

Mr. Chairman, my name is William Halteman, I live in Kingsmill at 109 Randolph's Green.

Thank you for this opportunity to participate in the wireless communications ordinance update.

The JCC Wireless Communications Facilities Ordinance and Performance Standards, both approved on May 26, 1998, are more detailed and comprehensive than any of the adjoining county ordinances for wireless communication facilities. However, both need to be updated since neither interface with the JCC Comp Plan.

A 2009 Comp Plan map (**Ref A**) identifies and outlines areas in JCC which are “archaeologically sensitive.” A wireless service provider submitting a WCF site plan for review should first request an **archive search** of the proposed site plan area in JCC from the Department of Historic Resources (DHR) to avoid impacting “known archaeological resources” shown on the map. JCC planners should require applicants to provide evidence of a **archive search** before initiating site plan review. R-4 zoning districts such as Kingsmill, which is inside a “ultra sensitive area” where **camouflaged WCF's** are permitted uses **By Right**, is a prime example as shown here (**Ref B**) where the two cell tower lease boxes (70' X 70') **straddle** a known historic resource identified as slave quarters with DHR designation 44JC1140. The former Planning Director provided **NO** “verifiable evidence” that an archive search had been

performed during a meeting on February 1, 2008, two months after the site plans were undergoing administrative review.

All WCF cell tower site plans proposed in ALL residential zoning districts should be submitted for review under a **SUP – ONLY!**

The required setback from ALL WCF's should be increased from 400 feet to 1000 feet in all residential zoning districts.

The most onerous and contentious section in Chapter 24, Wireless Communication Facilities, is **Sec. 24-122 (d)** which permits “camouflaged” WCFs in “**ALL**” zoning districts subject to the **determination of the planning director**. The Planning Director's discretionary authority is subject to local public pressure, political and media influence, and should not be a determining factor in **ANY** ordinance or special regulation.

I have reviewed and personally assisted in the revisions sent to the committee by the J4C and strongly endorse their acceptance.

Thank you for your consideration of the proposed changes.

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Thank you for the opportunity to participate in this wireless communications ordinance update.

The Planning Division must remain vigilant to the **need** for additional towers in JCC. The dynamics of wireless communications is changing rapidly with new tower acquisitions and technology.

The most controversial section in Chapter 24, Wireless Communication Facilities, is **Sec. 24-122 (d)** which permits “**CAMOUFLAGED**” WCFs, **BY Right**, in “**ALL**” zoning districts subject to the **determination of the planning director**. I mean no disrespect, but the Planning Director's broad discretionary authority is subject to economic, public, political, and media influences and should not be a determining factor in **ANY** ordinance or special regulation. Only the **words** in the ordinance should have effect and not be subject to arbitrary change.

ALL WCF site plans proposed in any **residential** zoning district should be reviewed under a Special Use Permit (SUP) versus **By Right!**

Sec. 24-123 (a) (1) should be changed to read : (1) All towers shall be setback from any off site existing residential structure *lot line* no less than 1,000 feet. Rationale:

