County Comprehensive Plan)

Zoning of Subject Property RC-WS

List all applicable Proffer Conditions, Development Plans, Special Exceptions, Special Permits or Variances previously approved and related to this site

SEA 89-S-072

**PROPERTY OWNER(S) OF RECORD**

Owner Northern Virginia, Electric Cooperative

Street Address PO Box 2710

City/Town Manassas State Virginia Zip Code 20108

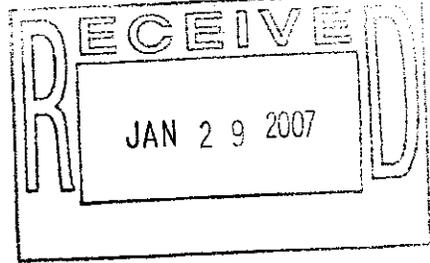
**PART II**, entitled "Statement of Justification," pages 4 through 6, shall be completed by all applicants and included as part of the application. **PART III**, entitled "Telecommunication Proposal Details," pages 7 through 9, also shall be completed and included for all proposed telecommunication uses.

Name of Applicant or Agent James R. Michal, Attorney for Applicant  
Signature of Applicant or Agent *James R. Michal*  
Date *January 26, 2007*

\*\*\*\*\*  
*Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.*

**Submit completed application to:**

**Fairfax County  
Department of Planning and Zoning, Planning Division  
Herrity Building  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035**

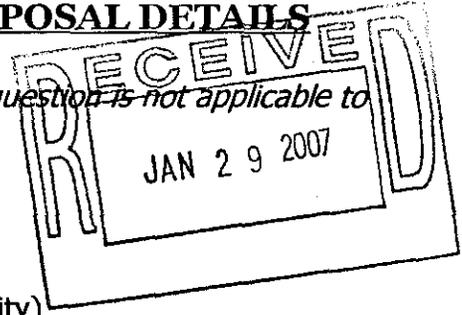


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**FOR STAFF USE ONLY**  
Date application received: 1/29/07  
By: *DBV*  
Additional information requested to complete application:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date application accepted:   /  /    
By: \_\_\_\_\_

**PART III: TELECOMMUNICATION PROPOSAL DETAILS**

Please complete and provide all requested information. If question is not applicable to the proposed use, please indicate with N/A.



**PROPOSED TELECOMMUNICATION USE**

Use is (check one):

- New structure (monopole, tower or camouflaged facility)
- Replacement of existing pole or tower at same location with another pole or tower
- Antenna placement on building or penthouse facade
- Antenna placement on building or penthouse rooftop
- Collocation on other existing telecommunications structure (monopole or tower)
- Collocation on other non-telecommunications structure (such as an electric transmission tower/pole, utility pole, water tower, etc.)
- Modification to telecommunications facility previously approved for same applicant:  
 Prior 2232 Review application number: \_\_\_\_\_  
 Date of Planning Commission approval: \_\_\_\_\_

**PROJECT DETAILS**

**1. ANTENNA**

Number and Type: RFS APX16PV  
 Dimensions: height 53" width 13" depth 3.15 diameter \_\_\_\_\_  
 Location / Placement: 127' RAD CENTER ON A 130' MONOPOLE  
 Wattage: 250 WATTS (CELLULAR), 500 W (PCS)  
 Material and Color: GREY / FIBERGLASS  
 Material and Color of the Antenna Mounting: GALVANIZED STEEL  
 Height Above Ground: 127'

**2. EQUIPMENT**

Number and Type of Cabinets or Structures: 3  
 Cabinet / Structure Dimensions: height 5.9" width 2'.5 depth 4.3  
 Height of equipment platforms, if any: N/A  
 Material and Color: Cream  
 Location: WITHIN LEASE AREA NEAR BASE OF THE MONOPOLE  
 Method of Screening: 10' CHAIN LINK FENCE

**3. STRUCTURE ON WHICH ANTENNAS WILL BE MOUNTED**

Maximum Height: 130' MONOPOLE  
 Material: GALVANIZED STEEL  
 Color: GREY  
 If structure is within a utility right-of-way, state right-of-way width:  
 N/A

T-MOBILE

**PART III: TELECOMMUNICATION PROPOSAL DETAILS**

Please complete and provide all requested information. If question is not applicable to the proposed use, please indicate with N/A.

**PROPOSED TELECOMMUNICATION USE**

Use is (check one):

- New structure (monopole, tower or camouflaged facility)
- Replacement of existing pole or tower at same location with another pole or tower
- Antenna placement on building or penthouse facade
- Antenna placement on building or penthouse rooftop
- Collocation on other existing telecommunications structure (monopole or tower)
- Collocation on other non-telecommunications structure (such as an electric transmission tower/pole, utility pole, water tower, etc.)
- Modification to telecommunications facility previously approved for same applicant:  
Prior 2232 Review application number: \_\_\_\_\_  
Date of Planning Commission approval: \_\_\_\_\_

**PROJECT DETAILS**

**1. ANTENNA**

Number and Type: RFS APX16PV  
 Dimensions: height 53" width 13" depth 3.15" diameter \_\_\_\_\_  
 Location / Placement: 132' RAD CENTER ON A 130' MONOPOLE  
 Wattage: 250 WATTS (CELLULAR), 500 W (PCS)  
 Material and Color: GREY / FIBERGLASS  
 Material and Color of the Antenna Mounting: GALVANIZED STEEL  
 Height Above Ground: 132'

*ck elev.  
 plot sheet  
 2-5,  
 2-6,  
 2-7  
 the same for  
 all 3?  
 2-5*

**2. EQUIPMENT**

Number and Type of Cabinets or Structures: 3  
 Cabinet / Structure Dimensions: height 5.9" width 2.5" depth 4.3  
 Height of equipment platforms, if any: N/A  
 Material and Color: Cream  
 Location: WITHIN LEASE AREA NEAR BASE OF THE MONOPOLE  
 Method of Screening: 10' CHAIN LINK FENCE

**3. STRUCTURE ON WHICH ANTENNAS WILL BE MOUNTED**

Maximum Height: 135' MONOPOLE  
 Material: GALVANIZED STEEL  
 Color: GREY  
 If structure is within a utility right-of-way, state right-of-way width:  
 N/A

*140'*

Cingular

**PART III: TELECOMMUNICATION PROPOSAL DETAILS**

Please complete and provide all requested information. If question is not applicable to the proposed use, please indicate with N/A.

**PROPOSED TELECOMMUNICATION USE**

Use is (check one):

- New structure (monopole, tower or camouflaged facility)
- Replacement of existing pole or tower at same location with another pole or tower
- Antenna placement on building or penthouse facade
- Antenna placement on building or penthouse rooftop
- Collocation on other existing telecommunications structure (monopole or tower)
- Collocation on other non-telecommunications structure (such as an electric transmission tower/pole, utility pole, water tower, etc.)
- Modification to telecommunications facility previously approved for same applicant:  
 Prior 2232 Review application number: \_\_\_\_\_  
 Date of Planning Commission approval: \_\_\_\_\_

**PROJECT DETAILS**

**1. ANTENNA**

Number and Type: AP11/16-80/1940/088D  
 Dimensions: height 54.5 width 10.3" depth 5.9" diameter \_\_\_\_\_  
 Location / Placement: 122' RAD CENTER ON A 130' MONOPOLE  
 Wattage: 250 WATTS (CELLULAR), 500 W (PCS)  
 Material and Color: GREY / FIBERGLASS  
 Material and Color of the Antenna Mounting: GALVANIZED STEEL  
 Height Above Ground: 122'

*ckr cler  
plan  
Sheet 2-5,  
2-6, 2-7  
ckr 2-5?*

**2. EQUIPMENT**

Number and Type of Cabinets or Structures: 1 PRERFABRICATED SHELTER  
 Cabinet / Structure Dimensions: height 10' width 20' depth 11.5'  
 Height of equipment platforms, if any: N/A  
 Material and Color: PRECAST CONCRETE/ NATURAL SUEDE  
 Location: WITHIN LEASE AREA NEAR BASE OF THE MONOPOLE  
 Method of Screening: 10' CHAIN LINK FENCE

**3. STRUCTURE ON WHICH ANTENNAS WILL BE MOUNTED**

Maximum Height: 135' MONOPOLE  
 Material: GALVANIZED STEEL  
 Color: GREY  
 If structure is within a utility right-of-way, state right-of-way width:  
N/A

## **AMENDMENT**

### **Statement of Justification in Support of Approval of Application for a Wireless Telecommunications Site Pursuant to Section 15.2.2232 of the Code of Virginia**

**Applicant(s):** T-Mobile Northeast, LLC/ Smartpole, Inc. and New Cingular Wireless PCS, LLC  
**Site Name** NOVEC  
**Property Address:** 12700 Popes Head Rd., Clifton VA 20124  
(Fairfax County)  
**District:** Springfield  
**Parcel Id No.:** 0664-03-0001  
**Zoning Classification:** RC  
**Property Owner:** Northern Virginia Electric Cooperative

Applicants, T-Mobile Northeast, LLC (Hereinafter "T-Mobile"), Smartpole, Inc. (Hereinafter "Smartpole"), and New Cingular Wireless PCS, LLC, (Hereinafter "Cingular") respectfully submit this Statement of Justification (Hereinafter "Statement") for approval and in support of its application for determination pursuant to Section 15.2-2232 (a corresponding Statement of Justification has been submitted for the required Special Exception) of the Code of Virginia to install a 135' high wireless telecommunication monopole, a five feet high tree canopy, designed as a tree-pole. T-Mobile proposes installation thereupon of up to 12 wireless telecommunications antennae at RAD center of 132' and 3 related ground equipment cabinets on a 10' by 20' concrete pad. Cingular will install up to 12 wireless antennae at a RAD center of 122' and related ground equipment housed inside a 11.5'(W) x 20'(D) x 10'(H) pre-fabricated shelter. In addition, applicants are in discussion with representatives of the community concerning a proposed installation of a communication broadband (internet) antenna for community use.

The wireless telecommunication tree-pole will be located to the east of the existing electrical substation commonly known as Popes Head Electrical Substation (Hereinafter "The Facility") and the ground equipment will be located in a 35' by 50' compound surrounded by a 10' high chain link fence. The Facility is located at 12700 Popes Head Road, Clifton, VA 20124, owned and operated by Northern Virginia Electric Cooperative, (Hereinafter "NOVEC") (Fairfax County Tax Map Number 0664-03-0001) and is in accord with the approximate location, character and extent as established by the Fairfax County Comprehensive Plan. The proposed new wireless telecommunication facility is to be constructed and owned by Smartpole.

None of the aforementioned installations will interfere with radio, television or telephone reception and the emissions comply with all applicable EPA and FCC emission requirements. Furthermore, neither the antennae nor the related equipment will

produce any noise, fumes, dust, odors, lights, glare or vibrations and will only require one or two monthly maintenance visits.

## **INTRODUCTION & BACKGROUND**

T-Mobile and Cingular are licensed by the Federal Communication Commission (Hereinafter "FCC"). Applicant T-Mobile is licensed for BTA-461 under the call sign KNLH327 to provide domestic wireless telephone services by transmitting and receiving radio frequency spectrum signals at:

Transmitting (TX) Frequencies of:

- 1)** 1965-1975

Receiving Frequency

- 1)** 885-1895

Applicant Cingular is licensed by the Federal Communication Commission (Hereinafter "FCC") for the following Call Signs servicing the Washington, DC metropolitan area: **KNKA243**, **KNLF220** and **WPZY690**, to provide domestic wireless telephone services by transmitting and receiving radio frequency spectrum signals at:

Transmitting (TX) Frequencies of:

- 1)** 845.01-846.48, 890.01-891.48 MHz (Band A);
- 2)** 1950-1965 MHz (Band B) and;
- 3)** 1985-1990 MHz (Band C) and;

Receiving (RX) Frequencies of:

- 1)** 824.04-834.99, 869.04-879.99 MHz (Band A);
- 2)** 1870-1885 MHz (Band B) and
- 3)** 1905-1910 MHz (Band C).

Currently, Applicants are undergoing a major system-wide upgrade to its existing network throughout the United States in stages.

T-Mobile's Radio Frequency Engineers (Hereinafter "RF") and Real Estate Site Acquisition Specialists have identified this site, which will meet both the RF technical requirements and the business terms with NOVEC. Finally, this site will serve as the network's infill and capacity site with the capabilities of enhanced E911 service for wireless service to residents, businesses and commuters throughout Fairfax County.

With the acquisition of AT&T Wireless, Cingular has a larger band spectrum that will allow Cingular to provide upgraded voice and data services to its subscribers. More specifically, Cingular is upgrading its network from AMPS and TDMA technologies to the

Global System for Mobile Communications (Hereinafter "GSM") standard and ultimately to the Universal Mobile Telecommunications Standard (Hereinafter "UMTS"). This upgrade, and ultimate conversion, to the GSM/UMTS standards will require the strategic location of cell sites throughout the State Virginia and across the continental US.

#### NEED FOR THE WIRELESS TELECOMMUNICATIONS FACILITY

As FCC licensees, both T-Mobile and Cingular, are committed to providing seamless telecommunications service to their users. The proposed Site will assist in the creation of a seamless, state-of-the-art all-digital wireless network for up to four service providers. This requires the installation of a network of telecommunications antenna and equipment facilities so as to allow each facility to transmit and receive radio signals within a strictly limited radio frequency range to each wireless user in the vicinity of the facility. Moreover, each facility must be able to pass the user's signal to an adjacent facility as each user travels out of the coverage area and into an adjacent coverage area. Each facility is capable of covering only a limited area, generally determined by the height of the antennas, the local topography and terrain, as well as obstructions.

To achieve the desired coverage and capacity within the intended geographical area, each antenna facility must be strategically located so as to ensure maximum coverage and a minimum overlap with each other facility. Because of the low power of the system, the antennae are effective only within a limited geographic area. Thus, each facility site is subject to technical and geographical constraints in order to provide reliable and efficient service. The proposed facility is necessary to T-Mobile's and Cingular's coverage objectives in the area and will further satisfy similar needs of other wireless telecommunications carriers in the future. Moreover, the proposed height of the monopole allows placement of antennae at a sufficient height so as to permit radio signals to clear any obstructions such as trees, buildings, or other structures while simultaneously providing coverage to the intended area.

Radio frequency coverage maps depicting T-Mobile's coverage in the area presently and the improvement anticipated after installation at the proposed monopole are attached hereto collectively as **11a**. The RF prediction, as depicted on the RF maps **11a** shows poor coverage along Popes Head Road and surrounding areas. Primary coverage objective of Popes Head is to provide coverage on Rt. 654 (Popes Head Road), Rt. 645(Clifton Road) and Colchester Road in Fairfax and Clifton area and will improve coverage from on-street level to in-building level. It will also provide good in-building coverage to nearby residential areas and ensure good handover to current T-Mobile's on-air sites of WAC154(Fairfax County REC-1211 Braddock Road, Fairfax, VA), WAC268 (Co-location on Cingular Monopole at Fairfax County Police Firing Range-5755 Newcomb Court, Fairfax) and WAC153 (Veeco Pole-12510 Yates Ford Rd, Clifton, VA)

Likewise, Cingular's radio frequency coverage maps are attached hereto collectively as **Exhibit 11b**. As shown by these maps, Cingular seeks to resolve current coverage deficiencies between Cingular's existing sites for at home cell phone users and commuters along VA 654 (Popes Head Road), VA 645 (Clifton Road) from VA 620 (Braddock Road) and VA 641 (Chapel Road) to provide good hand off between these sites.

The tree-pole will be designed to accommodate a minimum of four (4) wireless telecommunications carriers antennae as follows:

**a. T-Mobile's Installation at RAD 132'**

Applicant, T-Mobile has expressed an interest in locating its antennae and equipment at the Site. T-Mobile will install up to twelve (12) antennae, nine (9) initially, at a RAD center of 132 feet. T-Mobile's antennae measure approximately 6'x2'x1' or less. T-Mobile will also install 3 related ground equipment cabinets on a 12' by 16' concrete pad.

**b. Cingular's Installation at RAD 122'**

Applicant, Cingular has expressed an interest in locating its antennae and equipment at the Site. Cingular will install of up to twelve (12) wireless telecommunications antennae, nine (9) initially, measuring 6'x2'x1' or less, at a RAD center of 122' on the tree-pole and install a 11.5'(W) x 20'(D) x 10'(H) equipment shelter within the proposed compound to contain its telecommunications equipment.

**c. Future Wireless Telecommunication Carrier – at RAD 112'**

Applicants seek to include in their application for special exception, installation of up to twelve (12) wireless telecommunications antennae measuring 6'x2'x1' or less by a future third carrier, anticipated to occupy a RAD center of 112' on the tree-pole. Related equipment will be placed in the compound.

**d. Future Wireless Telecommunications Carrier – at RAD 102'**

Applicants seek to include in their application for special exception, installation of up to twelve (12) wireless telecommunications antennae measuring 6'x2'x1' or less by a future fourth carrier, anticipated to occupy a RAD center of 102' on the tree-pole. Related equipment will be placed in the compound.

**e. Future Wireless Community Antenna Whip – at RAD 80'**

Applicants seek to include in their application for special exception, installation of a wireless telecommunications antennae whip 10' (H) x1' (W) or less by a future community provider, anticipated to occupy a RAD center of 80' on the tree-pole. Related equipment will be placed in the compound.

