FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA FOR REGULAR MEETING
Circuit Courtroom, Fluvanna Courts Building
Tuesday, November 20, 2012, 7:00 pm

TAB	AGENDA ITEMS
1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE	
2 - COUNTY ADMINISTRATOR'S REPORT	
3 - PUBLIC COMMENTS #1 (5 minutes each)	
4 - PUBLIC HEARING	
Mc	U.S. Cellular – Tower & Ground Space Lease – Allyson Finchum, Planning Director
N	SUP 12-02 – Clear Signal Towers, LLC (Hardware River) – Mr. Andrew Pompei, Planner
O	SUP 12-03 – Clear Signal Towers, LLC (Weber City) – Mr. Steve Tugwell, Senior Planner
P	SUP 12-04 – Clear Signal Towers, LLC (Cohasset) – Mr. Steve Tugwell, Senior Planner
Q	SUP 12:07 – National Communication Towers, LLC – Mr. Steve Tugwell, Senior Planner
R	SUP 12:08 – Jennifer D. Miller – Commercial Kennel – Mr. Steve Tugwell, Senior Planner
S	ZTA 12:03 – Fluvanna County – Mr. Andrew Pompei, Planner
5 - ACTION MATTERS	
U	Claim of Patricia F. Charney – Mr. Steven M. Nichols, County Administrator
T	Schools Temporary Funding Request – Ms. Mozell Booker, Supervisor, Fork Union District
6 - PRESENTATIONS (normally not to exceed 10 minutes each)	
V	Rivanna River Basin Commission – Ms. Leslie Middleton, Executive Director Rivanna River Basin Commission
7 - CONSENT AGENDA	
W	Minutes of November 7, 2012 – Mary Weaver, Clerk to the Board of Supervisors
XYZ	Schools Wastewater treatment Plants Budget Transfer – Eric Dahl, Budget Analyst
A	Capital Reserve Maintenance Fund Request to replace the Fuel Site Computer System– Chuck Winkler, Assistant Superintendent
B	Capital Reserve Maintenance Fund Request to replace tube bundle Heat Exchange Unit at Central Elementary – Chuck Winkler, Assistant Superintendent
C	Capital Reserve Maintenance Fund Request to refurbish original lockers for student use at Fluvanna Middle School – Chuck Winkler, Assistant Superintendent
8 - ACCOUNTS PAYABLE	
	None
9 - UNFINISHED BUSINESS	
	Debt Refinancing Update – Ms. Barbara Horlacher, Finance Director
10 - NEW BUSINESS	

For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.

None

11 - PUBLIC COMMENTS #2 (5 minutes each)

12 - CLOSED MEETING

None

14 – ADJOURN

Steven M. Nichols
2012.11.16
11:04:54 -05'00'

County Administrator Review

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PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

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ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.

2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.

3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Administrator shall be the judge of such breaches, however, the Board may vote to overrule both.

4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
   - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
   - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
   - Speakers should approach the lectern so they may be visible and audible to the Board.
   - Each speaker should clearly state his/her name and address.
   - All comments should be directed to the Board.
   - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
   - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
   - Speakers with questions are encouraged to call County staff prior to the public hearing.
   - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
   - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
   - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
   - Further public comment after the public hearing has been closed generally will not be permitted.

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: **November 20, 2012**

SUBJECT:	U. S. Cellular - Tower & Ground Space Lease
MOTION(s):	**I move to approve the Tower & Ground Space Lease Agreement with USCOC of Virginia RSA #3, Inc. for a wireless communications facility on the County's monopole tower adjacent to the Palmyra fire station, subject to approval as to form by the County Attorney, and authorize the County Administrator or Chairman to execute said agreement and a memorandum of lease.**
STAFF CONTACT:	Steven M. Nichols, County Administrator
RECOMMENDATION:	Approval
TIMING:	Implement _____, 2012
DISCUSSION:	USCOC of Virginia RSA #3, Inc., successor in interest to Charlottesville Cellular Partnership (referred to as "U. S. Cellular") currently has a wireless communications facility located on the County's monopole adjacent to the Palmyra fire station. U. S. Cellular's lease expired on May 19, 2012 and was extended for a period of up to 7 months as a holdover, on a month to month basis. U. S. Cellular and the County have negotiated for the attached Tower & Ground Space Lease Agreement, pursuant to which U. S. Cellular will continue to occupy its current locations on the tower and ground space. The lease provides for payment of rent by U. S. Cellular in the amount of $21,600 per year ($1,800.00 per month) with 3% increases annually commencing March 1, 2013. The lease has an initial term of 7 years, 9 months and 11 days, which shall be deemed to have commenced May 19, 2012, and will be automatically extended for 2 additional 5 year terms unless terminated by the lessee in accordance with the terms of the lease. The payments of rent from May 19, 2012 have already commenced under the current holdover lease extension. The County will continue to occupy floor space within the lessee's equipment shelter for the operating of the County's communications facilities. A public hearing on the proposed lease is required in accordance with Virginia Code Section 15.2-1800(B). The County recently entered into a lease with U. S. Cellular of telecommunications space on the Weber City water tower and CityScape Consultants has again assisted the County in negotiating with U. S. Cellular.
FISCAL IMPLICATIONS:	The amendment provides for monthly rent of $1,800.00
POLICY IMPLICATIONS:	N/A
LEGISLATIVE HISTORY:	N/A

ENCLOSURES:	Memorandum of Tower & Ground Space Lease Agreement Fluvanna-US Cellular Palmyra Renewal Lease

USC Site Name: Palmyra
MOL USC 05-19-2012
USC Site #: 768307

Tax Map: 19 A 39B

Prepared by and
Upon Recording, Return to:

Payne & Hodous, LLP
414 East Jefferson Street
Charlottesville, VA 22902

MEMORANDUM OF TOWER & GROUND SPACE LEASE AGREEMENT

This Memorandum of TOWER & GROUND SPACE LEASE AGREEMENT is made this _____ day of _____, 2012, between the **BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, with a mailing address of 132 Main Street, Palmyra, Virginia 22963, hereinafter collectively referred to as "LESSOR", and **USCOC OF VIRGINIA RSA #3, INC.**, a Virginia corporation with its principal offices at 8410 West Bryn Mawr Avenue, Chicago, Illinois 60631, hereinafter referred to as "LESSEE", successor in interest to CHARLOTTESVILLE CELLULAR PARTNERSHIP, a Washington D.C general partnership. LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

1. LESSOR and LESSEE entered into a Tower and Ground Space Lease Agreement (the "Agreement") effective May 19, 2012, for an initial term of seven years, nine months and eleven days, commencing on the Commencement Date. The Agreement shall automatically be extended for two (2) additional five (5) year terms unless the LESSEE terminates it at the end of the then current term by giving the LESSOR written notice of the intent to terminate at least six (6) months prior to the end of the then current term.

2. PREMISES. LESSOR hereby leases to the LESSEE a portion of that certain space (the "Premises"), consisting of (a) attachment locations at the 150' level of the Tower for the placement and affixing of cellular antennas and lines, subject to the structural limitations of the Tower; and (b) attachment locations between the 120' and 130' levels for the placement and affixing of microwave antennas and lines in accordance

with LESSEE'S needs, subject to the structural limitations of the Tower; ("the Tower Space"), on the LESSOR's monopole tower, hereinafter referred to as the "Tower", located on real estate depicted on Exhibit "A" and legally described as 2.781 acres, more or less, on a plat of Robert L. Lum, dated December 2, 1996, revised April 18, 1997, and recorded with certain deeds in the Clerk's Office of the Circuit Court of the County of Fluvanna, Virginia in Deed Book 317, pages 834 and 839 (the entirety of LESSOR's property on which the Tower is located is referred to hereinafter as the "Property"), together with approximately 315 square feet of ground space adjacent to the base of the Tower for the placement of a radio station equipment shelter ("LESSEE'S Building") and a line bridge structure (the "Land Space") together with (i) a non-exclusive easement in the location shown on Exhibit "B", or such other location as may be designated by LESSOR from time to time, for ingress and egress to and from U. S. Route 15 (the "Right of Way") for ingress and egress, seven (7) days a week, twenty-four (24) hours a day (subject to Paragraph 35 of the Agreement); (ii) a non-exclusive easement over the Property for the existing lines and related appurtenances for the provision of telephone and electric service to the Premises; and (iii) a non-exclusive easement between the Land Space and the Tower Space for the location and maintenance of utility wires, poles, cables, conduits, and pipes. The Tower Space, Land Space, and Right of Way are more particularly described in Exhibit "B", attached hereto and made a part hereof, and are collectively referred to hereinafter as the "Premises". LESSOR and LESSEE acknowledge and agree that Exhibit "B" is not a boundary survey of the Property and that Exhibit "B" is intended solely as an exhibit for purposes of describing the LESSEE's Premises.

3. The Commencement Date of the Agreement, of which this is a Memorandum, shall be on May 19, 2012 (such date being the "Commencement Date").

4. The terms, covenants and provisions of the Agreement are hereby confirmed and shall extend to and be binding upon the respective heirs, successors, personal representatives and assigns of LESSOR and LESSEE.

5. This Memorandum is not a complete summary of the Agreement. Provisions in this Memorandum shall not be used in interpreting the Agreement. In the event of a conflict between this Memorandum and the Agreement, the Agreement shall control.

[SIGNATURES ON THE FOLLOWING PAGES]

IN WITNESS WHEREOF, hereunto and to a duplicate hereof, LESSOR and LESSEE have caused this Memorandum to be duly executed.

LESSOR:
BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA

By: _____

Print Name: _____

Title: _____

Date: _____

STATE OF VIRGINIA)
) **ACKNOWLEDGEMENT**
COUNTY OF FLUVANNA)

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that s/he is the _____ of the **BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, and s/he, being authorized to do so, executed the foregoing **MEMORANDUM OF TOWER & GROUND SPACE LEASE AGREEMENT** as his/her own act and deed on behalf of the **BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA.**

WITNESS my hand and official Notarial Seal, this ___ day of _____, 2012

_____
Notary Public

My commission expires:
Notary registration number: SEAL

APPROVED AS TO FORM:

_____
Fluvanna County Attorney

LESSEE:

USCOC of Virginia RSA #3, Inc.,

BY: _____
Name:
Title:

DATE: _____

STATE OF _____)
) **ACKNOWLEDGMENT**
CITY/COUNTY OF _____)

I, _____, a Notary Public for said County and State, do hereby certify that _____ personally came before me this day and acknowledged that he is the _____ of **USCOC of Virginia RSA #3, Inc.**, and that he, as _____, being authorized to do so, executed the foregoing **MEMORANDUM OF TOWER & GROUND SPACE LEASE AGREEMENT** on behalf of **USCOC of Virginia RSA #3, Inc.**.

WITNESS my hand and official Notarial Seal, this ___ day of _____, 201__.

_____
Notary Public

My commission expires:
Notary registration number: SEAL

USC Site Name: Palmyra
MOL USC 05-19-2012
USC Site #: 768307

EXHIBIT A

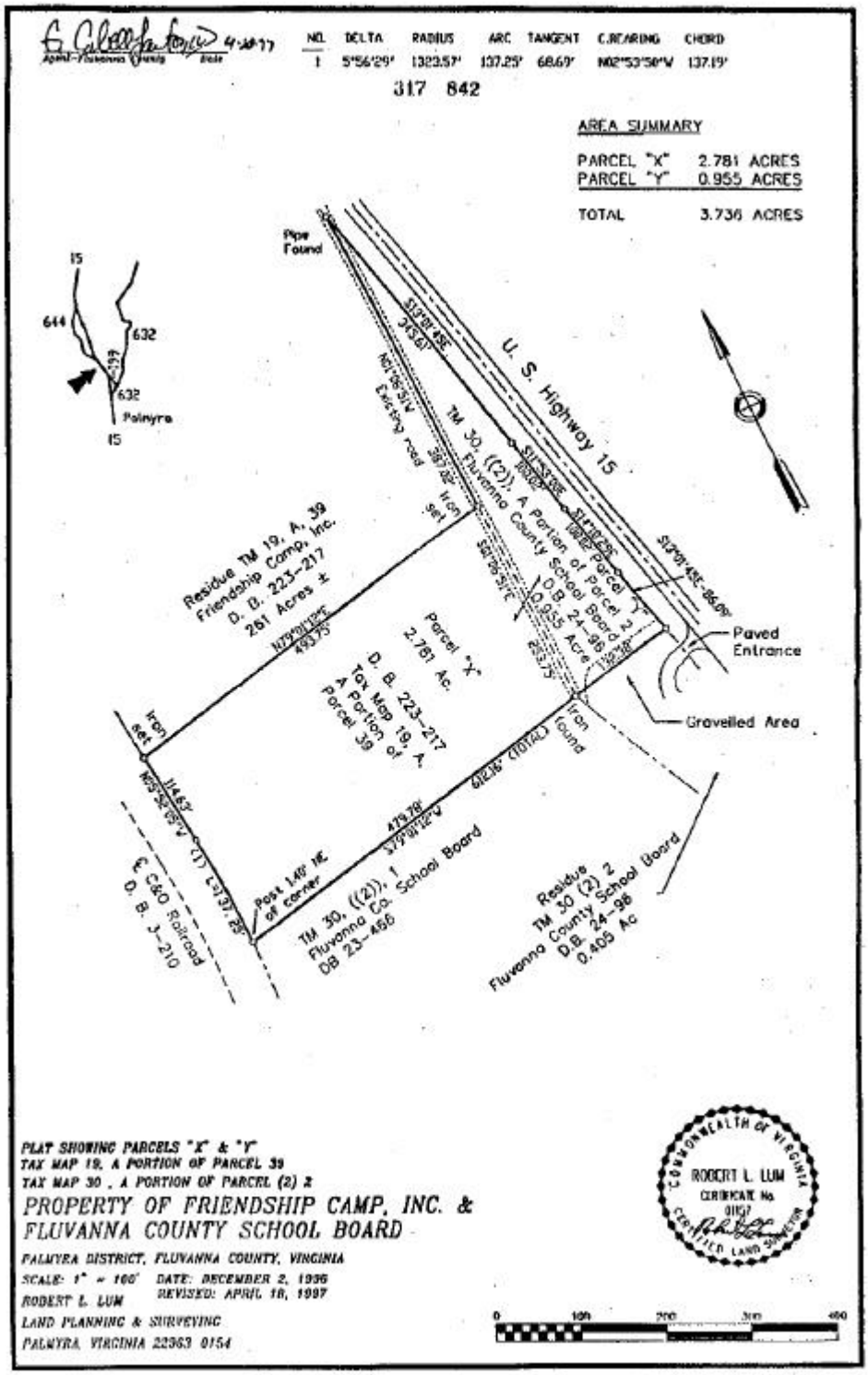
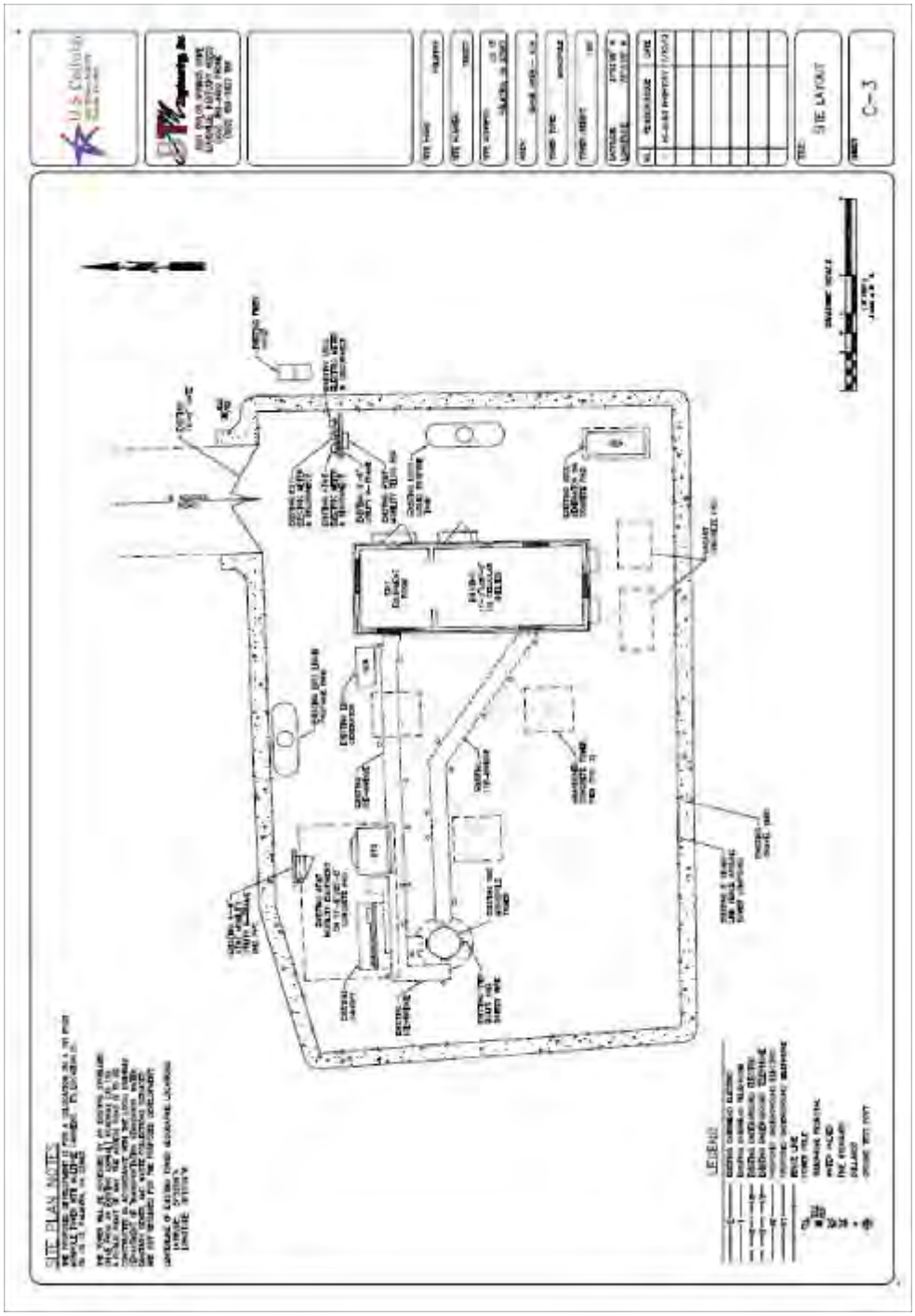


EXHIBIT B



USC Site Name: Palmyra USC Site #: 768307
Lease USC _____

TOWER & GROUND SPACE LEASE AGREEMENT

This Agreement, made this _____ day of _____, 2012, between the **BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, with its principal offices at 132 Main Street, Palmyra, Virginia 22963, hereinafter designated LESSOR and **USCOC OF VIRGINIA RSA #3, INC.**, a Virginia corporation with its principal offices at 8410 West Bryn Mawr Avenue, Chicago, Illinois 60631 hereinafter designated LESSEE, successor in interest to **CHARLOTTESVILLE CELLULAR PARTNERSHIP**, a Washington D.C. general partnership. The LESSOR and LESSEE are at times collectively referred to hereinafter as the "Parties" or individually as the "Party".

WITNESSETH

In consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. PREMISES. LESSOR is the owner of certain real property located in the County of Fluvanna, Virginia, hereinafter referred to as the "Property". Said Property is more particularly described as 2.781 acres, more or less, on a plat of Robert L. Lum, dated December 2, 1996, revised April 18, 1997, and recorded with certain deeds in the Clerk's Office of the Circuit Court of the County of Fluvanna, Virginia in Deed Book 317, pages 834 and 839, a copy of which is attached hereto and incorporated by reference as Exhibit "A". A monopole tower (the "Tower") has been constructed on the Property and LESSOR has, pursuant to a lease agreement dated May 14, 1997, as amended (the "Prior Lease") leased to LESSEE the following described space (collectively the "Premises"):

A. "Tower Space"
   (1) Attachment locations at the 150' level of the Tower for the placement and affixing of cellular antennas and lines, subject to the structural limitations of the Tower; and
   (2) Attachment locations between the 120' and 130' levels for the placement and affixing of microwave antennas and lines in accordance with LESSEE'S needs, subject to the structural limitations of the Tower;

B. "Land Space"
   Approximately 315 square feet of ground space adjacent to the base of the Tower for the placement of a radio station equipment shelter ("LESSEE'S Building") and a line bridge structure;

all as more particularly described on Exhibit "B" attached hereto and incorporated herein by reference. LESSEE has installed on the Premises LESSEE's Building and telecommunications equipment which are described in detail on Exhibit "C". The Prior Lease expired on May 19, 2012 and has been extended by amendment for up to seven (7) months on a month to month basis

(the "Extension"). The Extension shall terminate upon the execution of this Agreement by both parties.

LESSOR hereby leases to LESSEE and LESSEE leases from LESSOR the Premises. LESSOR hereby grants permission to LESSEE to maintain and operate the existing equipment shelter, radio communications equipment, antennas and appurtenances described in Exhibit "C" (the "LESSEE Facilities") attached hereto, which shall be maintained by LESSEE at all times in good, safe, and sightly condition.

The leasehold shall include the following appurtenances:

A. A non-exclusive easement in the location shown on Exhibit "B", or such other location as may be designated by LESSOR from time to time, for ingress and egress to and from U. S. Route 15.
B. A non-exclusive easement over the Property for the existing lines and related appurtenances for the provision of telephone and electric service to the Premises.
C. A non-exclusive easement between the Land Space and the Tower Space for the location and maintenance of utility wires, poles, cables, conduits, and pipes.

2. LESSOR'S FLOOR SPACE. As additional consideration for this Agreement, LESSEE shall lease back to LESSOR, for the duration of this Lease, at no cost to LESSOR, the area of partitioned floor space currently serving as LESSOR's radio room inside LESSEE's Building, with a separate entrance for LESSOR ("LESSOR's Floor Space"), subject to the terms and conditions contained in Exhibit "D" attached hereto and incorporated herein by reference.

3. TERM; RENTAL; ELECTRICAL.

a. This Agreement shall be effective as of the date of execution by both Parties, provided, however, the initial term shall be deemed to have commenced May 19, 2012 (the "Commencement Date") for a term of 7 years, 9 months and 11 days and expiring on March 1, 2020. The initial annual rental shall be the sum of Twenty-One Thousand Six Hundred and NO/100 ($21,600.00) dollars to be paid in equal monthly installments of One Thousand Eight Hundred and NO/100 ($1,800.00) dollars on the first day of the month, in advance, to LESSOR, or to such other person, firm or place as LESSOR may, from time to time, designate in writing at least thirty (30) days in advance of any rental payment date by notice given in accordance with Paragraph 22 below. LESSOR and LESSEE agree that the rent for 11 days in May 2012 shall be prorated.

Rent shall be payable to LESSOR's designated Site Manager, CityScape Consultants, Inc., at 7050 W Palmetto Park Rd #15-652, Boca Raton, FL 33433. Upon agreement of the Parties, LESSEE may pay rent by electronic funds transfer and in such event, LESSOR agrees to provide to LESSEE bank routing information for such purpose upon request of LESSEE.

b. LESSOR hereby agrees to provide to LESSEE the following documentation (the "Rental Documentation"): (i) a complete and fully executed Internal Revenue Service Form W-9, or equivalent, in a form acceptable to LESSEE, for any party to whom rental payments are to be made pursuant to this Agreement; and (ii) other similar documentation requested by LESSEE in LESSEE's reasonable discretion. From time to time during the Term of this Agreement and within thirty (30) days of a written request from LESSEE, LESSOR agrees to provide updated Rental Documentation in a form reasonably acceptable to LESSEE. The Rental Documentation shall be provided to LESSEE in accordance with the provisions of and at the address given in Paragraph 22. Delivery of Rental Documentation to LESSEE shall be a prerequisite for the payment of any rent by LESSEE and notwithstanding anything to the contrary herein, LESSEE shall have no obligation to deliver any rental payments until Rental Documentation has been supplied to LESSEE as provided herein.

Within fifteen (15) days of obtaining an interest in the Property or this Agreement, any assignee(s), transferee(s) or other successor(s) in interest of LESSOR shall provide to LESSEE Rental Documentation in the manner set forth in the preceding paragraph. From time to time during the Term of this Agreement and within thirty (30) days of a written request from LESSEE, any assignee(s) or transferee(s) of LESSOR agrees to provide updated Rental Documentation in a form reasonably acceptable to LESSEE. Delivery of Rental Documentation to LESSEE by any assignee(s), transferee(s) or other successor(s) in interest of LESSOR shall be a prerequisite for the delivery of any rent by LESSEE to such party and notwithstanding anything to the contrary herein, LESSEE shall have no obligation to deliver any rental payments to any assignee(s), transferee(s) or other successor(s) in interest of LESSOR until Rental Documentation has been supplied to LESSEE as provided herein.

c. LESSEE shall be solely responsible for maintaining any electrical service to the Premises required by LESSEE. In no event shall LESSOR have any liability or obligation to LESSEE, or be deemed to be in default under this Agreement, as a result of any loss or interruption of electrical service. LESSEE shall be permitted at any time during the Term, to install, maintain and/or provide access to and use of, as necessary (during any power interruption at the Premises), a temporary power source, and all related equipment and appurtenances within the Premises, or elsewhere on the Property as shown on Exhibit"B". LESSEE shall have the right to install conduits connecting the temporary power source and related appurtenances between the Tower Space and the Land Space as shown on Exhibit "B". LESSOR shall be entitled to use LESSEE's temporary power source, if such is used by the LESSEE. LESSEE shall not be responsible to LESSOR for any power outages or interruptions resulting from LESSOR'S use of the temporary power source and any use of LESSEE'S temporary power source by LESSOR shall be at LESSOR'S sole risk.

4. <u>EXTENSIONS</u>. This Agreement shall automatically be extended for two (2) additional five (5) year terms unless LESSEE terminates it at the end of the then current term by giving LESSOR written notice of the intent to terminate at least six (6) months prior to the end of

the then current term. The initial term and all extensions shall be collectively referred to herein as the "Term".

5. RENT INCREASE, EXTENSION RENTALS. The annual rent for each year of each term shall increase three (3%) percent over the annual rent due for the immediately preceding year, as of March 1 of each year (the " Annual Renewal Date"), commencing March 1, 2013.

6. TERMINATION. Notwithstanding anything to the contrary contained herein, provided LESSEE is not in default hereunder beyond applicable notice and cure periods, LESSEE shall have the right to terminate this Agreement after the first seven years of the initial term upon the Annual Renewal Date provided that (6) months prior notice is given to LESSOR.

7. TAXES. LESSEE shall have the responsibility to pay any personal property, real estate taxes, assessments, or charges owed on the Property which LESSOR demonstrates is the result of LESSEE's use of the Premises and/or the installation, maintenance, and operation of the LESSEE's improvements, and any sales tax imposed on the rent (except to the extent that LESSEE is or may become exempt from the payment of sales tax in the jurisdiction in which the Property is located), including any increase in real estate taxes at the Property which LESSOR demonstrates arises from the LESSEE's improvements and/or LESSEE's use of the Premises. LESSOR and LESSEE shall each be responsible for the payment of any taxes, levies, assessments and other charges imposed including franchise and similar taxes imposed upon the activities or business conducted by LESSOR or LESSEE, respectively, at the Property. Notwithstanding the foregoing, LESSEE shall not have the obligation to pay any tax, assessment, or charge that LESSEE is disputing in good faith in appropriate proceedings prior to a final determination that such tax is properly assessed provided that no lien attaches to the Property. Nothing in this Paragraph shall be construed as making LESSEE liable for any portion of any income taxes applicable to LESSOR in connection with any Property or otherwise. Except as set forth in this Paragraph, LESSOR shall have the responsibility to pay any personal property, real estate taxes, assessments, or charges applicable to LESSOR owed on the Property and shall do so prior to the imposition of any lien on the Property. Notwithstanding any other provision of this paragraph, LESSEE acknowledges that LESSOR is a tax-exempt public entity and that the Property and any personal property of LESSOR is tax-exempt in the hands of LESSOR. LESSEE shall have the responsibility to pay any taxes owed by LESSEE as a result of this Agreement, including but not limited to real estate taxes. LESSEE shall pay any personal property taxes levied against LESSEE's equipment building, base station equipment, and any other personal property of LESSEE.

LESSEE shall have the right, at its sole option and at its sole cost and expense, to appeal, challenge or seek modification of any tax assessment or billing for which LESSEE is wholly or partly responsible for payment. LESSOR shall reasonably cooperate with LESSEE at LESSEE's expense, to the extent that such cooperation is required as the owner of the Property, in filing,

prosecuting and perfecting any appeal or challenge to taxes as set forth in the preceding sentence, including but not limited to, executing any consent, appeal or other similar document. In the event that as a result of any appeal or challenge by LESSEE, there is a reduction, credit or repayment received by the LESSOR for any taxes previously paid by LESSEE, LESSOR agrees to promptly reimburse to LESSEE the amount of said reduction, credit or repayment. In the event that LESSEE does not have the standing rights to pursue a good faith and reasonable dispute of any taxes under this paragraph, LESSOR will pursue such dispute at LESSEE's sole cost and expense upon written request of LESSEE.

8. USE; GOVERNMENTAL APPROVALS. LESSEE shall use the Premises for the purpose of maintaining, repairing and operating a radio communications facility and uses incidental thereto. All improvements, equipment, antennas and conduits have been installed at LESSEE's expense at the discretion and option of LESSEE. LESSEE shall have the right to replace, repair, add or otherwise modify its utilities, equipment, antennas and/or conduits or any portion thereof and the frequencies over which the equipment operates, whether the equipment, antennas, conduits or frequencies are specified or not on any exhibit attached hereto, during the Term, provided such does not increase the number of frequencies used or the tower loading of said Tower, and provided that LESSEE notifies LESSOR of such changes prior to making same. Nothing contained in this Agreement shall be deemed to require LESSOR to issue any governmental certificate, permit or other approval that may be required for any such changes.

9. INDEMNIFICATION. LESSEE shall indemnify and hold harmless LESSOR against any claim of liability or loss from personal injury or property damage resulting from or arising out of the negligence or willful misconduct of LESSEE, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the negligence or willful misconduct of LESSOR, or its employees, contractors or agents.

10. INSURANCE. LESSEE agrees that at its own cost and expense, it will continuously maintain commercial general liability insurance covering LESSEE's work and operations upon the Property with limits not less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $1,000,000 for damage or destruction to property in any one occurrence. LESSEE will include LESSOR as an additional insured.

LESSOR shall maintain general liability insurance insuring against liability for bodily injury, death or damage to personal property with combined single limits of One Million and No/100 Dollars ($1,000,000) as well as all risk property insurance covering all LESSOR fixtures, improvements, and personal property at full replacement value with commercially reasonable deductibles.

Nothing contained in this Agreement shall be deemed to be a waiver of sovereign immunity by LESSOR.

11. LIMITATION OF LIABILITY. Except for indemnification pursuant to paragraphs 9 and 27, neither Party shall be liable to the other, or any of their respective agents, representatives, employees for any lost revenue, lost profits, loss of technology, rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise.

12. ACCESS TO TOWER. Subject to the provisions of paragraph 35, LESSOR agrees the LESSEE shall have free access to the Premises at all times for the purpose of maintaining the said equipment. LESSOR shall furnish LESSEE with necessary means of access for the purpose of ingress and egress to the Premises. It is agreed, however, that only authorized engineers, employees or properly authorized contractors of LESSEE or persons under their direct supervision will be permitted to enter said premises. Upon request by LESSOR, LESSEE shall provide LESSOR with a list of the names and contact information of all such persons authorized to enter the Premises, and shall update such list as changes occur.

13. TOWER COMPLIANCE. LESSOR covenants that it will keep the Tower in good repair as required by all Laws (as defined in Paragraph 31 below). The LESSOR shall also comply with all rules and regulations enforced by the Federal Communications Commission (FCC) with regard to the lighting, marking and painting of towers.

No materials may be used by LESSEE that will cause corrosion or rust or deterioration of the Tower structure or its appurtenances. LESSEE shall not place or store any equipment or materials on the Tower, in the equipment compound or the Property that are not actively in use exclusively for radio communications services as contemplated at this site by this Lease.

All antenna(s) on the Tower must be identified by a marking fastened securely to its bracket on the Tower and all transmission lines are to be tagged at the conduit opening where such lines enter any user's equipment space.

LESSOR hereby agrees that, if because of LESSEE's operations on the Premises, any laws or regulations of the Federal Aviation Administration ("FAA"), FCC or any other relevant governmental agency or body require or recommend that LESSEE's antennas be lit and/or marked, LESSEE shall install and maintain any required lighting and markings. LESSOR will permit LESSEE access to all portions of the Premises that LESSEE may need in order to check and replace such required or recommended lighting or markings.

Not later than fifteen (15) days following the execution of this Agreement, LESSOR shall supply to LESSEE copies of any received structural analysis reports with respect to the Tower and throughout the Term, LESSOR shall supply to LESSEE copies of any future structural analysis reports received with respect to the Tower promptly after the receipt of the same.

14. INTERFERENCE. LESSEE agrees to install equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing

industry standards to any equipment of LESSOR or other users of the Property which existed on the Property prior to the date this Agreement is executed by the Parties and lessees which are co-locating on the Tower simultaneous with LESSEE. LESSEE acknowledges that AT&T Wireless is already co-located on the Tower with LESSEE. In the event any after-installed LESSEE's equipment causes such interference to previously installed equipment of any user of the Property, and after LESSOR has notified LESSEE in writing of such interference, LESSEE will take all commercially reasonable steps necessary to correct and eliminate the interference, including but not limited to, at LESSEE's option, powering down such equipment and later powering up such equipment for intermittent testing. In no event will LESSOR be entitled to terminate this Agreement or relocate the equipment as long as LESSEE is making a good faith effort to remedy the interference issue. LESSOR agrees that LESSOR (except for any public safety equipment of LESSOR) and/or any other tenants of the Property who currently have or in the future take possession of the Property will be permitted to install only such after-installed equipment that is of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to the then existing equipment of LESSEE. The Parties acknowledge that there will not be an adequate remedy at law for noncompliance with the provisions of this Paragraph and therefore, either Party shall have the right to equitable remedies, such as, without limitation, injunctive relief and specific performance. LESSEE further agrees to install FCC type accepted or approved equipment of the type and frequency which will not cause harmful interference which is measurable in accordance with then existing industry standards to any public safety equipment of LESSOR, either existing or later installed on or adjacent to the Property. In the event of such interference to such public safety equipment, LESSEE shall immediately remedy such interference upon notice from LESSOR utilizing the FCC's "Best Practices Guide".

15. REMOVAL AT END OF TERM. LESSEE shall, upon expiration of the Term, or within ninety (90) days after any earlier termination of the Agreement, remove its building(s), antenna(s), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition, reasonable wear and tear and casualty damage not caused by LESSEE'S activities excepted. LESSOR agrees and acknowledges that all of the equipment, conduits, fixtures and personal property of LESSEE shall remain the personal property of LESSEE and LESSEE shall have the right to remove the same at any time during the Term, whether or not said items are considered fixtures and attachments to real property under applicable Laws. If such time for removal causes LESSEE to remain on the Premises after termination of this Agreement, LESSEE shall pay rent at the then existing monthly rate or on the then existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of the building, antenna structure, fixtures and all personal property are completed. In the event LESSOR requires building space upon expiration or earlier termination of this Agreement, LESSEE shall furnish at no cost to LESSOR, upon request, an 11' x 9' building of comparable construction to the LESSEE's Building (according to then current industry standards), on the Premises, with the exact specifications for such building to be agreed upon by the parties at that time.

16. HOLDOVER. LESSEE has no right to retain possession of the Premises or any part thereof beyond the expiration of that removal period set forth in Paragraph 15 herein, unless the Parties are negotiating a new lease or lease extension in good faith. In the event that the Parties are not in the process of negotiating a new lease or lease extension in good faith, and LESSEE holds over in violation of Paragraph 15 and this Paragraph 16, then LESSEE shall be liable to LESSOR for rent at the rate of one hundred-fifty percent (150%) of the rent applicable during the month immediately preceding such expiration or earlier termination or the actual damages suffered by LESSOR as a result of such holdover, whichever is greater.

17. QUIET ENJOYMENT. LESSOR covenants that LESSEE, on paying the rent and performing the covenants herein, shall peaceably and quietly have, hold and enjoy the Premises, subject to the terms of this Agreement.

18. TITLE. LESSOR represents and warrants to LESSEE as of the execution date of this Agreement, and covenants during the Term that LESSOR is seized of good and sufficient title and interest to the Property and has full authority to enter into and execute this Agreement and that there are no liens or judgments affecting LESSOR's title to the same.

19. INTEGRATION. It is agreed and understood that this Agreement contains all agreements, promises and understandings between LESSOR and LESSEE and that no verbal or oral agreements, promises or understandings shall be binding upon either LESSOR or LESSEE in any dispute, controversy or proceeding at law, and any addition, variation or modification to this Agreement shall be void and ineffective unless made in writing signed by the Parties or in a written acknowledgment in the case provided in Paragraph 3. In the event any provision of the Agreement is found to be invalid or unenforceable, such finding shall not affect the validity and enforceability of the remaining provisions of this Agreement. The failure of either Party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights under the Agreement shall not waive such rights and such Party shall have the right to enforce such rights at any time and take such action as may be lawful and authorized under this Agreement, in law or in equity.

20. GOVERNING LAW. This Agreement and the performance thereof shall be governed, interpreted, construed and regulated by the Laws of the State in which the Property is located. Exclusive jurisdiction and venue of any dispute or matters involving litigation between the Parties shall be in the courts of Fluvanna County, Virginia.

21. ASSIGNMENT. This Agreement may be sold, assigned or transferred by the LESSEE without any approval or consent of the LESSOR to the LESSEE's principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of LESSEE's assets in the market defined by the Federal Communications Commission in which the Property is located by reason of a merger, acquisition or other business reorganization. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the LESSOR, which such consent will not be unreasonably withheld, delayed or conditioned. No

change of stock ownership, partnership interest or control of LESSEE or transfer upon partnership or corporate dissolution of LESSEE shall constitute an assignment hereunder. No such sale, assignment or transfer of this Agreement shall release the selling, assigning or transferring LESSEE from the obligations of this Agreement. LESSEE shall not sublet or otherwise allow any third party to occupy any of the Premises without the express written consent of LESSOR, at its sole discretion.

22. NOTICES. All notices hereunder must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

LESSOR: Board of Supervisors of Fluvanna County, Virginia
ATTENTION: County Administrator
P.O. Box 540
132 Main Street
Palmyra, Virginia 22963

LESSEE: USCOC of Virginia RSA #3, Inc.
Attention: Real Estate
8410 West Bryn Mawr, Avenue
Chicago, IL 60631
RE: 768307 Palmyra

Notice shall be effective three (3) days following deposit postage prepaid in the U.S. Mail, if sent by certified mail, return receipt requested, or upon actual receipt or refusal as shown on the courier’s receipt obtained pursuant to the foregoing.

23. SUCCESSORS. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns of the Parties hereto.

24. RECORDING. LESSOR and LESSEE agree to execute a Memorandum of this Agreement acceptable in form to LESSOR, which LESSEE shall record with the appropriate recording officer. In the event the Memorandum of this Agreement is executed prior to the Commencement Date, the date set forth in the Memorandum of Lease shall be for recording purposes only and bears no reference to commencement of either the Term or rent payments. In such event, LESSEE and LESSOR shall execute and LESSEE shall thereafter record an amendment to the Memorandum reflecting the Commencement Date and the date on which the initial term expires.

25. DEFAULT.

a. In the event there is a breach by LESSEE with respect to any of the provisions of this Agreement or its obligations under it, including the payment of rent, LESSOR shall give LESSEE written notice of such breach. After receipt of such written notice, LESSEE shall have fifteen (15) days in which to cure any monetary breach and thirty (30) days in which to cure any non-monetary breach, provided LESSEE shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSEE commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSOR may not maintain any action or effect any remedies for default against LESSEE unless and until LESSEE has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if LESSEE fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by LESSEE if the failure to perform such an obligation interferes with the ability of LESSOR or any other tenant of the Property to conduct its business on the Property, violates any applicable environmental law, or would increase the cost of any fire and extended coverage insurance of Lessor; provided, however, that if the nature of LESSEE's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

b. In the event there is a breach by LESSOR with respect to any of the provisions of this Agreement or its obligations under it, LESSEE shall give LESSOR written notice of such breach. After receipt of such written notice, LESSOR shall have thirty (30) days in which to cure any such breach, provided LESSOR shall have such extended period as may be required beyond the thirty (30) days if the nature of the cure is such that it reasonably requires more than thirty (30) days and LESSOR commences the cure within the thirty (30) day period and thereafter continuously and diligently pursues the cure to completion. LESSEE may not maintain any action or effect any remedies for default against LESSOR unless and until LESSOR has failed to cure the breach within the time periods provided in this Paragraph. Notwithstanding the foregoing to the contrary, it shall be a default under this Agreement if LESSOR fails, within five (5) days after receipt of written notice of such breach, to perform an obligation required to be performed by LESSOR if the failure to perform such an obligation interferes with LESSEE's ability to conduct its business on the Property; provided, however, that if the nature of LESSOR's obligation is such that more than five (5) days after such notice is reasonably required for its performance, then it shall not be a default under this Agreement if performance is commenced within such five (5) day period and thereafter diligently pursued to completion.

26. REMEDIES. Upon a default, the non-defaulting Party may at its option (but without obligation to do so), perform the defaulting Party's duty or obligation on the defaulting Party's behalf, including but not limited to the obtaining of reasonably required insurance policies. The costs and expenses of any such performance by the non-defaulting Party shall be due and payable

by the defaulting Party upon invoice therefor. In the event of a default by either Party with respect to a material provision of this Agreement, without limiting the non-defaulting Party in the exercise of any right or remedy which the non-defaulting Party may have by reason of such default, the non-defaulting Party may terminate the Agreement and/or pursue any remedy now or hereafter available to the non-defaulting Party under the Laws or judicial decisions of the state in which the Premises are located; provided, however, each Party shall use reasonable efforts to mitigate its damages in connection with a default by the other Party.

27. ENVIRONMENTAL.

a. LESSOR will be responsible for all obligations of compliance with any and all environmental and industrial hygiene laws, including any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene conditions or concerns as may now or at any time hereafter be in effect, that are or were in any way related to activity now conducted in, on, or in any way related to the Tower or Property, unless such conditions or concerns are caused in whole or in part by the activities of LESSEE at the Premises.

b. Both LESSOR and LESSEE shall hold the other harmless and indemnify the other from and assume all duties, responsibility and liability, at each party's sole cost and expense, for all duties, responsibilities, and liability (for payment of penalties, sanctions, forfeitures, losses, costs, or damages) and for responding to any action, notice, claim, order, summons, citation, directive, litigation, investigation or proceeding which is in any way related to: a) failure to comply with any environmental or industrial hygiene law relating to the Tower or Property, including without limitation any regulations, guidelines, standards, or policies of any governmental authorities regulating or imposing standards of liability or standards of conduct with regard to any environmental or industrial hygiene concerns or conditions as may now or at any time hereafter be in effect, except to the extent that such non-compliance results from concerns or conditions caused in whole or in part by the other party; and (b) any environmental or industrial hygiene conditions arising out of or in any way related to the condition of the Tower or Property or activities conducted thereon by each respective party, except to the extent that such conditions are caused in whole or in part by the other party's activities at Tower or Property. Notwithstanding anything to the contrary contained in this Section, LESSEE shall have no responsibility, duty or obligation hereunder with respect to or by reason of any environmental or industrial hygiene conditions present or located at or on or upon or the Tower or Property (or any part thereof) as of the date of this Lease

28. CASUALTY. In the event of damage by fire or other casualty to the Tower or Premises not the fault of LESSEE that cannot reasonably be expected to be repaired within forty-five (45) days following same or, if the Property is damaged by fire or other casualty so that such damage may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, then LESSEE may, at any time following such fire or other casualty, provided LESSOR has not completed the restoration required to permit LESSEE to resume its

operation at the Premises, terminate this Agreement upon fifteen (15) days prior written notice to LESSOR. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement. Notwithstanding the foregoing, the rent shall abate during the period of repair following such fire or other casualty in proportion to the degree to which LESSEE's use of the Premises is impaired. In addition, in the event of damage to the Tower or Property by fire or other casualty, if LESSOR determines that the Tower is no longer needed as a public safety facility or that repair or restoration of the Tower or Property is impracticable, LESSOR may, at any time following such fire or other casualty, terminate this Agreement upon fifteen (15) days prior written notice to LESSEE. Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment, as of such termination date, with respect to payments due to the other under this Agreement.

29. CONDEMNATION. In the event of any condemnation of all or any portion of the Premises, this Agreement shall terminate as to the part so taken as of the date the condemning authority takes title or possession, whichever occurs first. If as a result of a partial condemnation of the Premises or Tower, LESSEE, in LESSEE's sole discretion, is unable to use the Premises for the purposes intended hereunder, or if such condemnation may reasonably be expected to disrupt LESSEE's operations at the Premises for more than forty-five (45) days, LESSEE may, at LESSEE's option, to be exercised in writing within fifteen (15) days after LESSOR shall have given LESSEE written notice of such taking (or in the absence of such notice, within fifteen (15) days after the condemning authority shall have taken possession) terminate this Agreement as of the date the condemning authority takes such possession. LESSEE may on its own behalf make a claim in any condemnation proceeding involving the Premises for losses related to the equipment, conduits, fixtures, its relocation costs and its damages and losses (but not for the loss of its leasehold interest). Any such notice of termination shall cause this Agreement to expire with the same force and effect as though the date set forth in such notice were the date originally set as the expiration date of this Agreement and the Parties shall make an appropriate adjustment as of such termination date with respect to payments due to the other under this Agreement. If LESSEE does not terminate this Agreement in accordance with the foregoing, this Agreement shall remain in full force and effect as to the portion of the Premises remaining, except that the rent shall be reduced in the same proportion as the rentable area of the Premises taken bears to the total rentable area of the Premises.

30. SUBMISSION OF AGREEMENT/PARTIAL INVALIDITY/AUTHORITY. The submission of this Agreement for examination does not constitute an offer to lease the Premises and this Agreement becomes effective only upon the full execution of this Agreement by the Parties. If any provision herein is invalid or unenforceable, it shall be considered deleted from this Agreement and shall not invalidate the remaining provisions of this Agreement. Each of the Parties hereto warrants to the other that the person or persons executing this Agreement on behalf

of such Party has the full right, power and authority to enter into and execute this Agreement on such Party's behalf and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Agreement.

31. APPLICABLE LAWS. During the Term, LESSOR shall maintain the Property and all structural elements of the Tower in compliance with all applicable laws, rules, regulations, ordinances, directives, covenants, easements, zoning and land use regulations, and restrictions of record, permits, building codes, and the requirements of any applicable fire insurance underwriter or rating bureau, now in effect or which may hereafter come into effect (including, without limitation, the Americans with Disabilities Act and laws regulating hazardous substances) (collectively "Laws"). Provided, however, that LESSEE shall at all times, at LESSEE's sole cost and expense, comply with (a) all Laws applicable to LESSEE's use of the Premises; and (b) all building codes requiring modifications to the Tower or Premises due to the improvements being made by LESSEE in the Premises.

32. SURVIVAL. The provisions of the Agreement relating to indemnification from one Party to the other Party shall survive any termination or expiration of this Agreement. Additionally, any provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

33. CAPTIONS. The captions contained in this Agreement are inserted for convenience only and are not intended to be part of the Agreement. They shall not affect or be utilized in the construction or interpretation of the Agreement.

34. COMMUNICATIONS FACILITIES OF LESSOR AND OTHER TENANTS. LESSOR may from time to time operate governmental communications facilities, including but not limited to public safety equipment, on the Tower. In addition, LESSOR may permit operations on the Tower from time to time by one or more other tenants. LESSEE's use of the Tower Space and the Land Space shall be non-exclusive of the use of the Tower and the Property by LESSOR and/or other tenants, whether commercial or non-commercial, whose use may include but shall not be limited to, attachment of antennas to the Tower at any unoccupied attachment locations not inconsistent with the specifications set forth in Exhibits B and C hereto, installation of any and all lines, anchors, connections, devices, equipment and line bridge facilities for operation of the antennas and connection to ground equipment, and construction of one or more equipment shelters for use in connection with such antennas and equipment. LESSEE's lines, conduits, connections, devices, and equipment between the Tower Space and the Land Space shall be located so as to accommodate the possibility of such operations by the LESSOR and one or more other tenants, (including AT&T Wireless) and so as not to unreasonably disturb or prevent such operations. LESSEE agrees to cooperate with LESSOR in connection with the addition or installation of equipment for other communications facilities on the Tower.

35. PUBLIC SAFETY FACILITY; PROTECTION OF PUBLIC. LESSEE acknowledges that LESSOR is a political subdivision of the Commonwealth of Virginia and that

the Property and Tower are first and foremost a public safety facility, supporting activities including but not limited to LESSOR's public safety communications installation and a fire station, serving citizens of the County of Fluvanna. The Property and Tower are currently subject to certain security measures, including security fencing. Notwithstanding any other provision of this Agreement, at no time shall LESSEE's activities at the Premises interfere with such operation of the Property and Tower or violate any Laws relating to such operation. LESSOR reserves the right to construct, repair, maintain, modify, improve, replace and operate the Tower as part of LESSOR's public safety facility as LESSOR sees fit, in LESSOR's sole discretion, provided however, that LESSOR will endeavor to minimize the impact, interference or interruption to LESSEE of any such activity. LESSEE specifically acknowledges that the Property and Tower may be included in LESSOR's public safety program and that LESSOR may be required by Laws or may determine in its sole discretion that it is necessary for LESSOR to institute increased security measures for the Property and/or Tower at a later time and from time and time in order to protect against actual or potential threats. Such measures may include but shall not be limited to requiring that the Property, the Tower and any easements be secured in a manner permitting the access to be opened only by LESSOR's designee and/or requiring that any person accessing the Premises by or on behalf of LESSEE be accompanied by LESSOR's designee. LESSOR shall promptly notify LESSEE of any change in security measures that would affect LESSEE's free access to the Premises, shall provide LESSEE with instructions as to how access to the Premises shall be provided to LESSEE, and shall to the extent reasonably possible and upon reasonable notice, provide LESSEE with access to the Premises seven (7) days a week, twenty-four (24) hours a day in the event of emergency and during normal business hours for routine operations.

36. ATTORNEY'S FEES. In the event of any litigation arising under this Agreement, the substantially-prevailing party shall be entitled to recover its costs and expenses, including reasonable attorney's fees, incurred from time to time and at all levels of proceedings, including but not limited to appeals, collections and bankruptcy.

37. DUPLICATE ORIGINALS. This Agreement is executed in duplicate originals, either of which shall be equally authentic.

SIGNATURE PAGE IMMEDIATELY FOLLOWING

IN WITNESS WHEREOF, the Parties hereto have set their hands and affixed their respective seals the day and year first above written.

LESSOR:
BOARD OF SUPERVISORS OF FLUVANNA COUNTY, VIRGINIA

By: _____

Print Name: _____

Title: _____

Date: _____

LESSEE: USCOC of Virginia RSA #3, Inc.

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM:

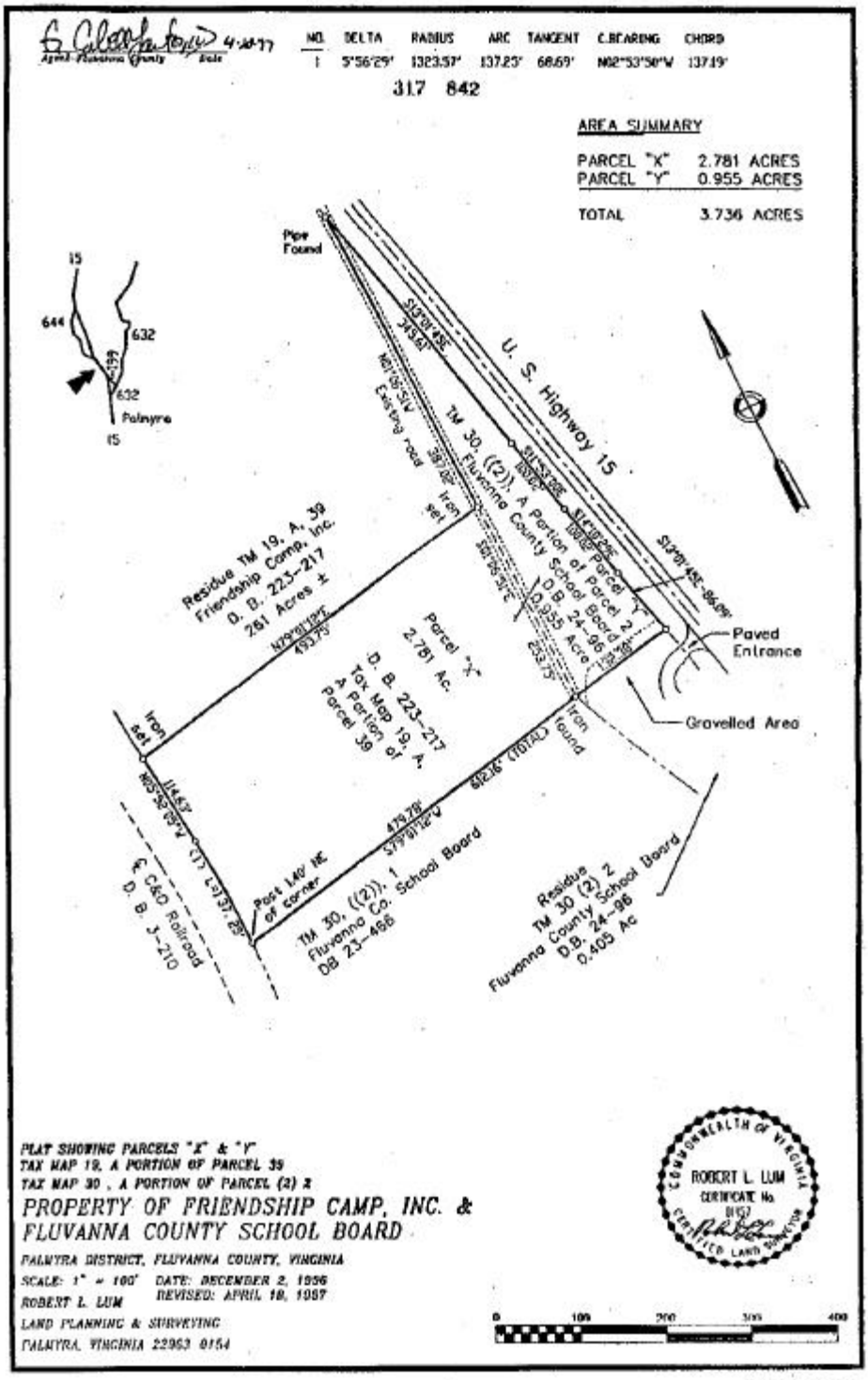
_____
FLUVANNA COUNTY ATTORNEY

USC Site Name: Palmyra

USC Site #: 768307
Lease USC _____

EXHIBIT "A"

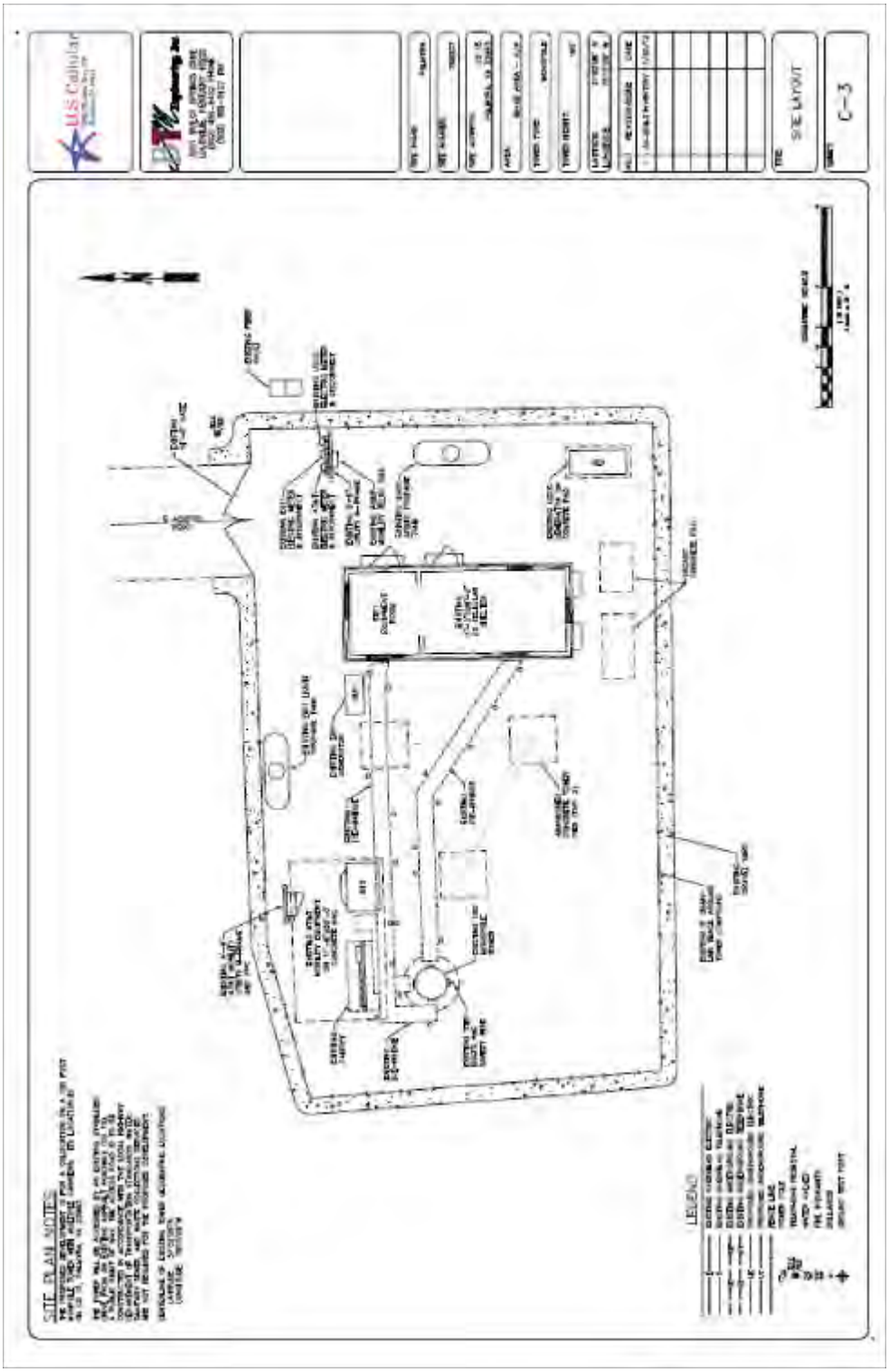
Plat of "Property"



USC Site Name: Palmyra

USC Site #: 768307
Lease USC _____

EXHIBIT "B"
LESSEE's Site Plan



USC Site Name: Palmyra

USC Site #: 768307
Lease USC _____

EXHIBIT "C"

Equipment List installed by LESSEE
within LESSEE Premises

(1) 11' 3" x 28' 0" Equipment Shelter
(2) Backup Emergency Generator
(3) Propane Fuel Tank
(4) Ice Bridge
(5) Twelve (12) Amphenol Panel Antennas 94.6 x 11.2 x 5.1 in @ 24 lbs
Operating frequency: 800 cellular A band
(6) One (1) Commscope PAR6-6' Dish with Radome Weight 679 lbs
Operating frequency: 6785 MHz Transmit, 6625 MHz Receive
(6) Three (3) 15' T-Frames with suspended work platforms
(7) Twelve runs of 1 5/8? coax

USC Site Name: Palmyra

USC Site #: 768307
Lease USC _____

EXHIBIT "D"
Floor Space Lease

1. **Demise of Lessor's Floor Space.** Lessee hereby lets and demises unto Lessor, and Lessor hereby receives and accepts from Lessee, the following described Premises shown on the attached sketch as "E911 Equipment Room": approximately 10 foot 6 inches by eight foot 4 inches area of partitioned floor space, with a separately keyed entrance, to serve as Lessor's radio room inside Lessee's Building ("Lessor's Floor Space").

2. **Use of Lessor's Floor Space.** Lessor shall be entitled to use the Premises as a radio room housing the ground equipment used for the operation of governmental communications facilities. Lessor shall be entitled to install its lines and other equipment related to its antennas in Lessee's Building to connect the equipment housed in Lessor's Floor Space with Lessor's antennas. Lessor shall be entitled to change or add to its equipment and installed appurtenances, as desired by Lessor in connection with its uses of the Tower. Lessor's use of the Lessor's Floor Space shall at all times comply with and conform to all governmental laws and regulations applicable thereto.

3. **Assignment.** Lessor shall neither assign the Lessor's Floor Space rights and obligations nor sublet any portion thereof.

4. **Taxes.** Lessee shall be responsible for any and all taxes levied against its personal property. Lessor is a political subdivision of the Commonwealth of Virginia and exempt from taxation.

5. **Maintenance and Repairs.** Lessor shall be responsible for the maintenance of Lessor's equipment within the Lessor's Floor Space. Lessee shall be responsible for maintenance and repair of Lessee's Building, including that portion included in the Lessor's Floor Space.

6. **Security.** Lessee shall provide Lessor with a separate key to Lessor's Floor Space. Lessor covenants and agrees that only Lessor's authorized personnel and agents shall be permitted to enter Lessor's Floor Space on Lessor's behalf, and only in furtherance of a specific business purpose which avoids physical contact with the operating equipment of the Lessee.

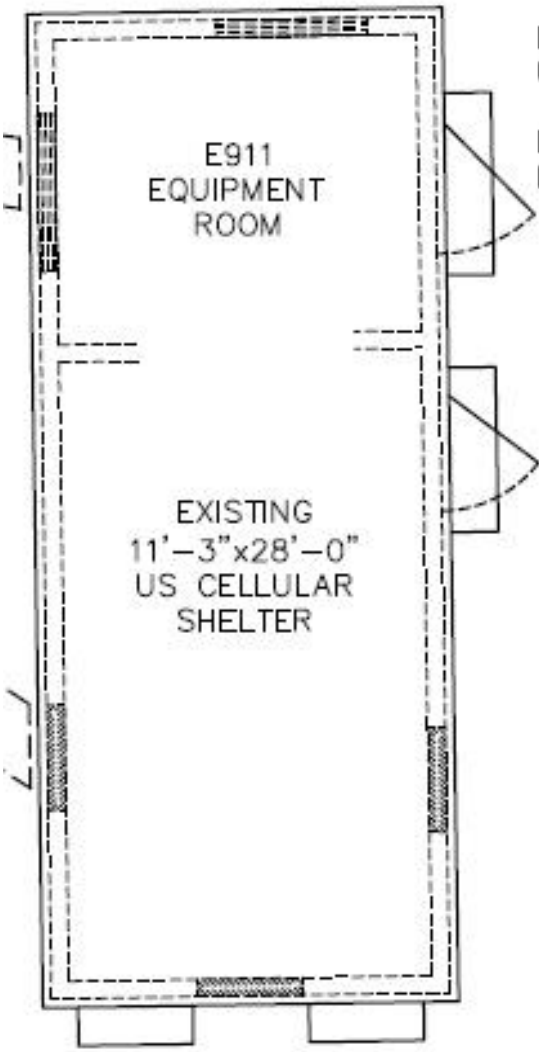
7. **Identification of Personnel.** Lessor and Lessee shall each keep the other party currently advised in writing of the names and telephone numbers of at least two persons who may be contacted regarding their respective operations at the Site.

8. **Compliance with Law.** Lessor agrees to comply with all applicable laws and regulations, and to obtain and keep in force all authorizations required for its operations.

9. **Insurance.** Lessor shall deliver to Lessee and continuously maintain current a certificate of insurance naming Lessee as an additional insured and evidencing that Lessor possesses statutory and commercially prudent limits of coverage against workers' compensation, public liability, and property damage claims and losses.

10. **Lessee's Building Destruction.** In the event that the Lessee's Building is destroyed or substantially damaged by casualty, unless the Tower and Ground Space Lease between Lessee and Lessor is otherwise terminated in accordance with its terms, Lessee shall promptly undertake all necessary work to repair and restore the Building, and upon completion thereof, Lessor shall reoccupy the Building under the terms and conditions contained herein.

11. **Surrender.** Lessor's equipment is agreed to be Lessor's personal property, and Lessor shall at all times be authorized to remove the same from the Premises. Within thirty (30) days following the expiration or earlier termination of the Tower and Ground Space Lease, Lessor shall peaceably remove all of Lessor's property from Lessee's Building and surrender the same to Lessee in substantially the same condition as existed prior to Lessor's occupancy thereof, reasonable wear and tear excepted.



BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	SUP 12:02 – Clear Signal Towers, LLC (Hardware River)
MOTION(s):	**I move that the Board of Supervisors [approve/deny] SUP 12:02, a special use permit request to allow the construction of a 175-foot monopole telecommunications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94 (if approved) subject to the conditions listed in the staff report.**
STAFF CONTACT:	Andrew J. Pompei (Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	This item is a request for a Special Use Permit (SUP) to allow for a 175-foot wireless telecommunications tower (reduced from 195 feet per the original application) to be located on Tax Map 48, Section A, Parcel 94 (71.46 acres). The subject property is in the southwestern portion of Fluvanna County, on the north side of West River Road (State Route 6) 1.3 miles west of its intersection with Hardware Road (State Route 646). On June 27, 2012, the Planning Commission recommended **approval** of SUP 12:02, subject to the conditions listed in the staff report (Vote: 3-0-1; Babbitt abstained, Halstead absent).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	The Board of Supervisors may: • Approve this request, allowing the applicant to construct a 175-foot wireless telecommunications tower; OR • Deny this request, preventing construction of the facility; OR • Defer this request and make a final decision at a later date.
LEGISLATIVE HISTORY:	Review of a proposed telecommunications facility in accordance with Chapter 22, Article 26 of the Fluvanna County Code (Zoning Ordinance: *Regulation of Telecommunications Facilities*). Application was received on March 12, 2012. Planning Commission reviewed the request on June 27, 2012. Applicant deferred Board of Supervisors public hearing scheduled for July 18, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 12:02
Tax Map: 48(A)94

From: Andrew Pompei
District: Cunningham
Date: November 20, 2012

General Information: This request is to be heard by the Board of Supervisors Tuesday, November 20, 2012 at 7:00 pm in the Circuit Courtroom of the Fluvanna County Courts Building.

Applicant: Clear Signal Towers, LLC

Requested Action: A request for a Special Use Permit (SUP) to allow for a 175-foot wireless telecommunications tower (reduced from 195 feet per the original application) with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94 (Attachment A).

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Residential

Zoning Ordinance: Article 27: *Regulation of Telecommunications Facilities*

Location: The affected property is located on the north side of West River Road (State Route 6) 1.3 miles west of its intersection with Hardware Road (State Route 646) (Attachment B).

Existing Land Use: The property consists of managed timberland, most of which is planted with loblolly pines.

Adjacent Land Use: The surrounding area is largely undeveloped, with a few scattered residences nearby. Thistle Gate Vineyard, a farm winery, is located immediately east of the subject property.

Zoning History: No previous zoning activities

Analysis

The applicant has requested a Special Use Permit (SUP) to allow the construction of a 175-foot monopole-type telecommunications tower on Tax Map 48, Section A, Parcel 94. The tower will be constructed within a 10,000 square foot (100' x 100') compound that will also house the

necessary ground equipment. Clear Signal Towers, LLC has a signed lease agreement with AT&T to use the proposed tower, which has been submitted with the application (Attachment C).

Two (2) general guidelines are used when evaluating a request for a Special Use Permit (SUP), as set forth in the Fluvanna County Zoning Ordinance (Sec. 22-17-4D).

First, the proposed use should not tend to change the character and established pattern of the area or community.

Character of Surrounding Area

The proposed tower is located in the southwestern portion of the county off of State Route 6 (West River Road), near the Hardware River. The surrounding area is largely undeveloped and retains its rural, scenic character. A few scattered homes are located along existing roadways, interspersed amongst forests and open fields. Thistle Gate Vineyard, Fluvanna County's first winery, is located immediately east of the subject property, along the Hardware River.

Based on the submitted balloon tests and photosimulations, the tower will not be easily visible from adjacent properties, protecting the rural character of the area. To further reduce the tower's visibility, the applicant has agreed to reduce the proposed height from 195 feet to 175 feet.

State Route 6: Designated Virginia Byway

The visual impacts to State Route 6 should be considered, since the road is a designated Virginia Byway. According to the Virginia Department of Transportation (VDOT), roads may be designated as Virginia Byways if they meet the following criteria:

- The route provides important scenic values and experiences;
- There is a diversity of experiences, as in transition from one landscape scene to another;
- The route links together or provides access to scenic, historic, recreational, cultural, natural and archeological elements;
- The route bypasses major roads or provides opportunities to leave high-speed routes for variety and leisure in motoring. Landscape control or management along the route is feasible;
- The route allows for additional features that will enhance the motorist's experience and improve safety; and
- The local government has initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway.

Due to local topography and the existing vegetation, the tower is not easily visible from State Route 6 or adjacent properties (Attachment D). Since the tower compound is located in a heavily-wooded area nearly 1,000 feet from the right-of-way, the tower's base and accompanying structures will not be visible (if the vegetation remains as-is).

Relationship with the Wireless Telecommunications Facilities Master Plan

According to the *Wireless Telecommunications Facilities Master Plan*, there are no existing towers in the area (Attachment D). The closest two (2) existing towers are located more than three (3) miles away (110' monopole-type tower at Cunningham Elementary School; guyed tower at Transco: Fluvanna Station). A 195' monopole-type tower was approved in 2011 approximately 1.75 miles west of the site, at the Veterans of Foreign Wars (VFW) Post 8169 (SUP 11:03); that tower has not been constructed, but a site plan has been submitted. Figure 40 of the plan shows that, with the construction of the proposed E911 telecommunications facilities and new towers on publicly-owned properties, the area may receive adequate coverage (Attachment E). The *Wireless Telecommunications Facilities Master Plan* does not designate the tower site as a proposed emergency service location.

Several other towers are being proposed along State Route 6 by Clear Signal Towers (SUP 12:01, SUP 12:03) and another company (SUP 12:07) (Attachment F).

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Zoning

The subject property and all adjoining parcels are zoned A-1 (Agricultural, General). The A-1 zoning district is intended to accommodate limited residential development, as well as small-scale commercial and industrial uses that are directly related to agriculture, forestry, and other traditionally rural uses. Non-concealed freestanding telecommunications antennas require a special use permit within A-1 districts.

Sec. 22-27-7 of the Fluvanna County Zoning Ordinance establishes a preferred hierarchy for the siting of towers:

- The use of publicly-owned properties is preferential to the use of privately-owned properties for the installation of telecommunications facilities; and
- The co-location of telecommunications facilities on existing structures, and the visual concealment of such facilities, is preferential to the construction of freestanding, non-concealed antenna support facilities (e.g. monopoles, lattice towers, etc.).

In its report (May 9, 2012), CityScape Consultants stated that there are no existing antenna support facilities in the area that would allow carriers to provide the same level of service as the proposed monopole. The applicant provided a letter from AT&T stating that no options higher on the siting hierarchy are feasible (Attachment G).

If this request were approved, the applicant will be required to submit a site development plan for review, in accordance with Article 23: *Site Development Plans* of the Fluvanna County Zoning Ordinance (Attachment A).

Relationship to Neighboring Properties

The proposed tower will be more than one-quarter (¼) mile from the nearest residence. Existing vegetation effectively screens the tower compound from State Route 6 and adjoining properties. Based on the balloon test, the tower itself will not be easily visible from adjacent parcels.

Since the subject property is managed timberland, clear-cutting the parcel would likely make the tower more visible to adjacent properties, including Thistle Gate Vineyards. To address this issue, the applicant and property owner have agreed to leave a sixty-foot (60') wide vegetated buffer along a portion of the property adjacent to Thistle Gate Vineyards.

Comprehensive Plan

According to the Comprehensive Plan, the subject property is designated for rural residential uses. Rural residential areas are intended to retain their rural character, with limited residential development permitted in clusters that maximize the amount of open space preserved. Generally, residential densities may be up to one unit per two acres.

The *Infrastructure* chapter of the Comprehensive Plan includes several recommendations regarding the siting and design of telecommunications facilities (page 110):

- Minimize the impacts of wireless communications facilities on surrounding areas;
- Encourage the location and co-location of wireless communication equipment on existing structures;
- Accommodate the growing need and demand for wireless communication services;
- Encourage coordination between communication providers;
- Establish consistent and balanced legal language governing wireless communications facilities that take into consideration the Comprehensive Plan and communications master plan; and
- Maintain compliance with applicable laws, including but not limited to the 1996 Telecommunications Act.

The *Community Design* chapter of the Comprehensive Plan also addresses the design and siting of telecommunications facilities. The plan encourages developers to use innovative design techniques to minimize the visual impact of new facilities (page 73).

Neighborhood Meeting

The neighborhood meeting was held on May 9, 2012. George and Leslie Cushnie, owners of Thistle Gate Vineyards (which lies immediately adjacent to the subject property), commented on the request. They were concerned with the visual impact the proposed tower would have on their property, especially if the existing trees were removed. Since the property is managed timberland, there is a high likelihood that the trees will be harvested, exposing the tower. Although the balloon test was not easily visible from the vineyards themselves, it was visible from the upper levels of their home, compromising views to the Blue Ridge Mountains. The

Cushnies are concerned that patrons would not be willing to visit the winery, if a large tower is visible.

Between the neighborhood meeting and the Planning Commission's public hearing, the Cushnies worked with the property owner and applicant to reach a compromise intended to satisfy all parties involved. The applicant and property owner agreed to the following conditions (Attachment H):

- Reduce the height of the proposed tower from 195 feet to 175 feet; and
- Retain a forested buffer at least 60 feet in width along a portion of the boundary between the subject property (Tax Map 48(A)94) and the Cushnie property (Tax Map 48(1)3).

Technical Review Committee

The Technical Review Committee (TRC) meeting was held on May 10, 2012. The following comments were made:

1. Virginia Department of Transportation (VDOT):

   The proposed entrance on State Route 6 must conform to the design standards for a low-volume commercial entrance.

2. Planning Commission:

   Members were interested in how the proposed site relates to the *Wireless Telecommunications Facilities Master Plan*, which will be described by CityScape Consultants. They also asked the applicant to provide a vicinity map that better shows the site's relationship to the surrounding area.

3. Fire Department:

   The Fire Department was interested in how the proposed site relates to the *Wireless Telecommunications Facilities Master Plan*. The Fire Department would like to have the ability to locate equipment on proposed tower, if the need arises.

4. Health Department:

   The proposed tower will not impact existing buildings, water or sewage systems.

5. Central Virginia Electric Cooperative (CVEC):

   Electricity is available along State Route 6.

Some of the TRC comments are attached to this staff report (Attachment J).

Planning Commission

On June 27, 2012, the Planning Commission recommended **approval** of SUP 12:02, subject to the conditions listed in the staff report (Vote: 3-0-1; Babbitt abstained, Halstead absent).

No members of the public spoke regarding this request.

In a response to a question from the Planning Commission, the applicant stated that, if the towers are approved, construction would likely begin in six (6) to eight (8) months, following additional study and permitting.

Board of Supervisors

This request was scheduled for a public hearing on July 18, 2012, but the applicant has deferred to the current meeting (November 20, 2012).

Consultant's Recommendation

CityScape Consultants, Inc. has reviewed this request (Attachment K). The consultants stated that:

1. The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service and alleviate a signal coverage issue;
2. AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore, the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and
3. The proposed site is supported by the *Wireless Telecommunications Facilities Master Plan.*

CityScape Consultants, Inc. recommends that the application by approved with the following conditions:

1. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
2. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
3. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
4. The Applicant shall obtain all necessary County permits prior to any work on the site;
5. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
6. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation.

The report by CityScape Consultants was prepared prior to the applicant stating that the proposed tower's height would be reduced from 195 feet to 175 feet. CityScape Consultants said that this change does not affect their recommendation.

Conclusion

According to CityScape Consultants, this request generally adheres to the guidelines set forth within the *Wireless Telecommunications Facilities Master Plan*. The proposed tower would improve coverage in an area with poor service. The applicant has made efforts to mitigate the visual impact of the proposed tower on State Route 6, a Virginia Byway, and Thistle Gate Vineyard, Fluvanna County's first winery. A non-concealed monopole is one of the lowest design options on the established siting hierarchy (Sec. 22-27-7); CityScape Consultants and the applicant have stated that there are no other reasonable siting options within the area.

In reviewing this request, the Board of Supervisors should consider how the proposed tower:

- Conforms with the *Wireless Telecommunications Facilities Master Plan*;
- Improves telecommunications infrastructure within Fluvanna County; and
- Impacts the rural character, and associated tourism potential, of the surrounding area.

If approved, staff recommends that the following conditions be imposed (Note: Additions made since the Planning Commission public hearing are noted by italics, while deletions are noted with strikethroughs):

1. The tower, including antennae, will not be higher than 179 feet and will not be lit;
2. The tower shall be ~~in the same location~~ *constructed substantially* as shown in the application;
3. The applicant will retain a forested buffer of no less than sixty feet (60') in width on Tax Map 48(A)94 along its boundary with Tax Map 48(1)3, from State Route 6 to iron set "B" as shown on the plat recorded in Plat Book 2, Page 181 at the Clerk's Office of the Circuit Court of Fluvanna County;
4. The applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
5. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
6. The applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
7. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
8. The applicant shall obtain all necessary County permits prior to any work on the site;
9. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife;
10. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
11. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;

12. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition *in accordance with Sec. 22-27-5 of the County Code*;
13. Violation of any condition of this permit shall be grounds for revocation of this permit; and
14. *The Board of Supervisors, or its representatives, has the right to inspect the property for compliance with these conditions at any time; and*
15. *The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.*

Suggested Motion

I move that the Board of Supervisors [**approve/deny]** SUP 12:02, a special use permit request to allow the construction of a 175-foot monopole telecommunications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94 (if approved) subject to the conditions listed in the staff report.

Attachments

A. Application Package (Amended June 27, 2012)
B. Aerial Vicinity Map
C. Signature Page of Lease Agreement (Clear Signal Towers, LLC & New Cingular Wireless PCS, LLC)
D. Applicant's Photosimulations
E. Map of Existing Sites, Proposed Sites, and Projected Fill-In Locations (Figure 40: *Wireless Telecommunications Facilities Master Plan)*
F. Map of Proposed Telecommunications Facilities along State Route 6 West (Fall 2012)
G. Siting Hierarchy Justification from AT&T
H. Correspondence with Adjoining Property Owners (George & Leslie Cushnie)
I. Correspondence from Owner of the Subject Property (C. Michael Gray)
J. Technical Review Committee (TRC) Comments
K. Consultant's Report

Copy

Owner:	C. Michael Gray, 390 Windy Ridge Road, Scottsville, VA 24590
Applicant:	Clear Signal Towers, LLC, Dorothy Brunetti, 1801 Libbie Avenue, Suite 201, Richmond, VA 23226
Consultant:	CityScape Consultants, 7050 W. Palmetto Park Road #15-652, Boca Raton, FL 33433

Hardware River
VA9032/CV444

ATTACHMENT A

Received
MAR 12 2012
Fluvanna County

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Special Use Permit (SUP)

Owner of Record: C. Michael Gray
E911 Address: 390 Windy Ridge Rd, Scottsville, VA
Phone: Fax: N/A
Email: N/A

Applicant of Record: Clear Signal Towers, LLC
E911 Address: 1801 Libbie Ave, Suite 201, Richmo
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Representative: Dorothy Brunetti
E911 Address: 1801 Libbie Ave, Suite 201, Richmond
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ○ No ✓ Yes
If Yes, what district: 04

Tax Map and Parcel(s): 48-A-94
Deed Book Reference: 609-628
Acreage: 71.46 **Zoning:** AFD
Deed Restrictions? ✓ No ○ Yes (Attach copy)
Request for a SUP in order to: Construct a tower
Proposed use of Property: Wireless Telecom Facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 3/1/12 Signature of Owner/Applicant: [signature]

Subscribed and sworn to before me this 1st day of March, 20 12 Register # 7273598

My commission expires: My Commission Expires October 31, 2013 Notary Public: Pamela Ann Page

Certification: Date: Zoning Administrator: Darren Coffey

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: 3-12-12	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: SUP 12:002
$800.00 fee plus mailing costs paid:		Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: $400.00 fee plus mailing costs paid:			
Telecommunications Tower $1,500.00 fee plus mailing costs paid:		$5,500 w/Consultant Review paid: CK # 2334	
Election District: Cunningham		Planning Area: Rural Residential	

Public Hearings			
Planning Commission		**Board of Supervisors**	
Advertisement Dates:	June 14th + 21st	Advertisement Dates:	July 5th + 12th
APO Notification:	June 13, 2012	APO Notification:	July 4, 2012
Date of Hearing:	June 27, 2012	Date of Hearing	July 18, 2012
Decision:		Decision:	

Received
MAR 1 2 2012

VA9032/CV444
Hardware River

Fluvanna County Fluvanna County Virginia
Communications Facility Application Checklist

Date Submitted: 11/1/11

APPLICANT'S NAME: Clear Signal Towers, LLC
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
PROPERTY OWNER: _____ Phone: _____
APPLICANT'S CONTACT: Dorothy Brunetti
Address 1801 Libbie Ave, Suite 201, Richmond VA 23226
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
Lessor/Licensor Contact Information:
Name: C. Michael Gray
Address: Virginia Byway, Scottsville, VA 24590
Phone: _____ FAX: N/A E-mail: N/A

Commercial Wireless Provider AT&T

New Structure: Yes [✓] No [ ] Co-location: Yes [ ] No [✓] Water Tower: Yes [ ] No [✓]

Replace Existing Structure: Yes [ ] No [✓] Replacement (upgrade) of existing antennas Yes [ ] No [✓]

Stealth Attached Facility: Yes [ ] No [✓] New Stealth Antenna Support Structure: Yes [ ] No [✓]

FACILITY INFORMATION:

Site Address: Virginia Byway, Scottsville VA 24590
Latitude (NAD83): 37-47-35.5 Longitude (NAD83): 78-24-47.9
Ground Elevation (AMSL) (ft): 385' Total Height of Tower: (AGL) (ft) [redacted] 175 DB
RAD Center (ft): [redacted] 175' DB
TAX Parcel Identification Number: 48-A-94
Present Zoning of Property: AFD
Land Use and Description of Property: _____
FCC Antenna Structure Registration Number (ASR) (if applicable): N/A

The following must be enclosed with this application:

1. A map (electronic preferable) of the same search ring submitted and used by the applicant's site locator;
2. A map (electronic preferable) indicating applicant's existing RF signal propagation;
3. A map (electronic preferable) indicating applicant's proposed new RF signal propagation;
4. A statement (electronic preferable) from a qualified individual that the applicant will comply with all FCC rules regarding human exposure to RF energy, along with the individual's qualifications;
5. A statement (electronic preferable) from the applicant that the applicant will comply with all applicable FCC rules regarding radio-frequency interference;
6. A statement (electronic preferable) that the submitted search ring is the same as utilized in the selection of the site;
7. Complete plans of the proposed facility to include a structural certification by a Registered Professional Engineer that the facility complies with applicable Federal, State and Buckingham County building codes.