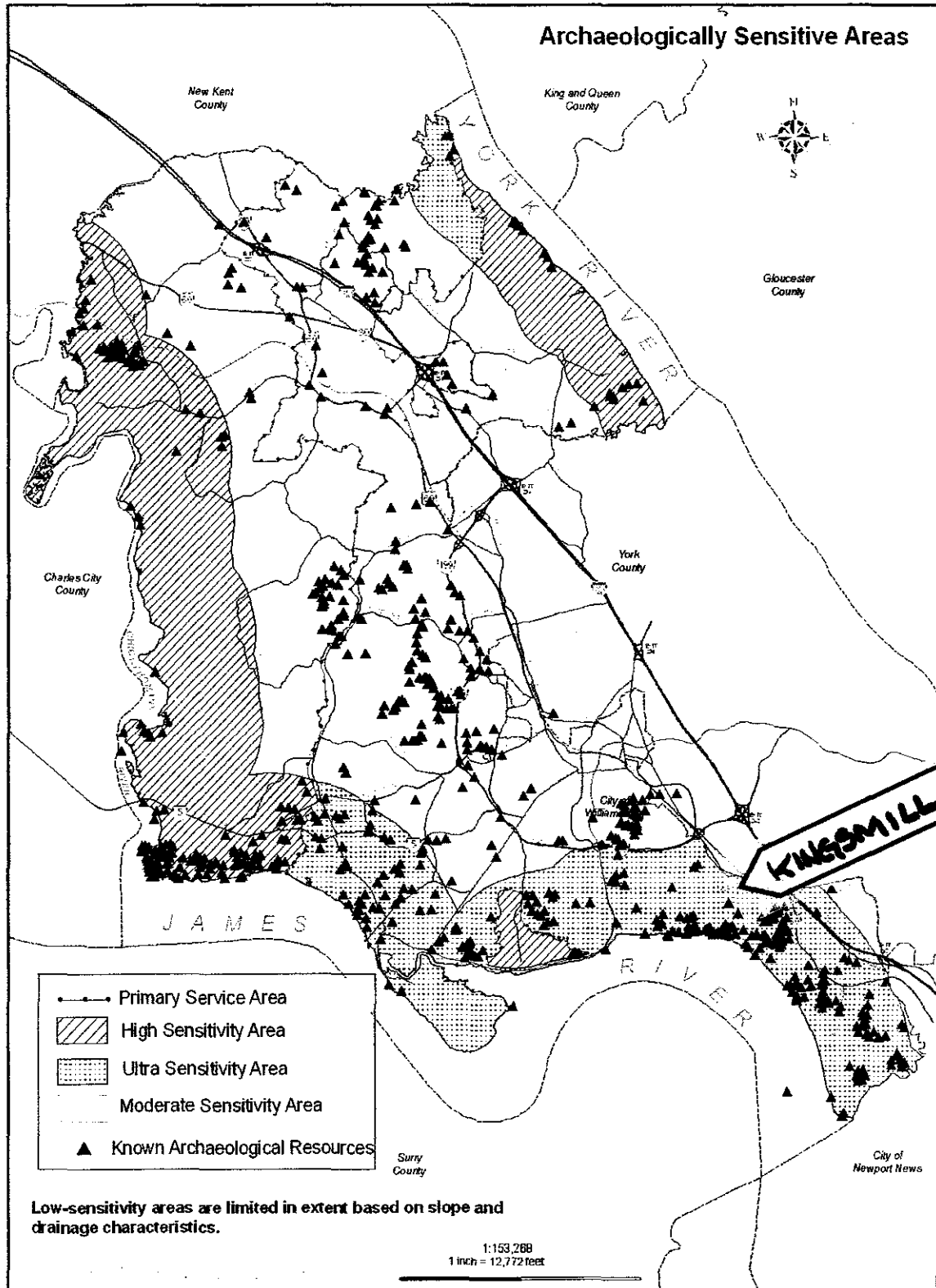
Residential structures are **bounded** by front, rear and side lot lines. The lot lines should determine the WCF setback radius, not the structure.

The WCF ordinance does not interface with the Comprehensive Plan regarding “archaeologically sensitive areas.” **(Ref A)**. Any carrier submitting a request for a WCF site plan review which falls within a archaeologically sensitive area should **first** be required by the Planning Division to provide **verifiable evidence** that the Department of Historic Research (DHR) has performed an **archive search** of that area to preclude re-occurrence of the tower/equipment enclosure lease areas, routinely 70' x 70', impacting a known historic artifact site (44JC1140) as shown in **(Ref B)** at the present Kingsmill cell tower site

I have reviewed and discussed the revisions sent to this committee by the J4C and strongly endorse their acceptance.

Thank you for your hard work for the citizens of James City County.