Since one of the primary benefits of the wireless communication system is the ability to communicate to and from any location, a network of facilities that provide seamless coverage is essential. The location and design of each facility in the network is therefore critical to the overall functioning of the entire network. Without a facility at or near this location, T-Mobile and Cingular and potential future carriers will be unable to provide reliable coverage to their users in the area.

APPLICABLE LEGAL STANDARDS

Section 704 of the 1996 Telecommunications Act requires that State and local governments "(I) shall not unreasonably discriminate among providers of functionally

equivalent [wireless telecommunications] services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services." Accordingly, local governments cannot prohibit, either by law or by action, wireless telecommunications facilities. Regulations cannot have the effect of prohibiting wireless facilities, even though it may purport to allow such facilities. Moreover, local governments must undertake to consider all wireless telecommunications zoning requests on an equal basis.

As discussed below, the Fairfax County Zoning Ordinance allows the installation of a wireless antenna facility on the Property and the minor revisions to the scope of the existing uses on the Property. Applicants' request approval of a Wireless Telecommunications Site pursuant to Section 15.2.2232 of the Code of Virginia. The granting of applicants' request will be in harmony with the spirit and intent of the Zoning Regulations and will not be injurious to the neighborhood or otherwise detrimental to public welfare.

### **COMPLIANCE WITH THE APPLICABLE OBJECTIVES OF THE FAIRFAX COUNTY COMPREHENSIVE PLAN, 2003 ed.**

#### **MOBILE AND LAND-BASED TELECOMMUNICATIONS SERVICES:**

Mobile and land-based telecommunication services provide for the wireless transmission of voice and data and include cellular and personal communications services (PCS), and mobile radio. These services operate from wireless networks that are dependent on antenna devices and related equipment to transmit from a sender to one or more receivers. Such services are viewed as public utility service providers that benefit the community and its economic growth and vitality. The objectives and policies set forth in this section provide guidance on siting and design issues and are used in evaluating land use applications. They should not be interpreted as superseding or amending any requirements of the Zoning Ordinance or other local, state and Federal laws pertaining to these issues.

#### **GENERAL GUIDELINES**

**Objective 42: In order to provide for the mobile and land based telecommunication network for wireless telecommunication systems licensed by the Federal Communications Commission, and in order to achieve opportunities for the collocation of related facilities and the reduction of their visual impact, locate the network's necessary support facilities which include antennas, monopoles, lattice towers and equipment buildings in accordance with the following policies.**

**Policy a. Avoid the construction of new structures by locating mobile and land- based telecommunication facilities on available existing structures such as building rooftops, telecommunication and broadcast**

**poles and towers, electrical utility poles and towers, and water storage facilities when the telecommunication facilities can be placed inconspicuously to blend with such existing structures.**

**Applicants' Response:** The Facility is to be located on a electric substation property owned by NOVEC. The proposed tree-pole shall be co-locatable for other carriers as indicated, thereby avoiding the construction of new monopoles or other types of towers in this area.

**Policy b. Locate new structures that are required to support telecommunication antennas on properties that provide the greatest opportunity to conceal the telecommunication facilities and minimize their visual impact on surrounding areas.**

**Applicants' Response:** The Facility is to be located on a electric substation property owned by NOVEC, which would be co-locatable for other wireless carriers avoiding the construction of any new monopoles, other types of towers in this area.

**Policy c. Subject to the availability and feasibility of a public site, when multiple sites have equal opportunity to minimize impacts, consider public lands as the preferred location for new structures.**

**Applicants' Response:** The Facility shall comply and meet the criteria to be considered and processed through the processing of the Policy Plan Guidelines based on the following:

The Facility has no material adverse impact on the visual quality or character of the general proposed area. The Facility is proposed in an R-C (Residential Conservation) zoned property, where the surrounding properties are comprised of sparsely developed area and is heavily wooded providing natural screening for the proposed telecommunication facility. The proposed telecommunication facility would not require the removal of any trees and keep the existing natural screening of the tree line intact.

- The Facility siting is proposed and designed to blend with the existing vegetation by building a tree-pole and mount the antennas, which would simulate tree branches.
- The Facility site shall be designed and shall be substantially similar to that of the existing electrical substation facility and would either be a monopole or be built to simulate a tree, which would blend in to the existing trees along VA RT 654 (Popes Head Road).
- The Facility will be appropriately screened and placed in an area to minimize their visibility from surrounding properties, because it will separated by heavily wooded and sparsely developed area of VA RT 654 (Popes Head Road) corridor. The Facility shall be built as a tree-pole and will blend in with the existing vegetation in an effort to mitigate the view from the surrounding area.

- Access to The Facility for maintenance shall have no material adverse impact on adjoining properties. The Facility is located on a rural VA RT 654 (Popes Head Road) corridor and will be designed to blend with the existing NOVEC Electrical Substation. Maintenance visits would not likely take place more than once or twice per month.
- No traffic impacts are expected by this installation due to once a month routine maintenance visit and the rural and sparsely developed area.
- No Noise or impacts to the air or water quality will occur from The Facility.
- No visual impacts, as noted before, will be adverse.

**Policy d. Locate mobile and land based telecommunication facilities on public property only after a lease agreement between the County, or related board or authority, and service provider has been established.**

**Applicants' Response:** Not applicable.

**Policy e. Locate mobile and land-based telecommunication facilities operated by different service providers on single sites and/or structures whenever appropriate. Locate single-use structures on a property when a collocation structure for multiple service providers is not desirable or feasible due to site limitations or visual impact concerns.**

**Applicants' Response:** As evidenced by **Exhibit 2, (Z-5)** hereto, the proposed tree-pole can accommodate multiple wireless service providers. Thus, the objectives noted in the above policy are fully satisfied by this application.

**Policy f. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.**

**Applicants' Response:** As discussed in detail above and demonstrated on copies of radio frequency maps attached hereto as **Exhibit 11**, T-Mobile's coverage objectives in the area are satisfied by installation at a RAD center of 132 feet on the monopole. Cingular's coverage objectives in the area are satisfied by installation at a RAD center of 122 feet on the monopole. Visual impact concerns are significantly reduced by use of a location of the monopole, and the location and conditions on the Property.

**Policy g. Ensure that the use of public property by mobile and land based telecommunication facilities does not interfere with the existing or planned operational requirements of the public use.**

**Applicants' Response:** Applicants submit that the facility will not interfere with the existing or planned operational requirements of the public use.

**Policy h. Design, site and/or landscape mobile and land-based telecommunication facilities to minimize impacts on the character of**

**the property and surrounding areas. Demonstrate the appropriateness of the design through facility schematics and plans which detail the type, location, height, and material of the proposed structures and their relationship to other structures on the property and surrounding areas.**

**Applicants' Response:** Use of a tree-pole and its location on NOVEC's property at considerable distance from neighboring property lines and streets are factors that demonstrate Applicants' compliance with the above policy. Any adverse visual impact of The Facility is substantially reduced by the aforementioned factors. Enclosed site drawings (**Exhibit 2**) and photo simulations (**Exhibit 15**), depict the conditions on the property and the site's minimal visual impact on neighboring properties. Thus, the proposed site is in compliance with the above policy.

**Policy i. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public way. Analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.**

**Applicants' Response:** Use of a monopole and its location on NOVEC's property at considerable distance from neighboring property lines and streets are factors that demonstrate Applicants' compliance with the above policy. Any adverse visual impact of The Facility is substantially reduced by the aforementioned factors. Thus, adverse visual impact of The Facility is substantially reduced by the aforementioned factors and renders the proposed site in compliance with the above policy.

**Policy j. Mitigate the visual impact of proposed telecommunication structures, and their antennas and ancillary equipment, using effective design options appropriate to the site such as:**

- **locating facilities near to or within areas of mature vegetation and trees which effectively screen or provide an appropriate setting for the proposed structure or which, when viewed in context, considering perspective views, relative topography and other factors, mitigate their visual presence and prominence;**
- **blending facilities with an existing pattern of tall structures;**
- **obscuring or blocking the views of facilities with other existing structures, vegetation, tree cover, or topographic features to the maximum extent feasible;**
- **increasing the height of or replacing existing structures to reduce the need for another structure when such height increases or structure replacements are appropriate to the site and the surrounding area.**

**Applicants' Response:** As discussed in detail above, Applicants' proposal conforms with each of the recommendations noted in the above policy. It calls for location of the site on public property, use of a monopole, generous

setbacks, and other factors discussed above all show adherence to the above policy.

**Policy k. Locate telecommunication facilities to ensure the protection of historically significant landscapes. The views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.**

**Applicants' Response:** Applicants' are not aware of any adverse impact on historically significant properties in the area by the installation of the proposed Facility.

**Policy l. Site proposed facilities to avoid areas of environmental sensitivity.**

**Applicants' Response:** Applicants' are not aware of any adverse impact on environmentally significant areas in the area by the installation of the proposed Facility.

**Policy m. Site proposed facilities to allow for future expansion and maintain levels of screening to accommodate expansion.**

**Applicants' Response:** The monopole can accommodate multiple wireless telecommunications providers, as depicted on **Exhibit 2, Z-5** hereto. In the event that there develops a need for additional expansion of The Facility, the Property is of sufficient size to accommodate such a need. Thus, the intent of the above policy is maintained by the installation.

**Policy n. Design and site proposed facilities to preserve areas necessary for future right-of-way dedication and ancillary easements for construction of road improvements.**

**Applicants' Response:** Since The Facility is placed at considerable distances from the nearby streets, it is highly unlikely that it could encroach or hinder any future road improvements. Thus, applicants' proffer that the above policy is not applicable in this instance.

**Policy o. Locate and construct antennas used for purposes other than mobile and land-based telecommunication services in accordance with the same guidelines established in this "Mobile and Land-Based Telecommunications Services" section.**

**Applicants' Response:** Not applicable.

**Objective 43: Design telecommunication facilities to mitigate their visual presence and prominence, particularly when located in residential areas, by**

concealing their intended purpose in a way that is consistent with the character of the surrounding area. (See Figures 11 and 12.)

**Policy a. Disguise and camouflage the appearance of telecommunication facilities so as to resemble other man-made structures and natural features (such as flagpoles, bell towers, and trees) that are typically found in a similar context and belong to the setting where placed;**

**Applicants' Response:** The monopole shall be designed as a tree-pole and shall be substantially similar to that of the surrounding vegetation. The electric substation consists of metallic color electrical transformers, sound barriers, and metal color poles, among others, located on a 4.8132 acre lot surrounded by a 10' chain link fence. Thus, the above policy is fully adhered to in this application.

**Policy b. Design telecommunications facilities that are disguised and camouflaged to be of a bulk, mass and height typical of and similar to the feature selected;**

**Applicants' Response:** The proposed monopole shall be designed as a tree-pole and shall be substantially similar to that of the surrounding vegetation existent surrounding the substation facility. The height of 135' is requested due to the coverage needs in the area, as demonstrated by **Exhibits 11 (a) and 11 (b)**, hereto. A monopole of lower height will not satisfy the coverage objectives and thus render the proposed Facility less productive, with the possibility of a continued need for additional wireless telecommunications poles in the area.

**Policy c. Use appropriately other new and existing structures and vegetation of comparable form and style to establish a grouping that complements a camouflaged telecommunication facility and supports its design, location and appearance.**

**Applicants' Response:** The proposed tree-pole shall be substantially similar to that of the surrounding vegetation. Camouflage of the monopole is obtained by its design, discussed above, which will match the current substation facilities and its placement close to trees.

## **I. RELATIONSHIP OF THE PROPOSAL TO THE COMPREHENSIVE PLAN**

Applicants have addressed throughout its Statement of Justification any and all recommendations, objectives and policies promulgated under the Comprehensive Plan and are in compliance with the spirit of the Processing Criteria within the Policy Plan Guidelines.

## **II. ALTERNATIVE SITES CONSIDERED FOR THE PROPOSAL**

A feasible alternate location looked at was: the Twin Lakes Golf Course just off of Clifton Road belonging to the Fairfax County Park Authority ("FCPA"). On March 17,

2004, a telephonic conversation with Bill Price concluded with the FCPA turning down the offer of placing a tree pole on the Twin Lakes Golf Course. NOVEC's Popes Head Substation is the only acceptable place for the placement of a wireless telecommunication facility with the ability to accommodate other wireless carriers searching for a co-locatable facilities which complies with the legislative intent of Section 15.2-2232, within the Comprehensive Plan in identifying, "present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants".

**III. PROPERTY IDENTIFICATION MAP(S) AT A SCALE OF 1"=500' IDENTIFYING THE PROPOSED SITE FOR THE FACILITY OR USE.**

See Exhibits 2 and 3

**IV. PLAN FOR DEVELOPMENT OF THE SITE AT A SCALE OF 1"=50' OR LARGER.**

The plan for development complies with the applicable components of the guidelines.

**V. REDUCED COPY OF PLANS**

In addition, to the required reduced plan submittal, a reduced 11" x 17" courtesy copy of plans is enclosed instead for easier reading.

**VI. OTHER INFORMATION AS MAY BE DEEMED APPROPRIATE BY THE 2232 REVIEW COORDINATOR**

Applicants shall accommodate the Commission in all reasonable requests and recommendations to ensure approval of the proposed wireless facility through its process.

**CONCLUSION:**

The growing utilization of wireless technology cannot be doubted. Wireless communication not only facilitates economic growth but is also invaluable in providing emergency and other service to the users. In light of the foregoing the applicants, respectfully request approval of their 2232 application to accommodate the proposed telecommunications facility and changes to the existing NOVEC electrical substation, as described herein. Applicants' request is in compliance with the Fairfax County Comprehensive Plan and Fairfax County Zoning Ordinance. Granting applicant's request will, therefore, be appropriate and in the best interest of Fairfax County.













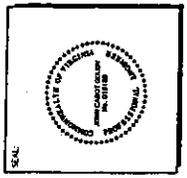








REV.	DATE	DESCRIPTION
1	08-15-07	ISSUE FOR PERMITS
2	08-15-07	ISSUE FOR PERMITS
3	08-15-07	ISSUE FOR PERMITS
4	08-15-07	ISSUE FOR PERMITS
5	08-15-07	ISSUE FOR PERMITS
6	08-15-07	ISSUE FOR PERMITS
7	08-15-07	ISSUE FOR PERMITS
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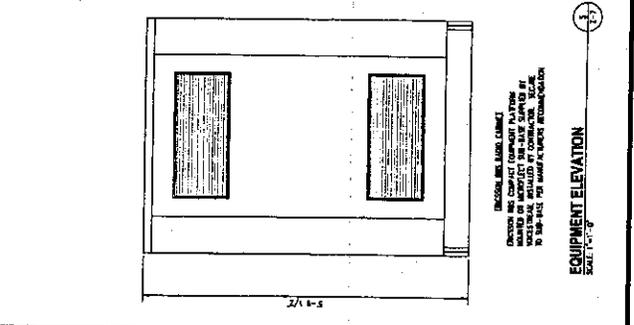
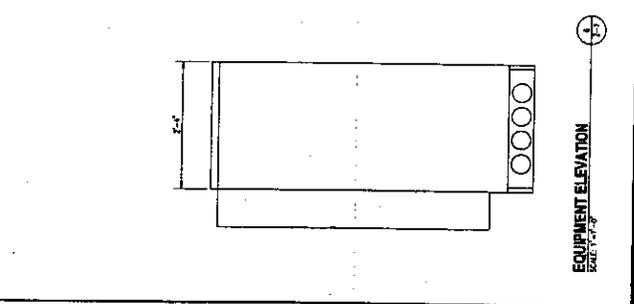
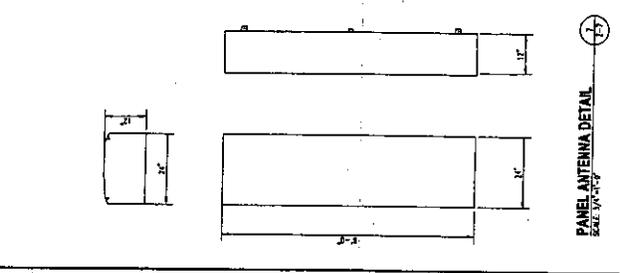
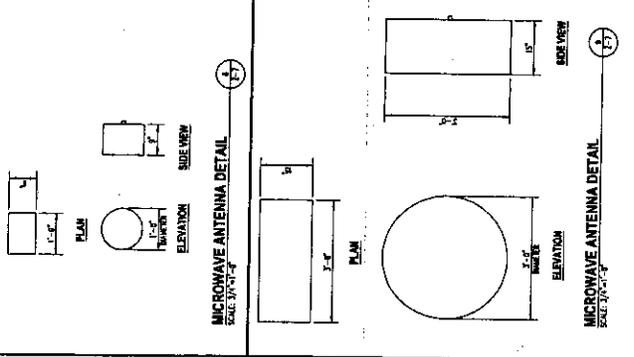
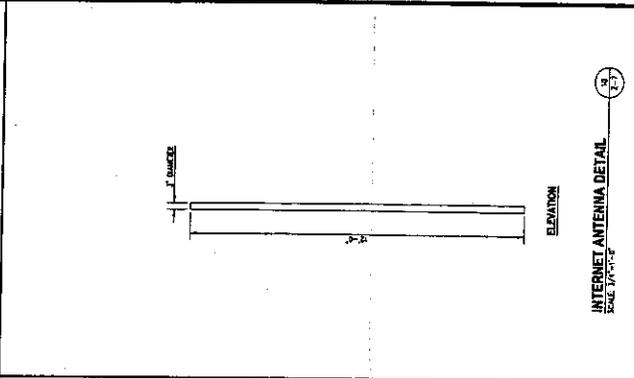
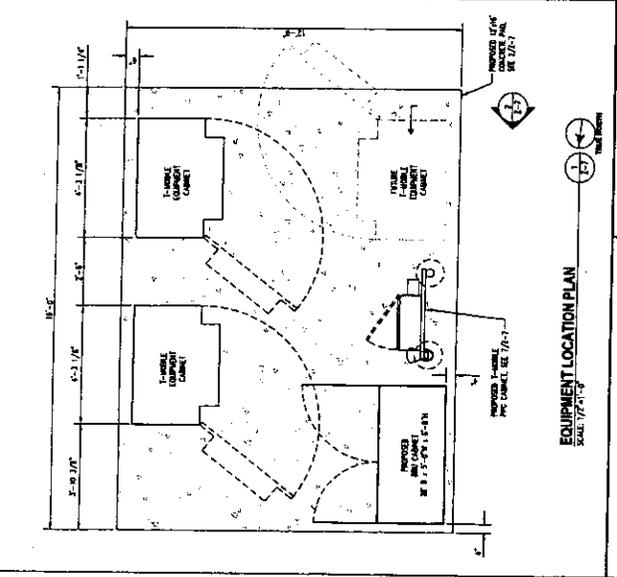
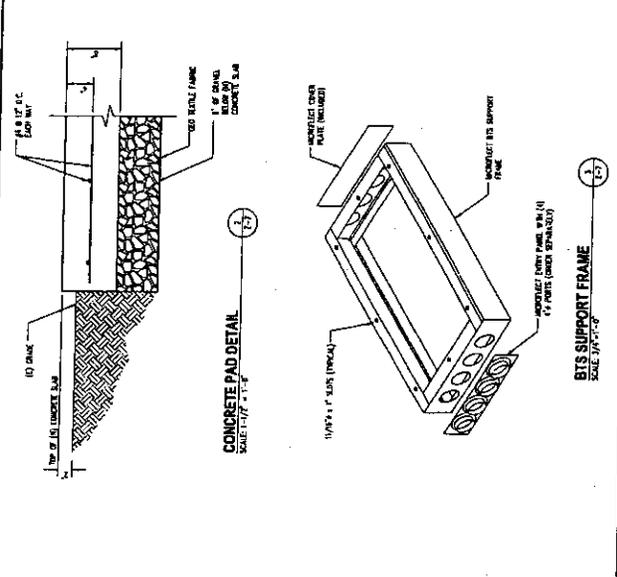
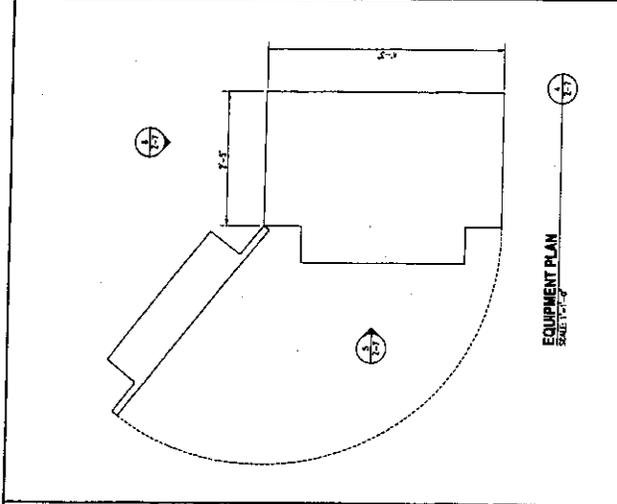