Please Note: Supplemental information may be requested for purposes of clarity or confirmation.

Clear Signal Towers, LLC

HARDWARE RIVER
VA9032

VIRGINIA BYWAY
SCOTTSVILLE, VA 24590

PROJECT DESCRIPTION:

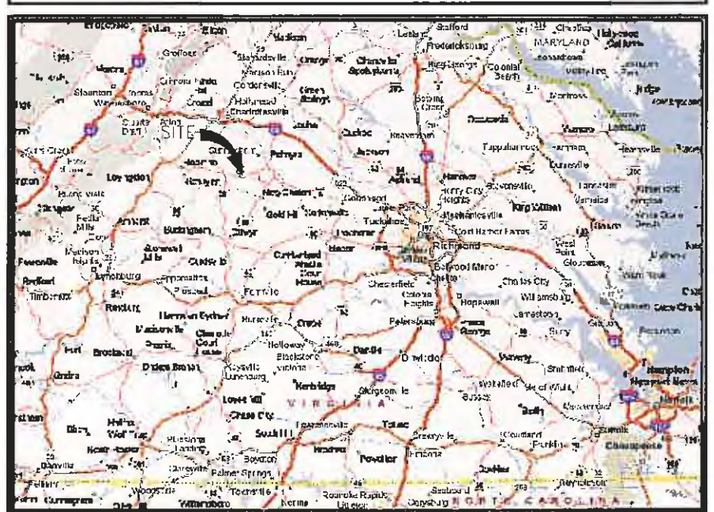
INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT

DIRECTIONS TO SITE:

FROM RICHMOND.
TAKE I-64 W TO EXIT 167 AND TURN RIGHT ONTO US-250. TURN LEFT ONTO FAIRGROUND RD AND THEN LEFT ONTO US-522. TURN RIGHT ONTO SR-6 AND FOLLOW FOR APPROXIMATELY 20 MILES. TURN RIGHT US-15 AND FOLLOW FOR APPROXIMATELY 4 MILES AND TURN LEFT ONTO BETHEL CHURCH RD. TURN RIGHT ONTO SR-6 AND FOLLOW FOR APPROXIMATELY 5 MILES. TURN RIGHT ONTO ACCESS ROAD AND FOLLOW TO SITE.

LOCAL MAP

NOT TO SCALE



VICINITY MAP

NOT TO SCALE

N

N

2 WORKING DAYS BEFORE YOU DIG
1-800-552-7001
TOLL FREE
MISS UTILITY

APPROVAL

SAI SITE ACQUISITION:	SIGNATURE	DATE	AT&T REGULATORY	SIGNATURE	DATE
SAI ZONING:	SIGNATURE	DATE	AT&T RF:	SIGNATURE	DATE
SAI CONSTRUCTION:	SIGNATURE	DATE	AT&T CONSTRUCTION:	SIGNATURE	DATE

REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
1	ZONING DRAWINGS	OWW	08/01/11				

CONSULTING TEAM

ARCHITECTURE AND ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
PROJECT MANAGER: WARREN WILLIAMS, P.E.
TELEPHONE: (757) 450-2288

SURVEY:
CAUSEWAY CONSULTANTS, PC
1005 S. BATTLEFIELD BLVD, SUITE B
CHESAPEAKE, VA 23322
CONTACT: EDDIE T. WHITE, LS
TELEPHONE: (757) 482-0474
FAX: (757) 482-9870

SOIL ENGINEER:
GEOENVIRONMENTAL RESOURCES, INC. (GER)
CONTACT: CHARLES CRAWLEY, PE
TELEPHONE: (757) 463-3200

STRUCTURAL ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
CONTACT: JASON CANFIELD, P.E.
TELEPHONE: (757) 450-2288

UTILITIES:
POWER COMPANY:
DOMINION VIRGINIA POWER
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-888-667-3000

TELEPHONE COMPANY:
VERIZON CONTACT:
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-800-826-2355

PROJECT SUMMARY

SITE INFORMATION:
VA9032
HARDWARE RIVER
VIRGINIA BYWAY
SCOTTSVILLE, VA 24590

LANDLORD INFORMATION:
C. MICHAEL GRAY
VIRGINIA BYWAY
SCOTTSVILLE, VA 24590

APPLICANT INFORMATION:
CLEAR SIGNAL TOWERS
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226

PROJECT DATA:

ZONING	AFD
JURISDICTION	FLUVANNA COUNTY
TAX MAP NO.	48-A-94
SITE TYPE	RAW LAND
TOWER TYPE	MONOPOLE
TOWER HEIGHT	195'
LEASE AREA	100'X100'
AREA OF LAND DISTURBANCE	3600 SF

(2C) GEOGRAPHIC COORDINATES:
LATITUDE: 37° 47' 35.5746" N
LONGITUDE: 78° 24' 47.9794" W
GROUND ELEV. (AMSL): 385'

DECLINATION:
9° 38' W CHANGING BY 0° 1' W PER YEAR

ADA COMPLIANCE:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. SITE WILL NOT BE SERVED BY CITY SEWER OR WATER.

SHEET INDEX

SHEET:	DESCRIPTION:
T-1	TITLE SHEET
T-2	LEGEND AND ABBREVIATIONS
N-1	GENERAL NOTES
C-1	SURVEY AND SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	GRADING AND EROSION CONTROL PLAN
C-4	ELEVATION VIEW
C-5	FENCE NOTES AND DETAILS
C-6	CIVIL DETAILS

SHEET TOTAL: 9

Clear Signal Towers, LLC
CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO		
1	07/12/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
2	07/25/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
3	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
4		
5		
6		

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

VA9032
HARDWARE
RIVER
RAWLAND
MONOPOLE
VIRGINIA BYWAY
SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9032

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

ABBREVIATIONS & SYMBOLS LIST

1P, 2P, & 3P	SINGLE POLE, TWO POLE, & THREE POLES
A/C	AIR CONDITIONING
ADJ	ADJUSTABLE
AFF	ABOVE FINISH FLOOR
AGL	ABOVE GROUND LEVEL
APPROX	APPROXIMATELY
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AWG	AMERICAN WIRE GAUGE
A OR AMP	AMPERE
BLDG	BUILDING
BLK	BLOCK
BMR	BASE MOBILE RADIO
B/S	BUILDING STANDARD
CU	COPPER
CO	CLEAN OUT
C	CONDUIT SIZE AS NOTED
CB	CIRCUIT BREAKER
CKT	CIRCUIT
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CFCI	CONTRACTOR FURNISHED CONTRACTOR INSTALLED
DB	DEED BOOK
DBL	DOUBLE
DIA, ø	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DN	DOWN
DET, DETL	DETAIL
DWG	DRAWING
DEF	DUAL ELEMENT FUSES
E	EAST
EA	EACH
EL, ELEV	ELEVATION
ELECT	ELECTRICAL
EQ	EQUAL
EQUIP	EQUIPMENT
EW	EACH WAY
EXIST/EX	EXISTING
EXT	EXTERIOR
EMT	ELECTRICAL METALLIC TUBING
EC	EMPTY CONDUIT
FIN	FINISH
FLUOR	FLUORESCENT
FLR	FLOOR
FT	FOOT
GRS	GALVANIZED STEEL CONDUIT
G OR GRD	GROUND
GA	GAUGE
GALV	GALVANIZE(D)
GC	GENERAL CONTRACTOR
GPS	GLOBAL POSITIONING SYSTEM
GWB	GYPSUM WALL BOARD
HARD'WD	HARDWOOD
HEC	HIGH STRENGTH
HORIZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
ID	INSIDE DIA.
IN	INCH
INFO	INFORMATION
INS	INSULATION
KW	KILOWATTS
LB(S)	POUND(S)
LG	LONG
MAX	MAXIMUM
MECH	MECHANICAL
MTL	METAL
MFR	MANUFACTURER
MGR	MANAGER
MIN	MINIMUM
MISC	MISCELLANEOUS
MPH	MILES PER HOUR
MTD	MOUNTED
NEUT	NEUTRAL
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OFCI	OWNER FURNISHED, CONTRACTOR INSTALLED
OC	ON CENTER
OD	OUTSIDE DIAMETER
OPNG	OPENING
OPP	OPPOSITE
OHT/OHP	OVERHEAD TELEPHONE/OVERHEAD POWER
OHP	OVERHEAD POWER
OHT	OVERHEAD TELEPHONE
OZ	OUNCE
PG	PAGE
PIN(F)	PIN FOUND
PIN(S)	PIN SET
PJF	POLYVINYL JOINT FILLER
PLYWD	PLYWOOD
PR	PAIR
PROJ	PROJECT
PROP	PROPERTY
PSI	PER SQUARE INCH
PSF	PER SQUARE FOOT
PT	PRESSURE TREATED
PVC	SCHEDULE 40 PLASTIC CONDUIT.
RAD	RADIATION
RECEPT	RECEPTACLE
REQ'D	REQUIRED
RM	ROOM
RO	ROUGH OPENING
S	SOUTH
SW	SWITCH
SCH	SCHEDULE
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
STL	STEEL
STRUCT	STRUCTURAL
SUSP	SUSPENDED
THRD	THREADED
THRU	THROUGH
TM	TAX MAP
TNND	TINNED
TOC	TOP OF CONCRETE
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
UG	UNDERGROUND
VERT	VERTICAL
VIF	VERIFY IN FIELD
VT	VINYL TILE
W/	WITH
WDW	WINDOW
W	WEST
W/O	WITHOUT
W	WATTS
WP	WEATHERPROOF
XFRM	TRANSFORMER
∡	ANGLE
&	AND
℄	CENTER LINE
ℙ	PROPERTY LINE, PLATE
@	AT
#	NUMBER

1 = REVISION

1 = NOTE REFERENCE

1 = NOTE REFERENCE

1 / C-1 = DETAIL REFERENCE

1 / C-1 = ELEVATION REFERENCE

1 / C-1 = SECTION REFERENCE

N = NORTH ARROW

N MAG NORTH 15°00' MAG. DEC. = NORTH ARROW WITH MAGNETIC DECLINATION

LEGEND

EXISTING	NEW	
		CONCRETE
		PROPERTY LINE
		LEASE AREA
		EASEMENT
		BUILDING (FOOTPRINT)
		POWER POLE
		TELEPHONE/FIBEROPTIC PEDESTAL
		ASPHALT
		FENCE
		TEMPORARY BENCHMARK
		TREELINE
		CONTOURS
	14.5	SPOT ELEVATION
	SF	SILT FENCE
		ITEMS TO BE REMOVED

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NO		
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

VA9032
HARDWARE
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SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM. NO.	VA9032

SHEET TITLE
LEGEND AND ABBREVIATIONS

SHEET NUMBER:
T-2

SITE WORK GENERAL NOTES:

NOTES:

1. THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.

2. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.

3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.

4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.

5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL UTILITIES.

6. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION.

7. THE SUBCONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE CINGULAR SPECIFICATION FOR SITE SIGNAGE.

8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.

9. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.

10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.

11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABALIZED TO PREVENT EROSION.

12. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL JURISDICTION'S GUIDELINES FOR EROSION AND SEDIMENT CONTROL.

STRUCTURAL STEEL NOTES:

NOTES:

1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A36 UNLESS OTHERWISE NOTED.

2. ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL BE TOUCHED UP.

3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4"ø) CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.

4. NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

5. INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR CONTRACTOR APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

6. ALL EXPANSION/WEDGE ANCHORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. THE ANCHOR BOLT DOWEL AND ROD SHALL BE STAINLESS STEEL WITH STAINLESS STEEL WASHERS.

CONCRETE AND REINFORCING STEEL NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.

2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.

3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.

4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

   CONCRETE CAST AGAINST EARTH.....3 IN.
   CONCRETE EXPOSED TO EARTH OR WEATHER:

   #6 AND LARGER .....2 IN.
   #5 AND SMALLER & WWF.....1 1/2 IN.

   CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:

   SLAB AND WALL .....3/4 IN.
   BEAMS AND COLUMNS.....1 1/2 IN.

5. A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.

6. CONCRETE/EXPANSION ANCHORS SHALL BE STAINLESS STEEL. INSTALLATION, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE. EXPANSION BOLTS SHALL BE PROVIDED BY RAMSET/REDHEAD OR APPROVED EQUAL.

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
   CONTRACTOR – CLEAR SIGNAL TOWERS
   SUBCONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)
   OWNER – CLEAR SIGNAL TOWERS
   OEM – ORIGINAL EQUIPMENT MANUFACTURE

2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.

3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.

   ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.

4. DRAWINGS PROVIDED HERE ARE NOT TO SCALE AND ARE INTENDED TO SHOW OUTLINE ONLY.

5. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.

6. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.

7. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.

8. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING.

9. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.

10. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.

11. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.

12. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 24782-000-3APS-A00Z-00002, "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF AT&T GSM SITES.'

SOIL COMPACTION NOTES FOR SLAB ON GRADE

NOTES:

1. EXCAVATE AS REQUIRED TO REMOVE VEGETATION & TOPSOIL EXPOSE UNDISTURBED NATURAL SUBGRADE AND PLACE CRUSHED STONE AS REQUIRED.

2. COMPACTION CERTIFICATION: AN INSPECTION AND WRITTEN CERTIFICATION BY A QUALIFIED GEOTECHNICAL TECHNICIAN OR ENGINEER IS ACCEPTABLE.

3. AS AN ALTERNATIVE TO INSPECTION AND WRITTEN CERTIFICATION, THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED WITH "COMPACTION EQUIPMENT", LISTED BELOW, TO AT LEAST 90% MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.

4. COMPACTED SUBBASE SHALL BE UNIFORM & LEVELED. PROVIDE 6" MINIMUM CRUSHED STONE OR GRAVEL COMPACTED IN 3" LIFTS ABOVE COMPACTED SOIL. GRAVEL SHALL BE NATURAL OR CRUSHED WITH 100 % PASSING 1" SLEEVE.

COMPACTION EQUIPMENT:

HAND OPERATED DOUBLE DRUM, VIBRATORY ROLLER, VIBRATORY PLATE COMPACTOR OR JUMPING COMPACTOR.

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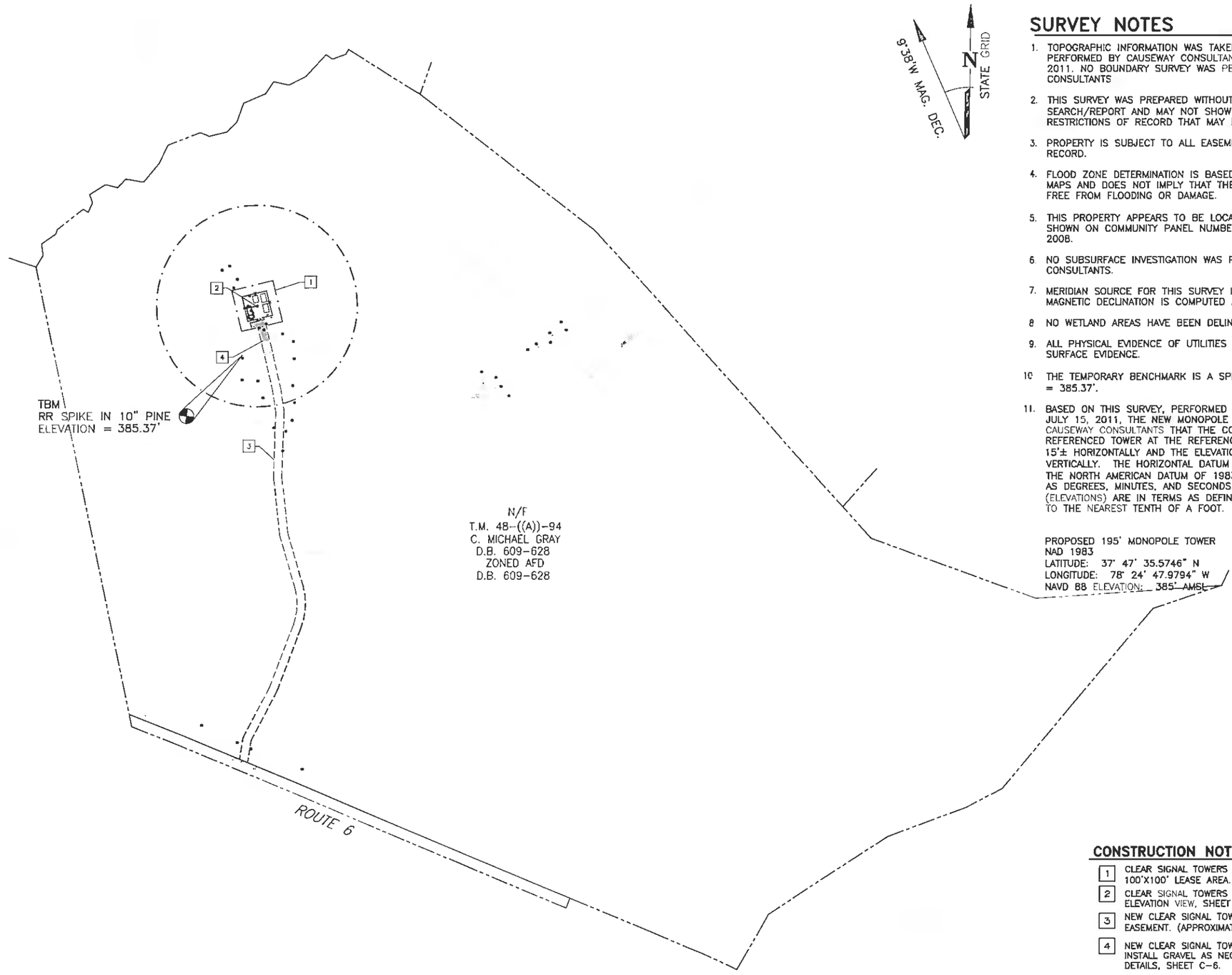
24590
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO.	VA9032

SHEET TITLE
GENERAL NOTES

SHEET NUMBER:
N-1



SURVEY NOTES

1. TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY CAUSEWAY CONSULTANTS, CHESAPEAKE, VA ON JULY 15, 2011. NO BOUNDARY SURVEY WAS PERFORMED BY CAUSEWAY CONSULTANTS
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH/REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS AND RESTRICTIONS OF RECORD THAT MAY EFFECT THE SUBJECT PROPERTY.
3. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
5. THIS PROPERTY APPEARS TO BE LOCATED IN THE F.I.R.M. ZONE "X" AS SHOWN ON COMMUNITY PANEL NUMBER 51065C0145C DATED MAY 16, 2008.
6. NO SUBSURFACE INVESTIGATION WAS PERFORMED BY CAUSEWAY CONSULTANTS.
7. MERIDIAN SOURCE FOR THIS SURVEY IS BASED UPON GRID NORTH. MAGNETIC DECLINATION IS COMPUTED AND NOT OBSERVED.
8. NO WETLAND AREAS HAVE BEEN DELINEATED.
9. ALL PHYSICAL EVIDENCE OF UTILITIES SHOWN ON THIS SURVEY IS FROM SURFACE EVIDENCE.
10. THE TEMPORARY BENCHMARK IS A SPIKE IN 10" PINE TREE. ELEVATION = 385.37'.
11. BASED ON THIS SURVEY, PERFORMED BY CAUSEWAY CONSULTANTS ON JULY 15, 2011, THE NEW MONOPOLE TOWER HAS BEEN CERTIFIED BY CAUSEWAY CONSULTANTS THAT THE COORDINATE LOCATION OF THE REFERENCED TOWER AT THE REFERENCED SITE IS ACCURATE WITHIN 15'± HORIZONTALLY AND THE ELEVATION IS ACCURATE WITHIN 3'± VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND ARE EXPRESSED AS DEGREES, MINUTES, AND SECONDS. THE VERTICAL DATUM (ELEVATIONS) ARE IN TERMS AS DEFINED BELOW AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.

CONSTRUCTION NOTES

1. CLEAR SIGNAL TOWERS 60'X60' FENCED COMPOUND WITHIN 100'X100' LEASE AREA. SEE C-2 FOR DETAILS
2. CLEAR SIGNAL TOWERS 195' MONOPOLE TOWER. SEE ELEVATION VIEW, SHEET C-4.
3. NEW CLEAR SIGNAL TOWERS 20' ACCESS/UTILITY EASEMENT. (APPROXIMATELY 1070' IN LENGTH)
4. NEW CLEAR SIGNAL TOWERS 12' GRAVEL ACCESS ROAD. INSTALL GRAVEL AS NECESSARY ON EXISTING TRAIL. SEE DETAILS, SHEET C-6.

FOR 24" X 36" PLOT - 1" = 125'
FOR 11" X 17" PLOT - 1" = 250'
0 125' 250

1 / C-1 SURVEY AND SITE PLAN

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FLUVANNA COUNTY

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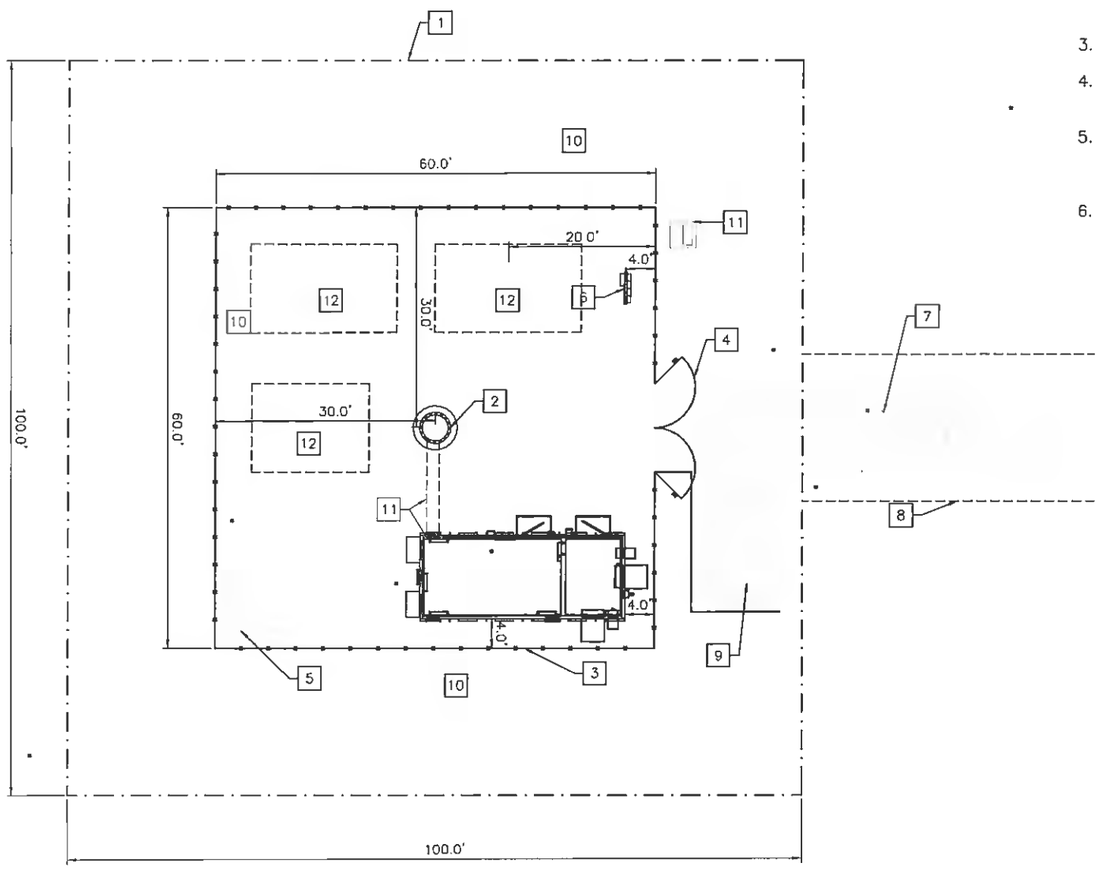
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO.	VA9032

SHEET TITLE:
SURVEY AND SITE PLAN

SHEET NUMBER:
C-1



SITE NOTES

1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING ANY UNDERGROUND UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA OF CONSTRUCTION THAT ARE NOT SHOWN ON THESE PLANS. BEFORE YOU DIG, CALL "MISS UTILITY" AT 1-800-552-7001. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING, AT HIS EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
2. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AT THE FIRST PHASE OF CONSTRUCTION AND CHECKED PERIODICALLY TO ENSURE THEY ARE FUNCTIONING AS INDICATED.
3. THE STOCKPILING OF EXCESS MATERIAL ON SITE WILL NOT BE ALLOWED.
4. ANY VEGETATED AREA DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED AND SEEDED TO RESTORE A PERMANENT VEGETATIVE COVER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS ANY PAVEMENT, DRIVEWAYS, WALKS, CURBS, ETC. THAT MAY BE CUT, OR THAT ARE DAMAGED DURING CONSTRUCTION.
6. THE INDICATED DIRECTION OF NORTH WILL HAVE TO BE VERIFIED IN THE FIELD. THE MAGNETIC DECLINATION INDICATED IS CALCULATED BASED ON THE LATITUDINAL AND LONGITUDINAL COORDINATE GIVEN BY CAUSEWAY CONSULTANTS, PC.

CONSTRUCTION NOTES

1. NEW CLEAR SIGNAL TOWERS 100'X100' LEASE AREA.
2. NEW CLEAR SIGNAL TOWERS 195' MONOPOLE TOWER. SEE ELEVATION VIEW, SHEET C-4.
3. NEW CLEAR SIGNAL TOWERS 60'X60' FENCED COMPOUND. SEE SHEET C-5 FOR DETAIL.
4. NEW CLEAR SIGNAL TOWERS 12' WIDE DOUBLE GATE. SEE SHEET C-5 FOR DETAIL.
5. INSTALL NEW GRAVEL WITHIN COMPOUND AS NEEDED. SEE SHEET C-6 FOR DETAIL.
6. NEW CLEAR SIGNAL TOWERS UTILITY SERVICE STAND.
7. NEW 12' GRAVEL ACCESS ROAD. SEE SHEET C-6 FOR DETAILS.
8. NEW 20' WIDE CLEAR SIGNAL TOWERS ACCESS/UTILITY EASEMENT (APPROXIMATELY 387' IN LENGTH)
9. NEW GRAVEL PARKING/TURNAROUND. SEE SHEET C-6 FOR DETAILS.
10. CLEAR TREES AS NECESSARY TO ACCOMODATE NEW COMPOUND.
11. FUTURE AT&T EQUIPMENT SHELTER, ICE BRIDGE, FIBER PAD (BY OTHERS).
12. FUTURE CARRIERS.

1 / C-2 ENLARGED SITE PLAN

FOR 24" X 36" PLOT - 1" = 10'
FOR 11" X 17" PLOT - 1" = 20'
0 5' 10' 20'

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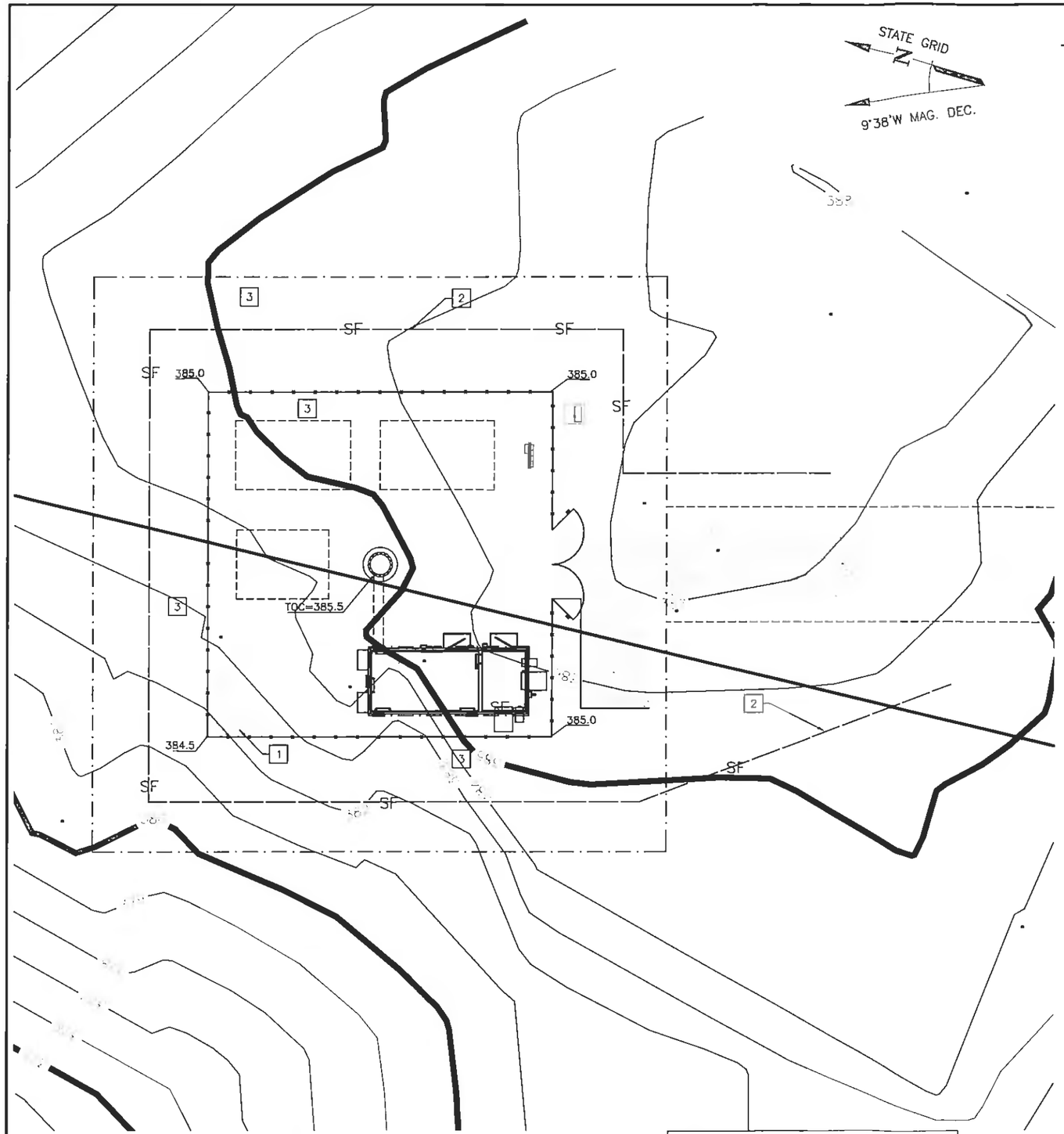
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO.	VA9032

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
C-2



1
C-3

GRADING & EROSION CONTROL PLAN

FOR 24" X 36" PLOT - 1" = 10'
FOR 11" X 17" PLOT - 1" = 20'
0 5' 10' 20'

EROSION & SEDIMENT CONTROL NOTES:

1. UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (3RD EDITION, 1992).
2. THE CONTRACTOR MUST CONTACT THE PLANNING/CIVIL INSPECTIONS OFFICE FOR A PRE-CONSTRUCTION MEETING BEFORE ANY CONSTRUCTION ACTIVITY BEGINS.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION.
4. THE CONTRACTOR SHALL APPLY PERMANENT OR TEMPORARY SOIL STABILIZATION TO ALL DENUDED OR DISTRUBED AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. SOIL STABILIZATION MUST ALSO BE APPLIED TO DENUDED AREAS WHICH MAY NOT BE AT FINAL GRADE BUT WHICH WILL REMAIN UNDISTURBED FOR LONGER THAN 30 DAYS. SOIL STABILIZATION MEASURES INCLUDE VEGETATIVE ESTABLISHMENT, MULCHING AND THE EARLY APPLICATION OF GRAVEL BASE MATERIAL ON AREAS TO BE PAVED.
5. THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES DAILY AND AFTER EACH RUNOFF PRODUCING RAINFALL EVENT. ANY NECESSARY REPAIRS TO MAINTAIN THE EFFECTIVENESS OF THE EROSION CONTROL DEVICES AND CLEANUP OF SEDIMENTATION ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE MADE IMMEDIATELY.
6. THE CONTRACTOR SHALL LIMIT SITE ACCESS BY CONSTRUCTION VEHICLES TO ENTRANCES PROTECTED BY A STONE CONSTRUCTION ENTRANCE (VESCH STD. & SPEC. 3.02) OR AN APPROVED COMPARABLE CONTROL MEASURE. SEDIMENT SHALL BE REMOVED FROM PAVED AREAS ON A DAILY BASIS (SEE DETAIL 2, SHEET C-9).
7. STOCK PILES OF SOIL AND OTHER ERODIBLE MATERIAL SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION FOR STOCKPILES ON SITE AS WELL AS FOR MATERIALS TRANSPORTED FROM THE PROJECT SITE.
8. THE CONTRACTOR SHALL MONITOR AND TAKE PRECAUTIONS TO CONTROL DUST INCLUDING (BUT NOT LIMITED TO) USE OF WATER, MULCH OR CHEMICAL DUST ADHESIVES AND CONTROL OF CONSTRUCTION SITE TRAFFIC.
9. EFFLUENT FROM DE-WATERING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE, OR BOTH, AND CHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT ADJACENT PROPERTIES, WETLANDS, WATERWAYS OR THE STORM DRAINAGE SYSTEM.
10. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF ANY ADDITIONAL CONTROL MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENTATION AS DETERMINED NECESSARY BY THE PLAN APPROVING AUTHORITY.
11. TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES ARE NOT TO BE REMOVED WITHOUT APPROVAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT OR HIS DESIGNEE WHEN ALL DISTURBED AREAS ARE STABILIZED. ONCE APPROVED, ALL MEASURES SHALL BE REMOVED WITHIN 30 DAYS. TRAPPED SEDIMENT SHALL BE SPREAD AND SEEDED.

CONSTRUCTION NOTES:

1. INSTALL NEW GRAVEL WITHIN COMPOUND AS NEEDED, SEE DETAIL, SHEET C-6.
2. NEW SILT FENCE, SEE DETAIL, SHEET C-6.
3. INSTALL TREE PROTECTION AS NECESSARY, SEE DETAIL, SHEET C-6.

Clear Signal Towers, LLC
CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	07/12/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
2	07/25/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
3	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
4		
5		
6		

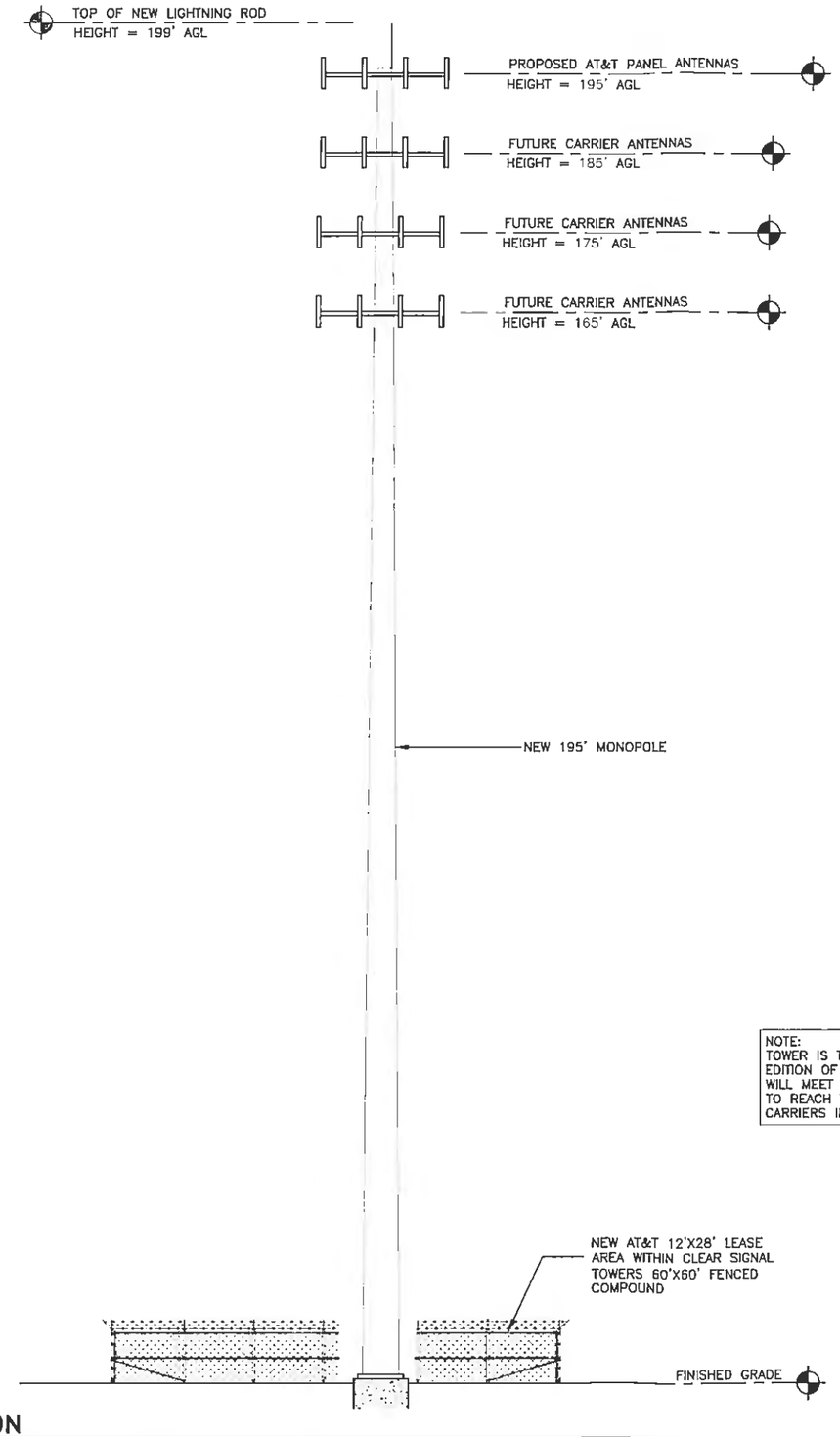
COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-5-11
PROFESSIONAL ENGINEER

VA9032
HARDWARE
RIVER
RAWLAND
MONOPOLE
VIRGINIA BYWAY
SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9032

SHEET TITLE
GRADING & EROSION CONTROL PLAN

SHEET NUMBER:
C-3



NOTE:
TOWER IS TO BE DESIGNED AND BUILT TO CONFORM TO THE LATEST EDITION OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE. ALL LOADS WILL MEET THE MINIMUM REQUIRMENTS FOR THE COUNTY. THE TOWER IS TO REACH THE HEIGHT INDICATED AND SUPPORT THE NUMBER OF FUTURE CARRIERS INDICATED TO BE INSTALLED.

TOWER ELEVATION

NOT TO SCALE

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
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	BY: KMB	CHK OWW APP'D: OWW
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	BY: KMB	CHK OWW APP'D: OWW
4		
5		
6		

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
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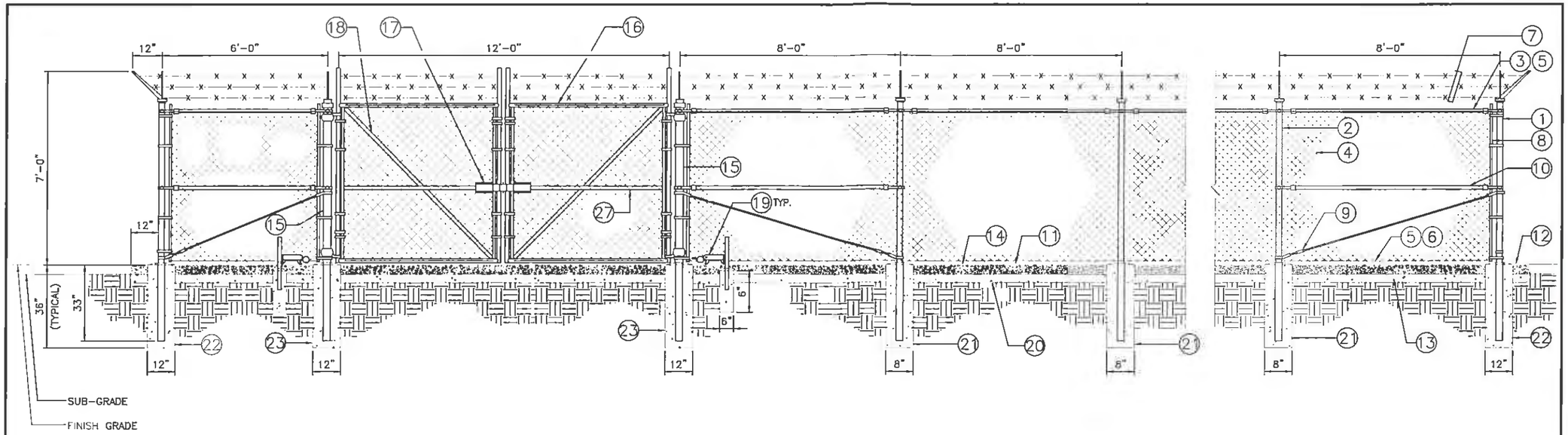
SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO	VA9032

SHEET TITLE:
ELEVATION VIEW

SHEET NUMBER
C-4



1 / C-5 COMPOUND FENCE DETAIL

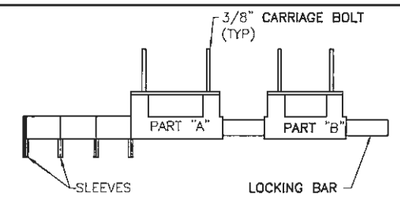
NOT TO SCALE

REFERENCE NOTES:

1. CORNER, END OR PULL POST 3" OD SCHEDULE 40 PIPE.
2. LINE POST: 2 1/2" OD SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" OC
3. TOP RAIL & BRACE RAIL· 1 5/8" OD PIPE, PER ASTM-F1083.
4. FABRIC: 9 GA WIRE SIZE 2" MESH.
5. TIE WIRE: MINIMUM 9 GA ALUMINUM AT POSTS AND RAILS A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG RINGS SPACED MAX. 24" INTERVALS
6. TENSION WIRE. 7 GA GALVANIZED STEEL.
7. BARBED WIRE: DOUBLE STRAND 12-1/2" TWISTED WIRE TO MATCH WITH FABRIC 14 GA, 4 POINT BARBS SPACED ON APPROXIMATELY 5" CENTERS.
8. STRETCHER BAR.
9. 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
10. FENCE CORNER POST BRACE: 1 5/8" OD EACH CORNER EACH WAY.
11. 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
12. 4" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
13. 6" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
14. FINISH GRADE SHALL BE UNIFORM AND LEVEL.
15. GATE POST 4". SCHEDULE 40 PIPE, FOR GATE WIDTHS UP THRU 7 FEET OR 14 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083.
16. GATE FRAME: PIPE, PER ASTM-F1083.
17. STYMIELOCK MULTI TENANT LOCKING DEVICE, PATENT # 5868015 SEE CONTACT INFORMATION ON THIS SHEET
18. 1 PAIR INDUSTRIAL PIN HINGE
19. NOT USED
20. GEOTEXTILE FABRIC
21. LINE POST: CONCRETE FOUNDATION (2000 PSI)
22. CORNER POST: CONCRETE FOUNDATION (2000 PSI)
23. GATE POST: CONCRETE FOUNDATION (2000 PSI)

GENERAL NOTES:

1. INSTALL FENCING PER ASTM F-567
2. INSTALL SWING GATES PER ASTM F- 900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALV. (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
5. ALL OPEN POSTS SHALL HAVE END-CAPS.
6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.



1. DRILL 3/8" HOLES IN THE GATE LEAF USING THE GATE DIMENSIONS PROVIDED.
2. SLIDE THE CARRIAGE BOLTS IN THE SLOTS ON THE BACK OF PART "B" AND PUSH THE BOLTS THROUGH THE HOLES DRILLED INT HE GATE FIGURE. PUT THE NUT AND THE LOCKNUT ON AND TIGHTEN AND CUT THE EXCESS BOLT OFF. DO THE SAME WITH PART "A".
3. ADD THE NUMBER OF SLEEVES NEEDED FOR THE NUMBER OF LOCKS AND SLIDE THE LOCKING BAR INTO PLACE THROUGH BOTH PART "A" AND PART "B". NOW INSTALL THE LOCKS.

*IF THE GATE HAS NO CENTER BAR IN THE GATE LEAF YOU MAY NEED TO MOUNT THE STYMIELOCK VERTICALLY USING THE SAME DIMENSIONS GIVEN ON THE GATE FACE.

*VERTICAL APPLICATION MAY ALSO BE USED ON SLIDING GATES WITH MULTIPLE LOCKS.

STYMIELOCK INSTALLATION

STYMIELOCK CONTACT INFORMATION:
PATENT #5868015
PO BOX 1228 PINEVILLE, NC 28134
15248 MARVIN ROAD CHARLOTTE, NC 28277

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

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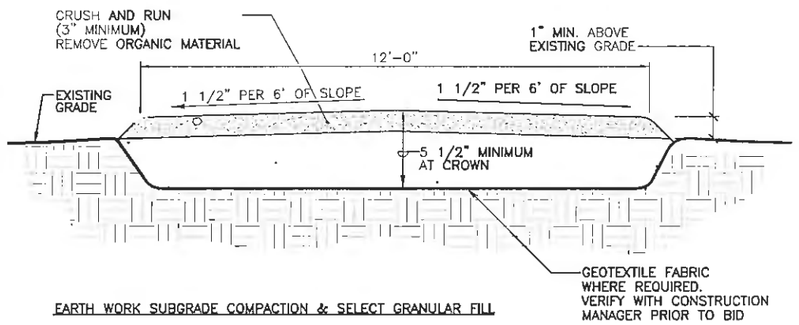
VA9032
HARDWARE
RIVER
RAWLAND
MONOPOLE
VIRGINIA BYWAY
SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY	KMB
CHECKED BY	OWW
TTV DATE:	NA
COMM NO	VA9032

SHEET TITLE:
FENCE NOTES AND DETAILS

SHEET NUMBER
C-5



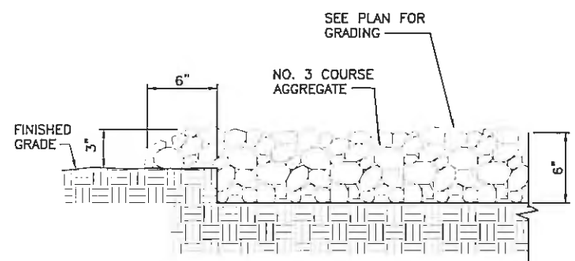
EARTH WORK SUBGRADE COMPACTION & SELECT GRANULAR FILL

(A) CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE CONSTRUCTION SITE AND ROADWAY AREAS. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT WHEN NECESSARY PREPARED FOR THIS SITE FOR SITE WORK PREPARATION & FOUNDATION WORK. AS A MINIMUM THE TOP 3" OF GRADE SHALL BE REMOVED. THE EXPOSED SUBGRADE COMPACTED, GEOTEXTILE FABRIC AS REQUIRED FOR UNSTABLE SOIL CONDITION.

(B) ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 OR WITHIN PLUS OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.

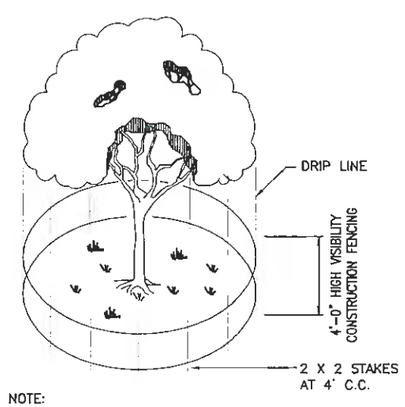
1 / C-6 TYPICAL ACCESS ROAD CROSS SECTION

NOT TO SCALE



3 / C-6 SECTION – GRAVEL PARKING/TURN AROUND (OUTSIDE OF FENCED COMPOUND)

NOT TO SCALE



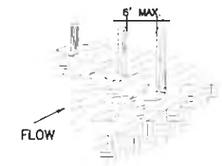
NOTE:
DRIVE STAKES FIRMLY INTO GROUND AT LEAST 12"

4 / C-6 TREE PROTECTION

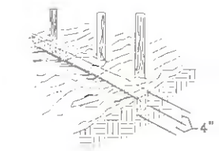
NOT TO SCALE

CONSTRUCTION OF A SILT FENCE
(WITHOUT WIRE SUPPORT)

1. SET THE STAKES.

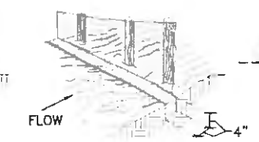


2. EXCAVATE A 4"X4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.

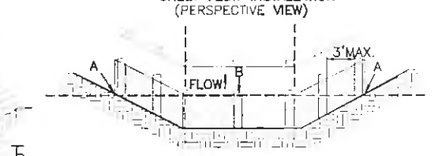


3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH

4. BACKFILL AND COMPACT THE EXCAVATED SOIL.



SHEET FLOW INSTALLATION
(PERSPECTIVE VIEW)



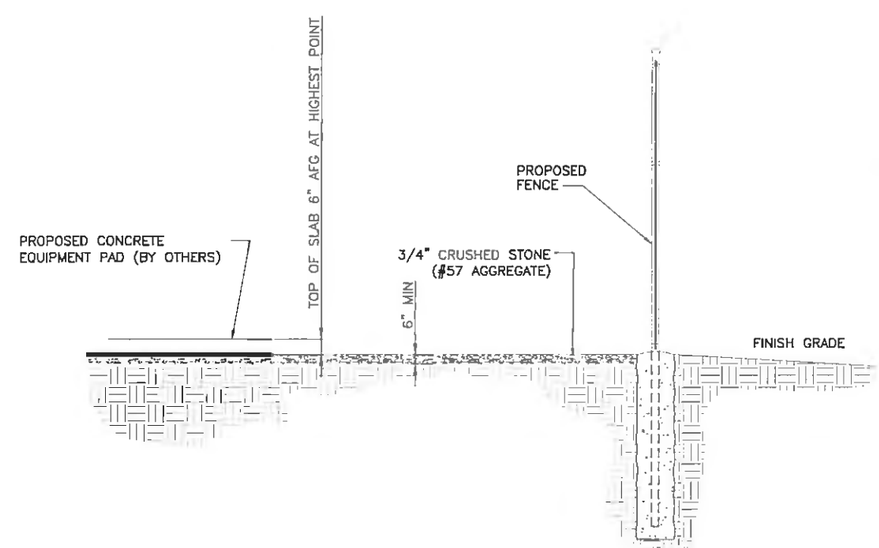
POINTS A SHOULD BE HIGHER THAN POINT B

DRAINAGEWAY INSTALLATION
(FRONT ELEVATION)

2 / C-6 SILT FENCE

NOT TO SCALE

(SF)



5 / C-6 TYPICAL SITE COMPOUND CROSS SECTION

NOT TO SCALE

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	07/12/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
2	07/25/11	LEASE EXHIBIT
	BY: KMB	CHK: OWW APP'D: OWW
3	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
4		
5		
6		

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

VA9032
HARDWARE
RIVER
RAWLAND
MONOPOLE
VIRGINIA BYWAY
SCOTTSVILLE, VA
24590
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO.	VA9032

SHEET TITLE:
CIVIL DETAILS

SHEET NUMBER:
C-6

SUP 12:02

ATTACHMENT B

Proposed Hardware River Telecommunications Facility

Scale: 1:18055.954822	Date: 06/21/2012	Printed By: Andrew J. Pompei

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

SITE LEASE AGREEMENT DATED 10/20, 2011
BETWEEN CLEAR SIGNAL TOWERS, LLC and NEW CINGULAR WIRELESS PCS, LLC
SIGNATURE PAGE

Owner:

CLEAR SIGNAL TOWERS, LLC

By: _____(SEAL)

Name: Dorothy Brunetti

Title: CEO

Date: 10/20/11

Tenant:

NEW CINGULAR WIRELESS PCS, LLC

By: AT&T Mobility Corporation,
Its: Manager

By: _____

Name: David C. Tuck

Title: Manager, Real Estate and Construction

Date: 10/18/11

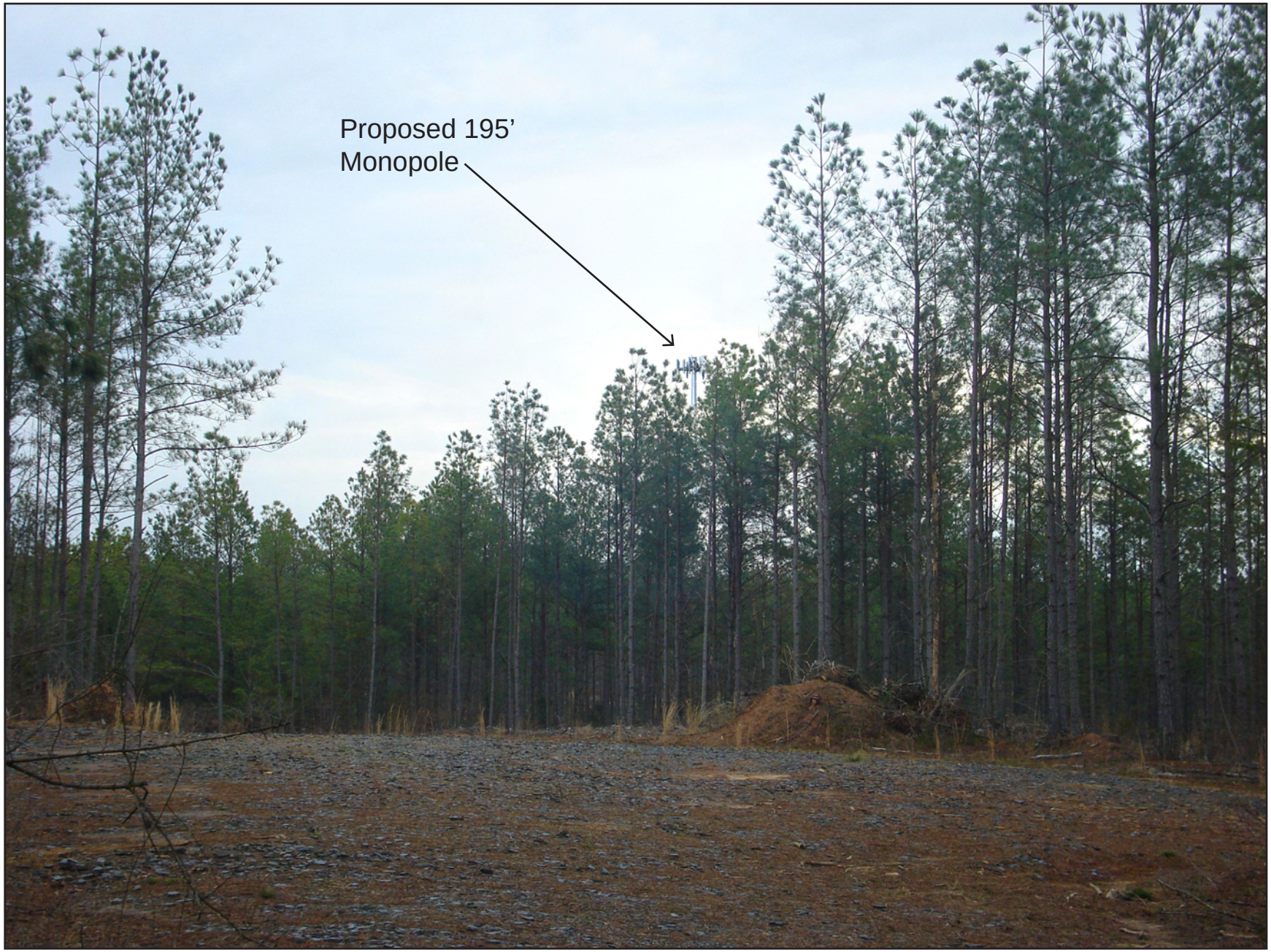
The following Exhibits are attached to and made a part of this Agreement: Exhibits A (Property Location), A-1 (Tower Site Plan), B (Site Access and Information), C (Prime Lease, if applicable) and D (Memorandum of Lease).

Clear Signal Towers, LLC

View from Gardener Ct. (not visible)

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates

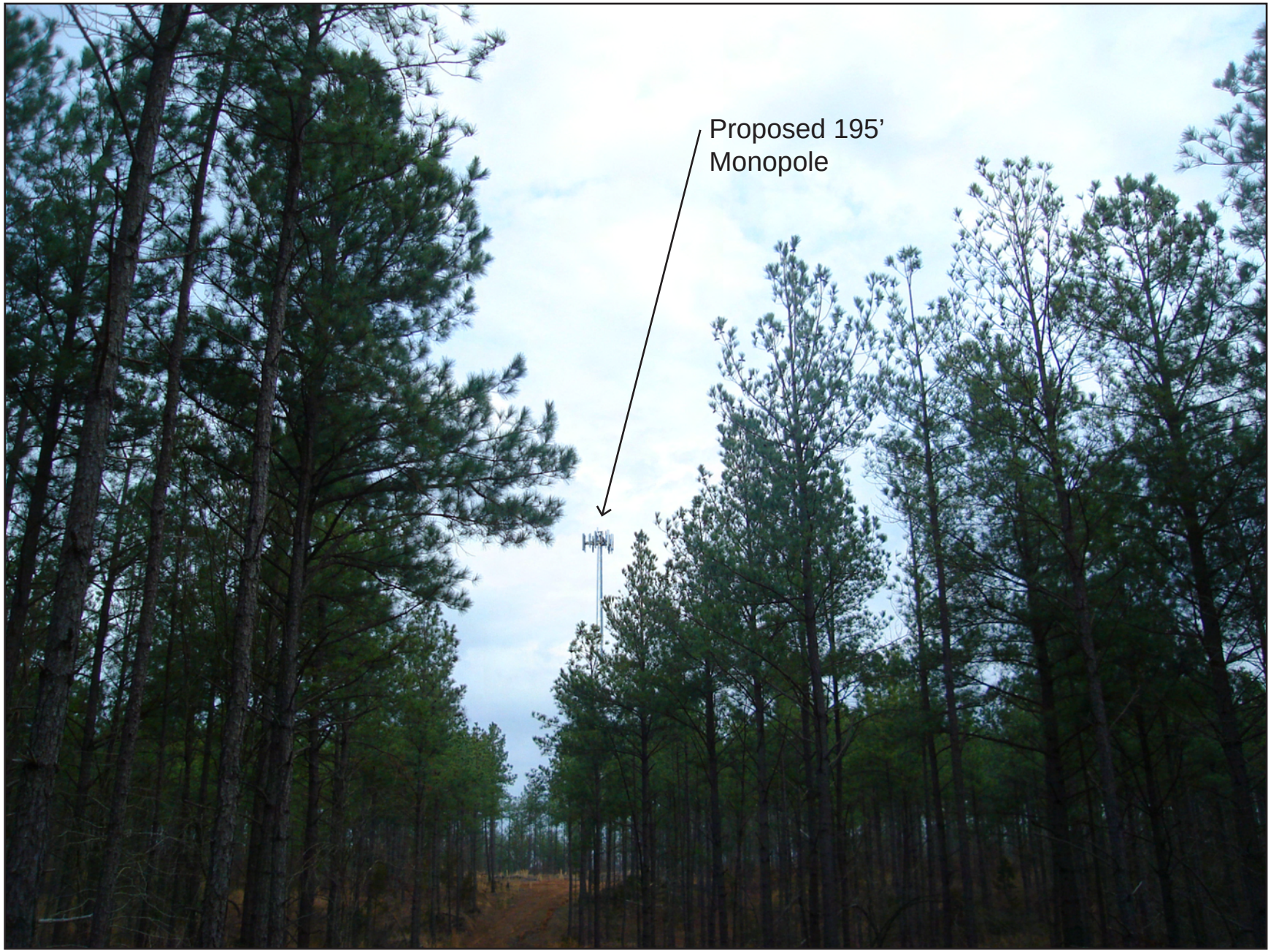


Clear Signal Towers, LLC

View from logging road west of the site

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates



Clear Signal Towers, LLC

View from access road

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from 5128 W River Rd (not visible)

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from winery east of site (not visible)

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from Hawk’s Crest Lane (not visible)

VA9032 Hardware River, Virginia Byway, Scottsville, VA

WW&A
warren williams & associates

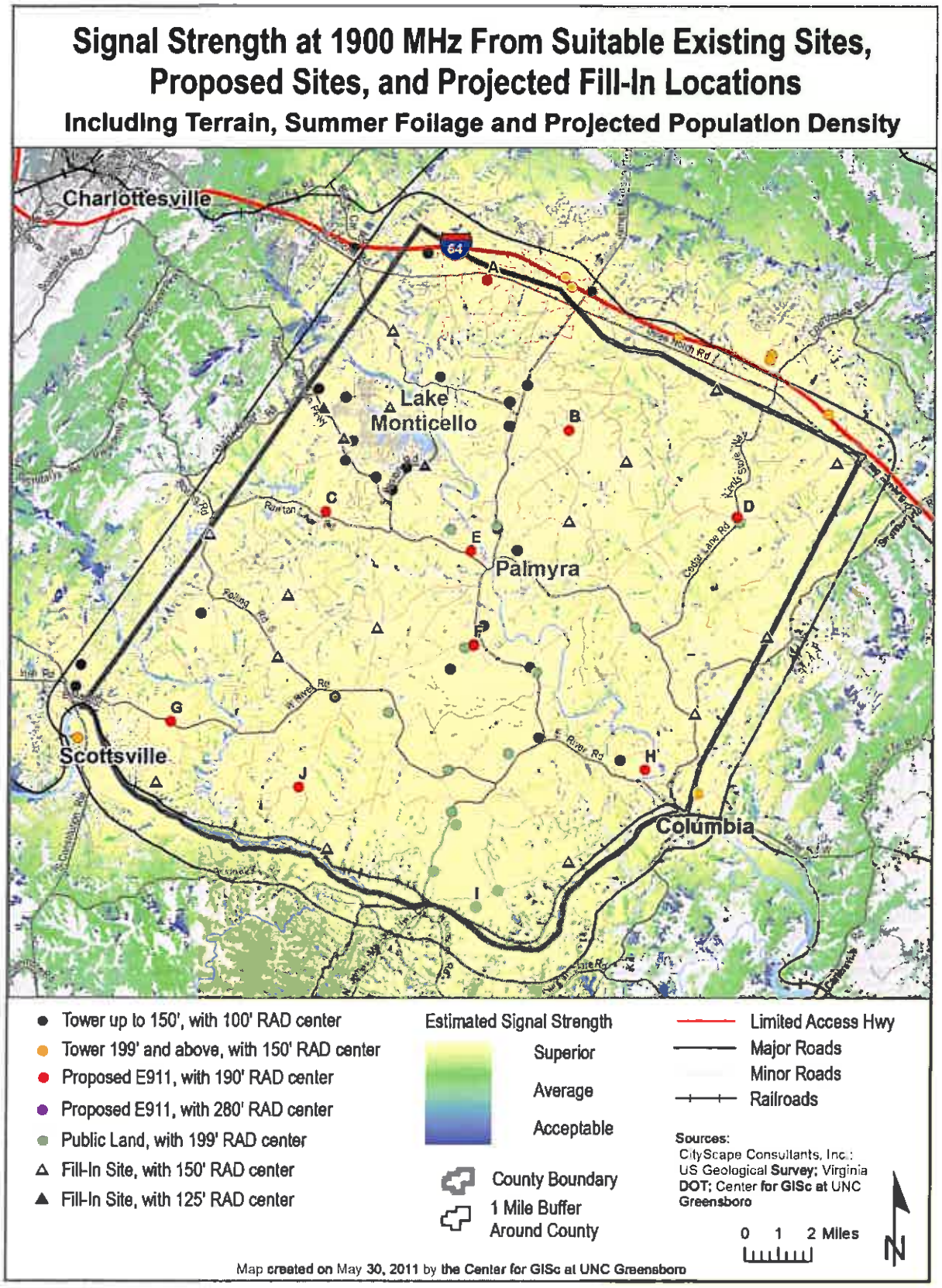
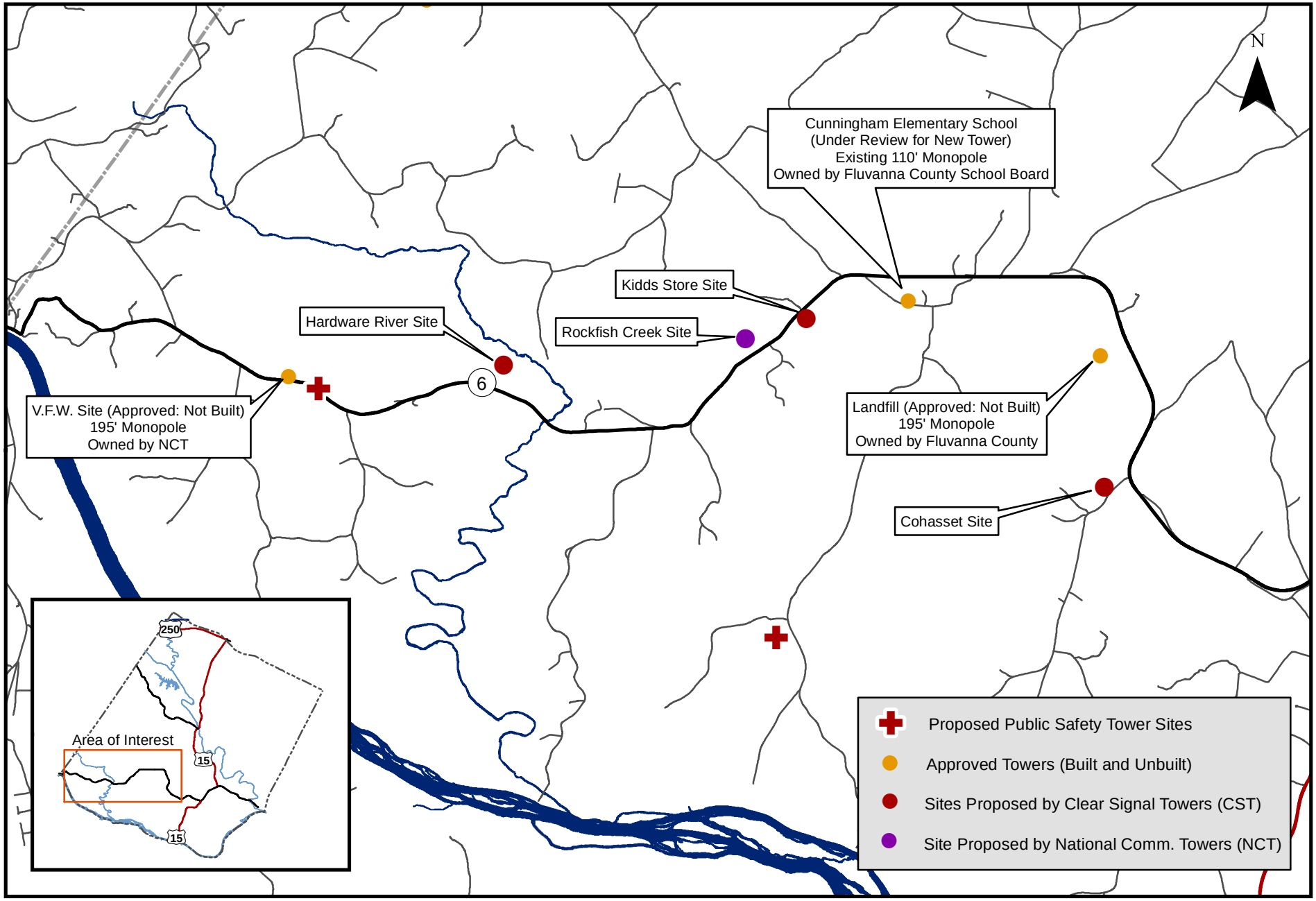


Figure 40: Projected new infrastructure infill sites

Proposed Telecommunications Facilities

ATTACHMENT F

State Route 6 West: Scottsville to Cohasset
Fall 2012



0 ¼ ½ 1 Miles

at&t

March 7, 2012

Subject: AT& T Proposed Site – Communications Tower located on Virginia Byway (Tax Map 48-A-94) ~ Scottsville, VA: Siting Hierarchy Letter – Site (CV444/VA9032) "Hardware River"

County Planning and Consultant:

Clear Signal Towers, LLC representing AT&T via executed lease agreement on the above mentioned site has asked that a letter be drafted stating the reason(s) for the proposed location and siting guidelines. **The primary question per the county on this site has been one of proximity to the VFW site? Both areas are needed by AT&T to fulfill their network due to topography.** There is also no county property within the area of the proposed facility. The propagation maps included in the application package show the coverage at the proposed Clear Signal Site and should clarify any questions that you may have. I have also provided comments of the siting hierarchy as required by Sec. 22-27-7 of the ordinance.

(1) Concealed attached antenna- **No Existing TASF for AT&T**
(2) Colocation: antennas modification; combined antenna(s) on existing TASF- **No Existing TASF for AT&T in ring.**
(3) Colocation or new TASF in utility right-of-way-**No existing Utility that can accommodate AT&T**
(4) Non-concealed attached antenna- **No existing TASF for AT&T antenna(s)**
(5) Replacement of existing TASF-**No existing TASF to Replace**
(6) Mitigation of existing TASF-**No existing TASF to mitigate**
(7) Concealed freestanding TASF-**Concealed TASF not needed due to rural nature of property.**
(8) Non-concealed freestanding TASF-**AT&T has requested 175' monopole to house multiple carriers for colocation.**
  (a) Monopole
  (b) Lattice
  (c) Guyed

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

From: Darren Coffey
To: rick@cityscapegov.com; StevenTugwell; Andrew Pompei
Subject: FW: BOS Information
Date: Wednesday, February 15, 2012 10:28:08 AM

---

fyi

-----Original Message-----
From: Mary Weaver
Sent: Wednesday, February 15, 2012 10:11 AM
To: Donald Weaver; Joe Chesser; Mozell Booker; Robert Ullenbruch; Shaun V. Kenney
Cc: Darren Coffey
Subject: FW: BOS Information

FYI

-----Original Message-----
From: George Cushnie [mailto:george@caiweb.com]
Sent: Wednesday, February 15, 2012 9:37 AM
To: Mary Weaver
Subject: BOS Information

County Supervisors: I am writing to you to find out what actions I may take through the County government to prevent the installation of a 196 foot cell tower next to our property on Tax Map 48-A-94.

Through a neighbor, I learned that a balloon test was going to be conducted next to our property by Clear Signal Towers on Feb. 9, 2012 (incidentally, we were not informed). The test has been delayed. However, I contacted Clear Signal Towers (Dorthy Brunetti) and was told that the delay is only temporary.

We purchased this property in 2006 because of its rural nature and unobstructed views. A cell tower next to our property would greatly diminish our property value. Also, we are planning to build a wine tasting room on our property this year and the tower would also have an impact on business. The beautiful rural views of Fluvanna County are one of our drawing points.

Our property overlooks the Hardware River on two sides. We have some of the most pristine views in the County. I'm inviting anyone from the County to come by and see for themselves. If it is really needed, there must be a less intrusive place for the tower. I understand that the VFW property, just two miles west of us on RT. 6, has been approved for a
196 ft. tower. It seems that another tall tower this close would not be needed. Can't the cell phone companies be forced to piggyback?

Tax Map 48-A-94, which is approx. 75 acres planted in pines, is located between our property and a large beautiful property to the west. The owner of the western property may also be uninformed of the cell tower plan. The owner of Tax Map 48-A-94 is located on the opposite side
(north) of the Hardware River and his line of sight would probably not be blighted by a tower. He seems to be willing to damage the property values of his neighbors for a monthly payment from the cell phone company. A decision I find morally reprehensible.

Please let me know if there is any way to engage the County Supervisors or other officials in this process.

Thank you,
George Cushnie
Thistle Gate Vineyard
5199 W. River Rd.
Scottsville, VA 24590-4665

434-286-7781

Received
MAY 09 2012
Fluvanna County

May 9, 2012

Comments submitted to Fluvanna County Planning and Community Development Department by:

George and Leslie Cushnie
5199 W. River Rd.
Scottsville, VA 24590

May, 9, 2012

Leslie and I are owners of Thistle Gate Farm and Vineyard, which adjoins the property related to SUP 12:02. We are located on Rt. 6 and we border the Hardware River. Use of our property as a commercial farm winery fits particularly well with the County 2029 Vision, which goals include agricultural use preservation, tourism, and an increased business tax base.

We are here this afternoon to ask the Technical Review Committee to send a negative recommendation on SUP 12:02 to the Planning Commission for the following six reasons:

1. The wireless tower is unnecessary. A site for a tower the same height as the proposed tower (nearly 200 feet tall) was previously approved for the VFW property located on Rt. 6, less than 2 miles west of this proposed site. Wireless phone companies should be forced to co-locate or piggy back use of these towers to avoid excessive visual damage to the appearance of this beautiful area, which is within the rural residential planning area of Fluvanna County.

2. The proposed tower would be visible from our home as we discovered during the balloon test conducted on March 19, 2012. We purchased this property based on its zoning, which is agricultural and views, which are very impressive. From our property, we can see Wintergreen resort, which is 30 miles away, and a number of other mountains. As we discovered during the balloon test, a cell tower, which is obviously a non-agricultural use of land, and unexpected in our area, would intrude on these views and reduce our enjoyment and the value of our property.

3. The balloon test was severely flawed in that it underestimates the visual damage that construction of a nearly 200 ft. tower would cause us. The only visual protection we have from the proposed site is a façade of pine trees located along the northwest side of our gravel driveway. The vast majority of these trees are not on our property, but rather on the property where the cell tower is proposed. Further, the trees lining our driveway are significantly higher than those closer to the proposed tower site, giving the false impression that the entire wooded property is densely forested and isolated from our property. This is because the pine trees along our driveway are at the edge of the proposed tower property, where they are exposed to much more light than the interior trees and therefore are taller and have more dense foliage. Again, we have no control over these pine trees. If they are cut down in the future, we will have an unobstructed view of the tower.

4. We are in the process of building a farm winery/tasting room on the southwest portion of our property, approximately 200 feet from the property where cell tower is proposed. This use of our property, as a farm winery, is explicitly protected as a by right privilege under the Code of

Virginia. The tower, which requires a special use permit, would be visible from our tasting room if the pine trees on the proposed site are partially or totally removed, as discussed in comment 3.

5. The proposed tower would loom well above existing pine trees. Even if a buffer of pine trees was retained, these trees would provide little visible protection. The interior pine trees are approximately 30 to 60 feet tall. The tower will therefore be approximately 150 feet higher than the trees. The only foliage on these trees is located near the top of the trees. Basically, they look like thin telephone poles with some pine needles on the top. The bases of the trees will be insufficient to hide the view of the tower.

6. The tower would be visible from the Hardware River, which is used by ourselves, other Fluvanna County residents and tourists for fishing, canoeing and kayaking. The Hardware River is an important County asset that should not be disturbed. A new Rt. 6 bridge will be constructed over the Hardware River in 2014. VDOT is designing provisions that will allow a put-in/take-out point for canoes and kayaks at the new bridge, near the edge of our property. As a result, use of the Hardware River for leisure enjoyment can be expected to increase after the new construction. A 200 ft cell tower would diminish the experience of boaters and fishermen.

Thank you for your time.
George and Leslie Cushnie

Andrew Pompei

From: George Cushnie [george@caiweb.com]
Sent: Tuesday, May 22, 2012 1:58 PM
To: Steven Tugwell
Cc: Andrew Pompei; Michael Gray
Subject: SUP 12:02

Steve: Leslie and I have come to an agreement with Michael Grey concerning SUP 12:02.

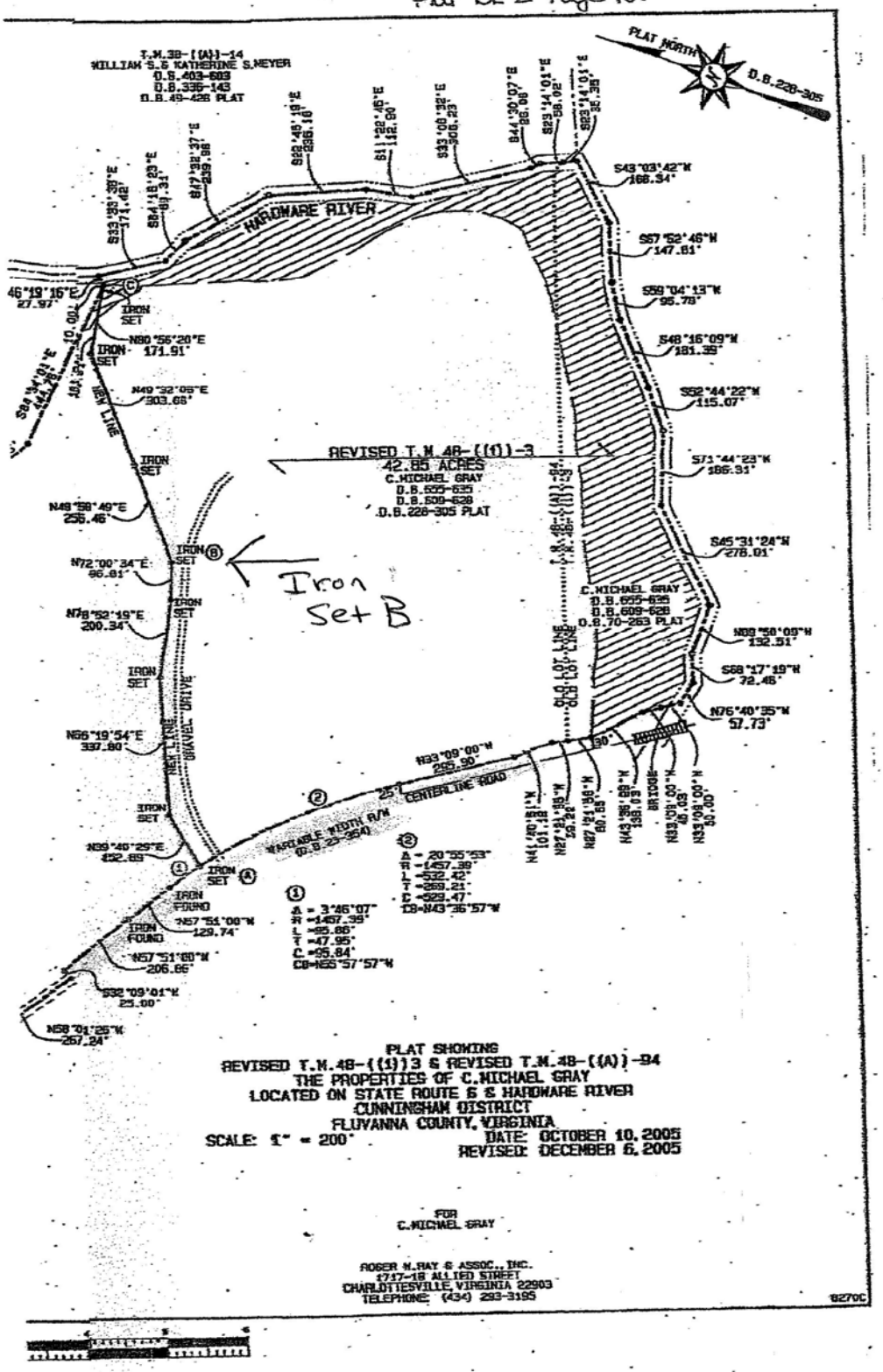
Leslie and I will drop our objections to the special use permit if the following three conditions are honored:

1. The cell tower is located as shown on the attached Google map (yellow text box).
2. The maximum height of the tower is 175 feet.
3. Michael Gray maintains a tree buffer of 60 feet deep on his property, along our driveway, from where the trees begin near Rt. 6 to iron set B as shown on the attached plat, that will convey with any sale of his property.

Please let me know if you have any questions.

Regards,
George and Leslie Cushnie

Plat Bk 2 Page 181



Andrew Pompei

From: Dorothy Brunetti [dorothy@vacapital.com]
Sent: Tuesday, May 22, 2012 3:51 PM
To: Andrew Pompei
Cc: Steven Tugwell; rick@cityscapegov.com
Subject: RE: SUP 12:02

Andrew,

Reads correctly and sounds like it covers all the fine points. Thank you for your time on this. We may want to include an exhibit from the survey that I forwarded to Mr. Grey that shows the actual buffer on the plat but you can ask the attorney about that.

Thank you,
Dorothy

Clear Signal Towers, LLC
Dorothy Brunetti
Chief Executive Officer
1801 Libbie Ave., Suite 201
Richmond, VA 23226
804-337-6470 (m)
804-915-9694 (o)
804-648-4809 (F)
dorothy@vacapital.com

From: Andrew Pompei [mailto:apompei@co.fluvanna.va.us]
Sent: Tuesday, May 22, 2012 3:48 PM
To: Dorothy Brunetti
Cc: Steven Tugwell; rick@cityscapegov.com
Subject: RE: SUP 12:02

Dorothy,

Thanks for the quick response! Based on your input and Mr. Cushnie's prior email, I have developed language describing the conditions you all have proposed. Please look over them and make sure they are accurate. Once they are OK, I'll send them on to the County Attorney to make sure they are in proper format.

- The tower, including antennae, will not be higher than 179 feet and will not be lit.
- The property owner will retain a forested buffer of no less than sixty feet (60') in width on Tax Map 48 (A)94 adjacent to its boundary with Tax Map 48(1)3, from the right-of-way of State Route 6 to iron set "B", as shown on the plat recorded in Plat Book 2, Page 181 at the Clerk's Office of the Circuit Court of Fluvanna County.

Thanks,
Andrew

Andrew J. Pompei
Planner | Fluvanna County
434.591.1910 | apompei@co.fluvanna.va.us

From: Dorothy Brunetti [mailto:dorothy@vacapital.com]
Sent: Tuesday, May 22, 2012 2:28 PM
To: Andrew Pompei
Cc: Steven Tugwell
Subject: RE: SUP 12:02

Andrew,

I have been speaking with Mr. Grey and have agreed to 175' foot tower in an effort to make this a "win win" for all parties involved. Mr. Grey has agreed to the 60' buffer around the property.

Thank You,
Dorothy

Clear Signal Towers, LLC
Dorothy Brunetti
Chief Executive Officer
1801 Libbie Ave., Suite 201
Richmond, VA 23226
804-337-6470 (m)
804-915-9694 (o)
804-648-4809 (F)
dorothy@vacapital.com

From: Andrew Pompei [mailto:apompei@co.fluvanna.va.us]
Sent: Tuesday, May 22, 2012 2:16 PM
To: Dorothy Brunetti
Cc: Steven Tugwell
Subject: FW: SUP 12:02

Dorothy,

Mr. Cushnie (owner of the vineyards/winery adjacent to the Hardware River site), spoke with us this morning and sent this email stating that he and Mr. Gray have come to an agreement regarding the proposed tower (see below). Mr. Gray was CC'ed on the email to us.

