

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
September 21st, 2011
7:00 p.m.**

MEMBERS PRESENT: John Y. Gooch, Chairman
Shaun V. Kenney, Vice-Chairman
Donald W. Weaver
Mozell H. Booker
Joe Chesser
Chris Fairchild

ALSO PRESENT: Jay Scudder, County Administrator
Fred Payne, County Attorney
Darren K. Coffey, Director of Planning
John Robins, Public Works Director
Betty Scholl, Administrative Assistant, Part-time

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Gooch called the meeting of September 21st, 2011, to order at 7:00 p.m., in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Gooch called for a moment of silence.

REPORTS

Mr. Jay Scudder, County Administrator, reported on the following topics:

- *New Employee* – Andrew Pompei was hired as a planner in the Planning Department.
- *Employee Picnic* – will be held on October 6, 2011, 5pm at Pleasant Grove Pole Barn.
- *Inaugural Wine Festal* – Chamber of Commerce Wine Festal on September 24, 2011, from 11am to 6pm at 151 Starlite Park.
- *Micro Enterprise Conference* – attended a Micro Enterprise conference at the Federal Reserve in Richmond with EDA's and EDC's.
- *Old Farm Day* – Saturday, October 1, 2011, from 9am to 4pm at Pleasant Grove.
- *Chamber After Hours* – October 13, 2011, from 5:30pm to 7:30pm at UVA, Bryant Hall.

PUBLIC COMMENTS #1

Chairman Gooch opened the floor for the first round of public comments.

- Elizabeth Franklin, Fluvanna Taxpayers Association – addressed the Board in reference to reassessment memo.
- Dennis Holder, Kents Store – addressed the Board in reference to reassessment memo, opposed to awarding Blue Ridge Appraisal Company, also spoke in reference to a hiring freeze.
- Adrian Miller, Rivanna District – addressed the Board in reference to Fluvanna helping Louisa with earthquake cleanup.

With no one wishing to speak, Chairman Gooch closed the first round of public comments.

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

Mr. Kenney moved to approve the consent agenda, which consisted of:

- Minutes of September 7th, 2011.
- Proclamation/Domestic Violence Awareness Month.

Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None

ACCOUNTS PAYABLE

None

PUBLIC HEARING

ZTA 11:02, Fluvanna County – Telecommunications Ordinance - An ordinance to amend and reenact portions of Chapter 22 of the Fluvanna County Code, with respect to the regulation of telecommunication facilities. The purpose of the proposed amendments is to establish general guidelines for the siting of telecommunications antenna support facilities used for wireless telecommunications and broadcast facilities, including the support facility, antenna(s), ground equipment, and accessory facilities related to telecommunications infrastructure. These amendments are necessary in order for the Board of Supervisors, Planning Commission, and Planning Department staff to allow for the effective and efficient deployment of telecommunication facilities throughout the County, while minimizing the unnecessary proliferation of such facilities, by allowing for increased structure heights and requiring colocation of facilities. Mr. Darren Coffey, Planning Director and Ms. Susan Rabold, CityScape Consultant, addressed the board in regards to this request. Ms. Rabold reviewed the proposed amendments and general guidelines for the siting of telecommunications antenna support facilities used for wireless telecommunication and broadcast facilities, including the support facility, antenna(s), ground equipment, and accessory facilities related to telecommunications infrastructure.

Chairman Gooch opened the public hearing.

- Elizabeth Franklin, Columbia District – addressed the Board in regards to likes and dislikes of this ordinance, should be fair to all citizens, no by-right for any concealed towers.
- Dennis Holder, Columbia District – addressed the Board in regards to citizens and property value that would be affected by this ordinance along with concerns on grammatical errors and definitions.
- Barry Bibb, Cunningham District – addressed the Board in support of this ordinance.

With no one else wishing to speak, Chairman Gooch closed the public hearing.

Discussion – Mr. Coffey reviewed with the Board the regulations and reasons for by-right and Special Use Permits.

MOTION:

Mr. Chesser moved to adopt the attached ordinance to amend and reenact portions of Chapter 22 of the Fluvanna County Code, with respect to the regulation of telecommunication facilities, including the repeal of Sections 22-17-14 and 14.1, and the addition of Article 27. Mr. Kenney seconded. The motion carried with a vote of 5-1. AYES: Gooch, Booker, Kenney, Fairchild and Chesser. NAYS: Weaver. ABSENT: None

PRESENTATIONS

Piedmont Virginia Community College Annual Report – Dr. Frank Friedman, PVCC President, discussed the enrollment growth and new programs that have been added and will be added in the future for the students.

Fluvanna County Library Annual Report for FY 11 – Ms. Cyndi Hoffman, Librarian, reviewed with the Board the increasing participation, collections, activities and new programs at the library.

ACTION MATTERS

Rebidding of Fork Union Firehouse – Mr. John Robins, Public Works Director, addressed the Board regarding this item. The bids for this project came in well over budget. Mr. Robins suggested having the architect redesign this project to get it into the budgeted amount and advertise for rebidding.

MOTION:

Mrs. Booker moved to reject all bids received for the construction of the Fork Union Firehouse due to their being significantly over budget and to direct the architect, DJG, Inc., to complete a modified design to advertise for rebidding. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None

Wireless Telecommunications Facilities Master Plan – Mr. Darren Coffey, Planning Director, addressed the Board regarding this item. This item is closely related to the Telecommunications Ordinance that was approved earlier. Mr. Coffey requested the Board to formally adopt the

Master Plan. Mr. Fred Payne, County Attorney, mentioned that this plan will provide guidance in applying the Telecommunications Ordinance.

MOTION:

Mr. Chesser moved to adopt the Wireless Telecommunications Facilities Master Plan as prepared by CityScape Consultants, Inc. and dated July 20, 2011 to establish general guidelines for the siting of telecommunications antenna support facilities used for wireless telecommunications and broadcast facilities including the support facility, antenna(s), ground equipment, and accessory facilities related to telecommunications infrastructure. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None

OLD BUSINESS

Committee Report & Recommended Action for Awarding a Reassessment Firm for the 2013 General Reassessment – Mr. Jay Scudder, County Administrator, reviewed with the Board the selection process the committee used to select the candidates for the reassessment. The committee chose to interview Wampler & Eanes and Blue Ridge Mass Appraisal. The committee recommended Blue Ridge Mass Appraisal as the firm to use.

After some discussion the Board made the following motion:

MOTION:

Mr. Kenney moved to accept Blue Ridge Mass Appraisal bid. Mr. Weaver seconded. The motion carried with a vote of 5-1. AYES: Gooch, Booker, Kenney, Fairchild and Weaver. NAYS: Chesser. ABSENT: None

Economic Development Business Plan – Mr. Chesser suggested that a subcommittee be appointed to review and update the Economic Development Business Plan and to discuss the Economic Development Director position. Chairman Gooch appointed the following individuals to an Economic Development subcommittee: Mr. Joe Chesser, Mr. Shaun Kenney, Mr. Steve Scott, Mr. Darren Coffey and a Chamber of Commerce Representative. The Board directed the County Administrator to present a plan to hire an Economic Development Director along with a position description at the October 5, 2011 meeting.

Aqua Virginia – Mr. Weaver asked how the Aqua Virginia discussions were going. Mr. Chesser reviewed with the Board the different options that were being examined.

NEW BUSINESS

Mrs. Booker asked about a section of road that Emergency vehicles couldn't reach.

PUBLIC COMMENTS #2

Chairman Gooch opened the floor for the second round of public comments.

- Mel Sheridan, Columbia District – addressed the Board in regards to keeping the Reassessment Committee together during the reassessment to get progress updates.
- Len Gardner, Rivanna District – addressed the board in regards to wireless clip-on microphones.
- Dennis Holder, Columbia District – addressed the Board in regards to hiring an Economic Development Director.

With no one else wishing to speak, Chairman Gooch closed the second segment of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 9:57 p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing legal matters. Mr. Kenney seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:

At 10:45 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Fairchild seconded. The motion carried with a vote of 6-0. AYES: Gooch,

Weaver, Booker, Kenney, Fairchild and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 10:46 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, September 21st, 2011, on motion of Mr. Weaver, seconded by Mr. Chesser and carried by the following vote: AYES: Gooch, Kenney, Booker, Chesser, Fairchild and Weaver. NAYS: None. ABSENT: None.

“**BE IT RESOLVED** to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.”

MOTION:

Mr. Fairchild moved to accept the contract amendments proposed by the SPCA for the contract for pound services as shown in the document dated effective October 1, 2011 attached. Mrs. Booker seconded. The motion carried with a vote of 6-0. AYES: Gooch, Weaver, Booker, Fairchild, Chesser and Kenney. NAYS: None. ABSENT: None.

ADJOURN

MOTION:

At 10:47 p.m., Chairman Gooch adjourned the meeting of Wednesday, September 21st, 2011.

John Y. Gooch, Chairman

AN ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTER 22 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO THE REGULATION OF TELECOMMUNICATION FACILITIES INCLUDING THE REPEAL OF SECTIONS 22-17-14 AND 14.1, AND THE ADDITION OF ARTICLE 27.