FABRILE NORTHEAST LLC  
 1500 BALTIMORE AVENUE  
 PHOENIX, AZ 85016

PROJECT NO. 1050.013  
 DESIGNER: W.A.  
 ENGINEER: C.S.  
 SCALE: 1/8" = 1'-0"  
 GRAPHIC SCALE IN INCHES

NOVEC  
 WACH2 F  
 12700 POPES HEAD ROAD  
 CLIFTON, VA 20124  
 SPECIAL EXCEPTION  
 2202-S07-4  
 SEAB9-S-072

EQUIPMENT DETAILS  
 SHEET NUMBER: Z-7









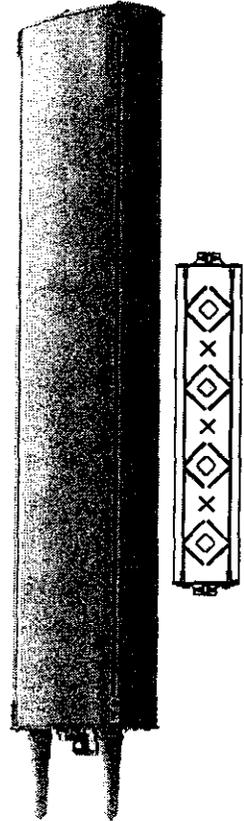
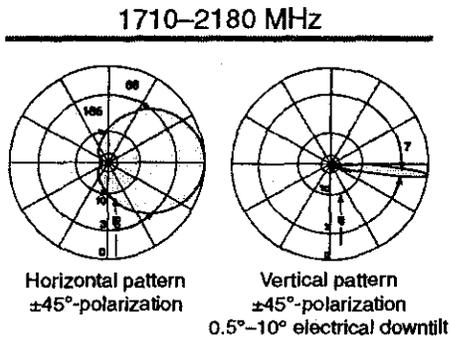
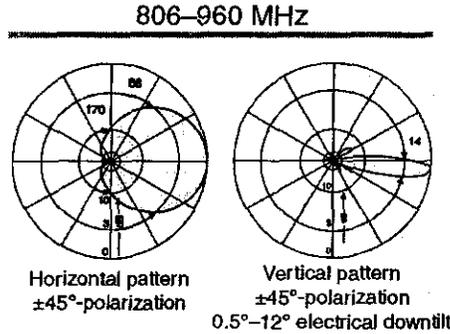
Kathrein's dual band antennas are ready for 3G applications, covering all existing wireless bands as well as all spectrum under consideration for future systems, AMPS, PCS and 3G/UMTS. These cross-polarized antennas offer diversity operation in the same space as a conventional 800 MHz antenna, and are mountable on our compact sector brackets.

- Wide band operation.
- Exceptional intermodulation characteristics.
- Remote control ready.
- Various gain, beamwidth and downtilt ranges.
- AISG compatible.
- High strength pultruded fiberglass radome.

**General specifications:**

Frequency range	806-960 MHz 1710-2180 MHz
VSWR	<1.5:1
Impedance	50 ohms
Intermodulation (2x20w)	IM3: -150 dBc
Polarization	+45° and -45°
Connector	4 x 7/16 DIN female
Isolation	intrasystem >30 dB intersystem >45 dB (806-960 // 1710-2180 MHz)
Weight	44.1 lb (20 kg)
Dimensions	54.5 x 10.3 x 5.9 inches (1384 x 262 x 149 mm)
Equivalent flat plate area	5.58 ft <sup>2</sup> (0.518 m <sup>2</sup> )
Wind survival rating*	120 mph (200 kph)
Shipping dimensions	67.6 x 12 x 8 inches (1716 x 304 x 204 mm)
Shipping weight	48.5 lb (22 kg)
Mounting	Fixed mount options are available for 2 to 4.6 inch (50 to 115 mm) OD masts.

See reverse for order information.

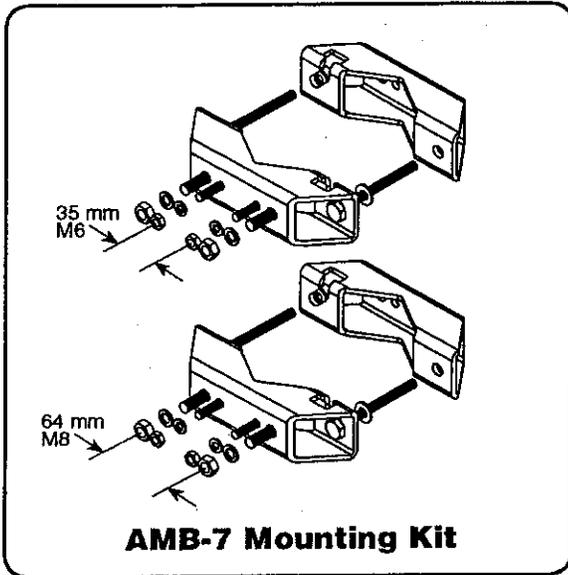


Specifications:	806-866 MHz			824-896 MHz			880-960 MHz			1710-1880 MHz			1850-1990 MHz			1920-2180 MHz		
Average gain (dBi)	13.4	13.4	13.1	13.6	13.6	13.4	13.9	13.8	13.5	16.4	16.4	16.2	16.4	16.5	16	16.4	15.9	15.3
Tilt	0.5°	6°	12°	0.5°	6°	12°	0.5°	6°	12°	0.5°	5°	10°	0.5°	5°	10°	0.5°	5°	10°
Front-to-back ratio	>23 dB (co-polar)			>23 dB (co-polar)			>23 dB (co-polar)											
Maximum input power	250 watts (at 50°C)			250 watts (at 50°C)			250 watts (at 50°C)			200 watts (at 50°C)			200 watts (at 50°C)			200 watts (at 50°C)		
+45° and -45° polarization horizontal beamwidth	88° (half-power)			86° (half-power)			88° (half-power)			82° (half-power)			85° (half-power)			90° (half-power)		
+45° and -45° polarization vertical beamwidth	15° (half-power)			14.5° (half-power)			13.5° (half-power)			7.1° (half-power)			6.8° (half-power)			6.5° (half-power)		
Electrical downtilt continuously adjustable (manual or optional remote control)	0.5°-12°			0.5°-12°			0.5°-12°			0.5°-10°			0.5°-10°			0.5°-10°		
Sidelobe suppression for first sidelobe above horizon average	0.5°	6°	12°	0.5°	6°	12°	0.5°	6°	12°	0.5°	5°	10°	0.5°	5°	10°	0.5°	5°	10°
	16	16	16	16	16	16	14	14	13	17	17	16	17	18	16	18	16	16
	17	17	19	17	17	19	17	16	16	20	20	18	21	22	17	20	20	16
Cross polar ratio (typical)																		
Main direction	0°			0°			0°			0°			0°			0°		
Sector	±60°			±60°			±60°			±60°			±60°			±60°		
average	>10 dB			>10 dB			>13 dB			>10 dB			>12 dB			>10 dB		
	>16 dB			>16 dB			>19 dB			>17 dB			>19 dB			>19 dB		

\* Mechanical design is based on environmental conditions as stipulated in EIA-222-F (June 1996) and/or ETS 300 019-1-4 which include the static mechanical load imposed on an antenna by wind at maximum velocity. See the Engineering Section of the catalog for further details.

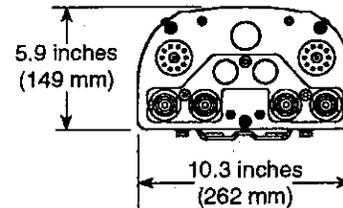
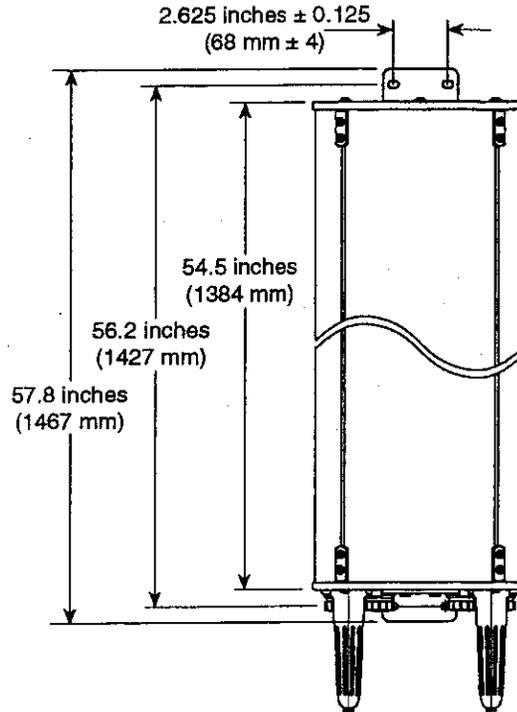


10724-C  
936.A2017/1



**Mounting Options:**

Model	Description
AMB-7 (shown) 738-546x2	Mounting Kit for 2 to 4.6 inch (50 to 115 mm) OD mast.
737-978	Tilt Mount Kit 0-15 degrees downtilt angle.



RCU 806-960	RCU 1710-2180
-45° +45°	-45° +45°
806-960	1710-2180

Layout of interface

**Order Information:**

Model	Description
800-10121	Antenna with 7/16 DIN connectors
AP11/16-880/1940/088D/ADT/XXP	

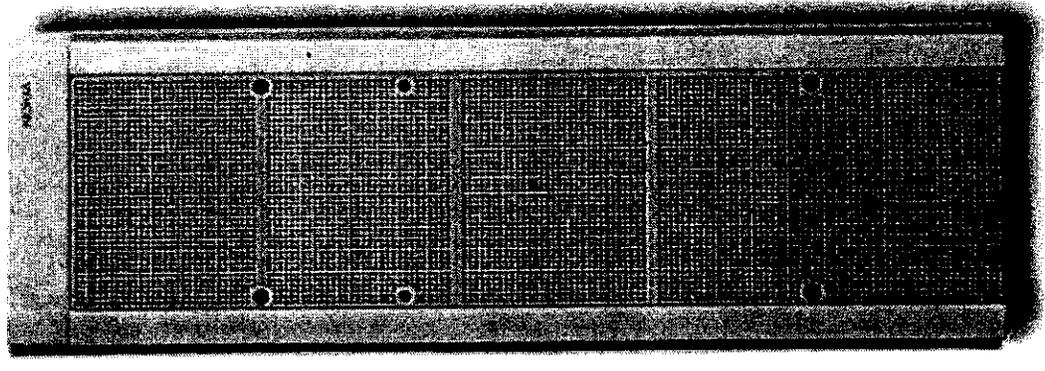
All specifications are subject to change without notice. The latest specifications are available at [www.kathrein-scala.com](http://www.kathrein-scala.com).

Kathrein Inc., Scala Division Post Office Box 4580 Medford, OR 97501 (USA) Phone: (541) 779-6500 Fax: (541) 779-3991  
Email: [communications@kathrein.com](mailto:communications@kathrein.com) Internet: [www.kathrein-scala.com](http://www.kathrein-scala.com)

# Mechanical Characteristics of Nokia UltraSite EDGE Base Station

## Indoor

- **70.9 x 23.6 x 22.4 in (H x W x D)**
  - Additional 2 inches free space required behind cabinet
- **Weight**
  - Max weight (12 TRX)      595 lbs
  - Heaviest single part      128 lbs      (core mechanics)
- **Climatic conditions:**      +23°F ... +122 °F
- **Ingress Protection Class:**      IP 20
- **BTS core and cabinet door provides EMC shielding**



**Site Acquisition Statement**  
**Pursuant to Section 9-103 of the Fairfax County Zoning Ordinance**

**Applicants:** T-Mobile Northeast LLC/ Smartpole, Inc.  
**Site Name** POPES HEAD  
**Property Address:** 12700 Popes Head Rd., Clifton, VA 20124  
(Fairfax County)  
**District:** Springfiled  
**Parcel Id No.:** 0664-03-0001  
**Zoning Classification:** R-C  
**Property Owner:** Northern Virginia Electric Cooperative

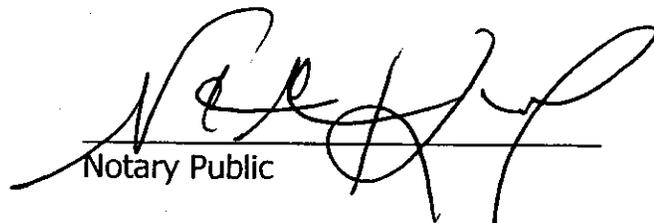
I, Karen Larkin, after being duly sworn, hereby state under oath the following:

1. I am employed by Network Building & Consulting, which performs site acquisition work for T-Mobile Northeast LLC.
2. I am familiar with the above-referenced property and proposed wireless telecommunications site at the property;
3. As part of my duties at T-Mobile Northeast LLC, I have performed a search of the area relevant to the proposed site;
4. I have also reviewed the requirements of Section 9-104 of the Fairfax County Zoning Ordinance as well as the information available to me in connection with T-Mobile's proposed installation of antennae and equipment at the above-referenced property.
5. I can certify as follows:
  - a. There are no existing collocation possibilities / facilities within one mile of the proposed wireless telecommunications site at the above-referenced property that will meet T-Mobile's coverage criteria;
  - b. There are no C or I districts within five hundred (500) feet of the above referenced property which could be used for the installation of T-Mobile's antennae and related equipment.

The information contained herein is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Karen Larkin

Subscribed and sworn to before me this 3rd day of November 2006.