Have you agreed to these conditions? If these are conditions that the property owner (Mr. Gray) and applicant (Clear Signal) have agreed to, we would need written verification from the applicant. These conditions would then become part of the SUP, if approved.

If you could provide us with your response either way, it would be appreciated.

Thanks,
Andrew

Andrew J. Pompei
Planner | Fluvanna County
434.591.1910 | apompei@co.fluvanna.va.us

From: George Cushnie [mailto:george@caiweb.com]
Sent: Tuesday, May 22, 2012 1:58 PM
To: Steven Tugwell
Cc: Andrew Pompei; Michael Gray

Subject: SUP 12:02

Steve: Leslie and I have come to an agreement with Michael Grey concerning SUP 12:02.

Leslie and I will drop our objections to the special use permit if the following three conditions are honored:

1. The cell tower is located as shown on the attached Google map (yellow text box).
2. The maximum height of the tower is 175 feet.
3. Michael Gray maintains a tree buffer of 60 feet deep on his property, along our driveway, from where the trees begin near Rt. 6 to iron set B as shown on the attached plat, that will convey with any sale of his property.

Please let me know if you have any questions.

Regards,
George and Leslie Cushnie

Good morning Andrew,

As you know, an agreement has been reached with the Cushnies regarding the location of this cell tower. I will be granting them a 60 feet buffer along their property line, and Clear Signal Towers will reduce the height to 175 feet.

I wanted to express my comments and side of the story to you. When I was approached by Clear Signal Towers about this tower, I thought long and hard about it. Obviously I did not want to create a problem for my neighbors. I negotiated with them to locate the tower in the back corner of my property far away from Route 6, and they agreed. The result by their own words is that it is one of the best camouflaged sites they have ever done. I drove all along Route 6 during the balloon test and it was not visible from any point on the road.

The Cushnies, the bordering property owners, mentioned the Hardware River, which borders my property, but I assure you the tower will not be visible from any point on the river. The river is way below the location and blocked by a steep slope of 300-400 feet and huge 100 year old hardwood trees.

The tower is not in the way of any view of the Blue Ridge mountains from the Cushnie property. I sold them that property and am very familiar with the views. Their limited view of the mountains is to the southwest and the tower is located more than one quarter of a mile from their home in the northern direction, and only slightly visible from the second floor windows.

They mentioned their winery and tasting room and that the tower would hurt their business. In fact, as shown in the pictures, it will not even be visible from their tasting room or their vineyard.

This area of the county is in desperate need of improved cellular service. It is very difficult for tradesmen and sales people to communicate because service is virtually nonexistent in this part of the county. When we have guests they always complain about the lack of service. It is hard to imagine in this day and age that such a black hole of communication exists, but it does. These towers along Route 6 will solve that problem for everybody, and we deserve to have them approved.

We have worked within the system to find an amicable resolution for the Cushnies. As they pointed out, that is one of the good things about living in Fluvanna. Approving these towers for the citizens living in this area will also be a good thing.

Thank you,
Michael Gray
390 Windy Ridge Lane
Scottsville, Va. 24590

MEMORANDUM

To: County of Fluvanna, Office of Planning and Community Development

From Fluvanna County Health Department, Environmental Health

Date: May 10, 2012

SDP 12:09 – Triangle Realtors – Property located on right side of Turkey Sag off of Rt. 53 in existing shopping center. Probable connection to Lake Monticello water & sewer.

SUP 12:01 – Clear Signal Towers, LLC - Tax Map 39-A-34, property belonging to William Davis. 331.29 acres directly across from Kidd's Store, southside of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

SUP 12:02 – Clear Signal Towers, LLC – Tax Map 48-A-94, property belonging to Michael Gray. 71.46 acres on north side of Rt. 6 past Hardware River. Property does not contain any existing buildings, water or sewage systems.

SUP 12:03 – Clear Signal Towers, LLC – Tax Map 59-A-13B, property belonging to Richard White. 46.6 acres on East side of Rt. 15 before Bremo Bluff. The health department issued a permit for an agricultural well which was installed on June 10, 2009. There is a barn on the property but no septic systems.

SUP 12:04 Clear signal Towers, LLC – Tax Map 50-A-3, property belonging to Margaret Snoddy. 97.7 acres on Rt. 650, south of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

ZTA 12:01 & ZTA 12:02 – Amendments to Zoning and Subdivision Ordinances. No apparent impact on health department regulations.

Telecommunications Site Review
Virginia New Structure

CityScape Consultants, Inc.
7050 W. Palmetto Park Road #15-652
Boca Raton, FL 33433-3483
Phone: 877-438-2851 • Fax: 877-220-4593

May 9, 2012

Mr. Steven Tugwell
Planning and Zoning
Fluvanna County
132 Main Street
Palmyra, Virginia 22963

RE: AT&T Mobility Application
Hardware River
Site: 444

Dear Mr. Tugwell,

At your request on behalf of Fluvanna County, Virginia, CityScape Consultants Inc., in its capacity as telecommunications consultant for the County, has considered the merits of an application submitted by AT&T Wireless ("AT&T") and Clear Signal International ("Clear"), to construct a new one hundred ninety-five (195) foot monopole type tower to include a four (4) foot top mounted lightning rod, as an antenna support structure. AT&T is actively upgrading their facilities throughout the State of Virginia and other areas in the southeast United States. Other carriers such as U.S. Cellular, T-Mobile and Verizon are doing much the same. This proposed new construction will allow AT&T to improve service along US-15. The new facility will expedite AT&T to bring new 3G (Third Generation) and 4G (Fourth Generation) electronic communication capabilities. Currently AT&T has limited facilities within Central Virginia. The proposed support structure is to be owned by Clear Signal Towers and will be located on property owned by C. Michael Grey. The proposed new facility will be located on State Road 650 near Palmyra in Fluvanna County, Virginia, see *figure 1*.

AT&T is proposing to top mount their antennas at the one hundred ninety-five (195)-foot level, using a single coaxial cable for each antenna. AT&T plans to install a new prefabricated shelter mounted on a new concrete foundation near the base of the tower, see *figure 2*. The Applicant has stated that the facility will be constructed to accommodate a total of four (4) antenna arrays which is contrary with Fluvanna County code, see *figure 3*. A new tower of this height must accommodate a total of six (6) antenna arrays.

All wireless communications systems depend on the concept of frequency resource reuse to achieve greater capacities. With some technologies, the individual channel frequencies are reused every few cells, but not too closely, since interference would result. In many other systems, power from one base station interferes with other base stations, impacting network capacity. Therefore, it is undesirable for wireless phones to communicate with more than a few base stations simultaneously.

A reasonable search area location is a key element in assuring that a site is justified. Generally, new wireless communication facilities are equally spaced with respect to existing sites. However, terrain, network capacity and other issues may necessitate a facility that it is *not* equally spaced with respect to existing sites. Typically the wireless provider is asked to provide a frequency grid or coverage predictions to indicate that a site is properly located.

Specifically, the undersigned has evaluated AT&T's proposal from the following perspectives:

1. The proposed facility is required due to technological reasons and is essential for the Applicant to provide telecommunications services, and,
2. The proposed new site was selected as reasonably within the targeted area and therefore acceptable within the AT&T Network design specifications. The Applicant has followed the guidelines of the Telecommunications Act of 1996, the State of Virginia and the Fluvanna County Ordinance.

The Applicant did not follow all guidelines. The required changes are reflected within the conditions of approval.

All designs and plans for the proposed new facilities were developed according to accepted practices of RF propagation engineering and the persons completing all work are sufficiently qualified within their disciplines.

Figure 4 represents the current service for AT&T at this location. *Figure 5* indicates the Applicant's predicted new service for this phase of Network deployment in Fluvanna County. CityScape anticipates this plan, if built as designed, should be sufficient to allow an improvement of regular cellular service to AT&T customers, in addition the proposed changes will increase the ability for citizens to utilize higher speed internet. Properly locating the site will justify the proposed construction of a new support structure.

The Applicant supplied a letter of compliance with all FCC standards regarding human exposure to Radio Frequency energy, and the Applicants will comply with all aspects of FCC rules regarding interference, see *figure 6*. CityScape is aware that this facility will operate in both the 800-megahertz and 1900-megahertz spectrum and could be an interference concern to Public Safety operations.

For the reasons listed below, it is our opinion that:

- The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service, to alleviate a signal coverage issue; and
- AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and,
- The proposed new site is supported by the Fluvanna County Telecommunications Master Plan

The Applicant submitted photo simulations which are attached as Exhibits.

The site will be designed and constructed by professionals with expertise in the disciplines of maximizing the use of telecommunications facilities and construction. This practice corresponds with the desires of Fluvanna County.

Upon review and discussions with the Applicant, CityScape confirms a new support structure is required not only for proposed new AT&T equipment but will be needed for additional wireless carriers in the near future. Therefore, CityScape recommends this application with the tower height of 195 feet be approved with the following conditions:

That the Applicant;

1. Confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G; and,

2. The proposed new tower shall accommodate no less than six (6) different wireless service provider's antenna arrays all of the same general design; and,

3. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service provider's ground mounted electronic equipment; and,

4. The Applicant obtain all necessary County permits prior to any work on the site; and,

5. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and,

6. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation.

Respectfully submitted,

Richard L. Edwards
FCC Licensed
PCIA Certified
CityScape Consultants, Inc.

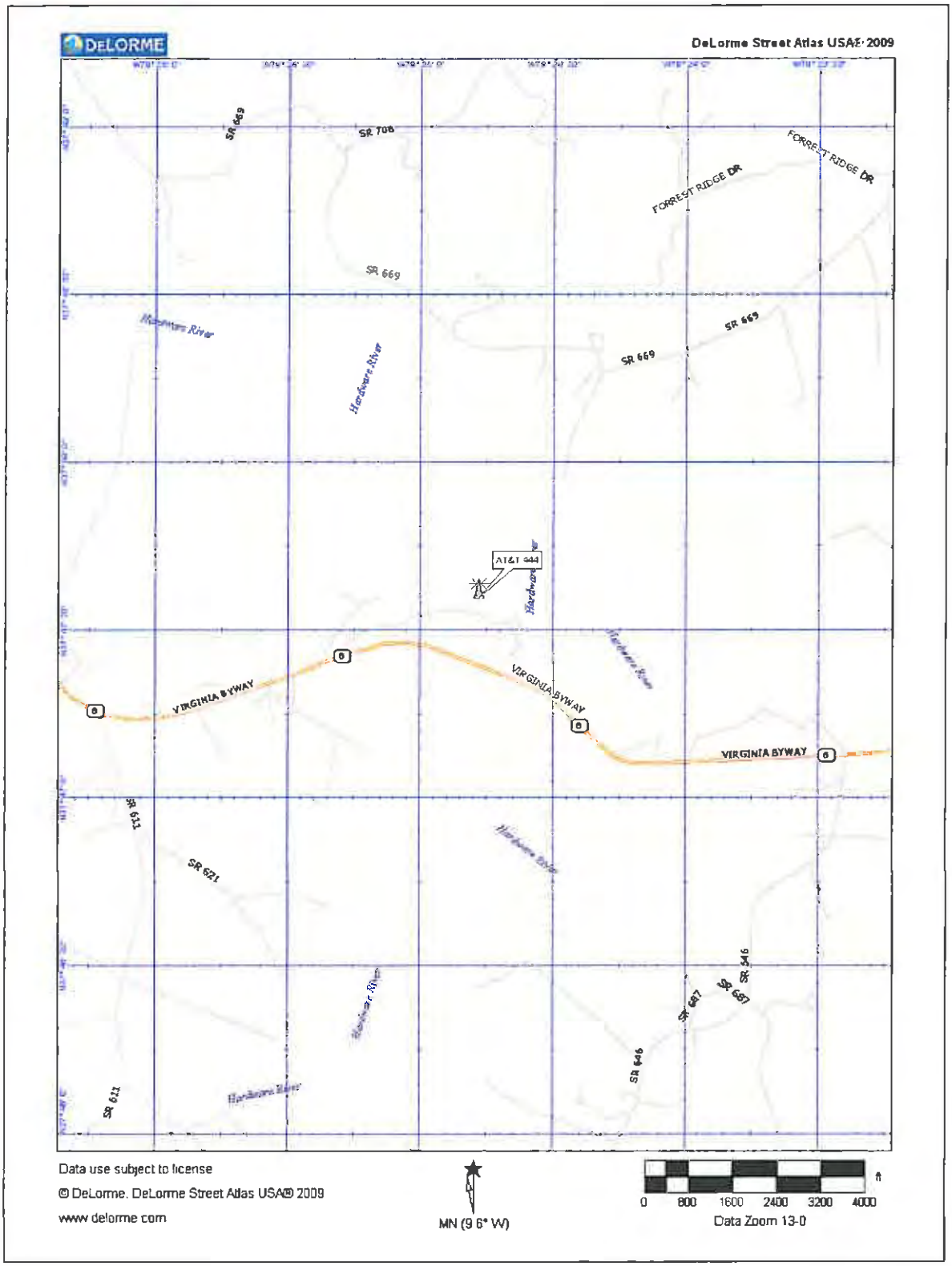


Figure 1. Site Location

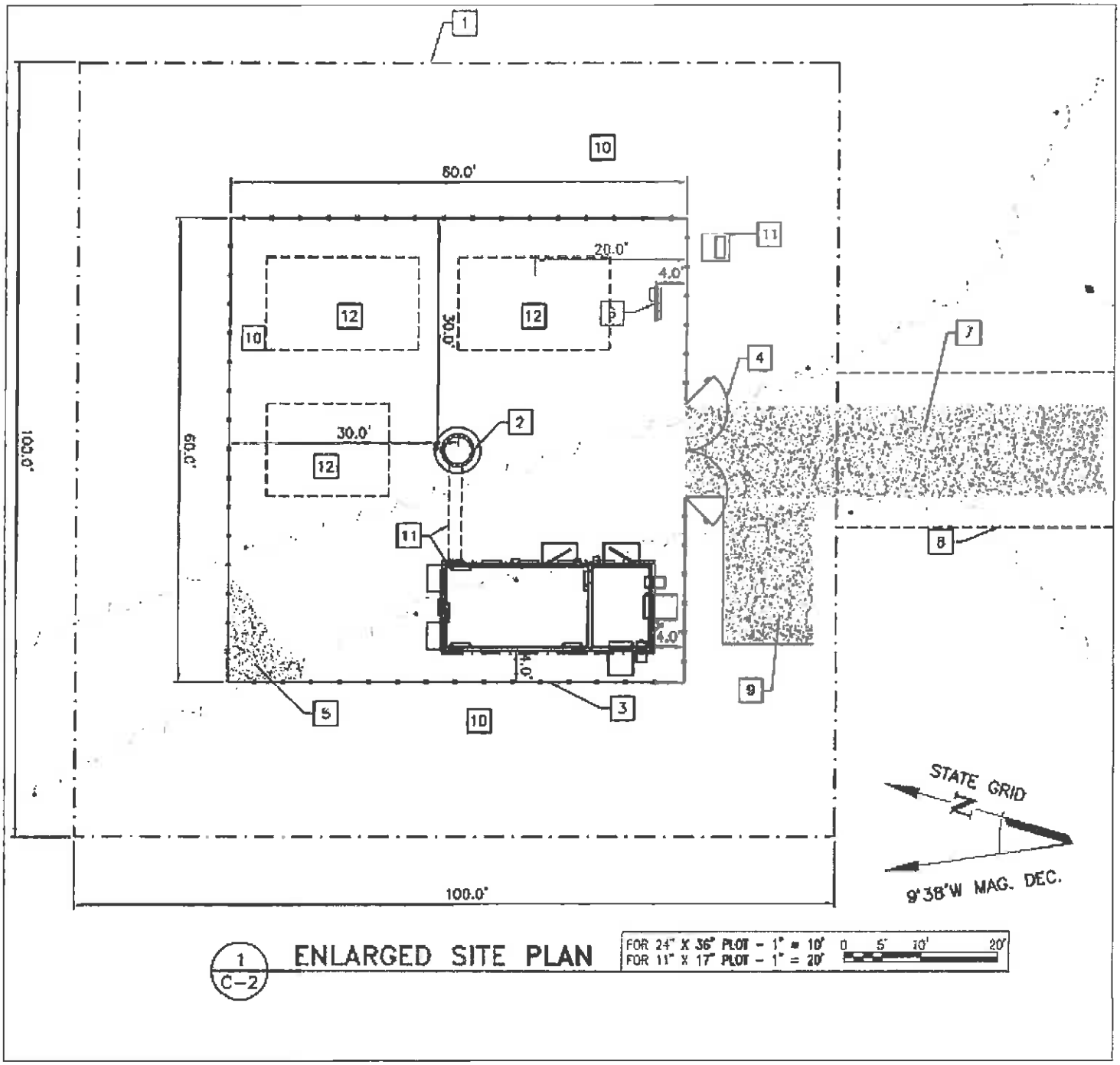


Figure 2. Proposed Ground Compound

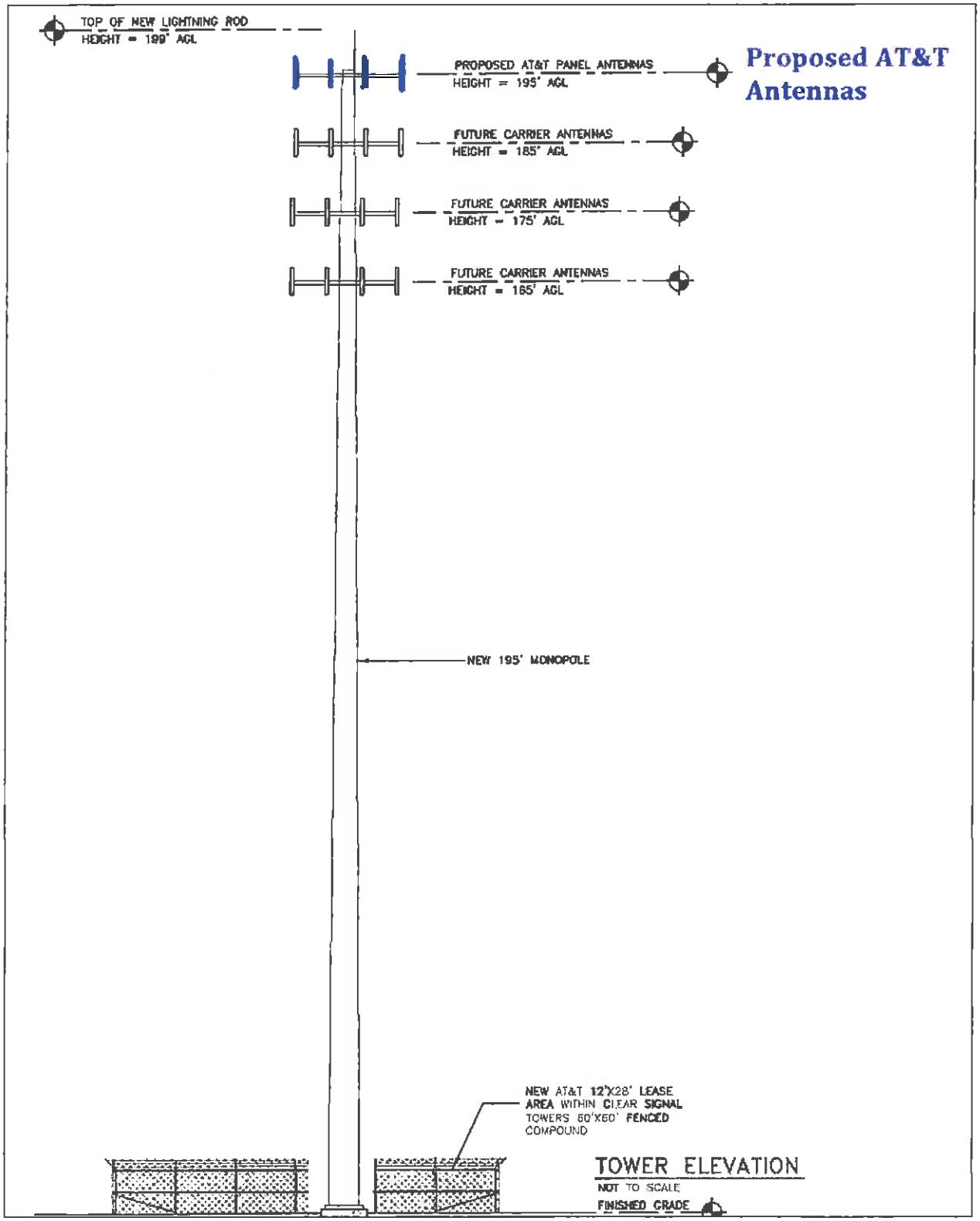


Figure 3. Proposed Tower Elevation

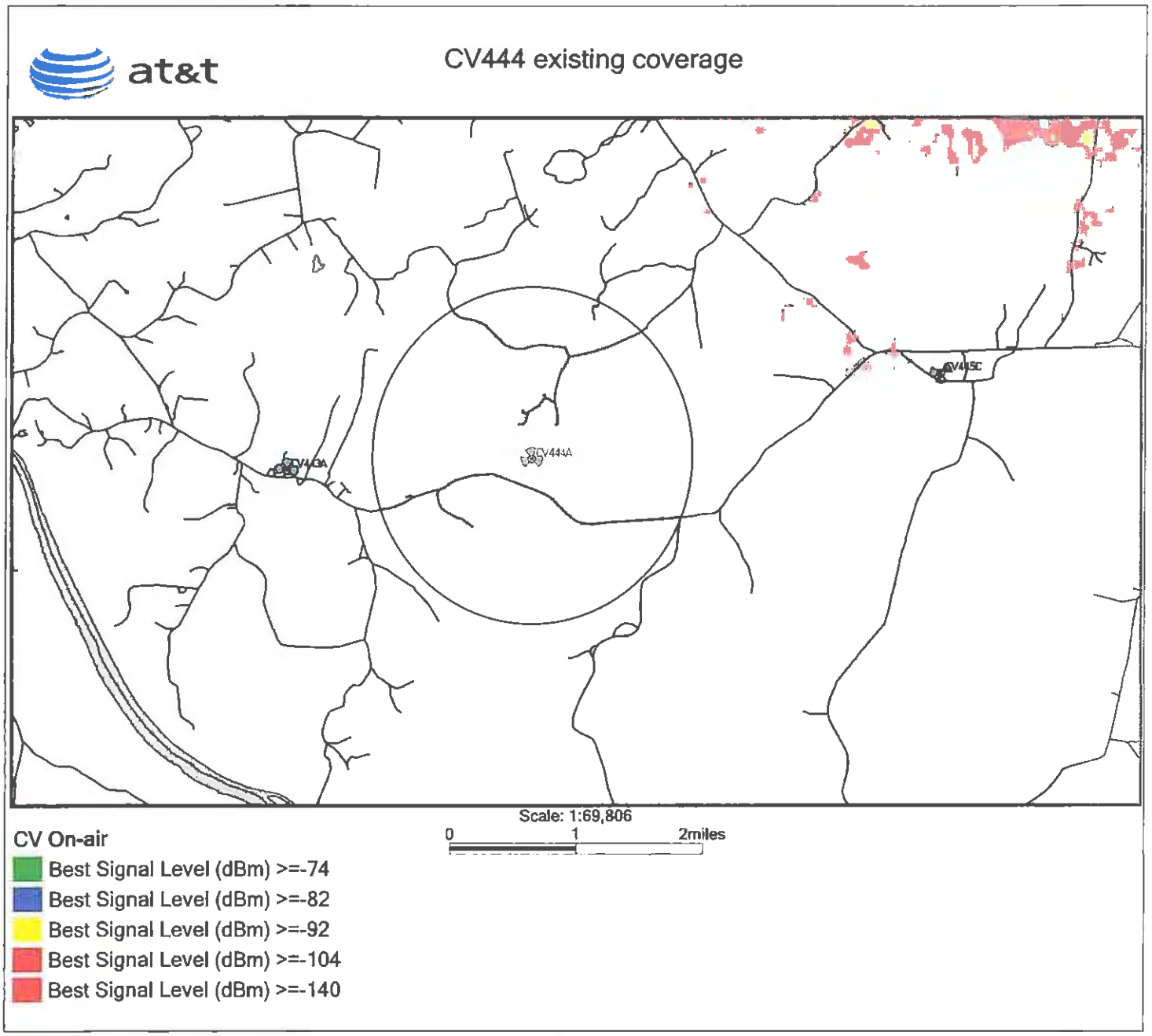


Figure 4. Current Service (Gray Indicates Target Area)

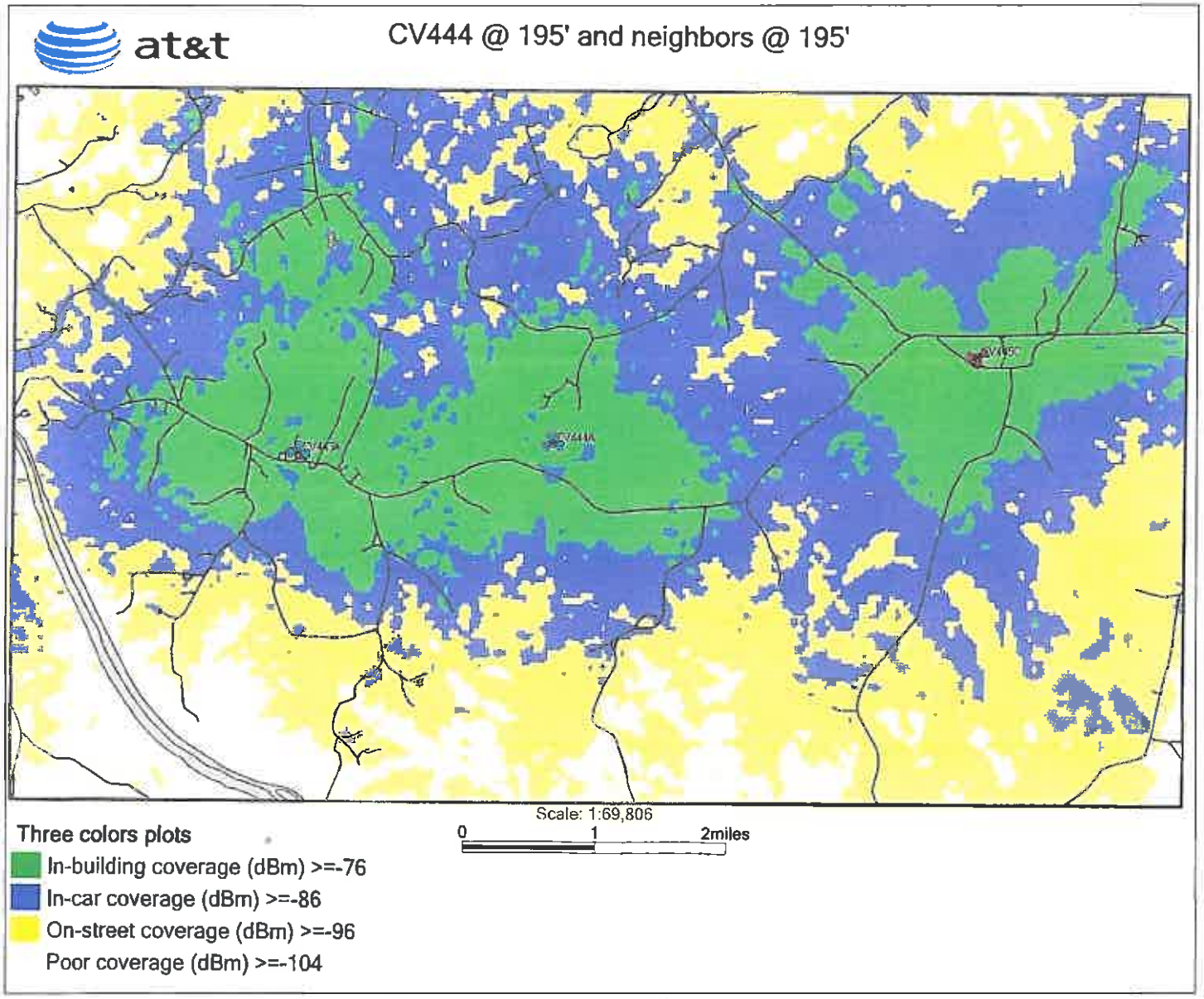


Figure 5. Projected New Service

at&t

November 7, 2011

Subject: **AT& T Proposed Site – Communications Tower located on Virginia Byway (Tax Map 48-A-94) ~ Scottsville, VA: FCC Compliance Letter – Site (CV444/VA9032) "Hardware River"**

AT&T will comply with all FCC rules regarding interference to other radio services and AT&T will comply with all FCC rules regarding human exposure to radio frequency energy.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Figure 6. Human Exposure and Interference Compliance Statements

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	SUP 12:03 – Clear Signal Towers, LLC (Weber City)
MOTION(s):	**I move that the Board of Supervisors approve/deny SUP 12:03, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 46 acres of Tax Map 59, Section A, Parcel 13B, (if approved) subject to the conditions listed in the staff report.**
STAFF CONTACT:	Steve Tugwell (Senior Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	This item is a request for a Special Use Permit (SUP) to allow for a 195-foot wireless telecommunications tower to be located on Tax Map 59, Section A, Parcel 13B (46 acres). The subject property is located on the east side of James Madison Highway (U.S. Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	The Board of Supervisors may: • Approve this request, allowing the applicant to construct a 195-foot wireless telecommunications tower; OR • Deny this request, preventing construction of the facility; OR • Defer this request and make a final decision at a later date.
LEGISLATIVE HISTORY:	Review of a proposed telecommunications facility in accordance with Chapter 22, Article 26 of the Fluvanna County Code (Zoning Ordinance: *Regulation of Telecommunications Facilities).* Application was received on March 12, 2012. Planning Commission reviewed the request on June 27, 2012. Applicant deferred Board of Supervisors public hearing scheduled for July 18, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 12:03
Tax Map: 59-A-13B

From: Steve Tugwell
District: Fork Union
Date: November 20, 2012

General Information: This request is to be heard by the Board of Supervisors on Tuesday, November 20, 2012 at 7:00 pm in the Circuit Courtroom of the Fluvanna County Courts Building.

Applicant: Clear Signal Towers, LLC

Requested Action: A request for a Special Use Permit (SUP) to allow for a 195-foot wireless telecommunications tower with respect to 46 acres of Tax Map 59, Section A, Parcel 13B (Attachment A).

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Residential

Zoning Ordinance: Article 27: *Regulation of Telecommunications Facilities*

Location: The affected property is located on the east side of James Madison Highway (U.S. Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612). (Attachment B)

Existing Land Use: The property is agricultural and consists of farm-related buildings.

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General and is very low-density residential in nature.

Zoning History: No Previous Zoning Activities

Analysis

The applicant has requested a Special Use Permit (SUP) to allow the construction of a 195-foot monopole-type telecommunications tower on Tax Map 59, Section A, Parcel 13B. The tower will be constructed within a 10,000 square foot (100' x 100') compound that will also house the

necessary accessory structures. Clear Signal Towers, LLC has stated that AT&T has already signed a lease agreement to use the proposed tower.

When evaluating a request for a Special Use Permit (SUP), two (2) general guidelines are used for evaluation, as set forth in the Fluvanna County Zoning Ordinance (Sec. 22-17-4D).

First, the proposed use should not tend to change the character and established pattern of the area or community.

Character of Surrounding Area

The proposed tower is located in the southeastern portion of the county off of U.S. Route 15 (James Madison Highway), north of the James River. The surrounding area is not highly populated, and has land involved in agricultural production. A minimal number of dwellings are located within a mile of the proposed tower. The location of the proposed tower is screened by a dense stand of loblolly pines approximately 200 feet in width. According to the applicant's photosimulations, the tower would be visible from the immediate lease compound area, but not as visible from U.S. Route 15 (James Madison Highway). On the day of the balloon test, the proposed tower was not visible traveling north on Route 15, but was slightly visible when traveling south along Route 15. (Attachment C)

Conformance with Wireless Telecommunications Facilities Master Plan

According to the *Wireless Telecommunications Facilities Master Plan*, there are three (3) potential county owned properties that were considered as alternates, but were dismissed by the consultant due to their proximity to other planned sites. All three sites are along U.S. Route 15, and the consultant determined that an existing site that has been approved in Buckingham County would be spaced too close to county owned property in Fluvanna. (Attachment D)

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Zoning

The subject property and all surrounding property are zoned A-1 (Agricultural, General). Since the proposed tower will be less than 200 feet, it will not have to be lighted. The applicant is proposing to build a 195 foot non-concealed freestanding antenna support facility within a 100 foot by 100 foot lease area, which per Sec. 22-27-8, requires a special use permit, and is not permitted by-right. Some permitted by-right uses in the A-1 zoning district include single-family dwellings, minor utilities, home occupations, private kennels, and temporary sawmills to name a few.

If this request were approved, the applicant will be required to submit a site development plan for review, in accordance with Article 23: *Site Development Plans* of the Fluvanna County Zoning Ordinance.

Relationship to Neighboring Properties

The proposed tower will be located on a parcel of land engaged in agricultural purposes. This parcel contains farm related buildings including silos and barns. The tower would be screened by a substantial wooded area between U.S. Route 15 (James Madison Highway), and the lease area. Very few dwellings are located within a 1-mile proximity of the proposed tower, and existing vegetation would provide an effective screening from those properties. (Attachment E).

Comprehensive Plan

The Comprehensive Plan designates this area as within the Rural Residential Planning Area. The Infrastructure Chapter of the Comprehensive Plan has the following recommendations concerning the siting of cellular towers.

- Encourage the location and co-location of wireless communication equipment on existing structures;
- Accommodate the growing need and demand for wireless communication services;
- Encourage coordination between communication providers;
- Establish consistent and balanced legal language governing wireless communications facilities that take into consideration the Comprehensive Plan and communications master plan; and
- Maintain compliance with applicable laws, including but not limited to the 1996 Telecommunications Act.

The above recommendations are the primary reasons the county has procured a telecommunications consultant to assist with these applications.

Neighborhood Meeting

The neighborhood meeting was held on May 9, 2012. With the exception of the property owner, there were no other people there to speak with regard to this application.

Technical Review Committee

The Technical Review Committee (TRC) meeting was held on May 10, 2012. The following comments were made:

1. The Health Dept. stated that a permit was issued for an agricultural well which was installed on June 10, 2009, and that there is a barn on the property but no septic systems;
2. Central Virginia Electric Cooperative stated that Dominion power has jurisdiction at this site;

3. Planning staff stated that the consultant's report was forthcoming and their comments would be part of the staff report;
4. VDOT stated that an entrance permit will be required, and the entrance may need to be upgraded. (Attachment F).

Planning Commission

The Planning Commission considered this SUP request at their June 27th meeting, with very limited discussion. The Commission asked how long it would be before the tower were built if approved, and the applicant replied six to eight months. The Planning Commission recommended approval 3-0-1, with Dr. Babbitt abstaining. Mr. Halstead was absent.

Board of Supervisors

SUP 12:03 was deferred at the July 18, 2012 Board of Supervisors meeting.

Consultant's Recommendation

CityScape Consultants, Inc. has reviewed this request, and has provided updated information stating that:

1. The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service and alleviate a signal coverage issue;
2. AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore, the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and
3. The proposed site is supported by the *Wireless Telecommunications Facilities Master Plan.*

CityScape Consultants, Inc. recommends that the application by approved with the following conditions:

1. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design size and standards and the associated feed lines shall fit sufficiently within the monopole structure; and,
2. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
3. The Applicant shall obtain all necessary County permits prior to any work on the site;
4. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
5. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation. (Attachment G)

Conclusion

This request for a special use permit for a 195 ft. monopole telecommunication facility appears to be in substantial conformance with the intent of the Comprehensive Plan's recognition that telecommunications are a critical part of the role of infrastructure throughout the county, and the criteria set forth in the Zoning Ordinance. In reviewing this request, the Planning Commission should consider how the proposed tower:

- Conforms with the *Wireless Telecommunications Facilities Master Plan*;
- Improves telecommunications infrastructure within Fluvanna County; and
- Impacts the rural character, and associated tourism potential, of the surrounding area.

If approved, staff recommends that the following conditions be imposed:

1. The tower, including antennae, will not be higher than 199 feet and will not be lit;
2. The tower shall be ~~in the same location~~ *constructed substantially* as shown in the application;
3. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design size and standards and the associated feed lines shall fit sufficiently within the monopole structure;
4. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
5. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
6. The Applicant shall obtain all necessary County permits prior to any work on the site;
7. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
8. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
9. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
10. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition *in accordance with Sec. 22-27-5 of the County Code*;
11. Violation of any condition of this permit shall be grounds for revocation of this permit.
12. The Board of Supervisors, or their representatives, has the right to inspect the property for compliance with these conditions at any time.
13. *The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.*

Suggested Motion

I move that the Board of Supervisors approve/deny SUP 12:03, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 46 acres of Tax Map 59, Section A, Parcel 13B, (if approved) subject to the conditions listed in the staff report.

Attachments

A: Application, compliance letter, and APO letter
B: Aerial Vicinity Map
C: Applicant's Balloon Test Photos
D: Map of County owned property and email from the consultant
E: Map of Existing Wireless Telecommunications Inventory
F: TRC comments
G: Updated Consultant's Report (9/6/2012)

Copy

Owner:	Richard and Lindsay White, 2214 James Madison Highway, Bremo Bluff, VA 23055
Applicant:	Clear Signal Towers, LLC, Dorothy Brunetti, 1801 Libbie Avenue, Suite 201, Richmond, VA 23226
Consultant:	CityScape Consultants, 7050 W. Palmetto Park Road # 15-652, Boca Raton, FL 33433

Weber City
VA9029 / CV439
ATT A

Received
MAR 1 2 2012
Fluvanna County

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Special Use Permit (SUP)

Owner of Record: Richard & Lindsay White
E911 Address: 2214 James Madison Hwy, Bremo Bluff
Phone: Fax: N/A
Email: N/A

Applicant of Record: Clear Signal Towers, LLC
E911 Address: 1801 Libbie Ave., Suite 201, Richmond VA
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Representative: Dorothy Brunetti
E911 Address: 1801 Libbie Ave., Suite 201, Richmond
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ✓ No ○ Yes
If Yes, what district: N/A

Tax Map and Parcel(s): 59-A-13B
Deed Book Reference: 124 P. 432
Acreage: 46 **Zoning:** A-1
Deed Restrictions? ✓ No ○ Yes (Attach copy)
Request for a SUP in order to: construct a tower
Proposed use of Property: Wireless Telecom Facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 3/1/12 Signature of Owner/Applicant: [signature]

Subscribed and sworn to before me this 1st day of March, 2012 Register # 7273598

My commission expires: My Commission Expires October 31, 2013 Notary Public: Pamela Ann Pugh

Certification: Date: Zoning Administrator: Darren Coffey

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: 3-12-12	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: SUP 12:003
$800.00 fee plus mailing costs paid:		Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: $400.00 fee plus mailing costs paid:			
Telecommunications Tower $1,500.00 fee plus mailing costs paid:		$5,500 w/Consultant Review paid: CK #2333	
Election District: Fork Union		Planning Area: Rural Residential	

Public Hearings			
Planning Commission		**Board of Supervisors**	
Advertisement Dates:	June 14th + 21st	Advertisement Dates:	July 5th + 12th
APO Notification:	June 13th	APO Notification:	July 4th
Date of Hearing:	June 27th	Date of Hearing	July 18th
Decision:		Decision:	

Received
MAR 1 2 2012
Fluvanna County

VA9029/CV439

Fluvanna County Virginia Weber City

Communications Facility Application Checklist

Date Submitted: 11/1/11

APPLICANT'S NAME: Clear Signal Towers, LLC
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
PROPERTY OWNER: _____ Phone: _____
APPLICANT'S CONTACT: Dorothy Brunetti
Address 1801 Kibbie Ave, Suite 201, Richmond VA 23226
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
Lessor/Licensor Contact Information:
Name: Richard and Lindsay White
Address: 2214 James Madison Hwy. Bremo Bluff, VA 23033
Phone: _____ FAX: _____ E-mail: _____

Commercial Wireless Provider AT&T

New Structure: Yes [✓] No [ ] Co-location: Yes [ ] No [✓] Water Tower: Yes [ ] No [✓]

Replace Existing Structure: Yes [ ] No [✓] Replacement (upgrade) of existing antennas Yes [ ] No [✓]

Stealth Attached Facility: Yes [ ] No [✓] New Stealth Antenna Support Structure: Yes [ ] No [✓]

FACILITY INFORMATION:

Site Address: James Madison Hwy, Fork Union VA 23055

Latitude (NAD83): 37-44-15.8 Longitude (NAD83): 78-17-23.3

Ground Elevation (AMSL) (ft): 432 ft. Total Height of Tower: (AGL) (ft) 195'

RAD Center (ft): 194'

TAX Parcel Identification Number: 59-A-13B

Present Zoning of Property: A-1

Land Use and Description of Property: Agricultural

FCC Antenna Structure Registration Number (ASR) (if applicable): N/A

The following must be enclosed with this application:

1. A map (electronic preferable) of the same search ring submitted and used by the applicant's site locator;
2. A map (electronic preferable) indicating applicant's existing RF signal propagation;
3. A map (electronic preferable) indicating applicant's proposed new RF signal propagation;
4. A statement (electronic preferable) from a qualified individual that the applicant will comply with all FCC rules regarding human exposure to RF energy, along with the individual's qualifications;
5. A statement (electronic preferable) from the applicant that the applicant will comply with all applicable FCC rules regarding radio-frequency interference;
6. A statement (electronic preferable) that the submitted search ring is the same as utilized in the selection of the site;
7. Complete plans of the proposed facility to include a structural certification by a Registered Professional Engineer that the facility complies with applicable Federal, State and Buckingham County building codes.

Please Note: Supplemental information may be requested for purposes of clarity or confirmation.

HCWFC-04

Clear Signal Towers, LLC

WEBER CITY
VA9029

JAMES MADISON HIGHWAY
FORK UNION, VA 23055

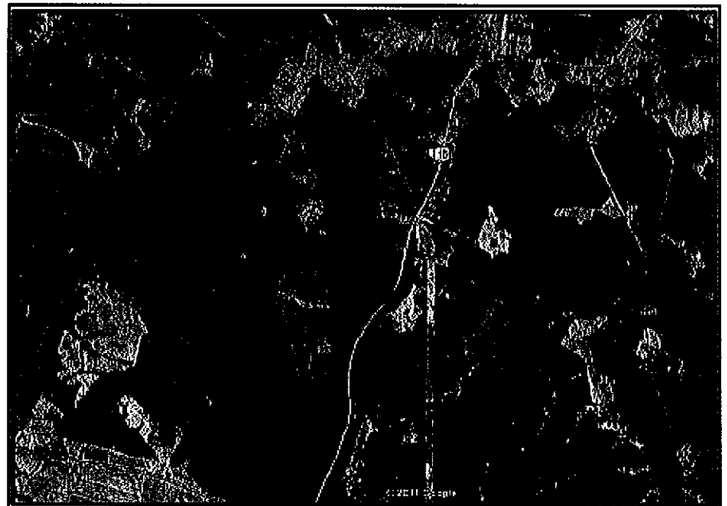
PROJECT DESCRIPTION:

INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT

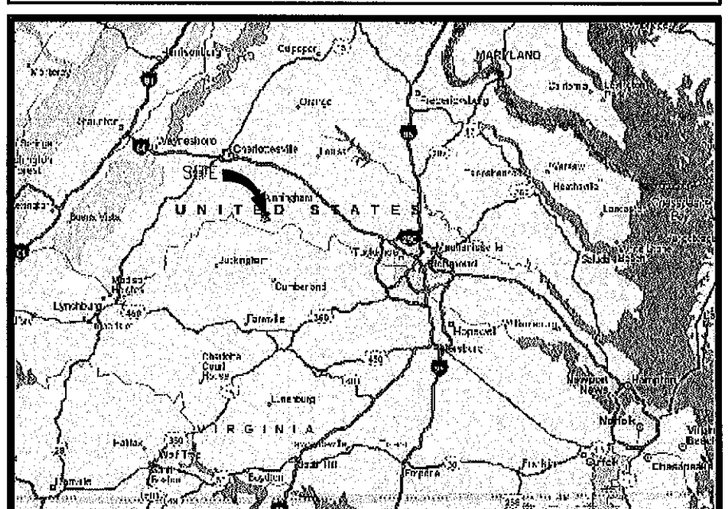
2 WORKING DAYS
BEFORE YOU DIG
1-800-552-7001
TOLL FREE
MISS UTILITY

DIRECTIONS TO SITE:

FROM RICHMOND:
TAKE I-64 W TO EXIT 167 AND TURN RIGHT ONTO US-250. TURN LEFT ONTO FAIRGROUND RD AND THEN LEFT ONTO US-522. TURN RIGHT ONTO SR-6 AND FOLLOW FOR APPROXIMATELY 20 MILES. KEEP STRAIGHT ON US-15 AND FOLLOW FOE APPROXIMATELY 5 MILES. TURN LEFT ON DRIVEWAY AND FOLLOW TO SITE.



LOCAL MAP NOT TO SCALE



VICINITY MAP NOT TO SCALE

N

N

APPROVAL

SAI SITE ACQUISITION:	SIGNATURE	DATE	AT&T REGULATORY	SIGNATURE	DATE
SAI ZONING:	SIGNATURE	DATE	AT&T RF:	SIGNATURE	DATE
SAI CONSTRUCTION:	SIGNATURE	DATE	AT&T CONSTRUCTION:	SIGNATURE	DATE

REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
1	ZONING DRAWINGS	OWW	08/01/11				

CONSULTING TEAM

ARCHITECTURE AND ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
PROJECT MANAGER: WARREN WILLIAMS, P.E.
TELEPHONE: (757) 450-2288

SURVEY:
HAYDEN FRYE AND ASSOCIATES
333 KELLAM ROAD, SUITE 200
VIRGINIA BEACH, VA 23462
CONTACT: HAYDEN FRYE, LS
TELEPHONE: (757) 491-7228
FAX: (757) 491-7229

SOIL ENGINEER:
GEOENVIRONMENTAL RESOURCES, INC. (GER)
CONTACT: CHARLES CRAWLEY, PE
TELEPHONE: (757) 463-3200

STRUCTURAL ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
CONTACT: JASON CANFIELD, P.E.
TELEPHONE: (757) 450-2288

UTILITIES:
POWER COMPANY:
DOMINION VIRGINIA POWER
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-888-667-3000

TELEPHONE COMPANY:
VERIZON CONTACT:
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-800-826-2355

PROJECT SUMMARY

SITE INFORMATION:
VA9029
WEBER CITY
JAMES MADISON HIGHWAY
FORK UNION, VA 23055

LANDLORD INFORMATION:
RICHARD WHITE
JAMES MADISON HIGHWAY
FORK UNION, VA 23055

APPLICANT INFORMATION:
CLEAR SIGNAL TOWERS
1801 UBBIE AVENUE
SUITE 201
RICHMOND, VA 23226

PROJECT DATA:

ZONING	A-1
JURISDICTION	FLUVANNA COUNTY
TAX MAP NO.	59-A-13B
SITE TYPE	RAW LAND
TOWER TYPE	MONOPOLE
TOWER HEIGHT	195'
LEASE AREA	100'X100'
AREA OF LAND DISTURBANCE	3600 SF

(2C) GEOGRAPHIC COORDINATES:

LATITUDE:	37° 44' 15.8" N
LONGITUDE:	78° 17' 23.3" W
GROUND ELEV. (AMSL):	432'

DECLINATION:
9° 42' W CHANGING BY 0° 1' W PER YEAR

ADA COMPLIANCE:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. SITE WILL NOT BE SERVED BY CITY SEWER OR WATER.

SHEET INDEX

SHEET:	DESCRIPTION:
T-1	TITLE SHEET
T-2	LEGEND AND ABBREVIATIONS
N-1	GENERAL NOTES
C-1	SURVEY AND SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	GRADING AND EROSION CONTROL PLAN
C-4	ELEVATION VIEW
C-5	FENCE NOTES AND DETAILS
C-6	CIVIL DETAILS

SHEET TOTAL: 9

Clear Signal Towers, LLC
CLEAR SIGNAL TOWERS, LLC
1801 UBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	08/01/11 BY: KMB	ZONING DRAWINGS CHK: OWW APP'D: OWW
2		
3		
4		
5		
6		

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

VA9029
WEBER CITY
RAWLAND
MONOPOLE

JAMES MADISON HWY
FORK UNION, VA
23055
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9029

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

ABBREVIATIONS & SYMBOLS LIST

1P, 2P, & 3P	SINGLE POLE, TWO POLE, & THREE POLES
A/C	AIR CONDITIONING
ADJ	ADJUSTABLE
AFF	ABOVE FINISH FLOOR
AGL	ABOVE GROUND LEVEL
APPROX	APPROXIMATELY
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AWG	AMERICAN WIRE GAUGE
A OR AMP	AMPERE
BLDG	BUILDING
BLK	BLOCK
BMR	BASE MOBILE RADIO
B/S	BUILDING STANDARD
CU	COPPER
CO	CLEAN OUT
C	CONDUIT SIZE AS NOTED
CB	CIRCUIT BREAKER
CKT	CIRCUIT
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CFCI	CONTRACTOR FURNISHED CONTRACTOR INSTALLED
DB	DEED BOOK
DBL	DOUBLE
DIA, ø	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DN	DOWN
DET, DETL	DETAIL
DWG	DRAWING
DEF	DUAL ELEMENT FUSES
E	EAST
EA	EACH
EL, ELEV	ELEVATION
ELECT	ELECTRICAL
EQ	EQUAL
EQUIP	EQUIPMENT
EW	EACH WAY
EXIST/EX	EXISTING
EXT	EXTERIOR
EMT	ELECTRICAL METALLIC TUBING
EC	EMPTY CONDUIT
FIN	FINISH
FLUOR	FLUORESCENT
FLR	FLOOR
FT	FOOT
GRS	GALVANIZED STEEL CONDUIT
G OR GRD	GROUND
GA	GAUGE
GALV	GALVANIZE(D)
GC	GENERAL CONTRACTOR
GPS	GLOBAL POSITIONING SYSTEM
GWB	GYPSUM WALL BOARD
HARD'WD	HARDWOOD
HEC	HIGH STRENGTH
HORIZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
ID	INSIDE DIA.
IN	INCH
INFO	INFORMATION
INS	INSULATION
KW	KILOWATTS
LB(S)	POUND(S)
LG	LONG
MAX	MAXIMUM
MECH	MECHANICAL
MTL	METAL
MFR	MANUFACTURER
MGR	MANAGER
MIN	MINIMUM
MISC	MISCELLANEOUS
MPH	MILES PER HOUR
MTD	MOUNTED

NEUT	NEUTRAL
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OFCI	OWNER FURNISHED, CONTRACTOR INSTALLED
OC	ON CENTER
OD	OUTSIDE DIAMETER
OPNG	OPENING
OPP	OPPOSITE
OHT/OHP	OVERHEAD TELEPHONE/OVERHEAD POWER
OHP	OVERHEAD POWER
OHT	OVERHEAD TELEPHONE
OZ	OUNCE
PG	PAGE
PIN(F)	PIN FOUND
PIN(S)	PIN SET
PJF	POLYVINYL JOINT FILLER
PLYWD	PLYWOOD
PR	PAIR
PROJ	PROJECT
PROP	PROPERTY
PSI	PER SQUARE INCH
PSF	PER SQUARE FOOT
PT	PRESSURE TREATED
PVC	SCHEDULE 40 PLASTIC CONDUIT.
RAD	RADIATION
RECEPT	RECEPTACLE
REQ'D	REQUIRED
RM	ROOM
RO	ROUGH OPENING
S	SOUTH
SW	SWITCH
SCH	SCHEDULE
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
STL	STEEL
STRUCT	STRUCTURAL
SUSP	SUSPENDED
THRD	THREADED
THRU	THROUGH
TM	TAX MAP
TINND	TINNED
TOC	TOP OF CONCRETE
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
UG	UNDERGROUND
VERT	VERTICAL
VIF	VERIFY IN FIELD
VT	VINYL TILE
W/	WITH
WDW	WINDOW
W	WEST
W/O	WITHOUT
W	WATTS
WP	WEATHERPROOF
XFRM	TRANSFORMER

∡	ANGLE
&	AND
℄	CENTER LINE
℞	PROPERTY LINE, PLATE
@	AT
#	NUMBER

1 = REVISION

1 = NOTE REFERENCE

1 = DETAIL REFERENCE (1 / C-1)

1 = ELEVATION REFERENCE (1 / C-1)

1 = SECTION REFERENCE (1 / C-1)

N = NORTH ARROW

N = NORTH ARROW WITH MAGNETIC DECLINATION (N 15 WEST / 2000 MAGNETIC NORTH)

LEGEND

EXISTING	NEW	
CONC		CONCRETE
		PROPERTY LINE
		LEASE AREA
		EASEMENT
		BUILDING (FOOTPRINT)
		POWER POLE
		TELEPHONE/FIBEROPTIC PEDESTAL
		ASPHALT
		FENCE
		TEMPORARY BENCHMARK
		TREELINE
		CONTOURS
	14.5	SPOT ELEVATION
	SF	SILT FENCE
		ITEMS TO BE REMOVED

Clear Signal Towers, LLC

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1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

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NO.		
1	08/01/11	ZONING DRAWINGS
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2		
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COMMONWEALTH OF VIRGINIA
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VA9029
WEBER CITY
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MONOPOLE

JAMES MADISON HWY
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23055
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9029

SHEET TITLE:
LEGEND AND ABBREVIATIONS

SHEET NUMBER:
T-2

SITE WORK GENERAL NOTES:

NOTES:

1. THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.

2. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.

3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.

4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.

5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL UTILITIES.

6. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION.

7. THE SUBCONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE CINGULAR SPECIFICATION FOR SITE SIGNAGE.

8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.

9. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.

10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.

11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABALIZED TO PREVENT EROSION.

12. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL JURISDICTION'S GUIDELINES FOR EROSION AND SEDIMENT CONTROL.

STRUCTURAL STEEL NOTES:

NOTES:

1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A36 UNLESS OTHERWISE NOTED.

2. ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL BE TOUCHED UP.

3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4"ø) CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.

4. NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

5. INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR CONTRACTOR APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

6. ALL EXPANSION/WEDGE ANCHORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. THE ANCHOR BOLT DOWEL AND ROD SHALL BE STAINLESS STEEL WITH STAINLESS STEEL WASHERS.

CONCRETE AND REINFORCING STEEL NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.

2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.

3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.

4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

   CONCRETE CAST AGAINST EARTH.....3 IN.
   CONCRETE EXPOSED TO EARTH OR WEATHER:

   #6 AND LARGER .....2 IN.
   #5 AND SMALLER & WWF.....1 1/2 IN.

   CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:

   SLAB AND WALL .....3/4 IN.
   BEAMS AND COLUMNS.....1 1/2 IN.

5. A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.

6. CONCRETE/EXPANSION ANCHORS SHALL BE STAINLESS STEEL. INSTALLATION, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE. EXPANSION BOLTS SHALL BE PROVIDED BY RAMSET/REDHEAD OR APPROVED EQUAL.

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
   CONTRACTOR – CLEAR SIGNAL TOWERS
   SUBCONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)
   OWNER – CLEAR SIGNAL TOWERS
   OEM – ORIGINAL EQUIPMENT MANUFACTURE

2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.

3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.

   ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.

4. DRAWINGS PROVIDED HERE ARE NOT TO SCALE AND ARE INTENDED TO SHOW OUTLINE ONLY.

5. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.

6. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.

7. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.

8. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING.

9. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.

10. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.

11. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.

12. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 24782-000-3APS-A00Z-00002, "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF AT&T GSM SITES.'

SOIL COMPACTION NOTES FOR SLAB ON GRADE

NOTES:

1. EXCAVATE AS REQUIRED TO REMOVE VEGETATION & TOPSOIL EXPOSE UNDISTURBED NATURAL SUBGRADE AND PLACE CRUSHED STONE AS REQUIRED.

2. COMPACTION CERTIFICATION: AN INSPECTION AND WRITTEN CERTIFICATION BY A QUALIFIED GEOTECHNICAL TECHNICIAN OR ENGINEER IS ACCEPTABLE.

3. AS AN ALTERNATIVE TO INSPECTION AND WRITTEN CERTIFICATION, THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED WITH "COMPACTION EQUIPMENT", LISTED BELOW, TO AT LEAST 90% MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.

4. COMPACTED SUBBASE SHALL BE UNIFORM & LEVELED. PROVIDE 6" MINIMUM CRUSHED STONE OR GRAVEL COMPACTED IN 3" LIFTS ABOVE COMPACTED SOIL. GRAVEL SHALL BE NATURAL OR CRUSHED WITH 100 % PASSING 1" SLEEVE.

COMPACTION EQUIPMENT:

HAND OPERATED DOUBLE DRUM, VIBRATORY ROLLER, VIBRATORY PLATE COMPACTOR OR JUMPING COMPACTOR.

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

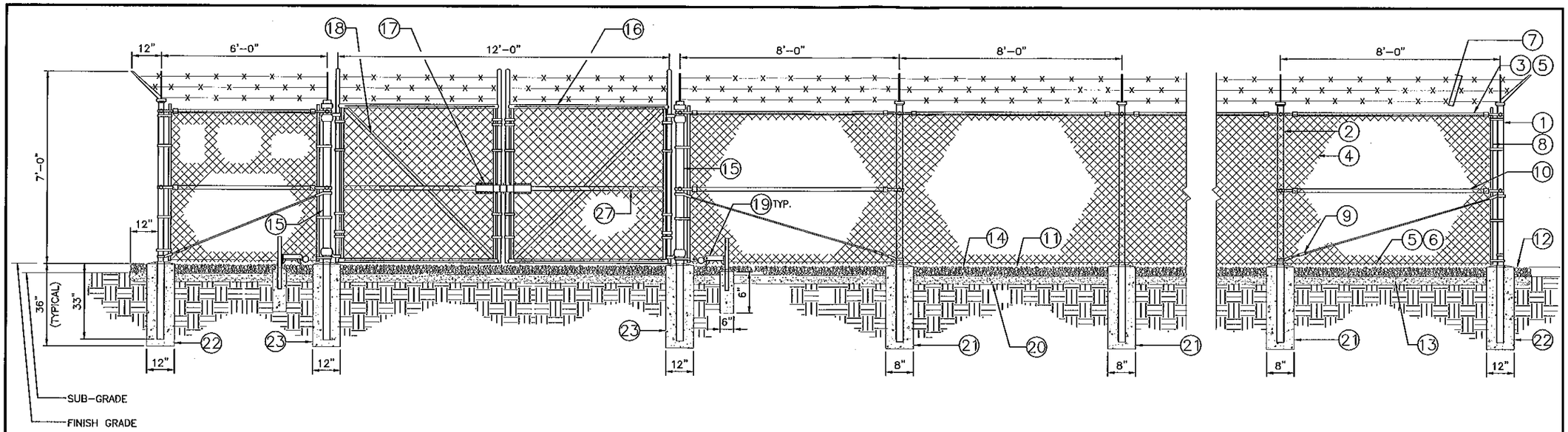
VA9029
WEBER CITY
RAWLAND
MONOPOLE

JAMES MADISON HWY
FORK UNION, VA
23055
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9029

SHEET TITLE:
GENERAL NOTES

SHEET NUMBER:
N-1



1 / C-5 COMPOUND FENCE DETAIL

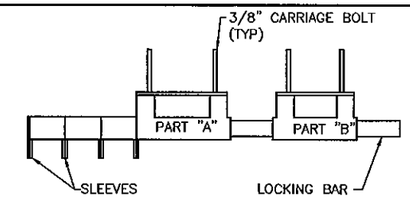
NOT TO SCALE

REFERENCE NOTES:

1. CORNER, END OR PULL POST 3" OD SCHEDULE 40 PIPE.
2. LINE POST: 2 1/2" OD SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" OC
3. TOP RAIL & BRACE RAIL: 1 5/8" OD PIPE, PER ASTM-F1083.
4. FABRIC: 9 GA WIRE SIZE 2" MESH.
5. TIE WIRE: MINIMUM 9 GA ALUMINUM AT POSTS AND RAILS A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG RINGS SPACED MAX. 24" INTERVALS.
6. TENSION WIRE: 7 GA GALVANIZED STEEL.
7. BARBED WIRE: DOUBLE STRAND 12-1/2" TWISTED WIRE TO MATCH WITH FABRIC 14 GA, 4 POINT BARBS SPACED ON APPROXIMATELY 5" CENTERS.
8. STRETCHER BAR.
9. 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
10. FENCE CORNER POST BRACE: 1 5/8" OD EACH CORNER EACH WAY.
11. 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
12. 4" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
13. 6" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
14. FINISH GRADE SHALL BE UNIFORM AND LEVEL.
15. GATE POST 4". SCHEDULE 40 PIPE, FOR GATE WIDTHS UP THRU 7 FEET OR 14 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083.
16. GATE FRAME: PIPE, PER ASTM-F1083.
17. STYMIELOCK MULTI TENANT LOCKING DEVICE, PATENT # 5868015 SEE CONTACT INFORMATION ON THIS SHEET
18. 1 PAIR INDUSTRIAL PIN HINGE
19. NOT USED
20. GEOTEXTILE FABRIC
21. LINE POST: CONCRETE FOUNDATION (2000 PSI)
22. CORNER POST: CONCRETE FOUNDATION (2000 PSI)
23. GATE POST: CONCRETE FOUNDATION (2000 PSI)

GENERAL NOTES:

1. INSTALL FENCING PER ASTM F--567
2. INSTALL SWING GATES PER ASTM F- 900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALV. (HOT DIP, ASTM A120 GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
5. ALL OPEN POSTS SHALL HAVE END-CAPS.
6. USE GALVANIZED HOG--RING WIRE TO MOUNT ALL SIGNS.
7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.

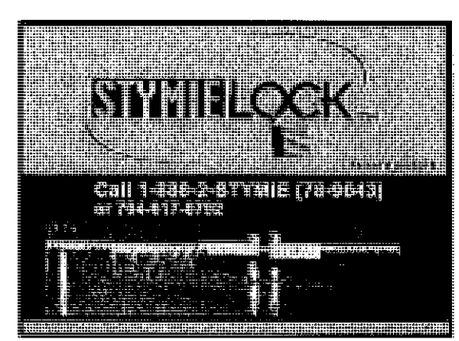


1. DRILL 3/8" HOLES IN THE GATE LEAF USING THE GATE DIMENSIONS PROVIDED.
2. SLIDE THE CARRIAGE BOLTS IN THE SLOTS ON THE BACK OF PART "B" AND PUSH THE BOLTS THROUGH THE HOLES DRILLED INT HE GATE FIGURE. PUT THE NUT AND THE LOCKNUT ON AND TIGHTEN AND CUT THE EXCESS BOLT OFF. DO THE SAME WITH PART "A".
3. ADD THE NUMBER OF SLEEVES NEEDED FOR THE NUMBER OF LOCKS AND SLIDE THE LOCKING BAR INTO PLACE THROUGH BOTH PART "A" AND PART "B". NOW INSTALL THE LOCKS.

*IF THE GATE HAS NO CENTER BAR IN THE GATE LEAF YOU MAY NEED TO MOUNT THE STYMIELOCK VERTICALLY USING THE SAME DIMENSIONS GIVEN ON THE GATE FACE.

*VERTICAL APPLICATION MAY ALSO BE USED ON SLIDING GATES WITH MULTIPLE LOCKS.

STYMIELOCK INSTALLATION



STYMIELOCK CONTACT INFORMATION:
PATENT #5868015
PO BOX 1228 PINEVILLE, NC 28134
16248 MARVIN ROAD CHARLOTTE, NC 28277

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
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27265
(757) 450-2288

NO.		
1	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

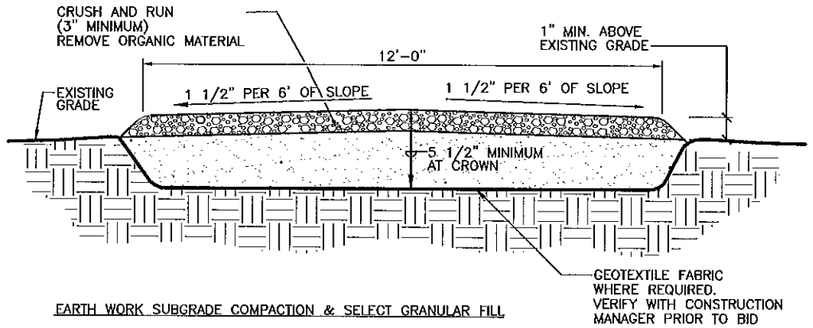
VA9029
WEBER CITY
RAWLAND
MONOPOLE

JAMES MADISON HWY
FORK UNION, VA
23055
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9029

SHEET TITLE:
FENCE NOTES AND DETAILS

SHEET NUMBER:
C-5



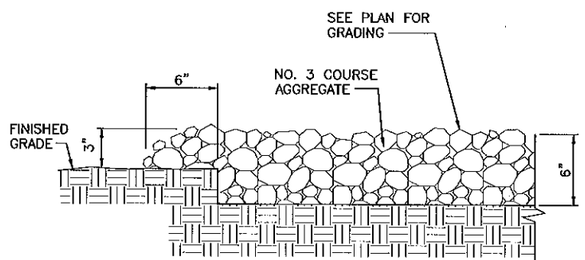
EARTH WORK SUBGRADE COMPACTION & SELECT GRANULAR FILL

(A) CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE CONSTRUCTION SITE AND ROADWAY AREAS. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT WHEN NECESSARY PREPARED FOR THIS SITE FOR SITE WORK PREPARATION & FOUNDATION WORK. AS A MINIMUM THE TOP 3" OF GRADE SHALL BE REMOVED. THE EXPOSED SUBGRADE COMPACTED, GEOTEXTILE FABRIC AS REQUIRED FOR UNSTABLE SOIL CONDITION.

(B) ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 OR WITHIN PLUS OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.

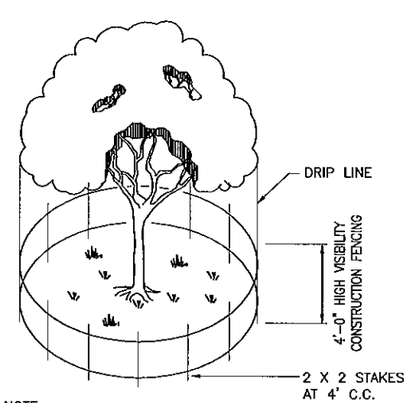
1 / C-6 TYPICAL ACCESS ROAD CROSS SECTION

NOT TO SCALE



3 / C-6 SECTION – GRAVEL PARKING/TURN AROUND (OUTSIDE OF FENCED COMPOUND)

NOT TO SCALE



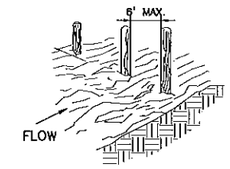
NOTE:
DRIVE STAKES FIRMLY INTO GROUND AT LEAST 12"

4 / C-6 TREE PROTECTION

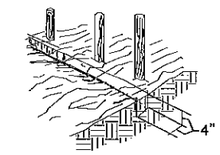
NOT TO SCALE

CONSTRUCTION OF A SILT FENCE
(WITHOUT WIRE SUPPORT)

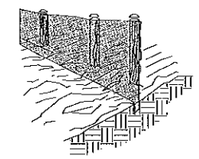
1. SET THE STAKES.



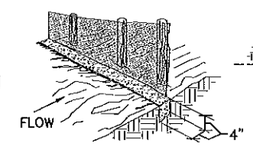
2. EXCAVATE A 4"X4" TRENCH UPSLOPE ALONG THE LINE OF STAKES.



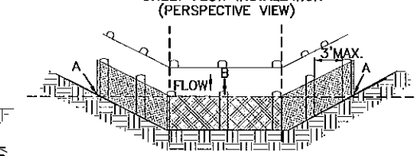
3. STAPLE FILTER MATERIAL TO STAKES AND EXTEND IT INTO THE TRENCH.



4. BACKFILL AND COMPACT THE EXCAVATED SOIL.



SHEET FLOW INSTALLATION
(PERSPECTIVE VIEW)



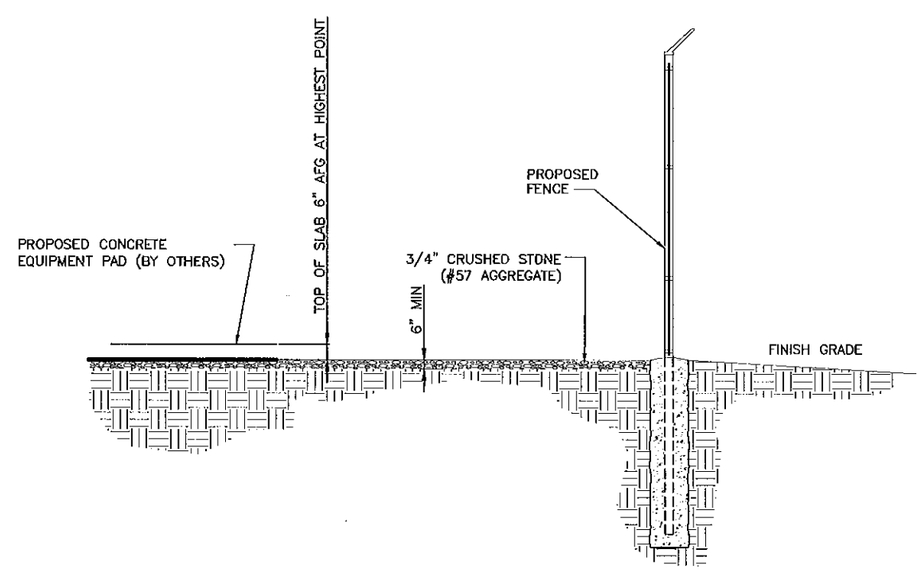
POINTS A SHOULD BE HIGHER THAN POINT B

DRAINAGEWAY INSTALLATION
(FRONT ELEVATION)

2 / C-6 SILT FENCE

NOT TO SCALE

(SF)



5 / C-6 TYPICAL SITE COMPOUND CROSS SECTION

NOT TO SCALE

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	08/01/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-1-11
PROFESSIONAL ENGINEER

VA9029
WEBER CITY
RAWLAND
MONOPOLE

JAMES MADISON HWY
FORK UNION, VA
23055
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9029

SHEET TITLE:
CIVIL DETAILS

SHEET NUMBER:
C-6

March 7, 2012

Subject: **AT& T Proposed Site – Communications Tower located on James Madison Hwy. (Tax Map 59-A-13B) ~ Fork Union, VA: FCC Compliance Letter – Site (CV439/VA9029) "Weber City"**

County Planning and Consultant:

Clear Signal Towers, LLC who is representing AT&T on the above mentioned site ask that a letter be drafted stating the reason for the proposed location and not the Fluvanna County Water Tank Site. AT&T looked at the county water tank site last year when we scrubbed the area to fulfill the need for the AT&T coverage objectives in Fluvanna. The county property does not meet the needs of AT&T's network build-out as the site is too far north and will cause dropped calls at the river. The propagation maps included in the application package show the coverage at the proposed Clear Signal Site and should clarify any questions that you may have.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Received
MAR 1 2 2012
Fluvanna County

at&t

November 7, 2011

Subject: **AT& T Proposed Site – Communications Tower located on State Route 650 (Tax Map 50-A-3) ~ Palmyra, VA: FCC Compliance Letter – Site (CV446/VA9030) "Cohasset"**

AT&T will comply with all FCC rules regarding interference to other radio services and AT&T will comply with all FCC rules regarding human exposure to radio frequency energy.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Memorandum

DATE: November 6, 2012

RE: APO'S for **SUP 12:03** Public Hearing Letters

TO: Allyson Finchum

FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **November 20, 2012** Board of Supervisors meeting.

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

November 6, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP_»

Re: Public Hearing on SUP 12:03

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Tuesday, November 20, 2012** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:03 – Clear Signal Towers, LLC (Weber City): *A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 46.6 acres of Tax Map 59, Section A, Parcel 13B. The property is zoned A-1 (Agricultural, General) and is located on the east side of James Madison Highway (Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.*

The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at 434–591–1910 or by email at stugwell@fluvannacounty.org.

Sincerely,

Steve Tugwell
Senior Planner

SUP 12-03 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
59 A 13	NEW FORESTRY LLC	3715 NORTHSIDE PKWY STE 2-500	ATLANTA, GA	30327
59 4 1A	SPRING GARDEN CEMETERY			
58 A 8E	WHITE, FRAYSER F II &	P.O. BOX 95	BREMO BLUFF, VA	23022
59 4 1	WHITE, RICHARD H.	P.O. BOX 55	FORK UNION, VA	23055
59 A 13B	WHITE, RICHARD H.	P.O. BOX 55	FORK UNION, VA	23055
58 A 57	WHITE, RICHARD H. & LINDSAY K.	P.O. BOX 55	FORK UNION, VA	23055

SUP 12:03 Weber City

N

ATT B

Scale: 1:9027.977411	Date: 06/18/2012	Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

Clear Signal Towers, LLC

View from James Madison Hwy in front of Home Source

VA9029 Weber City, James Madison Highway, Fort Union, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from Creasy Town Rd (not visible)

VA9029 Weber City, James Madison Highway, Fort Union, VA

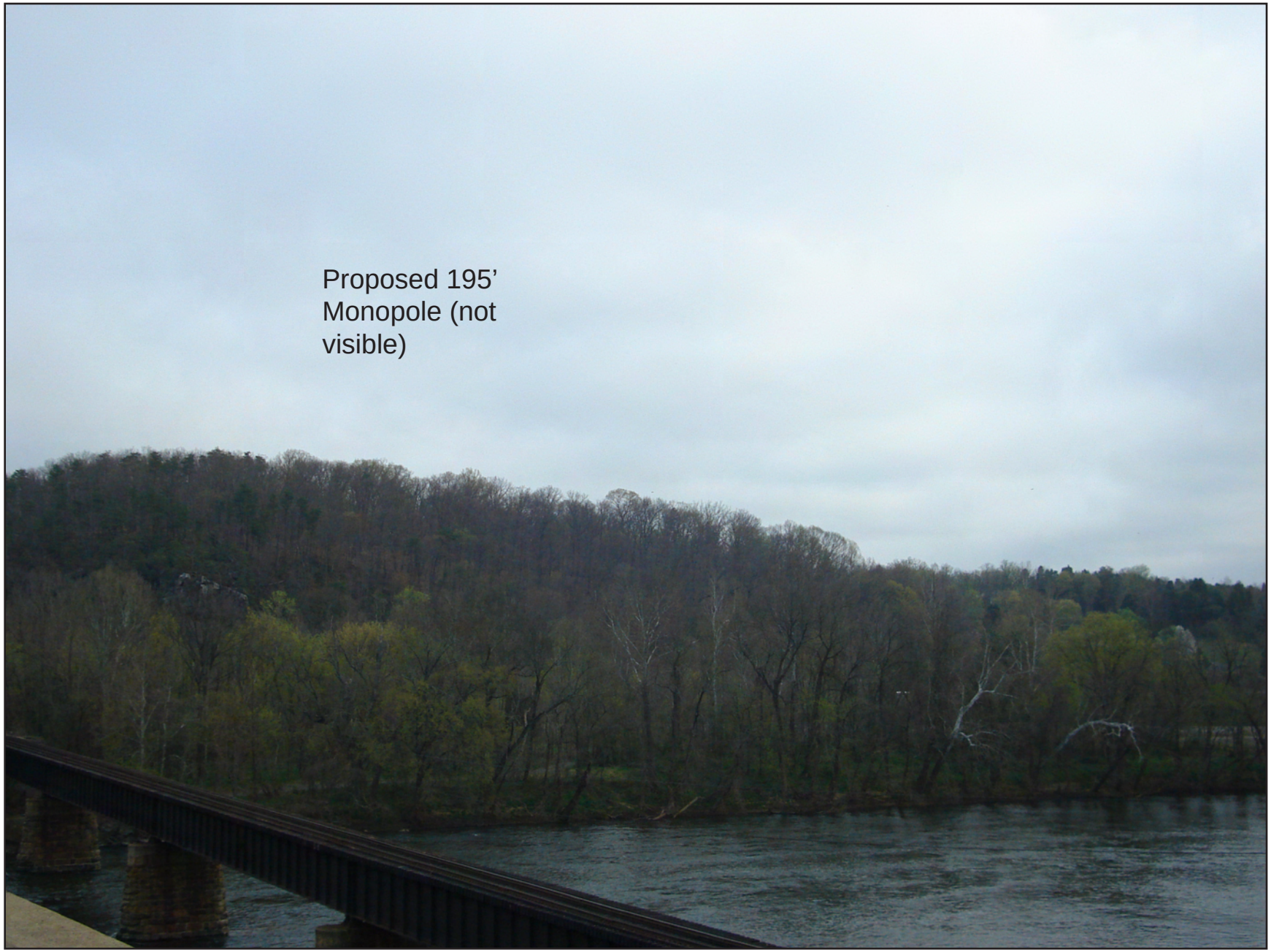
WW&A warren williams & associates

Clear Signal Towers, LLC

View from 2490 James Madison Highway

VA9029 Weber City, James Madison Highway, Fort Union, VA

WW&A
warren williams & associates



Clear Signal Towers, LLC

View from James River Bridge

VA9029 Weber City, James Madison Highway, Fort Union, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from Bremo Bluff Road

VA9029 Weber City, James Madison Highway, Fort Union, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from access road

VA9029 Weber City, James Madison Highway, Fort Union, VA

WW&A
warren williams & associates

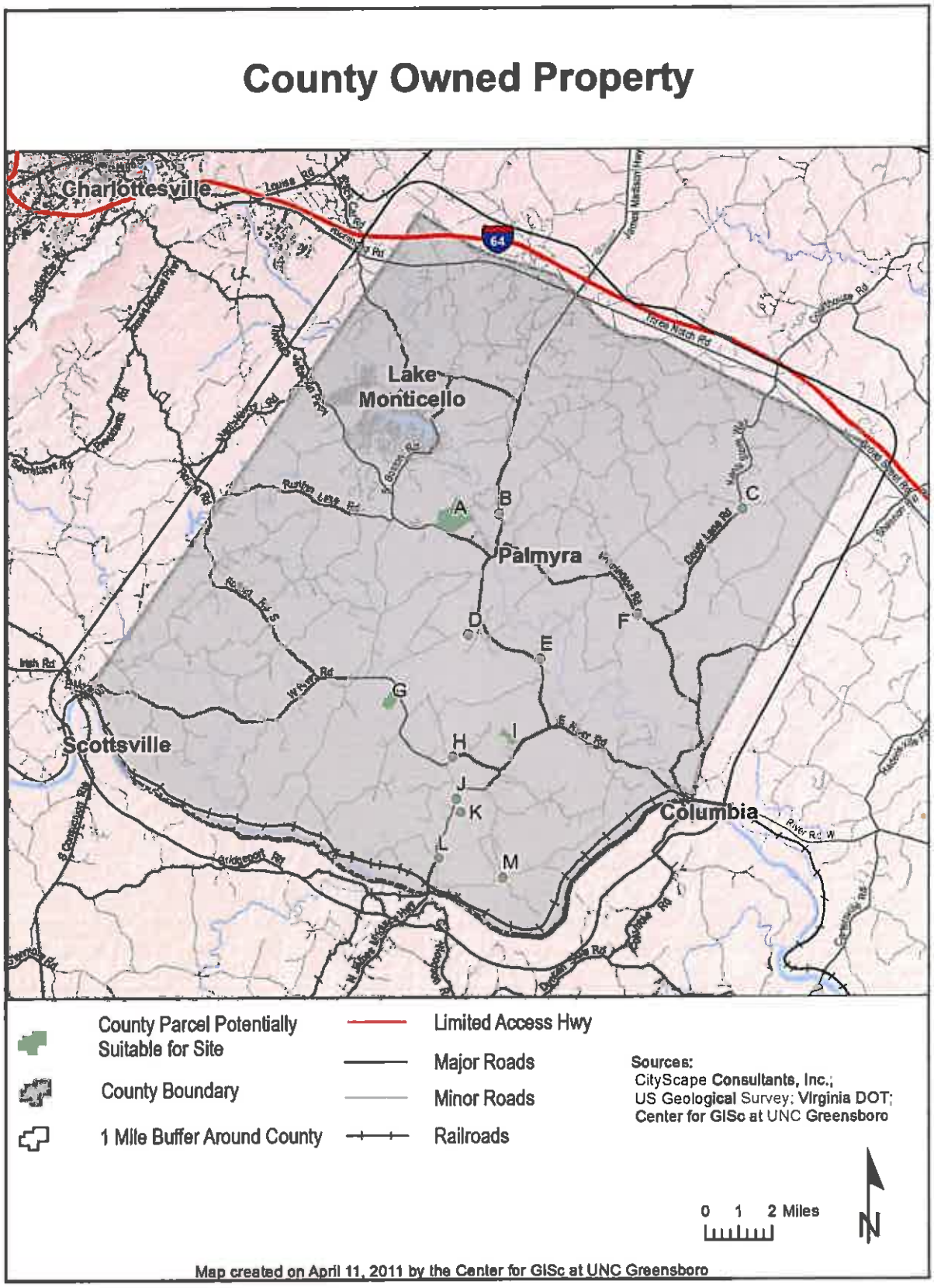


Figure 42: County-owned lands

Existing Antenna Locations

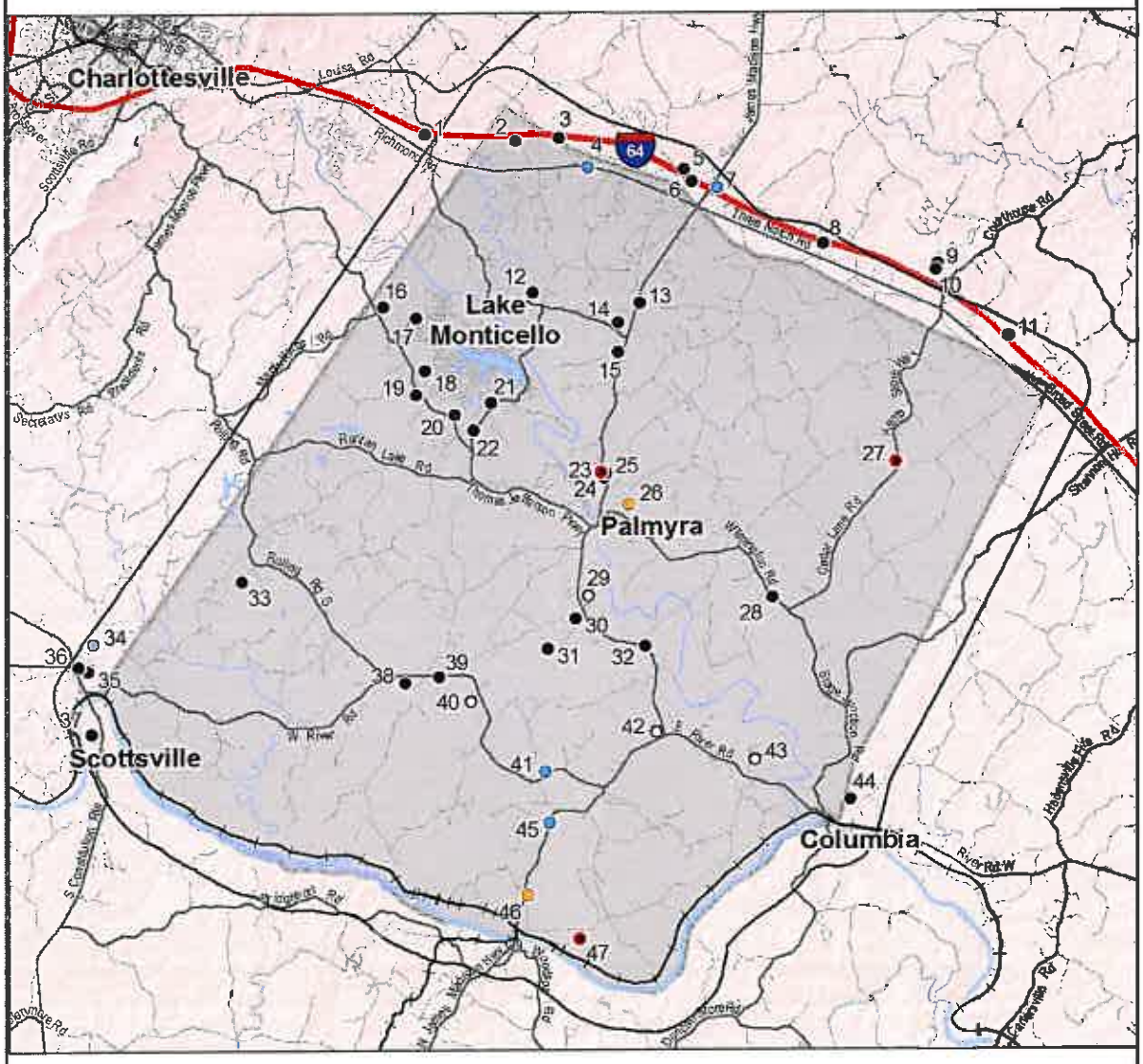


Figure 41: Existing Wireless Telecommunications Inventory

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

May 11, 2012

Clear Signal Towers, LLC
1801 Libbie Avenue, Suite 201
Richmond, VA 23226

Delivered via mail

Re: TRC comments SUP 12:03 (Clear Signal Towers, LLC: Weber City) Construct 195' telecomm monopole, Tax Map: 59-A-13B

Dear Applicant:

The following comments are the result of the Technical Review Committee meeting.

