

My name is David Neiman and I live at 105 Broomfield Circle in James City County.

I'm representing the James City County Citizens' Coalition and we appreciate the opportunity to speak at this forum .

J4C believes that our wireless ordinance is well written and we support efforts to improve cell phone service in our county. However, we would like to see some changes in the ordinance to lessen the negative impact that some of these efforts may inadvertently have on county residents.

First, J4C understands the desire of carriers to extend their "by right" authority to initiatives such as the placement of wireless antennas hidden in chimneys and atop existing structures. However, we very strongly disagree that carriers should be able to build towers up to 120 feet 'by-right" in residential districts once these towers are deemed to be camouflaged by the planning director.

This is our major objection to the current wireless ordinance.

This objection is not intended to reflect negatively on our planning director. The "by right" authority for the construction of camouflaged towers can and will have a very large impact on many county citizens. This can readily be seen by the number of times it has been raised before various county bodies. The current "by right" authority for camouflaged towers in residential districts is too permissive and does not require the degree of public scrutiny that such a structures clearly warrant.

Camouflaged towers 120 feet high in residential neighborhoods aren't in the same category as antennas hidden in chimneys or installed on existing building. All applications for the construction of camouflaged towers in residential areas should be submitted under the SUP process and not permitted "by right". The SUP process will elicit greater justification from the carriers and provide for

legislative review with greater involvement of the public. Unlike many of the areas where the carriers understandably want increased “by right” authority, the controversial nature of camouflaged towers in residential areas and the large number of citizens affected by them make a very strong case in this instance for replacing “by right” authority with the SUP process

Next, J4C believes that areas zoned R-4 be should be included with residential zones R1, R2, R5 and R6 where tower mounted WCF’s higher than 120 feet are prohibited.

We believe that the rationale that resulted in the 2005 ordinance changes separating R-4 districts from these other residential areas and permitting the construction in r-4 districts of tower mounted WCF’s up to 120 feet under SUP’s was essentially flawed. R4 areas like Governor’s Land, Ford’s Colony, Greensprings and Kingsmill do have extensive open space. However, this space is generally not sufficient to accommodate tower mounted WCF’s over 120’ without having a significant impact of residents’ view shed. This is in part because while golf courses provide much of the open space, homes are routinely located along most fairways and maintenance areas, while buffered, are frequently located near homes.

We submit that the broadly based negative reaction to the proposal to build a 180 foot tower in Kingsmill several years ago is typical of residents’ reaction that would undoubtedly result from any proposal to build tower mounted WCF over 120 in any R4 zoned area. Our ordinance should be changed to prohibit the construction of tower mounted WCF’s up to 120 feet high in R-4 Districts.

Third, J4C believes that the setback for towers in residentially zoned districts should be increased from 400 to 1000 feet.

If you compare the reduced impact of the Greensprings tower which is approximately 1300 feet from the nearest residence with the impact of the proposed Kingsmill towers that would be approximately 400 feet from the nearest residence, it is clear that a significantly greater setback distance is desirable in residential districts. When you see a cell phone tower every time you walk out of your front door, look out your living room window or sit on your deck, four hundred feet is a very short distance.

J4C has several recommendations for changes to the Processing and Submittal Requirements section of our current ordinance

We think that applicants at pre-application meetings should be required to address pertinent alternative technologies, as well as pertinent changes in the capabilities of their networks, when applying to construct new towers. These are dynamic areas that could effect the need for new facilities and its scope. Carriers should be required to address their implications, if any, when they make application for new WCF's in the county.

J4C realizes that the issue of health implications of the electromagnetic radiation from cell towers is unresolved . However, we think that in addition to a statement from a certified engineer on the amount of electromagnetic radiation that will be emitted from a WCF, actual radiation from a facility should be

monitored after six months of operation and yearly thereafter to ensure compliance with FCC standards.

As the last Sec 24-128 item, we believe that all the technical evidence from tower applicants should not only be provided to the planning division in writing but that it should be evaluated where appropriate with the help of independent telecommunications consultants. Much of the information provided by WCF applicants is highly technical and in many areas such as propagation patterns it is generated by the applicants themselves. Most other counties in Virginia have arrangements with outside consultants to help in the evaluation of wireless issues applications for WCF's. J4C contends that there needs to be more technical expertise on the county side of the table when our planners deal with these issues and that our ordinance should be changed to appropriately.

Next-balloon tests. We think that they are a good tool but that they could be improved. Specifically, we think that adjacent property owners should be advised individually two weeks before a scheduled test in writing or via the internet. Notices in the local paper are just too easy to miss. Secondly, a balloon test should not be accepted unless the balloon is located vertically above the proposed tower base and at the proposed tower height. Otherwise photos fail to show the true visual impact of the proposed tower and can be misleading to county residents.

Our last proposed change is a bit broad. We don't understand the reason Performance Standards for WCF's separate from the county wireless ordinance. The Performance Standards contains good information, but the document was

adopted over twelve years ago in 1998. Moreover, it's confusing when you try to read it and our wireless ordinance. We believe that the many good points contained in the Performance Standards could be retained and the confusion reduced, if it were incorporated into the county wireless ordinance as part of the current revision

Most of the points that I've addressed are covered in the written input that J4C provided to the Board of Supervisors and the Planning staff. If there are any questions we would be happy to answer them.

Finally, we'd like to make a plea for the county Wireless Communications Master Plan. We think that the long term view provided by such a plan would be very valuable and we would welcome the opportunity to participate, along with other interested parties, to help reflect the citizens' perspective.

From J4C, thank you again for the opportunity to speak.