BE IT ORDAINED BY THE FLUVANNA COUNTY BOARD OF SUPERVISORS, pursuant to Virginia Code Section 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended as follows:

~~Sec. 22-17-14. Height regulations applicable to certain structures.~~

~~Notwithstanding any other provisions of this chapter limiting the height of structures, public and semipublic communications structures and public utility structures, not including buildings, may be erected to a maximum height of 125 feet, including antennae, with the approval of a special use permit pursuant to section 22-17-4 of this chapter, upon a showing by the applicant of the following:~~

- ~~(1) The additional height is required for the facility in question for specific identifiable reasons of a scientific or engineering nature; and~~
- ~~(2) The height at which the proposed structure is to be erected is the minimum height which will reasonably achieve the intended purpose and use of the facility; and~~
- ~~(3) The proposed installation and structure will not endanger the safety of adjoining property owners; and~~
- ~~(4) The proposed structure will not be of substantial detriment to adjacent property and the character of the district will not be changed as a result of the erection of the structure; and~~
- ~~(5) In the case of structures other than single poles, the structure which is proposed is the minimum structure which is adequate for the provision of the service proposed, and a single pole cannot be substituted therefore for specific, identifiable reasons, other than cost.~~

~~The governing body may permit such structures to be constructed to a height greater than 125 feet upon showing the foregoing and, in addition, upon a finding that either (a) such additional height is necessary to provide essential public safety services which cannot reasonably be provided at a lesser height; or (b) such additional height will reasonably facilitate collocation of wireless communications antenna on an existing structure. For purposes of this section, the term "public safety services" shall be deemed to include (a) the Sheriff of the County; (b) the Virginia State Police; (c) any other police agency established under the laws of the Commonwealth and certified by the Sheriff as providing public police services within the County; and (d) fire and/or emergency medical services companies and departments as defined in Virginia Code Section 27-8.1. (Ord. 8-2-06)~~

~~Sec. 22-17-14.1. Special provisions related to amateur radio antennas.~~

~~An amateur radio antenna may be deemed to be an accessory structure to any permitted use, provided that the same shall conform to the definition of accessory structure. The maximum height regulations set forth in the district in which such antenna is located and in Sec. 22-17-14 shall not apply to any such antenna; provided that such antenna shall be the minimum height which will reasonably achieve its intended purpose as permitted by the Federal Communications Commission. There shall be no restriction of the number of support structures for such antenna. Reasonable and customary engineering practices shall be followed in the erection of such antennas. Any person erecting any such antenna shall provide to the zoning administrator a statement from a licensed professional engineer certifying that such erection conforms to reasonable and customary engineering practices. The zoning administrator shall require that each such antenna be so located as to protect adjacent properties and uses in consideration of its design. The zoning administrator may require reasonable screening of each such antenna from adjacent properties. (Ord. 6-15-05)~~

Article 27. Regulation of Telecommunications Facilities.

Sec. 22-27-1. Statement of intent.

The purpose of this article is to establish general guidelines for the siting of telecommunications antenna support facilities (TASFs) used for wireless telecommunications and broadcast facilities including the support facility, antenna(s), ground equipment, and accessory facilities related to telecommunications infrastructure.

The purpose and intent of this article is to promote the health, safety, and general welfare of the public, including but not limited to, such instances as:

- Potential injury to people around an antenna support facility and their appurtenant compounds;
- Potential damage to property;
- Potential injury and damage to low-flying public and private aircraft; and
- Potential negative economic impacts on the heritage and scenic tourist industry.

Further, the goals of this article are to:

- (1) Minimize the impacts of telecommunication antenna support facilities (TASFs) on surrounding land uses by establishing standards for location, structural integrity, and compatibility;
- (2) Avoid potential injury to persons and properties from telecommunication antenna support facility (TASF) failure and ice hazards through structural standards and setback requirements;
- (3) Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of TASFs to avoid the disruption of the natural and built environment, and to insure harmony and compatibility with surrounding land use patterns;
- (4) Facilitate the provision of telecommunication services to residents, businesses, and visitors;
- (5) Provide a uniform and comprehensive framework for evaluating proposals for TASFs;
- (6) Encourage builders and tenants of TASFs and antennas to locate them, to the extent possible, in areas where the visual impact on the community is minimal;
- (7) Encourage the location and colocation of telecommunication equipment on existing TASFs thereby minimizing new visual, aesthetic, and public safety impacts, effects upon the natural environment and wildlife, and to reduce the need for additional TASFs;

- (8) Accommodate the growing need and demand for telecommunication services;
- (9) Encourage coordination between suppliers and providers of telecommunication services;
- (10) Establish predictable and balanced codes governing the construction and location of TASFs, within the confines of permissible local regulations;
- (11) Establish review procedures to ensure that applications for TASFs are reviewed and acted upon within a reasonable period of time;
- (12) Respond to the policies embodied in the Telecommunications Act of 1996, if applicable, in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless services or to prohibit or have the effect of prohibiting personal wireless services;
- (13) Encourage the use of public lands, buildings, and emergency services facilities as locations for telecommunications infrastructure demonstrating where possible concealed technologies and revenue generating methodologies; and
- (14) Consideration of and compatibility with the goals and objectives of the County's Comprehensive Plan.

Sec. 22-27-2. Existing telecommunications antenna support facilities.

Telecommunications antenna support facilities (TASFs) existing or permitted prior to the adoption of this Article shall be subject to the provisions of Article 16 of this ordinance.

Sec. 22-27-3. Exempt telecommunications antenna support facilities.

The following items are exempt from the provisions of this Article; notwithstanding any other provisions:

- (1) Satellite earth stations that are one meter or less in diameter in all residential zoning districts and two meters or less in all other zoning districts; and
- (2) A government-owned TASF:
 - A) upon the declaration of a state of emergency by federal, state, or local government, and a written determination of public necessity by the County designee; except that such facility must comply with all federal and state requirements; and
 - B. erected for the purposes of installing antenna(s) and ancillary equipment necessary to provide telecommunications for public health and safety;
- (3) A temporary, commercial antenna support facility, upon the declaration of a state of emergency by federal, state, or local government, or determination of public necessity by the County and approved by the County; except that such facility must comply with all federal and state requirements. The telecommunications antenna support facility may be exempt from the provisions of this division up to three (3) months after the duration of the state of emergency; and
- (4) A temporary, commercial antenna support facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to administrative zoning approval by the County, except that such facility must comply with all federal and state requirements. Said telecommunications antenna support facility will be exempt from the provisions of this division up to one week after the duration of the special event.

Sec. 22-27-4. Applicability.

This Article shall apply to the development activities including installation, construction, or modification of all TASFs including but not limited to:

- (1) Antenna support facilities used for amateur radio station antennas;
 - (2) Existing TASFs;
 - (3) Proposed TASFs (concealed and non-concealed);
 - (4) Public antenna support facilities;
 - (5) Replacement of existing TASFs;
 - (6) Mitigation of TASFs;
 - (7) Colocation on an existing TASF;
 - (8) Attached antenna (concealed and non-concealed);
 - (9) Broadcast facilities; and
 - (10) Wireless broadband facilities.
- Sec. 22-27-5. Abandonment and/or discontinued use.

In the case of any TASF which was erected pursuant to the provisions of this Article, notice shall be provided to the Department of Planning and Community Development when the use of a telecommunications antenna support facility is discontinued. If the use of the telecommunications antenna support facility has been discontinued for a continuous period of two years, then the TASF owner/operator or the property owner shall remove the telecommunications antenna support facility, but not including the base (foundation), within ninety (90) days of removal notification by the County.

An owner wishing to extend the time for removal or reactivation shall submit an application stating the reason for such extension. The County may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the TASF and all attachments thereto are not removed within this time, the County may give notice that it will contract for removal within thirty (30) days following written notice to the owner. Thereafter, the County may cause removal of the TASF with costs being borne by the owner.

Upon removal of the TASF, antenna, and equipment compound, the development area shall be returned to the extent possible to its natural state, with topography and vegetation consistent with the natural surroundings or consistent with the current uses of the surrounding or adjacent land at the time of removal.

Sec. 22-27-6. Definitions.

For purposes of this Article 27, the following terms shall be defined as follows:

ABANDONED: Any antenna support facility without any mounted transmitting and/or receiving antennas in continued use.

ALTERNATIVE STRUCTURE: A facility that is not primarily constructed for the purpose of supporting antennas but on which one or more antennas may be mounted. Alternative facilities include, but are not limited to, buildings, water tanks, light stanchions, pole signs, billboards, church steeples and electric power transmission antenna support facilities.

AMATEUR RADIO TOWER: Any antenna support facility used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio facilities.

ANCILLARY STRUCTURE: For the purposes of this Article, any form of development associated with a telecommunications facility, including but not limited to: foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

ANTI-CLIMBING DEVICE: A piece or pieces of equipment, which are either attached to an antenna support facility, or which are freestanding and are designed to prevent people from climbing the facility. These devices may include but are not limited to fine mesh wrap around facility legs, "squirrel-cones," or other approved devices, but excluding the use of barbed or razor wire.