1. The Health Dept. stated that a permit was issued for an agricultural well which was installed on June 10, 2009, and that there is a barn on the property but no septic systems;

2. Central Virginia Electric Cooperative stated that Dominion power has jurisdiction at this site;

3. Planning staff stated that the consultant's report was forthcoming and their comments would be part of the staff report;

4. VDOT stated that an entrance permit will be required, and the entrance may need to be upgraded.

Please provide any other materials or documentation that is to be included in the Planning Commission packet by **Friday, May 25, 2012**. Submitting revisions by this deadline will place your request on the **June 27, 2012** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

Cc: Richard and Lindsay White, 2214 James Madison Highway, Bremo Bluff, VA 23055

Telecommunications Site Review
Virginia New Structure
Supplemental

CityScape Consultants, Inc.
7050 W. Palmetto Park Road #15-652
Boca Raton, FL 33433-3483
Phone: 877-438-2851 • Fax: 877-220-4593

September 6, 2012

Mr. Steven Tugwell
Planning and Zoning
132 Main Street
Palmyra, Virginia 22963

RE: Clear Signal Towers
AT&T Mobility Application
Weber City ~ CV439

Dear Mr. Tugwell,

At your request on behalf of Fluvanna County, Virginia, CityScape Consultants Inc., in its capacity as telecommunications consultant for the County, has considered the merits of an application submitted by Clear Signal International ("Clear Signal") on behalf of AT&T Wireless ("AT&T"), to construct a new one hundred ninety-five (195) foot monopole type tower including a four (4) foot top mounted lightning rod, as an antenna support structure. AT&T is actively upgrading their facilities throughout the State of Virginia and other areas in the southeast United States. Other carriers such as U.S. Cellular, T-Mobile and Verizon are doing much the same. This proposed new construction will allow AT&T to improve service along US-15. The new facility will expedite AT&T to bring new 3G (Third Generation) and 4G (Fourth Generation) electronic communication capabilities. Currently AT&T has limited facilities within Central Virginia. The proposed support structure is to be owned by Clear Signal Towers and will be located on property owned by Richard White. The proposed new facility will be located near Highway US-15; James Madison Highway in Fluvanna County, Virginia, see *figure 1*.

Specifics

The threshold of proof appears to be clear, and clearly justifies a need for a new support structure in this general area. CityScape anticipates this facility, if built as designed, should be sufficient to allow an improvement of service to wireless service provider customers within this area into the foreseeable future.

CityScape recognizes that Fluvanna County is soon to become a rapid growth area. This facility will be available to all federally licensed and unlicensed service providers, which includes cellular type telephone, and wireless broadband systems.

AT&T is proposing to top mount their antennas at the one hundred ninety-five (195)-foot level, using a single coaxial cable for each antenna. AT&T plans to install a new prefabricated shelter mounted on a new concrete foundation near the base of the tower, see *figure 2*. The Applicant has stated that the facility will be constructed to accommodate a total of four (4) antenna arrays which is contrary with Fluvanna County code, see *figure 3*. A new tower of this height must accommodate a total of six (6) antenna arrays.

All wireless communications systems depend on the concept of frequency resource reuse to achieve greater capacities. With some technologies, the individual channel frequencies are reused every few cells, but not too closely, since interference would result. In many other systems, power from one base station interferes with other base stations, impacting network capacity. Therefore, it is undesirable for wireless phones to communicate with more than a few base stations simultaneously.

A reasonable search area location is a key element in assuring that a site is justified. Generally, new wireless communication facilities are equally spaced with respect to existing sites. However, terrain, network capacity and other issues may necessitate a facility that it is *not* equally spaced with respect to existing sites. Typically the wireless provider is asked to provide a frequency grid or coverage predictions to indicate that a site is properly located.

Specifically, the undersigned has evaluated AT&T's proposal from the following perspectives:

1. The proposed facility is required due to technological reasons and is essential for the Applicant to provide telecommunications services, and,
2. The proposed new site was selected as reasonably within the targeted area and therefore acceptable within the AT&T Network design specifications. The Applicant has followed the guidelines of the Telecommunications Act of 1996, the State of Virginia and the Fluvanna County Ordinance.

The Applicant did not follow all guidelines. The required changes are reflected within the conditions of approval.

All designs and plans for the proposed new facilities were developed according to accepted practices of RF propagation engineering and the persons completing all work are sufficiently qualified within their disciplines.

Figure 4 represents the current service for AT&T at this location. *Figure 5* indicates the Applicant's predicted new service for this phase of Network deployment in Fluvanna County. CityScape anticipates this plan, if built as designed, should be sufficient to allow an improvement of regular cellular service to AT&T customers, in addition the proposed changes will increase the ability for citizens to utilize higher speed internet. Properly locating the site will justify the proposed construction of a new support structure.

During the process of review the selected location was investigated further to eliminate moving the facility to higher ranking ground locations such as County owned property. There were three potential sites that were studied; each had factors to disqualify. The primary controlling factor was the 327 foot Virginia Electric and Power Company tower along the James River in South County, which is not available for commercial leasing. Had this been available either County owned properties "K" or "J" would be acceptable and would hand off with the approved location "42" to the north, then to the Virginia Power tower which, in turn, would hand-off to the Buckingham County "Community Enhancement" Tower.

From an rf engineer's knowledge and a quick observation shows any movement to the north is problematic, more later on this, so the first County property investigated was "L." That was eliminated because of the terrain features to the north would cause a large service gap in the direction of Fork Union. If "L" was selected there would be a requirement of an additional tower that would not be needed if CV349 were properly placed, see *figure 6*.

The study reverted back to County properties to the north. "K" is physically 0.57 miles north of the selected location but is at a ground elevation of 389 feet; and County property "J" is 0.92 miles north of the proposed site and sits on a ground elevation of 470 feet. Upon investigation it was found that any projected movement north of the Applicant's proposed location created a substantial shadowing issue along U S 15 in south Fluvanna County and north Buckingham County around the James River. Even the proposed location left a service gap around the James River which may take years to resolve.

The reason is that the Applicant's proposed location has a ground elevation of 434 feet. Traveling south along U S 15 the ground elevation drops by nearly 140 feet just before location "L" then increases back to within a ground elevation of 2 feet of the proposed location with a ground elevation of 432 feet. There is a riverbed slope which possesses a major shadow and would create a service void of nearly 2 miles. Radio signal projected propagation mapping clearly indicates that any other location than the selected site, without use of the Virginia Electric tower would provide virtually no service improvement.

The Applicant supplied a letter of compliance with all FCC standards regarding human exposure to Radio Frequency energy, and the Applicants will comply with all aspects of FCC rules regarding interference, see *figure 7*. CityScape is aware that this facility will operate in both the 800-megahertz and 1900-megahertz spectrum and could be an interference concern to Public Safety operations.
For the reasons listed below, it is our opinion that:

- The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service, to alleviate a signal coverage issue; and
- AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and,
- The proposed new site is supported by the Fluvanna County Telecommunications Master Plan

The site will be designed and constructed by professionals with expertise in the disciplines of maximizing the use of telecommunications facilities and construction. This practice corresponds with the desires of Fluvanna County.

Upon review and discussions with the Applicant, CityScape confirms a new support structure is required not only for proposed new AT&T equipment but will be needed for additional wireless carriers in the near future. Therefore, CityScape recommends this application with the tower height of 195 feet be approved with the following conditions:

That the Applicant;

1. The proposed new tower shall accommodate no less than six (6) different wireless service provider's antenna arrays all of the same general design size and standards and the associated feed lines shall fit sufficiently within the monopole structure; and,

2. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service provider's ground mounted electronic equipment; and,

3. The Applicant obtain all necessary County permits prior to any work on the site; and,

4. All antenna and feed line access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and,

5. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation.

Respectfully submitted,

Richard L. Edwards
FCC Licensed
PCIA Certified
CityScape Consultants, Inc.

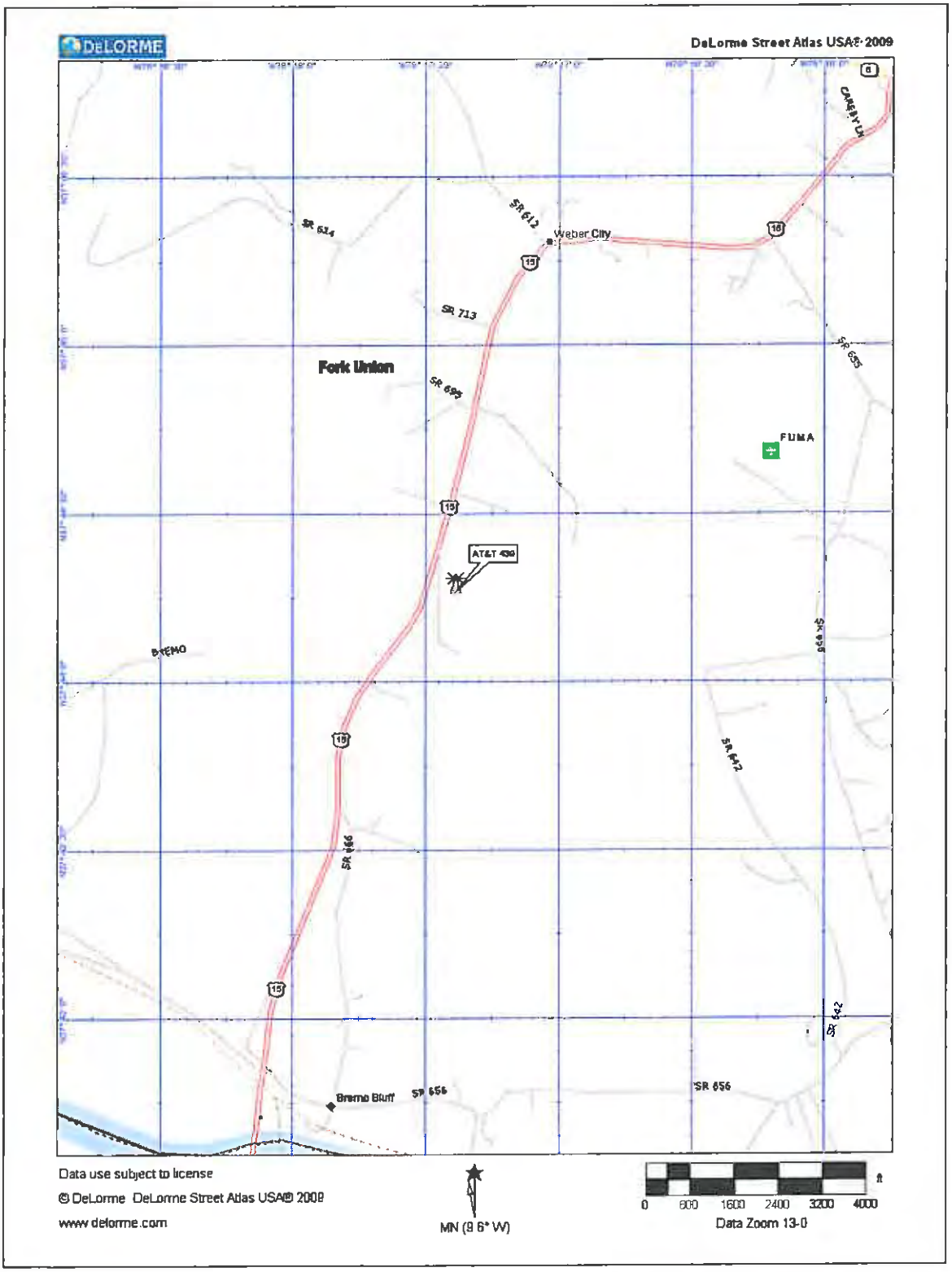


Figure 1. Site Location

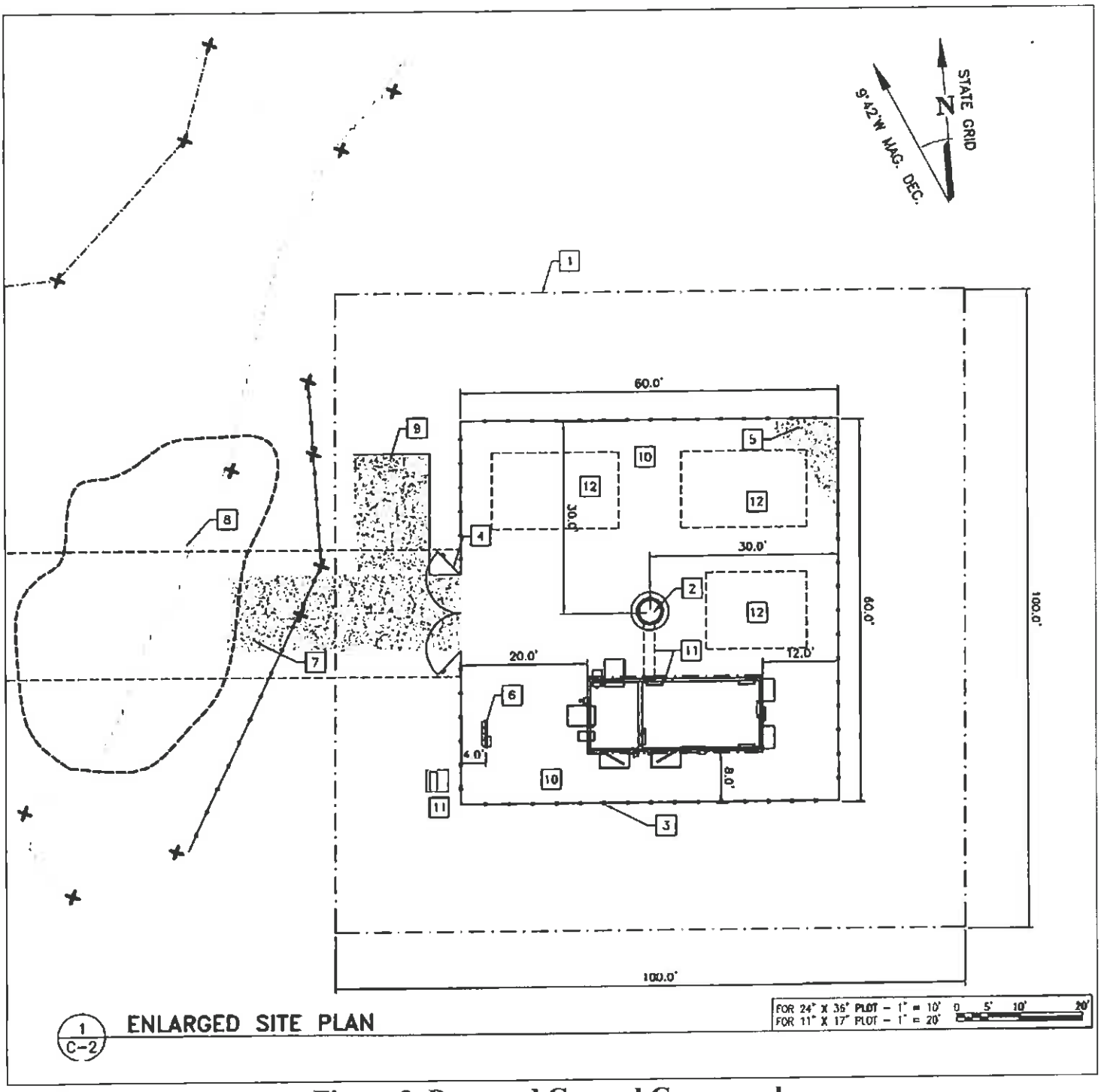


Figure 2. Proposed Ground Compound

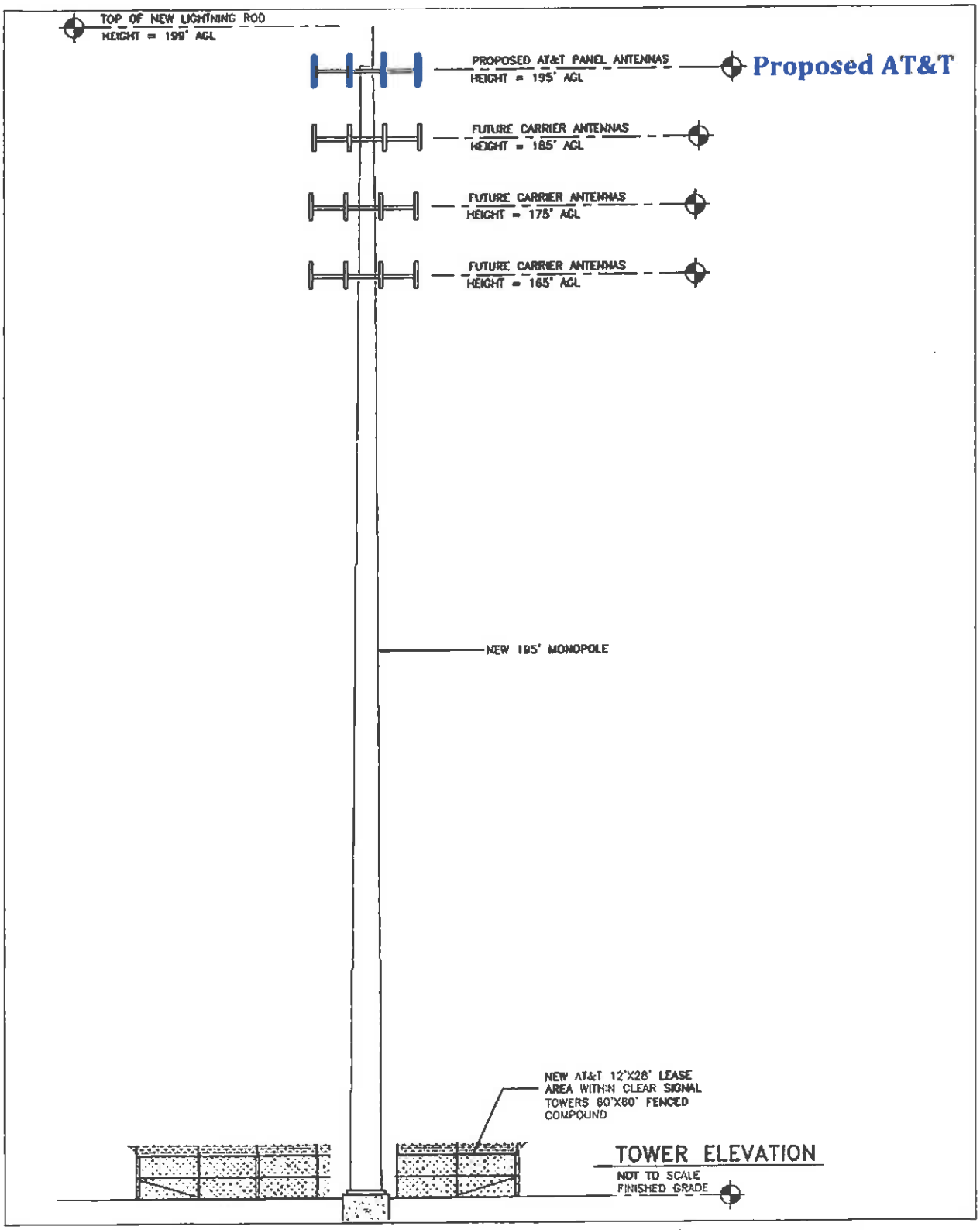


Figure 3. Proposed Tower Elevation

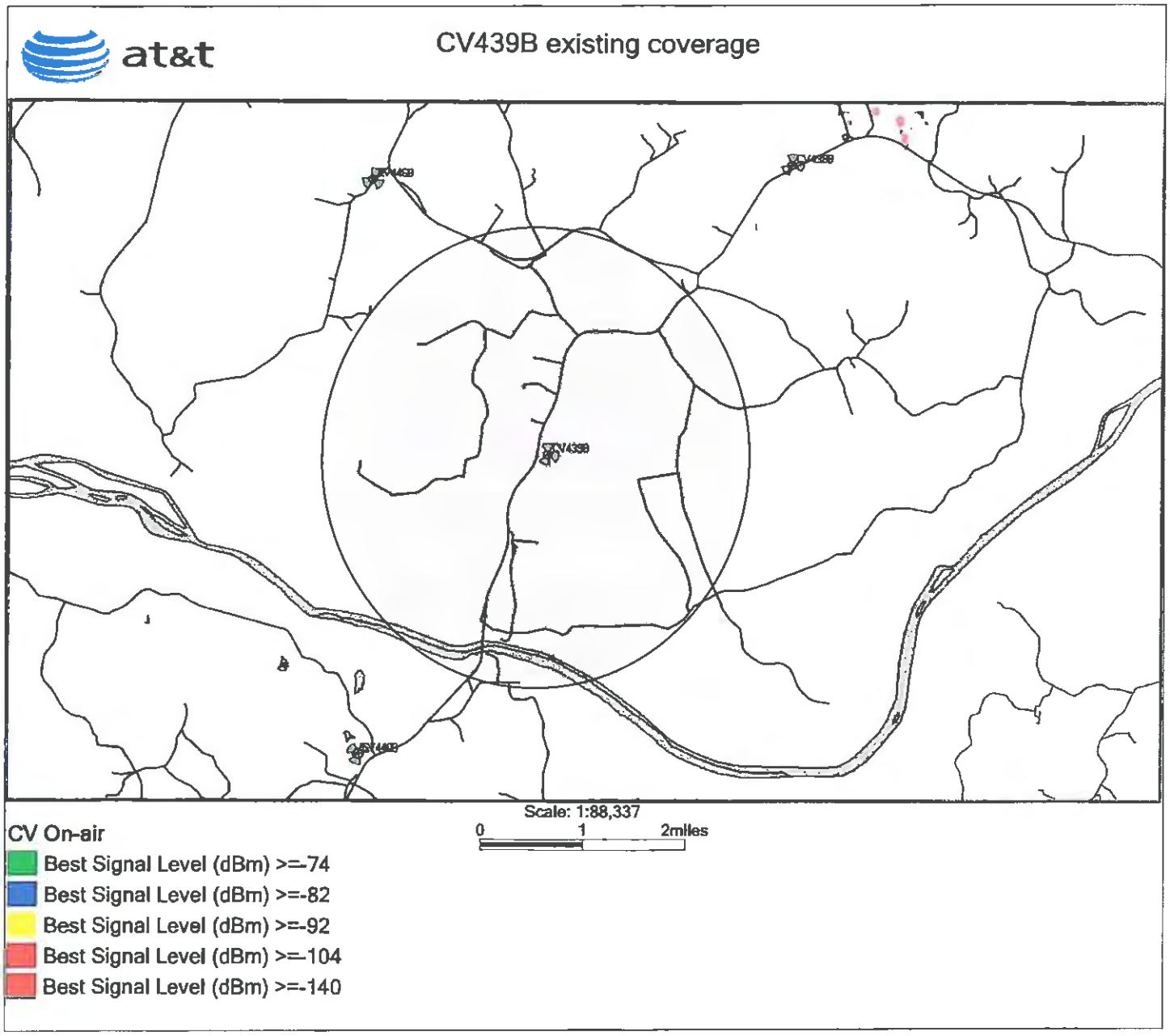


Figure 4. Current Service (Gray Indicates Target Area)

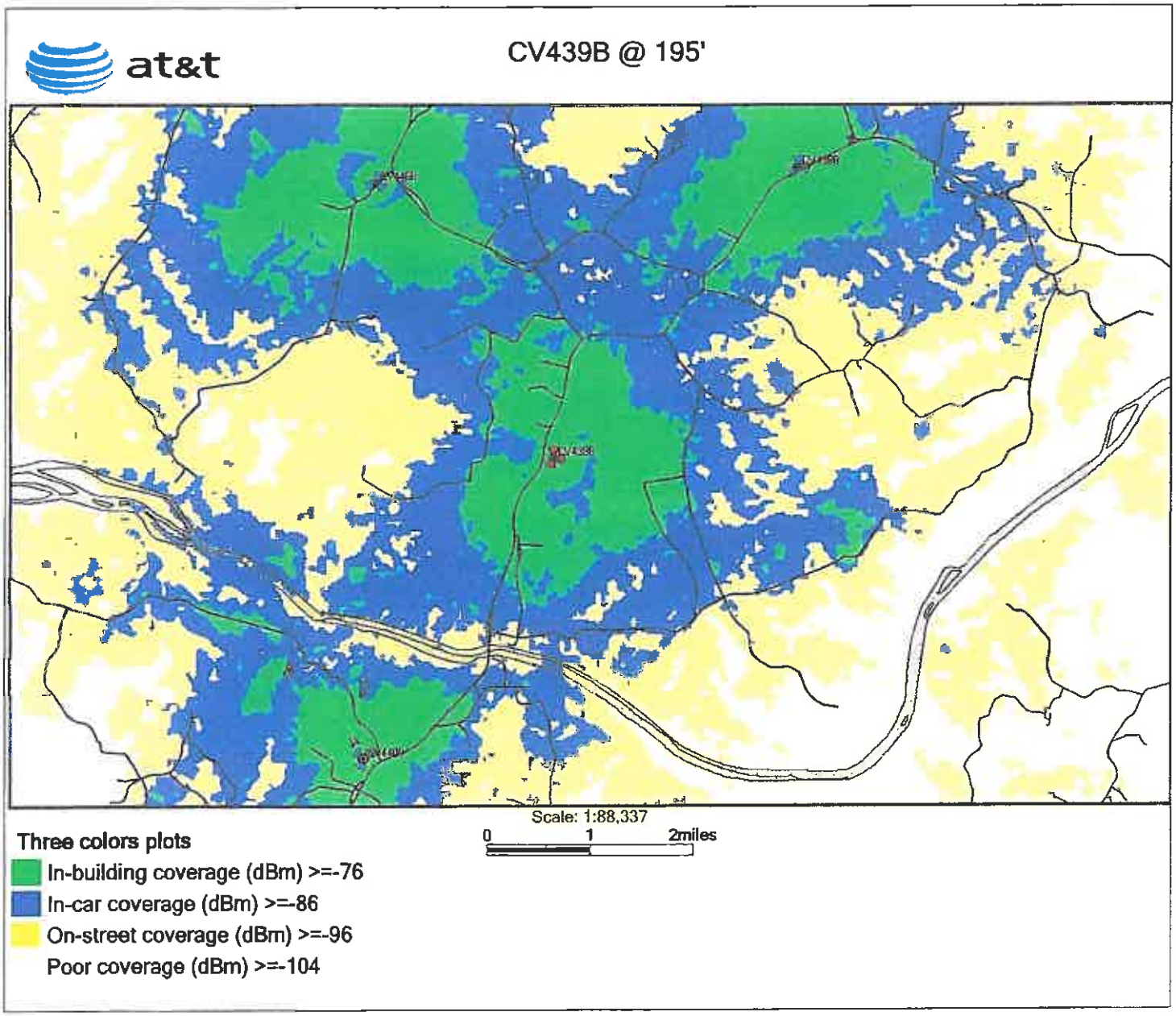


Figure 5. Projected New Service

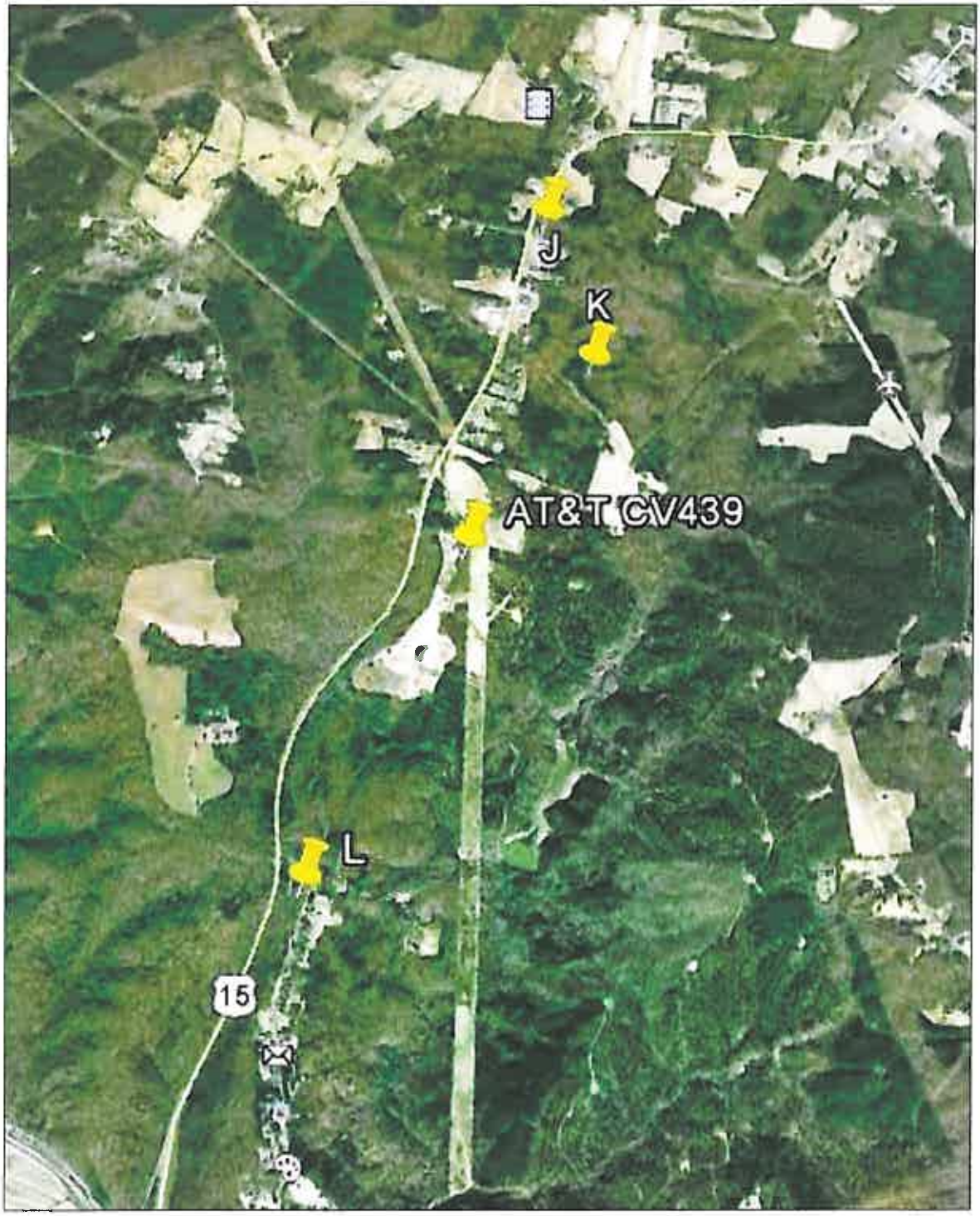


Figure 6. Additional Candidates

at&t

November 7, 2011

Subject: **AT& T Proposed Site – Communications Tower located on James Madison Hwy. (Tax Map 59-A-13B) ~ Fork Union, VA: FCC Compliance Letter – Site (CV439/VA9029) "Weber City"**

AT&T will comply with all FCC rules regarding interference to other radio services and AT&T will comply with all FCC rules regarding human exposure to radio frequency energy.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Figure 6. Human Exposure and Interference Compliance Statements

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	SUP 12:04 – Clear Signal Towers, LLC (Cohasset)
MOTION(s):	**I move that the Board of Supervisors approve/deny SUP 12:04, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3, (if approved) subject to the conditions listed in the staff report.**
STAFF CONTACT:	Steve Tugwell (Senior Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	This item is a request for a Special Use Permit (SUP) to allow for a 195-foot wireless telecommunications tower to be located on Tax Map 50, Section A, Parcel 3 (97.7 acres). The subject property is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	The Board of Supervisors may: • Approve this request, allowing the applicant to construct a 195-foot wireless telecommunications tower; OR • Deny this request, preventing construction of the facility; OR • Defer this request and make a final decision at a later date.
LEGISLATIVE HISTORY:	Review of a proposed telecommunications facility in accordance with Chapter 22, Article 26 of the Fluvanna County Code (Zoning Ordinance: *Regulation of Telecommunications Facilities).* Application was received on March 12, 2012. Planning Commission reviewed the request on June 27, 2012. Applicant deferred Board of Supervisors public hearing scheduled for July 18, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 12:04
Tax Map: 50-A-3

From: Steve Tugwell
District: Fork Union
Date: November 20, 2012

General Information: This request is to be heard by the Board of Supervisors on Tuesday, November 20, 2012 at 7:00 pm in the Circuit Courtroom of the Fluvanna County Courts Building.

Applicant: Clear Signal Towers, LLC

Requested Action: A request for a Special Use Permit (SUP) to allow for a 195-foot wireless telecommunications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3. (Attachment A)

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Preservation

Zoning Ordinance: Article 27: *Regulation of Telecommunications Facilities*

Location: The affected property is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6). (Attachment B)

Existing Land Use: The property is mostly wooded.

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General and is very low-density residential in nature.

Zoning History: No Previous Zoning Activities

Analysis

The applicant has requested a Special Use Permit (SUP) to allow the construction of a 195-foot monopole-type telecommunications tower on Tax Map 50, Section A, Parcel 3. The tower will be constructed within a 10,000 square foot (100' x 100') compound that will also house the

necessary accessory structures. Clear Signal Towers, LLC has stated that AT&T has already signed a lease agreement to use the proposed tower.

When evaluating a request for a Special Use Permit (SUP), two (2) general guidelines are used for evaluation, as set forth in the Fluvanna County Zoning Ordinance (Sec. 22-17-4D).

First, the proposed use should not tend to change the character and established pattern of the area or community.

Character of Surrounding Area

The proposed tower is located in the south central portion of the county off of State Route 6 (West River Road), off of Mountain Hill Road. The surrounding area is not highly populated, and has land involved in agricultural and forestry production. A low number of dwellings are located within a mile of the proposed tower. The location of the proposed tower is screened by a dense mix of existing trees and vegetation. According to the applicant's photosimulations, the tower would be visible from the immediate lease compound area, some sections of Mountain Hill Road, as well as some sections of State Route 6 (West River Road). (Attachment C)

Conformance with Wireless Telecommunications Facilities Master Plan

According to the *Wireless Telecommunications Facilities Master Plan*, there are two (2) potential county owned properties that were within reasonable proximity to the applicant's search ring and the proposed new site. These two sites are identified as Site Location G (County Landfill), and Site Location H (Omohundro Water Tank). The consultant determined that neither location would meet proper technical requirements. (Attachment D)

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Zoning

The subject property and all surrounding property are zoned A-1 (Agricultural, General). Since the proposed tower will be less than 200 feet, it will not have to be lighted. The applicant is proposing to build a 195 foot non-concealed freestanding antenna support facility within a 100 foot by 100 foot lease area, which per Sec. 22-27-8, requires a special use permit, and is not permitted by-right. Some permitted by-right uses in the A-1 zoning district include single-family dwellings, minor utilities, home occupations, private kennels, and temporary sawmills to name a few.

If this request were approved, the applicant will be required to submit a site development plan for review, in accordance with Article 23: *Site Development Plans* of the Fluvanna County Zoning Ordinance.

Relationship to Neighboring Properties

The proposed tower will be located on a parcel of land that is vastly wooded with a mix of hardwood and pine trees. The tower would be screened by a substantial wooded area between Mountain Hill Road, and the lease area. Very few dwellings are located within a 1-mile proximity of the proposed tower, and existing vegetation would provide an effective screening from those properties. (Attachment E)

Comprehensive Plan

The Comprehensive Plan designates this area as within the Rural Preservation Planning Area. The Infrastructure Chapter of the Comprehensive Plan has the following recommendations concerning the siting of cellular towers.

- Encourage the location and co-location of wireless communication equipment on existing structures;
- Accommodate the growing need and demand for wireless communication services;
- Encourage coordination between communication providers;
- Establish consistent and balanced legal language governing wireless communications facilities that take into consideration the Comprehensive Plan and communications master plan; and
- Maintain compliance with applicable laws, including but not limited to the 1996 Telecommunications Act.

The above recommendations are the primary reasons the county has procured a telecommunications consultant to assist with these applications.

Neighborhood Meeting

The neighborhood meeting was held on May 9, 2012. With the exception of the property owner, there were no other people there to speak with regard to this application.

Technical Review Committee

The Technical Review Committee (TRC) meeting was held on May 10, 2012. The following comments were made:

1. Central Virginia Electric Cooperative stated that power supply is not an issue at this site;
2. The Health Dept. stated that the property does not contain any buildings, water or sewerage systems;

3. Planning staff stated that the consultant's report was forthcoming and their comments would be part of the staff report;
4. VDOT stated that an entrance permit will be required, and the entrance may need to be upgraded. (Attachment F).

Planning Commission

The Planning Commission considered this SUP request at their June 27th meeting. There were no comments by the public, and limited discussion by the Planning Commission. The Planning Commission recommended approval 3-0-1, with Dr. Babbitt abstaining. Mr. Halstead was absent.

Board of Supervisors

SUP 12:03 was deferred at the July 18, 2012 Board of Supervisors meeting.

Consultant's Recommendation

CityScape Consultants, Inc. has reviewed this request, and has stated that:

1. The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service and alleviate a signal coverage issue;
2. AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore, the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and
3. The proposed site is supported by the *Wireless Telecommunications Facilities Master Plan.*

CityScape Consultants, Inc. recommends that the application by approved with the following conditions:

1. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
2. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
3. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
4. The Applicant shall obtain all necessary County permits prior to any work on the site;
5. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
6. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation. (Attachment G)

Conclusion

This request for a special use permit for a 195 ft. monopole telecommunication facility appears to be in substantial conformance with the intent of the Comprehensive Plan's recognition that telecommunications are a critical part of the role of infrastructure throughout the county, and the criteria set forth in the Zoning Ordinance. In reviewing this request, the Planning Commission should consider how the proposed tower:

- Conforms with the *Wireless Telecommunications Facilities Master Plan*;
- Improves telecommunications infrastructure within Fluvanna County; and
- Impacts the rural character, and associated tourism potential, of the surrounding area.

If approved, staff recommends that the following conditions be imposed:

1. The tower, including antennae, will not be higher than 199 feet and will not be lit;
2. The tower shall be ~~in the same location~~ *constructed substantially* as shown in the application;
3. The Applicant confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G;
4. The proposed new tower shall accommodate no less than six (6) different wireless services providers' antenna arrays, all of the same general design;
5. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service providers' ground-mounted electronic equipment;
6. The tower shall be available for co-location by other telecommunications companies, with Fluvanna County having the right of first refusal prior to the approval of each proposed co-location;
7. The Applicant shall obtain all necessary County permits prior to any work on the site;
8. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and
9. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation;
10. All feed lines shall be installed within the shell of the monopole and no lines will be exposed except at the antennas;
11. If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition *in accordance with Sec. 22-27-5 of the County Code*;
12. Violation of any condition of this permit shall be grounds for revocation of this permit.
13. The Board of Supervisors, or their representatives, has the right to inspect the property for compliance with these conditions at any time.

14. *The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit*

Suggested Motion

I move that the Board of Supervisors approve/deny SUP 12:04, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3, (if approved) subject to the conditions listed in the staff report.

Attachments

A: Application, compliance letter, and APO letter
B: Aerial Vicinity Map
C: Applicant's Balloon Test Photos
D: Map of County owned property and email from the consultant
E: Map of Existing Wireless Telecommunications Inventory
F: TRC comments
G: Consultant's Report

Copy
Owner: Margaret Snoddy, 745 Tara Lane, Scottsville, VA 24590
Applicant: Clear Signal Towers, LLC, Dorothy Brunetti, 1801 Libbie Avenue, Suite 201, Richmond, VA 23226
Consultant: CityScape Consultants, 7050 W. Palmetto Park Road # 15-652, Boca Raton, FL 33433

Received
MAR 12 2012
Fluvanna County

Cohasset
VA9030/CV446

ATT A

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Special Use Permit (SUP)

Owner of Record: Margaret Snoddy
E911 Address: 745 Tara Ln, Scottsville, VA 24590
Phone: Fax: N/A
Email: N/A

Applicant of Record: Clear Signal Towers, LLC
E911 Address: 1801 Libbie Ave., Suite 201, Richmond
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Representative: Dorothy Brunetti
E911 Address: 1801 Libbie Ave., Suite 201, Richmond VA
Phone: 804-337-6470 Fax: 804-648-4809
Email: dorothy@vacapital.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ✓ No ○ Yes
If Yes, what district: N/A

Tax Map and Parcel(s): 50-A-3
Deed Book Reference: WB. 51 P. 756
Acreage: 97.7 **Zoning:** A-1
Deed Restrictions? ✓ No ○ Yes (Attach copy)
Request for a SUP in order to: construct a Tower
Proposed use of Property: Wireless Telecom Facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 3/1/12 Signature of Owner/Applicant: [signature]

Subscribed and sworn to before me this 1st day of March, 20 12 Register # 7273598

My commission expires: My Commission Expires October 31, 2013 Notary Public: Pamela Lynn Rose

Certification: Date: Zoning Administrator: Darren Coffey

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: 3-12-12	Pre-Application Meeting:	PH Sign Deposit Received: CK# 2366	$90.00 Application #: SUP 12:004
$800.00 fee plus mailing costs paid:		Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: $400.00 fee plus mailing costs paid:			
Telecommunications Tower $1,500.00 fee plus mailing costs paid:		$5,500 w/Consultant Review paid: CK# 2336	
Election District: Fork Union		Planning Area: Rural Preservation	

Public Hearings			
Planning Commission		**Board of Supervisors**	
Advertisement Dates:	June 14th + 21st	Advertisement Dates:	July 5th + 12th
APO Notification:	June 13th	APO Notification:	July 4th
Date of Hearing:	June 27th	Date of Hearing	July 18th
Decision:		Decision:	

Received
MAR 1 2 2012
Fluvanna County

VA9030/CV44
Cohasset

Fluvanna County Virginia
Communications Facility Application Checklist

Date Submitted: 11/1/11

APPLICANT'S NAME: Clear Signal Towers, LLC
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
PROPERTY OWNER: _____ Phone: _____
APPLICANT'S CONTACT: Dorothy Brunetti
Address 1801 Libbie Ave, Suite 201, Richmond VA 23226
Phone: 804-337-6470 FAX: 804-648-4809 E-mail: dorothy@vacapital.com
Lessor/Licensor Contact Information:
Name: Margaret Louise Gnaddy
Address: 745 Tara Lane Scottsville VA 24590
Phone: _____ FAX: _____ E-mail: _____

Commercial Wireless Provider AT&T

New Structure: Yes [✓] No [ ] Co-location: Yes [ ] No [✓] Water Tower: Yes [ ] No [✓]

Replace Existing Structure: Yes [ ] No [✓] Replacement (upgrade) of existing antennas Yes [ ] No [✓]

Stealth Attached Facility: Yes [ ] No [✓] New Stealth Antenna Support Structure: Yes [ ] No [✓]

FACILITY INFORMATION:

Site Address: State Route 650, Palmyra VA 22963

Latitude (NAD83): 37-46-41.6 Longitude (NAD83): 78-19-15.1

Ground Elevation (AMSL) (ft): 488' Total Height of Tower: (AGL) (ft) 195'

RAD Center (ft): 194'

TAX Parcel Identification Number: 80-A-3

Present Zoning of Property: A-1

Land Use and Description of Property: Agricultural

FCC Antenna Structure Registration Number (ASR) (if applicable): N/A

The following must be enclosed with this application:

1. A map (electronic preferable) of the same search ring submitted and used by the applicant's site locator;
2. A map (electronic preferable) indicating applicant's existing RF signal propagation;
3. A map (electronic preferable) indicating applicant's proposed new RF signal propagation;
4. A statement (electronic preferable) from a qualified individual that the applicant will comply with all FCC rules regarding human exposure to RF energy, along with the individual's qualifications;
5. A statement (electronic preferable) from the applicant that the applicant will comply with all applicable FCC rules regarding radio-frequency interference;
6. A statement (electronic preferable) that the submitted search ring is the same as utilized in the selection of the site;
7. Complete plans of the proposed facility to include a structural certification by a Registered Professional Engineer that the facility complies with applicable Federal, State and Buckingham County building codes.

Please Note: Supplemental information may be requested for purposes of clarity or confirmation.

Clear Signal Towers, LLC

COHASSET
VA9030

STATE ROUTE 650
PALMYRA, VA 22963

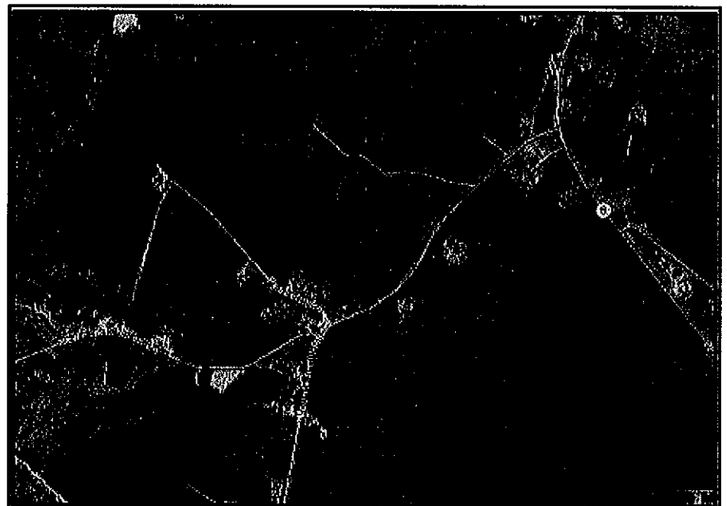
PROJECT DESCRIPTION:

INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT

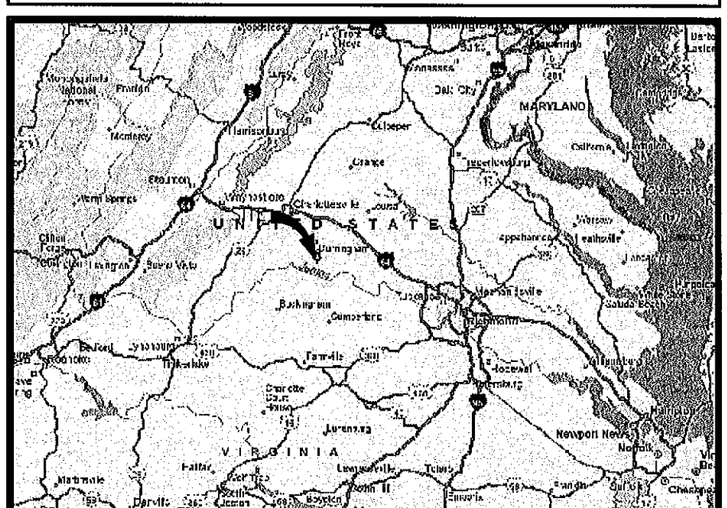
2 WORKING DAYS
BEFORE YOU DIG
1-800-552-7001
TOLL FREE
MISS UTILITY

DIRECTIONS TO SITE:

FROM RICHMOND:
TAKE I-64 W TO EXIT 167 AND TURN RIGHT ONTO US-250. TURN LEFT ONTO FAIRGROUND RD AND THEN LEFT ONTO US--522. TURN RIGHT ONTO SR-6 AND FOLLOW FOR APPROXIMATELY 25 MILES. TURN LEFT ONTO MOUNTAIN HILL RD AND THEN TURN RIGHT ONTO ACCESS ROAD AND FOLLOW TO SITE.



LOCAL MAP NOT TO SCALE



VICINITY MAP NOT TO SCALE

N

N

APPROVAL

SAI SITE ACQUISITION:	SIGNATURE	DATE	AT&T REGULATORY	SIGNATURE	DATE
SAI ZONING:	SIGNATURE	DATE	AT&T RF:	SIGNATURE	DATE
SAI CONSTRUCTION:	SIGNATURE	DATE	AT&T CONSTRUCTION:	SIGNATURE	DATE

REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
1	ZONING DRAWINGS	OWW	07/28/11				

CONSULTING TEAM

ARCHITECTURE AND ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
PROJECT MANAGER: WARREN WILLIAMS, P.E.
TELEPHONE: (757) 450-2288

SURVEY:
HAYDEN FRYE AND ASSOCIATES
333 KELLAM ROAD, SUITE 200
VIRGINIA BEACH, VA 23462
CONTACT: HAYDEN FRYE, LS
TELEPHONE: (757) 491-7228
FAX: (757) 491-7229

SOIL ENGINEER:
GEOENVIRONMENTAL RESOURCES, INC. (GER)
CONTACT: CHARLES CRAWLEY, PE
TELEPHONE: (757) 463-3200

STRUCTURAL ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
CONTACT: JASON CANFIELD, P.E.
TELEPHONE: (757) 450-2288

UTILITIES:
POWER COMPANY:
DOMINION VIRGINIA POWER
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-888-667-3000

TELEPHONE COMPANY:
VERIZON CONTACT:
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-800-826-2355

PROJECT SUMMARY

SITE INFORMATION:
VA9030
COHASSET
STATE ROUTE 650
PALMYRA, VA 22963

LANDLORD INFORMATION:
MARGARET M. SNODDY

APPLICANT INFORMATION:
CLEAR SIGNAL TOWERS
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226

PROJECT DATA:

ZONING	A-1
JURISDICTION	FLUVANNA COUNTY
TAX MAP NO.	50-A-3
SITE TYPE	RAW LAND
TOWER TYPE	MONOPOLE
TOWER HEIGHT	195'
LEASE AREA	100'X100'
AREA OF LAND DISTURBANCE	3600 SF

(2C) GEOGRAPHIC COORDINATES:

LATITUDE:	37° 46' 41.6" N
LONGITUDE:	78° 19' 15.1" W
GROUND ELEV. (AMSL):	488'

DECLINATION:
9° 41' W CHANGING BY 0° 1' W PER YEAR

ADA COMPLIANCE:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. SITE WILL NOT BE SERVED BY CITY SEWER OR WATER.

SHEET INDEX

SHEET:	DESCRIPTION:
T-1	TITLE SHEET
T-2	LEGEND AND ABBREVIATIONS
N-1	GENERAL NOTES
C-1	SURVEY AND SITE PLAN
C-2	ENLARGED SITE PLAN
C-3	GRADING AND EROSION CONTROL PLAN
C-4	ELEVATION VIEW
C-5	FENCE NOTES AND DETAILS
C-6	CIVIL DETAILS

SHEET TOTAL: 9

Clear Signal Towers, LLC
CLEAR SIGNAL TOWERS, LLC
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TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	07/28/11 BY: KMB	ZONING DRAWINGS CHK: OWW APP'D: OWW
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
7-28-11
PROFESSIONAL ENGINEER

VA9030
COHASSET
RAWLAND
MONOPOLE

STATE ROUTE 650
PALMYRA, VA
22963
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

ABBREVIATIONS & SYMBOLS LIST

1P, 2P, & 3P	SINGLE POLE, TWO POLE, & THREE POLES
A/C	AIR CONDITIONING
ADJ	ADJUSTABLE
AFF	ABOVE FINISH FLOOR
AGL	ABOVE GROUND LEVEL
APPROX	APPROXIMATELY
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AWG	AMERICAN WIRE GAUGE
A OR AMP	AMPERE
BLDG	BUILDING
BLK	BLOCK
BMR	BASE MOBILE RADIO
B/S	BUILDING STANDARD
CU	COPPER
CO	CLEAN OUT
C	CONDUIT SIZE AS NOTED
CB	CIRCUIT BREAKER
CKT	CIRCUIT
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CFCI	CONTRACTOR FURNISHED CONTRACTOR INSTALLED
DB	DEED BOOK
DBL	DOUBLE
DIA, ø	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DN	DOWN
DET, DETL	DETAIL
DWG	DRAWING
DEF	DUAL ELEMENT FUSES
E	EAST
EA	EACH
EL, ELEV	ELEVATION
ELECT	ELECTRICAL
EQ	EQUAL
EQUIP	EQUIPMENT
EW	EACH WAY
EXIST/EX	EXISTING
EXT	EXTERIOR
EMT	ELECTRICAL METALLIC TUBING
EC	EMPTY CONDUIT
FIN	FINISH
FLUOR	FLUORESCENT
FLR	FLOOR
FT	FOOT
GRS	GALVANIZED STEEL CONDUIT
G OR GRD	GROUND
GA	GAUGE
GALV	GALVANIZE(D)
GC	GENERAL CONTRACTOR
GPS	GLOBAL POSITIONING SYSTEM
GWB	GYPSUM WALL BOARD
HARD'WD	HARDWOOD
HEC	HIGH STRENGTH
HORIZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
ID	INSIDE DIA.
IN	INCH
INFO	INFORMATION
INS	INSULATION
KW	KILOWATTS
LB(S)	POUND(S)
LG	LONG
MAX	MAXIMUM
MECH	MECHANICAL
MTL	METAL
MFR	MANUFACTURER
MGR	MANAGER
MIN	MINIMUM
MISC	MISCELLANEOUS
MPH	MILES PER HOUR
MTD	MOUNTED

NEUT	NEUTRAL
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OFCI	OWNER FURNISHED, CONTRACTOR INSTALLED
OC	ON CENTER
OD	OUTSIDE DIAMETER
OPNG	OPENING
OPP	OPPOSITE
OHT/OHP	OVERHEAD TELEPHONE/OVERHEAD POWER
OHP	OVERHEAD POWER
OHT	OVERHEAD TELEPHONE
OZ	OUNCE
PG	PAGE
PIN(F)	PIN FOUND
PIN(S)	PIN SET
PJF	POLYVINYL JOINT FILLER
PLYWD	PLYWOOD
PR	PAIR
PROJ	PROJECT
PROP	PROPERTY
PSI	PER SQUARE INCH
PSF	PER SQUARE FOOT
PT	PRESSURE TREATED
PVC	SCHEDULE 40 PLASTIC CONDUIT.
RAD	RADIATION
RECEPT	RECEPTACLE
REQ'D	REQUIRED
RM	ROOM
RO	ROUGH OPENING
S	SOUTH
SW	SWITCH
SCH	SCHEDULE
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
STL	STEEL
STRUCT	STRUCTURAL
SUSP	SUSPENDED
THRD	THREADED
THRU	THROUGH
TM	TAX MAP
TNND	TINNED
TOC	TOP OF CONCRETE
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
UG	UNDERGROUND
VERT	VERTICAL
VIF	VERIFY IN FIELD
VT	VINYL TILE
W/	WITH
WDW	WINDOW
W	WEST
W/O	WITHOUT
W	WATTS
WP	WEATHERPRODF
XFRM	TRANSFORMER

∡	ANGLE
&	AND
℄	CENTER LINE
PL	PROPERTY LINE, PLATE
@	AT
#	NUMBER

1 = REVISION

1 = NOTE REFERENCE

1 = DETAIL REFERENCE (1 / C-1)

1 = ELEVATION REFERENCE (1 / C-1)

1 = SECTION REFERENCE (1 / C-1)

N = NORTH ARROW

N = NORTH ARROW WITH MAGNETIC DECLINATION (TOPO NAD 1983 / MAG NAD 1983)

LEGEND

EXISTING	NEW	
CONC		CONCRETE
		PROPERTY LINE
		LEASE AREA
		EASEMENT
		BUILDING (FOOTPRINT)
		POWER POLE
		TELEPHONE/FIBEROPTIC PEDESTAL
		ASPHALT
		FENCE
		TEMPORARY BENCHMARK
		TREELINE
		CONTOURS
	14.5	SPOT ELEVATION
	SF	SILT FENCE
		ITEMS TO BE REMOVED

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FLUVANNA COUNTY

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CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
LEGEND AND ABBREVIATIONS

SHEET NUMBER:
T-2

SITE WORK GENERAL NOTES:

NOTES:

1. THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.

2. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.

3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.

4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.

5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL UTILITIES.

6. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION.

7. THE SUBCONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE CINGULAR SPECIFICATION FOR SITE SIGNAGE.

8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.

9. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.

10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.

11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABALIZED TO PREVENT EROSION.

12. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL JURISDICTION'S GUIDELINES FOR EROSION AND SEDIMENT CONTROL.

STRUCTURAL STEEL NOTES:

NOTES:

1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A36 UNLESS OTHERWISE NOTED.

2. ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL BE TOUCHED UP.

3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4"ø) CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.

4. NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

5. INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR CONTRACTOR APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

6. ALL EXPANSION/WEDGE ANCHORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. THE ANCHOR BOLT DOWEL AND ROD SHALL BE STAINLESS STEEL WITH STAINLESS STEEL WASHERS.

CONCRETE AND REINFORCING STEEL NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.

2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.

3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.

4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

   CONCRETE CAST AGAINST EARTH.....3 IN.
   CONCRETE EXPOSED TO EARTH OR WEATHER:

   #6 AND LARGER .....2 IN.
   #5 AND SMALLER & WWF.....1 1/2 IN.

   CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:

   SLAB AND WALL .....3/4 IN.
   BEAMS AND COLUMNS.....1 1/2 IN.

5. A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.

6. CONCRETE/EXPANSION ANCHORS SHALL BE STAINLESS STEEL. INSTALLATION, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE. EXPANSION BOLTS SHALL BE PROVIDED BY RAMSET/REDHEAD OR APPROVED EQUAL.

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
   CONTRACTOR – CLEAR SIGNAL TOWERS
   SUBCONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)
   OWNER – CLEAR SIGNAL TOWERS
   OEM – ORIGINAL EQUIPMENT MANUFACTURE

2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.

3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.

   ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.

4. DRAWINGS PROVIDED HERE ARE NOT TO SCALE AND ARE INTENDED TO SHOW OUTLINE ONLY.

5. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.

6. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.

7. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.

8. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING.

9. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.

10. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.

11. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.

12. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 24782-00D-3APS-A00Z-00002, "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF AT&T GSM SITES.'

SOIL COMPACTION NOTES FOR SLAB ON GRADE

NOTES:

1. EXCAVATE AS REQUIRED TO REMOVE VEGETATION & TOPSOIL EXPOSE UNDISTURBED NATURAL SUBGRADE AND PLACE CRUSHED STONE AS REQUIRED.

2. COMPACTION CERTIFICATION: AN INSPECTION AND WRITTEN CERTIFICATION BY A QUALIFIED GEOTECHNICAL TECHNICIAN OR ENGINEER IS ACCEPTABLE.

3. AS AN ALTERNATIVE TO INSPECTION AND WRITTEN CERTIFICATION, THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED WITH "COMPACTION EQUIPMENT", LISTED BELOW, TO AT LEAST 90% MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.

4. COMPACTED SUBBASE SHALL BE UNIFORM & LEVELED. PROVIDE 6" MINIMUM CRUSHED STONE OR GRAVEL COMPACTED IN 3" LIFTS ABOVE COMPACTED SOIL. GRAVEL SHALL BE NATURAL OR CRUSHED WITH 100 % PASSING 1" SLEEVE.

COMPACTION EQUIPMENT:

HAND OPERATED DOUBLE DRUM, VIBRATORY ROLLER, VIBRATORY PLATE COMPACTOR OR JUMPING COMPACTOR.

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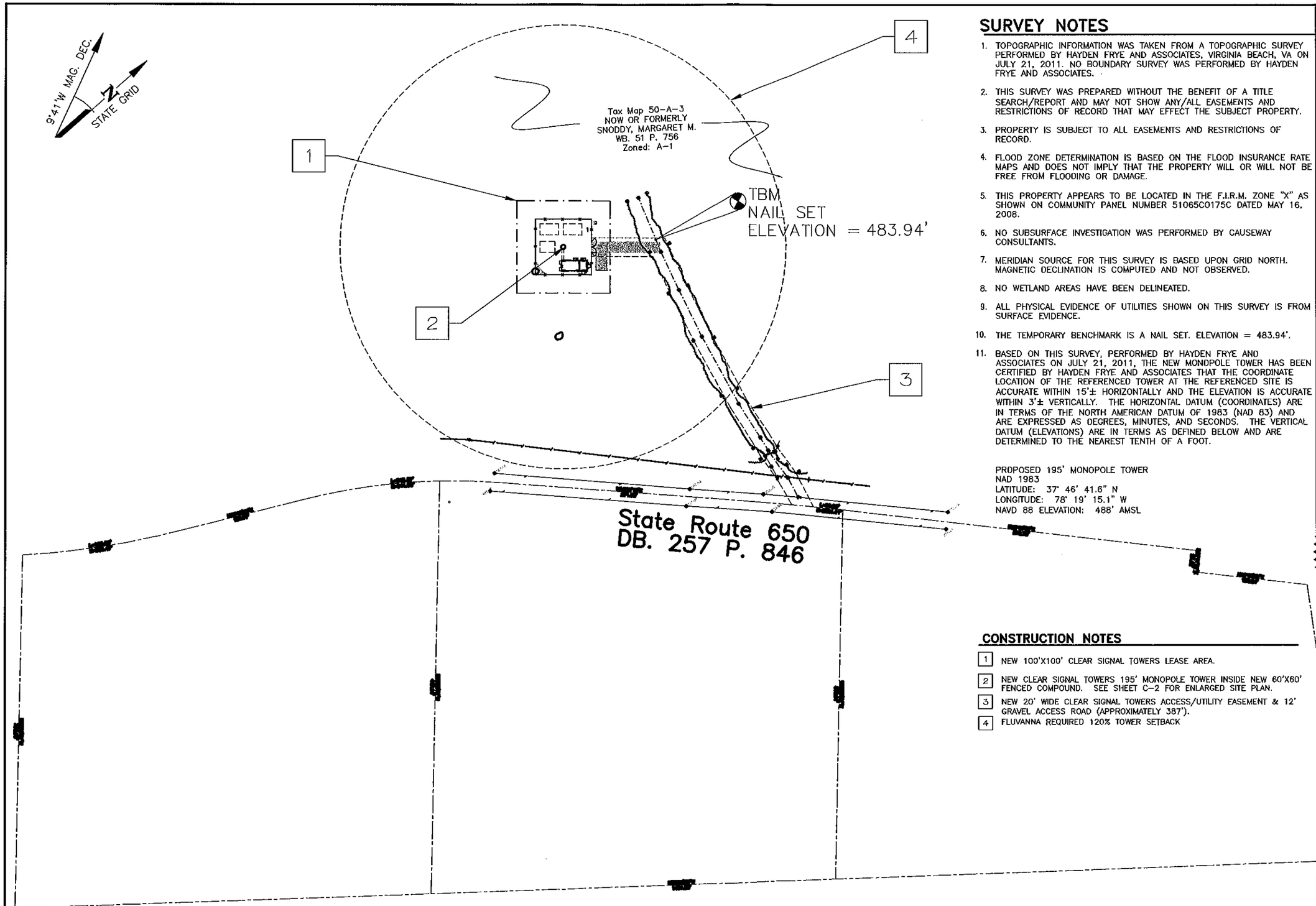

SURVEY NOTES

1. TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY HAYDEN FRYE AND ASSOCIATES, VIRGINIA BEACH, VA ON JULY 21, 2011. NO BOUNDARY SURVEY WAS PERFORMED BY HAYDEN FRYE AND ASSOCIATES.
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH/REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS AND RESTRICTIONS OF RECORD THAT MAY EFFECT THE SUBJECT PROPERTY.
3. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
5. THIS PROPERTY APPEARS TO BE LOCATED IN THE F.I.R.M. ZONE "X" AS SHOWN ON COMMUNITY PANEL NUMBER 51065C0175C DATED MAY 16, 2008.
6. NO SUBSURFACE INVESTIGATION WAS PERFORMED BY CAUSEWAY CONSULTANTS.
7. MERIDIAN SOURCE FOR THIS SURVEY IS BASED UPON GRID NORTH. MAGNETIC DECLINATION IS COMPUTED AND NOT OBSERVED.
8. NO WETLAND AREAS HAVE BEEN DELINEATED.
9. ALL PHYSICAL EVIDENCE OF UTILITIES SHOWN ON THIS SURVEY IS FROM SURFACE EVIDENCE.
10. THE TEMPORARY BENCHMARK IS A NAIL SET. ELEVATION = 483.94'.
11. BASED ON THIS SURVEY, PERFORMED BY HAYDEN FRYE AND ASSOCIATES ON JULY 21, 2011, THE NEW MONOPOLE TOWER HAS BEEN CERTIFIED BY HAYDEN FRYE AND ASSOCIATES THAT THE COORDINATE LOCATION OF THE REFERENCED TOWER AT THE REFERENCED SITE IS ACCURATE WITHIN 15'± HORIZONTALLY AND THE ELEVATION IS ACCURATE WITHIN 3'± VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND ARE EXPRESSED AS DEGREES, MINUTES, AND SECONDS. THE VERTICAL DATUM (ELEVATIONS) ARE IN TERMS AS DEFINED BELOW AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.

PROPOSED 195' MONOPOLE TOWER
NAD 1983
LATITUDE: 37° 46' 41.6" N
LONGITUDE: 78° 19' 15.1" W
NAVD 88 ELEVATION: 488' AMSL

CONSTRUCTION NOTES

1. NEW 100'X100' CLEAR SIGNAL TOWERS LEASE AREA.
2. NEW CLEAR SIGNAL TOWERS 195' MONOPOLE TOWER INSIDE NEW 60'X60' FENCED COMPOUND. SEE SHEET C-2 FOR ENLARGED SITE PLAN.
3. NEW 20' WIDE CLEAR SIGNAL TOWERS ACCESS/UTILITY EASEMENT & 12' GRAVEL ACCESS ROAD (APPROXIMATELY 387').
4. FLUVANNA REQUIRED 120% TOWER SETBACK

1 / C-1 SURVEY AND SITE PLAN

FOR 24" X 36" PLOT - 1" = 50' 0 50' 100'
FOR 11" X 17" PLOT - 1" = 100'

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SURVEY AND SITE PLAN

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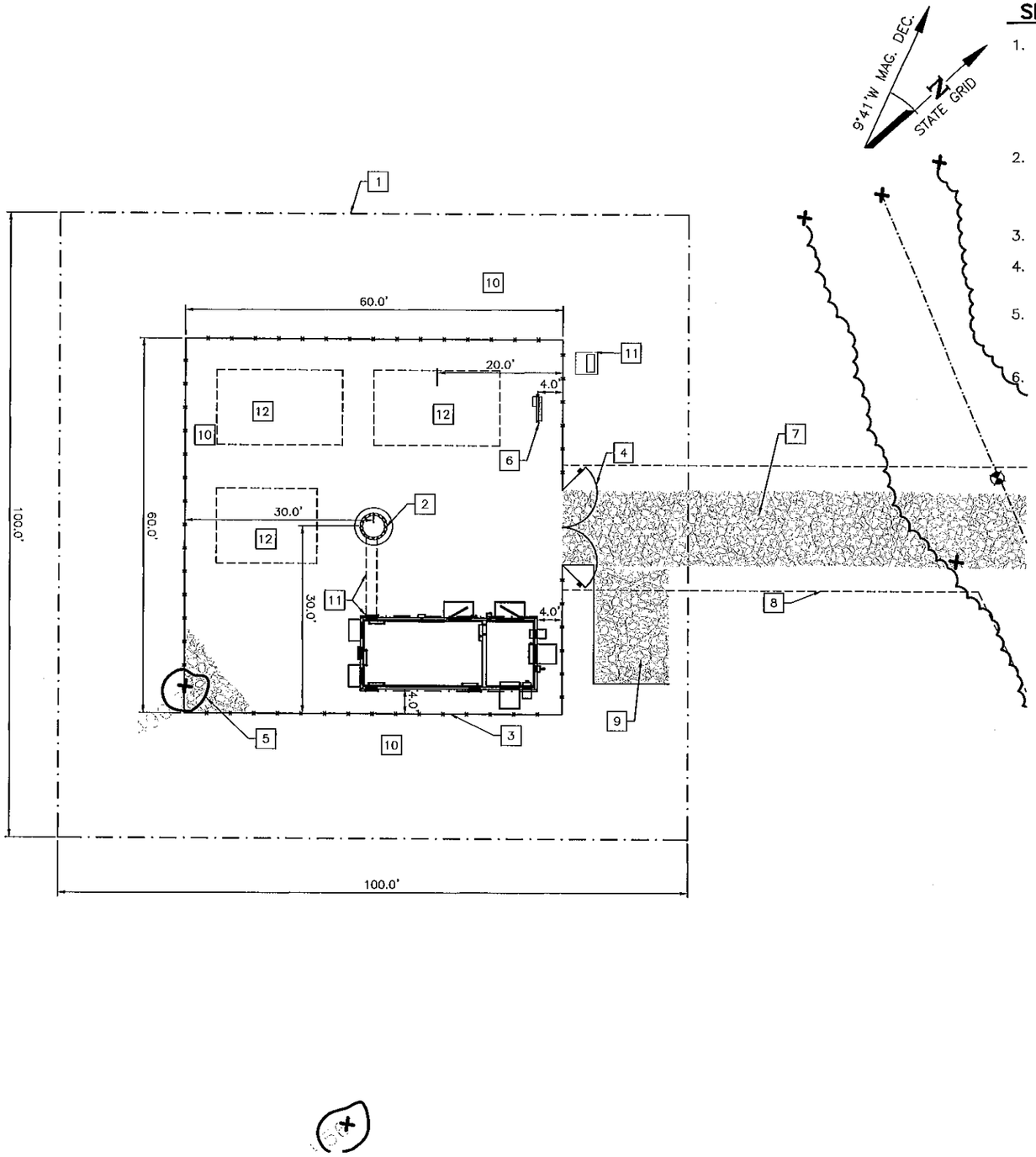

SITE NOTES

1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING ANY UNDERGROUND UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA OF CONSTRUCTION THAT ARE NOT SHOWN ON THESE PLANS. BEFORE YOU DIG, CALL "MISS UTILITY" AT 1–800–552–7001. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING, AT HIS EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
2. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AT THE FIRST PHASE OF CONSTRUCTION AND CHECKED PERIODICALLY TO ENSURE THEY ARE FUNCTIONING AS INDICATED.
3. THE STOCKPILING OF EXCESS MATERIAL ON SITE WILL NOT BE ALLOWED.
4. ANY VEGETATED AREA DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED AND SEEDED TO RESTORE A PERMANENT VEGETATIVE COVER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS ANY PAVEMENT, DRIVEWAYS, WALKS, CURBS, ETC. THAT MAY BE CUT, OR THAT ARE DAMAGED DURING CONSTRUCTION.
6. THE INDICATED DIRECTION OF NORTH WILL HAVE TO BE VERIFIED IN THE FIELD. THE MAGNETIC DECLINATION INDICATED IS CALCULATED BASED ON THE LATITUDINAL AND LONGITUDINAL COORDINATE GIVEN BY HAYDEN FRYE AND ASSOCIATES.

CONSTRUCTION NOTES

1. NEW CLEAR SIGNAL TOWERS 100'X100' LEASE AREA.
2. NEW CLEAR SIGNAL TOWERS 195' MONOPOLE TOWER. SEE ELEVATION VIEW, SHEET C–4.
3. NEW CLEAR SIGNAL TOWERS 60'X60' FENCED COMPOUND. SEE SHEET C–5 FOR DETAIL.
4. NEW CLEAR SIGNAL TOWERS 12' WIDE DOUBLE GATE. SEE SHEET C–5 FOR DETAIL.
5. INSTALL NEW GRAVEL WITHIN COMPOUND AS NEEDED. SEE SHEET C–6 FOR DETAIL.
6. NEW CLEAR SIGNAL TOWERS UTILITY SERVICE STAND.
7. NEW 12' GRAVEL ACCESS ROAD. SEE SHEET C–6 FOR DETAILS.
8. NEW 20' WIDE CLEAR SIGNAL TOWERS ACCESS/UTILITY EASEMENT (APPROXIMATELY 387' IN LENGTH)
9. NEW GRAVEL PARKING/TURNAROUND. SEE SHEET C–6 FOR DETAILS.
10. CLEAR TREES AS NECESSARY TO ACCOMODATE NEW COMPOUND.
11. FUTURE AT&T EQUIPMENT SHELTER, ICE BRIDGE, FIBER PAD (BY OTHERS).
12. FUTURE CARRIERS.

1 / C–2 **ENLARGED SITE PLAN**

FOR 24" X 36" PLOT – 1" = 10'
FOR 11" X 17" PLOT – 1" = 20'
0 5' 10' 20'

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450–2288

NO.		
1	07/28/11	ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8–2–11
PROFESSIONAL ENGINEER

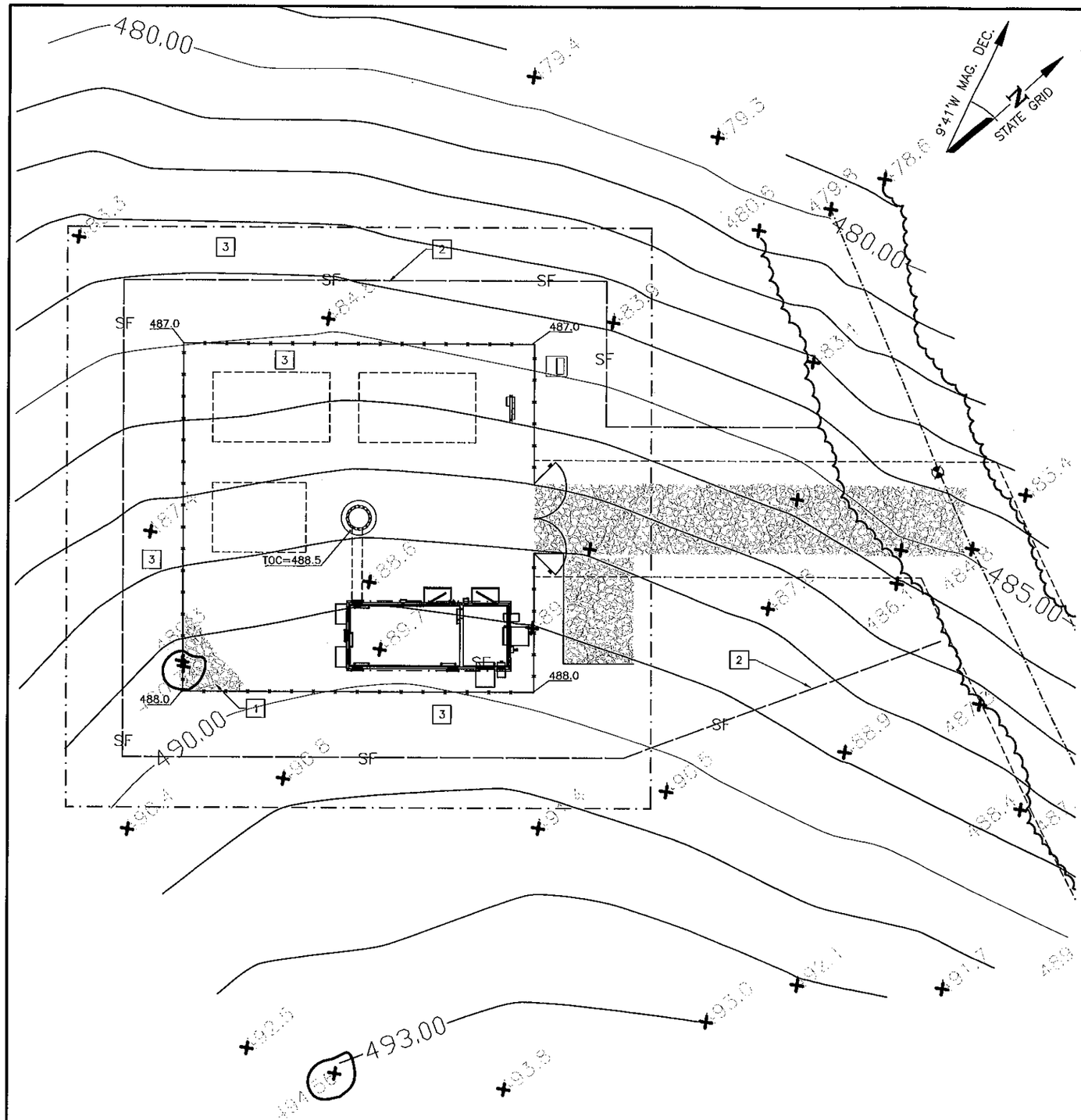
VA9030
COHASSET
RAWLAND
MONOPOLE

STATE ROUTE 650
PALMYRA, VA
22963
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TIV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
C-2



EROSION & SEDIMENT CONTROL NOTES:

1. UNLESS OTHERWISE INDICATED, ALL VEGETATIVE AND STRUCTURAL EROSION AND SEDIMENT CONTROL PRACTICES WILL BE CONSTRUCTED AND MAINTAINED ACCORDING TO MINIMUM STANDARDS AND SPECIFICATIONS OF THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK (3RD EDITION, 1992).
2. THE CONTRACTOR MUST CONTACT THE PLANNING/CIVIL INSPECTIONS OFFICE FOR A PRE-CONSTRUCTION MEETING BEFORE ANY CONSTRUCTION ACTIVITY BEGINS.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE PLACED PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION.
4. THE CONTRACTOR SHALL APPLY PERMANENT OR TEMPORARY SOIL STABILIZATION TO ALL DENUDED OR DISTRUBED AREAS WITHIN 7 DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE SITE. SOIL STABILIZATION MUST ALSO BE APPLIED TO DENUDED AREAS WHICH MAY NOT BE AT FINAL GRADE BUT WHICH WILL REMAIN UNDISTURBED FOR LONGER THAN 30 DAYS. SOIL STABILIZATION MEASURES INCLUDE VEGETATIVE ESTABLISHMENT, MULCHING AND THE EARLY APPLICATION OF GRAVEL BASE MATERIAL ON AREAS TO BE PAVED.
5. THE CONTRACTOR SHALL INSPECT ALL EROSION CONTROL MEASURES DAILY AND AFTER EACH RUNOFF PRODUCING RAINFALL EVENT. ANY NECESSARY REPAIRS TO MAINTAIN THE EFFECTIVENESS OF THE EROSION CONTROL DEVICES AND CLEANUP OF SEDIMENTATION ARE THE RESPONSIBILITY OF THE CONTRACTOR AND SHALL BE MADE IMMEDIATELY.
6. THE CONTRACTOR SHALL LIMIT SITE ACCESS BY CONSTRUCTION VEHICLES TO ENTRANCES PROTECTED BY A STONE CONSTRUCTION ENTRANCE (VESCH STD. & SPEC. 3.02) OR AN APPROVED COMPARABLE CONTROL MEASURE. SEDIMENT SHALL BE REMOVED FROM PAVED AREAS ON A DAILY BASIS (SEE DETAIL 2, SHEET C-9).
7. STOCK PILES OF SOIL AND OTHER ERODIBLE MATERIAL SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE CONTRACTOR IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION FOR STOCKPILES ON SITE AS WELL AS FOR MATERIALS TRANSPORTED FROM THE PROJECT SITE.
8. THE CONTRACTOR SHALL MONITOR AND TAKE PRECAUTIONS TO CONTROL DUST INCLUDING (BUT NOT LIMITED TO) USE OF WATER, MULCH OR CHEMICAL DUST ADHESIVES AND CONTROL OF CONSTRUCTION SITE TRAFFIC.
9. EFFLUENT FROM DE-WATERING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE, OR BOTH, AND CHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT ADJACENT PROPERTIES, WETLANDS, WATERWAYS OR THE STORM DRAINAGE SYSTEM.
10. THE CONTRACTOR IS RESPONSIBLE FOR INSTALLATION AND MAINTENANCE OF ANY ADDITIONAL CONTROL MEASURES NECESSARY TO PREVENT EROSION AND SEDIMENTATION AS DETERMINED NECESSARY BY THE PLAN APPROVING AUTHORITY.
11. TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES ARE NOT TO BE REMOVED WITHOUT APPROVAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT OR HIS DESIGNEE WHEN ALL DISTURBED AREAS ARE STABILIZED. ONCE APPROVED, ALL MEASURES SHALL BE REMOVED WITHIN 30 DAYS. TRAPPED SEDIMENT SHALL BE SPREAD AND SEEDED.

CONSTRUCTION NOTES:

1. INSTALL NEW GRAVEL WITHIN COMPOUND AS NEEDED, SEE DETAIL, SHEET C-6.
2. NEW SILT FENCE, SEE DETAIL, SHEET C-6.
3. INSTALL TREE PROTECTION AS NECESSARY, SEE DETAIL, SHEET C-6.