  
\_\_\_\_\_  
Notary Public

My commission expires:

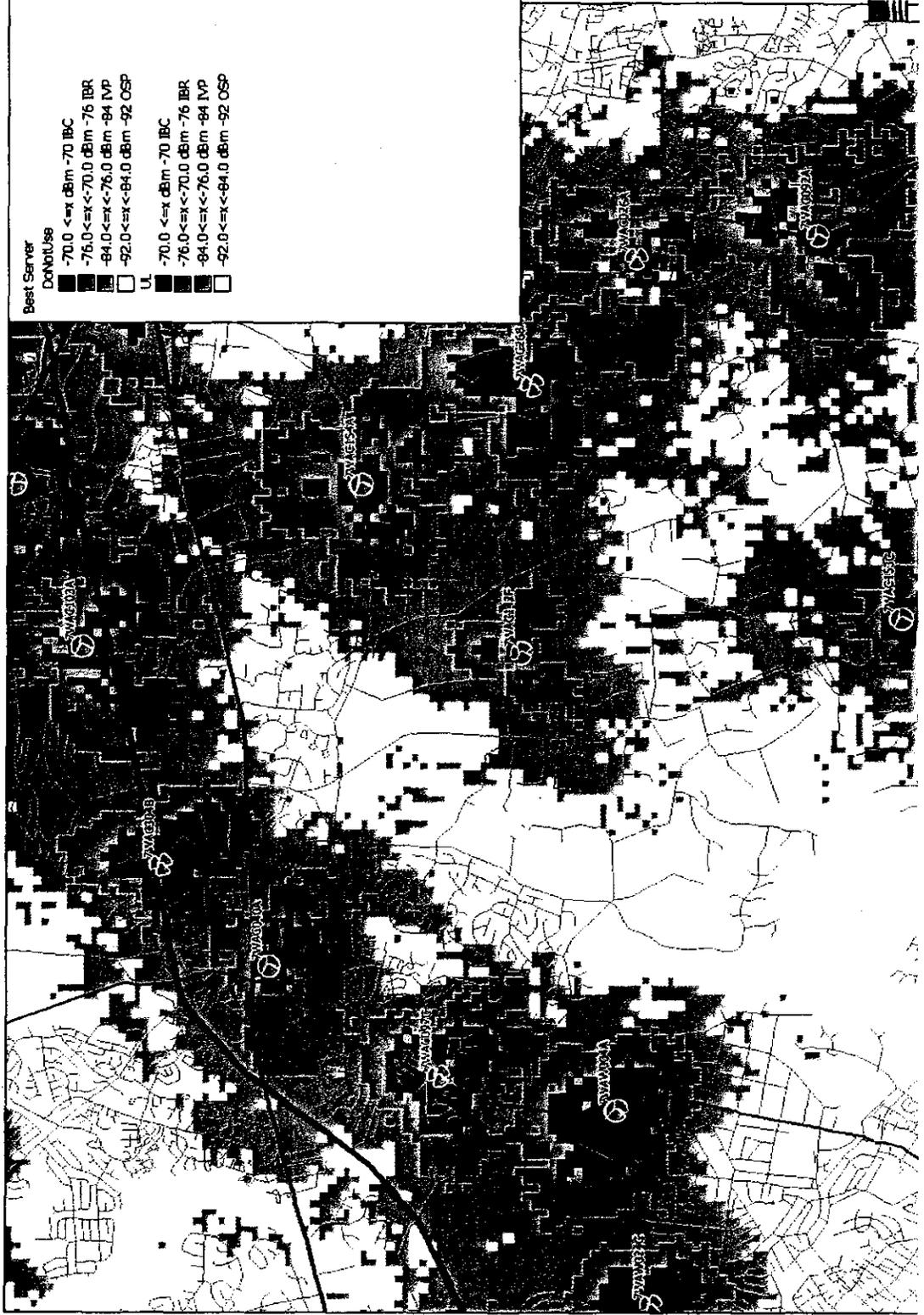
Nichole M. Blackwell  
NOTARY PUBLIC  
STATE OF MARYLAND  
MY COMMISSION EXPIRES  
MAY 1, 2008

319234v1

**EXHIBIT 9**

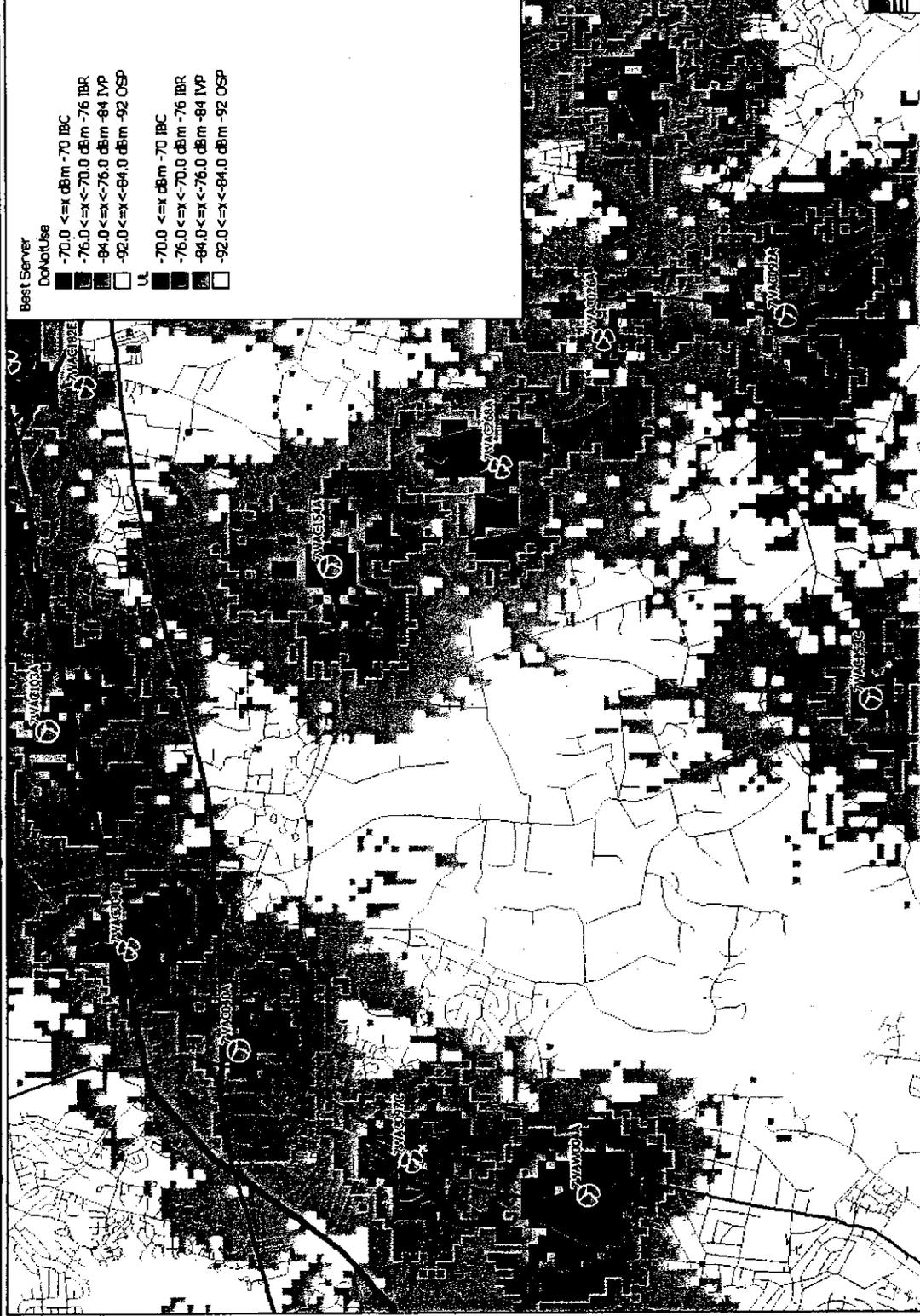
# T-Mobile

## Future On Air Coverage with WAC142

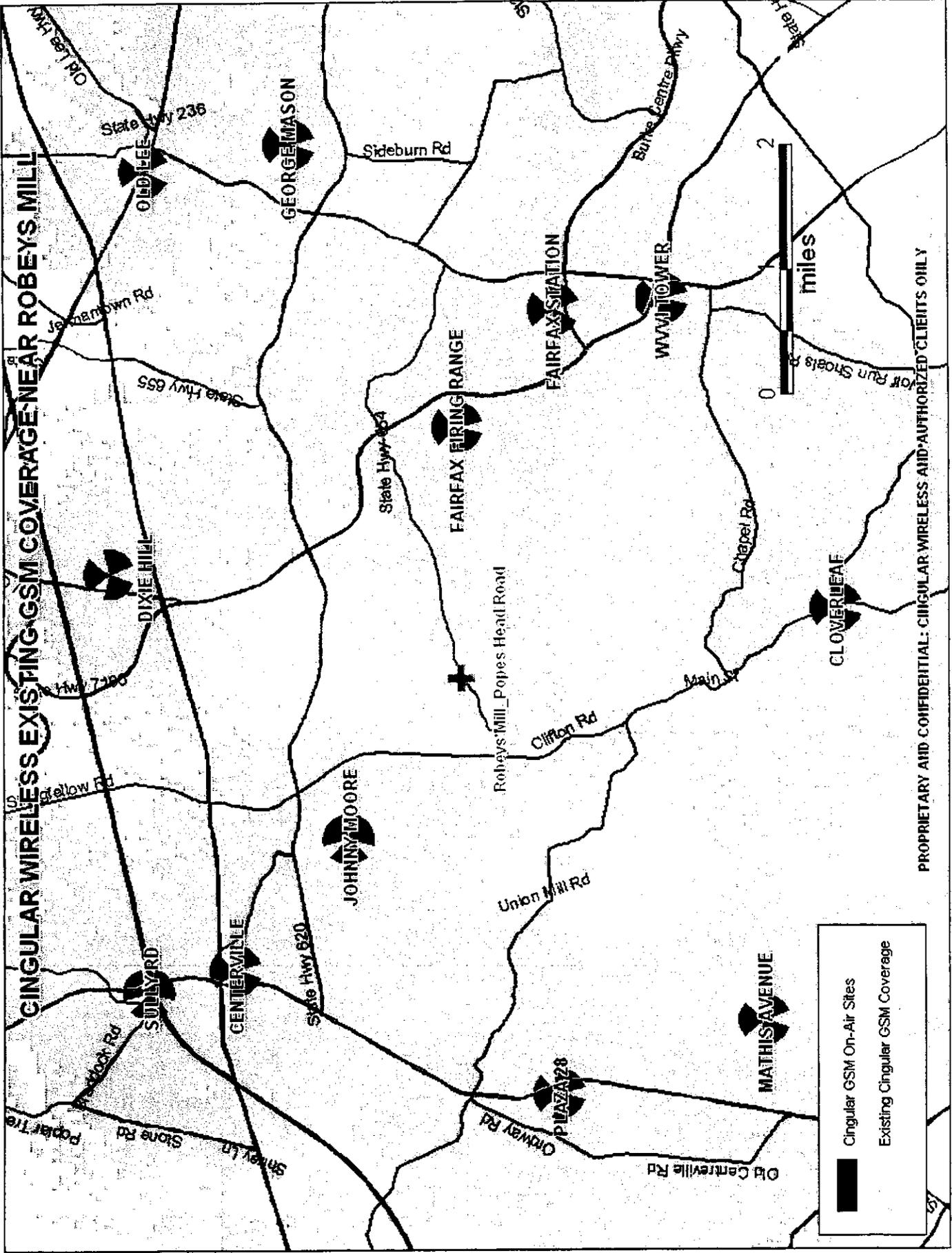


# ROCKSOLID COVERAGE

Existing On Air Coverage without WAC142(Popes Head Road Site)



**ROCKSOLID**  
COVERAGE



PROPRIETARY AND CONFIDENTIAL: CINGULAR WIRELESS AND AUTHORIZED CLIENTS ONLY



## AGREEMENT

This Agreement made this 7th day of June, 2005, by and between the Northern Virginia Electric Cooperative with its mailing address located at 10323 Lomond Dr., Manassas, VA (hereinafter "Owner" or "NOVEC") and Smartpole, Inc. a Delaware corporation doing business as Milestone Communications, with offices located at 1890 Preston White Drive, Suite 103, Reston, VA (hereinafter "Smartpole").

## WITNESSETH

WHEREAS, Owner, by way of lease, easement, license or fee simple ownership has rights in certain properties; and

WHEREAS, Smartpole is in the business of locating properties and sites suitable for various wireless communications industry operations and applications; overseeing the construction of communications towers and facilities and marketing the properties for said purposes; and

WHEREAS, Owner is desirous of having Smartpole identify opportunities for the properties owned by Owner for the purposes as set forth above; and

WHEREAS, Owner and Smartpole understand and agree that Smartpole will render its services, limited to unless otherwise agreed to by both parties in writing, (i) managing Owner's existing cellular towers (the "Existing Towers"), (ii) overseeing the construction of new communications facilities on Owner's properties (the "New Towers", the Existing Towers and the New Towers collectively, the "Towers"); and (iii) marketing, identifying, contacting and screening wireless communication companies or business entities (hereinafter "Carriers") whose operations would benefit from utilizing Owner's Towers or ground leases utilizing Owner's land rights for the installation, utilization, operation and/or maintenance of radio, wireless, and/or satellite communications in order that an agreement be entered into between Owner and Carriers for the use of one or more of Owner's sites and locations for wireless communications purposes. Furthermore, the Owner shall have the sole right, but not the obligation, to use Smartpole to provide service marketing available space on the Owners' transmission, distribution, and street lighting structures (hereinafter referred to as Vertical Electric Asset Structures "VEAS").

NOW, THEREFORE, for good and valuable consideration including but not limited to the mutual agreements and undertakings hereinafter set forth, the parties agree as follows:

### 1. DEFINITIONS

Cell Tower (Existing and New) and collectively referred to as Towers - shall be defined as any monopole or lattice structure designed for the exclusive purpose of handling telecommunications (cellular, wireless, microwave, etc.) purposes. It shall not be defined to include any towers, poles, structures, etc. that are used primarily for providing electrical service (e.g., transmission, primary or secondary electrical service, or street lighting).

Vertical Electric Asset Structures "VEAS" - shall be defined as any and all electrical transmission, distribution, and or street lighting structure and or poles used in the provision of electrical service.

2. APPOINTMENT: Owner does hereby give Smartpole the exclusive right and authority to act for the purpose of overseeing the construction of any New Cell Tower on Owner's

66404.2

NOVEC Management Agreement

Draft: November 18, 2004

properties and marketing the Owner's Existing and any "New" (constructed after the Effective Date of this Agreement) Cell Tower and any Carrier related ground lease or VEAS transactions that Smartpole brings forth to the Owner or for which Smartpole provides the services hereunder to the Owner as exist from time to time, to procure Carriers who are ready, able and willing to enter into agreements, including but not limited to licensing agreements and leasing agreements (hereinafter "Licensing Agreements") on terms mutually acceptable to the Owner and said Carriers for the use of one or more of Owner's sites or locations for wireless communication purposes. Owner's sites or locations which are a part of this Agreement are listed in Exhibit B attached hereto (hereinafter the "Property"). In addition to the foregoing, Owner shall also appoint Smartpole as the ongoing manager of all the Towers (both currently existing and as defined as "New" Cell Towers, ground leases and or VEAS agreement for which Smartpole provided services hereunder to the Owner herein in accordance with the terms hereof.

3. **TERM:** The Initial Term of this Agreement shall be for a period of two (2) years from the date of this Agreement and thereafter shall renew ("Renewal Term") annually for additional twelve (12) month periods unless terminated by Either Party in accordance with Section 12 of this Agreement.

4. **OWNER'S WARRANTIES:** Owner has all requisite power and authority to own, operate and lease the Property to Carriers for wireless communications purposes and to enter into this Agreement and perform its obligations hereunder.

The execution and delivery of this Agreement has been duly and validly authorized and approved by Owner and this agreement is valid and binding upon Owner in accordance with its terms.