ANTENNA: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including but not limited to: telephonic, radio or television telecommunications. Types of antenna include, but are not limited to: omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas. (In most AM broadcast station situations the antenna support facility(s) is/are the antennas(s)).

ANTENNA ARRAY: A group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support facility for the sole purpose of transmitting or receiving electromagnetic waves.

ANTENNA ELEMENT: Any independent single unit which individually or collectively with other elements comprise a transmit/receive antenna.

ANTENNA SUPPORT FACILITY: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Antenna support facilities do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support facilities include but are not limited to the following: guyed, lattice, monopole, concealed flag pole, slick stick, faux tree, faux fire tower, light stanchion facilities.

ANTENNA SUPPORT FACILITY BASE: The foundation, usually concrete, on which the antenna support facility and other support equipment are situated. For measurement calculations, the antenna support facility base is that point on the foundation reached by dropping a perpendicular line from the geometric center of the antenna support facility.

ANTENNA SUPPORT FACILITY HEIGHT: The vertical distance measured from the grade line to the highest point of the antenna support facility, including any antenna, lighting, lightning protection or other equipment affixed thereto.

ANTENNA SUPPORT FACILITY SITE: The land area that contains, or will contain, a proposed antenna support facility, support facility and other related buildings and improvements.

ASR: The Antenna Facility Registration Number as required by the FAA and FCC.

ATTACHED ANTENNA: A facility which is not primarily constructed for the purpose of holding antenna(s) but on which one or more antenna(s) may be mounted. Examples include but are not limited to water tanks, rooftops, light poles and utility distribution poles.

BASE STATION: The electronic equipment utilized by the telecommunication provider(s) for the transmission and reception of radio signals.

BREAKPOINT TECHNOLOGY: The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole. For example, on a 100-foot tall monopole with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) or the minimum side or rear yard setback requirements for that zoning district, whichever is greater.

BROADCAST FACILITIES: Antenna support facilities, antennas, and/or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and antenna support facility(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.

COLOCATION: The practice of installing and operating multiple wireless service providers, and/or radio common carrier licensees on the same antenna support facility or attached telecommunication facility using different and separate antenna, feed lines and radio frequency generating equipment.

COMBINED ANTENNA: An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

CONCEALED: An antenna support facility; ancillary facility; or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two types of concealed facilities: 1) antenna attachments, and 2) freestanding. Examples of a concealed attached facility include, but are not limited to the following: painted antenna and feed lines to match the color of a building or facility, faux windows, dormers or other architectural features that blend with an existing or proposed building or facility. Freestanding concealed antenna support facilities usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell antenna support facility, clock antenna support facility, light standard, flagpole with or without a flag, or tree.

DEVELOPMENT AREA: The area occupied by a telecommunications antenna support facility including areas inside or under the following: an antenna-support facility's framework, equipment cabinets, ancillary facilities and access ways.

EQUIPMENT CABINET: Any facility above the base flood elevation including: cabinets, shelters, pedestals, and other similar facilities. Equipment cabinets are used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.

EQUIPMENT COMPOUND: The fenced area surrounding the ground-based communication facility including the areas inside or under the following: an antenna support facility's framework and ancillary facilities such as equipment necessary to operate the antenna on the antenna support facility that is above the base flood elevation including: cabinets, shelters, pedestals, and other similar facilities.

FAA: The Federal Aviation Administration.

FACILITY: Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.

FCC: The Federal Communications Commission.

FEED LINES: Cables used as the interconnecting media between the transmission and/or receiving base station and the antenna.

FLUSH MOUNTED: Any antenna or antenna array attached directly to the face of the support facility or building such that no portion of the antenna extends above the height of the support facility or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support facility or building to the inside edge of the antenna.

GUYED ANTENNA SUPPORT FACILITY: A style of antenna support facility consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

GEOGRAPHIC SEARCH RING: An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.

HANDOFF CANDIDATE: A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.

INTERMODULATION DISTORTION: The preventable and avoidable results of the mixture of two certain and specific radio frequencies (3rd Order); or more certain or specific radio frequencies (5th Order), that creates at least one other unwanted, undesirable, and interfering radio frequency (3rd Order), or multiple other unwanted, undesirable, and interfering radio frequency signals (5th Order).

LATTICE ANTENNA SUPPORT FACILITY: A tapered style of telecommunication antenna support facility that consists of vertical and horizontal supports with multiple legs, crisscross-bracing and metal crossed diagonal strips or rods to support antennas.

LEASE VISUALLY OBTRUSIVE PROFILE: The design of a telecommunication antenna support facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

MITIGATION: A modification of an existing telecommunication antenna support facility to increase the height or to improve its integrity, by replacing or removing one or several facilities located in proximity to a proposed new antenna support facility in order to encourage compliance with this Article or improve aesthetics or functionality of the overall wireless network.

MONOPOLE ANTENNA SUPPORT FACILITY: A style of free-standing telecommunication antenna support facility consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of antenna support facility is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building’s roof.

NON-CONCEALED: A telecommunication antenna support facility that is readily identifiable as such and can be either freestanding or attached.

PERSONAL WIRELESS SERVICE: Commercial mobile services, licensed or unlicensed wireless services, and common carrier wireless exchange access services, as defined in the *Telecommunications Act of 1996*.

PUBLIC SAFETY TELECOMMUNICATIONS FACILITY: All telecommunications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within a frequency range of, including but not limited to, 150 MHz, 450 MHz, 700 MHz, 800 MHz, 1,000 MHz, VHF, UHF, and any future spectrum allocations at the direction of the FCC.

RADIO FREQUENCY EMISSIONS: Any electromagnetic radiation or other telecommunications signal emitted from an antenna or antenna-related equipment on the ground, antenna support facility, building, or other vertical projection.

REPLACEMENT ANTENNA SUPPORT FACILITY: The removal of an existing telecommunication antenna support facility for purposes of erecting a new telecommunication antenna support facility for the purposes of improving structural integrity.

SATELLITE EARTH STATION: A single or group of parabolic (or dish) antennas are mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration. A satellite earth station may include the associated separate equipment cabinets necessary for the transmission or reception of wireless telecommunications signals with satellites.

TELECOMMUNICATION ANTENNA SUPPORT FACILITY (hereinafter “TASF”): Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other telecommunications, and usually consistent of an antenna support facility (see definition), feed lines, base station(s), and antenna(s) and antenna array(s). The following are included in the telecommunication antenna support facility: new, mitigated, replacement, and/or existing

concealed and non-concealed antenna support facilities, public antenna support facilities, colocations, antenna attachments, broadcast, and wireless broadband facilities.

WIRELESS BROADBAND FACILITY: An unstaffed location for the wireless transmission and/or reception of broadband data services exclusively, usually consisting of an antenna support facility, an antenna or group of antennas, transmission cables, and equipment cabinets.

Sec. 22-27-7. Siting hierarchy.

Siting of a new antenna array or new TASF shall be in accordance with the preferred siting hierarchy in the order outlined below. All siting options are preferred to be located on publicly-owned property, as identified in the County's Telecommunications Master Plan, as a first option. The location of antenna array or other facilities on non publicly-owned property is acceptable as a secondary option within each category.

- (1) Concealed attached antenna
- (2) Colocation; antenna modification; combined antenna(s) on existing TASF
- (3) Colocation or new TASF in utility right-of-way
- (4) Non-concealed attached antenna
- (5) Replacement of existing TASF
- (6) Mitigation of existing TASF
- (7) Concealed freestanding TASF
- (8) Non-concealed freestanding TASF
 - (a) Monopole
 - (b) Lattice
 - (c) Guyed

The order of ranking preference, highest to lowest, shall be from 1 to 8c. Where a lower ranked alternative is proposed, the applicant must file relevant information as indicated in the development standards in this Article including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed TASF.

Sec. 22-27-8. Siting preference table.

New antennas and TASFs shall be allowed per the Siting Preference Table. The column on the left identifies the County’s zoning district classifications. The columns across the top lists the different TASFs listed in the siting hierarchy.

Siting Preference Table							
Zoning Districts	Permitted Telecommunications Facilities & Level of Development Standards						
	Amateur Radio Facility & Comparable Antenna Element Replacement	Concealed Attached; Antenna Colocation, Antenna Modification; Noncomparable Antenna Element Replacement, Combining; and Non-concealed Attached Antenna	Replacement Antenna Support Facility	Mitigation of Existing Antenna Support Facility	Concealed Freestanding Antenna support facility	Non-Concealed Freestanding Antenna support facility	Broadcast Facility
A-1	B	B	B	S	B	S	S
R-1	B	B	B	S	B	S	Not allowed
R-2	B	B	B	S	S*	Not allowed	Not allowed
R-3	B	B	B	S	S*	Not allowed	Not allowed
R-4	B	B	B	S	S*	Not allowed	Not allowed
B-1	B	B	B	S	B	S	Not allowed
B-C	B	B	B	S	B	S	Not allowed
I-1	B	B	B	S	B	S	S
I-2	B	B	B	S	B	S	S
MHP	B	B	B	S	B	Not allowed	Not allowed
PUD	B	B	B	S	B	S	S

B: By Right – Administrative

S: Special Use Permit – Public Hearing Process

S* Any mitigation of an existing SUP requires an amendment through the SUP process

Sec. 22-27-9. Development standards.