1 / C-3 GRADING & EROSION CONTROL PLAN

FOR 24" X 36" PLOT - 1" = 10'
FOR 11" X 17" PLOT - 1" = 20'
0 5' 10' 20'

Clear Signal Towers, LLC

CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
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RICHMOND, VA 23226
TEL (804)951-9694
FAX (804)648-4809

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
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COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
8-2-11
PROFESSIONAL ENGINEER

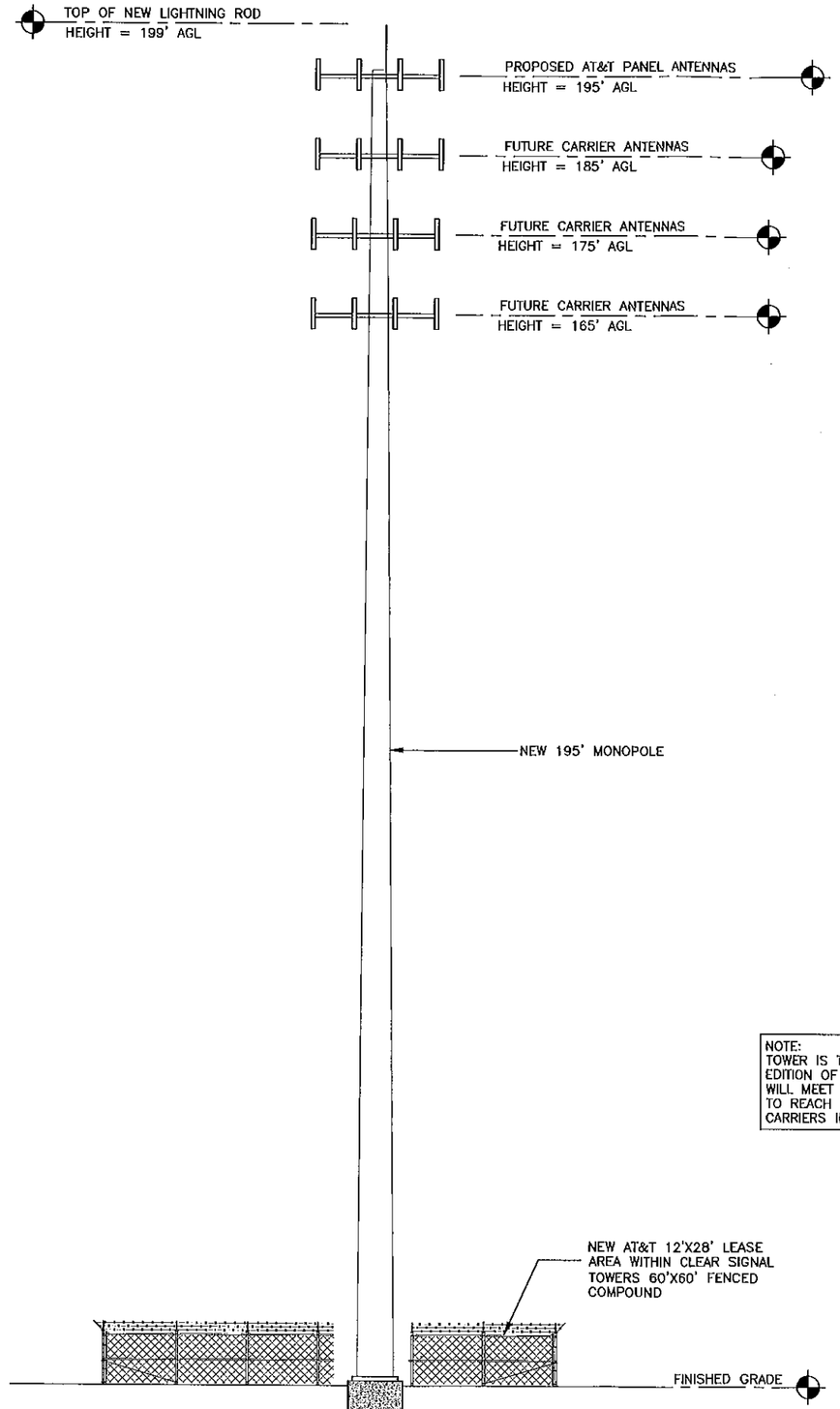
VA9030
COHASSET
RAWLAND
MONOPOLE

STATE ROUTE 650
PALMYRA, VA
22963
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
ITV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
GRADING & EROSION CONTROL PLAN

SHEET NUMBER:
C-3



NOTE:
TOWER IS TO BE DESIGNED AND BUILT TO CONFORM TO THE LATEST EDITION OF THE VIRGINIA UNIFORM STATEWIDE BUILDING CODE. ALL LOADS WILL MEET THE MINIMUM REQUIRMENTS FOR THE COUNTY. THE TOWER IS TO REACH THE HEIGHT INDICATED AND SUPPORT THE NUMBER OF FUTURE CARRIERS INDICATED TO BE INSTALLED.

TOWER ELEVATION

NOT TO SCALE

Clear Signal Towers, LLC

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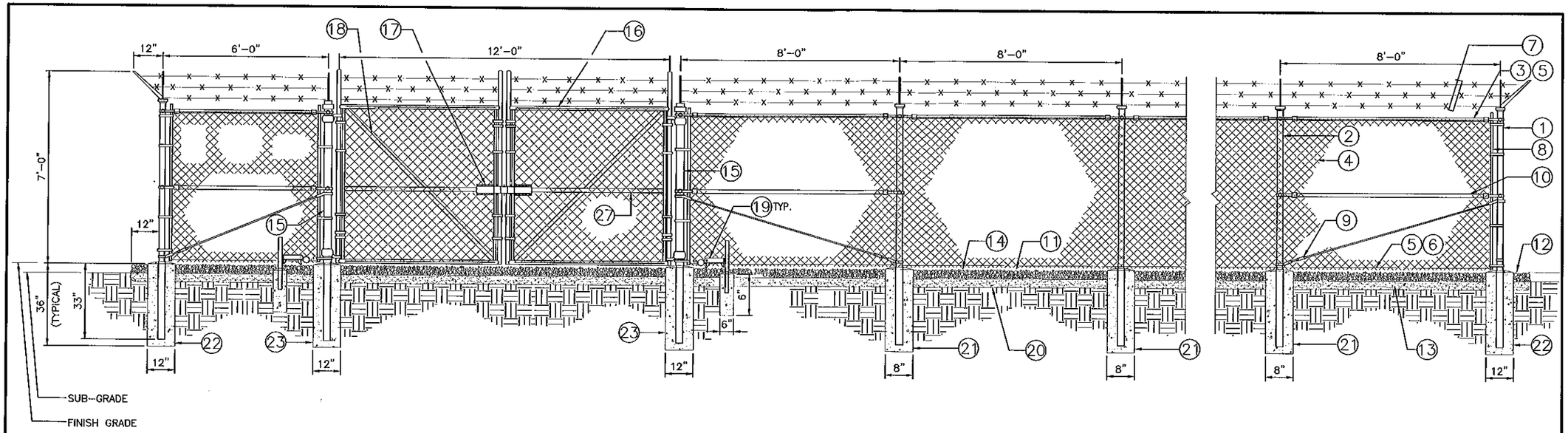
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
ELEVATION VIEW

SHEET NUMBER:
C-4



1 / C-5 COMPOUND FENCE DETAIL

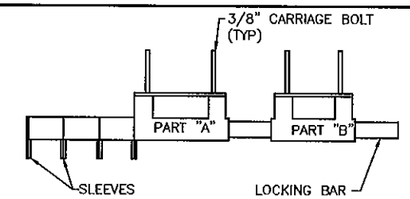
NOT TO SCALE

REFERENCE NOTES:

1. CORNER, END OR PULL POST 3" OD SCHEDULE 40 PIPE.
2. LINE POST: 2 1/2" OD SCHEDULE 40 PIPE, PER ASTM-F1083. LINE POSTS SHALL BE EQUALLY SPACED AT MAXIMUM 10'-0" OC
3. TOP RAIL & BRACE RAIL: 1 5/8" OD PIPE, PER ASTM-F1083.
4. FABRIC: 9 GA WIRE SIZE 2" MESH.
5. TIE WIRE: MINIMUM 9 GA ALUMINUM AT POSTS AND RAILS A SINGLE WRAP OF FABRIC TIE AND AT TENSION WIRE BY HOG RINGS SPACED MAX. 24" INTERVALS.
6. TENSION WIRE: 7 GA GALVANIZED STEEL.
7. BARBED WIRE: DOUBLE STRAND 12-1/2" TWISTED WIRE TO MATCH WITH FABRIC 14 GA, 4 POINT BARBS SPACED ON APPROXIMATELY 5" CENTERS.
8. STRETCHER BAR.
9. 3/8" DIAGONAL ROD WITH GALVANIZED STEEL TURNBUCKLE OR DIAGONAL THREADED ROD.
10. FENCE CORNER POST BRACE: 1 5/8" OD EACH CORNER EACH WAY.
11. 1 1/2" MAXIMUM CLEARANCE FROM GRADE.
12. 4" FINISH OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
13. 6" COMPACTED 95% BASE MATERIAL OR AS DETERMINED BY CONSTRUCTION MANAGER DURING BID WALK.
14. FINISH GRADE SHALL BE UNIFORM AND LEVEL.
15. GATE POST 4". SCHEDULE 40 PIPE, FOR GATE WIDTHS UP THRU 7 FEET OR 14 FEET FOR DOUBLE SWING GATE, PER ASTM-F1083.
16. GATE FRAME: PIPE, PER ASTM-F1083.
17. STYMIELOCK MULTI TENANT LOCKING DEVICE, PATENT # 5868015 SEE CONTACT INFORMATION ON THIS SHEET
18. 1 PAIR INDUSTRIAL PIN HINGE
19. NOT USED
20. GEOTEXTILE FABRIC
21. LINE POST: CONCRETE FOUNDATION (2000 PSI)
22. CORNER POST: CONCRETE FOUNDATION (2000 PSI)
23. GATE POST: CONCRETE FOUNDATION (2000 PSI)

GENERAL NOTES:

1. INSTALL FENCING PER ASTM F-567
2. INSTALL SWING GATES PER ASTM F- 900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
4. POST & GATE PIPE SIZES ARE INDUSTRY STANDARDS. ALL PIPE TO BE GALV. (HOT DIP, ASTM A12D GRADE "A" STEEL). ALL GATE FRAMES SHALL BE WELDED. ALL WELDING SHALL BE COATED WITH (3) COATS OF COLD GALV. (OR EQUAL).
5. ALL OPEN POSTS SHALL HAVE END-CAPS.
6. USE GALVANIZED HOG-RING WIRE TO MOUNT ALL SIGNS.
7. ALL SIGNS MUST BE MOUNTED ON INSIDE OF FENCE FABRIC.

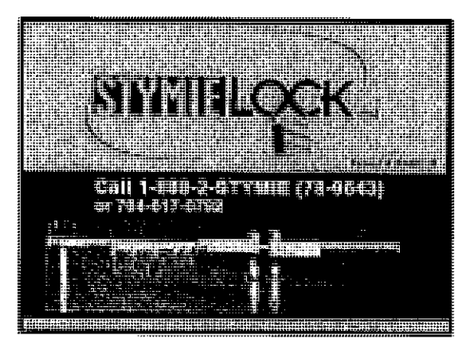


1. DRILL 3/8" HOLES IN THE GATE LEAF USING THE GATE DIMENSIONS PROVIDED.
2. SLIDE THE CARRIAGE BOLTS IN THE SLOTS ON THE BACK OF PART "B" AND PUSH THE BOLTS THROUGH THE HOLES DRILLED INT HE GATE FIGURE. PUT THE NUT AND THE LOCKNUT ON AND TIGHTEN AND CUT THE EXCESS BOLT OFF. DO THE SAME WITH PART "A".
3. ADD THE NUMBER OF SLEEVES NEEDED FOR THE NUMBER OF LOCKS AND SLIDE THE LOCKING BAR INTO PLACE THROUGH BOTH PART "A" AND PART "B". NOW INSTALL THE LOCKS.

*IF THE GATE HAS NO CENTER BAR IN THE GATE LEAF YOU MAY NEED TO MOUNT THE STYMIELOCK VERTICALLY USING THE SAME DIMENSIONS GIVEN ON THE GATE FACE.

*VERTICAL APPLICATION MAY ALSO BE USED ON SLIDING GATES WITH MULTIPLE LOCKS.

STYMIELOCK INSTALLATION



STYMIELOCK CONTACT INFORMATION:
PATENT #5868015
PO BOX 1228 PINEVILLE, NC 28134
16248 MARVIN ROAD CHARLOTTE, NC 28277

Clear Signal Towers, LLC
CLEAR SIGNAL TOWERS, LLC
1801 LIBBIE AVENUE
SUITE 201
RICHMOND, VA 23226
TEL (804)951-9694
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VA9030
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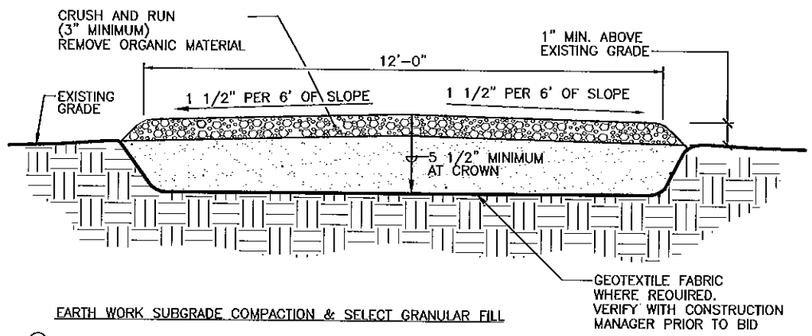
MONOPOLE

STATE ROUTE 650
PALMYRA, VA
22963
FLUVANNA COUNTY

DRAWN BY:	KMB
CHECKED BY:	OWW
TIV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
FENCE NOTES AND DETAILS

SHEET NUMBER:
C-5



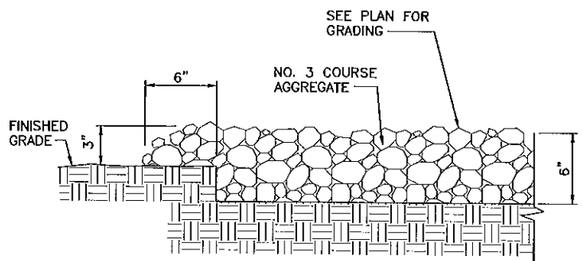
EARTH WORK SUBGRADE COMPACTION & SELECT GRANULAR FILL

(A) CONTRACTOR SHALL BE RESPONSIBLE FOR CLEARING & GRUBBING THE CONSTRUCTION SITE AND ROADWAY AREAS. THE CONTRACTOR SHALL COMPLY WITH THE RECOMMENDATIONS CONTAINED WITHIN THE GEOTECHNICAL REPORT WHEN NECESSARY PREPARED FOR THIS SITE FOR SITE WORK PREPARATION & FOUNDATION WORK. AS A MINIMUM THE TOP 3" OF GRADE SHALL BE REMOVED. THE EXPOSED SUBGRADE COMPACTED. GEOTEXTILE FABRIC AS REQUIRED FOR UNSTABLE SOIL CONDITION.

(B) ALL SELECT GRANULAR FILL SHALL BE COMPACTED TO A 95% COMPACTION AT A MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-1557 OR WITHIN PLUS OR MINUS 3% OF OPTIMUM MOISTURE CONTENT.

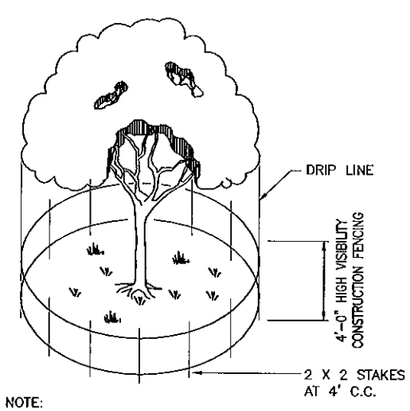
1 / C-6 TYPICAL ACCESS ROAD CROSS SECTION

NOT TO SCALE



3 / C-6 SECTION – GRAVEL PARKING/TURN AROUND (OUTSIDE OF FENCED COMPOUND)

NOT TO SCALE

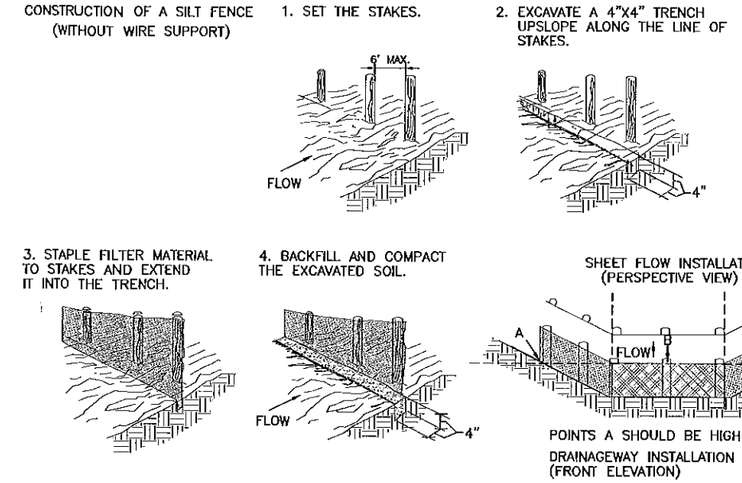


NOTE:
DRIVE STAKES FIRMLY INTO GROUND AT LEAST 12"

4 / C-6 TREE PROTECTION

NOT TO SCALE

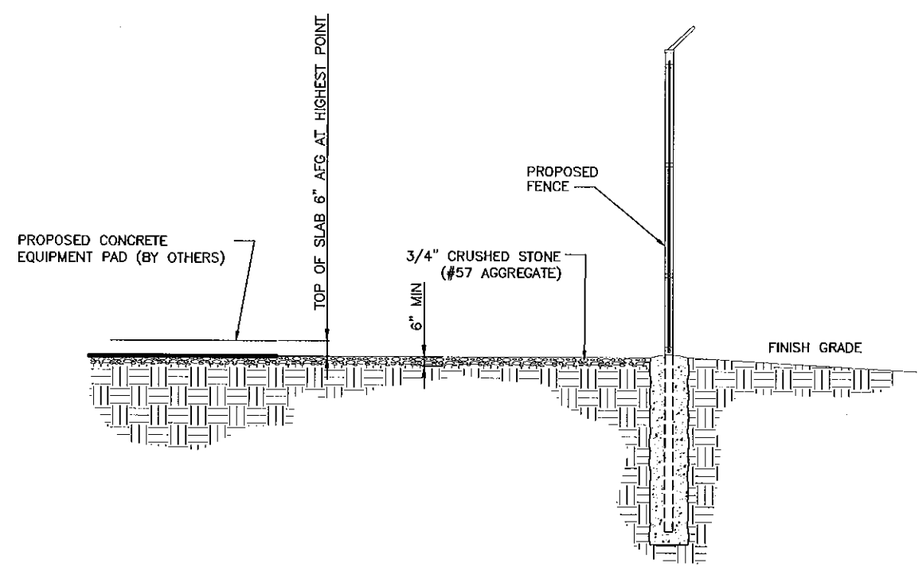
CONSTRUCTION OF A SILT FENCE
(WITHOUT WIRE SUPPORT)



2 / C-6 SILT FENCE

NOT TO SCALE

(SF)



5 / C-6 TYPICAL SITE COMPOUND CROSS SECTION

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Clear Signal Towers, LLC

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DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	NA
COMM NO:	VA9030

SHEET TITLE:
CIVIL DETAILS

SHEET NUMBER:
C-6

March 7, 2012

Subject: **AT& T Proposed Site – Communications Tower located on James Madison Hwy. (Tax Map 59-A-13B) ~ Fork Union, VA: FCC Compliance Letter – Site (CV439/VA9029) "Weber City"**

County Planning and Consultant:

Clear Signal Towers, LLC who is representing AT&T on the above mentioned site ask that a letter be drafted stating the reason for the proposed location and not the Fluvanna County Water Tank Site. AT&T looked at the county water tank site last year when we scrubbed the area to fulfill the need for the AT&T coverage objectives in Fluvanna. The county property does not meet the needs of AT&T's network build-out as the site is too far north and will cause dropped calls at the river. The propagation maps included in the application package show the coverage at the proposed Clear Signal Site and should clarify any questions that you may have.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Received
MAR 1 2 2012
Fluvanna County

at&t

November 7, 2011

Subject: **AT& T Proposed Site – Communications Tower located on State Route 650 (Tax Map 50-A-3) ~ Palmyra, VA: FCC Compliance Letter – Site (CV446/VA9030) "Cohasset"**

AT&T will comply with all FCC rules regarding interference to other radio services and AT&T will comply with all FCC rules regarding human exposure to radio frequency energy.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Memorandum

DATE: November 6, 2012

RE: APO'S for **SUP 12:04** Public Hearing Letters

TO: Allyson Finchum

FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **November 20, 2012** Board of Supervisors meeting.

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

November 6, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP_»

Re: Public Hearing on SUP 12:04

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Tuesday, November 20, 2012** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:04 – Clear Signal Towers, LLC (Cohasset): *A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3. The property is zoned A-1 (Agricultural, General) and is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.*

The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at 434–591–1910 or by email at stugwell@fluvannacounty.org.

Sincerely,

Steve Tugwell
Senior Planner

SUP 12-04 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
50 23 2	GODETTE, PEGGY A	188 NICHOLAS AVE. APT.11	NEW YORK, NY	10026
50 A 8	HARRIS, JERRY W & MARTIN, DIANE	323 PEACEFUL LN	PALMYRA, VA	22963
50 A 6A	JACKSON, PRISCILLA A	32 PEACEFUL LN	PALMYRA, VA	22963
50 A 6	JACKSON, PRISCILLA A	32 PEACEFUL LN	PALMYRA, VA	22963
49 A 83	NEW FORESTRY LLC	3715 NORTHSIDE PKWY STE 2-500	ATLANTA, GA	30327
50 A 3A	PALMER, MAXINE L	P O BOX 521	FORK UNION, VA	23055
50 A 75B	SMITH, AUDREY	3828 MOUNTAIN HILL RD	PALMYRA, VA	22963
50 A 75A	SMITH, AUDREY	3828 MOUNTAIN HILL RD	PALMYRA, VA	22963
50 23 3	SMITH, AUDREY L	3828 MOUNTAIN HILL RD	PALMYRA, VA	22963
50 23 1	SMITH, THOMAS M.	3590 MOUNTAIN HILL RD	PALMYRA, VA	22963
50 A 3	SNODDY, MARGARET M	745 TARA LANE	SCOTTSVILLE, VA	24590
50 A 7	WHITE, EDWARD & CORNELIA	82 PEACEFUL LN	PALMYRA, VA	22963
50 A 166	WHITE, F.F.	P O BOX 95	BREMO BLUFF, VA	23022
50 A 2	WHITE, F.F.	PO BOX 95	BREMO BLUFF, VA	23022
50 A 9	WHITE, JOHN E	74 UNION CHURCH RD	PALMYRA, VA	22963
50 A 9A	WHITE, LESLIE A	141 PEACEFUL LN	PALMYRA, VA	22963

SUP 12:04 Cohasset

N

ATT B

Scale: 1:9027.977411	Date: 06/18/2012	Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

Clear Signal Towers, LLC

View from 3277 Rt 650

VA9030 Cohasset, State Route 650, Palmyra, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from New Fork Church Ln

VA9030 Cohasset, State Route 650, Palmyra, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from Mountain Hill Rd at access road

VA9030 Cohasset, State Route 650, Palmyra, VA

WW&A
warren williams & associates

View from Int. of Mountain Hill Rd & W River Rd (not visible)

VA9030 Cohasset, State Route 650, Palmyra, VA

Clear Signal Towers, LLC

WW&A warren williams & associates

Clear Signal Towers, LLC

View from Austin Powder Co.

VA9030 Cohasset, State Route 650, Palmyra, VA

WW&A
warren williams & associates

Clear Signal Towers, LLC

View from W River Rd, east of Mountain Hill Rd

VA9030 Cohasset, State Route 650, Palmyra, VA

WW&A
warren williams & associates

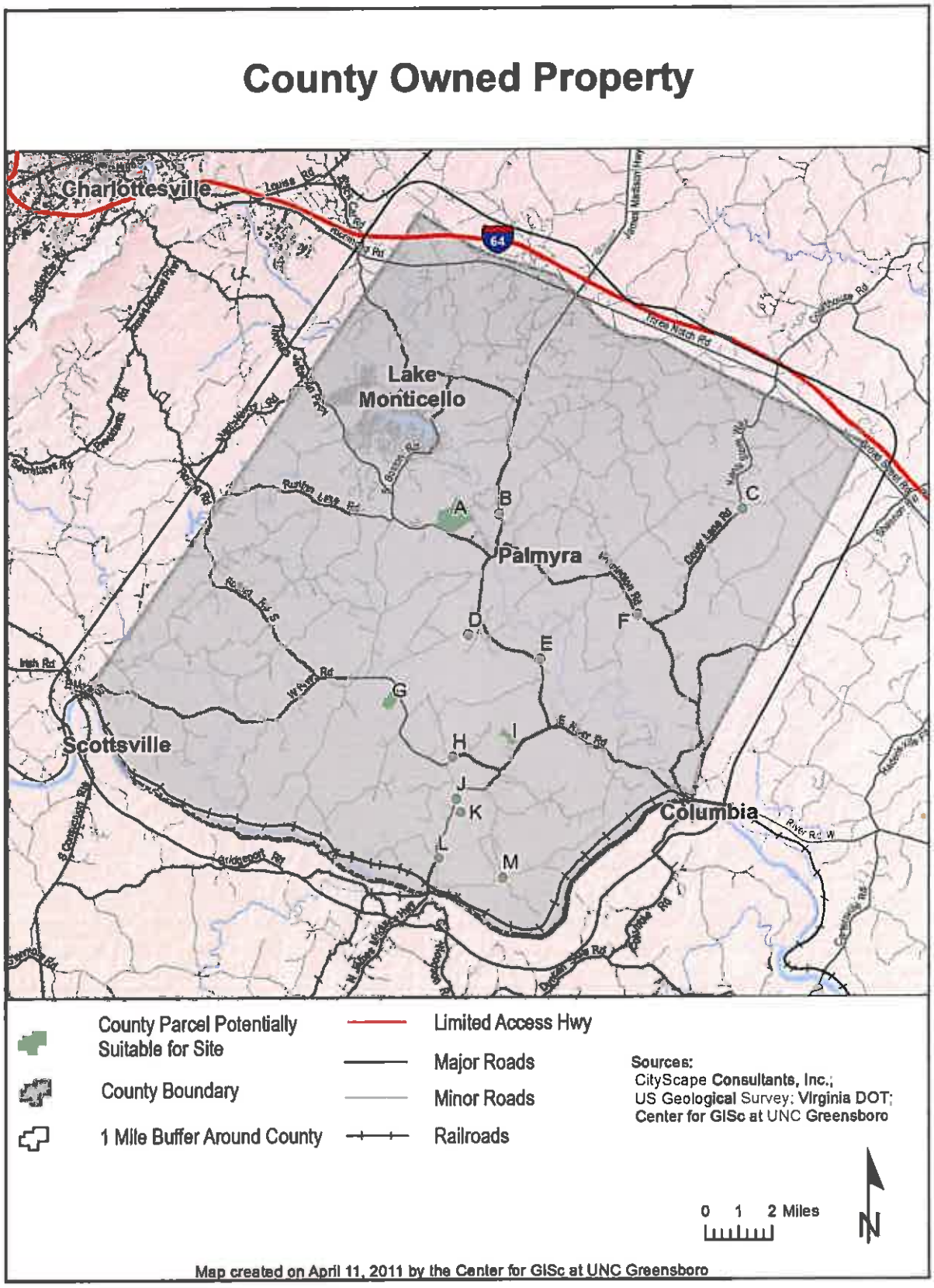

Figure 42: County-owned lands

CityScape
Consultants, Inc.

Engineering Offices
10704 Elmbrook Court
Raleigh, North Carolina 27614
Phone: 919-845-6700 • Cell: 919-917-8888

June 20, 2012

Mr. Steven Tugwell
Planning and Zoning
Fluvanna County
132 Main Street
Palmyra, Virginia 22963

RE: AT&T Wireless Application
Cohasset Site # 446

Dear Mr. Tugwell,

This is to confirm that CityScape Consultants, as the wireless telecommunications consultant for the County did confirm that the above mentioned request for new facilities did include consideration of Fluvanna County property. In addition there was consideration of any State of Virginia or Federal Government property should there be any such land within an area that would, in our opinion, be usable for the Applicant's needs. Two specific Fluvanna County locations were within a reasonable proximity to the Applicant's search ring and the proposed new site. They are identified in the Fluvanna County Telecommunications Facility Master Plan as Site Location G, and Site Location H.

It was our findings that neither site was within the search ring of the Applicant. That by itself is not sufficient to dismiss any location from consideration but is one of the criteria. Other considerations that were more important include the necessary service area projected for the Applicant to meet their obligation under the federal mandate. Based on the terrain and the tower elevation specifications of the County neither location would meet proper technical requirements.

Should you have any questions or comments, please let me know

Respectfully submitted,

Richard L. Edwards
CityScape Consultants, Inc.

Selected as Wireless Consultant for the United States Department of the Interior National Park Service

Existing Antenna Locations

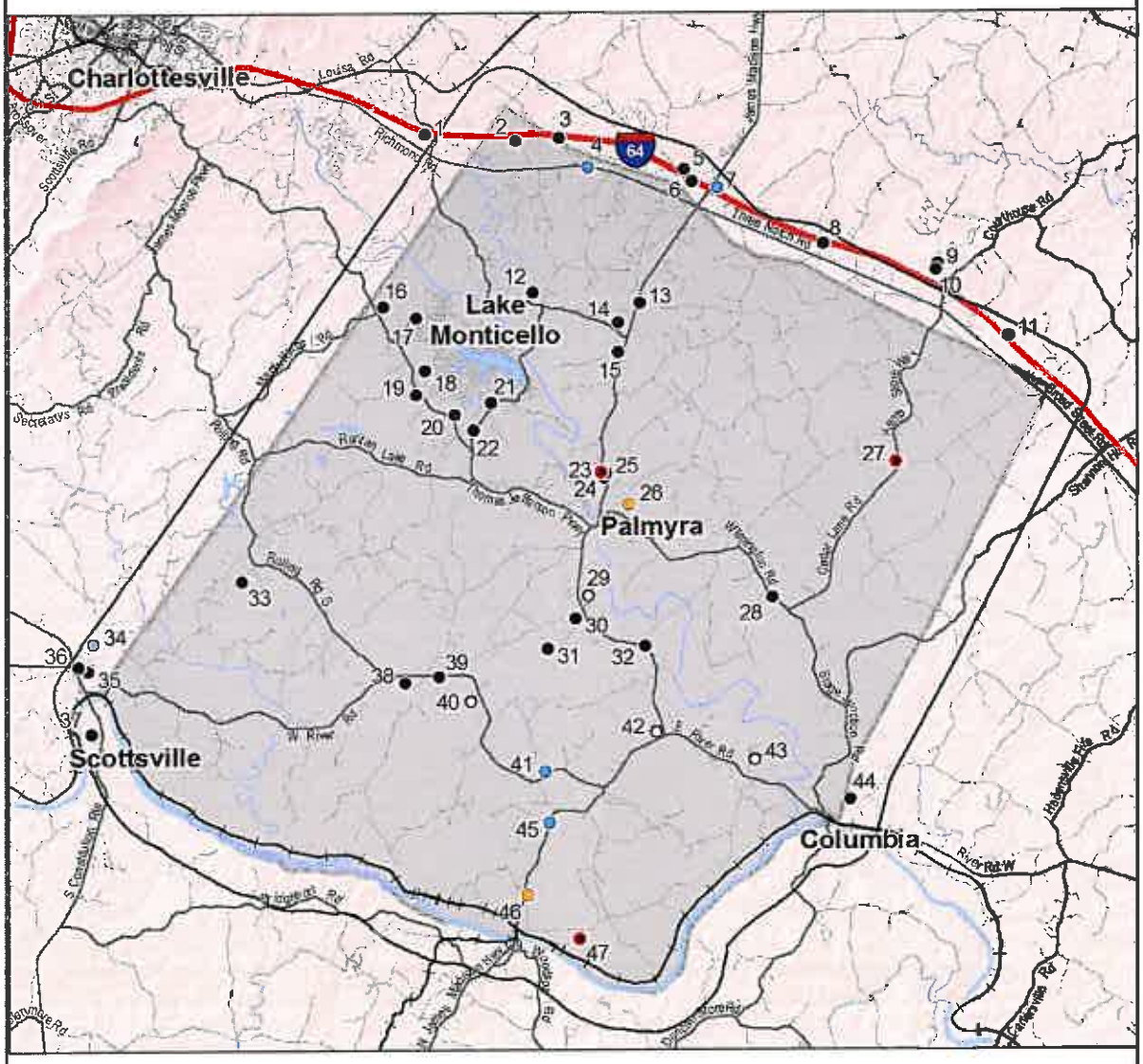

Figure 41: Existing Wireless Telecommunications Inventory

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

May 11, 2012

Clear Signal Towers, LLC
1801 Libbie Avenue, Suite 201
Richmond, VA 23226

Delivered via mail

Re: TRC comments SUP 12:04 (Clear Signal Towers, LLC: Cohasset) Construct 195' telecomm monopole, Tax Map: 50-A-3

Dear Applicant:

The following comments are the result of the Technical Review Committee meeting.

1. The Health Dept. stated that the property does not contain any buildings, water or sewage systems;

2. Central Virginia Electric Cooperative stated that power supply is not an issue at this site;

3. Planning staff stated that the consultant's report was forthcoming and their comments would be part of the staff report;

4. VDOT stated that an entrance permit will be required, and the entrance may need to be upgraded.

Please provide any other materials or documentation that is to be included in the Planning Commission packet by **Friday, May 25, 2012**. Submitting revisions by this deadline will place your request on the **June 27, 2012** Planning Commission agenda.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

Steve Tugwell
Senior Planner
Dept. of Planning & Community Development

Cc: Margaret Snoddy, 745 Tara Lane, Scottsville, VA 24590

Telecommunications Site Review
Virginia New Structure

CityScape Consultants, Inc.
7050 W. Palmetto Park Road #15-652
Boca Raton, FL 33433-3483
Phone: 877-438-2851 • Fax: 877-220-4593

May 9, 2012

Mr. Steven Tugwell
Planning and Zoning
Fluvanna County
132 Main Street
Palmyra, Virginia 22963

RE: AT&T Mobility Application
Cohasset 446

Dear Mr. Tugwell,

At your request on behalf of Fluvanna County, Virginia, CityScape Consultants Inc., in its capacity as telecommunications consultant for the County, has considered the merits of an application submitted by AT&T Wireless ("AT&T") and Clear Signal International ("Clear"), to construct a new one hundred ninety-five (195) foot monopole type tower to include a four (4) foot top mounted lightning rod, as an antenna support structure. AT&T is actively upgrading their facilities throughout the State of Virginia and other areas in the southeast United States. Other carriers such as U.S. Cellular, T-Mobile and Verizon are doing much the same. This proposed new construction will allow AT&T to improve service along US-15. The new facility will expedite AT&T to bring new 3G (Third Generation) and 4G (Fourth Generation) electronic communication capabilities. Currently AT&T has limited facilities within Central Virginia. The proposed support structure is to be owned by Clear Signal Towers and will be located on property owned by Margaret M. Snoddy. The proposed new facility will be located on State Road 650 near Palmyra in Fluvanna County, Virginia, see *figure 1*.

AT&T is proposing to top mount their antennas at the one hundred ninety-five (195)-foot level, using a single coaxial cable for each antenna. AT&T plans to install a new prefabricated shelter mounted on a new concrete foundation near the base of the tower, see *figure 2*. The Applicant has stated that the facility will be constructed to accommodate a total of four (4) antenna arrays which is contrary with Fluvanna County code, see *figure 3*. A new tower of this height must accommodate a total of six (6) antenna arrays.

All wireless communications systems depend on the concept of frequency resource reuse to achieve greater capacities. With some technologies, the individual channel frequencies are reused every few cells, but not too closely, since interference would result. In many other systems, power from one base station interferes with other base stations, impacting network capacity. Therefore, it is undesirable for wireless phones to communicate with more than a few base stations simultaneously.

A reasonable search area location is a key element in assuring that a site is justified. Generally, new wireless communication facilities are equally spaced with respect to existing sites. However, terrain, network capacity and other issues may necessitate a facility that it is *not* equally spaced with respect to existing sites. Typically the wireless provider is asked to provide a frequency grid or coverage predictions to indicate that a site is properly located.

Specifically, the undersigned has evaluated AT&T's proposal from the following perspectives:

1. The proposed facility is required due to technological reasons and is essential for the Applicant to provide telecommunications services, and,
2. The proposed new site was selected as reasonably within the targeted area and therefore acceptable within the AT&T Network design specifications. The Applicant has followed the guidelines of the Telecommunications Act of 1996, the State of Virginia and the Fluvanna County Ordinance.

The Applicant did not follow all guidelines. The required changes are reflected within the conditions of approval.

All designs and plans for the proposed new facilities were developed according to accepted practices of RF propagation engineering and the persons completing all work are sufficiently qualified within their disciplines.

Figure 4 represents the current service for AT&T at this location. *Figure 5* indicates the Applicant's predicted new service for this phase of Network deployment in Fluvanna County. CityScape anticipates this plan, if built as designed, should be sufficient to allow an improvement of regular cellular service to AT&T customers, in addition the proposed changes will increase the ability for citizens to utilize higher speed internet. Properly locating the site will justify the proposed construction of a new support structure.

The Applicant supplied a letter of compliance with all FCC standards regarding human exposure to Radio Frequency energy, and the Applicants will comply with all aspects of FCC rules regarding interference, see *figure 6*. CityScape is aware that this facility will operate in both the 800-megahertz and 1900-megahertz spectrum and could be an interference concern to Public Safety operations.

For the reasons listed below, it is our opinion that:

- The proposed facility is required because of generally accepted and adequately demonstrated technological reasons and is essential in order for AT&T to provide satisfactory existing communications service, to alleviate a signal coverage issue; and
- AT&T's submissions indicate there is a substantial service void in the general area surrounding the subject site and that the addition of new service at a height of 195 feet will help relieve these concerns. Therefore the proposed location will sufficiently accomplish satisfactory service, and there are no reasonable alternative technologies to accommodate the Applicant's needs without the construction of a new facility; and,
- The proposed new site is supported by the Fluvanna County Telecommunications Master Plan

The Applicant submitted photo simulations which are attached as Exhibits.

The site will be designed and constructed by professionals with expertise in the disciplines of maximizing the use of telecommunications facilities and construction. This practice corresponds with the desires of Fluvanna County.

Upon review and discussions with the Applicant, CityScape confirms a new support structure is required not only for proposed new AT&T equipment but will be needed for additional wireless carriers in the near future. Therefore, CityScape recommends this application with the tower height of 195 feet be approved with the following conditions:

That the Applicant;

1. Confirms the new support structure will be capable of supporting a total of six (6) antenna arrays, in compliance with EIA/TIA 222-G; and,

2. The proposed new tower shall accommodate no less than six (6) different wireless service provider's antenna arrays all of the same general design; and,

3. The Applicant shall expand the ground compound to accommodate up to six (6) different wireless service provider's ground mounted electronic equipment; and,

4. The Applicant obtain all necessary County permits prior to any work on the site; and,

5. All access ports shall be sufficiently sealed to prevent infiltration or habitation by any type of wildlife; and,

6. The facility shall be protected from access from unauthorized personnel both during construction and during all periods of operation.

Respectfully submitted,

Richard L. Edwards
FCC Licensed
PCIA Certified
CityScape Consultants, Inc.

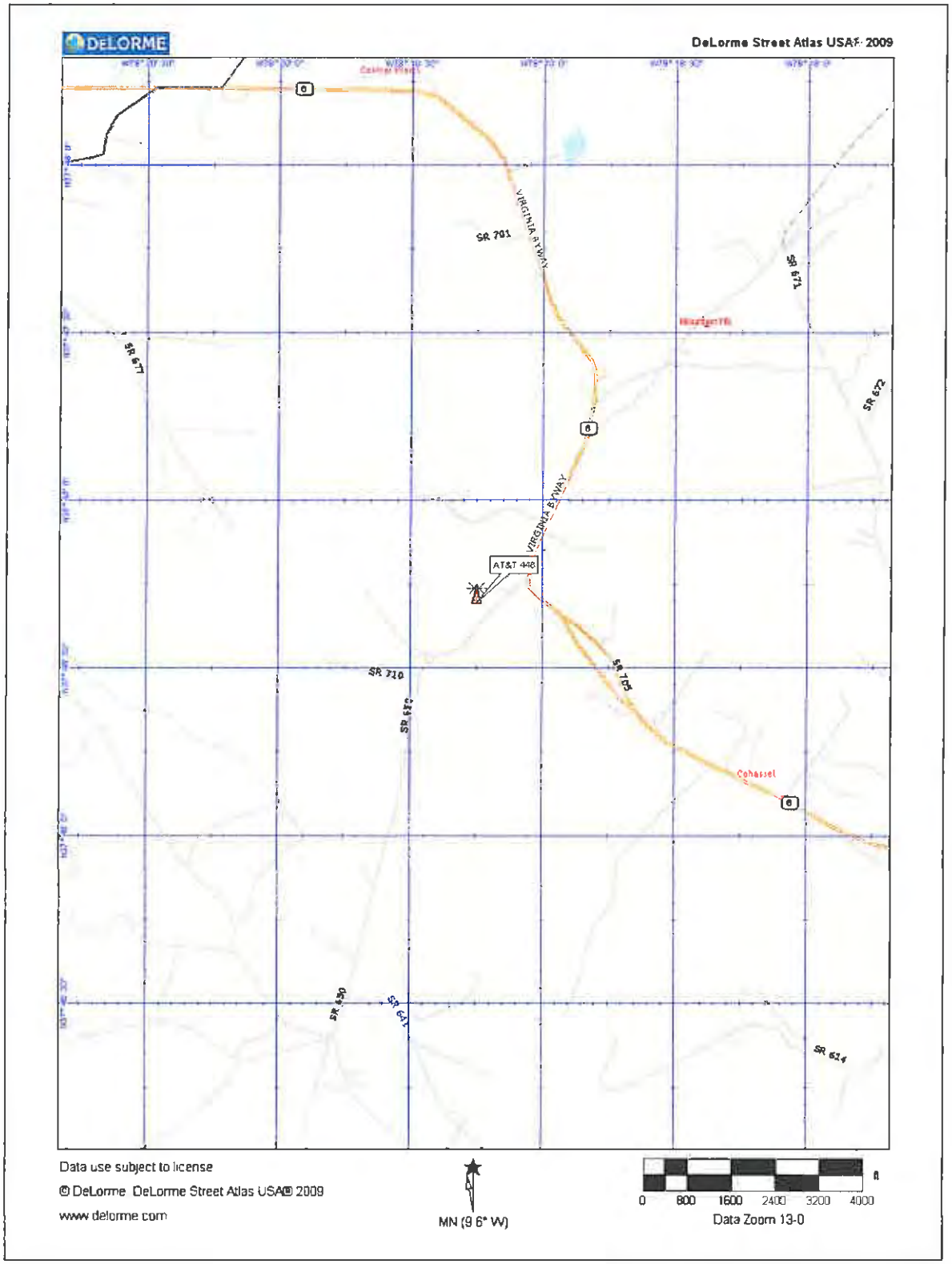

Figure 1. Site Location

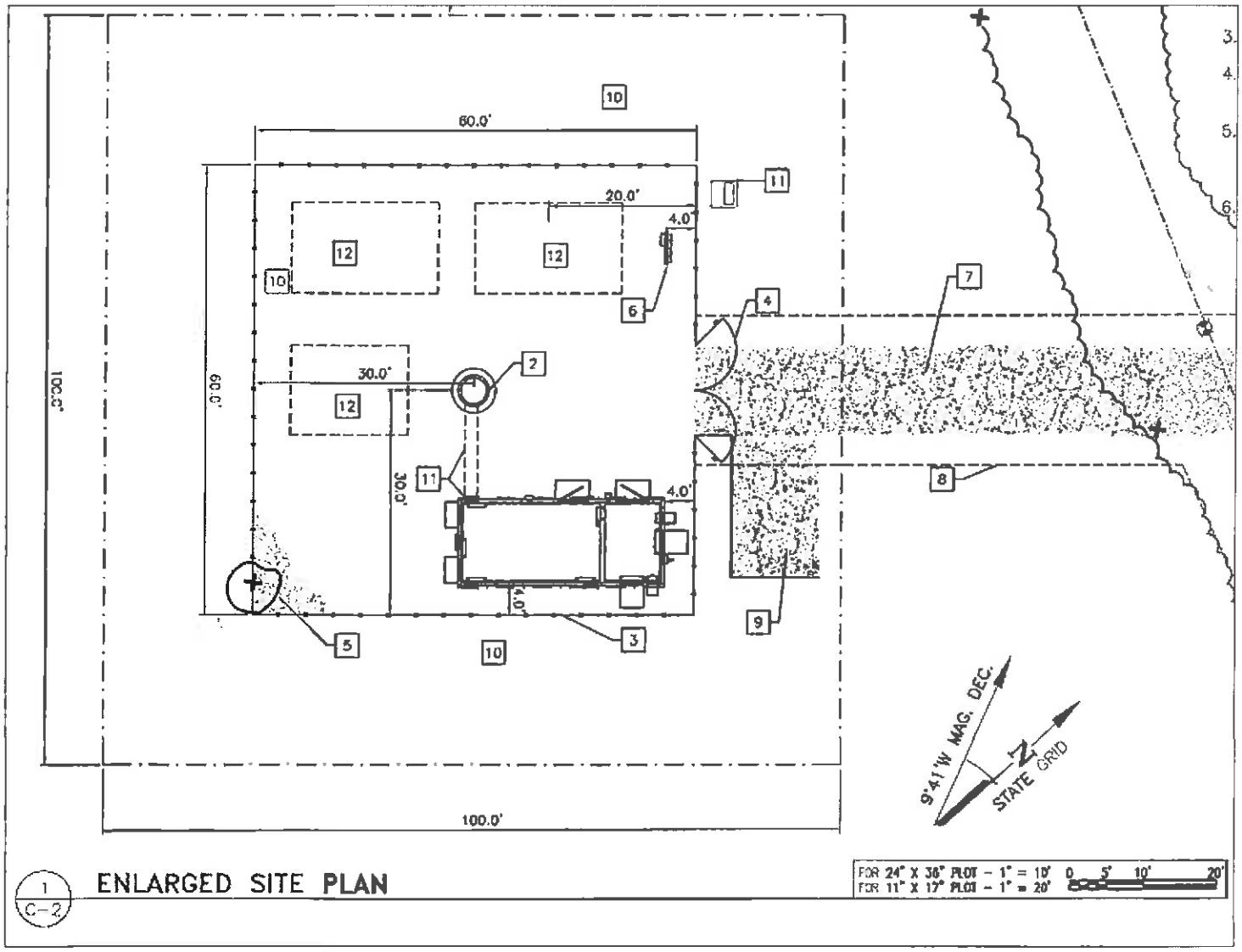

Figure 2. Proposed Ground Compound

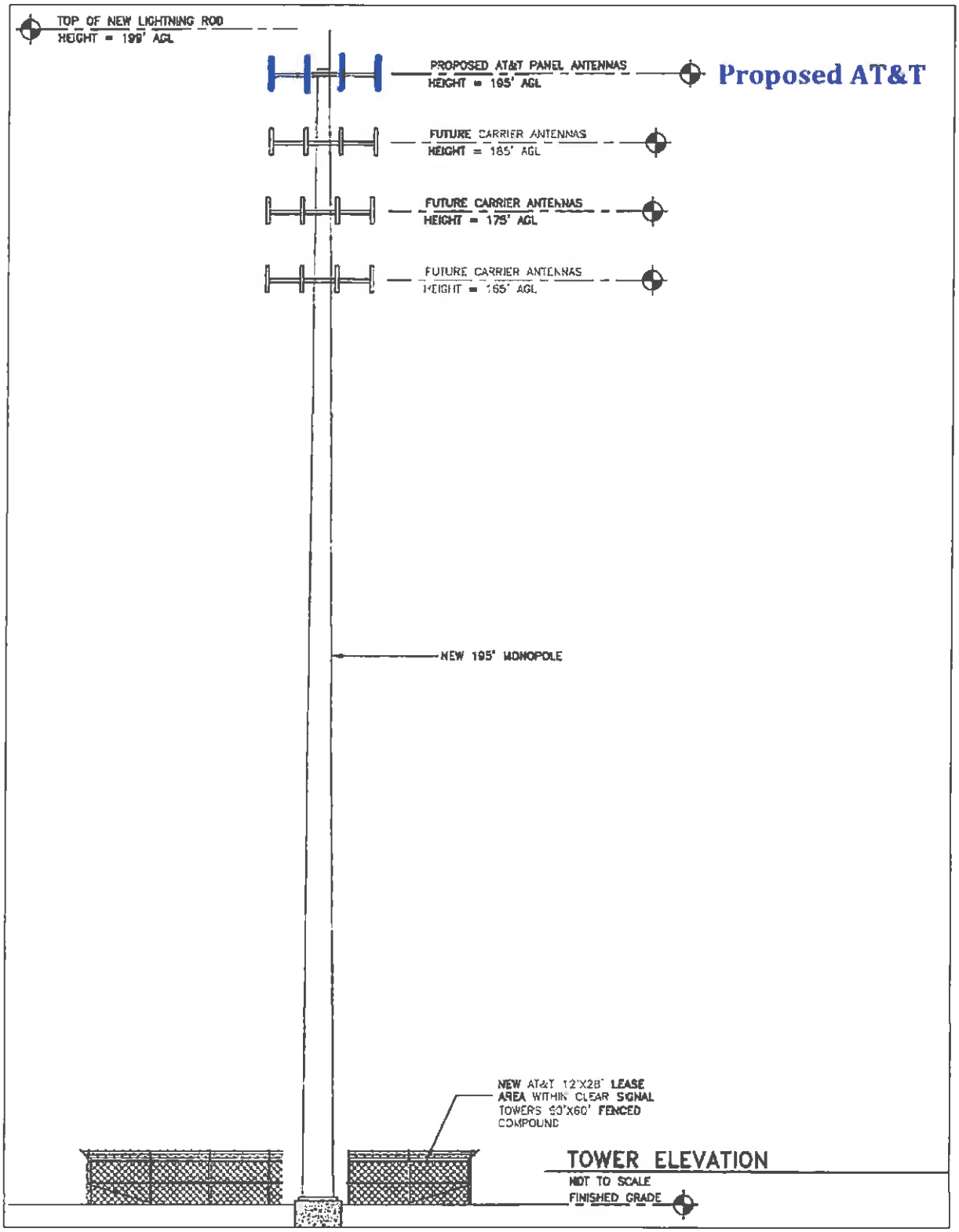

Figure 3. Proposed Tower Elevation

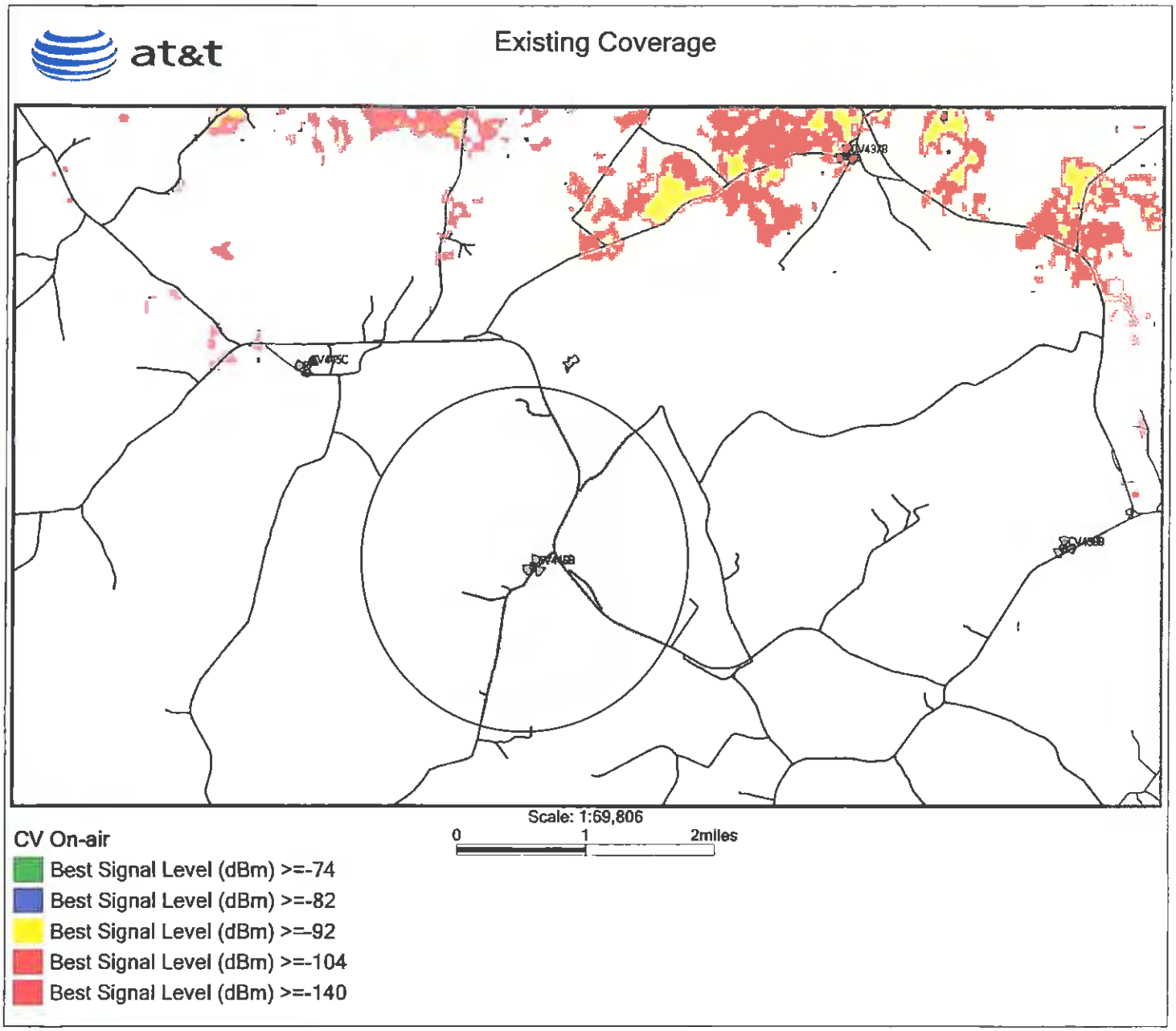

Figure 4. Current Service (Gray Indicates Target Area)

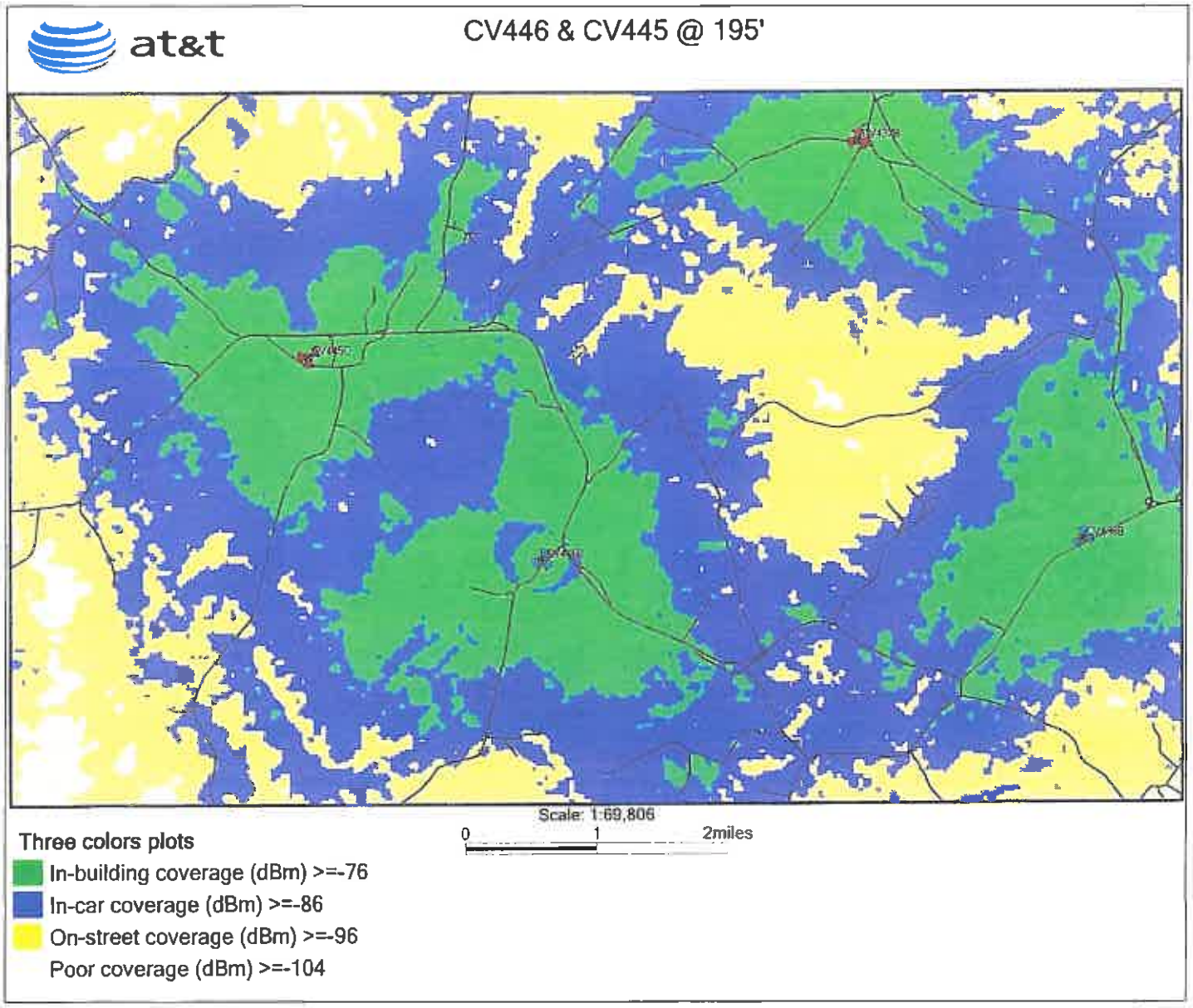

Figure 5. Projected New Service

at&t

November 7, 2011

AT& T Proposed Site – Communications Tower located on State Route 650 (Tax Map 50-A-3) ~ Palmyra, VA: FCC Compliance Letter – Site (CV446/VA9030) "Cohasset"

AT&T will comply that the search ring submitted in this application is the same ring that will be utilized for the site.

Please do not hesitate to contact me with any questions or concerns regarding this project.

Sincerely,

Samuel J. Schroll

Samuel J. Schroll
RF Engineer
Solutelia /AT&T Mobility
4801 Cox Road, Suite 300
Glen Allen, Va. 23060
804-928-5571

Figure 6. Human Exposure and Interference Compliance Statements

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	SUP 12:07 – National Communication Towers, LLC
MOTION(s):	**I move that the Board of Supervisors approve/deny SUP 12:07, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29, (if approved) subject to the conditions listed in the staff report.**
STAFF CONTACT:	Steve Tugwell (Senior Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	This item is a request for a Special Use Permit (SUP) to allow for a 195-foot wireless telecommunications tower to be located on Tax Map 39, Section A, Parcel 29 (12.7 acres). The subject property is located on the north side of West River Road (U.S. route 6) one mile west of its intersection with Rolling Road (Route 620).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	The Board of Supervisors may: • Approve this request, allowing the applicant to construct a 195-foot wireless telecommunications tower; OR • Deny this request, preventing construction of the facility; OR • Defer this request and make a final decision at a later date.
LEGISLATIVE HISTORY:	Review of a proposed telecommunications facility in accordance with Chapter 22, Article 26 of the Fluvanna County Code (Zoning Ordinance: *Regulation of Telecommunications Facilities).* Application was received on July 27, 2012. Planning Staff requested deferral from the September 26, 2012 Planning Commission meeting. Planning Commission reviewed the request on October 24, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 12:07
Tax Map: Tax Map 39, Section A, Parcel 29

From: Steve Tugwell
District: Fork Union
Date: November 20, 2012

General Information: This request is to be heard by the Board of Supervisors on Tuesday, November 20, 2012 at 7:00 pm in the Circuit Courtroom of the Courts Building.

Applicant: National Communication Towers, LLC

Requested Action: A request for a special use permit to construct a 195 foot monopole telecommunications facility and associated ground equipment with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. (Attachment A)

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Preservation Planning Area

Zoning Ordinance: Section 22-27-1: *Regulation of Telecommunications Facilities*

Location: The affected property is zoned A-1 and is located on the north side of West River Road (U.S. Route 6), one mile west of its intersection with Rolling Road (Route 620). (Attachment B)

Existing Land Use: Vacant land

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General and is very low-density residential in nature.

Zoning History: No previous zoning activities

Analysis:

The applicant has requested a Special Use Permit (SUP) to allow the construction of a 195- foot monopole-type telecommunications tower on Tax Map 30, Section A, Parcel 29. The tower would be constructed within a 15,625 square foot (125' x 125') lease area that will also facilitate all necessary ground equipment.

When evaluating proposed uses for special use permits, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The character and established pattern of the area where the communications facility is proposed is rural, not highly populated, and has land involved in agricultural production. According to the Virginia Department of Transportation, the entire segment of Route 6 in Fluvanna County is designated as a Virginia Byway. "Per Virginia Code, a Virginia Byway means those highways designated by the Commonwealth Transportation Board (CTB) pursuant to articles §33.1-62 through §33.1-66. The Virginia Outdoors Plan, from the Department of Conservation and Recreation (DCR), identifies roads that have been considered as having intrinsic qualities of Virginia Byways for many years".

To be considered, a segment of road must substantially meet the following criteria:

- The route provides important scenic values and experiences;
- There is diversity of experiences, as in transition from one landscape scene to another;
- The route links together or provides opportunities to leave high-speed routes for variety and leisure in motoring. Landscape control or management along the route is feasible;
- The route allows for additional features that will enhance the motorist's experience and improve safety;
- Local government(s) has/have initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway. (Attachment C)

Staff conducted a site visit on Monday, August 27, 2012, in order to assess the potential visual impacts of the proposed tower, and also to observe the balloon test. Weather conditions that day were sunny, dry, and cool with little wind. Staff concluded that the tower would be visible from portions of West River Road (Route 6), at the subject parcel, but minimally visible when traveling east or west away from the subject parcel. The tower would also be clearly visible from portions of the Rosewood Manor Rural Cluster subdivision located south of the site. The

proposed tower would be situated in an open space, with little to no existing vegetation in which to screen the facility from Route 6. The balloon was also visible from neighboring properties and roadways, including the Fluvanna Baptist Church located adjacent to the south. In consideration of the proximity of the proposed tower's location to West River Road (Route 6), a Virginia Byway, the proposed facility could also be concealed as a firetower or other similar structure that would better blend with the rural character of the area. As proposed, it appears that a tower sited at this location could change the character and established pattern of the area, and/or create impacts that may be regarded as less than sensitive to its scenic beauty. (Attachment D)

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

This is a rural area, and all of the surrounding property is zoned A-1 (Agricultural General). Since the proposed tower will be less than 200 feet, it will not have to be lighted. The applicant is proposing to build a 195 foot non-concealed freestanding antenna support facility within a 125' x 125' lease area, which per Sec. 22-27-8, requires a special use permit, and is not permitted by-right. Some permitted by-right uses in the A-1 zoning district include single-family dwellings, minor utilities, hunting preserves, public parks, home occupations, private kennels, group homes, and temporary sawmills to name a few. The definition of a minor utility is: "*Facilities for the distribution and collection of public, private, and central utilities including poles, lines, transformers, pipes, meters, and communication and distribution lines"*.

When evaluating an application for a proposed new telecommunication antenna support facility (TASF), siting of new facilities shall be in accordance with Sec. 22-27-8, the siting preference table. The applicant is proposing to construct a new 195 foot non-concealed freestanding antenna support facility (monopole). The subject property is zoned A-1 (Agricultural, General), and in accordance with the siting preference table, this application requires a special use permit and public hearing process.

Pursuant to Sec. 22-27-9.8, all new telecommunication antenna support facilities shall meet the requirements of that section. Staff has evaluated the application, and it appears all of the requirements of this section have been met.

The applicant has stated in their application, that "*the tower will be designed to support a minimum of six collocations and the fenced compound will house a variety of support buildings and equipment pads*". The ability to accommodate more collocations could result in a need for fewer new towers. The applicant has also stated that "*the facility will provide wireless services, telephone and broadband, along the Route 6 corridor and surrounding area". Also, one radiation center on the tower and a 10' x 20' space in the compound will be made available for Fluvanna County's 911 equipment on a rent free basis"*.

The applicant proposes to construct and maintain a leased telecommunication facility on the north side of West River Road (U.S. Route 6), one mile west of its intersection with Rolling Road (Route 620). The proposed facility would be comprised of a 195 foot monopole tower with the potential for multiple carriers, along with peripheral ground equipment. The proposed site will be within an 80 x 90 fenced area, surrounded by a (125' x 125') lease area. (Attachment E)

Comprehensive Plan:

The Comprehensive Plan designates this area as within the Rural Preservation Planning Area. The Infrastructure Chapter of the Comprehensive Plan has the following recommendations concerning the siting of cellular towers.

- Encourage the location and co-location of wireless communication equipment on existing structures;
- Accommodate the growing need and demand for wireless communication services;
- Encourage coordination between communication providers;
- Establish consistent and balanced legal language governing wireless communications facilities that take into consideration the Comprehensive Plan and communications master plan; and
- Maintain compliance with applicable laws, including but not limited to the 1996 Telecommunications Act.

The above recommendations are the primary reasons the county has procured a telecommunications consultant to assist with these applications.

Neighborhood Meeting:

With the exception of the applicant, there were no attendees at the neighborhood meeting.

Technical Review Committee:

At the August 9, 2012 Technical Review Committee meeting, VDOT stated that the entrance would require a permit, and would be treated like a low-volume commercial/private entrance, and that 21A stone, approximately 6 to 8 inches in depth would be required back to the VDOT right-of-way;

The Fire Dept. requested that space be available for Fluvanna County's 911 equipment;

The Health Department stated that the proposed wireless communication tower appears to have no environmental impact, and that there are no homes, septic systems or wells located on this property. (Attachment F).

Planning Commission:

The Planning Commission recommended **approval** of SUP 12:07 by a vote of 5-0 at its October 24, 2012 meeting, subject to the conditions listed in the staff report. The Planning Commission

discussed the proposed location for the tower and felt there is a need for service in this area. The Commission also discussed the tower's relationship to the Telecommunications Master Plan. Two people spoke in favor of the tower during the public hearing.

Conclusion:

It is the consensus of Cityscape Consultants and County Staff that our Telecommunications Facilities Master Plan is not currently up-to-date. It is not clear if this application is in conformance with the Master Plan, and/or consistent with the needs of telecommunications subscribers in the immediate subject area. Further, the subject property is not identified in the current Master Plan as a proposed tower site, nor has a lease agreement been provided with this application.

Cityscape Consultants has stated that they are not prepared to render a recommendation at this time. Due to out-of-date information on the existing Master Plan, Cityscape Consultants will not be able to render a determination. Therefore, it is not clear if this request for a special use permit for a 195 ft. monopole telecommunication facility is in substantial conformance with the intent of the Telecommunications Master Plan. (Attachment G)

If the Planning Commission wishes to consider this request, then consideration should be given to the potential for visual impacts to the Route 6 Virginia Byway, and to nearby properties, and also to whether or not this application is in conformance with the Telecommunications Master Plan and the Telecommunications Facilities Ordinance. Given the proximity of the proposed facility to the Byway, the Commission may also wish to consider requiring a concealed facility instead of the proposed non-concealed facility. If approved, staff recommends the following conditions:

1) The tower, including antennae, will not be higher than 199 ft. and will not be lit;
2) The applicant secures all necessary permits required, and submits structural design and certification by a Virginia Registered Professional Engineer that the proposed facility, as built, will comply with EIA/TIA 222-G for the wind zone for Fluvanna County; Virginia;
3) Prior to issuance of building permits the applicant shall submit satisfactory SHPO and NEPA documentation;
4) The applicant shall secure the necessary permits required by Fluvanna County and VDOT;
5) The applicant shall provide space on the TASF for the County's Public Safety antennas and feed lines at the highest designed elevation. Space for ground level electronic equipment shall also be provided;
6) The facility when completed shall be accessible only to authorized personnel;
7) The tower shall be a monopole, and shall be engineered with breakpoint technology;
8) The facility shall install the necessary landscaping buffer;
9) The applicant shall install an emergency generator to ensure continuity of telecommunications operations in the event of a disaster or major power outage; and provisions for such generators shall include additional special treatments; for diesel, a fuel retaining area for propane, ignition separation requirements; and that generator

testing shall occur only between 9 AM and 4 PM Monday through Friday; and the same shall be noted on the site development plan;

10) If the structures should no longer be needed, the applicant shall remove them, and restore the grounds to the prior condition;
11) The support structure is to be sufficient to support antennas of a like design for at least six (6) wireless service providers *in accordance with Sec. 22-27-5 of the County Code*;
12) The tower shall be ~~in the same location~~ *constructed substantially* as shown in the application;
13) Violation of any condition of this permit shall be grounds for revocation of this permit, and;
14) The Board of Supervisors, or their representative, has the right to inspect the property for compliance with these conditions at any time.
15) *The facility shall be constructed and receive final inspection from the Fluvanna County Department of Building Inspections within eighteen (18) months of the date of approval of the special use permit.*

Suggested Motion:

I move that the Board of Supervisors approve/deny SUP 12:07, a special use permit request to allow for a 195 foot monopole telecommunications tower pursuant to Fluvanna County Code Section 22-27-1 with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29, (if approved) subject to the conditions listed in the staff report.

Attachments:

A – Application, statement of proposed use, and APO letter
B – Aerial Vicinity Map
C – Virginia Department of Transportation excerpt and byway map
D – Applicant's photos, photosimulations, and balloon flight statement
E - Tower design certification, and sketch site plan
F – Email from the Health Department
G – Projected new infrastructure infill sites map

Copy: Owner- Robert K. Spencer, P.O. Box 52, Scottsville, VA 24590
Applicant – National Communication Towers, LLC, 5413 Patterson Avenue, Suite 101, Richmond, VA 23226
CityScape Consultants, 7050 W. Palmetto Park Road # 15-652, Boca Raton, FL 33433

ATT A

Received

JUL 27 2012

Fluvanna County

COMMONWEALTH OF VIRGINIA

COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Owner of Record: Robert K. Spencer

E911 Address: P.O. Box 52, Scottsville, VA 24590

Phone: 434-286-3400 Fax:

Email:

Applicant of Record: National Comm. Towers, LLC

E911 Address: 5413 Patterson Ave., Suite 101, Rich., VA 23226

Phone: 804-673-8800 X303 Fax: 804-673-4242

Email: adoss@nationaltowers.com

Representative: Al Doss, National Comm. Towers, LLC

E911 Address: 5413 Patterson Ave., Suite 101, Rich., VA 23226

Phone: 804-673-8800 X303 Fax: 804-673-4242

Email: adoss@nationaltowers.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ◉ No ○ Yes

If Yes, what district:

Tax Map and Parcel(s): 39-A-29

Deed Book Reference: WB 23-673

Acreage: 12.7 **Zoning:** A-1

Deed Restrictions? ◉ No ○ Yes (Attach copy)

Request for a SUP in order to: construct a 199' communications tower

Proposed use of Property: Telecommunications Facility

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

CLARK W. DRAPER III NOTARY PUBLIC MY COMMISSION NUMBER 7100144 COMMONWEALTH OF VIRGINIA

Date: 28 December 2011 Signature of Owner/Applicant: Robert K. Spencer

Subscribed and sworn to before me this 28 day of December 20 11 Register # 7100144

My commission expires: 6/30/2015 Notary Public:

Certification: Date: Zoning Administrator:

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: 7/27/12	Pre-Application Meeting:	PH Sign Deposit Received: CK#9147	Application #: SUP 12: 007
$800.00 fee plus mailing costs paid:		Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail	
Amendment of Condition: $400.00 fee plus mailing costs paid:			
Telecommunications Tower $1,500.00 fee plus mailing costs paid:		$5,500 w/Consultant Review paid: CK # 9146	
Election District: Fork Union		Planning Area: Rural Preservation	

Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates:	9/13/12 + 9/20/12	Advertisement Dates:	10/4/12 + 10/11/12
APO Notification:	9/12/12	APO Notification:	10/3/12
Date of Hearing:	9/26/12	Date of Hearing	10/17/12
Decision:		Decision:	

Received
JUL 2 7 2012
Fluvanna County

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: National Communication Towers, LLC

Address: 5413 Patterson Ave., Suite 101

City: Richmond

State: VA Zip Code: 23226

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

A. S. Olson
Applicant Signature

1/3/2012
Date

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA ____:____ CPA____:____ SUP 12:007 ZMP ____:____ ZTA ____:____	
$90 deposit paid per sign*: CK# 9147	Approximate date to be returned: November 2012

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Wireless communication facility to include a 199' Monopole Tower and support facility enclosed within an 80' X 90' fenced compound. The tower will be designed to support a minimum of six collocations and the fenced compound will house a variety of support buildings and equipment pads.

NECESSITY OF USE: Describe the reason for the requested change.

To provide wireless services, telephone and broadband, along the RT 6 corridor and surrounding area.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

The tower will be a Monopole design to help minimize the potential visual impact to the surrounding properties. Also the existing trees along the property line will remain and additional evergreen trees will be planted to screen the view of the facility from RT 6.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

The Facility will provide wireless phone coverage, data transmissions and internet services to the area. Also, one Radiation Center on the tower and a 10' X 20' space in the compound will be made available for Fluvanna County's 911 equipment on a rent free bases.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please see the attached Site Plan.

Statement of Proposed Use
Special Use Permit Application
National Communication Towers, LLC
Rockfish Creek, Tax Parcel 39-A-29

National Communication Towers L.C. ("National") as lessee, hereby applies for a Special Use Permit to allow a telecommunications facility and accessory structures on leased land. The leased land is located on property known by Tax Map Parcel 39-A-29. The parcel is located on the north side of Rt. 6 approximately 5 miles west of Rt. 620, Kidds Store. According to the tax records of Fluvanna County it is owned by Colonel Robert K. Spencer, P.O. Box 52, Scottsville, VA 24590.

National is requesting a Special Use Permit to allow a self support Monopole Tower, measuring approximately 195' in height with a 4' lightning rod, to be located within a leased area, measuring 125' x 125'. The facility will be designed to allow multiple collocations on the tower and within a secure fenced compound area. The exact number and types of future users is difficult to predict, however the tower will be designed to accommodate a mix of carrier types. The design mix will include: 6 or more users of panel antennas (typically 15 panels, 12" wide X 72" high, per user). Likewise, the compound area is designed to accommodate a mix of shelter types and sizes as denoted on the drawings submitted with this application.

The 12.7 acre parcel is zoned A1. According to the Fluvanna County zoning ordinance, telecommunication facilities are permitted on A1 zoned properties, with Special Use Permits. Proper setback distances have been observed and are denoted on the enclosed plans.

National develops telecommunication facilities for collocations by cellular, PCS, paging and other wireless services which rely upon a network of elevated platforms in areas where the carriers have gaps in signal coverage, or "holes." Such a hole exists along the Route 6 corridor. Supported by propagation studies, National believes a communications facility located on the subject parcel will enable carriers to fill this gap, while minimizing the effect on surrounding property owners.

The FCC has authorized several carriers to provide wireless services in this part of Cumberland County. Those carriers include: Sprint, AT&T, Verizon Wireless U.S. Cellular and Ntelos.

The facility will be in continuous operation but will produce no interference with other types of communications including: radio, television, cable TV, garage door openers or other consumer electronic equipment. No offices will be constructed on the site, so neither sewer nor water facilities will be required. The facility will produce no refuse, noise, vibration, dust, glare, odors or fumes. Neither National nor any of the tower users will introduce hazardous or toxic substances to the site. After completion of construction, the only traffic associated with the site will be short visits by technicians on a monthly basis to test or replace equipment components. In most instances towers below 200'are not required by the FAA to be lit.

The facility will provide a vital public safety service to this part of the County in two important ways. First, the County may co-locate antennas for law enforcement and fire and rescue at the 195' radiation Center along with a 10' X 20' space inside of the compound on rent free bases. Second, this new facility will enable wireless services to be extended to this part of the County, enabling the public at large to utilize those services for important medical or life-safety calls.

The proposed use conforms to the provisions of all applicable ordinances, regulations, adopted standards and conditions. National is not seeking any wavier or variance for the proposed use at this time. National respectfully requests the approval of this Special Use Permit application.

A. S. Doss

Al Doss
Vice President of Development
National Communication Towers, L.L.C.

12/15/2011
Date

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

Mailing Address:
P.O. Box 8502
Richmond, Virginia 23226

December 9, 2011

Darren Coffey
Planning Director, Fluvanna County
P.O Box 540
Palmyra, VA 22963

Re: Siting Hierarchy for an SUP application for a Wireless Telecommunications Tower
Applicant: National Communication Towers, LLC
Tax Parcel 39-A-29 ("Rockfish Creek Tower")
Owner: Colonel Robert K. Spencer
Latitude: 37-47-46.7N Longitude: 78-22-34.1W

Dear Mr. Coffey:

As per the Fluvanna County Zoning Ordinance Article 27, Section 22-27-7, I am submitting this statement to demonstrate compliance with the County's siting hierarchy for the construction of new wireless communication facilities.

Our research indicates there is no County-owned property or any suitable tall structures within approximately a 1.25 mile radius of our proposed tower site. Therefore, our proposed 195' Monopole tower complies with the "Siting Hierarchy" found in Article 27, Section 22-27-7of the Fluvanna County Zoning Ordinance.

Should you have any questions, please do not hesitate to contact me at 804.366.1165

Sincerely,

Al Doss
Vice President of Operations

Affidavit of Mark Taylor, P.E.

(Review of Letter Entitled:
(Siting Hierarchy for an SUP application for a Wireless -
(Telecommunications Tower
(Dated: 12/9/2011
(Applicant: National Communication Towers, LLC
(Site Name: Rockfish Creek Tower
(Tax Parcel 39-A-29

I, Mark Taylor, declare that I am a licensed Professional Engineer in the Commonwealth of Virginia with my primary experience and expertise in Wireless Communications and Safety.

I have reviewed the document attached herewith, and agree that the statements set forth in the letter are factual and accurate to my knowledge.

[Signature] [Date]

12/19/2011

Mark A. Taylor, P.E.

Virginia License: 039282

Seal:

edge WIRELESS
1506 Circle Drive : Suite 100 : Annapolis, MD 21409

December 19, 2011

Mr. Al Doss
Vice President of Operations
National Communications Towers, LLC
5413 Patterson Ave, Suite 101
Richmond, VA 23226

RE: Proposed Telecommunications Structure at the Rockfish Creek Tower Site in Fluvanna County, VA, Latitude: 37-47-46.7N Longitude: 78-22-34.1W.

Dear Mr. Doss:
This letter is provided per the request of National Communications Towers, L.L.C., and addresses the assurances that National Communication Towers will meet "Fluvanna County Communications Application Checklist" items 4 and 5.

Item 4: National Communications Towers, LLC will ensure its member tenants adhere and comply with FCC rules regarding exposure to RF energy.

Item 5: National Communications Towers, LLC will ensure its member tenants adhere and comply with FCC rules regarding radio frequency interference.

If any questions arise regarding the Radio Frequency issues of proposed application please get in touch at the number or email address listed below.

Cordially,

Mark Taylor, P.E.
Edge Wireless, LLC
marktaylor03@comcast.net
M 443-271-3714

COMMONWEALTH OF VIRGINIA
MARK A. TAYLOR
No. 039282
PROFESSIONAL ENGINEER

NATIONAL COMMUNICATION TOWERS, LLC
5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

January 12, 2012

Search Ring Certification
Rockfish Creek

This is to certify the submitted NCT Search Ring depicted in the map titled "NCT SEARCH RING" is based on the best information received from the carrier as to the site location and is the same search ring as utilized in the selection of the site.

Signed: A. S. Doss

Al Doss
Vice President of Development

Memorandum

DATE: November 6, 2012

RE: APO'S for **SUP 12:07** Public Hearing Letters

TO: Allyson Finchum

FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **November 20, 2012** Board of Supervisors meeting.

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

November 6, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP_»

Re: Public Hearing on SUP 12:07

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Tuesday, November 20, 2012** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:07 – National Communication Towers, LLC – *A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 12.7 acres of Tax Map 39, Section A, Parcel 29. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1 mile west of its intersection with Rolling Road (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.*

The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at 434–591–1910 or by email at stugwell@fluvannacounty.org.

Sincerely,

Steve Tugwell
Senior Planner

SUP 12-07 Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
39 A 28	NEW FORESTRY LLC	3715 NORTHSIDE PKWY STE 2-500	ATLANTA, GA	30327
39 A 29	SPENCER, ROBERT K.	PO BOX 52	SCOTTSVILLE, VA	24590
39 A 30	FLUVANNA BAPTIST CHURCH & PARSONAGE	7524 WEST RIVER RD	SCOTTSVILLE, VA	24590
39 A 30	FLUVANNA BAPTIST CHURCH & PARSONAGE	7454 WEST RIVER RD	SCOTTSVILLE, VA	24590
39 13 51	RYDER, PHILLIP D	2422 RICHMOND RD	CHARLOTTESVILLE, VA	22911
48 A 16	SWALES, SUSAN	PO BOX 566	SCOTTSVILLE, VA	24590
48 A 17	SWALES, SUSAN	PO BOX 566	SCOTTSVILLE, VA	24590
APPLICANT/REPRESENTATIVE	AL DOSS, NATIONAL COMM. TOWERS, LLC	5413 PATTERSON AVE, STE 101	RICHMOND, VA	23226

SUP 12:07 National Communication Towers, LLC

N

ATT B

Scale: 1:4513.988705	Date: 09/21/2012	Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

Virginia Byway - Frequently Asked Questions

Adventure beckons on the roads and highways designated as Virginia Byways. More than mere pavement between points A and B, a Virginia Byway offers travelers a side of the Commonwealth that is uncommon and enlightening. Each byway leads to scenes of natural beauty and places of historical and social significance.