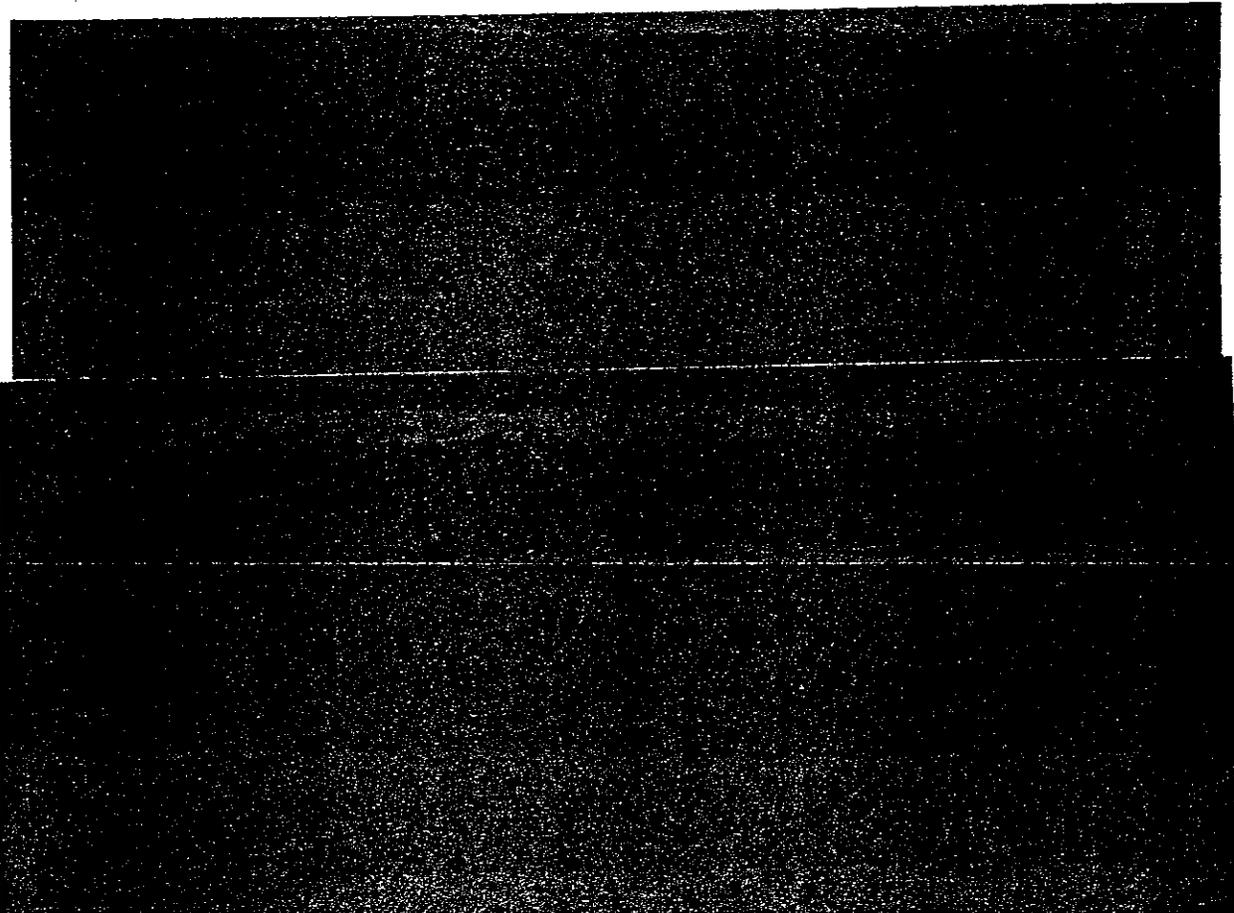
To Owner's knowledge, the execution and carrying out of this Agreement and compliance with the provisions hereof by Owner will not violate any provision of law

5. **INDEPENDENT CONTRACTOR:** Both Owner and Smartpole agree that Smartpole will act as an independent contractor in the performance of its duties under this Agreement. As such, Smartpole will not be eligible for any benefits provided by Owner to its employees. Nothing contained herein shall be deemed to create a partnership or joint venture. Except as expressly provided herein, neither party shall be, or hold itself out to be, the agent of the other party. Neither party shall be empowered to accept legal process on behalf of the other party.

6. **EFFORTS:** Smartpole shall use its good faith commercially reasonable efforts and professional experience to procure suitable Carriers for purposes of entering into Licensing Agreements with the Owner as aforementioned. Smartpole will use diligent and continued good faith efforts to oversee the construction of the New Towers and market all the Towers on Owner's Property and will furnish Owner with a status report on a monthly basis in order to keep Owner apprised of Smartpole's marketing efforts.

7. **COOPERATION:** Owner shall cooperate with Smartpole and furnish information, documentation and assistance as reasonably required to facilitate the construction of the New Towers and marketing of all the Towers on Owner's Property to Carriers for wireless communications purposes. Owner shall further cooperate with Smartpole and furnish information, documentation and assistance as reasonably required to execute any and all agreements pertaining to the Property.

8. **ACCESS:** Owner shall provide to Smartpole, Carriers and their respective contractors reasonable access to the Property for the purpose of evaluating and assessing the Property to prepare and negotiate Licensing Agreements. All ongoing access to the Property shall be subject to the continuing control of, and reasonable security and safety procedures established by Owner. Owner shall designate NOVEC Operations as a representative to coordinate Smartpole and Carrier access to the Property.



The term "licensing fees or rental" shall include all amounts paid by a Carrier to Owner for use of the Property for wireless communications purposes excluding the payment of any site access fees, reimbursements for the construction of the Tower and that portion of payments allocable to the use of electrical service, any sales tax, or any other charge which is passed on by Owner to the Carrier in the nature of a pass-through payment, or contribution for additional real estate taxes incurred by Owner as a result of Carrier's installation during the initial term of any agreements entered into by Owner and said Carrier.

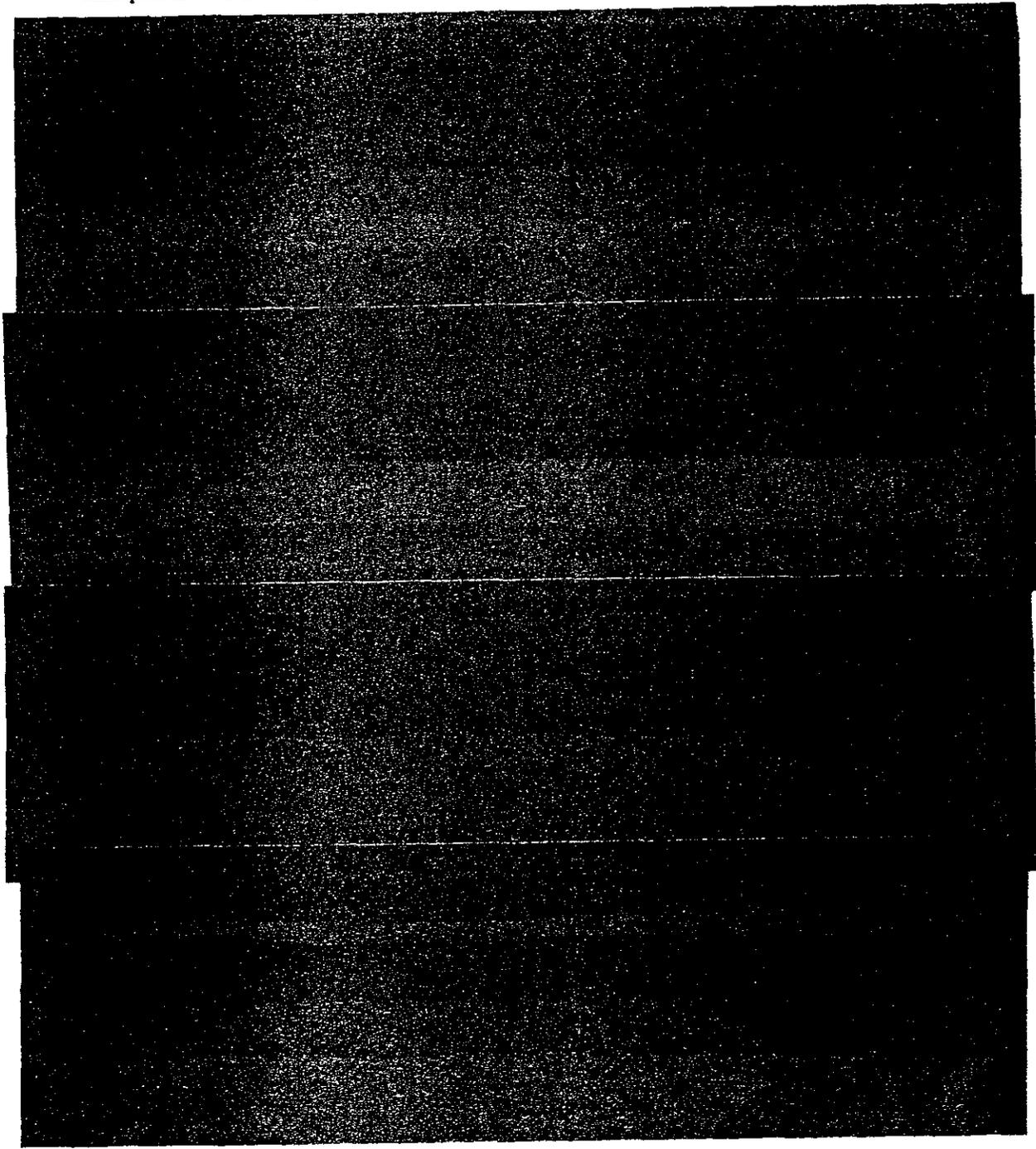
Owner hereby agrees that any and all agreements entered into between Owner and any Carrier shall include clauses to the following effect:

"Carrier shall indemnify, defend and hold harmless Smartpole against any and all claims arising out of any agreements between Owner and Carrier, including but not limited to all claims for breach of contract, environmental liability, individual and property tax liability, increases in power usage, increases in electrical bills, personal injuries of any kind, property damage and any issue concerning title to any sites/properties."

The Management Fee shall be payable to Smartpole for the term and any renewal terms of any Licensing Agreement or Agreements signed during the Term of the Agreement, or during any renewal or extension thereof, including, but not limited to, those Licensing Agreement associated with the Owner

9. CONFIDENTIALITY: Owner and Smartpole understand and agree that any and all information received by Smartpole from Owner shall be maintained in confidence and that any disclosure or distribution of information by Smartpole is prohibited except to the extent authorized by Owner. Likewise, Owner and Smartpole understand and agree that any and all information received by Owner from Smartpole shall be maintained in confidence.

10. COMPENSATION: As Compensation for Smartpole's services under this Agreement, Smartpole shall be entitled to:



Tower and land rights identified on Exhibit B for which payment is due to the Owner and made by the Carrier in accordance with the conditions identified in this Paragraph.

Any and all agreements of any type, including, but not limited to, licensing agreements, rental agreement and ground leases shall be executed only by Owner and not by Smartpole. Furthermore, Smartpole agrees and understands that it shall negotiate all terms and conditions in accordance with the pricing identified in Attachment C unless otherwise agreed to in writing by the Owner.

11. **IMPROVEMENTS:** The parties understand and agree that the utilization of buildings, structures and related properties for wireless communications purposes may require technical development and/or refinement of existing telecommunications and wireless communications facilities and equipment. Any such technical development and/or refinement shall be the responsibility of the Owner and/or Carrier, upon mutually agreed upon terms, and shall not be the responsibility of Smartpole. The parties further understand that certain sites may require the construction, alteration, maintenance, repair, replacement and relocation of communication facilities, towers, antennas, equipment and buildings and improvements relating thereto.

12. **TERMINATION:** Both parties shall have the right to terminate this Agreement by notifying the other party in writing within (120) one-hundred and twenty days of the expiration date of the Initial Term or any Renewal Term then in effect. In the event of the termination hereof there will be no further obligations upon the parties except that provisions and obligations regarding confidentiality of information, indemnification, non-recording of this Agreement and payments of Management and Development Fees on Licensing Agreements in effect at the time of termination and pursuant to and under the terms of Paragraph 10 above, shall survive as long as Smartpole shall immediately provide the Owner with all Records as defined in Exhibit D within fifteen (15) days of the date of Termination.

13. **SMARTPOLE'S MANAGEMENT SERVICES:** Smartpole shall perform its duties in a diligent, careful and professional manner. The services provided by Smartpole shall be of a scope and quality not less than those generally performed by first class, professional managers of properties similar in type and quality. Smartpole shall make available to Owner the full benefit of the judgment, experience, and advice of the members of Smartpole's organization. Smartpole shall at all times act in good faith, in a commercially reasonable manner. Smartpole's scope of services is more specifically described in Exhibit D.

14. **MISCELLANEOUS:** The terms of any agreement entered into between Owner and Carrier for the use of Owner's Property, or Property in which Owner has an interest, for wireless communications purposes, including but not limited to the licensing fees or rental to be paid by Carrier to Owner, shall be determined solely by Owner and such Carrier, taking into account all factors deemed by Owner to be relevant, including but not limited to the obligation to pay Smartpole's Management Fee and Development Fee with respect to such transaction. It is expressly understood and agreed by Owner and Smartpole that Owner shall make a good faith effort to enter into any agreement, and to fulfill the terms of said agreement, which is presented to Owner by Smartpole. The proposed final form of any License Agreement between Owner and a Carrier shall be entirely subject to the express approval of the Owner. Notwithstanding the foregoing, Owner and Smartpole understand and agree that Smartpole's services and efforts shall be non-legal in nature and, while Smartpole may from time to time inquire into regulations, ordinances or laws which might affect proposed Licensing Agreements between OWNER and Carriers or any applications to municipal or government authorities, no representations, opinions or advice of a legal nature in any way are or shall be given by Smartpole pursuant to this Agreement and Smartpole's representations, opinions and advice are in no way tendered as and are in no way to be relied upon as legal advice.

15. **EXCLUSIVITY:** Owner shall not be prohibited from contacting directly or otherwise any Carriers on its own. However, if Owner enters into an Agreement with any Carrier which Smartpole initiated, facilitated, or was involved with in any significant way, during this Agreement or within sixty

(60) days after expiration, non-renewal or termination of this Agreement, Smartpole shall be entitled to its Management and Development Fee pursuant to and under the terms of Paragraph 10 above.

16. **INDEMNIFICATION:** Owner agrees to indemnify, defend and hold harmless Smartpole against any and all claims arising out of any agreements between Owner and any Carrier, including but not limited to all claims for breach of contract, environmental liability, individual and property tax liability, increases in power usage, increases in electrical bills, personal injuries of any kind, property damage and any issue concerning title to the Property. Smartpole agrees to indemnify, defend and hold harmless Owner in connection with the claims of any other person claiming commissions or fees in connection with this Agreement upon a claim of authority from Smartpole.

17. **ASSIGNMENT:** This Agreement may be assigned by either party only with the prior written consent of the other party to this Agreement. Notwithstanding the aforementioned, either party may assign this Agreement to a parent, wholly-owned subsidiary or affiliate without requiring the consent of the other party. This Agreement shall be binding upon and inure to the benefit of the parties named in this Agreement and their respective heirs, executors, administrators, legal representatives, successors and assigns.

18. **SALE OF PROPERTY:** In the event of a sale by Owner of any portion of its interests in any of the Towers to an unaffiliated entity then Owner shall provide Smartpole Compensation due per the terms and conditions set forth in Paragraph 10.

In the event of a sale by Owner of its interest in the Towers to Smartpole this agreement will terminate for the Towers that are sold to Smartpole and the Compensation due per Paragraph 10 will cease as of the date the Smartpole and Owner execute a site lease for the Tower; provided that the terms of Section 10 (i.e., the compensation which would otherwise be payable to Smartpole upon a third party sale) shall be considered in the negotiation of a purchase price between Owner and Smartpole for any such Tower(s).

19. **REMEDIES:** Violation of any term of this Agreement by any party shall constitute a breach of this Agreement and will give rise to all legal and/or equitable remedies provided by law, in addition to all remedies specifically provided in this Agreement and notwithstanding any provision of this Agreement to the contrary.

20. **RECORDING:** This Agreement shall not be recorded by or at the direction of either party.

21. **CHOICE OF LAW:** This Agreement shall be constructed under and in accordance with the laws of the State of Virginia.

22. **CONTEXT:** Words of gender used in this Agreement include any other gender, and words in the singular number include the plural, and vice versa, unless the context requires otherwise.

23. **SEVERABILITY:** Should any part of this Agreement be invalid, illegal or otherwise unenforceable, the validity, legality and enforceability of the remaining portions of this Agreement shall not in any way be affected or impaired thereby.

24. **WAIVER:** The failure of either Owner or Smartpole to enforce at any time any of the provisions of this Agreement shall not be constructed to be a waiver of such provisions or of the right of such party thereafter to enforce any such provisions.

25. **HEADINGS:** All paragraphs headings and captions used herein are for the convenience of the parties only and shall not be deemed a part of the text, or affect the meaning of this Agreement.

26. **ENTIRE AGREEMENT:** This instrument contains the entire agreement between Owner and Smartpole with respect to the subject matter hereof. There are merged herein all prior and collateral representations, promises and conditions in connection with the subject matter hereof. Any representation, promise or condition not incorporated herein shall not be binding upon either party. This Agreement supersedes and is in lieu of all existing agreements or arrangements between the parties.

27. **SURVIVAL:** Any provisions of this Agreement which in order to have effect must survive the expiration, termination or non-renewal of this Agreement shall be deemed to survive.

28. **NOTICE:** Any notice or communication given pursuant hereto by either Owner or Smartpole to the other party shall be in writing and hand delivered, or mailed by registered or certified mail, postage prepaid, return receipt requested, or sent by an over night courier which maintains a record of delivery, to the following addresses or to such address as may be designated in writing by either party:

If to Smartpole:

Milestone Communications  
1890 Preston White Drive, Suite 103  
Reston, VA 20191  
Attn: Leonard Forkas, Jr.

If to Owner:

NOVEC  
10323 Lomond Drive  
Manassas, VA 20109-3173  
Attn: Patrick Toulme, Esq.

Notice given as herein provided shall be considered to have been received five (5) days after mailing thereof, or actually received, whichever occurs first.

29. **INSURANCE:** Smartpole agrees that it shall maintain, or, as applicable, cause any contractor performing service in the construction of any Tower to maintain, Insurance ("Insurance") for purposes of insuring against loss as a result of Liabilities caused in whole or in part by Smartpole's or such contractor's negligence; such insurance coverage is acknowledged to comply with the requirements as designated on attached Schedule A (minimum limits of liability insurance coverage for contractors). Smartpole further agrees to, if requested by NOVEC in writing, seek additional insurance coverage, or to cooperate with NOVEC should NOVEC desire Smartpole to obtain additional insurance coverage. Smartpole understands and agrees and further warrants and represents to NOVEC that, notwithstanding any other provision to the contrary herein contained, Smartpole's Liability for any and all losses, whether to NOVEC or to third parties, resulting from any Liabilities caused in whole or in part by Smartpole's negligence shall not be limited to the amount of any insurance proceeds payable to or on behalf of Smartpole's under such Insurance, and Smartpole's agrees to immediately indemnify and hold NOVEC harmless for any and all such Liability in excess of such insurance proceeds. Smartpole's shall furnish written proof of such insurance at least annually to NOVEC care of Mr. Patrick Toulme with NOVEC as additional named insured.