Sec. 22-27-9.1. Special provisions related to amateur radio antennas.

An amateur radio antenna may be deemed to be an accessory structure to any permitted use, provided that the same shall conform to the definition of accessory structure. The maximum height regulations shall not apply to any such antenna; provided that such antenna shall be the minimum height which will reasonably achieve its intended purpose as permitted by the Federal Communications Commission. There shall be no restriction of the number of support structures for such antenna. Reasonable and customary engineering practices shall be followed in the erection of such antennas. Any person erecting any such antenna shall provide to the zoning administrator a statement from a licensed professional engineer certifying that such erection conforms to reasonable and customary engineering practices. The zoning administrator shall require that each such antenna be so located as to protect adjacent properties and uses in consideration of its design. The zoning administrator may require reasonable screening of each such antenna from adjacent properties. (Ord. 6-15-05) Additionally the applicant shall provide a valid FCC amateur operator’s license.

Sec. 22-27-9.2. Antenna element replacement.

For any replacement of a comparable existing antenna element (size, weight and frequency) on an antenna support facility, prior to making such replacement, the applicant shall submit and provide the following:

- (1) A written statement setting forth the reasons for the replacement;
- (2) A stamped or sealed certification from a registered professional engineer that the replacement antenna(s) (i) have a lower wind and weight profile; (ii) the number of antenna elements will not increase, (iii) there is no significant change in frequency utilization; and (iv) there is no requirement for a new structural analysis; and

- (3) There shall be no increase in the size or number of existing feed lines utilized for the existing antenna and/or antenna array.

Sec. 22-27-9.3. Concealed attached antenna.

Concealed attached antenna shall be subject to the following:

- (1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or facility; and
- (2) When an attached antenna is to be located on a nonconforming building or facility, then the existing permitted nonconforming setback shall prevail; and
- (3) Feed lines, antennas and hardware shall be designed to architecturally match the façade, roof, wall, or facility on which they are affixed so that they blend with the existing structural design, color, and texture; and
- (4) Equipment cabinets shall be located within the existing building or behind an opaque enclosure matching the architectural designs and colors of the principal building or facility; and
- (5) New equipment cabinets are subject to the underlying zoning setbacks.

Sec. 22-27-9.4. Non-concealed antenna attachments.

Non-concealed attachments shall only be allowed on electrical transmission support facilities and as light stanchions subject to approval by the Department of Planning and Community Development and the utility company and subject to the following:

- (1) The top of the attached antenna shall not be more than twenty (20) feet above the existing or proposed building or facility; and
- (2) New equipment cabinets are subject to the underlying zoning setbacks.

Sec. 22-27-9.5. Colocation, colocation modifications, antenna element replacements of different size, weight or frequency utilization, or combining antenna.

- (1) A collocated or combined antenna or antenna array shall not exceed the maximum height prescribed in the Special Use Permit (if applicable) or increase the height of an existing facility by more than twenty (20) feet and shall not affect any antenna support facility lighting;
- (2) New antenna mounts shall be flush-mounted onto existing facilities, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area;
- (3) The new equipment cabinet shall be subject to the setbacks of the underlying zoning district. If the colocation or combined antenna is located on a nonconforming building or facility, then the existing permitted nonconforming setback(s) shall prevail; and
- (4) Equipment cabinets shall be located within the existing equipment compound. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original TASF site shall be submitted addressing the overall ground space for said TASF.

Sec. 22-27-9.6. Replacement antenna support facility.

- (1) Height: The height of a replacement antenna support facility shall equal the height of the facility being replaced. If the replacement TASF exceeds this threshold then it will be reclassified as a mitigation facility.

- (2) Setbacks: A new TASF approved for replacement of an existing TASF shall not be required to meet new setback standards so long as the new TASF and its equipment compound are no closer to any property lines or dwelling units as the TASF and equipment compound being mitigated.
- (3) Breakpoint technology: A newly replaced monopole antenna support facility shall use breakpoint technology in the design of the replacement facility; and
- (4) Buffers: At the time of replacement, the antenna support facility equipment compound shall be brought into compliance with any applicable buffer requirements; and

Sec. 22-27-9.7. Mitigation antenna support facility.

Mitigation shall accomplish a minimum of one of the following: 1) reduce the number of TASFs; or 2) reduce the number of nonconforming TASFs; or 3) replace an existing TASF with a new TASF to improve network functionality resulting in compliance with this Article. Mitigation is subject to the following:

- (1) Height: TASF approved for mitigation shall not exceed one hundred and twenty (120%) percent of the height of the tallest TASF that is being mitigated. (For example a 100' existing TASF could be rebuilt at 120'). Mitigated SUPS require a SUP amendment;
- (2) Setbacks: A new TASF approved for mitigation of an existing TASF shall not be required to meet new setback standards so long as the new TASF and its equipment compound are no closer to any property lines or dwelling units as the TASF and equipment compound being mitigated. (For example, if a new TASF is replacing an old one, the new one is allowed to have the same setbacks as the TASF being removed, even if the old one had nonconforming setbacks.) The intent is to encourage the mitigation process, not penalize the TASF owner for the change out of the old facility;
- (3) Breakpoint technology: A newly mitigated monopole antenna support facility shall use breakpoint technology in the design of the replacement facility. Certification by a registered professional engineer licensed by the Commonwealth of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.
- (4) Buffers: At the time of mitigation, the TASF equipment compound shall be brought into compliance with any applicable buffer requirements;
- (5) Visibility: Mitigated TASFs shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots; and
- (6) If the mitigation includes the removal of an existing TASF, then that facility, excluding the antenna support facility foundation, shall be removed within ninety (90) days of the construction of the new TASF.

Sec. 22-27-9.8. New telecommunication antenna support facility.

All new TASFs shall meet the following requirements:

- (1) No new TASF shall be permitted unless the applicant demonstrates that no existing TASF can accommodate the applicant's proposed use; or that use of such existing TASF would prohibit personal wireless services in the geographic search area to be served by the proposed TASF.
- (2) Setbacks: New freestanding TASFs and equipment compounds shall be subject to the setbacks described below:
 - (a) If the TASF has been constructed using breakpoint design technology (see **Section 22-27-6. Definitions.**), the minimum setback distance shall be equal to 110 percent of the

distance from the top of the facility to the breakpoint level of the facility, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of Virginia of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant.

- (b) Concealed TASFs in residential districts not constructed using breakpoint design technology; the minimum setback distance shall be equal to the height of the proposed TASF from all existing structures.
 - (c) All other non-broadcast TASFs not constructed using breakpoint design technology; the minimum setback distance shall be equal to the height of the proposed TASF from all property lines.
- (3) Equipment Compound: The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a TASF equipment compound, and the compound shall not be used as habitable space.
- (4) Equipment cabinets: Cabinets shall not be visible from pedestrian views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (5) Fencing: All equipment compounds shall be enclosed with an opaque fence. Alternative equivalent screening may be approved through the site plan approval process described in "Buffers" below.
- (6) Buffers shall be provided as described in Article 24 of this ordinance.
- (7) Signage: Commercial messages shall not be displayed on any antenna support facility. Noncommercial signage shall be subject to the following:
- (a) The only signage that is permitted upon a TASF, equipment cabinets, or fence shall be informational, and for the purpose of identifying the TASF (by the FCC ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e. the address and telephone number, security or safety signs, and property manager signs (if applicable).
 - (b) Identification signage shall be provided at all TASFs.
 - (c) If more than two hundred twenty (220) volts are necessary for the operation of the facility and is utilized within the equipment compound or on the TASF, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four (4) inches) the following: "HIGH VOLTAGE - DANGER."
- (8) Lighting: Lighting on TASF shall not exceed the Federal Aviation Administration (FAA) minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.
- (9) Balloon Test:
- (a) The applicant shall arrange to raise a balloon of a color or material that provides maximum visibility and no less than three feet in diameter, at the maximum height of the proposed facility and within 50 horizontal feet of the center of the proposed TASF.
 - (b) The applicant shall inform in writing the zoning administrator, abutting property owners, elected Board of Supervisor, and appointed Planning Commissioners of the district of the date and times of the test at least 14 days in advance.