Currently, there are nearly 3,000 miles of roads designated as Virginia Byways, yet several hundred more miles of Commonwealth roadway could qualify. To help attract visitors and support economic development through tourism, the Virginia Department of Transportation (VDOT), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourage local governments to nominate roads for Virginia Byway designation.

What's the purpose of the Virginia Byway program?

The program identifies road corridors containing aesthetic or cultural value near areas of historical, natural or recreational significance. By designating certain roads as Virginia Byways, widely distributing "A Map of Scenic Roads in Virginia,"and promoting the Virginia Scenic Roads Web site,the program encourages travel to interesting destinations and away from high-traffic corridors.

Byways also stimulate local economies by attracting visitors to lesser-known destinations. One study showed visitors spent $1.8 billion in counties adjacent to the Blue Ridge Parkway in Virginia and North Carolina. This supported nearly 75,000 jobs and generated more than $147 million in tax revenues in the region.

What makes a Virginia Byway different from other roads?

People like to explore. The 2000 Virginia Outdoors Survey, conducted by Virginia's Department of Conservation and Recreation (DCR), finds that driving for pleasure is the second most popular outdoor activity, with more than 82% of the population participating.

By following the highlighted byways on the state transportation map, the scenic roads map and the scenic roads Web site, visitors are directed to places where they can tour wineries, explore Civil War battle sites and historical attractions, view beautiful scenery and enjoy recreational resources.

Once designated, a byway becomes part of the coordinated promotional strategy for Virginia tourism.

What are other important considerations regarding Virginia Byway status?

- Virginia Byway designation gives localities the opportunity to participate in the National Scenic Byway Program.
- It might limit placement of outdoor advertising signs.
- It does not affect land use controls.
- It does not limit road improvements.

What is a Virginia Byway?

Per Virginia Code, "Virginia Byway" means those highways designated by the Commonwealth Transportation Board (CTB) pursuant to articles §33.1-62 through §33.1-66. The Virginia Outdoors Plan, from DCR, identifies roads that have been considered as having intrinsic qualities of Virginia Byways for many years. In addition, there are other roads that meet the criteria for designation.

What are the criteria?

To be considered, a segment of road must substantially meet the following criteria:

- The route provides important scenic values and experiences.
- There is a diversity of experiences, as in transition from one landscape scene to another.
- The route links together or provides access to scenic, historic, recreational, cultural, natural and archeological elements.
- The route bypasses major roads or provides opportunities to leave high-speed routes for variety and leisure in motoring. Landscape control or management along the route is feasible.
- The route allows for additional features that will enhance the motorist's experience and improve safety.
- Local government(s) has/have initiated zoning or other land-use controls, so as to reasonably protect the aesthetic and cultural value of the highway.

What are the steps to designation?

1. Anyone can request byway designation, but local government(s) must adopt a resolution of support.

2. Upon receipt of a request and historical documentation from an interested party/local government, the Virginia Department of Transportation (VDOT) and the Virginia Department of Conservation and Recreation (DCR) collect information on local zoning laws, traffic volumes and accident reports before evaluating the roads according to the criteria.

3. Based on a joint review according to the criteria, the DCR Director recommends qualifying roads for consideration by the CTB.

4. Before the CTB acts, VDOT offers the local government the opportunity to hold a public hearing. If a public hearing is requested, VDOT's Local Assistance Division and DCR will provide assistance.

5. After the public hearing, or if no hearing was requested, the CTB officially designates the byway(s) at their next scheduled meeting. Subsequently, signs are posted, and changes are made to the appropriate maps.

How can I get more information about the Virginia Byway program?

Call **1-800-FOR-ROAD (1-800-367-7623)** or contact Lynn Crump, Virginia Department of Conservation and Recreation, at Lynn.Crump@dcr.virginia.gov.

For additional copies of this brochure or others in the VDOT Answers Your Questions series, please contact:

Virginia Department of Transportation
Office of Public Affairs
1401 East Broad Street
Richmond, VA 23219
E-mail: vdotinfo@VDOT.Virginia.gov

Page last modified: Nov. 1, 2010

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Staunton
Waynesboro
CHARLOTTESVILLE
Barboursville
Gordonsville
Orange
Fishersville
Stuarts Draft
Craigsville
Augusta Springs
Elliott Knob 4458 Ft.
Woodrow Wilson's Birthplace
Museum of American Frontier Culture
White Hall
Crozet
Ivy
Cismont
Boswells Tavern
Shadwell
Monticello
Jefferson Vineyards
Zion X-Roads
Palmyra
Scottsville
Dixie
Columbia
Fork Union
Georges Tavern
Bremo Bluff
Hardware River WMA
James River WMA
James River State Park
Wingina
Buckingham Court House
Sprouses Corner
Dillwyn
Cumberland
Cumberland State Forest
Bear Creek Lake State Park
Powhatan WMA
Mt. Rush
Horseshoe Lake WMA
Holiday Lake State Park
Willis Mtn. 1129 Ft.
Sheppards
Ravens Tavern
Cumberland Church
Paineville
Amelia Springs
Farmville
Rice
Rice's Station
Deatonville
Jetersville
Prospect
Hampden-Sydney
Twin Lakes State Park
Galion St. Forest
Burkeville
Crewe
Green Bay
Madisonville
Appomattox
Evergreen
Concord
Rustburg
Lynchburg
Madison Heights
Wright Shop
Vera
Appomattox Court House Nat'l Hist. Park
Bachingham Appomattox State Forest
Featherfin WMA
Amherst
Elon
Monroe
Lynch Station
Altavista
Leesville
Gladys
Naruna
Vic Thomas Striped Bass Hatchery
Brookneal
Charlotte Court House
Drakes Branch
Victoria
Lunenburg
Kenbridge
Gretna
Volens
Staunton River Bridge Battlefield State Park
Chatham
White Oak Mtn. WMA
Halifax
Scottsburg
Bames Junction
Chase City
Red Oak
South Hill
South Boston
Staunton River State Park
Boydton
Finchley
Clarksville
Buffalo Springs
Turbeville
Blairs
DANVILLE
Bracey
La Crosse
Brownsburg
Rockbridge Baths
Steeles Tavern
Vesuvius
Montebello
Nellysford
Wintergreen
Covesville
Keene
Earlysville
North Garden
Faber
Schuyler
Lovingston
Shipman
Massies Mill
Piney River
Colleen
Buena Vista
Glasgow
Otter Creek
Mt. Pleasant 4054 Ft.
Elk Pond Mtn. 4034 Ft.
Mortebello Fish Culture Station
Horseshoe Mtn. 2533 Ft.
Devil's Knob 3851 Ft.
Carters Mtn. 1600 Ft.
Ash Lawn-Highland
Trevilian Station
Lou
Augusta
Albemarle
Nelson
Amherst
Buckingham
Appomattox
Prince Edward
Campbell
Charlotte
Halifax
Lunenburg
Mecklenburg
Pittsylvania
Cumberland
Goochland
Fluvanna
Orange
Caroline

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

Rockfish Creek Tower Balloon Flight
Certification Statement
August 27, 2012

General weather conditions: fog in the early morning and lifted by 9 AM, average visibility after fog dissipated was 7-10 miles, light winds averaging 0 to 8 MPH from 7:40 AM to 12:02 PM and mostly calm throughout the morning.

7:40 AM: Balloon launched, winds calm at 0-3 MPH foggy

8:00 AM to 12:02 PM: Winds calm at 0-8MPH

12:02 PM: Ended balloon flight

Comments:

1) 9:20 AM Supervisor Weaver stopped by the site and examined the tower location as staked in the field. He enquired as to the location of the access road and the location of the compound on the site.
2) 10:30 AM Earnest Butler stopped by to view the balloon and enquired as to the location of the access road.
3) 11:30 AM Steven Tugwell, Fluvanna County Senior Planner, drove by the site.

Date: 8/27/2012

Stephen B. Gallagher

Vice President of Construction

5413 Patterson Avenue
Suite 101
Richmond, VA 23226
804.673.8800

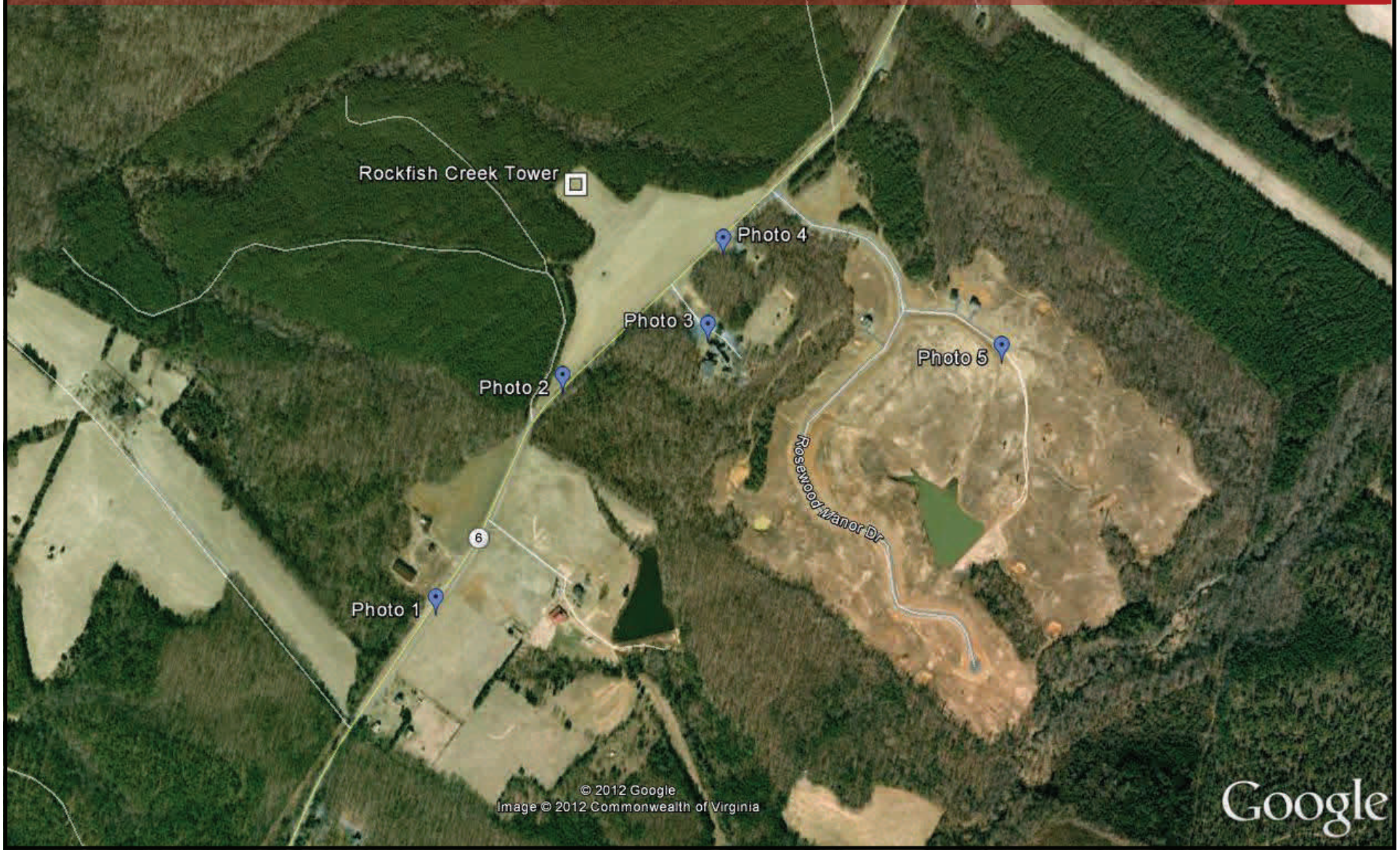
Monopole Tower Simulation

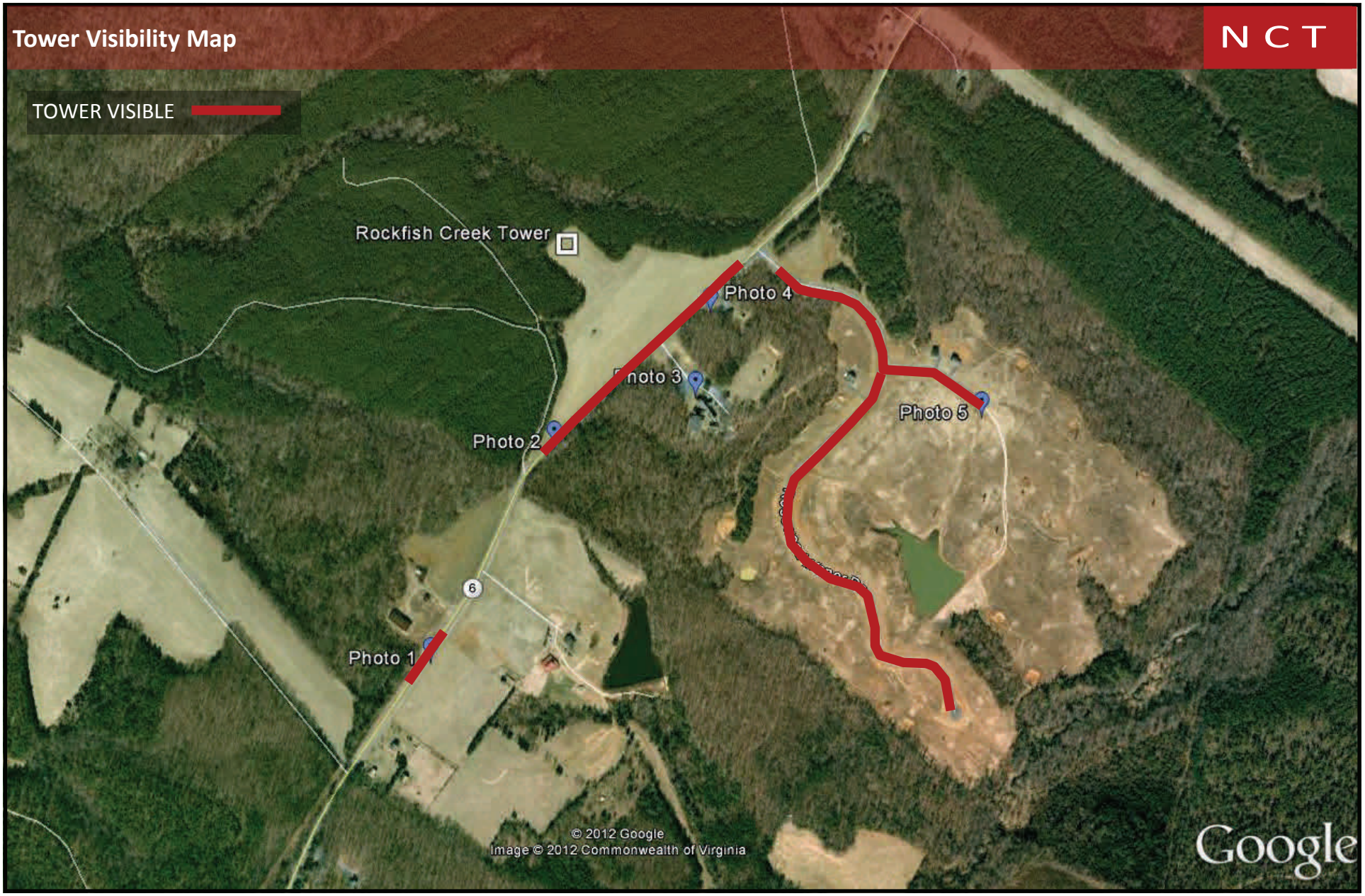
August 27, 2012

NCT

Aerial Map of Photo Locations

NCT




Tower Visibility Map
N C T
TOWER VISIBLE
Rockfish Creek Tower
Photo 4
Photo 3
Photo 5
Photo 2
Photo 1
6
© 2012 Google
Image © 2012 Commonwealth of Virginia
Google

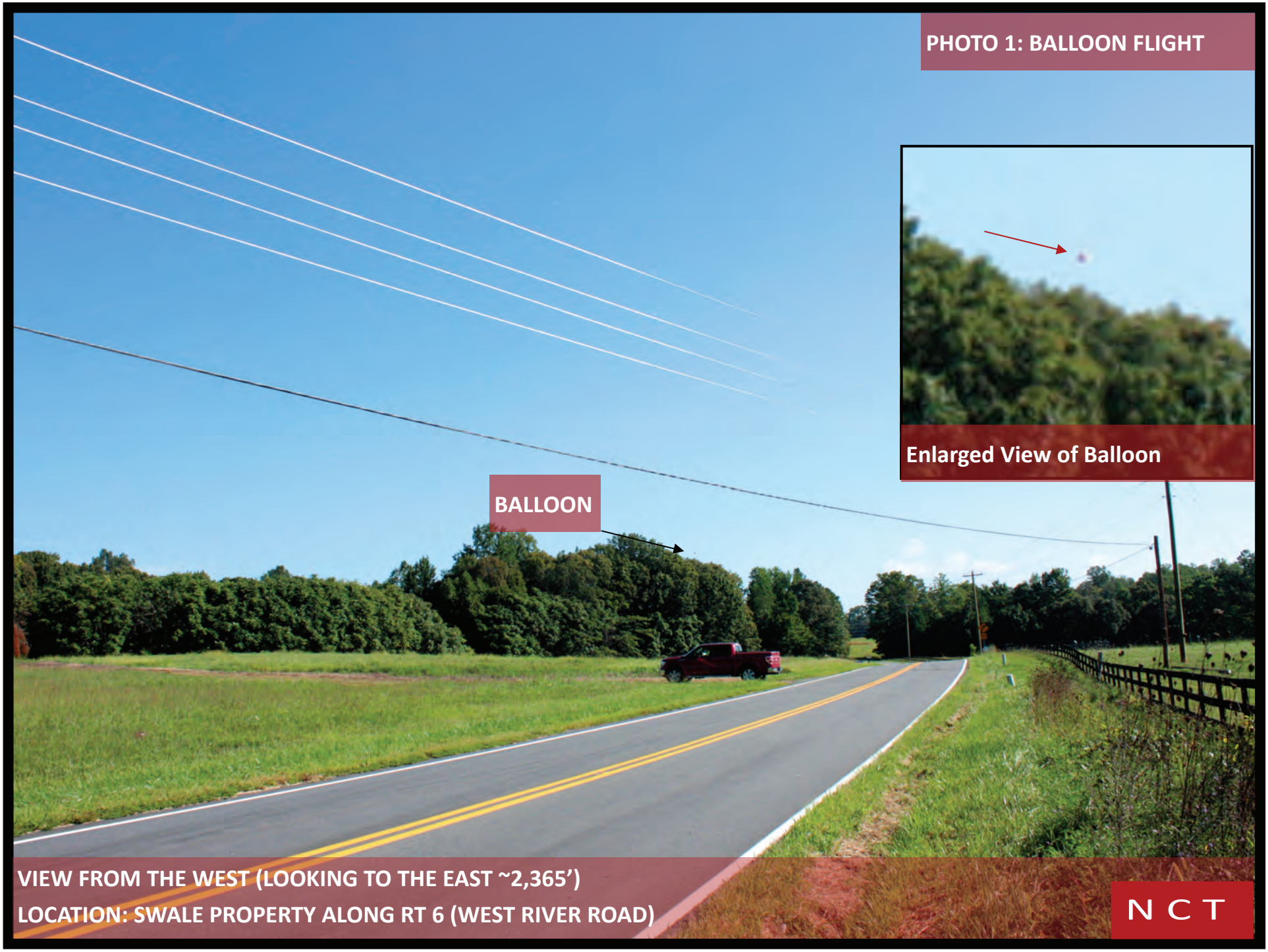


PHOTO 1: BALLOON FLIGHT
Enlarged View of Balloon
BALLOON
VIEW FROM THE WEST (LOOKING TO THE EAST ~2,365')
LOCATION: SWALE PROPERTY ALONG RT 6 (WEST RIVER ROAD)
N C T

PHOTO 1: TOWER SIMULATION
Enlarged View of Tower
TOWER
VIEW FROM THE WEST (LOOKING TO THE EAST ~2,365')
LOCATION: SWALE PROPERTY ALONG RT 6 (WEST RIVER ROAD)
N C T

PHOTO 2: BALLOON FLIGHT
BALLOON
VIEW FROM THE SW (LOOKING TO THE NE ~1,060')
LOCATION: RT 6 EDGE OF FIELD OPENING
N C T

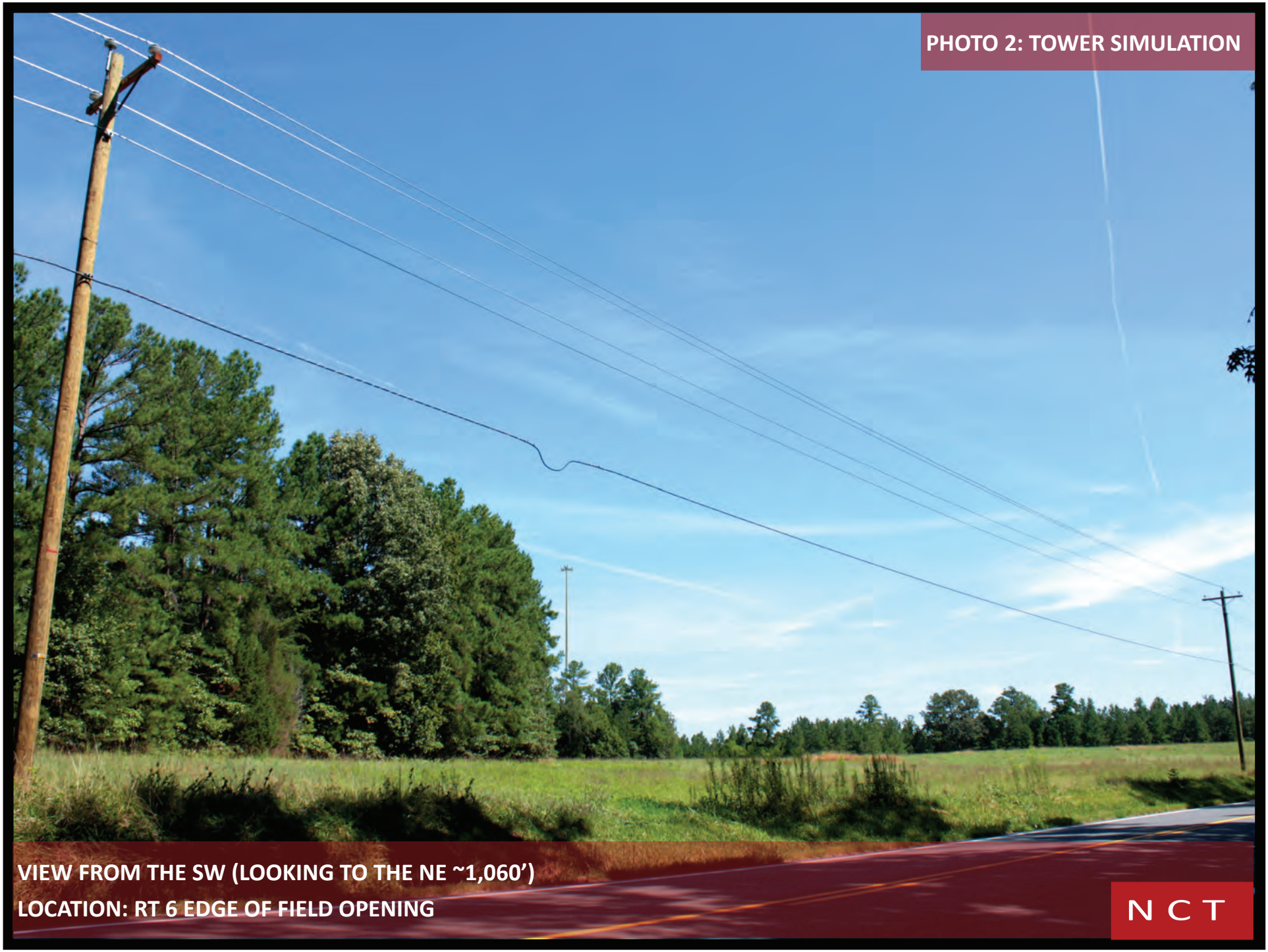


PHOTO 2: TOWER SIMULATION
VIEW FROM THE SW (LOOKING TO THE NE ~1,060')
LOCATION: RT 6 EDGE OF FIELD OPENING
N C T

PHOTO 3: BALLOON FLIGHT
BALLOON
VIEW FROM THE SE (LOOKING TO THE NW ~1,080')
LOCATION: PARKING LOT AT FLUVANNA BAPTIST CURCH—SOUTH SIDE OF RT 6 (WEST RIVER ROAD)
N C T

PHOTO 3: TOWER SIMULATION
VIEW FROM THE SE (LOOKING TO THE NW ~1,080')
LOCATION: PARKING LOT AT FLUVANNA BAPTIST CURCH—SOUTH SIDE OF RT 6 (WEST RIVER ROAD)
N C T

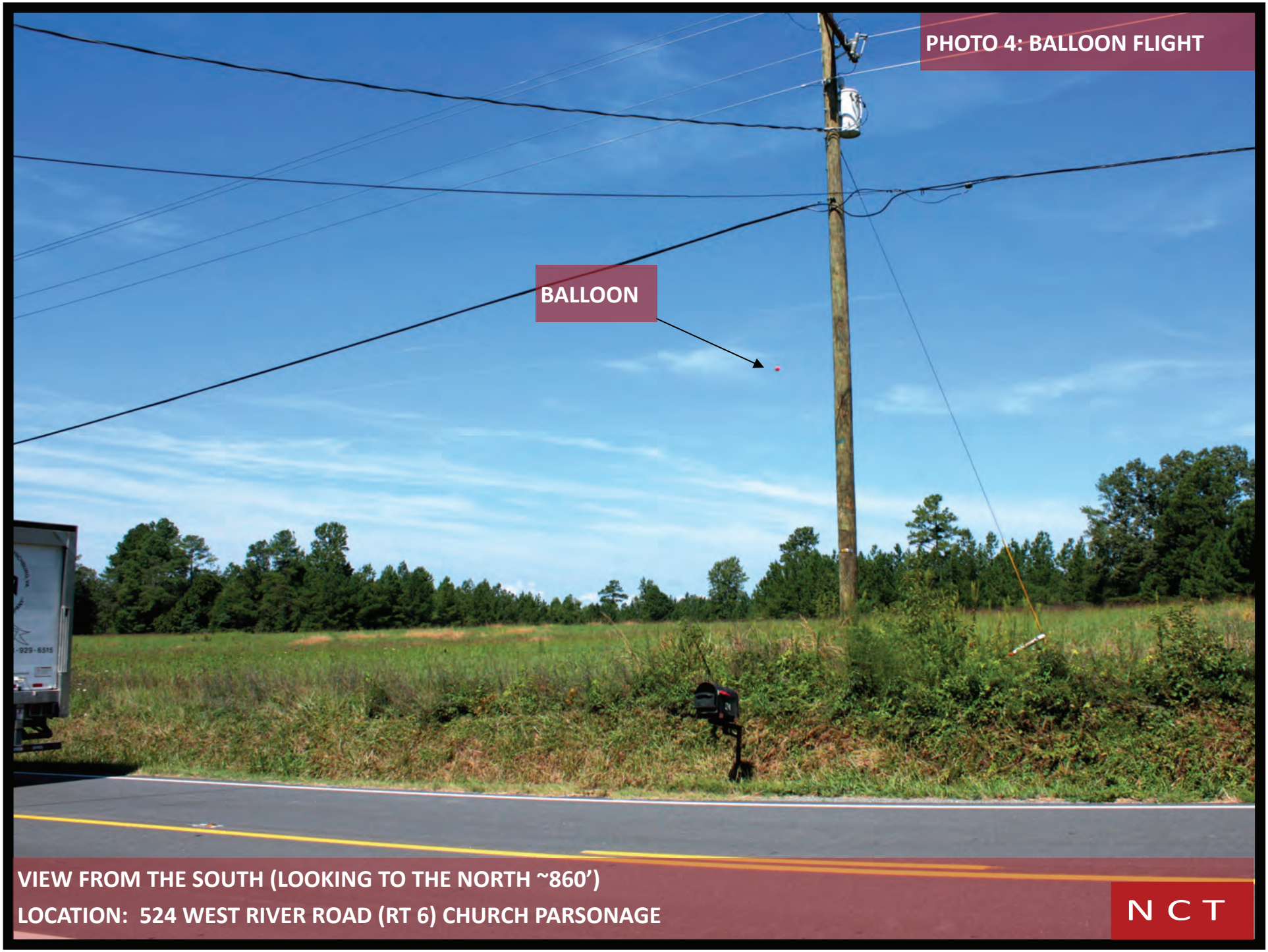


PHOTO 4: BALLOON FLIGHT
BALLOON
VIEW FROM THE SOUTH (LOOKING TO THE NORTH ~860')
LOCATION: 524 WEST RIVER ROAD (RT 6) CHURCH PARSONAGE
N C T

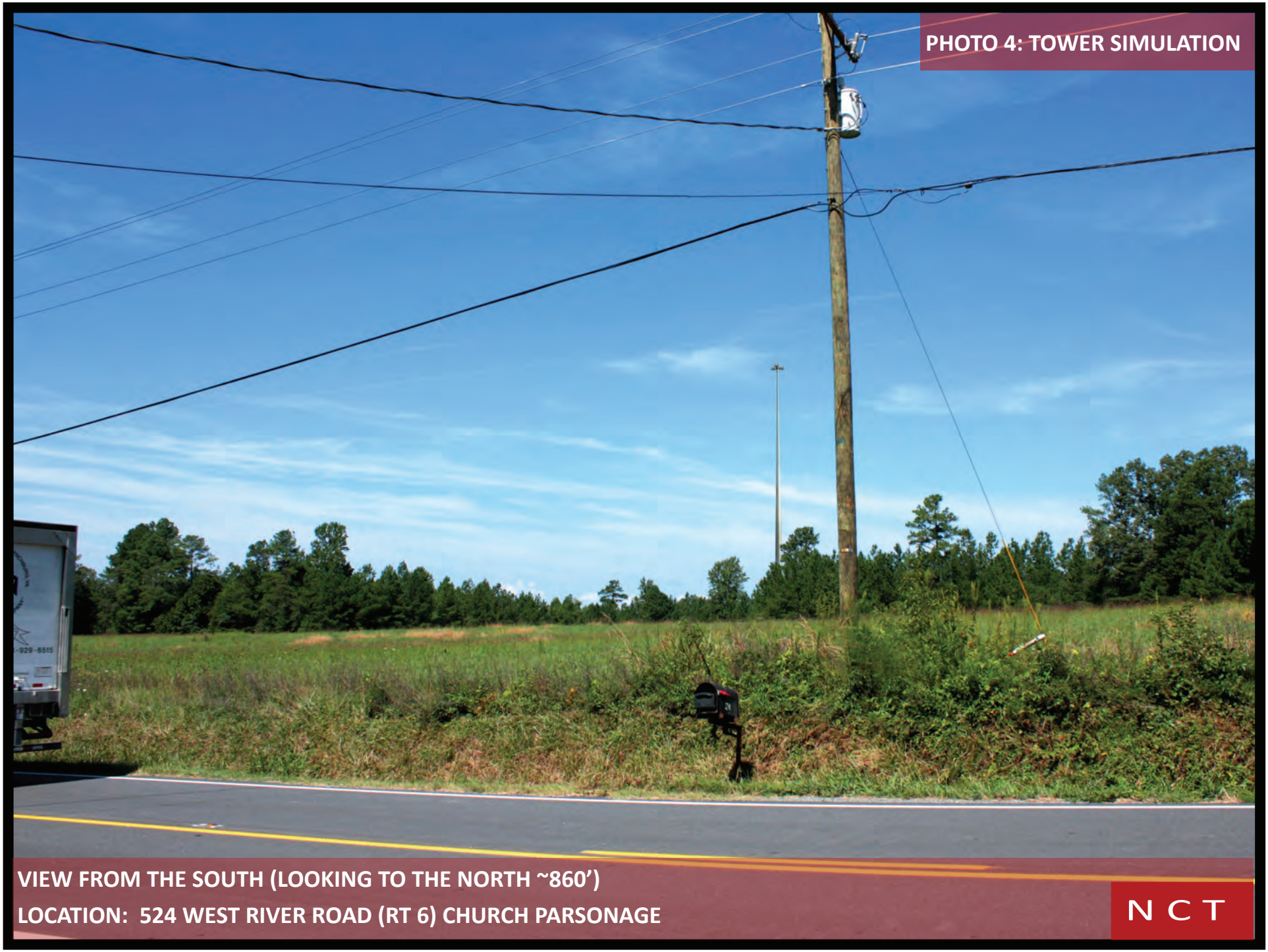


PHOTO 4: TOWER SIMULATION
VIEW FROM THE SOUTH (LOOKING TO THE NORTH ~860')
LOCATION: 524 WEST RIVER ROAD (RT 6) CHURCH PARSONAGE
N C T

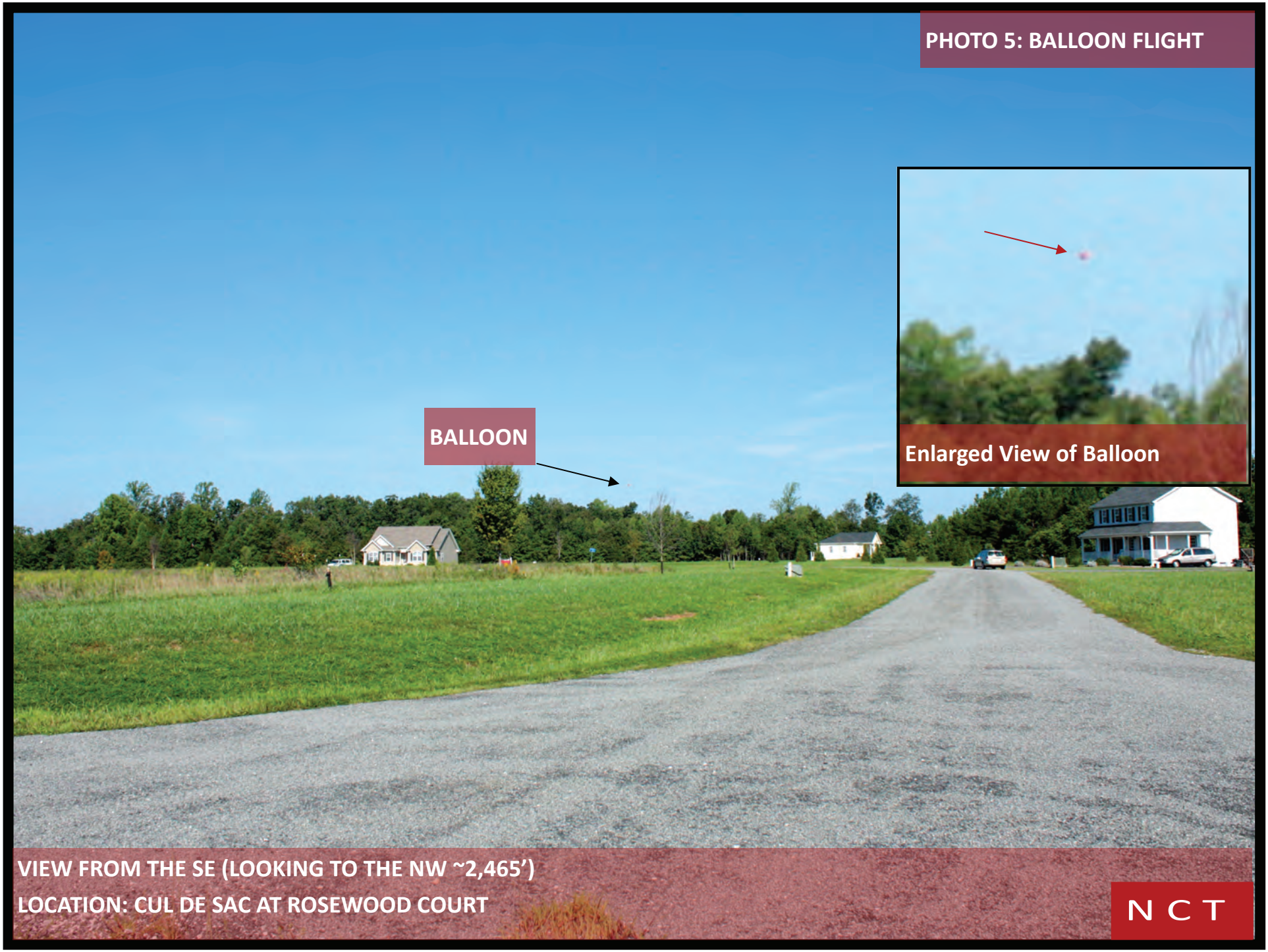


PHOTO 5: BALLOON FLIGHT
BALLOON
Enlarged View of Balloon
VIEW FROM THE SE (LOOKING TO THE NW ~2,465')
LOCATION: CUL DE SAC AT ROSEWOOD COURT
N C T

PHOTO 5: TOWER SIMULATION
TOWER
VIEW FROM THE SE (LOOKING TO THE NW ~2,465')
LOCATION: CUL DE SAC AT ROSEWOOD COURT
N C T

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

September 21, 2012

Rick Edwards
Consultant
CityScape Consultants, Inc.
10704 Elmbrook Ct.,
Raleigh, NC 27614

Subject: Rockfish Creek Communications Tower Design Certification

This letter is to certify National Communications Towers, LLC, as applicant and developer of the Rockfish Creek Communications Facility, will design and build the proposed monopole tower capable of bearing the equipment loading of six collocations (See the attached Tower Design RFQ). Also in the event of a catastrophic occurrence, the tower will be designed with breakpoint technology and will fail at the 105' elevation AGL.

Sincerely,

Stephen B. Gallagher
V.P. of Construction

NATIONAL COMMUNICATION TOWERS, LLC

5413 Patterson Avenue, Suite 101
Richmond, Virginia 23226
Telephone: 804-673-8800
Facsimile: 804-673-4242

January 9, 2012

Rockfish Creek
Fluvanna County, VA
37-47-46.7N
-78-22-34.1W

National Communication Towers (NCT) is requesting a quote for a monopole tower with the following specifications:

Height: 195' Monopole plus 4' lightning rod
Tower Break Point at the 105' Elevation AGL

Loading:

Rad Ctr	Panel Antenna	Qty	Coax	Qty	Mounts
195	72"x12"x8"	15	1-5/8"	18	Low Profile
185	72"x12"x8"	15	1-5/8"	18	Low Profile
175	72"x12"x8"	12	1-5/8"	15	Low Profile
165	72"x12"x8"	12	1-5/8"	15	Low Profile
155	72"x12"x8"	12	1-5/8"	12	Low Profile
145	72"x12"x8"	12	1-5/8"	12	Low Profile

Safety Climb
Step Bolts
Galvanized finish
Designed to collapse at the 105' tower elevation
Revision G for structural analysis, Fluvanna County, VA
Certified foundation design, tower drawings and engineer's letter to be provided
Delivery to: 7500 Block of West River Road, Scottsville, Virginia 24596

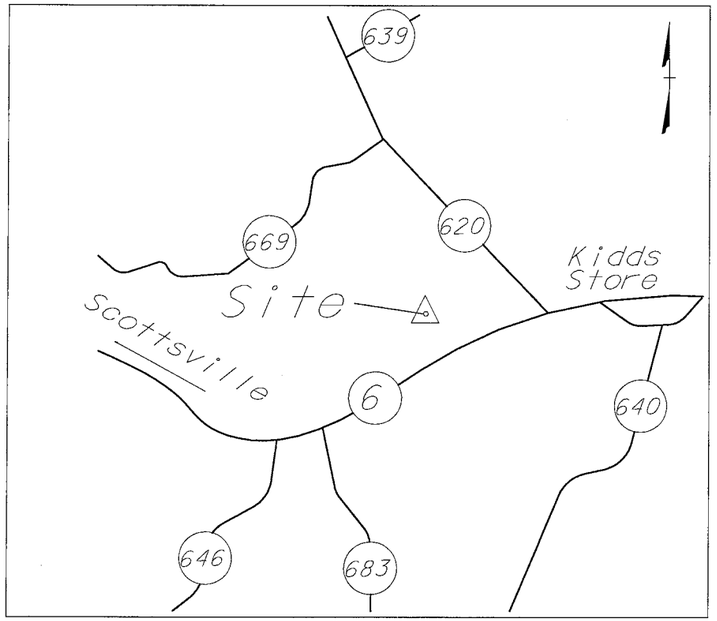
Should you have any questions please call feel free to contact me.

Regards,

Al Doss
Vice President of Development
National Communications Towers, LLC
Office: 804-673-8800 Ext. 303
Cell: 804-366-1165
Fax: 804-673-4242
adoss@nationaltowers.com

JMT JOB NO 11-0309

ROCKFISH CREEK
199 TOWER SITE
SITE PLAN



Vicinity Map *Scale: 1"=1000'*

DIRECTIONS TO SITE

FROM RICHMOND, TAKE VA-6 WEST FOR APPROXIMATELY 42 MILES. SITE IS ON THE RIGHT 0.9 MILES BEYOND THE INTERSECTION WITH ROUTE 620.

Construction Certification

To the best of my knowledge this site is designed to comply with applicable Federal, State and Fluvanna Building Codes.

LANDOWNER

Col. Robert K. Spencer
P.O. Box 52
Scottsville, Va 24596

WEST RIVER ROAD (RTE 6)
FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DEVELOPED BY:
NATIONAL COMMUNICATION TOWERS, LLC

INDEX OF SHEETS

SHEET NAME	SHEET NUMBER
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CIVIL NOTES & DETAILS	C-1
FENCE NOTES & DETAILS	C-2
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SURVEY (SHOWS LEASE PARCEL, INGRESS/EGRESS, UTILITY EASEMENT AND TREE BUFFER)	1 OF 1 THRU 2 OF 2

EROSION AND SEDIMENT CONTROL RESPONSIBLE LAND DISTURBER

NAME: ALBERT S. DOSS CERTIFICATE #: 22075 EXPIRATION DATE: MAY 25, 2014

JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
9201 Arboretum Parkway Suite 140
Richmond, Virginia 23236
Phone (804) 323-9900
Fax (804) 323-0596

SEAL

COMMONWEALTH OF VIRGINIA
JEFFREY CRONIN
Lic. No. 037745
8/23/12
PROFESSIONAL ENGINEER

NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE. SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD (RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: COT

SHEET TITLE

TITLE SHEET
T-1

JMT JOB NO 11-0309

GENERAL NOTES:

1. PROJECT DEVELOPER: NATIONAL COMMUNICATION TOWERS, LLC
   5413 PATTERSON AVE, SUITE 101
   RICHMOND, VA 23226

   PROPOSED USE: 199' TELECOMMUNICATIONS TOWER AND SUPPORTING FACILITY CONTAINED WITHIN A FENCED COMPOUND.

2. TOWER OWNER: NATIONAL COMMUNICATION TOWERS, LLC

3. LAND OWNER: ROBERT K. SPENCER

4. ELECTRIC UTILITY: Central Virginia Electric Coop.
   1-800-367-2832

5. TELEPHONE UTILITY: VERIZON
   (877) 300-4498

6. ZONING APPROVAL:
   PROPERTY ZONING: A-1

7. TAX PARCEL NUMBER: 39-A-29

8. LATITUDE: N 37° 47'46.68"
   LONGITUDE: W 78° 22'32.82"

9. NCT WILL OBTAIN THE LAND DISTURBING PERMIT. THE CONTRACTOR SHALL SECURE ALL OTHER NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES.

10. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND AT HIS EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.

11. THE CONTRACTOR SHALL NOTIFY THE COUNTY ENGINEER 24 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION.

12. LOCATION OF EXISTING SEWER, WATER OR GAS LINES, CONDUITS OR OTHER STRUCTURES ACROSS, UNDERNEATH, OR OTHERWISE ALONG THE LINE OF PROPOSED WORK ARE NOT NECESSARILY SHOWN ON THE PLANS, AND IF SHOWN ARE ONLY APPROXIMATELY CORRECT. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES (INCLUDING TEST PITS BY HAND IF NECESSARY) IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON PLANS. IF THERE APPEARS TO BE A CONFLICT, OR UPON THE DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS. FOR ASSISTANCE CALL "MISS UTILITY" 1-800-552-7001.

13. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY THE CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO LIKE-NEW CONDITION.

14. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER, THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURES IN OPERABLE CONDITION.

15. THE CONTRACTOR SHALL COORDINATE WITH NCT THE REQUIREMENTS FOR AND LIMITS OF OVERHEAD AND/OR UNDERGROUND ELECTRICAL SERVICE.

16. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTEED FOR ONE (1) FULL YEAR FROM THE DATE OF ACCEPTANCE.

17. THE CONTRACTOR SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE IN A WEATHER PROOF CONTAINER AT ALL TIMES WHEN WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY COUNTY INSPECTORS.

18. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE IN WHICH IT IS TO BE PERFORMED.

19. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.

20. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.

21. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO INSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.

22. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO THE BEGINNING ANY MATERIALS ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNERS ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES.

23. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD WORKING QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS, ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.

24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.

25. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE LOCAL BUILDING CODE.

26. ACCESS TO THE PROPOSED WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH NCT FOR APPROVAL.

27. ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES OR ORDINANCES. THE MOST STRINGENT CODE WILL APPLY IN THE CASE OF DISCREPANCIES OR DIFFERENCES IN THE CODE REQUIREMENTS.

28. ANY DAMAGE TO ADJACENT PROPERTIES WILL BE CORRECTED AT THE CONTRACTORS EXPENSE.

29. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES WITHIN CONSTRUCTION LIMITS PRIOR TO CONSTRUCTION.

30. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL CHANGES, SUBSTITUTIONS BETWEEN WORK AS SPECIFIED AND INSTALLED AND RECORD CHANGES ON A CLEAN SET OF CONTRACT DRAWINGS WHICH SHALL BE TURNED OVER TO THE NCT CONSTRUCTION MANAGER UPON COMPLETION OF PROJECT.

31. THE CONTRACTOR SHALL COORDINATE THE CONSTRUCTION STAGING AREA WITH THE PROPERTY OWNER AND NCT WELL IN ADVANCE OF THE CONSTRUCTION START DATE.

32. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND PLAN DIMENSIONS, AND NOTIFY THE ARCHITECT AND ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

33. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE WORK SITE ON A DAILY BASIS.

JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
9201 Arboretum Parkway Suite 140
Richmond, Virginia 23236
Phone (804) 323-9900
Fax (804) 323-0596

SEAL

COMMONWEALTH OF VIRGINIA
JEFFREY CRONIN
Lic. No. 037745
8/28/12
PROFESSIONAL ENGINEER

NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD
(RTE 6)

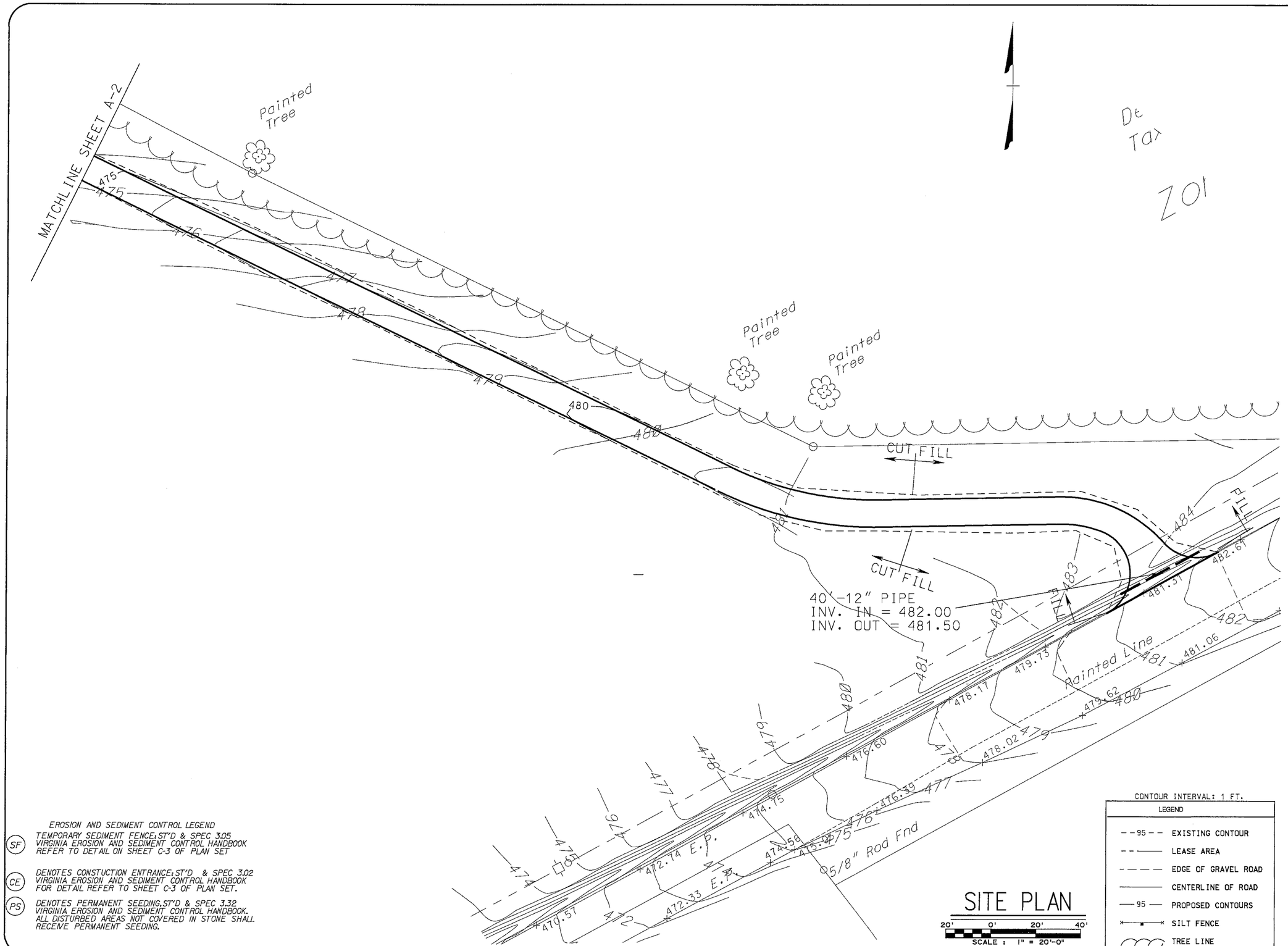
FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: S.D.W.
DRAWN: COT

SHEET TITLE

GENERAL NOTES
T-2

JMT JOB NO 11-0309



EROSION AND SEDIMENT CONTROL LEGEND

(SF) TEMPORARY SEDIMENT FENCE: ST'D & SPEC 3.05 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK REFER TO DETAIL ON SHEET C-3 OF PLAN SET

(CE) DENOTES CONSTUCTION ENTRANCE: ST'D & SPEC 3.02 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK FOR DETAIL REFER TO SHEET C-3 OF PLAN SET.

(PS) DENOTES PERMANENT SEEDING, ST'D & SPEC 3.32 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. ALL DISTURBED AREAS NOT COVERED IN STONE SHALL RECEIVE PERMANENT SEEDING.

SITE PLAN

20' 0' 20' 40'
SCALE : 1" = 20'-0"

CONTOUR INTERVAL: 1 FT.

LEGEND

- - 95 - -	EXISTING CONTOUR
- - ———	LEASE AREA
— — — —	EDGE OF GRAVEL ROAD
———	CENTERLINE OF ROAD
—— 95 ——	PROPOSED CONTOURS
×——■——×	SILT FENCE
⌒⌒⌒	TREE LINE

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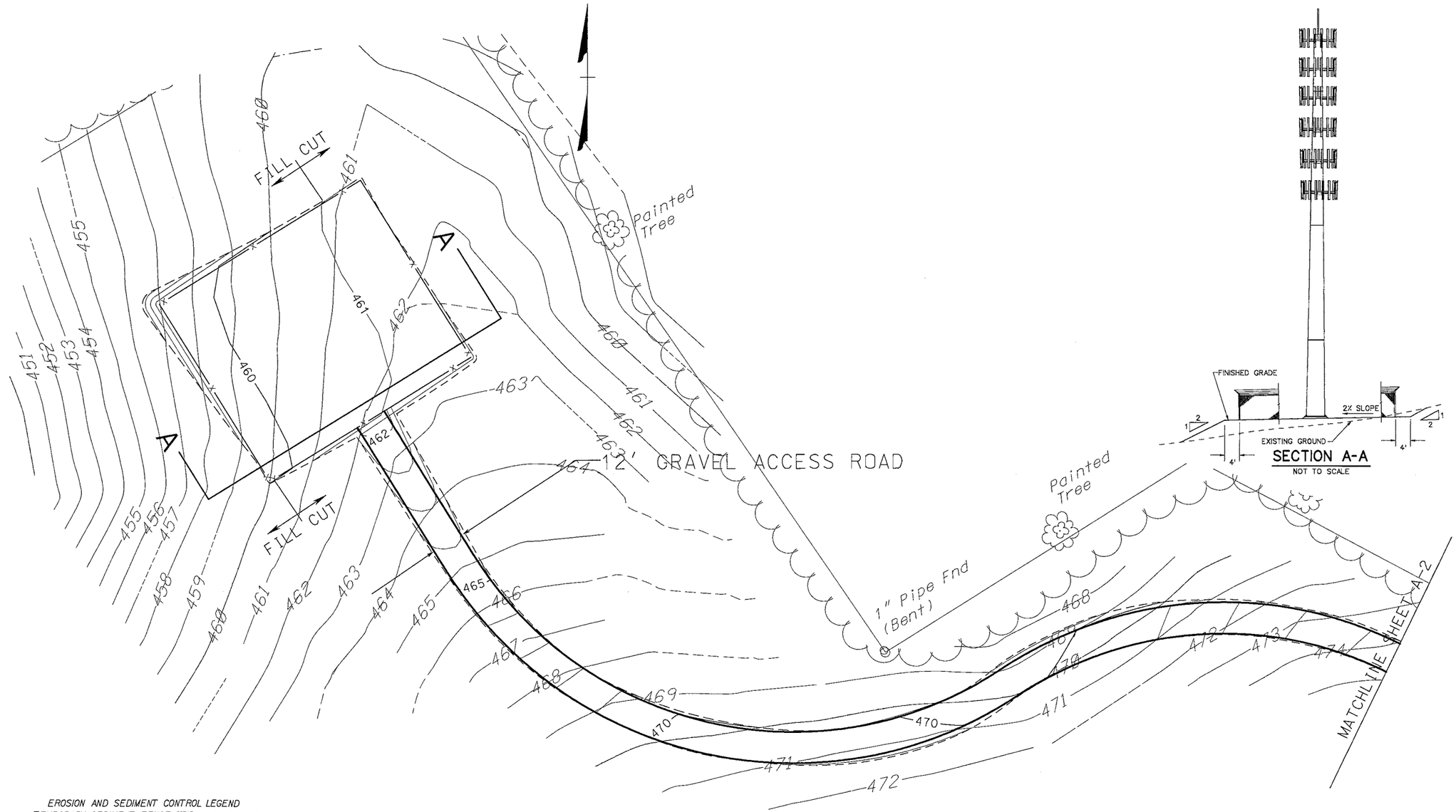
SHEET TITLE

GRADING
SITE PLAN

A-1

JMT JOB NO 11-0309



SECTION A-A
NOT TO SCALE

EROSION AND SEDIMENT CONTROL LEGEND

(SF) TEMPORARY SEDIMENT FENCE: ST'D & SPEC 3.05 VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK REFER TO DETAIL ON SHEET C-3 OF PLAN SET

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FEATURE	QUANTITY ESTIMATE	COST ESTIMATE
SILT FENCE	185 LINEAR FEET	185 LF × $4.50/LF = $833
CONSTRUCTION ENTRANCE	1 EA	1 EA. × $1000/EA. = $1000
SEED AND STRAW	4233 SQ FT = 470 SY	470 SY × $1.10/SY = $517
		TOTAL $2350

AREAS OF DISTURBANCE	
NEW ACCESS ROAD TO FENCE	12'x900'=10800 SQ FEET
COMPOUND AREA	80'x80'= 6400 SQ FEET
CUT AND FILL SLOPES	4233 SQ FEET
TOTAL	21433 SQ FEET

SITE PLAN

20' 0' 20' 40'
SCALE : 1" = 20'-0"

CONTOUR INTERVAL: 1 FT.

LEGEND

- 95 EXISTING CONTOUR
- LEASE AREA
- EDGE OF GRAVEL ROAD
- CENTERLINE OF ROAD
- 95 PROPOSED CONTOURS
- SILT FENCE
- TREE LINE

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REVISIONS

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PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
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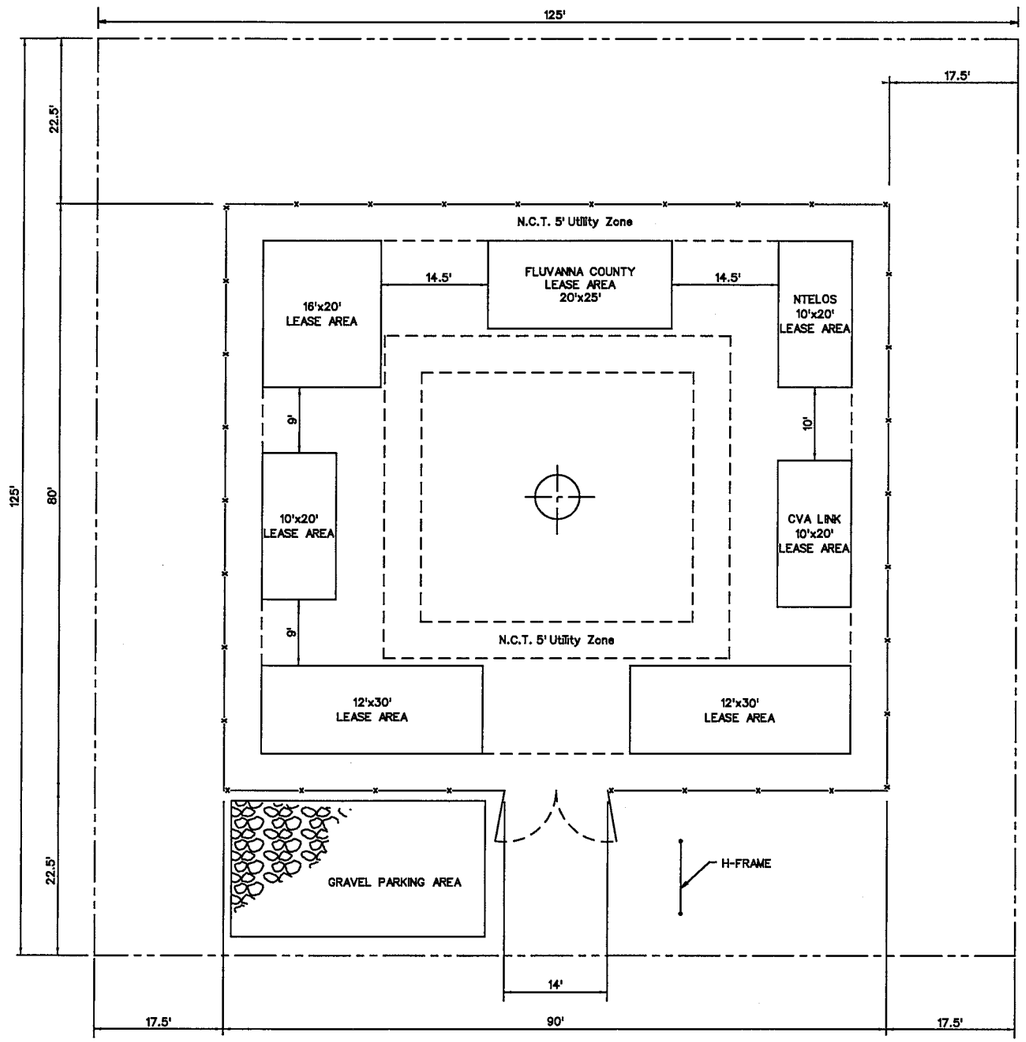
DRAWN: COT

SHEET TITLE

GRADING
SITE PLAN

A-2

JMT JOB NO 11-0309



NOTES:

1. 195' MONOPOLE TOWER.
2. MAX. HEIGHT TO BE 199'.
3. TOWER WILL NOT BE LIGHTED.
4. TOWER COORDINATES
   LATITUDE: N 37° 47'46.68"
   LONGITUDE: W 78° 22'32.82"
5. TOWER DESIGN FOR A MINIMUM OF 6 CARRIERS.
6. NO HABITABLE STRUCTURES ALLOWED WITHIN LEASED PREMISES.
7. FACILITY CONSTRUCTION STANDARDS SHALL MEET OR EXCEED APPLICABLE U.S. AND ANSI HEALTH AND SAFETY STANDARDS.
8. NO ADVERTISING SHALL BE ALLOWED ON TOWER OR WITHIN LEASED PREMISES OR WITHIN ACCESS/UTILITY EASEMENT.

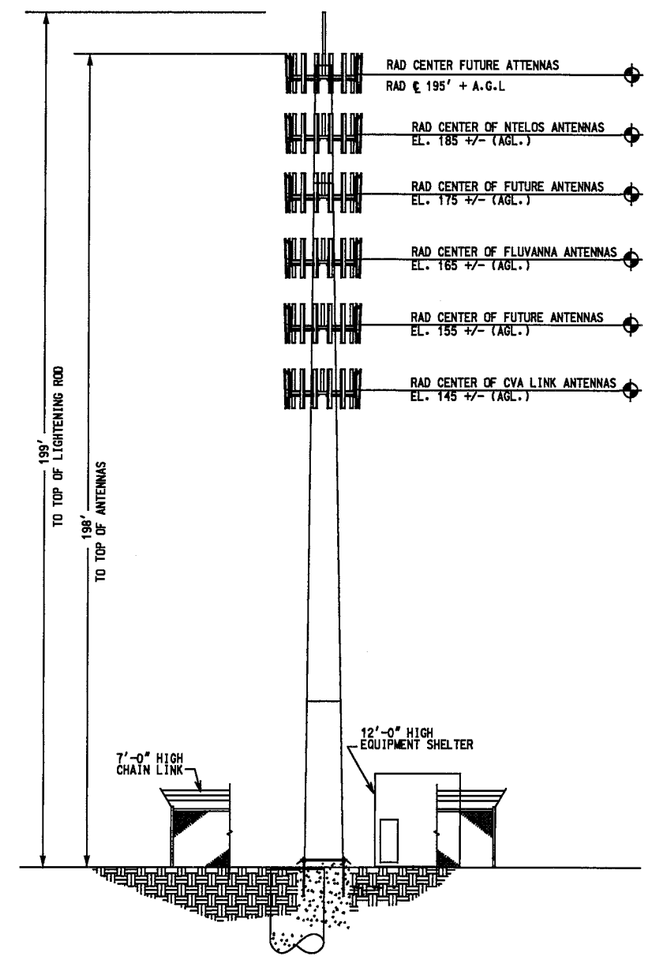
RF MAP

TOWER USER	NUMBER OF ANTENNA	TYPE OF ANTENNA	BOTTOM ATENNA HT.	ANTENNA LENGTH	TOP ANTENNA HT.	RAD CENTER	SEPARATION TO ABOVE

COMPOUND LAYOUT PLAN

10' 0' 10' 20'

SCALE : 1" = 10'-0"



TOWER ELEVATION

NOT TO SCALE

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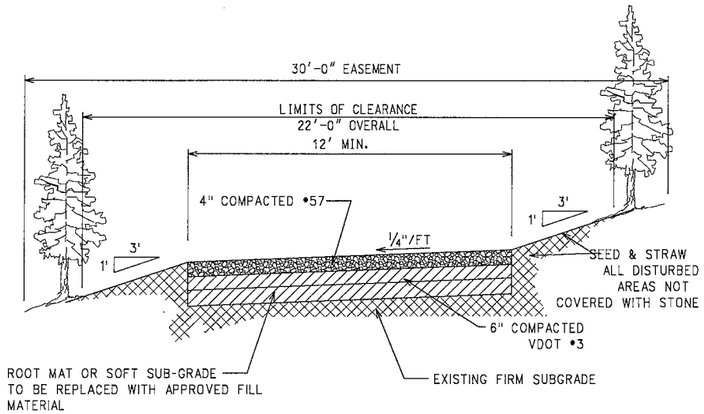
SHEET TITLE

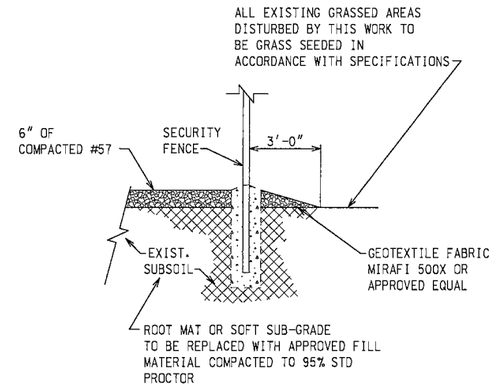
COMPOUND LAYOUT
&
TOWER ELEVATION
A-3

JMT JOB NO 11-0309



SECTION B-BTHROUGH STONE AGGREGATE ACCESS ROAD

NOT TO SCALE



STONE APRON DETAIL

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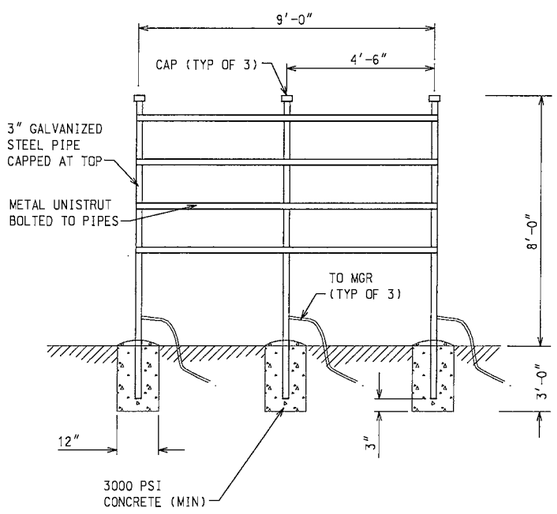
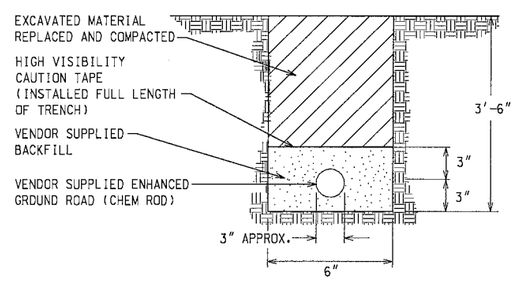


H-FRAME ELEVATION

NOT TO SCALE

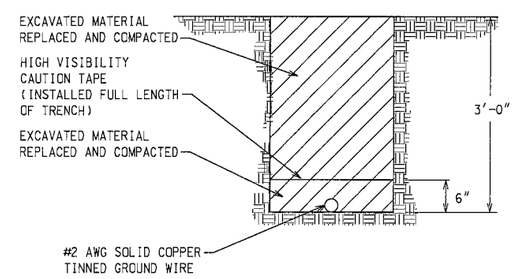
NOTES:

1. NCT TO COORDINATE WITH TENANTS AND UTILITY COMPANIES FOR SERVICE ATTACHMENTS



MGR TRENCHING DETAIL- CHEM ROD

NOT TO SCALE



MGR TRENCHING DETAIL- GROUND WIRE

NOT TO SCALE

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(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
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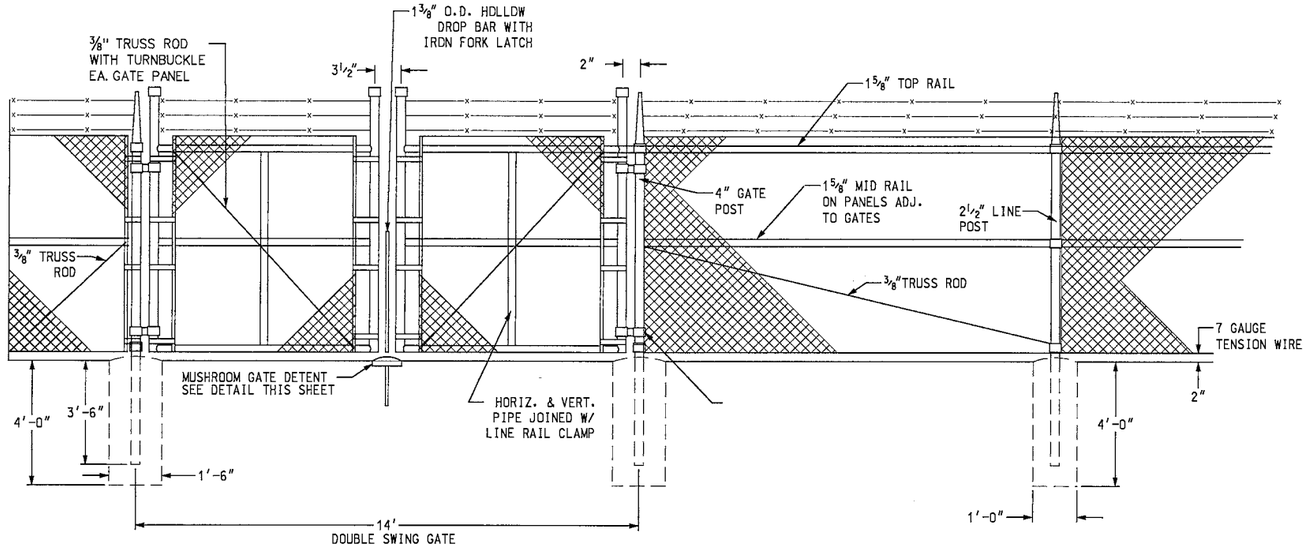
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: COT

SHEET TITLE

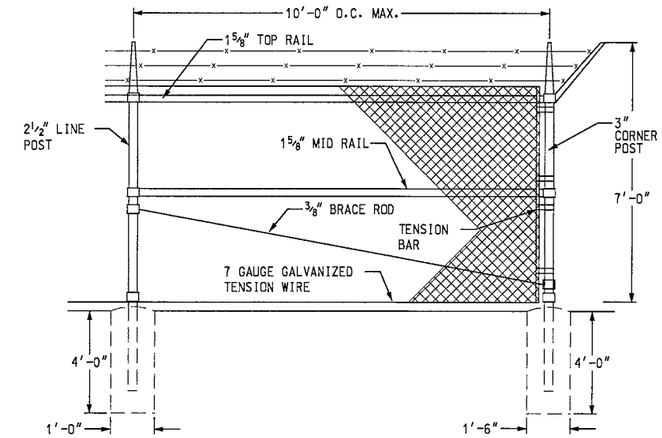
CIVIL NOTES
&
DETAILS

C-1

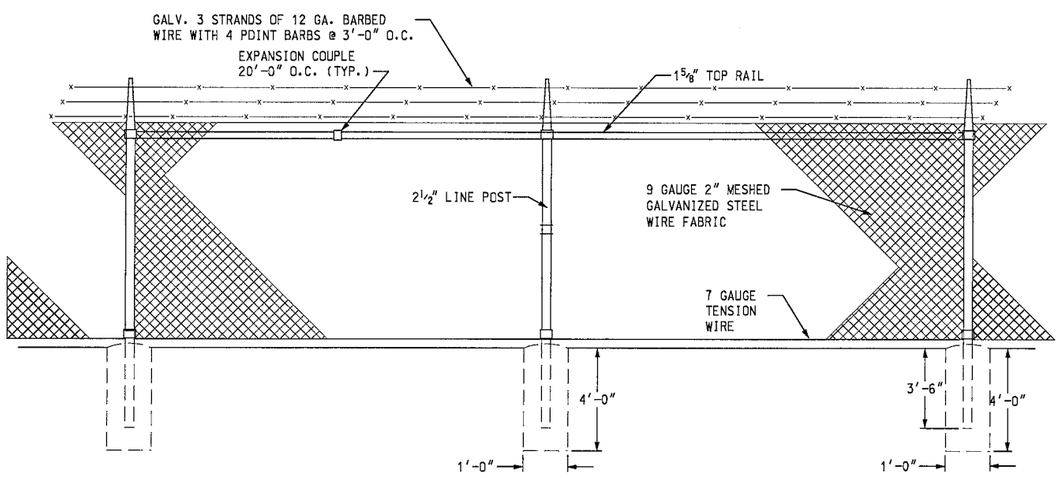
JMT JOB NO 11-0309



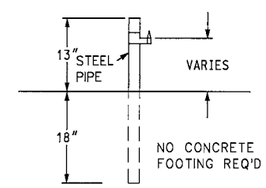
GATES AND ADJACENT PANELS
NOT TO SCALE



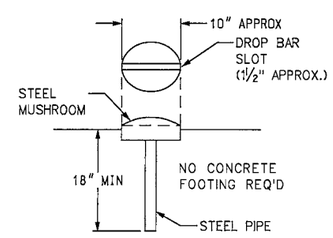
CORNER PANEL
NOT TO SCALE



LINE PANELS
NOT TO SCALE



GATE STOP/KEEPER DETAIL
NOT TO SCALE



MUSHROOM TYPE
GATE DETENT DETAIL
NOT TO SCALE

FENCE MATERIALS SCHEDULE				
ITEM	GATE PANELS	PANELS ADJACENT TO GATES	CORNER PANELS	LINE PANELS
1 5/8" SCH. 40 TOP RAIL	X	X	X	X
1 5/8" SCH. 40 MID RAIL	X	X	X	
1 5/8" SCH. 40 BOTTOM RAIL	X			
3/8" TRUSS ROD		X	X	
3/8" TRUSS ROD WITH TURN BUCKLE	X			
7 GAUGE TENSION WIRE		X	X	X
POSTS (OD, SCH 40)		4"	3"	2 1/2"

NOTES:

1. CONTRACTOR TO PROVIDE PROGRAMABLE COMBINATION LOCK (4 TABS). COMBINATION TO BE SET BY TOWER OWNER
   REFERENCES - FEDERAL SPECIFICATIONS/FSC RR-F-191J (7/22/81)
2. A. ASTM A-120 ZINC COATED STEEL PIPE
   B. ASTM A-392 ZINC COATED STEEL CHAIN LINK FABRIC
   C. ASTM A-780 REPAIR OF HOT DIP GALVANIZED COATINGS
   D. ASTM F-552 STANDARD DEFINITION OF TERMS RELATING TO CHAIN LINK FENCES
3. QUALITY ASSURANCE
   A. ALL STEEL MATERIALS UTILIZED IN CONJUNCTION WITH THE SPECIFICATION SHALL BE HOT DIP GALVANIZED OR STAINLESS STEEL. WEIGHT OF ZINC COATING ON THE FENCE FABRIC SHALL BE NOT LESS THAN 1.2 OUNCES PER SQ.FT. OF MATERIAL COVERED.
4. CONTRACTOR TO SUPPLY CONCRETE FOR POST FOUNDATIONS
5. ALL RAIL PIPE AND POSTS TO BE SCHEDULE 40
6. GATE STOPS: 1 FOR EACH GATE PANEL, NO CONCRETE FOOTINGS REQUIRED.

JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
9201 Arboretum Parkway Suite 140
Richmond, Virginia 23236
Phone (804) 323-9900
Fax (804) 323-0596

SEAL

COMMONWEALTH OF VIRGINIA
JEFFREY CRONIN
Lic. No. 037745
8/23/12
PROFESSIONAL ENGINEER

NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD (RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: COT

SHEET TITLE

FENCE NOTES & DETAILS

C-2

JMT JOB NO 11-0309

VDOT STANDARD GENERAL NOTES

EFFECTIVE DATE January 1, 2007

1. All materials and construction within the public right of way shall be in accordance with current Virginia Department of Transportation's specifications, standards, current work area protection manual, and all applicable location and design instructional and informational memorandums.

2. Land Use Permit (CE-7) must be obtained from the Virginia Department of Transportation prior to beginning any construction within the existing state maintained right of way (including access).

3. VDOT is to receive written notification 48 hours prior to commencing with initial construction activities.

4. Prior to any construction, the contractor shall consult the engineer and verify the approval of the plans by all applicable federal, state and local agencies.

5. Preliminary design of the pavement structure for all subdivision streets shall be in accordance with the current edition of The Pavement Design Guide for Subdivision and Secondary Roads in Virginia. The completed design worksheet appendix IV shall be included with the initial plan submittal for each proposed pavement section utilizing the predicted soil support value shown in appendix I of The Pavement Design Guide.

6. The contractor shall verify the elevations of all points of connection or proposed work to existing curbs, sanitary lines, water lines, etc., prior to construction.

7. Upon discovery of soils that are unsuitable for foundations, sub-grades, or other roadway construction purposes, the contractor shall immediately contact a geotechnical engineer and VDOT. These areas shall be excavated below plan grade as directed by a geotechnical engineer, backfilled with suitable material and compacted in accordance with current VDOT specifications.

8. All storm sewer design and construction to be in accordance with VDOT I & I LD-94 (D) 121.13.

9. All drainage structures shall be in accordance with current versions of LD-97 (D) 121. Pipe within the right of way shall be a minimum CL-III or greater in accordance with current VDOT standards and specifications.

10. All pre-cast units shall be VDOT approved. Certification and VDOT stamp will be required on all units. Shop drawings, Geotechnical data and soil bearing capacity, and plan view shall be submitted as package for VDOT review and approval.

11. All concrete shall be minimum class A3-AE (air entrained 3,000 PSI).

12. All entrances are to be designed and constructed in accordance with current VDOT standards. Residential lot access shall be provided per the following criteria:
   - *All driveway entrance culverts are to be a minimum of 15" diameter x 20' long pipe and shall conform to PE-1 private entrance standards unless otherwise directed by the Resident Engineer. No entrance culverts are to be installed within five (5) feet of a property corner.
   - *VDOT standard CG-9D entrances shall be installed in curb and gutter neighborhoods.

   Inspections to be performed by VDOT shall be requested in writing, 48 hours prior to entrance installation.

13. The developer is responsible for furnishing and installing all signs deemed pertinent to the proposed development. The contractor shall contact VDOT inspection staff to establish locations for any signage requirements as deemed necessary by VDOT. Installation of sold signs shall occur at no expense to the state and prior to state acceptance of roadway(s).

14. Design changes, specified materials changes and/or field changes from the approved plans need to be re-submitted to VDOT prior to proceeding with the work. A letter of explanation shall accompany the revised plans and/or drainage calculations, which must be submitted, to VDOT for review and approval by the Resident Engineer.

15. Contractor shall verify location and elevation of all underground utilities shown on plans in areas of construction prior to starting work. Contact engineer immediately if location or elevation is different from that shown on plan. If there appears to be a conflict, and/or upon discovery of any utility not shown on this plan, call Miss Utility at 1-800-552-7001. The developer shall be responsible for the relocation of any utility within existing and/or proposed right of way required by the development.

16. All streetlights shall be located a minimum of 9.5' from the edge of pavement on curb and gutter streets and/or located a minimum of 5.5' behind the ditch line on open ditch streets.

17. Generally, paved roadside ditches are to be specified when velocities exceed current VDOT design criteria or when ditch slopes are less than 0.75%. Where ditch slopes exceed 5.0%, the developer may choose to implement erosion and sediment control measures in an attempt to achieve channel stabilization while acknowledging that additional paved ditch linings may be required prior to acceptance of the roads into the secondary system of state highways. Paved roadside ditches shall conform to VDOT-PG-2A standards and specifications.

18. VDOT and County approval of construction plans does not preclude the right to require additional facilities as deemed necessary for acceptance of the roads into the VDOT Secondary Road System.

19. VDOT approval of site plans will expire five (5) years from the date of the initial approval. VDOT approval of subdivision plans will expire three (3) years from the date of the initial approval.

20. VDOT shall have performed the required field inspection (proof roll) prior to placement of the aggregate base course(s). Contact VDOT, in writing, for subgrade inspection 48 hours prior to scheduling placement of aggregate base course(s).

21. A prime coat seal between the aggregate base and bituminous concrete will be required at a rate of 0.30 gallons per square yard (REC-250 Prime Coat) per VDOT standards and specifications.

22. The scheduling of aggregate base installation and subsequent paving activities shall accommodate forecast weather conditions per Section 315 of The Road and Bridge Specifications.

23. VDOT shall have approved all base course(s) for depth, template and performed the required field inspection (visual, proof roll, compaction or any additional as determined by VDOT inspector) prior to placement of any surface course(s). Contact VDOT, in writing, for inspection of the base course(s) 48 hours prior to application of the surface course(s).

24. An actual copy of the complete CBR report is to be submitted to VDOT in conjunction with final pavement designs. All pavement design recommendations shall be performed in accordance with the current edition of The Pavement Design Guide for Subdivision and Secondary Roads in Virginia.

25. A licensed geotechnical engineer shall ascertain cause and certify recommended method of repair for all pavement structural failures prior to state acceptance.

26. All vegetation and organic material is to be removed from the right of way limits prior to conditioning of the subgrade.

27. Dry gutter is not allowed in VDOT right of way.

28. The developer will be responsible for the design costs of any traffic signal installation and/or modification under an account receivable with VDOT.

29. The necessity and locations for additional VDOT standard underdrains to be determined at time of subgrade inspection.

30. Approval of a detailed construction sequencing/maintenance of traffic narrative for the work zone is a prerequisite for issuance of a Land Use Permit allowing access to and construction within VDOT maintained right-of-way.

31. VDOT shall be provided documentation by a licensed geotechnical engineer, certifying that all in-place pavements meet or exceed the approved pavement design thickness prior to state acceptance. The certifying documentation shall conform to VDOT specifications and the approved plans.

32. The establishment of a temporary vegetative cover is required on all denuded areas that are not to be fine graded for periods longer than 30 days.

33. No structure shall be constructed on state maintained rights of way unless said structures are shown on road construction plans approved by VDOT or covered by a VDOT Land Use Permit (or by a letter of intent from the Resident Engineer to issue said permit at the time of state acceptance).

34. The developer is responsible for contacting the Fredericksburg District Traffic Engineering section at 540-899-4300 for guardrail location and placement requirements.

35. A preconstruction meeting is required prior to undertaking any roadway construction activities. Developer or designee will contact Fredericksburg Residency, in writing, five working days in advance of anticipated construction start to establish date, time and location for preconstruction meeting. The primary function of the construction meeting will be to identify geotechnical parameters of proposed construction activities.