30. **COMPLIANCE WITH LAWS, STATUTES AND REGULATIONS.** Each party will comply with all applicable statutes, ordinances, rules, and regulations pertaining to the performance of the services hereunder. Smartpole acknowledges that it is familiar with the Rural Electrification Act of 1936, as amended, the so-called "Kick-Back" Statute (48 Stat. 948), and regulations issued pursuant thereto, and 18 U.S.C. §§287,1001, as amended. Smartpole understands that the obligations of the parties hereunder are subject to the applicable regulations and orders of Governmental agencies having jurisdiction in the premises.

### 31. EQUAL OPPORTUNITY PROVISIONS.

a. *Equal Opportunity Clause.* If the value of any contract or purchase order is \$10,000 or if the aggregate total value of all contracts and purchase orders exceeds \$10,000 in any twelve (12) month period, Smartpole shall be bound by the terms and provisions of Executive Order 11246 as amended, and 11375, and shall file compliance reports as required by Section 203 of Executive Order 11246 as amended, and otherwise comply with the requirements of such orders and with all rules and regulations promulgated thereunder. The affirmative action clause set forth in Section 202 of the Executive Order 11246 as amended is included herein by reference.

b. *Certificate of Non-segregated Facilities.* Smartpole certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location under its control where segregated facilities are maintained. Smartpole agrees that breach of their certification is a violation of the Equal Opportunity Clause of this contract. As used in this certification, the term "FACILITIES" includes any waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees. Smartpole agrees to provide a certificate of non-segregated facilities as required by 41 CFR, Chapter 60-1.8.

c. *Standard Form 100 (EEO-1) and Affirmative Action Compliance Program.* Smartpole agrees further and certifies that, if the value of any contract or purchase order is \$50,000 or more and Smartpole has fifty (50) or more employees, Smartpole:

1. Files a complete and accurate report on Standard Form 100 (EEO-1) with the Joint Reporting Committee, Post Office Box 2236, Norfolk, Virginia 23501, within thirty (30) days of the date of contract award, unless such report has been filed within the twelve (12) month period preceding the date of the contract award and otherwise complies with and files such other compliance reports as may be required under Executive Order 11246 as amended and the rules and regulations thereunder.

2. Develops and maintains a written affirmative action compliance program for each of its establishments as required by Executive Order 11246 as amended and implemented by Title 41, CFR Section 60-1.40, 60-2 as amended.

d. *38 USC 2012, Veterans Readjustment Act of 1974.* Smartpole agrees and certifies that, if the value of any contract or purchase order is \$10,000 or more, to the extent legally required so to do, Smartpole prepares and maintains a written affirmative action program to employ and advance in employment qualified Vietnam Era veterans and certain qualified disabled veterans.

e. *Section 503, Rehabilitation Act of 1973.* Smartpole agrees and certifies that, if the value of any contract or purchase order is \$2,500 or more, to the extent legally required so to do Smartpole prepares and maintains a written affirmative action program to employ and advance in employment qualified handicapped persons.

f. *Minority Business Enterprise Utilization.* If the value of any contract or purchase order is \$5,000 or more, Smartpole agrees to the following provisions:

1. It is the government's policy that minority business enterprise has the maximum practicable opportunity to participate in the performance of subcontracts received from prime contractors through the lowest tier subcontracts.

2. Smartpole agrees to use its best efforts to seek out and use to the fullest extent, qualified minority businesses in the award of any contract to be awarded by Smartpole pursuant to the terms hereof. As used in this contract, the term "MINORITY BUSINESS ENTERPRISE" means a business at least 51% of which is owned by minority group members. Minority group members are defined as Blacks, Hispanics, Asians, Native Americans, Alaskan Natives, and females regardless of race or ethnicity. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of independent investigation.

31.1 Each party shall comply with all local, state, and Federal government laws, regulations and rules pertaining to its performance of this Agreement.

31.2 A party cannot bind or otherwise obligate the other party in any manner whatsoever, unless specifically authorized in writing by the other party.

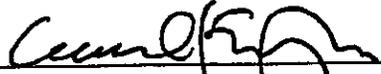
32. **INTEGRATION CLAUSE.** This contract shall constitute the whole, complete and exclusive agreement between the parties. There are no promises, terms, conditions or obligations other than those contained herein, and this contract shall supersede all previous communications, representations, or agreements, written or verbal, between the parties hereto.

IN WITNESS WHEREOF, the parties to this Agreement, intending to be legally bound by it, have executed it as of the date set forth above.

Attest:



SMARTPOLE, INC., a Delaware corporation

By: 

Print Name: Leonard Forkas, Jr.

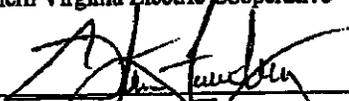
Title: President

Date: 6/7/05

Witness:



Northern Virginia Electric Cooperative

By: 

Print Name: STAN FEDERBERE

Title: PRES / CEC

Date:

**ATTACHMENT A**

**NORTHERN VIRGINIA ELECTRIC COOPERATIVE**

**MINIMUM LIMITS OF LIABILITY INSURANCE  
COVERAGE FOR CONTRACTORS**

**A. Workers' Compensation  
State Statutory**

**Employer's Liability:**

Bodily Injury by Accident	\$100,000 each accident
Bodily Injury by Disease	\$500,000 policy limit
Bodily Injury by Employee	\$100,000 each employee

Federal and Maritime: As applicable, CONTRACTOR shall provide statutory coverage under Federal Compensation Acts such as, but not limited to, the Defense Base Act and the Federal Employee's Liability Act (FELA).

Whenever the work involves activity on or about navigable waters, the Workers' Compensation policy shall contain a United States Longshoreman's and Harbor Workers Act Liability (Jones Act) endorsement with the following limits, and an outer Continental Shelf Lands Act endorsement.

Bodily Injury by Accident	\$100,000 each accident
Bodily Injury by Disease	\$500,000 policy limit
Bodily Injury by Employee	\$100,000 each employee

**B. Contractor's General Liability Insurance shall provide the following minimum limits and conditions:**

General Aggregate	\$1,000,000
Products-Completed Operations Aggregate	\$1,000,000
Personal and Advertising Injury	\$1,000,000
Fire Damage (any one fire)	\$ 100,000
Medical Expenses (any one person)	\$ 5,000

Property Damage liability insurance will include explosion, collapse, and underground coverage and provide broad form property damage coverage.

Coverage is to be written on an occurrence form.

**C. Automobile Liability shall provide for the following for owned, non-owned, rented, or hired vehicles:**

Combined Single Limit (bodily injury and property damage)	\$1,000,000
---	-------------

- D. Provide Excess Liability or Umbrella insurance providing protection for at least the hazards insured under the primary General, Automotive and Employees Liability policies with the following limits:

General Aggregate	\$1,000,000
Each Occurrence	\$1,000,000

Additional coverage CONTRACTOR shall provide are as follows:

Where CONTRACTOR'S operations involve the use of owned or non-owned aircraft or watercraft, provide coverage for bodily injury and property damage arising out of ownership, maintenance, use, or entrustment as follows:

General Aggregate	\$2,000,000
Each Occurrence (Bodily Injury and Property Damage)	\$1,000,000

OWNER'S and CONTRACTOR'S Prospective liability (Owner as named insured with ENGINEER as additional named insured)	\$1,000,000
---	-------------

**\*\*Northern Virginia Electric Cooperative to be named as Additional Named Insured.**

**\*\*\*Coverage afforded under the policies will not be canceled or allowed to expire until at least 30 days' prior written notice has been given to Northern Virginia Electric Cooperative.**

Smartpole will carry workers compensation and general liability insurance as required above. All other insurance set forth above applicable to "contractors" is intended to and shall be carried by any third party contractor performing construction or similar services related to the construction of Towers as contemplated herein



# Antenna Structure Registration

[FCC](#) > [WTB](#) > [ASR](#) > [Online Systems](#) > TOWAIR

[FCC Site Map](#)



## TOWAIR Determination Results

[HELP](#)

[New Search](#) [Printable Page](#)

### \*\*\* NOTICE \*\*\*

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

#### DETERMINATION Results

**Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.**

#### Your Specifications

##### NAD83 Coordinates

Latitude 38-48-40.2 north  
Longitude 077-23-10.4 west

##### Measurements (Meters)

Overall Structure Height (AGL) 39.6  
Support Structure Height (AGL) 39.6  
Site Elevation (AMSL) 115.8

##### Structure Type

TOWER - Free standing or Guyed Structure used for Communications Purposes

#### Tower Construction Notification

Notify Tribes and Historic Preservation Officers of your plans to build a tower.  
Note: Notification does NOT replace [Section 106 Consultation](#).

**ASR Help**

[ASR License Glossary](#) - [FAQ](#) - [Online Help](#) - [Documentation](#) - [Technical Support](#)

**ASR Online Systems**

[TOWAIR- CORES](#) - [ASR Online Filing](#) - [Application Search](#) - [Registration Search](#)

**EXHIBIT 13**

**About ASR**

[Privacy Statement](#) - [About ASR](#) - [ASR Home](#)

[FCC](#) | [Wireless](#) | [ULS](#) | [CORES](#)

[Help](#) | [Tech Support](#)

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Phone: 1-888-CALL-FCC (1-888-225-5322)  
TTY: 1-888-TELL-FCC (1-888-835-5322)  
E-mail: [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)