- (c) The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed tower on their property.
 - (d) The date, time and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
 - (e) Signage similar to rezoning signage shall be posted on the property to identify the location on the property where the balloon is to be launched. This signage shall be posted by the applicant a minimum of seventy-two hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test then cancellation of the test shall be clearly noted on the signage.
 - (f) The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen.
 - (g) The applicant shall record the weather during the balloon test. If the wind during the balloon test is above 20 miles per hour then the balloon test shall be postponed and moved to the alternate inclement weather date provided in the advertisement
- (10) All TASFs up to 120 feet in height shall be engineered and constructed to accommodate no less than three (3) antenna arrays. All TASFs between 121 feet and 150 feet in height shall be engineered and constructed to accommodate no less than five (5) antenna arrays. All TASFs taller than 151 feet in height shall be engineered and constructed to accommodate no fewer than six (6) antenna arrays.
- (11) Grading shall be minimized and limited only to the area necessary for the new TASF and equipment compound, along with any necessary access easements or rights-of-way.
- (12) Parking. One parking space is required for each TASF development area. The space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.
- (13) Emergency Generators shall be allowed at each TASF site.
- (14) Sounds. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. The sound level for emergency generators shall not exceed 70 db at the property limits and testing shall only be between 9 AM to 4 PM Monday through Friday.

Sec. 22-27-9.8.A. Additional development standards for concealed telecommunications antenna support facility.

All new concealed antenna support facilities shall meet the following requirements:

- (1) In residential districts, new concealed TASFs shall only be permitted on lots whose principal use is not single-family residential including but not limited to: schools; places of worship; and fire stations, parks, and other public property.
- (2) Height:
 - (a) Where permitted in residential districts the maximum height shall be 140'.
 - (b) In all other districts the maximum height shall be limited to 199'.
- (3) Visibility: New concealed TASFs shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties. The applicant shall provide simulated photographic evidence of the proposed TASF and antenna appearance from any and all residential areas within 1,500-foot and vantage points approved by the zoning administrator or designee including the facility types the applicant has considered and the impact on adjacent properties including:

- (a) Overall height;
- (b) Configuration;
- (c) Physical location;
- (d) Mass and scale;
- (e) Materials and color;
- (f) Illumination;
- (g) Architectural design; and
- (h) New concealed freestanding TASFs shall be designed to match adjacent facilities and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

Sec. 22-27-9.8.B. Additional development standards for non-concealed telecommunications antenna support facility.

(1) Height.

It is intended that all new non-broadcasting TASFs, other than amateur radio towers, be 199' or less in height. However, should there be a demonstrated need for a TASF in excess of 199', under no circumstance shall any non-broadcast or non-emergency service facility exceed 250' feet in height. All new non-broadcast facilities shall be subject to the following additional requirements:

- (a) Propagation maps and corresponding data including but not limited to topographic and demographic variables for the intended service area shall be provided for review illustrating with detail that the service area and intercoupling hand-off will be sufficiently compromised to require an additional TASF for network deployment, which would not otherwise be required.
 - (b) The TASF shall be designed to allow for a future reduction of elevation to no more than 199', or the replacement of the TASF with a monopole type facility at such time as the wireless network has developed to the point that such a reduction in height can be justified.
- (2) In the Agricultural, General, A-1 district, new non-broadcast facilities shall be setback a minimum 500' from any single-family dwelling unit, either on the same zone lot or from all adjacent lots of record.
- (3) Freestanding non-concealed antenna support facilities shall be limited to monopole type antenna support facilities, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

Sec. 22-27-9.8.C. Additional development standards for broadcast antenna support facility.

- (1) Height for broadcast facilities shall be evaluated on a case by case basis; the determination of height contained in the applicant's FCC Form 351/352 Construction Permit or application for Construction Permit and an FAA Determination of No Hazard (FAA Form 7460/2) shall be considered prima facie evidence of the antenna support facility height required for such broadcast facilities.
- (2) New broadcast facilities and anchors shall be setback a minimum of 500' from any single-family dwelling unit located on the same parcel or lot; and the antenna support structure (but not the anchors for a guyed structure) shall be setback a minimum of 1' for every 1' of antenna support facility height from all adjacent lots of record.
- (3) Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.
- (4) All broadcast antenna support facilities, AM antenna support facilities, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

Sec. 22-27-9.9. Wireless broadband facility.

- (1) A Wireless Broadband Facility may be colocated in accordance with the provisions of Sec. 22-37-13.8; and
- (2) A Wireless Broadband Facility proposed for a new physical site shall comply with the provisions of Sec. 22-27-8. hereinabove.

Sec. 22-27-10. Submittal requirements for all TASFs.

- (1) Completion of the “Telecommunications Facility Application”;
- (2) Application fee;
- (3) Two sets of site plans (drawn to scale) addressing all development standards specific to the proposed installation.
- (4) Compliance with siting hierarchy (**Sec.22-27-7**): A report and supporting technical data demonstrating that all antenna attachments and colocations including all potentially useable utility distribution antenna support facilities and other elevated facilities within the proposed service area, and alternative antenna configurations have been examined, and found unacceptable. The report shall include reasons existing facilities such as utility distribution and other elevated facilities are not acceptable alternatives to a new freestanding antenna support facility. The report regarding the adequacy of alternative existing facilities or the mitigation of existing facilities to meet the applicant’s need or the needs of service providers indicating that no existing TASF could accommodate the applicant’s proposed facility shall consist of any of the following:
 - (a) No existing TASF located within the geographic area meet the applicant’s engineering requirements, and why; and
 - (b) Existing TASFs are not of sufficient height to meet the applicant’s engineering requirements, and cannot be increased in height; and
 - (c) Existing TASFs do not have sufficient structural integrity to support the applicant’s proposed telecommunications facilities and related equipment, and the existing facility cannot be sufficiently improved; and
 - (d) Other limiting factors that render existing TASFs unsuitable.

Sec. 22-27-10.1. Additional submittal requirements for antenna element replacement.

For any replacement of an existing antenna element on a TASF of comparable size, weight and frequency use, the applicant must, prior to making such modifications, submit the following:

- (1) A written statement setting forth the reasons for the modification.
- (2) A description of the proposed modifications to the antenna, including any proposed modifications to antenna element design, type and number including manufacturer’s model number of the existing and proposed antenna elements; as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.

Sec. 22-27-10.2. Additional submittal requirements for attached antenna (concealed and non-concealed); colocations; colocation modifications; antenna replacements of different size, weight or frequency, and antenna combining.

- (1) A written statement setting forth the reasons for the request.
- (2) A description of the proposed request, including any proposed modifications to antenna element design, type and number including manufacturer’s model number of the existing and proposed antenna elements; as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.

- (3) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).
- (4) A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards relating to interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards relating to human exposure to RF energy.
- (5) A stamped or sealed structural analysis of the existing facility prepared by a registered professional engineer licensed by the State of Virginia indicating that the existing TASF as well as all existing and proposed appurtenances meets Virginia Building Code requirements (including wind and ice loading) for the antenna support facility.

Sec. 22-27-10.3. Additional submittal requirements for all freestanding telecommunication and broadcast antenna support facilities.

- (1) One original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of Virginia showing all existing uses, facilities, and improvements.
- (2) Site development plan regulations as set forth in Article 23 of this ordinance.
- (3) Proof that a property and/or antenna support facility owner's agent has appropriate authorization to act upon the owner's behalf (if applicable). A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (4) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).
- (5) A written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility, if applicable.
- (6) A pre-application conference will be required for any new broadcast facility.
- (7) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (8) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and "Objects Affecting Navigable Airspace," if applicable.

Sec. 22-27-10.3.A. Additional submittal requirements for non-broadcast TASFs.

- (1) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed TASF, and accompanying maps and calculations demonstrating the need for the proposed TASF.
- (2) A map showing the geographic search ring.

- (3) The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed TASF and equipment on all adjacent residential zoning districts.
- (4) Materials detailing the locations of existing TASFs to which the proposed TASF will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (5) A radio frequency propagation plot indicating the coverage of existing TASFs, coverage prediction, and design radius, together with a certification from the applicant's radio frequency (RF) engineer that the proposed facility's coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, colocation, or new TASF. NOTE: These documents are required to justify a facility and to determine if the proposed location is the only or best one in the designated geographic area of the proposed facility.
- (6) A stamped or sealed certification from a registered radio frequency engineer demonstrating compliance with **Section 22-27-7** (Siting alternatives hierarchy). If a lower ranking alternative is proposed the certification must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed telecommunications facility.

Sec. 22-27-10.3.B. Additional submittal requirement for broadcast antenna support facilities.

Technical data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application.

Sec. 22-27-11. Approval processes

Sec. 22-27-11.1 "By right" application

- (1) The zoning administrator or designee shall review the request, application, and submitted documents for compliance with all requirements of this Article. The County may, at its discretion, obtain additional technical assistance to review and assess the technical merits of the documents.
- (2) If the zoning administrator or designee determines the application and documentation meets all of the requirements of this Article, the County shall approve the application package and the applicant may proceed to request a building permit.
- (3) If the zoning administrator or designee determines the application and/or documentation fails to meet all the requirements of the Article, then the County shall provide written notification to the applicant as to the materials which need to be amended or supplied for review. The applicant shall provide to the County any requested materials for review. This process shall continue until the County has approved the application package, at which time the applicant may proceed to request a building permit.
- (4) If the zoning administrator or designee determines the application and documentation fails to meet the intent of this Article, the County may deny the request in writing.
- (5) Appeals from a decision made by the zoning administrator shall be to the Board of Zoning Appeals.