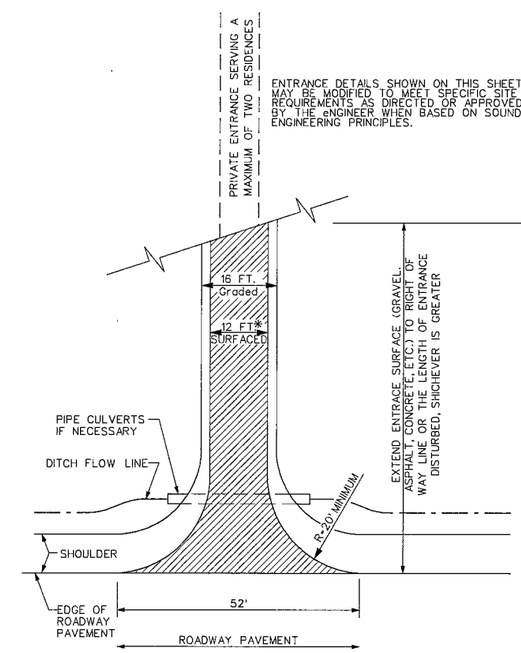
36. Existing pavement markings within state Right of Way are to be eradicated (all eradication scars shall be overlaid with surface mix or slurry seal #4).
   All new striping requires the use of Thermoplastic pavement markings. Contact District Traffic Engineering office at 540-899-4300 ten days prior to proceeding for striping layout.

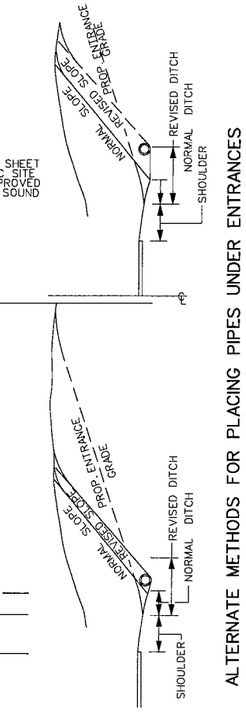
37. A geotech report shall verify/approve stone depths prior to asphalt placement.

38. All construction debris, materials, dumpsters, etc shall be located outside the roadway prism prior to acceptance of the roads and shall be maintained outside the roadway prism within existing state routes.

39. Any landscaping, identification signs, lighting, etc. that may be indicated within the construction plans shall be for information purposes only. Non-standard items must be approved by separate submittal through the permitting process.

NOTES:
ALL ENTRANCE GRADES SHALL START BACK OF THE SHOULDER LINE. IF DRAINAGE IS NECESSARY, THE DITCH LINE MAY BE MOVED BACK TO PROVIDE AT LEAST 9" OF COVER OVER PIPE, AS SHOWN AT RIGHT.
*12' OR EXISTING WIDTH WHICHEVER IS GREATER.
ENTRANCE GRADES ARE TO BE SMOOTHLY TIED INTO THE ROADWAY BY ROUNDING AS NECESSARY.





NOTE:
LENGTHS OF CULVERTS SHOWN ON ROAD PLANS FOR ENTRANCES ARE APPROXIMATE AND SHALL BE ADJUSTED TO OBTAIN ABOVE ROADWAY WIDTHS.

ENTRANCES IN FILL TO BE SAME AS ABOVE EXCEPT LOCATION OF CULVERT (WHEN NECESSARY).

STANDARD PRIVATE ENTRANCES

PE-1

JOHNSON, MIRMIRAN & THOMPSON
Engineering A Brighter Future
9201 Arboretum Parkway Suite 140
Richmond, Virginia 23236
Phone (804) 323-9900
Fax (804) 323-0596

SEAL

COMMONWEALTH OF VIRGINIA
JEFFREY CRONIN
Reg. No. 037745
8/23/12
PROFESSIONAL ENGINEER

NATIONAL COMMUNICATION TOWERS, LLC
5413 PATTERSON AVE, SUITE 101
RICHMOND, VA 23226
804-366-1165

REVISIONS

NO.	DATE	ISSUE
1	8/23/12	

PROJECT NAME

ROCKFISH CREEK SITE

WEST RIVER ROAD (RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

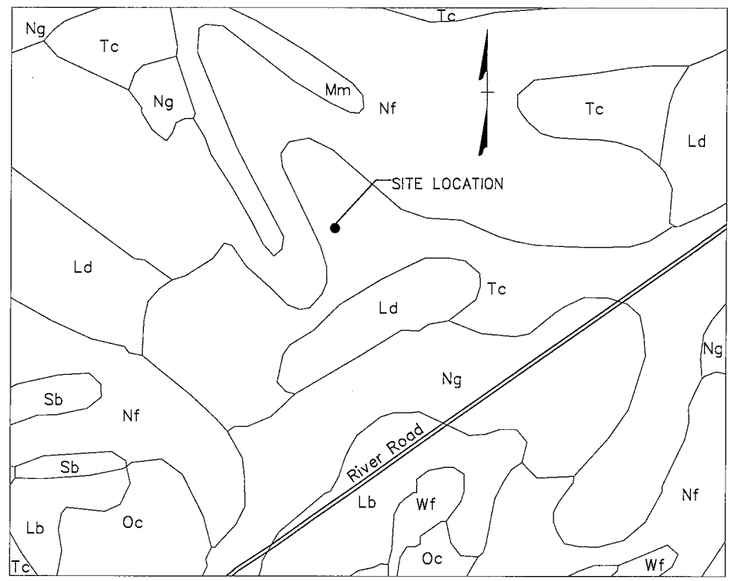
DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: CDT

SHEET TITLE

ENTRANCE REQUIREMENTS

C-3

JMT JOB NO 11-0309



FLUVANNA COUNTY VIRGINIA

SOIL TYPE:

Tc Tatum Silt Loam, Undulating Phase
Nf Nansum Silt Loam, Rolling Phase
Ng Nansum Silt Loam, Undulating Phase

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WEST RIVER ROAD
(RTE 6)

FLUVANNA COUNTY
CUNNINGHAM DISTRICT
VIRGINIA

DATE: 8/23/12
SCALE: AS SHOWN
DESIGNED: J.C.
CHECKED: J.C.
DRAWN: CDT

SHEET TITLE

SOIL MAP

C-4

JMT JOB NO 11-0309

APPROVAL AND CONDITIONS

JOHNSON, MIRMIRAN & THOMPSON
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9201 Arboretum Parkway Suite 140
Richmond, Virginia 23236
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FluvAnna COUNTY
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DATE: 8/23/12
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DESIGNED: J.C.
CHECKED: J.C.
DRAWN: COT

SHEET TITLE

ZONING APPROVAL
&
CONDITIONS

SE-1

SURVEY PLAT SHOWING

A 30' INGRESS/EGRESS & UTILITY EASEMENT AND A 0.3587 ACRE LEASE PARCEL SITUATED ON THE NORTH LINE OF STATE ROUTE NO. 6 CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

August 13, 2012

60 0 60 120 180

Scale: 1"=60'

Shadrach & Associates, LLC

LAND SURVEYING

430 Southlake Blvd., Suite 10-B ● Richmond, Virginia 23236

Phone: (804)379-9300 ● Fax: (804)379-9301

LEGAL DESCRIPTION – 30' Ingress/Egress & Utility Easement

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

1) Along a curve to the left having a radius of 55.85 feet, a delta angle of 62°26'49" and an arc length of 57.90 feet to a point;
2) Thence N 89°00'00" W 80.39 feet to a point;
3) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 27°00'00" and an arc length of 70.03 feet to a point;
4) Thence N 64°00'00" W 312.23 feet to a point;
5) Thence along a curve to the left having a radius of 150.00 feet, a delta angle of 59°29'43" and an arc length of 155.76 feet to a point;
6) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 91°29'43" and an arc length of 239.53 feet to a point;
7) Thence N 32°00'00" W 42.29 feet to a point, said point being the terminus of the centerline of the 30' Ingress/Egress and Utility Easement.

LEGAL DESCRIPTION – Lease Parcel

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

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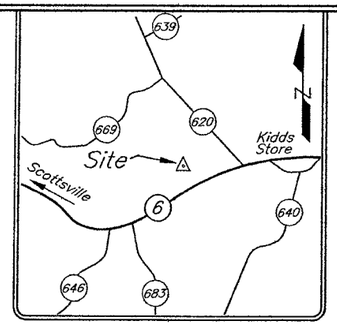
6) Thence along a curve to the right having a radius of 150.00 feet, a delta angle of 91°29'43" and an arc length of 239.53 feet to a point;
7) Thence N 32°00'00" W 42.29 feet to a point, said point being the terminus of the centerline of the 30' Ingress/Egress and Utility Easement and the Actual Point and Place of Beginning of the Lease Parcel;

Thence continuing in a southwesterly direction the following five (5) courses and distances:

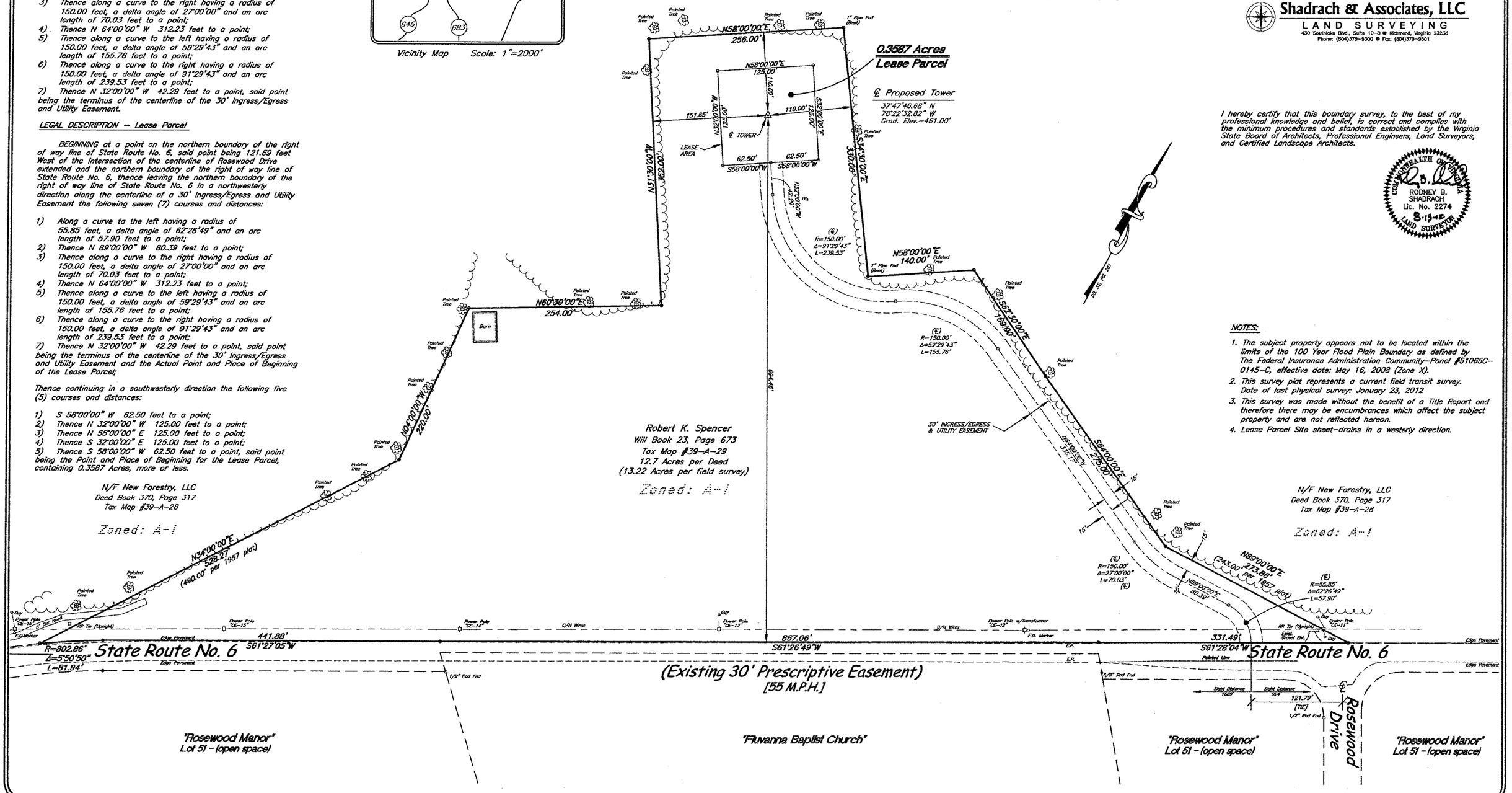
1) S 58°00'00" W 62.50 feet to a point;
2) Thence N 32°00'00" W 125.00 feet to a point;
3) Thence N 58°00'00" E 125.00 feet to a point;
4) Thence S 32°00'00" E 125.00 feet to a point;
5) Thence S 58°00'00" W 62.50 feet to a point, said point being the Point and Place of Beginning for the Lease Parcel, containing 0.3587 Acres, more or less.



Vicinity Map Scale: 1"=2000'

Legend

- Fire Hydrant
- Handicap Parking Spaces
- Painted Parking Spaces (Reg.)
- Water Meter
- Water Valve
- Lamp Post (Metal Post w/light)
- Drainage Manhole
- Sanitary Manhole
- Cable T.V. Pedestal
- Verizon Telephone Pedestal
- U/G Fiber Optic Marker
- Gas Valve
- Vepco Pole
- Vepco Transformer
- Field Survey Traverse Point
- Misc Frame Sign
- Handi-cap Parking Sign
- Irrigation Valve
- Yard Inlet (Drainage)
- Concrete Surface
- RCP Reinforced Concrete Pipe
- CMP Corrugated Metal Pipe
- D.I. Drainage Inlet
- P.O.B. Point of Beginning



I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.

COMMONWEALTH OF VIRGINIA
RODNEY B. SHADRACH
Lic. No. 2274
8-13-12
LAND SURVEYOR

NOTES:

1. The subject property appears not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel #51065C-0145-C, effective date: May 16, 2008 (Zone X).
2. This survey plat represents a current field transit survey. Date of last physical survey: January 23, 2012
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which affect the subject property and are not reflected hereon.
4. Lease Parcel Site sheet-drains in a westerly direction.

LEGAL DESCRIPTION – 30' Ingress/Egress & Utility Easement

BEGINNING at a point on the northern boundary of the right of way line of State Route No. 6, said point being 121.69 feet West of the intersection of the centerline of Rosewood Drive extended and the northern boundary of the right of way line of State Route No. 6, thence leaving the northern boundary of the right of way line of State Route No. 6 in a northwesterly direction along the centerline of a 30' Ingress/Egress and Utility Easement the following seven (7) courses and distances:

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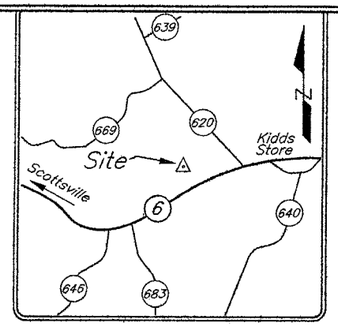
5) Thence S 58°00'00" W 62.50 feet to a point, said point being the Point and Place of Beginning for the Lease Parcel, containing 0.3587 Acres, more or less.



Vicinity Map Scale: 1"=2000'

Legend

- Fire Hydrant
- Handicap Parking Spaces
- Painted Parking Spaces (Reg.)
- Water Meter
- Water Valve
- Lamp Post (Metal Post w/light)
- Drainage Manhole
- Sanitary Manhole
- Cable T.V. Pedestal
- Verizon Telephone Pedestal
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- Yard Inlet (Drainage)
- Concrete Surface
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- D.I. Drainage Inlet
- P.O.B. Point of Beginning

SURVEY PLAT SHOWING

A 30' INGRESS/EGRESS & UTILITY EASEMENT AND A 0.3587 ACRE LEASE PARCEL SITUATED ON THE NORTH LINE OF STATE ROUTE NO. 6 CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

AUGUST 13, 2012

60 0 60 120 180

Scale: 1"=60'

Shadrach & Associates, LLC
LAND SURVEYING
430 Southlake Blvd., Suite 10-B ● Richmond, Virginia 23236
Phone: (804)379-9300 ● Fax: (804)379-9301

I hereby certify that this boundary survey, to the best of my professional knowledge and belief, is correct and complies with the minimum procedures and standards established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, and Certified Landscape Architects.

COMMONWEALTH OF VIRGINIA
RODNEY B. SHADRACH
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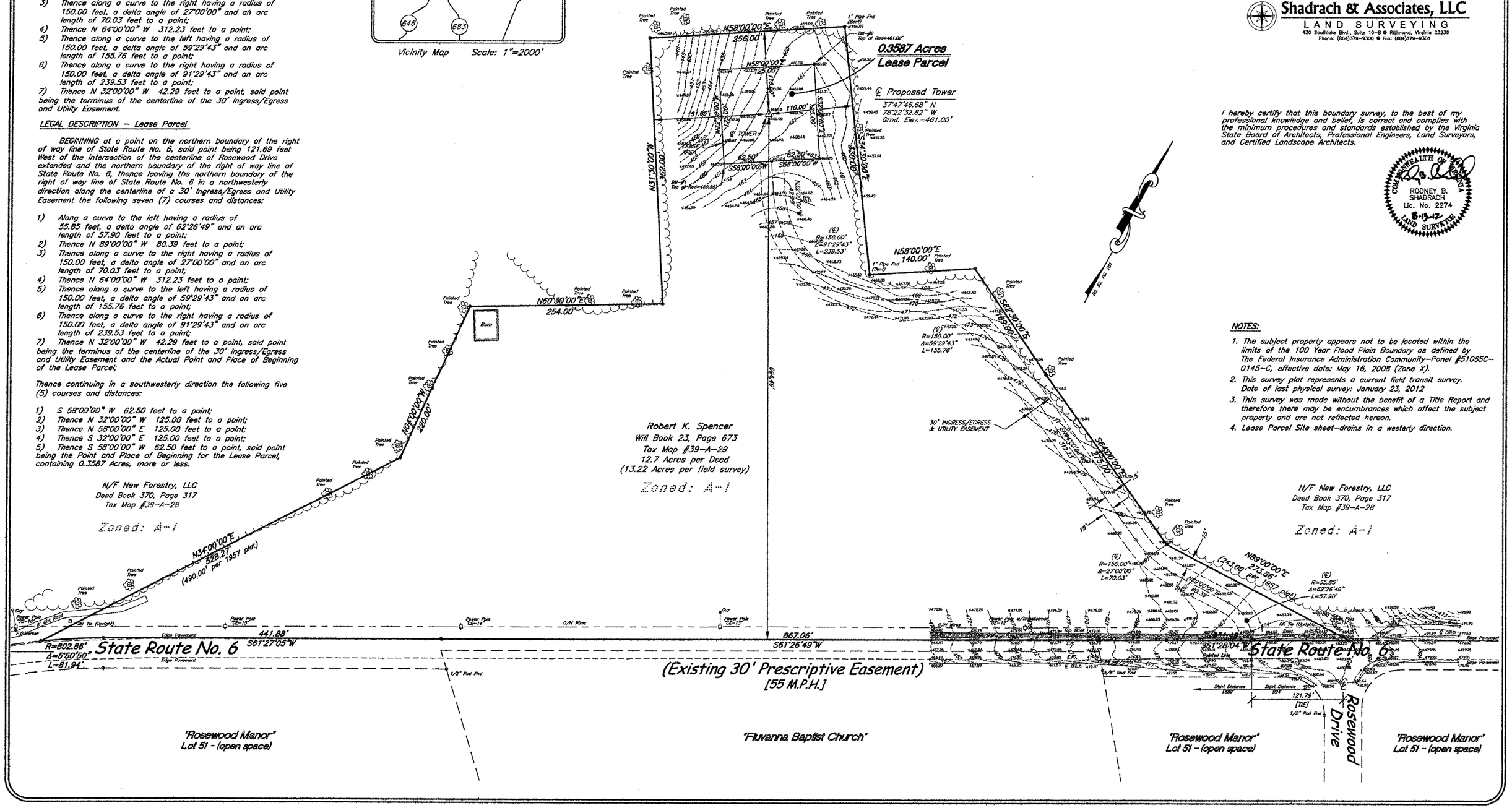
8-13-12
LAND SURVEYOR



NOTES:

1. The subject property appears not to be located within the limits of the 100 Year Flood Plain Boundary as defined by The Federal Insurance Administration Community-Panel #51065C-0145-C, effective date: May 16, 2008 (Zone X).
2. This survey plat represents a current field transit survey. Date of last physical survey: January 23, 2012
3. This survey was made without the benefit of a Title Report and therefore there may be encumbrances which affect the subject property and are not reflected hereon.
4. Lease Parcel Site sheet-drains in a westerly direction.

Fluvanna County
Technical Review Committee Meeting
August 9, 2012

SDP 12:05 – 33 Hunter's Branch, LLC – Proposed storage yard appears to have no impact on the existing well and septic system located on this lot (Tax Map # 5-20-1). The existing system was sized to accommodate 5 employees or a maximum of 100 GPD. No additional connections can be made to this system without receiving prior health department approval.

SUB 12-12 – National Communication Towers, LLC – Proposed wireless communications tower appears to have no environmental impact. There are no homes, septic systems or wells located on this property.

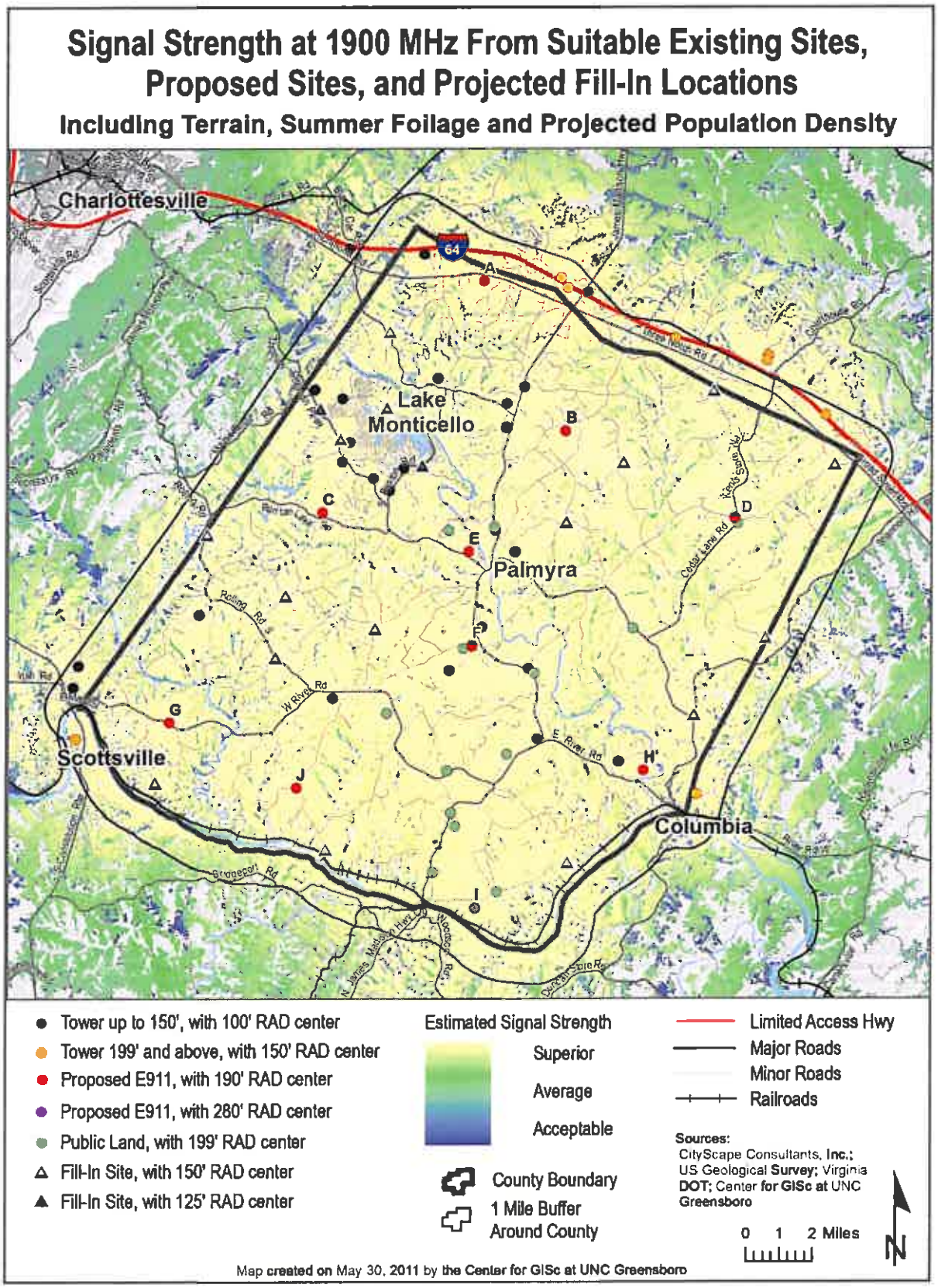


Figure 40: Projected new infrastructure infill sites

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	SUP 12:08 – Jennifer D. Miller (Commercial Kennel & Retail Specialty Store)
MOTION(s):	**I move that the Board of Supervisors approve/deny SUP 12:08, a special use permit request to allow for a Commercial Kennel and Retail Specialty Store pursuant to Fluvanna County Code Section 22-4-2.2 with respect to 6 acres of Tax Map 19, Section A, Parcel 77A, (if approved) subject to the conditions listed in the staff report.**
STAFF CONTACT:	Steve Tugwell (Senior Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	This item is a request for a Special Use Permit (SUP) to allow for a Commercial Kennel and Retail Specialty Store to be located on Tax Map 19, Section A, Parcel 77A (6 acres). The subject property is located on the west side of James Madison Highway (Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	The Board of Supervisors may: • Approve this request, allowing the Commercial Kennel and Retail Specialty Store to be constructed; OR • Deny this request, preventing the Commercial Kennel and Retail Specialty Store from being constructed; OR • Defer this request and make a final decision at a later date.
LEGISLATIVE HISTORY:	Review of a proposed Commercial Kennel and Retail Specialty Store in accordance with Chapter 22, Article 4 of the Fluvanna County Code (Zoning Ordinance: *Uses permitted by special use permit only).* Application was received on August 31, 2012 Planning Commission reviewed the request on October 24, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: SUP 12:08
Tax Map: Tax Map 19, Section A, Parcel 77A

From: Steve Tugwell
District: Columbia
Date: November 20, 2012

General Information: This request is to be heard by the Board of Supervisors on Tuesday, November 20, 2012 at 7:00 pm in the Circuit Court Room in the Courts Building.

Owner/Applicant: Jennifer D. Miller

Representative: Jennifer D. Miller

Requested Action: Request for a special use permit to allow for a commercial kennel and retail specialty store with respect to 6.0 +/- acres of Tax Map 19, Section A, Parcel 77A. The applicant is proposing to operate a commercial kennel and retail specialty store. (Attachment A)

Location: The affected property is located in the Columbia District on the west side of James Madison Highway (Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644) (Attachment B)

Existing Zoning: A-1, Agricultural, General

Planning Area: Rural Residential Planning Area

Existing Land Use: The parcel is approximately six (6) acres in size with a primary residence and private cemetery. (Attachment C)

Adjacent Land Use: The surrounding area is zoned A-1, Agricultural, General.

Zoning History: The subject property was originally part of a larger lot that was subdivided earlier in 2012 (SUB 12:05) to its current six (6) acres.

Neighborhood Meeting:

With the exception of the applicant, one attendee came to the September 12, 2012 neighborhood meeting to learn more about this application.

Technical Review Committee:

At the September 13, 2012 Technical Review Committee meeting, the Health Department stated that an AOSE and/or Engineer must assess for a suitable site for kennel waste and submit the proposed system design to the Fluvanna County Health Department. EPA or DEQ may also be involved in the approval of the system to be installed for the kennel waste.

The Virginia Department of Transportation commented that due to the low volume of traffic associated with the proposed Commercial Kennel on Route 15, VDOT classifies the proposed entrance as a moderate volume commercial entrance and, as such, the minimum stopping sight distance allowed is less than the standard 610 feet intersection sight distance (exact distance depends on the percent of grade on Route 15). The commercial entrance will have to be paved a minimum of 20 ft. wide and have a minimum 25 ft. radii. VDOT will make a site visit and take a quick look at the entrance on Route 15 to see if it is obvious that it meets the minimum stopping sight distance requirement, if the determination of available stopping sight distance requires survey/engineering work it will be the responsibility of the landowner to verify the sight distance. If sight distance cannot be achieved on Route 15 and can be obtained on Route 644 (lower speed limit), then VDOT would approval would require closing the private entrance onto Rte. 15 and upgrading the existing private entrance onto Route 644.

Planning Staff inquired about the grooming aspect of the kennel, and whether or not a small home industry or other SUP may be more appropriate for this use. Planning Staff also inquired about the special events and retail aspects of this application that were mentioned in the applicant's business plan. (Attachment D).

Planning Commission:

The Planning Commission discussed this SUP request at their October 24, 2012 meeting. Ms. Miller addressed the Planning Commission with regard to her request for a commercial kennel and retail specialty store.

Two people spoke with regard to this request during the public hearing. Both speakers stated that they live near the proposed kennel. One of the speakers spoke in favor of a kennel at this location, and the other speaker cited concerns over traffic and noise. After the Public Hearing was closed, the Planning Commission discussed the application at length. The Commission discussed site access, the number of dog runs, and dog grooming at the site.

Discussion generated from the Planning Commission prompted the County Attorney to suggest adding four (4) conditions of approval, thereby mitigating concerns from the discussion. After agreeing to add the four (4) additional conditions, The Planning Commission voted unanimously to recommend approval of SUP 12:08 with a vote of 5-0.

Comprehensive Plan:

VISION 2009

The vision for Fluvanna County is based on key goals such as "preserving the rural character, promote economic development and protect individual property rights". Protecting and preserving the rural character is essential as was expressed by Fluvanna citizens throughout the comprehensive planning process (see Appendix A in the Comprehensive Plan under the "2006 Planning Issues Survey").

Analysis:

The applicant is proposing to operate a commercial kennel, with a variety of peripherally related services. The County's definition of a *commercial kennel* is "*a place designed and used to house, board, breed, handle, or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation*". According to the application, the services associated with the kennel include overnight care, day care, in-home care, a gift shop, and special events. The issue of pet grooming came into question during the Technical Review Committee meeting. Planning Staff has determined that the definition of a commercial kennel as it describes the "*care*" of such pets, is inclusive of the grooming, therefore an additional or separate special use permit is not required. With regard to the "*gift shop*" aspect of this application, the applicant amended her request on September 28, 2012 to include "*retail specialty stores*". Retail specialty stores is defined as "*A retail establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores*". The applicant is proposing to offer pet-related gifts and products for sale.

The location of the proposed kennel is a six (6) acre parcel situated between Route 15 (James Madison Highway), and Route 644 (Salem Church Road). The applicant's primary residence is also on the property, and will allow for 24 hour staffing of the kennel facility. The kennel is proposed to be 30'to 40'x40' in size, and have 10 indoor/outdoor runs, and each "run" includes a "*6ft x 6ft heated/air conditioned indoor space and a 6ft x 6ft outdoor space*". The applicant has stated that the kennel will be "*engineered to mitigate noise and reduce stress on the dogs (which also reduces barking)".* The application further states, "*Some of these designs include solid, insulated walls separating the runs, internal doors located off-center from one another to reduce eye contact, and solid, six-foot barriers separating outdoor runs*". The applicant has stated that the "*special events*" would "*coordinate pet parties or any other special occasions, including adoption events on-site*. (Attachment E)

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

First, the proposed use should not tend to change the character and established pattern of the area or community.

The proposed location for the commercial kennel is a six (6) acre parcel situated between Route 15 (James Madison Highway) and Route 644 (Salem Church Road). Route 15 is a heavily traveled north-south corridor, and its traffic-generated noise levels may make potential noise levels generated by the kennel negligible. The parcel is bordered on the north by Salem Methodist Church, and to the south by St. James Church. According to the application, steps will be taken to insulate the potential noise levels that could be generated by the kennel by sound-proofing the dog-runs, fencing, and additional landscaping.

Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.

Small home industries and commercial kennels are allowed by SUP in the A-1 district. By-right uses that are similar, in operation or size of structures, to this application may include home occupations, equestrian facilities, farm sales, non-commercial greenhouses, and accessory dwellings. The zoning ordinance allows for one accessory dwelling unit per subject property, similar to locating the 30' to 40' x40' kennel on this parcel.

Sec. 22-1-2 of the zoning ordinance states that the purpose of the zoning ordinance is "to protect against over crowding of land". Generally, commercial kennels are considered intensive uses, however given the size and location of this property, it is not anticipated to adversely impact neighboring properties. The applicant is applying to provide a service to the community by bringing a full-service commercial kennel to the area.

Conclusion:

The Board should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, dust, or visual clutter.

Recommended Conditions:

If approved Staff recommends the following conditions: (**The four (4) additional conditions added by the Planning Commission are italicized).**

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. *Access to be allowed from Route 15 or Route 644 or both as permitted by the Virginia Department of Transportation.*
6. *Number of runs to be limited to not more than 20.*

7. *Dog grooming is an ancillary use and all dogs being groomed shall be confined within runs.*
8. *Facility shall be substantially as described in the application*.
9. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
10. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

Suggested Motion:

I move that the Board of Supervisors **approve/deny** SUP 12:08, [if approved], with respect to 6 +/- acres of Tax Map 19, Section A, Parcel 77A, with the conditions as described in the staff report.

Attachments:

A – Application & APO Letter
B – Sketch Plan and Aerial Map
C - Zoning Map
D – TRC Memos from the Health Dept. and Email from VDOT
E – Business Plan and kennel sketch

Copy:
Applicant – Jennifer D. Miller, 17393 James Madison Highway, Palmyra, VA 22963
File

ATT A

Received

AUG 3 1 2012

Fluvanna County

COMMONWEALTH OF VIRGINIA

COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Owner of Record: Jennifer D. Miller

E911 Address: 17393 James Madison Hwy

Phone: 434-589-4260 Fax:

Email: fermiller50@hotmail.com

Applicant of Record: Jennifer D. Miller

E911 Address: 17393 James Madison Hwy

Phone: 434-589-4260 Fax:

Email: fermiller50@hotmail.com

Representative: Jennifer D. Miller

E911 Address: 17393 James Madison Hwy

Phone: 434-589-4260 Fax:

Email: fermiller50@hotmail.com

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District? ◉ No ○ Yes

If Yes, what district:

Tax Map and Parcel(s): 19-A-77A

Deed Book Reference: Deed Book 289, Page 43

Acreage: 6.0+/- **Zoning:** A1

Deed Restrictions? ◉ No ○ Yes (Attach copy)

Request for a SUP in order to: **Build/Operate Commercial Kennel** w/ retail store, specialty DM 9/28/12

Proposed use of Property: Residence/Commercial Kennel

*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges county employees will make regular inspections of the site.

Date: 8/28/12 Signature of Owner/Applicant:

Subscribed and sworn to before me this 28th day of Aug, 2012 Register # 31440

County of Albemarle Commonwealth of Virginia

My commission expires: May 31, 2016 Notary Public:

DAWN M COOPER Notary Public Commonwealth of Virginia 348773 My Commission Expires May 31, 2016

Certification: Date: Zoning Administrator:

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY

Date Received: 8/31/12 Pre-Application Meeting: PH Sign Deposit Received: CK#246 Application #: SUP 12:008

$800.00 fee plus mailing costs paid: CK#246 Mailing Costs: $20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail

Amendment of Condition: $400.00 fee plus mailing costs paid:

Telecommunications Tower $1,500.00 fee plus mailing costs paid: $5,500 w/Consultant Review paid:

Election District: Columbia Planning Area: Rural Residential

Public Hearings

Planning Commission		Board of Supervisors	
Advertisement Dates:	October 11th + 18th	Advertisement Dates:	November 8th + 15th
APO Notification:	October 10, 2012	APO Notification:	November 6, 2012
Date of Hearing:	October 24, 2012	Date of Hearing	November 20, 2012
Decision:		Decision:	

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

Applicant requests permission to construct/operate commercial kennel (approximately 40'x40') on property located at 17393 James Madison Highway. Property is approximately 6.0 acres (zoned A-1) with a residential home currently located on property. For further information on the size, layout, and location of proposed commercial kennel see attached kennel plans and property survey.

NECESSITY OF USE: Describe the reason for the requested change.

In accordance with Sec. 22-4-2.2 of the Code of the County of Fluvanna, commercial kennel facilities are permitted only upon approval of a special use permit. As such, applicant seeks approval of special use permit in order to construct and operate new commercial kennel business on property.

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Commercial Kennels are often undesirable to neighbors, mainly do to noise. However, special care has been taken by the applicant in the planning of the kennel to mitigate these factors. The facility size, being only 10 indoor/outdoor runs, will have a significant an impact on lowering noise levels. Additionally, the property being located in a small valley surrounded by moderate-high levels of vegetation will also assist in mitigating noise. Noise will further be mitigated by utilizing landscaping methods and fencing. Internally, the kennel is also planned and engineered to mitigate noise and reduce stress on the dogs (which also reduces barking). Some of these designs include solid, insulated walls separating the runs, internal doors located off-center from one another to reduce eye contact, and solid, six foot barriers separating outdoor runs.

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

Residents of the county often travel outside the county, mainly to Albemarle County, in order to board their dogs. This commercial kennel will bring a needed resource to the community. Additionally, the introduction of a new business into the community will also generate added income to the county.

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Please see attached plans, survey, and business plan.

Received
AUG 3 1 2012
Fluvanna County

COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Public Hearing Sign Deposit

Name: Jennifer D. Miller

Address: 17393 James Madison Hwy

City: Palmyra

State: VA Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Applicant Signature Date 28AUG12

*Number of signs depends on number of roadways property adjoins.

OFFICE USE ONLY	
Application #: BZA ____:____ CPA____:____ SUP 12 : 008 ZMP ____:____ ZTA ____:____	
$90 deposit paid per sign*: CK# 246	Approximate date to be returned: December 2012

Memorandum

DATE: November 6, 2012

RE: APO'S for **SUP 12:08** Public Hearing Letters

TO: Allyson Finchum

FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **November 20, 2012** Board of Supervisors meeting.

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

NOTICE OF PUBLIC HEARING

November 6, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
TMP# «TMP_»

Re: Public Hearing on SUP 12:08

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Board of Supervisors will hold a public hearing on the above referenced item on **Tuesday, November 20, 2012** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

SUP 12:08 – Jennifer D. Miller - *A request for a Special Use Permit (SUP) to allow for a commercial kennel and a retail specialty store with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A. The property is zoned A-1 (Agricultural, General) and is located on the west side of James Madison Highway (State Route 15) 0.65 miles north of its intersection with Salem Church Road (Route 644). The property is located in the Columbia Election District and is within the Rural Residential Planning Area.*

The applicant or applicant's representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me by phone at 434–591–1910 or by email at stugwell@fluvannacounty.org.

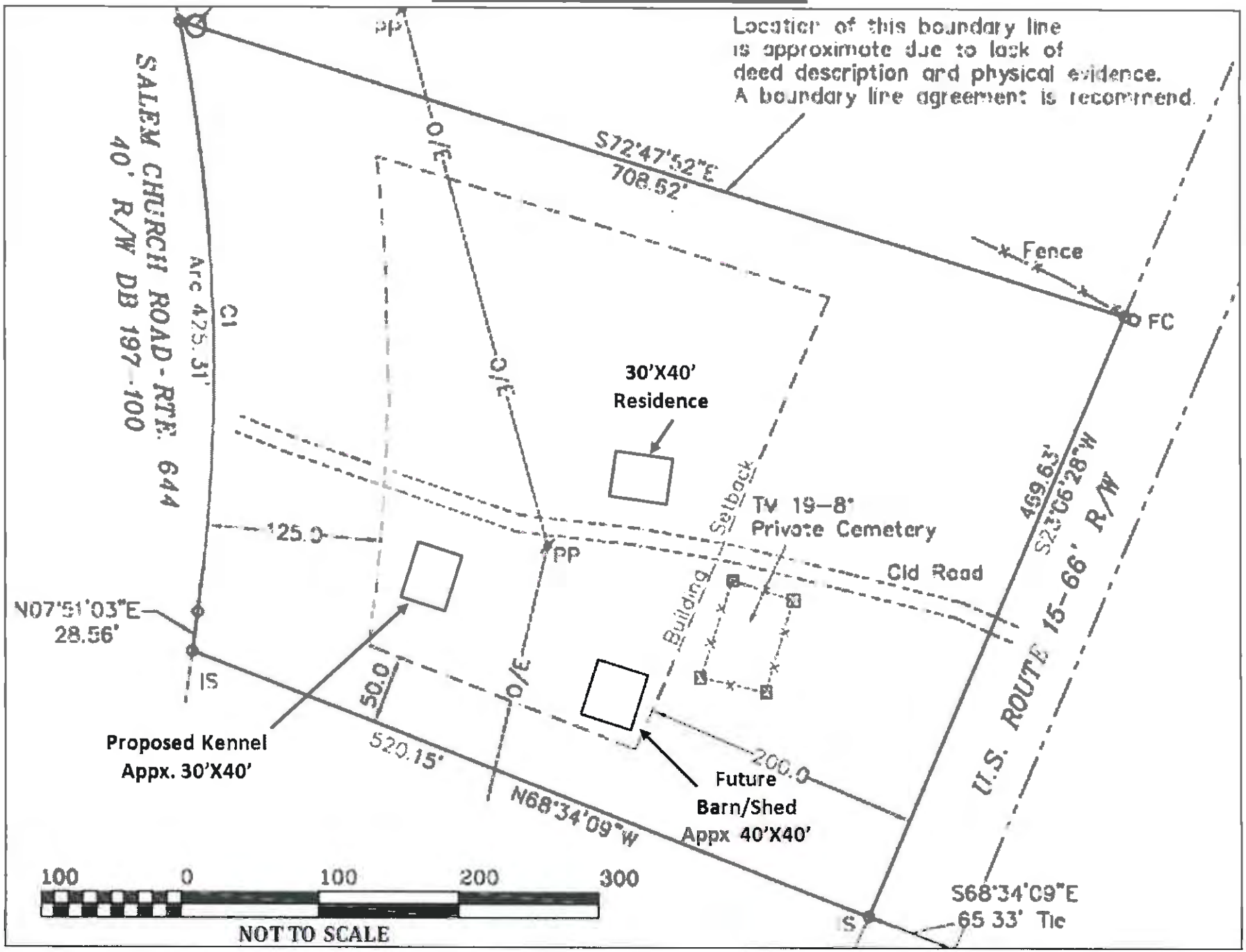
Sincerely,

Steve Tugwell
Senior Planner

SUP 12-08 Adjacent Property Owners

TMP#			Owner	Address	City, State	Zip Code
19	A	79	SALEM METHODIST CHURCH	840 SALEM CHURCH RD	PALMYRA, VA	22963
19	A	80	SCOTT, EMMA C.	210 NINTH ST NW	CHARLOTTESVILLE, VA	22903
19	A	77A	MILLER, JENNIFER (APPLICANT)	17393 JAMES MADISON HWY	PALMYRA, VA	22963
19	1	4	BULLOCK, RYAN G ET AL	2225 LACOMBE AVE, APT 4D	BRONX, NY	10473
19	1	3	DELLINGER, STEVEN R & DEBRA A	17322 JAMES MADISON HWY	PALMYRA, VA	22963
30	A	119A	CSX TRANSPORTATION	500 WATER ST	JACKSONVILLE, FL	32202
19	A	76	ANDERSON, MARY ET AL	869 WILMONT LN	NEWPORT NEWS, VA	23608
19	A	77	WOOD, WILLIE & GLADIOLA D	1717 CORCORAN ST NW	WASHINGTON, DC	20009

Proposed Building Location

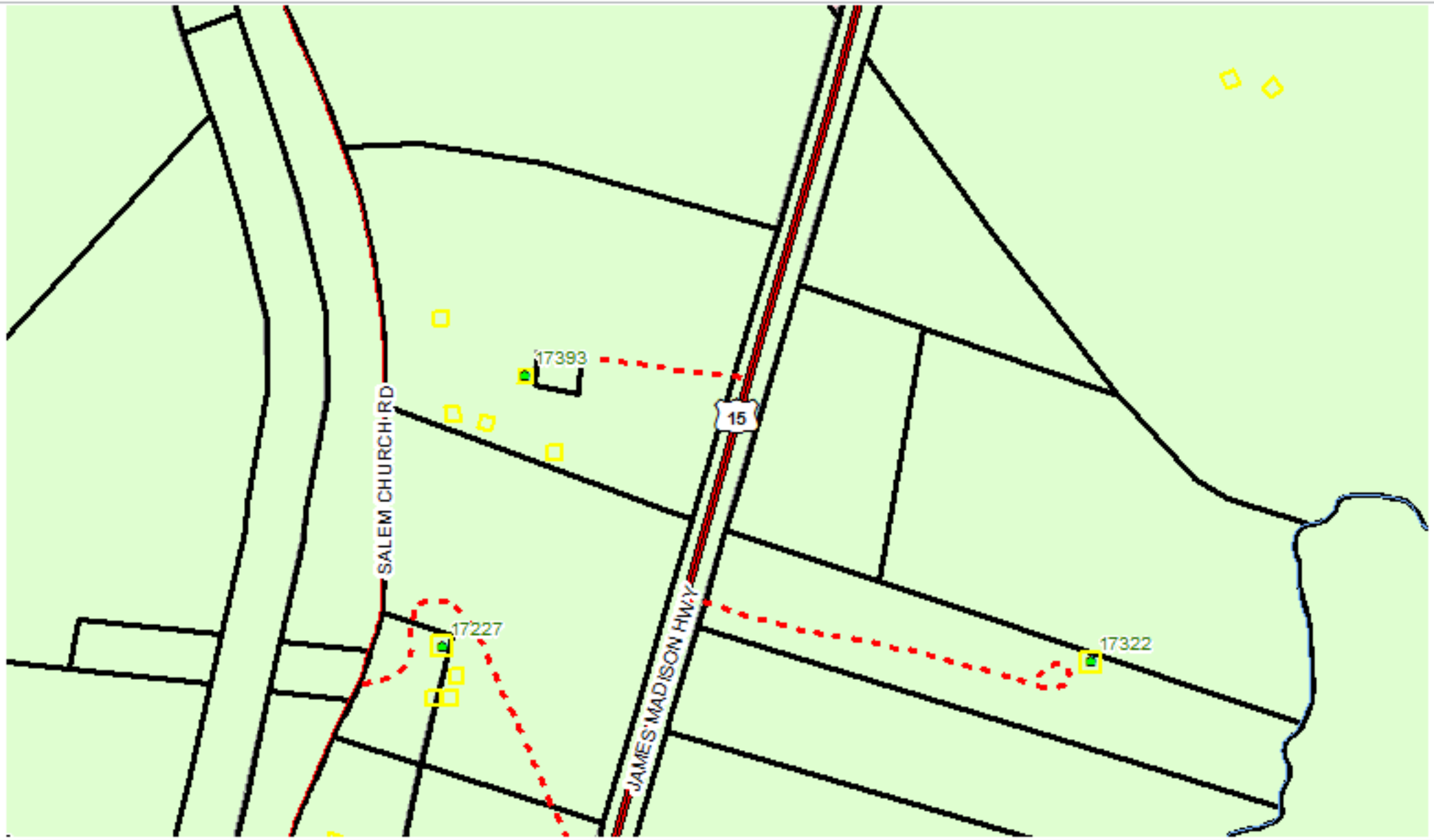


Property Overview (Aerial Photography – 2009)

Property Location (Aerial Photography – 2009)

SUP 12:08 Jennifer D. Miller Commercial Kennel

ATT C



Scale: 1:4513.988705	Date: 10/17/2012	Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

MEMORANDUM

To: County of Fluvanna, Office of Planning and Community Development

From Fluvanna County Health Department, Environmental Health Office

Date: September 13, 2012

I. **SUP 12:08 – Jennifer D. Miller -** A request for a Special Use Permit (SUP) to allow for a Commercial Kennel with respect to 6.0+/- acres of Tax Map 19, Section A, Parcel 77A.

A copy of the Sewage Disposal Permit for the residence on this property is attached. An AOSE and/or Engineer must assess for a suitable site for kennel waste and submit the proposed system design to the Fluvanna County Health Department. EPA or DEQ may also be involved in the approval of the system to be installed for the kennel waste.

II. **ZMP 12:01, Hotel Street Capital, LLC -** An ordinance to amend the Fluvanna County Zoning Map with respect to 232.0 acres of Tax Map 30, Section A, Parcel 110 and Tax Map 19, Section A, Parcel 39C (former Rivanna Resort) to rezone the subject properties from R-3 (Residential, Planned Community) with proffers to PUD (Planned Unit Development).

Proposed connection to Palmyra sewage treatment facility.

Steven Tugwell

From: Wood, Mark (VDOT) <James.Wood@VDOT.virginia.gov>
Sent: Wednesday, September 19, 2012 1:58 PM
To: Steven Tugwell
Cc: Goodale, James E. (VDOT)
Subject: RE: TRC comments

Importance: High

Steve,

VDOT's September 13, 2012 TRC Meeting comments are as follows:

SUP 12:08 – Jennifer D. Miller (Tax Map 19-A-77A)

Due to the low volume of traffic associated with the proposed Commercial Kennel on Rte. 15, VDOT classifies the proposed entrance as a moderate volume commercial entrance and as such the minimum stopping sight distance allowed is less than the standard 610 feet intersection sight distance depending (exact distance depends on the percent of grade on Rte. 15). The commercial entrance will have to have to be paved, minimum 20 ft. wide and have a minimum 25 ft. radii. VDOT will make a site visit and take a quick look at the entrance on Rte. 15 to see if it is obvious that it meets the minimum stopping sight distance requirement, if the determination of available stopping sight distance requires survey/engineering work it will be the responsibility of the landowner to verify the sight distance. If sight distance cannot be achieved on Rte. 15 and can be obtained on Rte. 644 (lower speed limit), then VDOT would approval would require closing the private entrance onto Rte. 15 and upgrading the existing private entrance onto Rte. 644.

ZMP 12:01, Hotel Street Capital, LLC "WALKERS RIDGE" (Tax Map 30-A-110 & Tax Map 19-A-39C)

The TIA Scoping Meeting for Walkers Ridge was held on August 15, 2012. At this meeting VDOT requested that the developer's traffic engineer recount the traffic at the intersection of Rtes. 15/53 due to the changes in traffic associated with the August 2012 opening of the new Fluvanna County High School. Traffic counts were also requested at the intersection of Rtes. 15/616 due to the high volume of commuter traffic using Rte. 616. After the additional data is obtained, analyzed, and the traffic study is finalized, VDOT will review and approve/issue comments on the final traffic study. As noted at the scoping meeting, the proposed commercial entrance spacing shown on the concept plan appears to be out of compliance with VDOT's Access Management Regulations, some entrances may need to be removed, shifted, consolidated, etc.

J. Mark Wood, P.E., L.S.
Area Land Use Engineer
Virginia Department of Transportation
Land Development – South
P.O. Box 1017
11430 James Madison Highway
Troy, VA 22974
Phone: (434) 589-7932
Cell: (540) 223-5240
Fax: (434) 589-3967
Email: Mark.Wood@VDOT.Virginia.gov

Country Paws

Business Plan

November 01, 2011

17393 James Madison Hwy
Palmyra, VA 22963
434-589-4260
fermiller50@hotmail.com

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1. Executive Summary

Country Paws is a high-quality, personal pet services company. It is dedicated to consistently providing high customer satisfaction by rendering excellent service, quality pet care, and furnishing a fun, clean, enjoyable atmosphere at an acceptable price.

The timing is right for starting this new venture. Animals are playing a larger role in our lives and people are choosing to provide them with a good life. Loving families with active pets and an active conscience are in search of better lives for their pets and peace of mind for themselves, causing busy animal lovers to flock to an ever-growing number of animal care facilities across the nation. For customer convenience, in addition to overnight care, Country Paws will include day care, gift and pet specialty products, 24 hour service, and special requests, all in one facility.

Jennifer Miller, one of the owners/operators, has worked training and caring for foster pets over the last several years. Through these activities she has earned the trust and respect of dog owners throughout her community. Jen is active with a local non-profit organization, Animal Connections, and cares for/trains homeless animals until their forever homes can be found. She also often cares for pets of friends and family members. At any given time there have been three or more animals living in her home. From business colleagues to friends surveyed, Jen has what it takes to make this venture extremely successful. She will count on her reputation to exceed expectations while continuously establishing an active client base.

1.1 Mission

To provide superior animal care in a pet friendly atmosphere while ensuring customers, both pet and owner, receive excellent service in a playful, loving and save environment.

1.2 Keys to Success

The keys to success in our business are:

- Superior Customer Service: 24 hour high quality care and service
- Environment: provide a clean, upscale, enjoyable environment conducive to giving professional, trusting service
- Location: provide an easily accessible location for customer convenience
- Reputation: credibility, integrity, and 100% dedication

2. Business Description and Vision

Country Paws is a new company that will provide personalized, high-quality animal care and products. The company will specialize in the following pet services:

- Overnight care
- Day care
- In-home care
- Gift shop
- Special events

What will set Country Paws apart from the competition is our commitment to provide quality, personal services that will enhance the lives of both pets and their owners.

2.1 Company Ownership
Country Paws will be created through the hard work and dedication of Jennifer Miller and Nicholas Lindsey, the company's principal owners and operators.

2.2 Start-up Summary
Total start-up costs will be fully financed through investments made by the owners/operators. Details are available upon request.

2.3 Company Locations and Facilities
This facility will be established on the owner's property, which includes a residence. The property is adjacent to a major highway near the town of Palmyra in the state of Virginia. The main service area will be the immediate area of Palmyra and Zion Crossroads, including Lake Monticello. Additionally, as no facility provides this type of service to the surrounding area, including the Charlottesville area, the business may also attract clients from outside the immediate area.

3. Products and Services

Country Paws will easily set itself apart from other animal service facilities that offer similar pet services. Unlike other pet boarding facilities in the surrounding area, Country Paws combines the safety and security of a traditional boarding facility with the personal attention of in-home care. The main attraction to our facility will be its focus on adding a personal touch. The operators of Country Paws understand that all dogs, as well as their owners, are different. As such, we offer specialized, personal attention in order to meet both their needs and desires

Although the focus of Country Paws will be its state-of-the-art boarding facility, the company will also generate revenue through the sale of pet supplies, including collars, leashes, homemade dog treats, beds, and toys. These items will also maintain the high quality standards of Country Paws, including dog treats made with healthy, human-grade ingredients. Specialized products, including monogrammed items and treats with specified ingredients for dogs with allergies, will also be available.

3.1 Product and Service Description
Country Paws will be considered an upscale, quality animal care facility. The company will offer a wide range of services, including:

- Overnight Care
  - Residence on property allows facility to provide 24-hour staffing
  - State-of-the-art Kennel Facility
    - Each run includes a 6ft x 6ft heated/air conditioned indoor space and a 6ft x 6ft outdoor space
    - In order to reduce cross-contamination which may lead to animal health issues:
      - each indoor run has its own air circulation system
      - each run has its own drainage system
    - Each individual indoor run, along with the entire facility, is sound proofed to reduce stress on animals
    - Each outdoor run has 6ft tall privacy panels to reduce noise, improve safety, and reduce animal stress.
    - As an architectural design, indoor run doors are staggered, preventing direct eye contact between animals, resulting in reduced animal stress
  - One price, no hidden fees. Included in price:
    - One day of boarding

        - Choose a bed (choose which type of bed your animal prefers; including crate, toddler bed, or soft floor pillow bed)
        - Each dog, depending on socialization level, will either receive at least 3 playtimes or walks (morning, afternoon, evening) that will last at least 15 min each
        - Bath prior to scheduled pick-up
        - Free medicine administration
        - Sleep-over available at request (space limited) for older and special needs pets (animals are boarded/sleep in residence)
- Day Care:
    - Provide a fun, safe atmosphere for pets to spend the day exercising and enjoying the company of other pets
    - Each dog will receive at least 3 playtimes (morning, afternoon, evening) that will last at least 15 min each
    - Afternoon snack
- Gift Shop: Provide specialty pet-related gifts and products.
- Special Events: Coordinate pet parties or any other special occasions, including adoption events, on-site.
- Special Requests: Provide service for pets with special needs including, assisting with recovery from surgery, handicaps, etc.

3.2 Competitive Comparison

The competition comes in several forms. Below are some of the choices for pet care services in the area:

3.2.1 In-Home Pet Sitting Services

Many companies in the area offer some form of in-home care. In-home pet care services often involve individuals coming into a pet owners home while they are away. The amount of time dedicated to the pet will greatly affect the price of the service.

Having an individual stay in the home with a pet for 24-hours is the preferred form of pet sitting. A company staff member stays in the owners home while they are absent. Many people utilize this service as it allows their pet to stay in a familiar environment, reducing stress on the animal. However, this service is often more expensive than boarding a pet. Many owners also do not feel comfortable with this service due to the fact they are allowing a stranger to stay in their home unaccompanied. Given the choice, many owners would prefer to board their pet, but do not feel comfortable leaving their pets at the surrounding boarding facilities. As such, they choose to utilize these services only out of necessity.

Other, less expensive in-home services have company staff members visit an owner's home 1-3 times a day to exercise and feed a pet. The prices for these services range greatly but average $10 per visit (including a 20-30 min walk). Again, customers favor this type of service because it allows the pet to stay in its own environment, reducing stress on the animal. However, once again, many customers do not feel comfortable with this service as they are allowing an unaccompanied stranger into their home. Additionally, many customers are not fond of the idea of leaving their pet alone for long periods of time with no way of knowing if the staff member is doing what was agreed upon. Owners often complain that, when utilizing these services, they arrive home to find their pet has no food or water. In spite of this, as owners dislike the surrounding boarding kennels and they are unable to afford 24-hour in-home care, they continue to utilize this service.

3.2.2 In-Home Pet Boarding

In-home pet care services also include companies, or individuals, caring for a pet in the business owner's home. This type of pet care is one of the most popular choices. The pet stays in a home environment, often marketed as a "home away from home". As the price of this service is usually comparable to (if not less expensive) than the surrounding boarding facilities, it is a very popular choice. However, these pet services also come with disadvantages. Without realizing it, owners may be putting their animals in harm's way. Many of these businesses are not licensed and, therefore, are not regulated. The business owners are more often than not unaccustomed with having multiple dogs in their home. Therefore, the home does not have the proper security (e.g., fencing), business owners are not knowledgeable on animal behaviors, and there is no method available for isolating sick or special need animals. In contrast to an established boarding facility, many of these "businesses" are merely individuals who earn additional income by looking after other people's pets. Additionally, these businesses are limited by the pet's personality and the number and of pets they are able to care for at one time (usually only 5 trained and socialized animals at any time).

3.2.3 Boarding Facilities

There are very few licensed boarding facilities in the immediate Palmyra area. The boarding facilities that do exist are merely home-based businesses which are utilized by the owners for additional income. These facilities are extremely basic. The businesses have little-to-no marketing, are not easily accessible, and only provide fundamental pet care (food, water, shelter). However, there are several boarding facilities in the surrounding area, mainly located in the Charlottesville area. These facilities are as follows:

- Albemarle's Wakefield Kennel
  - $17-24/dog/day
  - Kennel Runs:
    - 4ft x 4ft indoor runs
    - 4ft x 12ft outdoor runs
  - Limited Staff hours
  - Limited Grooming
  - Additional Charges:
    - Playtime: $4.00/10 min session (max 3 sessions/day)
    - Nature Walk: $7.50/15 min walk
    - Virtual Visitation: $5.00/virtual visit (2 visits max)
    - Medication Administration: $0.25/administration or $3.00/injection
    - Preparing Food for Special Dietary Needs
    - Special Care for Geriatric Pets
    - Airport Pick-up/Drop-off
    - Bedding Options:
      - Sheet (provided by kennel): Free
      - Bring Own Bedding: $0.50/day
      - Fleece Bedding (provided by kennel): $0.75/day
      - Deluxe Bedding (provided by kennel): $1.25/day

Deluxe Bedding

Indoor Runs

Outdoor Runs

- Dogg House
  - $17-23/dog/day
  - Kennel Runs vary:
    - Penthouse Suite
      - Dogs less than 25lbs
      - 12 ft^2 indoor run only
      - 2 free shortened walks
      - Access to patio for 3-6hrs/day
    - Standard Rooms
      - Dogs 25-60lbs or 2 dogs less than 25lbs
      - 12 ft^2 indoor run
      - 24 ft^2 outdoor run
      - 2 free shortened walks
    - Deluxe Rooms
      - Dogs 60-100lbs or 2 dogs 25-60lbs
      - 16 ft^2 indoor run
      - 40 ft^2 outdoor run
    - Presidential Suites
      - Dogs over 100lbs
      - 20 ft^2 indoor run
      - 50 ft^2 outdoor run
  - Limited Staff hours
  - Grooming

- Additional Charges:
  - Playtime: $3.50/10 min session (max 3 sessions/day)
  - Nature Walk: $7.00/15 min walk (max 2 walks/day)
  - Play/Walk Combo: $8.00/10 min play session and 10 min walk (max 2/day)

Facility Interior

- Pampered Pets
  - $17-24/dog/day
  - Kennel Runs:
    - 14ft in length (indoor only)
  - Limited Staff hours
  - Grooming
  - Day Care:
    - $12/per day/dog
    - Includes one mid-day walk (10 min)
  - Additional Charges:
    - Playtime: $2.50/10 min session (max 3 sessions/day)
    - Special Afternoon Treat (Frosty Paws or Sammy Snacks): $1.50
    - Bedding Options:
      - Sheet (provided by kennel): Free
      - Bring Own Bedding: $0.50/day
      - Fleece Bedding (provided by kennel): $1.00/day
      - Pet Cots: $1.00-$1.75/day (dependent on cot size)

Facility Interior

- Pet Motel and Salon
  - $20-25/dog/day
    - Price includes 3 potty breaks/play sessions (10-15 min ea)
  - Kennel Runs:
    - 3ft wide; 7-10 ft long (indoor only)
  - Limited Staff hours
  - Grooming
  - Additional Charges:
    - Medication Administration: $1-2/administration

Kennel Interior

Indoor Run (No outdoor run)

3.3 Sales Literature

Country Paws will begin with a general corporate brochure establishing offered services. This brochure will be developed as part of the start-up expenses and distributed to large businesses, restaurants, local veterinarians, pet stores, real estate agencies and animal rescue groups. These brochures will also be directly mailed to registered pet owners.

3.4 Technology
Country kennels will maintain the latest Windows and Internet capabilities. We will work directly with clients for reservations. A web page will provide information and maximum exposure of available services and products. Pet products will also be available for purchase online.

3.5 Future Products and Services
ONE YEAR GROWTH PLAN

- Internet access to watch your pet online
- Mobile Grooming (contracted) for location
- Obedience Training (contracted)
- Pet Portraits (contracted)
- Pet Taxi

THREE YEAR

- Expand the number of overnight kennels by 10
- Hire Part-time employee(s)
- Sell and distribute feline gifts and products
- Add an indoor exercise facility

FIVE YEAR

- Expand to also include cattery
- Hire Full-time employee(s)
- Franchise

4. Market Analysis Summary

Country Paws will focus on individuals who consider their pets as part of the family. This consumer base is more likely to pay for quality pet care services rather than settling for less expensive, mediocre pet care service. Our main target audience will be in areas of Zion Crossroads and Lake Monticello. These are the primary gathering locations for individuals living in the immediate community, as well as the largest population centers in the area.

4.1 Target Market Segment Strategy
Country Paws will focus their marketing strategy on quality products and services, both for pets and their owners. The quality message will include the business's conviction to personal attention and services in order to achieve a safe, low-stress, enjoyable environment for pets. Additionally, the message will also focus on trust, providing a place where owners feel comfortable leaving their beloved pets.

4.2 Market Trends and Growth
According to the American Pet Products Association (APPA) National Pet Owners Survey 2011-2012, 72.9 million U.S. households, or 62% of all U.S. households, own a pet. Of these households, 46.3 million own dogs, equating to roughly 78.2 million dogs being owned in the U.S.

Even with a troubled economy, pet owners continue to spend (on average) over $1,500 annually on their pets. The APPA estimates that in 2011 approximately $50.84 billion will be spent on pets in the U.S., a slight increase from the $48.35 billion spent in 2010. Of these expenditures, basic annual expenses for dog owners in 2011-2012 include: $274 for boarding, $70 for treats, and $43 for toys.
These statistics show a growing trend in the U.S. for pet products and services. As pets become more popular in U.S. households, the relationship between animals and their owners has also changed. Pets are increasingly becoming viewed as part of the family. Many owners with no children in the household don't

just view their pets as part of the family; they view their pets as their children. As such, owners are willing to invest money to have their pets cared for in an environment that is similar to their home surroundings and where their pet is provided special attention and treatment.

Strategy and Implementation Summary

Country Paws is a new "breed" of boarding kennel. No other facility similar to Country Paws exists in the area. However, the business's ability to sustain and expand is dependent on customer satisfaction.

5.1 Competitive Edge

Country Paws starts with a critical competitive edge: There is little overall industry competition in the area and no other facility offers the type and scope of quality services provided by Country Paws.

5.1.1 Pricing Strategy

Country Paws will be priced at the upper edge of what the market will bear, competing with similar types of services in the area.

5.1.2 Promotion Strategy

Country Paws will offer multiple promotion strategies in order to better establish itself within the community.

- Promotional homeless pet adoption events will be held at the facility/residence during off-peak seasons; encouraging potential customers to tour the facility, test products, and adopt a homeless pet.
- Discounts will also be vital in promoting the business. Although pet owners may initially utilize the services of Country Paws due to the discount, their use of the services allows for word-of-mouth marking promotions and potential long-term customer relationships. Discounts will include:
    - 1 bag of free homemade dog treats with stay
    - Referral discount
    - Long-term care discount
    - Multiple pet discount
    - Special "holiday" packages
    - Returning customer discounts
- Promotional items (collars, leashes, treats) will also be given to local businesses, pet adoption agencies and pet owners.
- As Country Paws is located directly off a main thoroughfare for area residents, signs will also be utilized to promote the business.

5.1.3 Marketing Strategy

The focus of Country Paws' marketing strategy is a simple one: satisfied customers are the best marketing tool. When a customer leaves our business with a happy pet, the business' name and service will stand on its own. Additionally, Country Paws will also distribute advertising brochures to large businesses for bulletin boards, offering a 10% discount for a limited time to build a client base. The local TV news will be also be contacted to feature our business as a new service to the community and brochures will be distributed to local businesses, including restaurants, pet stores, coffee shops, and veterinarians. Country Paws will also utilize traditional forms of advertising, including advertisements in the yellow pages and local newspapers. Additionally, Country Paws will create and maintain a website and e-mail monthly specials and news to established customers.

6. Management Summary

Country Paws will be organized and managed in a creative, innovative fashion to generate very high levels of customer satisfaction. The company will create a working climate conducive to a high degree of personal development and satisfaction.

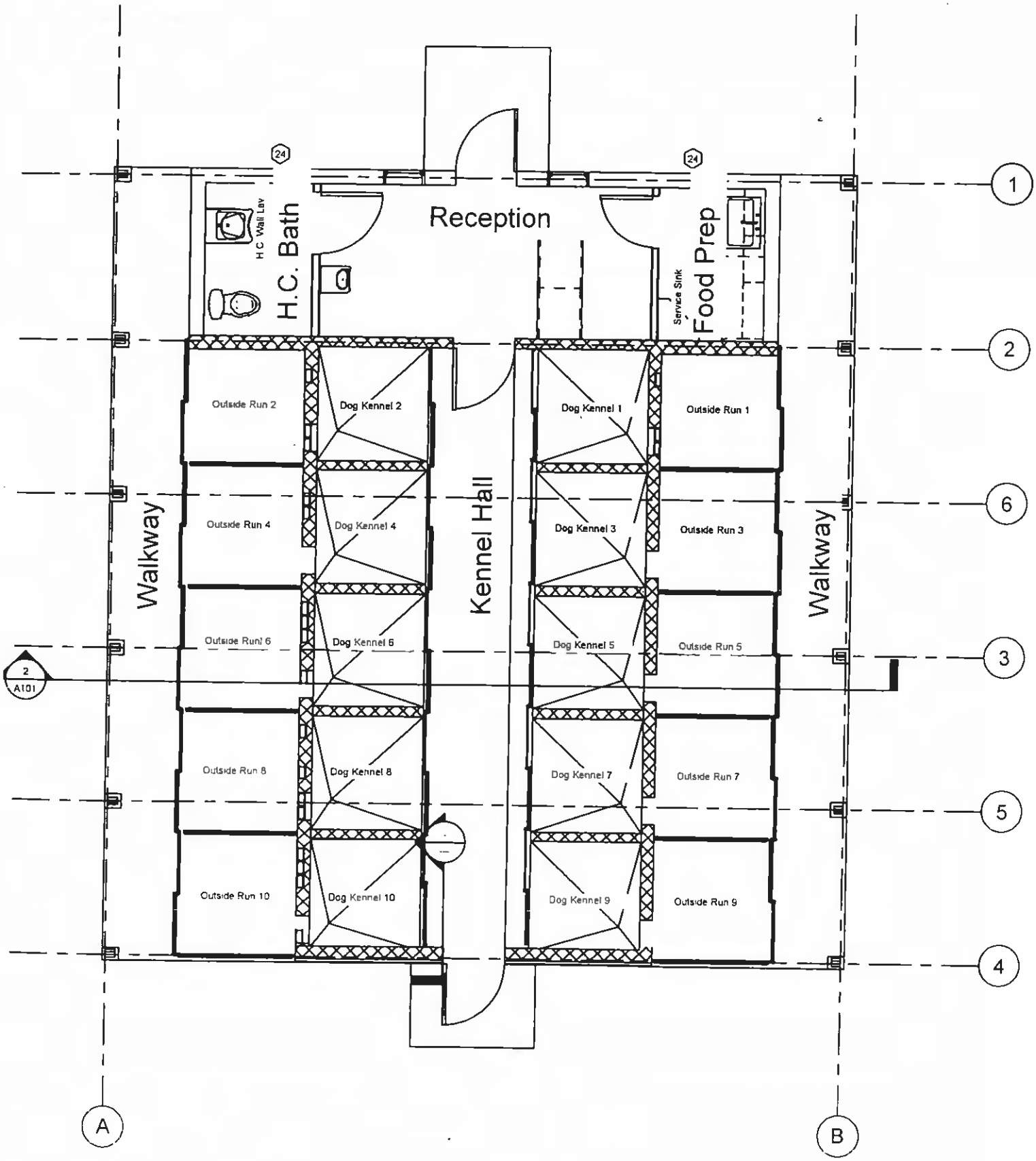
6.1 Personnel Plan

Initially, Country Paws will be managed through the full-time hard work and dedication of the business owners. The normal duties for each owner/operator is as follows:

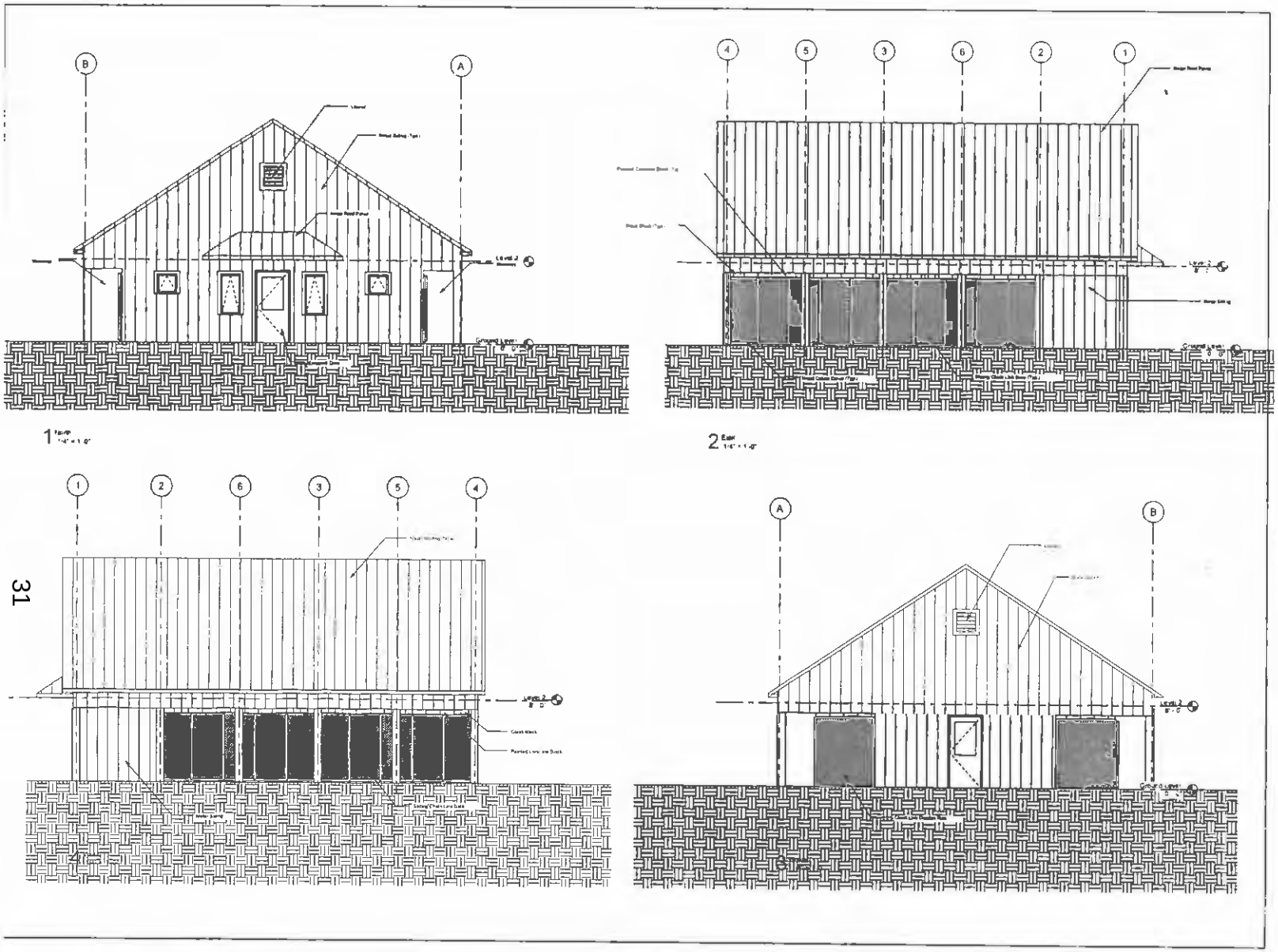
- Owner/Operator 1:
  - Front desk reception: greet customers, receive payments for services/products, set appointments, answer phones, check-in pets, and maintain files of clients with data entry
  - Playground supervisor: monitor animal interactions during playtime, keep area clean, exercise and play with animals in play area
  - Minor grooming: Bathe animals prior to owner pick-up
  - Food/Water/Medication: provide food, water and administer medication to animals
- Owner/Operator 2:
  - Cleaning: disinfect indoor/outdoor kennel runs, collect/replace/wash pet bedding and bowls
  - Grounds Maintenance: lawn care, landscaping, minor facility repair
  - Special Needs Supervisor: walk (or monitor in play yard at specified times) special needs/unsocialized animals
- Contract Employees:
  - A mobile pet groomer may be contracted within the first year of operation. In exchange for providing a large, established client base, the groomer will provide Country Paws with a portion of the grooming profits.
  - One behavioral trainer may be contracted within the first year of operation. In exchange for utilizing Country Paw's facilities for training events, the trainer will provide Country Paws with a portion of the training proceeds.
  - In the first year, assumptions are that the business will be operated solely by the business owners. By the second year, a part-time employee may be hired to assist with operations pertaining to the kennel facility.

7. Financial Plan

Available upon request.



1 Ground Floor Plan



William B. Daggett, Jr., Architect
wdaggett@dpg.architects
100 19th Street NE, Suite 200
Charlottesville VA 22903
434 971 0348

Morton Buildings

Jennifer Miller Boarding Kennels

Elevations

PROJECT PHASE:
Schematic

PROJECT #: 11104

DATE: 1.1.2012

SHEET NUMBER:
A102

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	ZTA 12:03 – Fluvanna County (Landscaping-Related Businesses)
MOTION(s):	**I move that the Board of Supervisors [approve/deny] ZTA 12:03, a request to amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts, as initiated by the Planning Commission by resolution on September 12, 2012 and written in the attached ordinance.**
STAFF CONTACT:	Andrew J. Pompei (Planner)
RECOMMENDATION:	Approve or deny this request.
TIMING:	Immediate decision requested at current meeting.
DISCUSSION:	Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: *Definitions*).
FISCAL IMPLICATIONS:	-
POLICY IMPLICATIONS:	Modification of existing zoning regulations applicable to landscaping-related businesses.
LEGISLATIVE HISTORY:	Modification of existing zoning regulations pursuant to Code of Virginia §15.2-2200. Planning Commission initiated the proposed amendment on September 12, 2012, after several months of research and discussion. Planning Commission formally reviewed the request on October 24, 2012.
ENCLOSURES:	Staff Report (with Accompanying Attachments)

COUNTY OF FLUVANNA

" Responsive & Responsible Government"

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.co.fluvanna.va.us

STAFF REPORT

To: Fluvanna County Board of Supervisors
Case Number: ZTA 12:03

From: Andrew Pompei
Date: November 20, 2012

General Information: This request is to be heard by the Fluvanna County Board of Supervisors on Tuesday, November 20, 2012 at 7:00 pm in the Circuit Courtroom in the Fluvanna County Courts Building.

Applicant/Representative: Fluvanna County

Requested Action: Amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts (Chapter 22, Article 4: *Agricultural, General, District A-1*; Chapter 22, Article 9: *Business, General, District B-1*; Chapter 22, Article 10: *Business, Convenience, District B-C*; Chapter 22, Article 11: *Industrial, Limited, District I-1*; Chapter 22, Article 22: *Definitions*).

Background

In recent years, several landscaping-related businesses have moved to Fluvanna County. There is not an existing definition within the zoning ordinance that adequately describes the activities taking place at these operations. These businesses have been categorized as "commercial greenhouses," but they often involve the stockpiling and distribution of bulk landscaping materials, as well as the operation of heavy equipment.[1]

To address this issue, the Planning Department has worked with the Planning Commission to create new definitions that better describe these types of uses. The regulations established by other localities were studied and discussed.

Project Timeline

The proposed definitions have been discussed at several Planning Commission meetings and at two (2) Technical Review Committee (TRC) meetings. Information has been distributed to existing landscaping-related businesses countywide.

[1]The term *commercial greenhouses* was added as a use permitted by special use permit within the A-1 (Agricultural, General) zoning district in December 2008 as part of ZTA 08:05.

Below is a timeline of events related to ZTA 12:03:

April 27, 2012	Initial Research Distributed to Planning Commission
May 23, 2012	Discussion at Planning Commission Regular Meeting
June 14, 2012	Discussion at Technical Review Committee (TRC) Meeting
June 27, 2012	Discussion at Planning Commission Regular Meeting
July 31, 2012	Information Distributed to Landscaping-Related Businesses
September 12, 2012	Amendments Initiated by Planning Commission
September 25, 2012	Information Mailed to Landscaping-Related Businesses
October 11, 2012	Technical Review Committee (TRC) Meeting
October 24, 2012	Planning Commission Public Hearing

Analysis

The proposed amendment creates new definitions, and modifies existing definitions, to better describe the activities occurring at landscaping-related businesses. Newly-defined uses are added to the uses permitted by-right or by special use permit in select zoning districts.

The following definitions would be modified:

- Greenhouse, commercial
- Greenhouse, non-commercial
- Nursery

Two (2) new uses will be defined and incorporated into the zoning regulations:

- Garden Center
- Landscaping Materials Supply

<u>Uses Defined & Zoning Districts</u>

The purpose of zoning is to promote the health, safety, and general welfare of the public (VA Code §15.2-2283). Zoning aims to accomplish this by separating incompatible uses. For example, heavy industry, which tends to create significant amounts of noise, dust, and traffic, is not permitted in residential areas. This amendment aims to ensure that landscaping-related businesses are situated so that they do not negatively impact nearby uses. Residents living near some of these landscaping-related businesses have complained about the noise, dust, and truck traffic generated by such uses.[2]

Some landscaping-related businesses are already defined within the zoning ordinance and are permitted by-right or by special use permit in certain districts. The zoning districts in which these uses are permitted will not be changed.

[2] See Fluvanna County Board of Supervisors minutes from November 16, 2011 (Page 2); May 16, 2012 (Page 5).

Each of these newly-defined uses will be permitted by-right or by special use permit in the appropriate zoning district(s):

- *Garden centers* generally do not generate significant truck traffic or noise. Such businesses would be permitted by-right in the B-C (Business, Convenience) and B-1 (Business, General) zoning districts; this is consistent with the intent of these districts.
- *Landscaping Materials Suppliers* generate significant amounts of noise, dust, and truck traffic, making them inappropriate for residential and some commercial areas. Such businesses would be permitted by-right in the I-1 (Industrial, Limited) zoning district and by special use permit in the B-C and B-1 zoning districts.

Table 1 describes where landscaping-related businesses would be permitted.

Table 1: Landscaping-Related Businesses & Zoning Districts

Use	**Where Permitted**
Garden Center	By-Right: B-1, B-C, PUD Special Use Permit: A-1
Greenhouse, Commercial	By-Right: B-1, B-C, PUD Special Use Permit: A-1
Greenhouse, Non-Commercial	By-Right: A-1, R-1, R-2, R-3, R-4, PUD
Landscaping Materials Supply	By-Right: I-1 Special Use Permit: A-1, B-1, B-C
Nursery	By-Right: A-1 Special Use Permit: R-1, R-2

The amendment would direct landscaping-related businesses to areas zoned for commercial and industrial use. Operating *garden centers*, *commercial greenhouses*, and *landscaping materials supply* in agricultural areas would require a special use permit, which is consistent with existing regulations. Table 2 describes where the B-C, B-1 and I-1 districts are currently applied.

Table 2: Distribution of Properties Zoned B-C, B-1, and I-1

Zoning District	**Landscaping-Related Business Permitted per Proposed Amendment**	**Acreage within Zoning District**	**Concentrations of Properties within Zoning District**
B-C	*By-Right:* Garden Center Commercial Greenhouse *Special Use Permit:* Landscaping Material Supply	17 acres	Lake Monticello
B-1	*By-Right:* Garden Center Commercial Greenhouse *Special Use Permit:* Landscaping Material Supply	416 acres	Fork Union Kidds Store Lake Monticello Weber City Zion Crossroads
I-1	*By-Right:* Landscaping Materials Supply	666 acres	Carysbrook Zion Crossroads

Comprehensive Plan

Several chapters of the 2009 Comprehensive Plan (*Natural Environment*, *Land Use*, and *Community Design*) encourage well-planned, high-quality development that benefits the surrounding community. New projects effectively address the community's vision and values, and any anticipated adverse impacts are minimized. The proposed amendment aims to direct new landscaping-related businesses to the appropriate areas, minimizing conflicts with incompatible residential and/or commercial uses.

The proposed amendment is consistent with the following goal of the Comprehensive Plan:

- Enable well-planned, coordinated, and sustainable development to occur throughout the County (*Land Use*: Goal 2).