Map CC-1: Archaeologically Sensitive Areas



REF. A

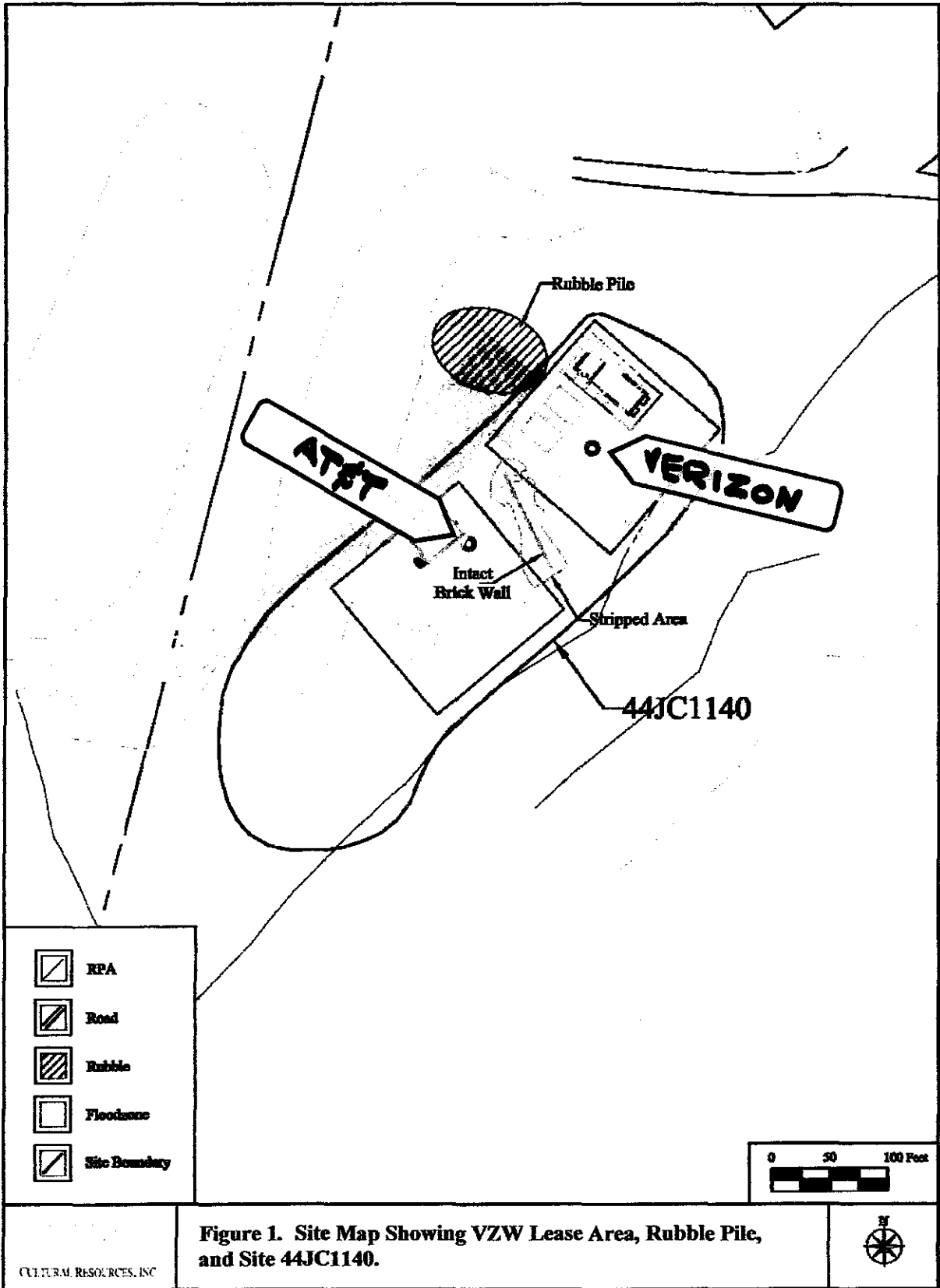


Figure 1. Site Map Showing VZW Lease Area, Rubble Pile, and Site 44JC1140.

CULTURAL RESOURCES, INC

REF. B