Sec. 22-27-11.2. Special Use Permit application

The approval of a Special Use Permit shall be governed by the processes described in **Section 22-17-4**.

Sec. 22-27-12. Interference with public safety communications.

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or applicant for a colocation shall agree in a written statement to the following:

- (1) Compliance with “Good Engineering Practices” as defined by the FCC in its rules and regulations.
- (2) Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (3) In the case of an application for colocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant’s proposed facilities will not cause radio frequency interference with the County’s public safety telecommunications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (4) Whenever the County has encountered radio frequency interference with its public safety telecommunications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps shall be taken:
 - (a) The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety telecommunications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety “Best Practices Guide,” released by the FCC in February 2001, including the “Good Engineering Practices,” as may be amended or revised by the FCC from time to time.
 - (b) If any equipment owner fails to cooperate with the County in complying with the owner’s obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety telecommunications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the “Best Practices Guide” within twenty-four (24) hours of County’s notification.

Sec. 22-27-13. Publicly-owned property.

- (1) Pursuant to applicable law, the County may contract with a third party to administer publicly-owned sites for purposes of developing the sites as part of a master telecommunications plan, consistent with the terms of this Article. Except as specifically provided herein, the terms of this Article, and the requirements established thereby, shall be applicable to all TASFs to be developed or collocated on County-owned sites.
- (2) If an applicant requests a permit to develop a site on County-owned property, the permit granted hereunder shall not become effective until the applicant and the County have executed a written agreement setting forth the particular terms and provisions under which the permit to occupy and use the public lands of the jurisdiction will be granted, and no permit granted under this section shall convey any right, privilege, permit, or franchise to occupy or use the publicly-owned sites of the County for delivery of telecommunications services or any other purpose except as provided in such agreement.

Sec. 22-27-14. Fees for Supplemental Review

Where the County deems it appropriate because of the complexity of the methodology or analysis required to review an application for a wireless communication facility, the county may require the applicant to pay for a technical review by a third party expert, selected by the County, the costs of which \$4,000.00 shall be borne by the applicant, and be in addition to other applicable fees. Site plan review for antenna element replacements only may be reduced to \$1,800 provided the applicant meets all the requirements for an antenna element replacement. If however, during the antenna element replacement site review it is determined the request does not meet the definition of an antenna element replacement, then review of the application will cease until the correct fee and correct plans are submitted. Further, if additional information is needed to evaluate the applicant's request, the applicant, shall make such additional information available as the County might reasonably request.

Sec. 22-27-15. Height, setback and other dimensional regulations

Except as otherwise expressly provided in this ordinance with respect to public safety services facilities or with respect to the provisions of any existing special use permit, the provisions of this Article shall control as the maximum permitted height, minimum setback and any other dimensional requirements for any TASF.

APPROVED

AGREEMENT FOR THE PROVISION OF POUND SERVICES

This Agreement for the Provision of Pound Services (this "Agreement"), made as of this 1st day of October, 2011, by and between the FLOYD COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, a not-for-profit entity organized under the laws of the Commonwealth of Virginia ("FSPCA"), and the COUNTY OF FLOYD, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County").

WHEREAS, the County is required by law to maintain or cause to be maintained a pound and to provide certain pound services, pursuant to the guidelines established by the Virginia Department of Agriculture and Consumer Services, §3.2-6546 of the Code of Virginia, as amended (together with other applicable laws and regulations, including County regulations of which the FSPCA has received reasonable prior written notice, "applicable law"); and

WHEREAS, the FSPCA operates a facility at 5239 Union Mills Road, in Troy, Virginia (the "Facility") and has for many years provided such pound services to the County; and

WHEREAS, the County desires to have the FSPCA continue to provide Pound Services (as hereinafter defined) on their behalf, and the FSPCA desires to provide Pound Services on behalf of the County, in accordance with applicable law, and pursuant to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and subject to the terms and conditions herein set forth, the parties mutually covenant and agree as follows:

- I. **New Agreement; Term of Agreement.** This Agreement replaces in its entirety the covenants and agreements between the County and the FSPCA, pursuant to that certain Agreement, dated July 1, 2008, and the extension of that Agreement, dated July 1, 2011, by and between the County and the FSPCA. The term of this Agreement shall be nine (9) calendar months, commencing as of October 1, 2011. Thereafter, this Agreement may be renewed upon such terms as the parties agree.
- II. **Pound Services.** The FSPCA shall provide Pound Services for all Animals (as hereinafter defined) delivered to the Facility by the County's animal control officers (the "ACOs"), including owned Animals surrendered to or impounded by the ACOs, and for all Animals delivered to the Facility by County residents who are not owners of such Animals. For purposes of this Agreement, "Pound Services" shall mean the impoundment and care of Animals delivered to the Facility, as more particularly described in Section IV of this Agreement, and "Animals" shall mean dogs and cats that are customarily impounded. It is understood that, except as may be further agreed by the parties, or as may be ordered by a court of competent jurisdiction, the County does not intend to impound cats. The County and the FSPCA agree to support the practice of trap, spay/neuter, and release programs to control the population of feral cat colonies, provided that, except as stated in the previous sentence, the County does not intend to participate in the trapping or trapping of cats. Except as otherwise expressly provided in this Agreement, or as required by applicable law, the manner in which Pound Services are provided, including, without limitation, the hours of operation and staffing of the Facility, and the decision whether and when to euthanize any Animal, shall be in the sole reasonable discretion of the FSPCA.
- III. **Compensation for Pound Services.** In consideration for the provision of Pound Services, the County shall pay to the FSPCA the following amounts:
 - A. A monthly fee of Six Thousand Six Hundred Dollars (\$6600.00) per month during the term of this Agreement ("Monthly Fee");
 - B. In addition to the Monthly Fee, the County shall pay Boarding Fees in the amount of Fifteen Dollars (\$15.00) per day for each animal which is required by law or by the order of a court of competent jurisdiction to be held in impoundment, together with a one-time administration fee of Five Dollars (\$5.00) per animal. Should the County decide to deliver

ents to the Facility for impoundment, Boarding Fees for the required hold period shall be charged in the sum of Fifteen Dollars (\$15.00) per day for each cat.

- C. All charges pursuant to Paragraphs A and H of this section shall be invoiced on a monthly basis, with payment due within thirty (30) days of the invoice date.
- D. The County shall provide materials and labor to the Shelter to ensure the Facility and equipment therein is in compliance with state law, regulations, and guidelines as of August 30, 2011. The improvements provided pursuant to this subsection D shall be in the sole discretion of the County; provided that the same shall be performed promptly, in a workmanlike manner and satisfactorily to the State Veterinarian as compliant with the requirements of the State Veterinarian's directive of August 30, 2011, a copy of which is attached hereto as Exhibit I. As to any other written directives from the State Veterinarian during the Agreement term, the County will consider making additional contributions to rectify the same as the County may, in its discretion, determine to be reasonable. Should the County fail to make any additional contributions pursuant to this section, the FSPCA shall have the right, in its sole discretion, to terminate the contract upon thirty (30) days written notice to the County. To the extent that the FSPCA may desire additional improvements above and beyond those required by state law and regulations, the cost of any such additional improvements shall be the sole responsibility of the FSPCA.
- E. Nothing in this agreement shall be deemed to prevent the FSPCA from charging fees for services to owners of animals, including, but not limited to, persons adopting animals, retrieving lost animals, and retrieving animals to which veterinary services have been provided.

IV. Responsibilities of the FSPCA. The FSPCA shall provide Pound Services as follows, in accordance with and to the extent permitted by applicable state law, regulations and local ordinances, and as may be amended or modified from time to time as agreed to by the parties in writing in accordance with Section XII of this Agreement:

- A. Impound and care for all dogs and cats ("Animals") delivered to the Facility by the ACOs.
- B. Impound and care for Animals delivered to the Facility by County residents who are not the owners of such Animals to the extent that such impoundment and care is required or permitted by law or by County policy.
- C. Place, hold, euthanize, transfer, or otherwise dispose of impounded Animals in accordance with the law, County policy, or by order of a court of competent jurisdiction.
- D. Provide treatment and controlled drugs for euthanasia and other medical purposes.
- E. Provide applicable license and documentation as required by applicable law.
- F. Maintain and publicize appropriate hours of operation.
- G. Maintain accurate written or computerized accounts of all Animals impounded (except where the ACOs are required to maintain such records, as provided in this Agreement).
- H. Permit authorized representatives of the County to access FSPCA impoundment records, upon reasonable prior notice.
- I. Deliver to the County within ten (10) days of receipt copies of any letters, notices, or other correspondence from the State regarding violations identified during inspections of the Facility.