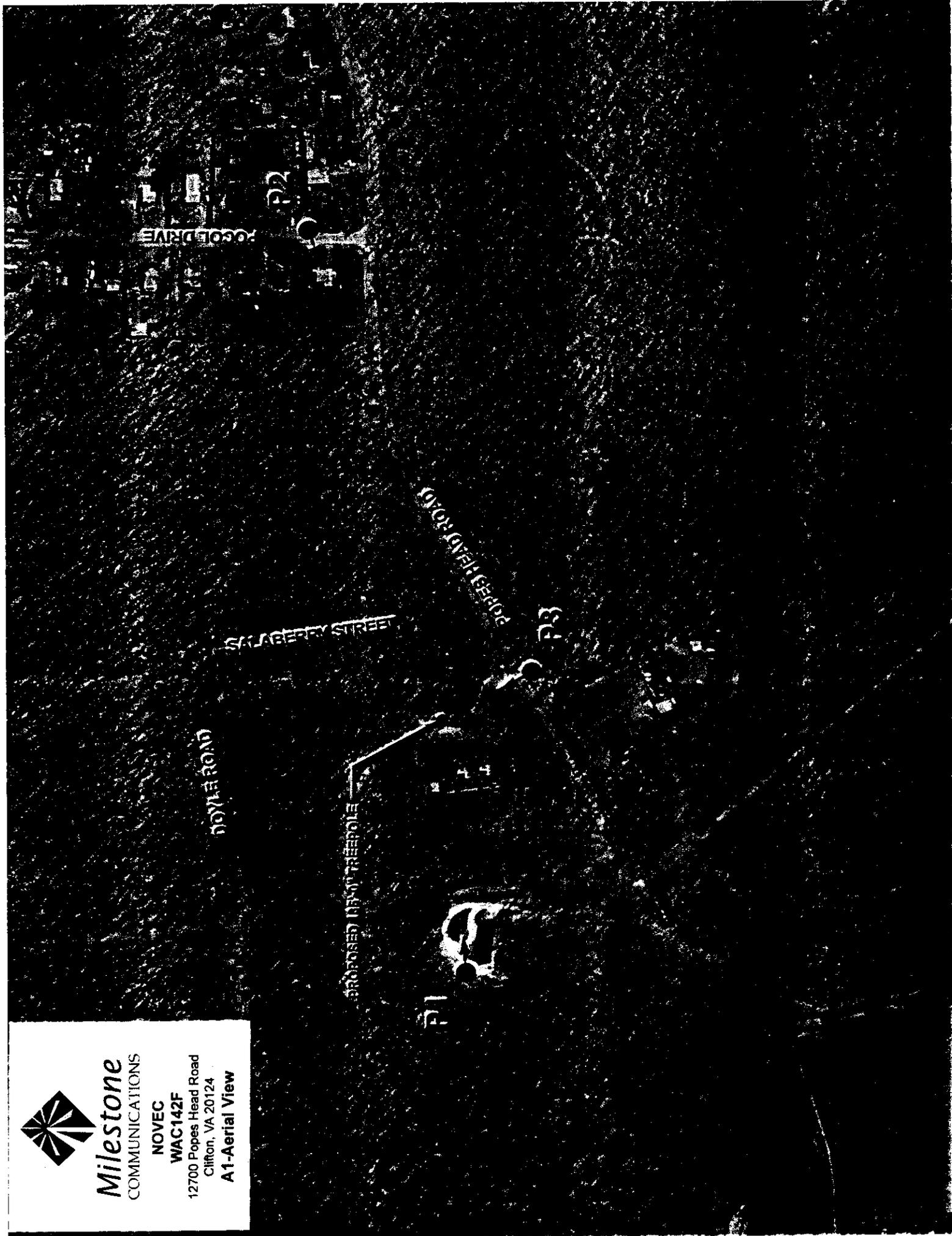
**Milestone**  
COMMUNICATIONS

NOVEC

WAC142F

12700 Popes Head Road  
Clifton, VA 20124

A1-Aerial View

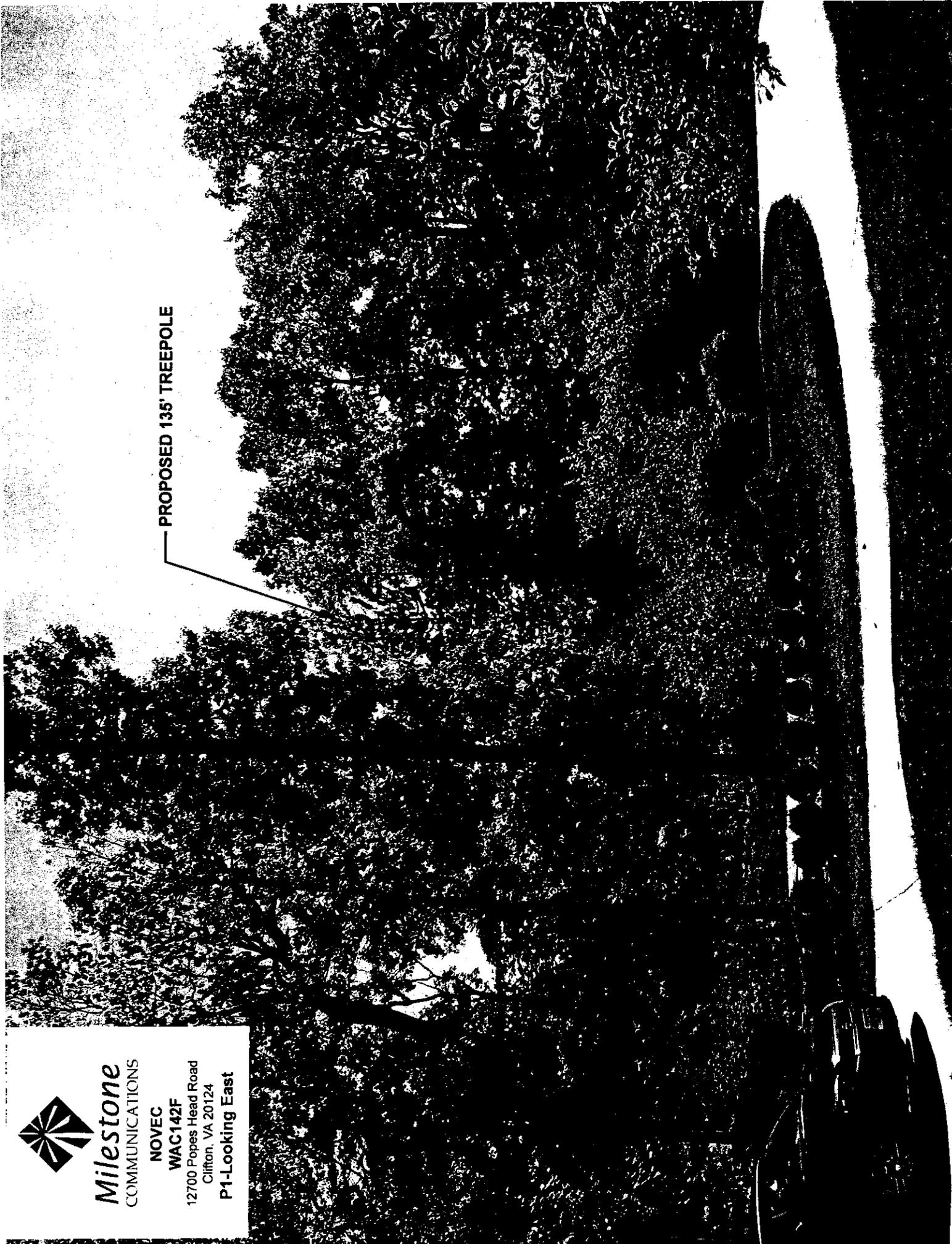




**Milestone**  
COMMUNICATIONS

NOVEC  
WAC142F  
12700 Popes Head Road  
Clifton, VA 20124  
P1-Looking East

PROPOSED 135' TREEPOLE





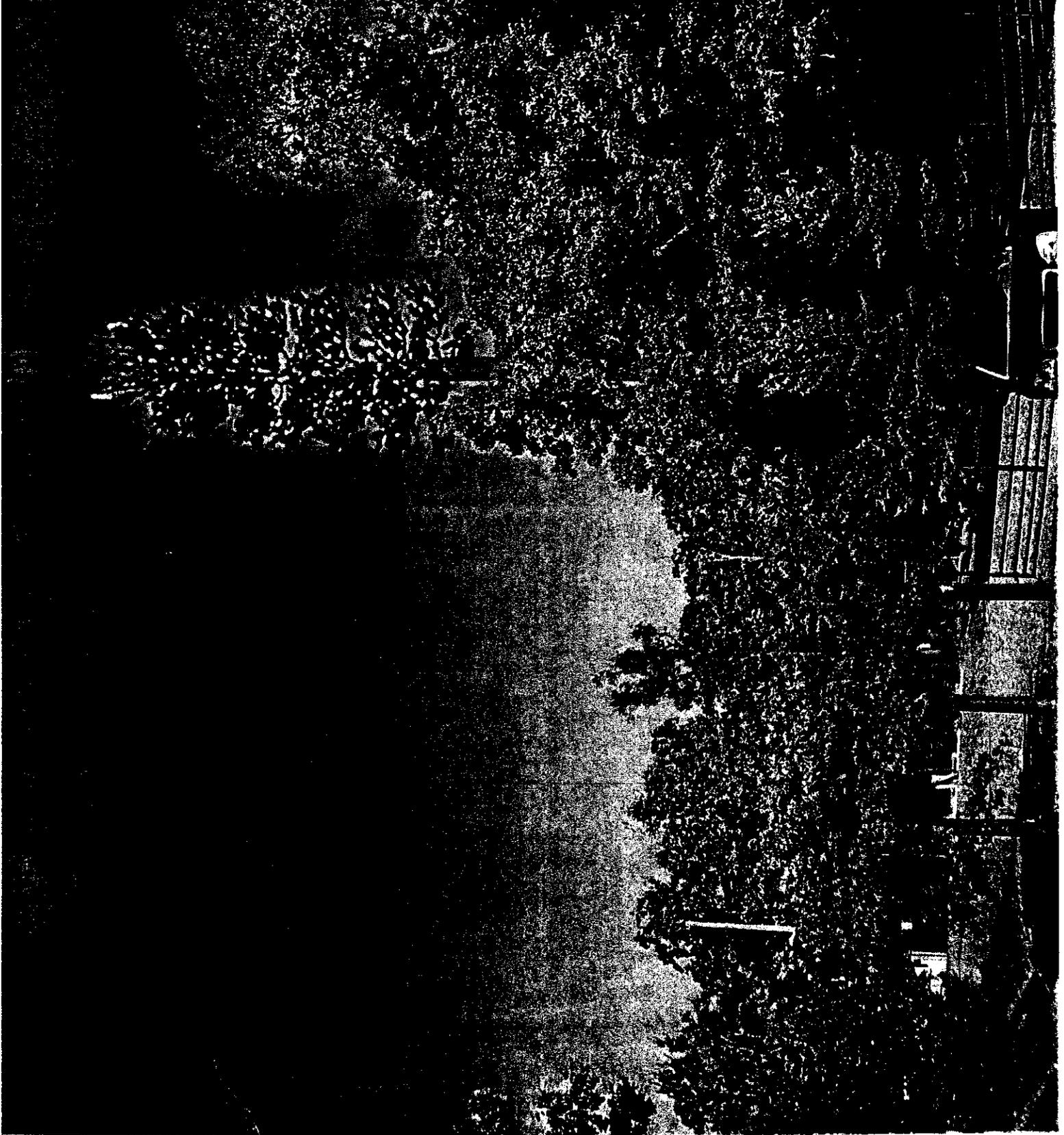
**Milestone**  
COMMUNICATIONS

**NOVEC**

**WAC142F**

12700 Popes Head Road  
Clifton, VA 20124

**P3-Looking North**





**Milestone**  
COMMUNICATIONS

**NOVEC**

**WAC142F**

12700 Popes Head Road  
Clifton, VA 20124

**P2-Looking West**  
**(NOT VISIBLE)**



**Capps, Anita**

---

**From:** Figueroa-Velez, Nelson [NVelez@JacksCamp.com]  
**Sent:** Friday, December 21, 2007 3:13 PM  
**To:** Capps, Anita  
**Cc:** O'Donnell, William  
**Subject:** RE: Info on Dish antennas

Anita:

I spoke with Marc Marzullo, Entrex and he explained that this is for a future Voice or Data (Wireless T1) provider.

Nelson Figueroa-Velez

-----Original Message-----

**From:** Capps, Anita [mailto:Anita.Capps@fairfaxcounty.gov]  
**Sent:** Tuesday, December 18, 2007 11:52 AM  
**To:** Figueroa-Velez, Nelson  
**Cc:** O'Donnell, William  
**Subject:** Info on Dish antennas

Dear Nelson,

On the recently submitted plans, in particular Sheet Z-5, there are two 3-foot diameter dish microwave antennas and two 1-foot diameter dish microwave antennas shown on the tree monopole elevation. Could you please provide me an e-mail describing the user (type of carrier- telecom, internet, whatever), the antennas, and the centerline location of each set of antennas. Any questions, please feel free to call me. Thanks.

Anita Capps  
DPZ  
703 324 1357

2/5/2008

**Capps, Anita**

---

**From:** Figueroa-Velez, Nelson [Nvelez@JacksCamp.com]  
**Sent:** Wednesday, January 09, 2008 4:25 PM  
**To:** Capps, Anita  
**Cc:** O'Donnell, William  
**Subject:** RE: Popes Head Rd Information Request  
**Attachments:** 3573\_001.pdf

Dear Anita:

The whip antenna formal name is "Polarized Omni Antenna". I am attaching a antenna spec sheet for your reference. This may NOT be the actual antenna.

Regarding question number two, you are correct, as to 53. I added an additional internet antenna because only one antenna may not be sufficient for the community as proposed by Mr. Lukacyzk. But for now there is only one whip (internet) antenna for that purpose shown on the drawing.

Thank you very much for your attention on this matter,  
Nelson Figueroa-Velez

-----Original Message-----

**From:** Capps, Anita [mailto:Anita.Capps@fairfaxcounty.gov]  
**Sent:** Wednesday, January 09, 2008 3:49 PM  
**To:** Figueroa-Velez, Nelson  
**Cc:** O'Donnell, William  
**Subject:** RE: Popes Head Rd Information Request

Dear Nelson,

Thank you for the quick and complete response.  
Follow up: Is the wireless internet antenna a whip antenna as indicated by its dimensions ?

If there is only one wireless internet antenna, the total antenna count is 1) 4 carriers with 12 panel antennas each = 48 panel antennas plus 2) 4 dish microwave antennas ( 2 3-foot diameter dish and 2 1-foot diameter dish) and 3) 1 wireless internet antenna (1 whip antenna) 4) which equals 53. Is there another antenna that is missing ? (Maybe two whips ?)

Thanks.

Anita Capps  
DPZ  
703 324 1357

---

**From:** Figueroa-Velez, Nelson [mailto:Nvelez@JacksCamp.com]  
**Sent:** Wednesday, January 09, 2008 2:40 PM  
**To:** Capps, Anita; O'Donnell, William  
**Subject:** Popes Head Rd Information Request

2/5/2008

Dear Ms. Capps:

Below are a list of questions with the corresponding answer in **Bold** following below.

1. Change the height of the proposed tree monopole to 140 feet high.

**Engineering Firm's Response: Will complete task**

2. Provide the RAD centerline height for the pair of 3-foot diameter microwave dish antennas and the RAD centerline height for the pair of 1-foot diameter microwave dish antennas. The e-mail from the agent indicated that the dish antennas are for future Voice or Data providers. Is that the same as a telecommunications provider or different?

**Engineering Firm's Response: Will add a RAD center height of 127'-0" for the (2) 3'-0" diameter microwave antennas. Will add a RAD center height of 107'-0" for the (2) 1'-0" diameter microwave antennas.**

3. Please provide the dimensions of the wireless internet antenna.

**Engineering Firm's Response: Will add the dimension for the wireless internet antenna 3" diameter by 12'-0" long**

4. Please provide the dimensions for the CSC cabinet and utility frame. What does CSC stand for and what does BBU stand for in reference to cabinets located in the equipment compound.

**Engineering Firm's Response: CSC stands for "Cell Site Cabinet." The CSC cabinet furnished by Verizon is 3'-0" wide by 1'-8" deep by 5'-6" high. BBU stands for "Battery Back-up Unit." The BBU cabinet furnished by T-Mobile is 5'-0" wide by 2'-4" deep by 5'-6" high.**

5. There is a conflict between the access gates to the substation compound, the main access road, and the proposed landscaping along the southern side of the proposed telecommunications equipment compound. Originally, the access gates to the substation compound were going to be relocated further south.

**Engineering Firm's Response: NOVEC, after reviewing the previous plans with the substation gate relocated 10' south, advised Milestone that they do not want to relocate the 20' gate, due to the underground work and cost involved. They have determined that there is adequate access through the 20' gate into the substation with the proposed landscaping as shown on Sheets Z-4 and Z-4A.**

6. Please clarify the number of telecommunication providers, voice or data providers and wireless internet provider for the proposed tree monopole. It appears there are 4 telecommunications providers (panel antennas), 2 voice or data providers (dish antennas) and 1 wireless internet provider (wireless internet antenna).

**Engineering Firm's Response: The treepole is designed for :**

**4 telecommunication carriers at RAD centers of 102', 112', 122' and 132' providing voice and data;**

**2 telecommunication carriers providing voice and data backhaul services; and,**

**1 wireless internet provider**

**The Total number of Antennas, Microwave Dishes and wireless internet antenna should not exceed 54.**

7. While your application addressed alternative locations briefly, the applicant should provide a written response to other locations considered such as other existing telecommunications facilities, public/private schools, VDOT rights-of-way, and commercial/industrial properties. Explain why other alternative locations did not exist or did not provide adequate service.

**The possibilities of finding an adequate location within the surrounding rural area of Popes Head Rd., in Clifton is extremely limited. Due to historic district and to the zoning classification of the area there were three locations that were identified and analyzed. The current proposed location at Popes Head Road, a Sprint Monopole located on State Highway 7100 and Braddock Rd., Fairfax, VA 22030, which was rejected by the RF engineers because it was outside of the search ring and it would not meet the coverage objectives and the Twin Lakes Golf Club. The Twin Lakes Golf Club rejected the idea of locating a wireless telecommunication facility on their property.**

8. Should New Cingular Wireless, PCS, LLC be changed to AT&T ?

**No. The merger between Cingular and AT&T does not eliminate the existing New Cingular Wireless PCS, LLC.**

Please do not hesitate to contact me with further questions.

*Nelson Figueroa-Velez, Esq.*  
JACKSON & CAMPBELL, P.C.  
1120 Twentieth Street, N.W.  
South Tower, Suite 300  
Washington, DC 20036-3437  
(202) 457-4293 (direct)  
(202) 457-1600 (main)  
(202) 457-1678 (fax)  
[www.nvelez@jackscamp.com](mailto:www.nvelez@jackscamp.com)  
[www.jackscamp.com <http://www.jackscamp.com>](http://www.jackscamp.com)



**ODH9**  
**DATA SHEET**

**NLOS Series *Horizontally Polarized* Omni Antenna**

**900 to 928 MHz Operation**

**Features**

- 900MHz Omni Directional Antenna
- 9dBi gain
- Heavy Duty Aluminum Extrusion with powder coat paint
- Type N Female Integrated Connector Standard

**Applications**

- 900 MHz ISM Band Applications
- Non Line of Sight Applications
- WISP Base Station Equipment
- Point to Multi-point Systems

**Description**

The NLOS Series *Horizontally Polarized* Omnidirectional Antenna systems offered by Pacific Wireless are constructed of a heavy duty aluminum extrusion and then powder coat painted for extremely long service life. The super heavy duty mounting system will insure a stable installation in high wind conditions. The antennas are horizontally polarized so that interference can be minimized in the wireless system.

**Specifications**

Parameter	Min	Typ	Max	Units
<i>Frequency Range</i>	900		928	MHz
<i>Gain</i>		9		dBi
<i>Vertical Beamwidth</i>		18		Degrees
<i>Horizontal Beamwidth</i>		360		Degrees
<i>Cross Polarization Rej</i>		-22		dB
<i>VSWR</i>		1.5:1		
<i>Impedance</i>		50		OHM
<i>Input Power</i>			100	W
<i>Pole Diameter (OD)</i>	1.5 (38)		3 (76)	Inch (mm)
<i>Operating Temperature</i>	-45		+70	Deg C
<i>Weight</i>		22 (10)		Lbs (kg)
<i>Length x Width x Depth</i>	62" x 8" x 2" (1575 x 203 x 51)			Inch (mm)

**Wind Loading**

Model	Sq. In	100MPH	125MPH
ODH9-9	496	124 Lbs	194 Lbs



# County of Fairfax, Virginia

## MEMORANDUM

DATE: October 30, 2007

**TO:** David B. Marshall, Chief  
Facilities Planning Branch, DPZ

**FROM:** Pamela G. Nee, Chief *PAN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** ENVIRONMENTAL ASSESSMENT for: SEA 89-S-072

T-Mobile Northeast LLC – NOVEC Popes Head Road

This memorandum, prepared by John R. Bell, discusses potential impacts that may result from the proposed development as depicted on the special exception amendment plat dated October 22, 2007. Possible solutions to remedy identified impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

### ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 5 through 7, the Plan states:

**“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County. . . .**

Policy k. For new development and redevelopment, apply better site design and low impact development techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of

Department of Planning and Zoning  
Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
Fax 703-324-3056  
[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations.

Proposals that include the use or storage of hazardous materials should provide adequate containment facilities, monitoring, and spill prevention strategies to protect surface and groundwater resources consistent with State regulations.

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas". Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;
- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site

sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA.

**Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .”

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through November 15, 2004, on page 14, the Plan states:

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

**Stormwater Management**

**Issue:**

The subject property is currently developed with an electrical substation. Runoff from the developed portions of the site are conveyed to an existing stormwater management facility. The location of the proposed new monopole/tree-pole may encroach into a portion of the existing stormwater management pond.

**Resolution:**

Adequate sizing of the pond and access issues must be resolved to ensure that the facility functions as designed and is accessible. Any final determination regarding stormwater management for the site will be made by staff in the Department of Public Works and Environmental Services (DPWES).

**Tree Preservation**

**Issue:**

The subject property is located in a portion of the R-C zoning district. As a policy standard for uses requiring special permit or special exception approval staff recommends that a minimum of fifty percent of the site be set aside as undisturbed open space. While a large portion of the site appears to meet this standard some additional clearing and grading may be required to accommodate the proposed telecommunications facility.

**Resolution:**

Staff recommends that the applicants keep all clearing and grading to a minimum. Additionally, replacement landscaping and supplemental landscaping should be provided to ensure adequate screening for the facilities during all seasons.

PGN:JRB



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: August 14, 2007

TO: Regina Coyle, Director  
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief  
Site Analysis Section, DOT

FILE: 3-4(RZ 89-S-072)

SUBJECT: SEA 89-S-072; T-Mobile et al.  
Land Identification Map: 66-4 ((03)) 01

This department has reviewed the generalized development plan revised through June 2007. The applicant has dedicated adequate right-of way along its Popes Head Road frontage and, thus, the Department of Transportation offers no objections to the approval of this application.

AKR/MEC

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services



## County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** April 3, 2007

**TO:** Anita Capps, Planner  
Facilities Planning Branch  
Department of Planning and Zoning

**FROM:** Frank W. Stoda  
Public Safety Radio Systems Technologist  
Emergency Communications Branch

**SUBJECT:** 2232-S07-4 T-Mobile & Cingular at 12700 Popes Head Road, Clifton, Virginia.

The Emergency Communications Branch of the Department of Information Technology has thoroughly reviewed 2232-S07-4. T-Mobile & Cingular requests a 2232 Determination on the placement of a 130 foot monopole. T-Mobile will place twelve (12) panel antennas, for telecommunications use, at the 127 foot level of the monopole. Cingular will be placing twelve (12) panel antennas, for telecommunications use, at the 117 foot level of the monopole. The site is located at 12700 Popes Head Road, Clifton, Virginia. We believe that this application is in harmony with the Telecommunications portion of the Comprehensive Plan and meets or exceeds Federal Communications Commission Standards for emission levels at the site.

Our review of the potential "worst case" radiofrequency emission levels followed the Federal Communications Commission Guidelines *OET Bulletin 65- Edition 97-1 Dated August 1997* entitled *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*. This review has shown that all known antennas on the monopole will have combined emissions of less than 1% of the Federal Communications Commission Rules and Regulations (47 CFR Part 1.1310 Radiofrequency Radiation Exposure Limits for General Public/Uncontrolled Exposure Standards) in the unsecured area, at ground level, within 2000 feet of the monopole.

If you have any questions or need additional information please contact me at (703) 324-2312.

2232-S07-4

cc: Cleve Edwards, Director  
Technology Infrastructure Division  
Skip Munster  
Technology Infrastructure Division  
James Wadsworth, Manager  
Radio Services Center



# County of Fairfax, Virginia

## MEMORANDUM

December 19, 2007

**TO:** William J. O'Donnell, Jr. AICP, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Douglas Petersen, Urban Forester III *D. Petersen*  
Forest Conservation Branch, DPWES

**SUBJECT:** SEA 89-S-072 and 2232-S07-4 S: TMobile

Urban Forest Management Division (UFMD) staff received the revised plans and application for the above referenced site on December 13, 2007. The enclosed comments are based upon that information and a site visit with the DPZ staff and applicants on December 4, 2007.

At the on-site meeting, we discussed various landscaping options that would provide the optimal screening for the facilities that would not interfere with the utility easements or equipment. We suggested relocating a line of trees from the western property line to the cleared area just west of the existing substation. We also discussed augmenting the existing landscaping in areas where the screening appeared insufficient. Finally, we discussed which evergreen species to plant and which species to avoid based upon the evident damage to the existing landscaping by deer browsing.

The latest plan submitted to DPZ on December 10, 2007, appears to have incorporated all the on-site recommendations we had discussed. The plan appears to be much improved over previous versions and the landscaping issues have been addressed for the most part. Based upon this latest plan, UFMD provides the following comments:

**Comment:** On Sheet Z-4, under the Tree Planting Notes, delete Note #7 since we no longer recommend wrapping the trunks of trees. Also, in Note #9, change the "pine straw mulch" to "pine bark or shredded hardwood mulch".

**Comment:** On Sheet Z-4, reference is made to the evergreen species which were recommended at the site meeting, however, no specification for the proposed tree sizes is provided. The proposed evergreen trees should be a minimum six feet (6') in height upon installation, and no taller than ten feet (10') in height to offer the best chances for survival. A Planting Key/Legend should be provided with this plan to identify all the proposed landscaping tree species and sizes per the PFM requirements 12-0700.

If you have any questions regarding these comments, please contact me at 703-324-1738.

DAP/dap

cc: RA File  
DPZ File

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



# Fairfax Water

FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

**PLANNING AND ENGINEERING  
DIVISION**

JAMIE BAIN HEDGES, P.E.  
DIRECTOR  
(703) 289-6325  
Fax (703) 289-6398

March 20, 2007

Mr. David B. Marshall, Chief  
Fairfax County Department of Planning & Zoning  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035

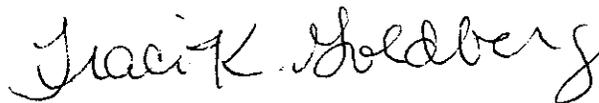
Re: Application No. 2232-S07-4  
T-Mobile and New Road  
Cingular at Popes Head Road

Dear Mr. Marshall:

We have reviewed the above referenced application in your memorandum dated March 6, 2007. Currently Fairfax Water does not own or maintain any facilities at the site. The closest available public water main is an existing 12-inch at Popes Head and Pocol Drive, approximately 800 feet away. If water service is required at the site, any plans to extend the distribution system must be reviewed and approved by Fairfax Water.

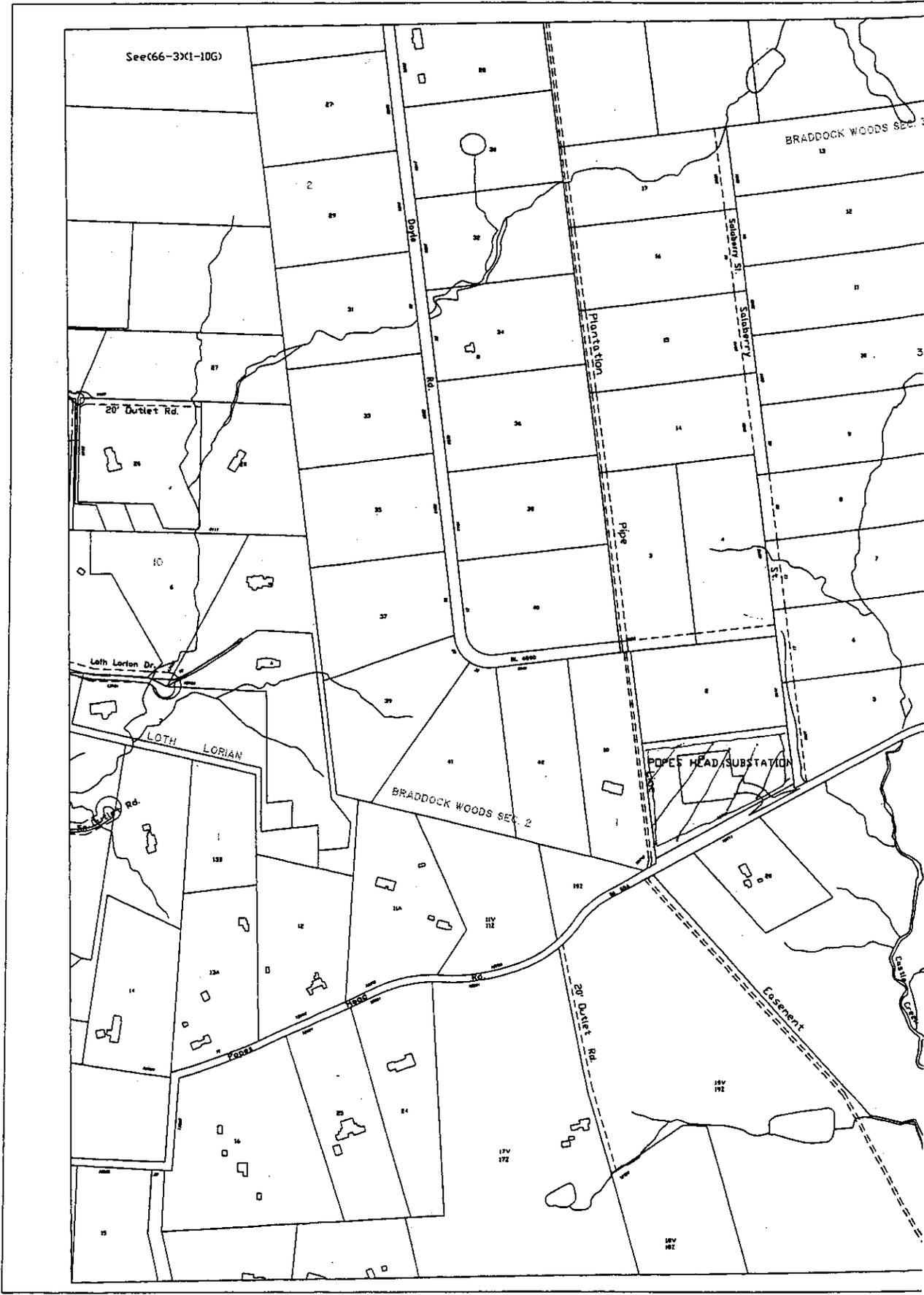
If you have any questions regarding this information please contact Samantha Kearney at (703) 289-6313.

Sincerely,



Traci K. Goldberg, P.E.  
Manager, Planning

Enclosure





## County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** OCT 26 2007

**TO:** William O'Donnell, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Qayyum Khan, Chief Stormwater Engineer *QK*  
Environmental and Site Review Division West  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception Application, SEA 89-5-072, T-Mobile Northeast LLC, Plan Dated January 15, 2007, LDS Project #8262-ZONA-001-2, Tax Map #066-4-03-0001, Springfield District, Popes Head Creek

**Reference to:** Your Memorandum Dated October 22, 2007

We have reviewed the subject application and it generally meets the Stormwater Management requirements.

If further assistance is desired, please contact me at 703-324-1720.

QK/mw

**cc:** Steve Aitcheson, Director, Stormwater Planning Division, DPWES  
Zoning Application Files

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Department of Public Works and Environmental Services  
Land Development Services, Environmental and Site Review Division  
12055 Government Center Parkway, Suite 535  
Fairfax, Virginia 22035-5503  
Phone 703-324-1720 • TTY 703-324-1877 • FAX 703-324-8359





# FAIRFAX COUNTY PARK AUTHORITY

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## MEMORANDUM



**TO:** Regina M. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager   
Park Planning Branch

**DATE:** July 27, 2007

**SUBJECT:** SEA 89-S-072, T-Mobile Northeast, LLC/Smartpole, Inc./Northern Virginia  
Electric Cooperative & New Cingular  
Tax Map Number: 66-4 ((3)) 1

### BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan for the above referenced application. The applicant, Northern Virginia Electric Cooperative (NOVEC), is requesting a modification of the current Special Exception, SE 89-S-072, to allow the installation of a wireless telecommunication facility. The monopole and associated structures will be constructed adjacent to an existing electric substation on the property. Additional space within the 35-foot by 50-foot compound will be reserved for two additional carriers. The property has four designated conservation easement areas identified around the perimeter of the lot.

### COMPREHENSIVE PLAN CITATIONS

1. Heritage Resources (The Policy Plan, Heritage Resources, Objective 1, p. 3)

**“Objective 1: Identify heritage resources representing all time periods and in all areas of the County.”**

“Policy a: Identify heritage resources well in advance of potential damage or destruction.”

2. Heritage Resources (Comprehensive Policy Plan, Heritage Resources Objective 3, page 4)

**“Objective 3: Protect significant historical resources from degradation or damage and destruction by public or private action.”**

3. Heritage Resources (Comprehensive Plan, Area III, Pohick Planning District, Twin Lakes Community Planning Sector, Character, p.17)

“Significant archaeological sites, such as the Popes Head Creek Prehistoric Site, have been identified in this sector. Evidence of 9,000 years of human activity has been recorded on this and other sites. Most of the sector has not been surveyed for heritage resources, so little is known. The low density development in the sector indicates, however, that there is a high probability for minimally disturbed sites including prehistoric, pre-Civil War historic, Civil War and post-Civil War sites. Civil War activity was probably particularly high along the major sector boundary roads, the Southern Railroad line, Burke Station, and west of Colchester Road.”

## **ANALYSIS AND RECOMMENDATIONS**

### **Cultural Resources Impact:**

The Park Authority Cultural Resource Management and Protection Section (CRMPS) conducted an archival review of the parcel. The review revealed that the property contains site 44FX1470, which is registered with the Virginia Department of Historic Resources (VDHR). The archaeological site has both prehistoric and historic components. The prehistoric component consists of stone tools and debitage. The historic component consists of an old road bed. The site survey form, which is on file with this office and the VDHR, recommends additional study prior to destruction. If the development of the existing NOVEC facility has not disturbed the area for the proposed telecom facility then the property has a moderate potential for a significant historic or prehistoric archaeological site.

The Park Authority recommends a disturbance assessment be done on the proposed impact area. If the area has not been disturbed by development of the NOVEC facility then the impact area should be subjected to a Phase I archaeological survey in accordance with a scope of work provided by this office. If potentially significant archaeological resources are discovered then those resources should be subjected to a Phase II archaeological assessment, also using a scope of work provided by the CRMPS. If the site or any features are determined to be significant then either they should be avoided or a Phase III data recovery should be performed in accordance with a scope provided by the CRMPS. Any Phase III scope will provide for public interpretation of the results. Draft and final archaeological reports produced as a result of Phase I, II and/or III studies should be submitted for approval to the Park Authority CRMPS (Attention: Liz Crowell) within 30 days of completion of the study or survey.

The applicant should also be made aware that there are specific archaeological requirements under Section 106 of the National Historic Preservation Act, which are associated with Federal licensed or funded development. If Section 106 applies then any archaeological work under this recommendation should also be coordinated in advance with the Virginia State Historic Preservation Officer (SHPO).

## **SUMMARY OF RECOMMENDATIONS**

The analysis identified the following major issues:

- The applicant should conduct a disturbance assessment of all land that will be disturbed at the project site and conduct additional archaeological studies if needed.

SS/DP

cc: Cindy Walsh, Acting Director, Resource Management Division  
Liz Crowell, Manager, Cultural Resource Management & Protection Section  
Chron Binder  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

DATE: 19 December 2007

**TO:** Anita Capps, Senior Planner  
William O'Donnell, ZED Coordinator

**FROM:** Linda Cornish Blank  
Historic Preservation Planner 

**SUBJECT:** Heritage Resource Comment: T-Mobile & New Cingular at 12700 Popes Head Road; 2232 M05-24 and SEA 89-S-079; Parcels 66-4 ((3)) 1

### Background:

1. The following is an **excerpt from the original March 21, 2007 memo** on this application:

The parcel that is the subject of this application is not included within the boundaries of a Fairfax County Historic Overlay District, is not listed on the Fairfax County Inventory of Historic Sites or documented in the Historic Resources Survey. No heritage resources have been identified or documented as being located on this parcel.

Within close proximity are the Robey's Mill Historic Overlay District, Hanslot, a Fairfax County Inventory site, and eighteen properties identified in the Historic Resources Survey. It is not known if the applicant considered the impact of the proposed facility on the district and properties cited above. Therefore, it is not known if the Robey's Mill Historic Overlay District, Hanslot or surveyed properties would be adversely affected by the proposed undertaking.

Staff made the following initial recommendations:

1. The Cultural Resource and Protection Section of the Fairfax County Park Authority should provide comment on this application.
2. The applicant initial the Section 106 compliance process as required under the National Historic Preservation Act of 1966, as amended. The properties cited above should be included in the Area of Potential Effect.
3. The applicant provide to the Department of Planning and Zoning, Planning Division a copy of the completed Section 106 study.

2. The following is an **excerpt from the October 18, 2007 memo** on this application:

On October 17, 2007, the Department of Planning & Zoning received a copy of the Section 106 review completed in July-August 2004 for the proposal to construct a monopole at

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Planning Division  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035-5509  
Phone 703-324-1380  
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12700 Popes Head Road. I understand that the one-mile visual Area of Potential Effects identified in the review meets the Programmatic Agreement stipulations under which the Virginia Department of Historic Resources (VDHR) reviews Section 106 submissions. In 2004, the VDHR found that no historic properties would be affected by the proposed monopole.

I believe that a reconsideration is warranted because three years have transpired since the Section 106 study and because within close proximity are the Robey's Mill Historic Overlay District (the mill property is also listed on the National Register of Historic Places and the Virginia Landmarks Register) and Hanslot, a Fairfax County Inventory site.

3. The applicant and staff **discussed the following on November 5, 2007:**

The name and location of the thirteen extant heritage resource properties located within a 1-mile radius or within a 1 ½ to 1 ¾ mile radius of 12700 Popes Head Road which are listed on the National Register of Historic Places, the Fairfax County Inventory of Historic Sites or in the Historic Resources Survey that were not evaluated for the 2004 Section 106 review. Because these properties were not evaluated, it is not known if they would be adversely affected by the proposed undertaking. Therefore, these properties should be considered and included in the Area of Potential Effect. This way it can be documented as to whether or not there is an effect on these properties. The responsibility to provide this documentation lies with the applicant.

In lieu of a new Section 106 study, the applicant and staff agreed that providing photographic documentation was sufficient to determine whether or not there is a visual effect on the thirteen extant heritage resource properties.

**Current/revised comment:**

The applicant has provided photo documentation regarding the visibility of the proposed monopole on the thirteen properties cited above which are located within a 1 ¾ mile radius of 12700 Popes Head Road. The documentation indicates that the proposed monopole would not be visible from any of these sites.

**Finding:**

There is no visual effect on the thirteen identified heritage resource properties. The matter is resolved.

## FAIRFAX COUNTY ZONING ORDINANCE

2. Category 1 uses may be allowed by special exception in the following districts:

R-A District: Limited to uses 5, 6, 7 and 8

All other R Districts: All uses

All C Districts: All uses

I-I District: Limited to use 4

I-1, I-2 Districts: All uses

I-3, I-4, I-5, I-6 Districts: Limited to uses 3 and 8

### 9-103 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 1 uses shall be accompanied by the following items:

1. Four (4) copies of a map showing the utility system of which the proposed use will be an integral part, together with a written statement outlining the functional relationship of the proposed use to the utility system.
2. Four (4) copies of a statement, prepared by a certified engineer, giving the exact technical reasons for selecting the particular site as the location for the proposed facility and certifying that the proposed use will meet the performance standards of the district in which located.

### 9-104 Standards for all Category 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.
2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

## SPECIAL EXCEPTIONS

### 9-105 Additional Standards for Mobile and Land Based Telecommunication Facilities

1. Except for antennas completely enclosed within a structure, all antennas and their supporting mounts shall be of a material or color that closely matches and blends with the structure on which it is mounted.
2. Except for a flag mounted on a flagpole as permitted under the provisions of Par. 2 of Sect. 12-203, no commercial advertising or signs shall be allowed on any monopole, tower, antenna, antenna support structure, or related equipment cabinet or structure.
3. If any additions, changes or modifications are to be made to monopoles or towers, the Director shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modifications conforms to structural wind load and all other requirements of the Virginia Uniform Statewide Building Code.
4. No signals, lights or illumination shall be permitted on an antenna unless required by the Federal Communications Commission, the Federal Aviation Administration or the County, provided, however, that on all antenna structures which exceed 100 feet in height, a steady red marker light shall be installed and operated at all times, unless the Zoning Administrator waives the red marker light requirement upon a determination by the Police Department that such marker light is not necessary for flight safety requirements for police and emergency helicopter operations. All such lights shall be shielded to prevent the downward transmission of light.
5. All antennas and related equipment cabinets or structures shall be removed within 120 days after such antennas or related equipment cabinets or structures are no longer in use.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dba:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dba value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		