- J. Perform all procedures required by applicable law, including those relating to impounded Animals that have bitten a person.
 - K. Respond in a timely manner to any violations that are identified, in writing, as a result of State inspections of the Facility.
 - L. Allow the ACOs to have access to the Facility premises for the purpose of delivering Animals twenty-four (24) hours a day.
 - M. Properly dispose of euthanized animals.
 - N. Provide regular maintenance and cleaning of impoundment areas of the Facility, as required by applicable law.
 - O. Make dog and cat runs or cages available at all times for Animals delivered by the ACOs.
 - P. Provide reasonable and necessary veterinary treatment and vaccinations to impounded Animals.
 - Q. Notify the local office of the Virginia Department of Health of biting Animals delivered by parties other than ACOs, confine such Animals in accordance with applicable law, and ensure that such Animals are available for inspection by the Virginia Department of Health at the end of the applicable confinement period.
 - R. Comply with all other requirements for Animal impoundment under applicable law.
 - S. Establish and maintain books and records relating to the operations of the Facility, in accordance with generally accepted accounting principles; and (b) at any reasonable time(s) and upon reasonable prior request, provide to the County and its authorized agents, access to its books and records so that the County may confirm that the FSPCA is complying with the provisions of this Agreement.
- V. **Responsibilities of the County.** The County shall pay the Compensation for Pound Services as provided herein. In addition, the County covenants and agrees to:
- A. Deliver to the Facility, Animals confiscated for "running at large" in the County.
 - B. Designate a supervising County official to whom the FSPCA may deliver routine communications, notifications and any other requests.
 - C. Deliver to the Facility within ten (10) days of receipt copies of any letters, notices, or other correspondence from the State regarding violations identified during inspections of the Facility.
 - D. Require ACOs to comply with the FSPCA's check-in procedures and all other written, reasonable rules and regulations of the FSPCA, provided that any rules and regulations affecting the provision of Pound Services do not, in the reasonable judgment of the County, impair the provision of Pound Services under this Agreement.
 - E. Require ACOs and all other County personnel to comply with applicable law in the handling and delivery of Animals to the Facility.
 - F. In the case of owned Animals surrendered to an ACO for disposal, provide an admittance form complying with applicable law, with the owner's signature.
 - G. In the case of any dead Animal, provide a written description of the location found and probable cause of death.

- P. In the case of any biting Animal picked up by an ACO, provide, in writing, the owner's name (if known), contact information and any information known to the ACO regarding the circumstances of the bite, and notify the local office of the Virginia Department of Health.
 - I. In the case of any Animal with aggressive behavior or any other serious behavioral issue known to or described to an ACO, provide such information, in writing, on the FSPCA admission form.
 - J. Permit the FSPCA control, to the extent permitted by law, over all Animals upon delivery by ACOs to the Facility, including decisions regarding euthanasia; provided, however that ACOs may suggest euthanasia by providing reasons for such marking, in writing, contemporaneously with delivery of such Animals.
 - K. Provide 48 hrs. advance notice, when practicable, to the FSPCA in cases of a large number of animals confiscated or impounded from one situation (a large number shall be greater than 5 animals).
 - L. Handle stray and injured Animal calls in the County, as applicable.
 - M. Coordinate, with the FSPCA, an alternate impoundment site for Animal intakes that occur during an outbreak at the Facility of a contagious disease, or in the case of a large number of animal seizures, or for all Facility animals during natural disasters, widespread Facility repairs, or extenuating circumstances that may cause the Facility to be temporarily uninhabitable.
 - N. Be responsible for the care of all animals seized by ACOs until such animals are relinquished to the care and custody of the FSPCA. For purposes of this Agreement, animals left at the Facility by ACOs after regular Facility hours are not in the care and custody of the FSPCA until the next regularly scheduled opening of the Facility, unless the FSPCA specifically agrees to accept such animal in writing. The County will also be responsible for any emergency medical treatment procured for a seized animal until such time as the FSPCA has care and custody of the animal. The County acknowledges that it does not have the authority to act on behalf of, contract, or bind the FSPCA for payment of veterinary care or other treatment of animals.
- VI. **Default.** Failure by the County to pay any installment of the Monthly Fees or Boarding Fees within thirty (30) days following the date in which such payment is due, shall constitute a default hereunder as to the County. Failure by the County to cure such default, or failure by either the County or the FSPCA to cure any other material breach of this Agreement, within fifteen (15) days following receipt of written notice thereof, may result in immediate termination of this Agreement at the election of the non-defaulting party. Such termination shall be in addition to any and all other available remedies.
- VII. **Insurance.** The FSPCA shall maintain sufficient insurance to protect itself and the County from any claims that may arise from the operation of the Facility pursuant to this Agreement. Such insurance shall meet or exceed the minimum coverage requirements established by the County, and may be provided by one or more commercial carriers. A certificate from the insurance provider, naming the County as additional insureds, shall be provided to the County upon request.
- VIII. **Indemnification.** The FSPCA shall be responsible for, shall defend against and shall indemnify and hold the County Indemnitees (as hereinafter defined) harmless from and against, any and all lawsuits, claims, demands, losses or actions made or taken against any of the County Indemnitees based upon, arising from, or incident to the decisions and/or actions of the FSPCA or any of its officers, directors, employees, agents or volunteers in the performance of the obligations of the FSPCA pursuant to this Agreement. For purposes hereof, the "County Indemnitees" shall mean:

collectively, the County and its Board of Supervisors, employees, representatives, officials and agents.

- IX. **Assignment.** No party shall assign or transfer all or any part of its right, title or interest in this Agreement, without the prior written consent of the other party.
- X. **Governing Law.** This Agreement shall be governed by the laws and regulations of the Commonwealth of Virginia.
- XI. **Notices.** All notices required to be given under this Agreement shall be delivered, either via Hand Delivery or by first-class registered mail, as follows:

To the FSPCA:
Attn: President
Fluvanna SPCA
5239 Union Mills Road
Troy, VA 22974

To the County:
Attn: County
Administrator
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

- XII. **Complete Agreement; Amendments.** This Agreement constitutes the final expression of the parties and supersedes all previous agreements and understandings, written or oral, relating to the rights and responsibilities of the parties hereunder. This Agreement may not be altered, amended or modified except by written instrument executed by duly authorized representatives of the parties.

IN WITNESS WHEREOF, the parties do hereby set forth their signatures, and do hereby represent that the individuals who have executed this Agreement have been duly authorized to bind the County and the FSPCA to the terms and conditions hereof.

FLUVANNA COUNTY SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS
("FSPCA")

COUNTY OF FLUVANNA, VIRGINIA
("County")

By: _____
Kristen Minola
President, Board of Directors

By: _____
William P. Scudder, Jr.
County Administrator

Date: _____

Date: _____

Approved as to form:

By: _____
County Attorney

Date: _____

03681321





COMMONWEALTH of VIRGINIA

Matthew J. Lahr
Comptroller

Department of Agriculture and Consumer Services
Division of Animal & Food Industry Services
Office of Animal Care and Health Policy
P.O. Box 1163, Richmond, Virginia 23218
Phone: 804-786-2483 • Fax: 804-786-2381 • Hearing Impaired: 800-225-1136
www.DAHS.Virginia.gov

LETTER OF NOTIFICATION
August 30, 2011

To: Jay Senter, County Administrator
Plyanna County
P.O. Box 299
Palmyra, VA 22963

On August 11, 2011, I inspected the Plyanna SPCA, which is the contracted animal pound for Plyanna County. This was a routine inspection to evaluate compliance with the Virginia Comprehensive Animal Care Laws, as well as pursuant regulations and directives. Please find attached a copy of the *Animal Facility Inspection Report*, which itemizes the specific elements included in this inspection. Copies of the itemized inspection forms were also left on site at the conclusion of the inspection.

The result of this inspection is as follows:

- There were no significant findings of noncompliance. A response to this report is not required.
- Significant findings of noncompliance were noted on inspection. Please submit a written response to this report by 10/1/11 indicating actions completed or planned to achieve compliance. The response should be addressed to my attention at the letterhead address. Failure to respond may result in referral of this case for enforcement action. Specific deficiencies that must be corrected include:
 - The doors and walls do not have a surface quality that can be adequately disinfected. There are wood components in the dog run enclosures.
 - Water receptacles were not secured in a fixed position or of the "non-tippable" type.
- There were critical and/or repeat findings of significant noncompliance. This case has been referred for enforcement action and possible assessment of civil penalties. You will be contacted by the State Veterinarian's Representative handling your case.

If you have any questions, I can be reached at 804-786-2483 or by email at Sherry.Helsel@DAHS.Virginia.gov.

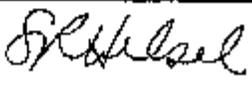
Respectfully,

Sherry Helsel, LVT
Animal Pound & Shelter Inspector
Equal Opportunity Employer



 VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES	
Facility Name/ID: Fluvanna SPCA Physical Address: 6239 Union Mills Road, Troy, VA 22974	Inspection Date: 8/11/11 Unannounced <input checked="" type="checkbox"/> Scheduled <input type="checkbox"/>
Type of Facility: <input type="checkbox"/> Animal Shelter <input checked="" type="checkbox"/> Pound <input type="checkbox"/> Other:	
Owned By: <input checked="" type="checkbox"/> Humane Society <input type="checkbox"/> City () <input type="checkbox"/> County () <input type="checkbox"/> Other:	
Operated By: <input checked="" type="checkbox"/> Humane Society <input type="checkbox"/> City () <input type="checkbox"/> County () <input type="checkbox"/> Other:	
Other Facility Details (inc. contractual arrangements): Contracted pound for Fluvanna County	
Hours of Operation: Wed - Sun: 12:00 p.m. - 6:00 p.m.	
Facility Supervisor: Patricia Johnson	
Facility Mailing Address: 6239 Union Mills Road Troy, VA 22974	Facility Telephone Number: 434-581-0123 Facility Fax Number: 434-581-0122 Facility Email:
Responsible Party - Governing Body/Board Jay Souler, County Administrator Fluvanna County P.O. Box 298 Palmyra, VA 22983	Directions to Facility Interstate 64 exit #136, Route 15 south, Right on Route 616, Facility on right.
Animal Control Officer Information (Pound Facilities Only)	
Animal Control Officer: Dustin Elliott Deputy Animal Control Officers: Mike Orndorff	Animal Control Officer Mailing Address: P.O. Box 113 Palmyra, VA 22983 Telephone Number: 434-580-8211
ACC Reports To: <input type="checkbox"/> Sheriff <input type="checkbox"/> Police Department <input checked="" type="checkbox"/> Local Government Administration/Management	

- Attachments:**
- ANIMAL FACILITY INSPECTION FORM - POUND REGULATIONS
 - ANIMAL FACILITY INSPECTION FORM - ANIMAL CARE
 - ANIMAL FACILITY INSPECTION FORM - OPERATIONS
 - ANIMAL FACILITY INSPECTION FORM - ANIMAL TRANSPORT

Name: S.R. Helzel, LVT Title: Animal Pound & Shelter Inspector	Signature: 
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 VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES			
Facility Name/ID: <i>Fluanna SPCA</i>		Date: <i>8/11/11</i> Time: <i>1:00p</i> Inspector Initials: <i>SPH</i>	
2 VAC 4-116-10, 2 VAC 5-110-20 Drinking Water Water for drinking shall originate from a potable source. Durable, non-toxic water receptacles provided and secured in a fixed position or area of a free-fall design.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Not fixed / non-freefall</i> Critical <input type="checkbox"/>
2 VAC 8-110-40 Animal Housing—Temperature/Ventilation All animal buildings and enclosures shall provide ventilation. Building maintained at a temperature comfortable for each animal. Each building and enclosure provides adequate ventilation for each animal.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 8-110-40 Animal Housing—Materials and Sanitation Floors and walls of enclosures, buildings, and areas are of a surface material that permits proper cleaning and disinfection. Each animal building and enclosure is clean, dry, and sanitary.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Floor/wall surfaces not able to be properly disinfected</i> Critical <input type="checkbox"/>
2 VAC 8-110-40 Animal Housing—Barricade Animals are restrained in quarters that prevent escape, protect them from injury, and safeguard them from being stolen. Provisions are made for the separation of animals according to species, sex, age, and temperament.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 8-110-60 Cage Construction Cages are constructed of stainless steel, fiberglass, heavy galvanized metal, galvanized wire, or equivalent. Cages have solid bottoms.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Wood in Run Area enclosure</i> Critical <input type="checkbox"/>
2 VAC 8-110-60 Cage Size Enclosures are constructed and maintained to provide sufficient space for each animal to turn freely, and easily stand, sit, and lie in a comfortable position.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 5-110-80 Sanitation Process There are tubs and hose connections at convenient locations for washing and cleaning the animal housing areas. Disinfectants or peracetic acids are used to clean the housing/containment area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 5-110-70 Food Preparation Food preparation/feeding area adequately equipped. Equipment and utensils are made of easily cleanable, non-porous, and non-toxic materials. A sink with hot and cold water is provided for cleaning equipment and utensils.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 5-110-70 Food Storage Bins used to store food provide protection against insects and rodents. Food is stored on shelves or pallets a minimum of 12 inches above the floor, or in bins on reliable cartons.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 8-110-90 Egestion Dead animals are disposed of by burial, incineration, or other approved method. Dead animals are disposed of within 24 hours, or refrigerated.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>
2 VAC 1-110-100 Isolation Area There is a designated and marked isolation area for incoming animals which are ill or suspected of being ill. Ill and suspected ill animals are confined separately in this area for a minimum of 48 hours before being placed in the main housing area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Critical <input type="checkbox"/>

REVIEWED WITH: Signature *Patricia Johnson* Date *8/11/11*
 Name *Patricia G. Johnson* Title *Director*

VDACS AC-10-A (eff. 0709)

			
Facility Name/ID: <i>Fluvanna SPCA</i>		Date: <i>8/11/11</i> Time: <i>1:00P</i>	Inspector Initials: <i>SLH</i>
§1.2-6603 Adequate Feed Each animal provided adequate feed as defined in §1.2-6509 (suitable, nutritive, appropriate, easily consumed, provided in a sanitary manner at suitable intervals, at least daily).	✓		Critical <input type="checkbox"/>
§1.2-6604 Adequate Water Each animal provided adequate water as defined in §1.2-6500 (clean, fresh, potable, drinkable temperature, sufficient volume, at suitable intervals to maintain animal hydration).	✓		Critical <input type="checkbox"/>
§1.2-6605 Adequate Shelter Each animal provided adequate shelter as defined in §1.2-6500 (suitable, safe, protects from weather extremes, properly lighted, properly cleaned, enables animal to be clean and dry, provides a solid resting surface).	✓		Critical <input type="checkbox"/>
§1.2-6606 Adequate Space Each animal provided adequate space as defined in §1.2-6500 (allows each animal to stand, sit, lie, turn about, make all normal body movements in a comfortable, normal position, and interact easily with other animals).	✓		Critical <input type="checkbox"/>
§1.2-6607 Adequate Exercise Each animal provided adequate exercise as defined in §1.2-6500 (opportunity for the animal to move sufficiently to maintain normal muscle tone and rest for the age, species, size, and condition of the animal).	✓		Critical <input type="checkbox"/>
§1.2-6608 Adequate Care, Treatment, and Transportation Each animal provided adequate care as defined in §1.2-6500 (good animal husbandry, handling, protection, management, confinement, feeding, watering, protection, shelter, transport, sanitary care, and euthanasia when necessary).	✓		Critical <input type="checkbox"/>
§1.2-6609 Veterinary Care Each animal provided veterinary care as defined in §1.2-6500 when needed to prevent suffering, improvement of health, disease progression, or disease transmission.	✓		Critical <input type="checkbox"/>
Number of Dogs on Site: <i>38</i>	Number of Cats on Site: <i>94</i>	Number of Other Companion Animals on Site: <i>0</i>	
Number of Pups: <i>24</i>	Number of Cages: <i>68</i>	Number of Animal Caretakers: <i>1 F/T 11 P/T</i>	
COMMENTS:			

REVIEWED WITH: Signature *Patricia G. Johnson* Date *8/11/11*
 Name *Patricia G. Johnson* Title *Director*

			
Facility Name/ID: <i>Fluvanna SPCA</i>		Date: <i>8/18/11</i> Inspector Initials: <i>SK</i>	
GENERAL REQUIREMENTS			
§ 2-2-1067 Custody Record Availability Custody record is readily available for each animal in facility.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1067 Custody Record Completeness Custody record includes, date of custody, date of the making of the record, species, color, breed, sex, age, weight (measured by scale), body condition, and any other illness, vaccination, or other conditions, and date of treatment.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Animal Identification A reasonable effort is made to determine whether each animal has a collar, tag, license, tattoo, or other identification. A reasonable effort is made to identify and notify the owner.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Holding Period Each animal is held for the required holding period.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Reasonable Access Facility is accessible to the public at reasonable hours during the week.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Animal Disposition Each animal is adopted by a licensed veterinarian, adopted by a lawfully operating animal shelter, or otherwise disposed of.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Animal Adoption No more than two animals (or one family of animals) released to any one person in a 30-day period.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Animal Identification Before release, adopter of each dog or cat signs an agreement (to have the animal identified within 30 days unless already identified).	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 Identification Agreement Agreement contains: the date of agreement, names addresses and signatures of both the releasing agency and the new owner, description of the animal, the facility which identification is required, and a statement that the requirements of this law.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 and Directive 79-1 Euthanasia Method Euthanasia is conducted using only methods and drugs prescribed by the State Veterinarian.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
§ 2-2-1068 and Directive 79-1 Euthanasia Competency Euthanasia performed by a competent certified person under the general supervision of a licensed veterinarian, or performed by a licensed veterinarian.	<input checked="" type="checkbox"/>		Critical <input type="checkbox"/>
Name of licensed veterinarian supervising euthanasia: _____			
Name of licensed veterinarian performing euthanasia: <i>Ashley Ruthenberg, DVM</i>			

REVIEWED WITH: Signature *Patricia Johnson* Date *8/18/11*
 Name *Patricia Johnson* Title *Director*
 VDAOS AC-10-C (rev. 07/08)