Technical Review Committee

The proposed amendment was reviewed at two (2) Technical Review Committee (TRC) meetings: June 14, 2012 and October 11, 2012.

At the meeting on June 14, 2012, one (1) agency commented on the request:

- The Virginia Department of Transportation (VDOT) stated that any entrances to landscaping-related businesses from state-maintained roadways would have to be reviewed and approved by VDOT.

At the meeting on October 11, 2012, one (1) agency commented on the request:

- The Health Department stated that the agency would ensure that any new business has adequate water and sewage facilities.

Planning Commission

The Planning Commission has discussed this issue at several regular meetings and work sessions since May 2012.

The proposed amendment was formally reviewed by the Planning Commission on October 24, 2012. No one spoke at the public hearing. The Planning Commission recommended approval of the zoning text amendment with a vote of 5-0.

Conclusion

The proposed amendment to the Fluvanna County Zoning Ordinance would better describe the activities taking place at landscaping-related businesses than the existing definition of *commercial greenhouse*.

The proposed amendment is intended to:

- Help the Zoning Administrator interpret and enforce local zoning requirements;
- Help business owners understand zoning regulations applicable to landscaping-related businesses; and
- Limit the negative impacts (noise, dust, truck traffic, etc.) of landscaping-related businesses on adjacent properties and uses.

This proposal, initiated by the Planning Commission after several months of consideration, is consistent with the 2009 Comprehensive Plan, which calls for "well-planned, coordinated, and sustainable development to occur throughout the County" (*Land Use*: Goal 2).

Suggested Motion

I move that the Board of Supervisors [approve/deny] ZTA 12:03, a request to amend the Fluvanna County Zoning Ordinance to create and modify definitions that describe landscaping-related businesses and the activities taking place at such operations, and to add each of the proposed definitions as a use permitted by-right or by special use permit in select districts, as initiated by the Planning Commission by resolution on September 12, 2012 and written in the attached ordinance.

Attachments
A: Application
B: Summary of Proposed Amendments
C: Proposed Ordinance
D: Research from Other Localities

Copy:
Applicant/Representative: Fluvanna County

Reset Form

Print Form

ATTACHMENT A

COMMONWEALTH OF VIRGINIA

COUNTY OF FLUVANNA

Application for Zoning Text Amendment

Owner of Record: Fluvanna County

E911 Address: 132 Main Street, Palmyra, VA 22963

Phone: (434) 591-1910 Fax: (434) 591-1911

Email: afinchum@fluvannacounty.org

Representative: Allyson Finchum (Planning Director)

E911 Address: 132 Main Street, Palmyra, VA 22963

Phone: (434) 591-1910 Fax: (434) 591-1911

Email: afinchum@fluvannacounty.org

Applicant of Record: Fluvanna County

E911 Address: 132 Main Street, Palmyra, VA 22963

Phone: (434) 591-1910 Fax: (434) 591-1911

Email: afinchum@fluvannacounty.org

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Proposed amendment to the Zoning Ordinance: (attach additional sheets as necessary)
If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

Location of Parcel: N/A Section:

Proposed Text: Amendment of the Fluvanna County Zoning Ordinance (Chapter 22) to create new definitions that better describe landscaping-related businesses and the activities taking place at such operations. Newly-descibed uses will be added to the uses permitted by right and by special use permit in certain zoning district.
The amendments would affect Article 4, Article 9, Article 10, Article 11, and Article 22 of the Fluvanna County Zoning Ordinance (Chapter 22).
The proposed amendment was initiated by the Planning Commission on September 12, 2012.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

Date: 9/13/12 Signature of Owner/Applicant: Allyson Finchum

Subscribed and sworn to before me this 13th day of September, 20 12 Register # 7509714

My commission expires: 3/31/2015 Notary Public: Lauren M. Rupell

Date Received: 9/13/12 Pre-Application Meeting: — PH Sign Deposit Received:	Application #: ZTA 12 :03
$550 fee paid: Not Applicable	

Advertisement Dates: Oct. 11th + 18th 2012	Advertisement Dates: Nov. 8th + 15th 2012
APO Notification: Oct. 10, 2012	APO Notification: Nov. 6, 2012
Date of Hearing: Oct. 24, 2012	Date of Hearing Nov. 20, 2012
Decision:	Decision:

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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LANDSCAPING-RELATED BUSINESSES
Summary of Proposed Amendments to the Fluvanna County Zoning Ordinance
November 2012

Existing Definitions within Zoning Ordinance with Proposed Modifications

Greenhouse, Commercial: A ~~greenhouse operation~~ *facility employing a glass, plastic, or similar enclosure for the cultivation of plants,* in which plants ~~and other related products~~ are offered for sale to the public, either at wholesale or at retail. *Supplemental items used in planting and landscaping, such as mulch, topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.*
(Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Greenhouse, Non-Commercial: A ~~greenhouse operation~~ *facility employing a glass, plastic, or similar enclosure for the cultivation of plants,* in which no product is offered for sale to the public.
(Permitted By-Right in A-1, R-1, R-2, R-3, R-4, PUD)

Nursery: A place where plants are grown commercially, either for retail or wholesale distribution. *Plants cultivated on-site may be offered for sale to the general public.* See *Farm sales* use.

> *Farm Sales:* The sale of agricultural produce or merchandise produced primarily by the resident operator on his farm.
> (Permitted By-Right in A-1; Special Use Permit in R-1, R-2)

Proposed Definitions

Garden Center: A retail business in which plants, which may or may not be cultivated on-site, are offered for sale to the general public. Supplemental items used in planting and landscaping, such as pre-packaged mulch, pre-packaged topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.
(Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Landscaping Materials Supply: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.
(Permitted By-Right in I-1; Special Use Permit in A-1, B-1, B-C).

Summary of Definitions

Existing Definitions (To Be Modified)

Greenhouse, Commercial	• Retail sale/wholesale distribution of plants grown on-site inside an enclosure • Sale of supplemental items permitted • Infrequent operation of heavy equipment
Greenhouse, Non-Commercial	• Plants grown on-site inside an enclosure • No retail sales or wholesale distribution
Nursery	• Retail sale/wholesale distribution of plants grown on-site by a resident operator • No products produced off-site may be sold

Proposed Definitions

Garden Center	• Retail sale of plants grown on- or off-site • Sale of supplemental items permitted • Infrequent operation of heavy equipment
Landscaping Materials Supply	• Retail sales/wholesale distribution of landscaping supplies in bulk • Sale of supplemental items permitted • Frequent operation of heavy equipment

AN ORDINANCE TO AMEND AND RE-ENACT PORTIONS OF CHAPTER 22, ARTICLE 4 "AGRICULTURAL, GENERAL, DISTRICT A-1;" CHAPTER 22, ARTICLE 9 "BUSINESS, GENERAL, DISTRICT B-1;" CHAPTER 22, ARTICLE 10 "BUSINESS, CONVENIENCE, DISTRICT B-C;" CHAPTER 22, ARTICLE 11 "INDUSTRIAL, LIMITED, DISTRICT I-1;" AND CHAPTER 22, ARTICLE 22 "DEFINITIONS" OF THE FLUVANNA COUNTY CODE; BY CREATING AND MODIFYING DEFINTIONS FOR CERTAIN LANDSCAPING-RELATED BUSINESSES AND BY PROVIDING FOR SUCH BUSINESSES AS USES PERMITTED BY RIGHT AND BY SPECIAL USE PERMIT IN SELECTED ZONING DISTRICTS

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, by the revisions there to of Section 22-4, Section 22-9, Section 22-10, Section 22-11, and Section 22-22, as follows:

Article 4. Agricultural, General, District A-1

Sec. 22-4-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Agriculture
Conservation areas
Equestrian facilities
Farm sales
Hunt clubs
Hunting preserves

Civic Uses

Public parks and recreational areas
Public uses

Commercial Uses

Family daycare homes
Home occupations

Industrial Uses

Sawmills, temporary

Miscellaneous Uses

Accessory uses
Cemeteries, non-commercial
Greenhouses, non-commercial
Kennels, private
Marinas, private non-commercial
Rural cluster developments

Shooting, private recreational
Utilities, minor
Woodstorage, temporary

Residential Uses
Dwellings, accessory
Dwellings, two-family
Farm tenant housing
Group homes
Manufactured homes
Mobile homes, as defined in Sec. 22-4-2.3
Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-4-2.2. Uses permitted by special use permit only.
The following uses shall be permitted by special use permit only:

Agricultural Uses
Agricultural enterprise
Agricultural sales, wholesale
Livestock feed lots, commercial
Livestock sales yards, commercial

Civic Uses
Amusements, public
Correctional facilities
Cultural services
Educational facilities
Public assembly
Public recreation assembly
Religious assembly
Sheltered care facilities

Commercial Uses
Adult retirement communities
Amusements, commercial
Assisted living facilities
Automobile repair service establishments
Bed and breakfasts
Boarding houses
Butcher shops
Campgrounds
Camps

Car washes
Cemeteries, commercial
Communications service
Dance halls
Daycare centers
Flea markets
Funeral homes
Garden center
Gas stations
Greenhouses, commercial
Hotels
Kennels, commercial
Landscaping materials supply
Lodges
Medical clinics
Outdoor entertainment
Outdoor recreation facilities
Restaurants, small
Retail stores, neighborhood convenience
Retail stores, specialty
Shooting ranges, indoor
Shooting ranges, outdoor
Small home industries
Studios, fine arts
Taxidermists
Veterinary offices

Industrial Uses
Railroad facilities
Resource extraction
Solid waste collection facilities

Miscellaneous Uses
Aviation facilities
Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses
Dormitories

(Ord. 9-17-08; Ord. 12-17-08; Ord. 10-21-09; Ord. 7-21-10; Ord. 11-3-10)

Article 9. Business, General, District B-1

Sec. 22-9-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Amusements, public
Cultural services
Public recreation assembly
Public uses
Religious assembly
Sheltered care facilities

Commercial Uses

Assisted living facilities
Auction houses
Automobile repair service establishments
Automobile sales
Bakeries
Bed and breakfasts
Boarding houses
Butcher shops
Car washes
Cemeteries, commercial
Communications service
Corporate offices
Daycare centers
Financial institutions
Flea markets
Funeral homes
Garden Center
Gas stations
Greenhouses, commercial
Grocery stores
Guidance services
Hospitals
Hotels
Indoor entertainment
Indoor recreation facilities
Laundries
Marinas, commercial
Medical clinics
Nursing homes
Offices
Parking facilities
Personal improvement services

Personal service establishments
Pharmacies
Professional schools
Recreational vehicle sales
Restaurants, fast food
Restaurants, general
Restaurants, small
Retail stores, general
Retail stores, large-scale
Retail stores, neighborhood convenience
Retail stores, specialty
Self-storage facilities
Shooting ranges, indoor
Studios, fine arts
Taxidermists
Vending carts
Veterinary offices

Miscellaneous Uses
Accessory uses
Utilities, minor

(Ord. 3-15-06; Ord. 11-20-07; Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-9-2.2. Uses permitted by special use permit only.
The following uses shall be permitted by special use permit only:

Civic Uses
Educational facilities
Public assembly

Commercial Uses
Amusements, commercial
Dance halls
Entertainment establishments, adult
Halfway houses
Kennels, commercial
Landscaping materials supply
Laundromats
Lodges
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Retail stores, adult
Transportation terminals

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Railroad facilities
Research laboratories

Miscellaneous Uses

Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

(Ord. 3-15-06; Ord. 11-20-07; Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 10. Business, Convenience, District B-C

Sec. 22-10-3. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Amusements, public
Cultural services
Public uses

Commercial Uses

Bakeries
Bed and breakfasts
Butcher shops
Daycare centers
Financial institutions
Funeral homes
Garden Center
Gas stations
Greenhouses, commercial
Grocery stores
Medical clinics
Offices
Parking facilities
Personal service establishments
Pharmacies
Restaurants, fast food
Restaurants, general
Restaurants, small
Retail stores, general
Retail stores, neighborhood convenience
Retail stores, specialty
Studios, fine arts
Taxidermists
Vending carts

Miscellaneous Uses

Accessory uses
Utilities, minor

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-10-4. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Religious assembly
Sheltered care facilities

Commercial Uses

Amusements, commercial
Auction houses
Automobile repair service establishments
Car washes
Communications service
Dance halls
Guidance services
Hotels
Kennels, commercial
Landscaping materials supply
Laundromats
Laundries
Lodges
Personal improvement services
Professional schools
Self-storage facilities
Veterinary offices

Miscellaneous Uses

Outdoor gatherings
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 11. Industrial, Limited, District I-1

Sec. 22-11-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Public uses

Commercial Uses

Automobile repair service establishments
Automobile sales
Car washes
Communications service
Corporate offices
Financial institutions
Flea markets
Gas stations
Landscaping materials supply
Laundries
Medical clinics
Offices
Parking facilities
Professional schools
Recreational vehicle sales
Retail stores, general
Retail stores, large-scale
Retail stores, neighborhood convenience
Retail stores, specialty
Self-storage facilities
Shooting ranges, indoor
Transportation terminals
Vending carts
Veterinary offices

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Manufacturing, light
Railroad facilities
Research laboratories
Sawmills, temporary
Solid waste collection facilities
Upholstery shops
Wholesale warehouses

Miscellaneous Uses

Accessory uses
Utilities, minor
Woodstorage, temporary

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial
Auction houses
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Restaurants, fast food
Shooting ranges, outdoor

Industrial Uses

Manufacturing, medium
Sanitary landfills
Sawmills, permanent
Solid waste material recovery facilities
Truck terminals

Miscellaneous Uses

Aviation facilities
Outdoor gatherings
Telecommunication facilities
Utilities, major

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

Article 22. Definitions

Sec. 22-22-1. Rules of construction; definitions.

The following terms shall have the meanings assigned to them as hereinafter set forth. Except as expressly otherwise defined herein, all terms used in this chapter shall have their ordinary and established meanings, as the context may require. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things.

ACCESSORY USE: A use or structure subordinate to the main use or structure on the same lot and serving a purpose naturally incidental to the main use or structure. When an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered a part of the main structure.

ADULT RETIREMENT COMMUNITY: A planned development providing residences for elderly persons that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

AGRICULTURAL ENTERPRISE: Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, winery and other similar facilities.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, aquaculture, horticulture, floriculture, viticulture, forestry, livestock, and poultry and the necessary accessory uses for packing, treating, or storing the produce.

AGRICULTURAL SALES, WHOLESALE: The wholesale distribution of agricultural related products including, but not limited to, farm tools and implements, tack, animal care products, and other farm supplies. This definition excludes the sale of large implements, such as tractors and combines, but shall include harnesses, saddles, and other related equine equipment.

ALLEY: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change in the total floor area, use or adaptability of an existing structure.

AMUSEMENT, COMMERCIAL: The provision of entertainment or games of skill to the general public for a fee, as permitted by general law.

AMUSEMENT, PUBLIC: Fund-raising activities including those activities sponsored by charitable organizations for which remuneration must be paid by sponsor.

ASSISTED LIVING FACILITY: A publicly or privately operated long-term care alternative for persons aged 55 and over, or persons with disabilities, as defined by the Federal Americans with Disabilities Act, that provides the availability of professionally managed personal and health care services to occupants on premises. These premises are designed for this population; are residential in character and appearance; may include cooking facilities; and in all respects are intended to enable residents to age in place in a home-like environment. The facility operation shall have the capacity to provide residents with an array of services supporting Activities of Daily Living (ADL's) that may include, but are not necessarily limited to, meals, personal care housekeeping, transportation, and supervision of self-administered medication, while optimizing their physical and psychological independence. Such facility shall be deemed a single unit for purpose of calculating density.

AUCTION HOUSE: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a building or structure.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. See *Salvage and scrap yard* use.

AUTOMOBILE REPAIR SERVICE ESTABLISHMENT: A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

AUTOMOBILE SALES: The use of any building, land area or other premises for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other repair service conducted as an accessory use.

AVIATION FACILITY: Facilities for the take-off and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, aircraft maintenance facilities, aviation instruction facilities, and heliports.

BAKERY: A place for preparing, cooking, baking, and selling of products on the premises.
BASE FLOOD/ONE-HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides.

BED AND BREAKFAST: A transient lodging establishment, within an owner occupied property, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BERM: A mound of earth, usually linear in form, used to shield, screen, or buffer views; separate land uses; provide visual interest; or block noise, lights, or glare.

BICYLCE PARKING: Bicycle racks and similar structures, permanently affixed to the ground, designed and used for storing bicycles in a secure, upright position.

BIOTENTION AREA: A vegetated depression engineered to collect, store, and infiltrate runoff generated on-site.

BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property.

BUILDING MASS: The height, width, and depth of a structure

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN: The principal building or one of the principal buildings on a lot, or the building or one of the principal building housing the principal use on the lot.

BUTCHER SHOP: A shop in which meat, poultry, and fish are processed and sold.

CABARET, ADULT: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas for observation by patrons therein. See *Entertainment establishment, adult* use.

CALIPER: A measure of tree size, determined by measuring the diameter of a tree at a point six inches (6”) above the root ball, at the time of planting, or twelve inches (12”) above the ground, for established vegetation.

CAMP: A tract of land, complete with all necessary and accessory uses and structures, used for organized recreational activities under trained supervision. Seasonal accommodations may be provided and such uses shall include boarding camps, day camps and summer camps.

CAMPGROUND: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar transportable or temporary sleeping quarters of any kind. For purposes of this definition, transient shall be for no more than 120 days.

CAR WASH: Facilities for the washing and cleaning of vehicles, including automatic and self-service car washes.

CELLAR: The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

CEMETERY, COMMERCIAL: A place where human remains are interred, above or below ground, and where plots are sold for that purpose, and perpetual care of the graves is furnished. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

CEMETERY, NON-COMMERCIAL: A place where human remains are interred above or below ground and where plots are not sold. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

CENTRAL SEWERAGE SYSTEM: A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, including, but not limited to, septic tanks and/or drain fields, or any of them designed to serve three or more connections, used for conducting or treating sewage which is required to be approved by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 9 of the Code of Virginia. See *Utilities, major* and *minor* uses.

CENTRAL WATER SUPPLY: A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three or more connections, which is required to be approved by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 7 of the Code of Virginia. See U*tilities, major* and *minor* uses.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or the preservation of historically or environmentally sensitive features.

COMMISSION, THE: The Planning Commission of Fluvanna County, Virginia.

COMMUNICATIONS SERVICE: Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as major utilities or telecommunication facilities. Typical uses include, but are not limited to, television studios, telecommunication service centers, radio stations, or film and sound recording facilities.

COMPREHENSIVE PLAN: The Fluvanna County Comprehensive Plan.

CONDOMINIUM: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportionate undivided basis.

CONDOMINIUM ASSOCIATION: The community association that administers and maintains the common elements of a condominium.

CONNECTION, WATER OR SEWER: The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

CONSERVATION AREA: Any parcel or area of substantially undeveloped land conserved in its natural state to preserve or protect endangered species, critical environment features, viewsheds, or other natural elements including, but not limited to, preserves, wildlife management areas and refuges, open spaces and habitat protection areas.

CONTRACTOR'S STORAGE YARD: Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

CORPORATE OFFICE: An establishment primarily engaged in providing internal office administration services as opposed to customer service. Such uses generally include the headquarters, regional offices or administrative offices for a corporation.

CORRECTIONAL FACILITY: A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

CUL-DE-SAC: The turnaround at the end of a dead-end street.

CULTURAL SERVICES: A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

CURVILINEAR STREET SYSTEM: A pattern of streets that is primarily curved.

DANCE HALL: Establishments in which more than ten (10) percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing, except when sponsored by civic, charitable, or nonprofit groups.

DAYCARE CENTER: A facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, daycare centers, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DIAMETER AT BREAST HEIGHT: A measure of tree size, determined by measuring the diameter of a tree at a point four and one-half feet (4.5') above the ground.

DORMITORY: A residence hall providing rooms for individuals or for groups usually without private baths. Also, a large room containing numerous beds.

DRIPLINE: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

DRIVE-IN WINDOW: A facility designed to provide access to commercial products and/or services for customers remaining in their automobiles.

DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, mobile homes, and travel trailers.

DWELLING, ACCESSORY: A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following: (1) A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or (2) A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit contained within a detached accessory unit; that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property. One accessory dwelling shall be permitted per property plus one additional accessory dwelling for each 50 acres of contiguous property. Accessory dwelling units shall be subject to the setback requirements for primary structures.

DWELLING, MULTI-FAMILY: A building or portion thereof which contains two or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

DWELLING, SINGLE-FAMILY ATTACHED: Two or more single family dwellings sharing two or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

DWELLING, SINGLE-FAMILY DETACHED: A building designed for occupancy by one family which has no connection by a common party wall to another building or structure similarly designed.

DWELLING, TOWNHOUSE: A single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING UNIT: Any building or portion of building intended to be used for residential purposes by a single family and designed or arranged in such a manner that none of the facilities or areas customarily provided for cooking, sleeping, eating sanitation, or other residential functions is shared by any other family or persons residing in the same structure.

EDUCATIONAL FACILITY: A public or private institution for the teaching of children or adults including primary and secondary schools, colleges, and similar facilities.

EGRESS: An exit.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENTERTAINMENT ESTABLISHMENT, ADULT: Any adult cabaret, adult motion picture theater, or adult video-viewing or arcade booth.

EQUESTRIAN FACILITY: Facilities designed and used primarily for equestrian related activities including, but not limited to: riding schools, horse exhibition facilities, polo fields, and pack stations. This includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

EVERGREEN: A plant with foliage that remains year-round.

FAMILY: (1) An individual; or

(2) Two (2) or more persons related by blood, marriage, adoption, or guardianship, plus not more than (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or

(1) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.

(2) A group home of eight (8) or fewer people residing in a single-family residence as described in Section 15.2-2291 of the Code of Virginia.

FAMILY DAYCARE HOME: A single-family dwelling in which more than five (5) but less than thirteen (13) individuals are received for care, protection, and guidance during only part of a twenty-four (24) hour day. Individuals related by blood, legal adoption, or marriage to the person who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.

FARM: One or more parcels of land used for the primary purpose of agricultural production.

FARM TENANT HOUSING: A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multi-family dwelling(s) for seasonal employees in connection with an orchard or other agricultural use which relies on seasonal employees who must be housed.

FARM SALES: The sale of agricultural produce or merchandise produced primarily by the resident operator on his farm.

FINANCIAL INSTITUTION: An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: trust companies, savings banks, industrial banks, savings and loan associations, building and loan associations, commercial banks, credit unions, federal associations, and investment companies.

FLEA MARKET: A market held in an open area or building where goods are offered for sale to the public by individual sellers, generally on an occasional or periodic basis.

FLOOD: A general or temporary condition of partial or complete inundation of normally dry land areas.

FLOOD, BASE: The flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD ELEVATION, BASE: The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

FLOOD HAZARD AREA, SPECIAL: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOR AREA RATIO: The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOOTCANDLE: A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

FRONTAGE: The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street.

FUNERAL HOME: A facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Typical uses include funeral homes or mortuaries.

GARDEN CENTER: A retail business in which plants, which may or may not be cultivated on-site, are offered for sale to the general public. Supplemental items used in planting and landscaping, such as pre-packaged mulch, pre-packaged topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.

GAS STATION: Any place of business used primarily for the storage, dispersal, sale, or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any use associated with automobile fuel sales shall be considered a gas station.

GOVERNING BODY: The Board of Supervisors of Fluvanna County, Virginia.

GREENHOUSE, COMMERCIAL: A ~~greenhouse operation~~ *facility employing a glass, plastic, or similar enclosure for the cultivation of plants,* in which plants ~~and other related products~~ are offered for sale to the public, either at wholesale or at retail. *Supplemental items used in planting and landscaping, such as mulch, topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.*

GREENHOUSE, NON-COMMERCIAL: A ~~greenhouse operation~~ *facility employing a glass, plastic, or similar enclosure for the cultivation of plants,* in which no product is offered for sale to the public.

GREENWAY: (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use. a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector lining parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

GROCERY STORE: A retail business primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on- or off-site.

GROUP HOME: A licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, shall be considered a residential occupancy by a single family.

Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance. Such facility shall be licensed by the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, in order to qualify as a single-family use.

GUIDANCE SERVICES: A use providing counseling, guidance, recuperative, or similar services for person requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four hour day.

HALFWAY HOUSE: An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to person re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

HEALTH OFFICIAL: The legally designated health authority of the State Board of Health for Fluvanna County or his authorized representative.

HISTORICAL AREA: As indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

HISTORIC STRUCTURE: Any structure that is (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, no one is employed other than members of the family residing on the premises, there is no substantial increase in traffic, and provided that not more than 25% of the gross floor area of such dwelling shall be used for such occupation.

HOMEOWNERS ASSOCIATION: A community organization, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medial offices, and staff residences.

HOTEL: A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities. Such uses include hotels, motels, motor lodges, and motor courts.

HUNT CLUB: Areas reserved to members of the club for private hunting of wildlife, fishing, and accessory uses in support of those activities.

HUNTING PRESERVE: An area licensed by the commonwealth for public or private hunting of wildlife, fishing, and accessory uses in support of those activities.

IMPERVIOUS SURFACE: Any material that prevents absorption of stormwater into the ground.

INDOOR ENTERTAINMENT: Predominantly spectator uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

INDOOR RECREATION FACILITY: Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

INOPERABLE MOTOR VEHICLE: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. See *Salvage and scrap yard* use.

KENNEL, COMMERCIAL: A place designed and used to house, board, breed, handle or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation.

KENNEL, PRIVATE: The keeping, breeding, raising, showing, or training of four (4) or more dogs, cats, or other household pets over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

LANDSCAPING MATERIALS SUPPLY: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.

LAUNDROMAT: A building where clothes or other household articles are washed in self service machines and where such washed clothes and articles may also be dried or ironed.

LAUNDRY: Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Service Establishments. Typical uses include, but are not limited to, bulk laundry and cleaning plants, diaper services, or linen supply services.

LEVEL OF SERVICE: A description of traffic conditions along a given roadway or at a particular intersection.

LIVESTOCK FEED LOT, COMMERCIAL: A commercial establishment where livestock is fattened for sale and where feed is transported from other places.

LIVESTOCK SALE YARD, COMMERCIAL: A commercial establishment wherein livestock is collected for sale or auctioning.

LODGE: A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include facilities for members to reside.

LOT: A parcel of land, including a residue, described by metes and bounds or otherwise or shown on a plat, and intended as a unit of real estate for the purpose of ownership, conveyance or development.

LOT, CORNER: A lot abutting upon two (2) or more street rights-of-way at their intersection. Of the two sides of a corner lot, in the absence of evidence to the contrary based on actual development, the front shall be presumed to be the shorter of the two sides fronting on streets.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, INTERIOR: Any lot other than a corner lot.

LOT, PIPESTEM: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right of way or driveway.

LOT, REVERSE FRONTAGE: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

LOT, THROUGH: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT, WIDTH OF: The average horizontal distance between side lot lines.

LOT OF RECORD: A lot, a plat or description of which has been recorded in the clerk's office of the Circuit Court.

LOW-IMPACT DEVELOPMENT: A design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally-equivalent site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Examples of low-impact development techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, plywood, drywall, paneling, concrete masonry unit (CMU) blocks and other concrete products, but not including the manufacture of such products.

MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

MANUFACTURED HOME: A factory-built, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Also referred to as mobile homes.

MANUFACTURED HOME SALES: Establishments primarily engaged in the display, retail sale, rental, and repair of new and used manufactured homes, modular homes, parts, and equipment.

MANUFACTURING, HEAVY: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MANUFACTURING, LIGHT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANUFACTURING, MEDIUM: The processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

MARINA, COMMERCIAL: A marina designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

MARINA, PRIVATE: A marina, including a dock for the use of a single parcel, designed and intended to be used for mooring of boats owned by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

MEDIA, ADULT: Magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See *Retail store, adult* use.

MEDICAL CLINIC: A facility providing medical, psychiatric, or surgical service for persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, “medical clinic” includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

MINING: The breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals; any activity constituting all or part of a process for the extraction or removal of minerals so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction. Nothing herein shall apply to mining of coal. This definition shall not include, nor shall this title, chapter, or section be construed to apply to the process of searching, prospecting, exploring or investigating for minerals by drilling (Virginia Code Section 45.1-180). See *Resource extraction* use.

MOBILE HOME: See *Manufactured home.*

MANUFACTURED HOME PARK: Any site, lot, field or tract of land which is held out for the locations of occupied trailers which trailers or lots are intended for use by a person or persons other than the property owner, except as otherwise permitted in this chapter.

MODULAR HOME: A dwelling unit primarily manufactured off-site in accordance with the Virginia Uniform Statewide Building Code standards and transported to the building site for final assembly on a permanent foundation.

MOTION PICTURE THEATER, ADULT: An establishment that shows sexually oriented movies, distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas as a significant part of its business. See *Entertainment establishment, adult* use.

MURAL: A work of art (as a painting) applied to and made integral to a building wall, fence, etc., that is prepared by, or under the direction of, a skilled artist and shows imaginative skill in arrangement or execution and specifically not attempt to advertise any specific business, product or service.

NATURAL MEADOW: A continuous area designated on a landscape plan that is planted with grasses and wildflowers native to Virginia that are allowed to grow in their natural habit. Such areas are actively managed to prevent the growth of woody vegetation and invasive species.

NONCONFORMING ACTIVITY, NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of the ordinance for the district in which it is located.

NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

NURSERY: A place where plants are grown commercially, either for retail or wholesale distribution. *Plants cultivated on-site may be offered for sale to the general public.* See *Farm sales* use.

NURSING HOME: Any place or institution, other than a hospital, for the aged, infirm, senile, chronically ill, or convalescent established to render domiciliary care, custodial care, treatment or lodging to three (3) or more nonrelated persons.

OFFICE: A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way as required by Article 26 (Sec. 22-26-1 through 22-26-8) of this chapter.

OUTDOOR ENTERTAINMENT: Predominantly spectator uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

OUTDOOR GATHERING: Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks or on public school property shall not be included within this use type.

OUTDOOR RECREATION FACILITY: Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, golf courses, driving ranges, tennis courts, motorized cart and motorcycle tracks, paintball facilities, swimming pools, athletic ball fields.

PACKAGE TREATMENT PLANT: Small, self contained sewage treatment facility built to serve designated service areas. See *Utility, major* use.

PARKING AREA: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PARKING BAY: A continuous row of parking, containing twenty (20) parking spaces or less, bounded on both ends by a parking island, as specified in Article 22 of this chapter.

PARKING FACILITY: A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use. This use type excludes temporary parking facilities permitted by county code.

PAVERS: Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PERSONAL IMPROVEMENT SERVICES: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include, but are not limited to, driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction.

PERSONAL SERVICE ESTABLISHMENT: An establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops; dry cleaners; and seamstresses, tailors, and shoe repair.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater into previously unimproved land.

PETROLEUM DISTRIBUTION FACILITY: A facility for the storage and distribution of fuels or other volatile products.

PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

PLAT: A schematic representation of a parcel or subdivision.

PLAT, PRELIMINARY: A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines or proposed lots and certain proposed features and improvements.

PLAT, FINAL: A plat showing the new property lines and certain features and improvements installed pursuant to the preliminary plat, showing their location as built, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the Clerk of the Circuit Court and to convey the individual lots shown thereon.

PROFESSIONAL SCHOOL: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills, or other similar activity or occupational pursuit, but not including educational facilities.

PROPERTY OWNERS' ASSOCIATION: An entity established, pursuant to Section 55-508 et set. of the Code of Virginia, or otherwise, for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

PUBLIC ASSEMBLY: Facilities that accommodate public assembly for purposes such as sports, amusements, or entertainment. Typical uses include, but are not limited to, auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC PARK AND RECREATIONAL AREA: Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses but not including public recreation assembly.

PUBLIC RECREATION ASSEMBLY: Publicly owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

PUBLIC SAFETY FACILITY: Public agency facilities that provide public safety and emergency services including fire, rescue squad, and police stations and related administrative facilities. See *Public use*.

PUBLIC USE: Uses, structures, and facilities made available for public service including, but not limited to, parks, playgrounds, libraries, public safety and emergency facilities, and administrative buildings.

PUBLIC WATER AND SEWER SYSTEM: A water or sewer system owned and operated by a municipality, county or other political subdivision of the Commonwealth.

PUMPING STATION: A building or structure containing the necessary equipment to pump a fluid to a higher level.

RAILROAD FACILITY: Railroad yards, equipment servicing facilities, and terminal facilities.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, and table games.

RECREATIONAL VEHICLE: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projects; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, traveling, or seasonal use.

RECREATIONAL VEHICLE SALES: Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

RECTILINEAR STREET PATTERN: A pattern of streets that is primarily characterized by right-angle roadways, grid pattern blocks, and four-way intersections.

RELIGIOUS ASSEMBLY: A use providing regular organized religious worship or related incidental activities, except primary or secondary schools and day care facilities.

RESEARCH LABORATORY: A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENTIAL AREA (GROSS): The total area of land and water within a residential development.

RESIDENTIAL AREA (NET): That area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas; provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas.

RESIDENTIAL DENSITY (GROSS): The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

RESIDENTIAL DENSITY (NET): The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.

RESIDUE: The remainder of a lot after a subdivision has detached one or more lots, which residue shall be deemed, for purposes of this chapter, to be a new lot.

RESOURCE EXTRACTION: A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

RESTAURANT, FAST FOOD: An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or consumption on the premises, served in disposable containers at a counter or to drive-up or drive-thru customers in motor vehicles.

RESTAURANT, GENERAL: An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

RESTAURANT, SMALL: An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and typically characterized by table service to customers.

RETAIL STORE, ADULT: An establishment that: offers for sale or rent items from any of the following categories: (a) adult media, (b) sexually oriented goods, or (c) goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media, or performances for sale or rent.

RETAIL STORE, GENERAL: A retail sales establishment offering the sale or rental of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

RETAIL STORE, LARGE-SCALE: A retail sales establishment of more than 30,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use.

RETAIL STORE, NEIGHBORHOOD CONVENIENCE: A retail sales establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as, but not limited to, prepackaged food and beverages, limited household supplies and hardware, and limited food preparation and service. Such uses that include fuel pumps or the selling of fuel for motor vehicles shall be considered gas stations.

RETAIL STORE, SPECIALTY: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.

RIGHT-OF-WAY: A strip or other portion of a parcel of land conveyed to a person, a partnership, a property owners' association, a corporation, or a government agency for the purpose of constructing and maintaining a road or utility facility, or similar use.

RIPARIAN PROTECTION AREA: A vegetated zone adjacent to an intermittent or perennial stream where development is restricted or controlled to minimize the effects of development on local water quality. Indigenous vegetation, including existing ground cover, is preserved to the maximum extent possible.

SALVAGE AND SCRAP YARD: Facilities engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in the original forms. Typical uses include, but are not limited to, paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

SANITARY LANDFILL: A place for the disposal of solid wastes approved in accordance with the regulations of the Department of Environmental Quality (DEQ).

SAWMILL, PERMANENT: A permanent facility where logs or lumber are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products.

SAWMILL, TEMPORARY: A portable sawmill located on private property for not more than 60 days unless used for the processing of timber cut only from that property or the property immediately contiguous thereto.

SELF-STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.

SHELTERED CARE FACILITY: A facility providing temporary sheltering for the homeless or for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

SHOOTING, PRIVATE RECREATIONAL: The use of land for target shooting and other recreational activities, other than hunting, involving the use of firearms or other projectiles by the owner or occupant of a parcel and their guests, not in return for compensation. Associated facilities shall be subject to approval by the zoning administrator in accordance with safety guidelines issued by the National Rifle Association (NRA) or other recognized authority.

SHOOTING RANGE, INDOOR: The use of a structure for firearms or other projectiles for the purpose of target practice or competitions, and in return for compensation.

SHOOTING RANGE, OUTDOOR: The use of land for shooting clubs and other facilities for the discharge of firearms or other projectiles for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, or in return for compensation.

SHRUB: A low woody plant, with multiple shoots or stems from the base, which attains a mature height of less than fifteen (15) feet.

SIGN: Any object, device, display, or structure that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, projected images, or any combination thereof.

SIGN, AUCTION: A sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 20 square feet in area and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion.

SIGN, AWNING: A sign that is painted or otherwise applied on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

SIGN, BANNER: A temporary sign, not exceeding 32 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.

SIGN, BUSINESS: A sign which directs attention to a product, commodity, or service available on the premises including professional offices or institutional use.

SIGN, CANOPY: A type of wall sign that is attached to the fascia of a canopy.

SIGN, CONSTRUCTION: A temporary sign that identifies an architect, engineer, contractor, subcontractor, or material supplier who participates in construction on the property on which the sign is located. Such signs shall not exceed 32 square feet in area and eight (8) feet in height, and may be erected once the land disturbance permit has been issued for the property and must be removed upon issuance of a final certificate of occupancy.

SIGN, DIRECTIONAL: A sign, not to exceed four (4) square feet, providing on-premise directions for pedestrian and vehicular traffic including, but not limited to, entrance/exit signs, parking areas, loading zones, and circulation direction.

SIGN, DIRECTORY: A sign that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

SIGN, ELECTRONIC MESSAGE: A monument sign or portion thereof in which the copy is composed of a series of lights that may be changed through electronic means. The total area of the electronic message display area for such signs shall not exceed 30% of the total area of the sign area permitted for that site.

SIGN, ESTATE: An on-premise sign that identifies the name, occupant, and/or street address of a private residence, property, or farm. Such signs shall not exceed nine (9) square feet.

SIGN FACE: The area or display surface used for the message.

SIGN, FLASHING: An illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color. Electronic message signs that meet the requirements this Article and Sec. 22-15 shall not be considered flashing signs.

SIGN, FREESTANDING: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

SIGN, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation on the premises.

SIGN, ILLUMINATED: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

SIGN, INFLATABLE: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

SIGN, MONUMENT: A sign affixed to, and made an integral part of, a structure built on grade that does not involve the use of poles as its major support.

SIGN, MOVING: A sign, any part of which moves by means of an electrical, mechanical, or other device, or that is set in motion by wind.

SIGN, NONCONFORMING: A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

SIGN, OFF-PREMISE: A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

SIGN, ON-PREMISE: Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

SIGN, PENNANT: A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

SIGN, POLITICAL: A sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and /or conduct of government. (Ord. 10-18-00)

SIGN, PORTABLE: A sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, signs with attached wheels, signs mounted upon or applied to a trailer, or signs mounted on or applied to a vehicle that is parked and visible from the public right-of-way.

SIGN, PROJECTING: A sign, attached to and supported by a building or wall, that projects out perpendicularly from that wall more than twelve (12) inches but not more than four (4) feet.

SIGN, PUBLIC: A sign that is erected and maintained by a federal, state, or local government agency.

SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises on which the sign is located. Such signs shall not exceed nine (9) square feet.

SIGN, ROOF: A sign that is mounted on the roof of a building or which extends above the top edge of the wall of a flat-roofed building, above the eave line of a building with a hip, gambrel, or gable roof, or the deck line of a building with a mansard roof.

SIGN STRUCTURE: The supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

SIGN, SUBDIVISION: A monument sign erected at the entrance of a residential, commercial, or industrial development that identifies the development.

SIGN, TEMPORARY: A sign for the advertising of a special event, product, group, or seasonal activity and not intended or designed for permanent display. Such signs shall not exceed 12 square feet and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.

SIGN, TEMPORARY DIRECTIONAL: A sign directing individuals to the location of a special event or gathering. Such signs shall not exceed twelve (12) square feet and shall not be posted more than seven (7) days prior to the event and must be removed within seven (7) days after the event.

SIGN, TEMPORARY SUBDIVISION ADVERTISING: A sign erected on a parcel or at the entrance to a residential, commercial, or industrial subdivision that identifies the name of the development and advertises for sale lots within the development. Such signs shall be permitted for six-month increments, with a letter requesting renewal from the applicant for additional six-

month increments and to be removed upon issuance of a permit for the placement of a permanent subdivision sign.

SIGN, WALL: A sign mounted flat against, or painted on, the exterior wall of a building or structure and not projecting more than twelve (12) inches from the surface of the building, unless on the mansard portion of a roof.

SIGN, WARNING: A sign, not exceeding four (4) square feet, located on a property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

SIGN, WINDOW: A permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 25% of the total area of the window or door on which it is located.

SKETCH PLAN: An informal conceptual map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion.

SLAUGHTERHOUSE: A commercial facility where livestock is slaughtered, processed, and prepared for distribution to butcher shops or retail establishments such as grocery stores.

SMALL HOME INDUSTRY: Small commercial, professional, or light industrial uses which do not in any way detract from adjacent agricultural or residential uses and while clearly excluding large scale industrial and commercial uses and that are located within the same parcel as the residence of the owner and within 500 feet of said residence.

SOLID WASTE MATERIAL RECOVERY FACILITY: A solid waste management facility which may receive municipal solid waste and recyclables from off premises for processing and consolidation and shipment out of the county for further processing or disposal.

SOLID WASTE COLLECTION FACILITY: Any storage or collection facility which is operated as a relay point for recyclables or municipal solid waste which ultimately is to be shipped for further processing or disposal. No processing of such items occurs at such facility.

SOURCE SHIELDED ILLUMINATION: A source of illumination shielded to prevent direct viewing of the light source, including bulbs, lenses or any portions thereof. The only light that can be seen is that reflected from the sign.

SPECIAL USE PERMIT: A permit issued by the governing body for a use which is only permitted upon such permit; a special exception. See Article 17 of this chapter.

SPECIFIED ANATOMICAL AREAS:
(1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STORY: That portion of building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wallface more than three (3) feet above the floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use.

STREAM, INTERMITTENT: A natural stream or portion of a natural stream containing flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a dotted blue line on the 1:24,000 USGS topographic maps.

STREAM, NATURAL: A non-tidal waterway that is part of the natural topography, which typically maintains a continuous, seasonal, or intermittent flow during the year, and which is characterized as being irregular in cross-section with a meandering course. A constructed channel such as a drainage ditch or swale is not a natural stream.

STREAM, PERENNIAL: A natural stream or portion of a natural stream containing flowing water year-round during a year of normal precipitation. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a solid blue line on the 1:24,000 USGS topographic maps.

STREET (ROAD): Any vehicular way that: (1) is an existing state roadway; (2) is shown upon a plat approved pursuant to the subdivision ordinance that is duly filed and recorded.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings and buildings, etc.

STRUCTURE, MAIN: A building in which is conducted the principal use of the lot.

STUDIO, FINE ARTS: A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer; or used as a place to exhibit and offer for sale works of the visual arts (other than film).

SUBDIVIDER: Any individual, partnership, corporation or other entity or association thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the resubdivision of land.

SUBDIVISION AGENT: The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

SUBDIVISION, FAMILY: A single division of a lot or parcel for the purpose of a gift or sale to any natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

SUBDIVISION, MAJOR: The division of a parcel of land into six or more lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the parcel from which such subdivision is divided was, within five years next preceding the application, divided into an aggregate of five or more lots or divided in such a way as to create a new public or central water or sewer system or one or more public streets.

SUBDIVISION, MINOR: Any division of a parcel of land creating fewer than six lots, and not a family subdivision.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TAXIDERMIST: Establishments for conducting the business of preparing, stuffing, and mounting the skins of animals to make them appear life-like.

TELECOMMUNICATIONS FACILITY: A tower, pole or similar structure, 125 feet or greater in height, that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. Includes antennas, microwave dishes, horns, and all equipment and structures necessary to support said equipment.

TRAFFIC IMPACT STUDY: A report analyzing anticipated roadway conditions.

TRAILER: See *Manufactured home.*

TRANSPORTATION TERMINAL: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

TRAVEL TRAILER: A vehicular, portable structure built on chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "travel trailer" thereon; and when factory equipped for the road. See *Recreational vehicle*.

TREE CANOPY: All areas of coverage by plant material exceeding ten (10) feet in height at a maturity of ten (10) years after planting, in accordance with Article 22 of this chapter.

TREE, EVERGREEN: A tree with foliage year-round, planted primarily for screening or ornamental purposes, which attains a mature height of at least fifteen (15) feet.

TREE, LARGE SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of at least forty (40) feet.

TREE, MATURE: An existing tree with a diameter at breast height (DBH) of twelve inches (12”) or greater, which is in healthy condition as determined by a certified landscape architect or arborist.

TREE, MEDIUM SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of twenty-five (25) to forty (40) feet.

TREE, ORNAMENTAL: A tree, either single-stemmed or multi-stemmed, noted for its flowers, leaves, bark, form, shape, and/or other aesthetic characteristics, which attains a mature height of ten (10) to thirty (30) feet.

TREE, STREET: A shade tree planted along an existing or proposed public street, either within the right-of-way itself or within a landscape strip continuous to such right of way.

TRUCK TERMINAL: A facility for the receipt, transfer, short-term storage, and dispatching of good transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

UNDERGROUND UTILITIES: The placement of electric, telephone, cable, and other utilities customarily carried on poles in underground vaults or trenches.

UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings.

UTILITY: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

UTILITY, MAJOR: Facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, electrical substations, pumping stations, treatment facilities, and communication facilities.

UTILITY, MINOR: Facilities for the distribution and collection of public, private and central utilities including poles, lines, transformers, pipes, meters, and communication distribution lines.

VARIANCE: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

VEHICLE TRIP: A motor vehicle moving from an origin point to a destination point.

VENDING CART: The vending of food, beverages, or merchandise from a movable stand or trailer that is located as an accessory use on the same lot as a permitted use.

VETERINARY OFFICE: An establishment for the care and treatment of animals and where the boarding of said animals is prohibited except when necessary in the medical treatment of the animal.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH, ADULT: An enclosure designed for occupancy by no more than five persons, used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media, or live performances or lingerie modeling, for observation by patrons therein. See *Entertainment establishment, adult* use.

VILLAGE: A small, compact center of predominantly residential character but with a core of mixed-use commercial, residential, and community services whether or not incorporated as a municipality.

WAREHOUSE, WHOLESALE: Facilities for the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including moving and storage facilities, warehouses, storage activities, and distribution centers.

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WOODSTORAGE, TEMPORARY: A lot utilized for the temporary (30, 60, 90 days) storage/loading of forestry products transported from some other location.

YARD: An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

> FRONT: An open space on the same lot as a building between the front line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the front line and the rear line of the lot and extending the full width of the lot.
>
> REAR: An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the rear line of the lot, and extending the full width of the lot.
>
> SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the side line of the lot, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR: The official charged with the enforcement of the zoning ordinance. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body. The administrator may serve with or without compensation as determined by the governing body.

ZONING DISTRICT: A division of territory within Fluvanna County for the purposes of regulation of its use under the provisions of this chapter.

ZONING PERMIT: Any permit issued by the zoning administrator in accordance with this ordinance.

(Ord. 6-19-96; Ord. 10-18-00; Ord. 9-17-08; Ord. 10-15-08; Ord. 10-21-09; Ord. 6-16-10; Ord. 11-3-10; Ord. 8-1-12)

LANDSCAPING BUSINESSES IN VIRGINIA

Comparison of Definitions and Permitted Districts

Albemarle County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance (Chapter 18).	
Uses Described as Permitted Uses within Zoning Districts	
Retail Nurseries and Greenhouses	By-Right: C-1 (Commercial) HC (Highway Commercial)

Buckingham County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Greenhouses, Nurseries, and Garden Shops: Private	By-Right: A-C (Agricultural—Comprehensive)
Greenhouses, Nurseries, and Garden Shops: Commercial	Special Use Permit: RSA-1 (Rural Small Farm)
Nurseries and Greenhouses: Private and Commercial	By-Right: RSA-1 (Rural Small Farm)
Greenhouses	By-Right: B-1 (Business), M-1 (Industrial—Light), M-2 (Industrial—Heavy)

Culpeper County

Definitions within Zoning Ordinance	
Garden and Landscape Center: A use or structure for the storage, maintenance or retail sale of horticultural products and supplies for garden and landscape, including landscape contracting. *Plant Nursery*: Structures for the raising or cultivation of agricultural and horticultural products, but specifically excluding retail sales on premises.	
Uses Described as Permitted Uses within Zoning Districts	
Plant Nurseries	By-Right: A-1 (Agricultural), RA (Rural Areas)
Garden and Landscape Centers	By-Right: CS (Commercial Services), LI (Industrial—Light), HI (Industrial—Heavy), PBD (Planned Business Development)

Cumberland County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Retail Farm and Garden Centers	By-Right: B-2 (Business Limited), B-3 (Business Limited)

Gloucester County

Definitions within Zoning Ordinance
No related terms defined within the Zoning Ordinance.
Uses Described as Permitted Uses within Zoning Districts
No related uses described with the permitted uses of each zoning district.

Greene County

Definitions within Zoning Ordinance	
Garden Center: A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc., which may or may not be cultivated on site, as well as supplemental materials such as mulch, topsoil, yard ornaments and the like to the general public intended for individual homes. *Nurseries:* A retail business that offers for sale horticultural products such as trees, shrubs, flowers, bushes, Christmas trees, etc. and does not offer supplemental items such as fertilizer, yard ornaments, etc., to the general public.	
Uses Described as Permitted Uses within Zoning Districts	
Garden Centers	By-Right: B-2 (Business, General), B-3 (Business, Highway and High Intensity) Special Use Permit: A-1 (Agricultural)
Nurseries	By-Right: B-2 (Business, General), B-3 (Business, Highway and High-Intensity), M-1 (Industrial, Limited), M-2 (Industrial, General)

Goochland County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Garden Shops, Greenhouses, and Nurseries	Conditional Use Permit: A-1 (Agricultural, General), A-2 (Agricultural, Limited)

Hanover County

Definitions within Zoning Ordinance	
No related terms defined within the Zoning Ordinance.	
Uses Described as Permitted Uses within Zoning Districts	
Greenhouse (Commercial)	By-Right: A-1 (Agricultural), AR-6 (Agricultural Residential)
Greenhouses (Commercial, Wholesale, or Retail)	By-Right: B-3 (General Business), M-2 (Light Industrial), M-3 (Heavy Industrial) Conditional Use: M-1 (Limited Industrial)
Lawn and Garden Equipment and Supply Stores	By-Right: B-1 (Neighborhood Business), B-2 (Community Business), M-2 (Light Industrial), M-3 (Heavy Industrial)
Nurseries for Growing Plants, Trees, and Shrubs	By-Right: B-1 (Neighborhood Business), B-2 (Community Business), M-1 (Limited Industrial), M-2 (Light Industrial), M-3 (Heavy Industrial)
Commercial Landscaping Operation	By-Right: M-2 (Light Industrial), M-3 (Heavy Industrial)
Commercial Landscaping Operation (When done in conjunction with a nursery on the premises, provided that no machinery or equipment is used for the business is stored within one-hundred (100) feet of the property lines, unless the equipment is screened.)	Conditional Use Permit: B-2 (Community Business)

James City County

Definitions within Zoning Ordinance	
Plant and Garden Supply Sales: Stores which shall sell a combination of materials used in the process of creating, cultivating, decorating, and maintaining gardens and landscaped areas. The primary items sold may include plants, shrubs, and trees grown on- or off-site; seeds; produce; hand tools; fertilizer; plant containers and hangers; natural materials such as sand, soil, rock, wood chips, and mulch; and decorative features including sculptures, fountains, ponds, ornaments, and cast or formed cement and cement pavers. Patio and outdoor furniture, including grills, gazebos, trellises, and outdoor fireplaces may also be included as secondary and incidental items sold at a plant and garden supply store. Excluded from this definition are mechanical lawn and garden equipment, pools and pool equipment, lumber and building supplies.	
Uses Described as Permitted Uses within Zoning Districts	
Commercial Greenhouses	By-Right: A-1 (General Agriculture) Special Use: R-8 (Rural Residential)
Nurseries	By-Right: R-8 (Rural Residential), M-2 (General Industrial)
Greenhouses and Nurseries	By-Right: EO (Economic Opportunity), MU (Mixed Use)
Retail Stores: Garden Supply	By-Right: LB (Limited Business), B-1 (General Business), M-1 (Limited Business/Industrial), M-2 (General Industrial), EO (Economic Opportunity), MU (Mixed Use)

Louisa County

Definitions within Zoning Ordinance	
Greenhouse: A building with transparent walls and roof, for the cultivation and exhibition of plants under controlled conditions. *Greenhouse, Commercial:* A greenhouse operation in which plants are offered for sale to the public, either at wholesale or at retail. *Nursery:* A place where plants are grown commercially, either for sale direct to the public or to other retailers.	
Uses Described as Permitted Uses within Zoning Districts	
Garden Center	By-Right: C-1 (Light Commercial), C-2 (General Commercial) Conditional Use Permit: RD (Resort Development)

New Kent County

Definitions within Zoning Ordinance	
Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. *Plant Nursery, Garden Center*: A facility for the growth, display, and/or sale of plants, shrubs, trees, and accessory materials and equipment used in indoor and outdoor planting and landscaping.	
Uses Described as Permitted Uses within Zoning Districts	
Plant Nursery, Garden Center ≤ 15,000 square feet	By-Right: Business, Economic Opportunity
Plant Nursery, Garden Center > 15,000 square feet	By-Right: Economic Opportunity, Industrial Conditional Use Permit: Business

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	Claim of Patricia F. Charney
MOTION(s):	**I move that the Board of Supervisors deny the claim of Patricia F. Charney on the basis of the provisions of Virginia Code Section 15.2-1245, whereby the claim is barred by Fluvanna County's sovereign immunity.**
STAFF CONTACT:	Steven M. Nichols, County Administrator
RECOMMENDATION:	Deny the claim of Patricia F. Charney
TIMING:	Routine
DISCUSSION:	See attached.
FISCAL IMPLICATIONS:	
POLICY IMPLICATIONS:	
LEGISLATIVE HISTORY:	
ENCLOSURES:	Ltrs from Mrs. Charney – October 15, 2012 & November 2, 2012 Ltrs from Mr. Fred Payne, County Attorney – October 30, 2012, November 2, 2012 & November 8, 2012

Fluvanna County Parks and Recreation Board
P. O. Box 128
Fork Union, VA. 23055
Jason Smith, Director

Oct 15, 2012

RECEIVED
OCT 18 2012
FLUVANNA COUNTY

Dear Mr. Smith,

On May 29, 2012, I stopped at the Fluvanna Farmers Market on my way home from the library. It had been many years since I'd been there. After parking I saw the booth for Red Rock Candy. I'd read about this company and noted the owner's name to be Charney. I was curious as to whether there was a connection to my husband's family. There was none.

However, as I was standing at Mr. Charney's booth and talking with him, I simply redistributed my weight by moving my left foot only two or three inches. Shockingly I landed the foot in a hole, unseen and covered over by very long grass. My foot twisted 180 degrees, my sandal few off, my right arm swept the display off the man's table as I tried to catch myself and I landed absolutely flat on my back. At 72 years of age, I was terrified.

Several workers rushed over to see if I was Ok. There were many comments about the condition of the grounds into which people are invited to shop the vendors. One said, "You have to wear sturdy shoes here." Another said, "They are supposed to cut the grass but they never do." At trying to get up I first had pain only in my wrist but then felt extreme pain in my left foot such that I could not stand on it. A chair was given me and I sat there about a half hour hoping the pain would stop. (Later, in telling my story, it seems EVERYONE knows it's a hazard at the Farmer's Market; everyone but me. Having been invited into the area, why would I expect to be in danger?)

I rejected the offer to have 911 called because I was hopeful that it was only a sprain. Also, having endured the medical demands of four years of dialysis followed by a kidneytransplant, I did not want more stress and trauma.

I got to my car carrying my left shoe and limping in great pain. I was still in hopes that it was a sprain and the pain would lessen with some ice. The next morning, clearly, I had to admit that it was serious. Because I live alone and often must rely on Jaunt, I did not get Emergency until Thurs. May 31, as per Jaunt's schedule. There, X-Rays were taken. The wrist was only a sprain but the foot was broken in three places.

I was fitted with a temporary shoe and crutches and given an appointment with Dr, Robert Baglio, a foot specialist. At that appointment, I was fitted with a large boot and told to wear it night and day for the next eight weeks! (I actually did learn to sleep in it! I was determined to avoid having the bones heel improperly, thus giving me a life-long problem.)

I was completely confined to my home for nearly all of the summer. Cancelling activities. Unable even to get my mail, I finally dared to drive down my driveway and back wearing the boot. I can't tell you how very angry I was, and am, that I should endure such pain and have my life so disrupted by neglect of County property. In addition, I had to cancel a long-held reservation to spend the week of July 4th in Williamsburg. This was a timeshare week expiring July 31. Thus I also lost the value of my $842. 84 annual maintenance fee.

The final X-Ray taken by Dr. Baglio was on Sept. 24 when he said that everything 'looks good' but that it would take 'a whole year' for the brake at the joint with a toe to mend. Of course, this has meant that I need to buy protective shoes that are much more expensive.

Oh, someone said to me, "Lucky you're retired and not losing income." What is more important to you, your income or your freedom? I've lost two months of my freedom.

While I've not sought assistance for this claim from the USDA or the National Association of Farmers Markets, I do know that such neglect of the grounds of a county-sanctioned Farmers Market is unacceptable .

I seek reimbursement from the County of Fluvanna for the following costs:

Martha Jefferson Hospital Emergency Room

5/31/12	
Dr. Kripalan, ER Doctor	**$336.00**
Dr. Higgin, Radiologist	
Wrist X-Ray	**28.75**
Foot X-Ray	**28.75**

Dr, Robert Baglio, DPM

2050 Abbey Rd.
Charlottesville, VA 2911

6/05/12	
Office visit	**85.00**
Foot X-Ray	**75.00**
Air-assist walking boot	**225.00**
6/26/12	
Office visit	**72.00**
7/24/12	
Office visit	**72.00**
Foot X-Ray	**85.00**
9/24/12	
Office visit	**72.00**
Foot X-Ray	**85.00**
Timeshare Maintenance Fee	**823.84**
TOTAL	**$ 1,988.34**

Patricia F. Charney
Patricia F. Charney
22 Bridlewood Dr
Palmyra, VA 22963

IN RE: CLAIM FOR PERSONAL INJURY AND OTHER DAMAGES

To: Mrs. Patricia F. Charney
22 Bridlewood Drive
Palmyra, Virginia 22963

NOTICE

Please take notice that, at its regular meeting on Tuesday, November 20, 2012, at 7 p.m. or as soon thereafter as the matter can be heard, in the courtroom of the Circuit Court of Fluvanna County, the board of supervisors of Fluvanna County will consider your claim for personal injury and other damages as set forth in your letter addressed to Jason Smith dated October 15, 2012. This notice is given in accordance with Virginia Code Section 15.2-1545 this 30th day of October, 2012.

BOARD OF SUPERVISORS OF FLUVANNA COUNTY

By _____

Frederick W. Payne, County Attorney

CERTIFICATION

I hereby certify that I have this 30th day of October, 2012, mailed the foregoing notice to Patricia F. Charney, 22 Bridlewood Drive, Palmyra, Virginia 22963, by certified mail, return receipt requested.

_____

Frederick W. Payne, County Attorney

FLUVANNA COUNTY ATTORNEY
Frederick W. Payne
414 East Jefferson Street
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October 30, 2012

Members of the Board of Supervisors
c/o Mr. Steven M. Nichols
County Administrator for Fluvanna County
P.O. Box 540
Palmyra, Virginia 22963

Re: Claim for personal injuries by Patricia F. Charney—Our file 12-6833

Gentlemen and Madam:

I have reference to the claim against the County for personal injuries by Patricia F. Charney as set out in her letter to Mr. Jason Smith dated October 15, 2012. In accordance with the provisions of Virginia Code Section 15.2-1245, I hereby express my opinion that this claim is barred by the County's sovereign immunity and therefore cannot be allowed by the board.

The Virginia Supreme Court has recently had occasion to restate the law of the Commonwealth with respect to the immunity of counties from liability in tort in the operation and maintenance of a public park in the case of *Seabolt v. County of Albemarle*, 283 Va. 717, 724 SE2d 715 (2012) (see copy attached). After reviewing the case law, the Court in Seabolt noted that the provisions of Virginia Code Section 15.2-1809 (which grants sovereign immunity for cities and towns) apply to counties, but that the immunity granted by this statute is *in addition* to the general immunity from tort liability which is afforded to counties by the common law. Based on this holding, the Court held that a Virginia county cannot be liable for any tort claim; that the General Assembly has not waived that immunity with respect to counties; and that sovereign immunity is not subject to waiver through the "claims" statutes.

Based on the foregoing, it is my opinion that the County is immune from liability for the instant claim and that the board has no authority to approve the claim.

If the members of the board have any questions, I will intend to represent the County before the board at its meeting of November 20, 2012.

Sincerely yours,

Frederick W. Payne
County Attorney

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*283 Va. 717, *; 724 S.E.2d 715, **;*
*2012 Va. LEXIS 88, ****

VIOLET **SEABOLT** v. COUNTY OF ALBEMARLE

Record No. 110733

SUPREME COURT OF VIRGINIA

283 Va. 717; 724 S.E.2d 715; 2012 Va. LEXIS 88

April 20, 2012, Decided

PRIOR HISTORY: [*1]**
FROM THE CIRCUIT COURT OF ALBEMARLE COUNTY. Cheryl V. Higgins, Judge.
Seabolt v. County of Albemarle, 2011 Va. LEXIS 154 (Va., July 22, 2011)

DISPOSITION: Affirmed.

CASE SUMMARY

PROCEDURAL POSTURE: Appellant sued appellee county, alleging that she was injured as a result of the county's gross negligence in maintaining a public park. The Circuit Court of Albemarle County (Virginia) sustained the county's demurrer as to gross negligence. The trial court declined to rule on the county's special plea of sovereign immunity. Appellant sought review.

OVERVIEW: Appellant argued that the trial court erred in sustaining the county's demurrer as to gross negligence. The county did not assign error to the decision not to rule on the issue of sovereign immunity, but argued, inter alia, that the trial court lacked jurisdiction to hear the suit because the county was immune in tort. The appellate court found that common law sovereign immunity applied in the absence of a legislative waiver by which the Commonwealth consented to be sued. The Virginia Tort Claims Act, by Va. Code Ann. § 8.01-195.3, excluded counties from its limited abrogation of immunity. Appellant argued that, under Va. Code Ann. § 15.2-1809, a county was liable for the gross negligence of its officers or agents in maintenance or operation of a park, recreational facility or playground. The second paragraph of Va. Code Ann. § 15.2-1809 conferred the immunity created in the first paragraph for cities and towns onto counties "in addition to" the immunity counties already enjoy, and did not in any way abrogate the sovereign immunity of counties. The trial court should have granted the county's special plea of sovereign immunity.

OUTCOME: The judgment dismissing the claim was affirmed.

CORE TERMS: sovereign immunity, tort claim, gross negligence, immunity, recreational facility, playground, disallowance of claim, jurisdiction to adjudicate, waiver of immunity, abrogate, demurrer, common law, subject matter, public park, own names, ordinary negligence, plain meaning, statutory language, quotation marks omitted, allowance of claims, conferred, announced, issuance, immune, audit, special plea

LEXISNEXIS® HEADNOTES Hide

Civil Procedure > Jurisdiction > Subject Matter Jurisdiction > Jurisdiction Over Actions > General Overview

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN1 A claim of sovereign immunity is jurisdictional. More Like This Headnote

Governments > State & Territorial Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN2 At common law, the Commonwealth of Virginia is immune from liability for torts committed by its officers, employees and agents. That immunity continues to apply in the absence of a legislative waiver by which the Commonwealth consents to be sued in its own courts. More Like This Headnote | *Shepardize:* Restrict By Headnote

Governments > Local Governments > Claims By & Against

Governments > State & Territorial Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN3 Counties, as political subdivisions of the Commonwealth, enjoy the same tort immunity as does the sovereign. Consequently, a county cannot be sued unless and until that right and liability be conferred by law. More Like This Headnote

Governments > Local Governments > Claims By & Against

Governments > State & Territorial Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN4 With the enactment of the Virginia Tort Claims Act, the Commonwealth has waived its sovereign immunity for tort claims in the circumstances to which the statute applies, but the waiver is a limited one. However, the Virginia Tort Claims Act, by its express terms, excludes counties from its limited abrogation of immunity. Va. Code Ann. § 8.01-195.3. More Like This Headnote | *Shepardize:* Restrict By Headnote

Governments > Local Governments > Claims By & Against

Governments > State & Territorial Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN5 See Va. Code Ann. § 8.01-195.3.

Governments > Local Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN6 See Va. Code Ann. § 15.2-1809.

Governments > Legislation > Interpretation

HN7 In interpreting a statute, a court looks to the plain meaning of the statutory language, and presumes that the legislature chose, with care, the words it used when it enacted the relevant statute. More Like This Headnote

Governments > Legislation > Interpretation

Torts > Negligence > Defenses > Private Immunities > General Overview

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN8 A waiver of immunity cannot be implied from general statutory language but must be explicitly and expressly announced in the statute. More Like This Headnote

Governments > Local Governments > Claims By & Against

Torts > Public Entity Liability > Immunity > Sovereign Immunity

HN9 The plain meaning of Va. Code Ann. § 15.2-1809 is clear. In a suit for damages arising out of the operation or maintenance of a public park, recreational facility, or playground, a city or town is not liable for its agents' and employees' acts of ordinary negligence, but is liable for gross negligence of the same officers or agents. The second paragraph of the statute confers the immunity created in the first paragraph for cities and towns onto counties "in addition to" the immunity counties already enjoy. Va. Code Ann. § 15.2-1809 does not in any way abrogate the sovereign immunity of counties. More Like This Headnote

Governments > Local Governments > Claims By & Against

HN10 Va. Code Ann. § 15.2-1243 et seq. does not apply to tort claims. More Like This Headnote

COUNSEL: James B. Feinman (Andrew D. Finnicum; Feinman & Associates, on brief), for appellant.

John W. Zunka (Zunka, Milnor & Carter, on brief), for appellee.

JUDGES: OPINION BY JUSTICE WILLIAM C. MIMS.

OPINION BY: WILLIAM C. MIMS

OPINION

[716]** **[*719]** PRESENT: All the Justices

OPINION BY JUSTICE WILLIAM C. MIMS

In this appeal, we consider whether the circuit court had subject matter jurisdiction to adjudicate a tort claim against Albemarle County.

Violet **Seabolt** filed a complaint against Albemarle County alleging that she was injured as a result of the county's gross negligence in maintaining a public park. The county filed defensive pleadings, including a demurrer to gross negligence and a special plea of sovereign immunity. The circuit court heard argument on the county's pleadings and sustained the demurrer as to gross negligence. The circuit court declined to rule on the county's special plea of sovereign immunity.

On appeal, **Seabolt** argues that the circuit court erred in sustaining the county's demurrer as to gross negligence. The county did not assign cross-error to the circuit court's decision not to rule on the issue of sovereign immunity. Nonetheless, the **[***2]** county argues, inter alia, that the circuit court lacked jurisdiction to hear the suit because the county is immune in tort.

We will first consider the county's *HN1* claim of sovereign immunity because it is jurisdictional. Afzall v. Commonwealth, 273 Va. 226, 230, 639 S.E.2d 279, 281 (2007). In Afzall, we considered the Commonwealth's argument of sovereign immunity, made for the first time on appeal, because "if sovereign immunity applies, the court is without subject matter jurisdiction to adjudicate the claim." Id.

HN2 "At common law, the Commonwealth was immune from liability for torts committed by its officers, employees and agents. . . . [T]hat immunity continues to apply in the absence of a legislative waiver by which the Commonwealth consents to be sued in its own courts." Doud v. Commonwealth, 282 Va. 317, 320, 717 S.E.2d 124, 125 (2011) (citations omitted). *HN3* Counties, as political subdivisions of the Commonwealth, enjoy the same tort immunity as does the sovereign. Mann v. County Bd. of Arlington County, 199 Va. 169, 175, 98 S.E.2d 515, 519 (1957); Fry v. County of Albemarle, 86 Va. 195, 197-99, 9 S.E. 1004, 1005-06 (1890). Consequently, "a county cannot be sued unless and until that **[***3]** right and liability be conferred by law." Mann, 199 Va. at 174, 98 S.E.2d at 518-19.

In Doud, we recognized that *HN4* with the enactment of the Virginia Tort Claims Act ("VTCA"), "the Commonwealth has waived its sovereign immunity for tort claims in the circumstances to which the statute applies, but the waiver is a limited one." **[*720]** 282 Va. at 320, 717 S.E.2d at 125. However, the Virginia Tort Claims Act, by its express terms, excludes counties from its limited abrogation **[**717]** of immunity. Code § 8.01-195.3 (*HN5* "nor shall any provision of this article be applicable to any county, city or town in the Commonwealth or be so construed as to remove or in any way diminish the sovereign immunity of any county, city or town in the Commonwealth").

Seabolt thus relies on a different statute as the basis for asserting a legislative waiver of the county's sovereign immunity. She argues that pursuant to Code § 15.2-1809, a county operating a park, recreational facility, or playground is "liable in damages for the gross negligence of any of its officers or agents in the maintenance or operation of any such park, recreational facility or playground."[1] Code § 15.2-1809. The county responds that this statute does not **[***4]** waive the sovereign immunity of counties, but only of cities and towns. We agree with the county.

FOOTNOTES

1 We note that **Seabolt** has named only Albemarle County and not one or more of its officers or agents in this action.

Code § 15.2-1809 states:

> HN6 No city or town which operates any park, recreational facility or playground shall be liable in any civil action or proceeding for damages resulting from any injury to the person or from a loss of or damage to the property of any person caused by any act or omission constituting ordinary negligence on the part of any officer or agent of such city or town in the maintenance or operation of any such park, recreational facility or playground. Every such city or town shall, however, be liable in damages for the gross negligence of any of its officers or agents in the maintenance or operation of any such park, recreational facility or playground.
>
> The immunity created by this section is hereby conferred upon counties in addition to, and not limiting on, other immunity existing at common law or by statute.

(Emphasis added.) In determining whether Code § 15.2-1809 allows counties to be sued for the alleged gross negligence of unnamed officers or agents, HN7 "[w]e **[***5]** look to the plain meaning of the statutory language, and presume that the legislature chose, with care, the words it used when it enacted the relevant statute." Addison v. Jurgelsky, 281 Va. 205, 208, 704 S.E.2d 402, 404 (2011) (internal **[*721]** citations and quotation marks omitted). Furthermore, we recognize that HN8 "[a] waiver of immunity cannot be implied from general statutory language but must be explicitly and expressly announced in the statute." Afzall, 273 Va. at 230, 639 S.E.2d at 281 (internal quotation marks omitted).

HN9 The plain meaning of the statute is clear. In a suit for damages arising out of the operation or maintenance of a public park, recreational facility, or playground, a city or town is not liable for its agents' and employees' acts of ordinary negligence, but is liable for gross negligence of the same officers or agents. The second paragraph of the statute confers the immunity created in the first paragraph for cities and towns onto counties "in addition to" the immunity counties already enjoy. Code § 15.2-1809 does not in any way abrogate the sovereign immunity of counties. This holding is consistent with our conclusion in Frazier v. City of Norfolk, 234 Va. 388, 362 S.E.2d 688, 4 Va. Law Rep. 1220 (1987), **[***6]** that by enacting the statute, "the General Assembly intended to limit the civil liability of municipalities," i.e. only cities and towns, "in the maintenance and operation of any recreational facilities to cases of gross or wanton negligence." Id. at 391, 362 S.E.2d at 690 (emphasis added).

The county next argues that the circuit court lacked subject matter jurisdiction because **Seabolt** did not allege compliance with the presentment and appeal procedures set forth in Code §§ 15.2-1243 et seq. According to the county, these statutes provide the "mandatory and exclusive mode for bringing any claim against a county in the Commonwealth." In the apparent view of the county, the claims permitted pursuant to Code §§ 15.2-1243 et seq. include tort claims. Because we consistently have held that HN10 the statutes do not apply to tort claims, we do not need to reach the procedural compliance question.

In both Fry and Mann, we interpreted the antecedents to the present statutes and held **[**718]** that they did not abrogate the sovereign immunity of counties in tort. Rather, they only allowed counties to sue and be sued in contract, subject to certain procedural requirements.

In Fry, this Court interpreted former **[***7]** section 13 of chapter 45 of the Code of 1873, which read: "Counties may sue in their own names for forfeitures, fines, or penalties given by law to such counties, or upon contracts made with them, and may be sued in their own names, in the circuit court of such county." We held that "[t]he legislature has given a remedy in cases growing out of contracts with **[*722]** counties, but it has given no remedy against a county for the negligence of a public officer or servant appointed by law." 86 Va. at 197, 9 S.E. at 1005.

In Mann, we interpreted a nearly identical version of that statute, former Code § 15-3, and held: "Virginia has enacted legislation allowing counties to sue and be sued upon contractual obligations (§ 15-3, Code 1950), yet we find no legislation allowing it to be sued for tortious personal injuries." 199 Va. at 174, 98 S.E.2d at 519.[2] Today we do not disturb that holding. There is no indication that the General Assembly, in its recodification and amendments subsequent to Mann, intended to abrogate counties' immunity in tort. See Afzall, 273 Va. at 230, 639 S.E.2d at 281 (waiver of immunity cannot be implied from general statutory language but must be explicitly and expressly **[***8]** announced in the statute).

FOOTNOTES

2 Notably, at the time of the Mann decision, the Code of 1950 included several statutes relating to claims against counties which the Court clearly did not view as applying to tort claims. See, e.g., former Code §§ 15-253 ("Audit and allowance of claims against counties"); 15-256 ("Limitations on issuance of warrants"); 15-257 ("Allowance of claims; procedure"); 15-259 ("Appeal from disallowance of claim"); 15-260 ("When disallowance of claim final; exception; when no execution to be issued."); 15-261 ("No action allowed against county until, etc."). Those statutes are the predecessors to the current statutory scheme set forth in Code §§ 15.2-1243 et seq. and are substantially identical to the provisions at issue in this case. See Code §§ 15.2-1243 ("Governing body to receive, audit and approve claims; warrants"); 15.2-1244 ("Limitations on issuance of warrants"); 15.2-1245 ("Procedure for allowance of claims"); 15.2-1246 ("Appeal from disallowance of claim"); 15.2-1247 ("When disallowance of claim final; exception; when no execution to be issued."); 15.2-1248 ("No action against county until claim presented to governing body.").

We hold that the "claims" that **[***9]** may be recovered under Code §§ 15.2-1243 et seq. do not include those based in tort. In the absence of a legislative waiver of immunity, the circuit court was without jurisdiction to adjudicate **Seabolt's** tort claim against the county. See Afzall, 273 Va. at 230, 639 S.E.2d at 281. The circuit court should have granted the county's special plea of sovereign immunity. The court had no jurisdiction to decide the case on any other basis. Consequently, we will affirm the circuit court's dismissal of **Seabolt's** complaint.

Affirmed.

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Terms: **seabolt** (Suggest Terms for My Search)
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- Citing Refs. With Analysis Available
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In

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Frederick W. Payne, Esq.
Fluvanna County Attorney
414 E. Jefferson St.
Charlottesville, VA 22902

Nov. 2, 2012

Dear Sir,

I am in receipt of your notice of the Nov. 20, 2012 Fluvanna County Board of Supervisors meeting acknowledging my claim for personal injury and other damages sent on Oct. 15, 2012. Finding no return address in the letter, please allow me to send my response to your Charlottesville office.

Although the letter did not include a specific request that I appear at the meeting, it would be my preference to do so. However, regrettably, I am scheduled to leave the area on Nov. 20, to return on Nov. 23. This trip is in respect of my birthday on Nov. 21 and for Thanksgiving Day.

It would of course be inconvienent and costly for me to change long-held reservations at this late date. (I must add that I also have Florida reservations for Dec.15 to Dec. 23 should next month's meeting be held within those dates.)

At any appearance before the Board, I would present the appropriate documentation to support my claim. So, in lieu, I am including here copies related to the loss of timeshare value as initially reported. But I must make one correction:

The July Williamsburg reservation was made through my Wyndham National Harbor ownership and those points were restored to my account.

It was a June 16 to June 23 reservation for Front Royal, VA applicable to this claim. That week was reserved by way of an RCI-exchange from my Sedona Springs, Sedona, AZ ownership. And I had to let that week expire on July 31, 2012 due to my inability to travel. (Documentation enclosed.) I very much apologize for having confused this.

Because there is unrelated personal information in my medical records, I prefer to present them in person, as needed and if I am called to appear.

I do regret this scheduling conflict. However I have been advised that, having presented the claim within the legal six-month 'window', it is not necessary for me to hire paid counsel at this juncture.

I respectfully await your response.

Yours truly,

Patricia F. Charney

Patricia F. Charney
22 Bridlewood Dr.
Palmyra, VA 22963

SHARON PRITCHETTE-BRYANT
NOTARY PUBLIC
REGISTRATION # 7012467
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES
11.30.2012

10:42 AM
November 5, 2012

SEDONA SPRINGS 2011 2 of 5

VACATION RESORTS INTERNATIONAL

c/o VRI
PO BOX 3620
Laguna Hills, CA 92654-3620

Please charge to my Mastercard or VISA

ACCT#_____ Exp. Date_____

Signature_____ $852.00

STATEMENT DATE: 10/29/2010 **ACCOUNT#:** A22803

Patricia F Charney
22 Bridlewood Dr
Palmyra, VA 22963-2633

SSR
Sedona Springs Resort
c/o VRI
PO BOX 3620
Laguna Hills, CA 92654-3620

Please return this portion with your payment

Pay on-line at www.vriresorts.com

DATE	CHARGE CODE	DESCRIPTION	CHARGE	CREDITS
12/01/2010	A1	2011 Assessments	$705.00	
12/01/2010	C1	2011 Replacements	$71.00	
12/01/2010	T1	2011 Property Tax	$29.00	
		Dec. 29, 10 Check #1839 9C PAID		
		Total Balance Due Resort: >>>>>	$805.00	
12/01/2010	TV	Travel Protection Option	$47.00	
		Total Balance With Option:	$852.00	

*** Due upon receipt *** Payment must be received prior to 01/01/2011 to protect your reservation rights and avoid late fees and penalties. Please refer to the enclosed 2011 Operating Budget and the Assessment, Billing and Collection Policy.

For billing inquiries, please contact the VRI Member Services Department at (949) 855-8004, Monday - Friday, 8:00am - 5:00pm (PST). Thank you for your prompt payment.

MAKE CHECKS PAYABLE TO: Sedona Springs Resort

Patricia F Charney A22803

Payment Due With Option:>>>>>

BALANCE $852.00

8 774

A Professional Management Company

01-010 R6/09

3 of 5

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Your Vacation Has Been Cancelled

From : RCI <rci_support@rci.com>
Subject : Your Vacation Has Been Cancelled
To : patcharn@comcast.net
Reply To : RCI <rci.0GMFB8.353286@email.rcinotice.com>

Mon, Jun 11, 2012 08:21 AM

RCI

Vacation Cancellation

PATRICIA F CHARNEY
22 BRIDLEWOOD DR
PALMYRA, VA 22963 USA

Member ID: 3659-01689
Relation Number: 00050

The following confirmation has been cancelled. You may still be eligible to travel against the week that was used for this vacation confirmation. (Please note this does not include bonus weeks). (WEEK EXPIRED 7/31/12)

The value of your original deposit may be affected by the cancellation of this confirmed vacation. Another exchange fee may be required to confirm another vacation. If you have any questions, please contact our Customer Service Department and our RCI Guides will be available to assist you.

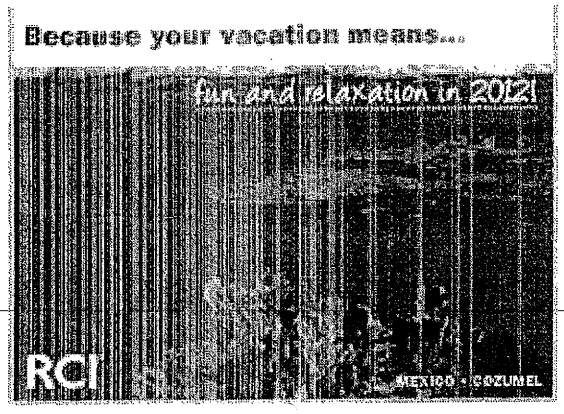
Transaction Date: 06/09/2012

Skyline Ranch Resort
Resort ID:3997
751 Mountain Road
Front Royal,VA 22630
USA

Unit: 17
Check In: 06/16/2012
Check Out: 06/23/2012

Member Services Hours of Operation:

Monday - Friday: 8am - 8pm (Local Time Zone)*
Saturday and Sunday: 8am - 5pm (Local Time Zone)*
*See Additional Information



Phone Numbers:

English: 800-338-7777 or 317-805-8000
Spanish: 800-527-5215 or

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317-805-9949
French: 800-527-5219 or
317-805-9948

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RCI, LLC
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RCI

IN RE: CLAIM FOR PERSONAL INJURY AND OTHER DAMAGES

To: Mrs. Patricia F. Charney
22 Bridlewood Drive
Palmyra, Virginia 22963

NOTICE

Please take notice that, at its regular meeting on Tuesday, November 20, 2012, at 7 p.m. or as soon thereafter as the matter can be heard, in the courtroom of the Circuit Court of Fluvanna County, the board of supervisors of Fluvanna County will consider your claim for personal injury and other damages as set forth in your letter addressed to Jason Smith dated October 15, 2012. This notice is given in accordance with Virginia Code Section 15.2-1545 this 30th day of October, 2012.

BOARD OF SUPERVISORS OF FLUVANNA COUNTY

By _____

Frederick W. Payne, County Attorney

CERTIFICATION

I hereby certify that I have this 30th day of October, 2012, mailed the foregoing notice to Patricia F. Charney, 22 Bridlewood Drive, Palmyra, Virginia 22963, by certified mail, return receipt requested.

_____
Frederick W. Payne, County Attorney

ARRIVED NOV. 1, 2012 BY WAY OF
REGULAR MAIL WITH NO NOTARY STAMP

FLUVANNA COUNTY ATTORNEY
Frederick W. Payne
414 East Jefferson Street
Charlottesville, Virginia 22902
E-mail: fwpayne@paynehodous.com

Deputy County Attorneys:
Donna R. DeLoria
William W. Tanner
Jessica F. Smith

Telephone: (434) 977-4507
Facsimile: (434) 977-6574

November 8, 2012

Mrs. Patricia F. Charney
22 Bridlewood Drive
Palmyra, Virginia 22963

Re: Claim for personal injuries and other damages—Our file 12-6833

Dear Mrs. Charney:

This will acknowledge receipt of your letter, with attachments, of November 2, 2012.

I have forwarded copies of your correspondence to the members of the board of supervisors and, by copy hereof, to the board's clerk for inclusion in the materials to be considered by the board. The board did not find it appropriate to defer consideration of your claim from the November 20 date recommended by the county administrator. If you wish to present additional information to the board in writing, you are entirely free to do so. If you have concerns for the confidentiality of any personal information, you may wish to redact any extraneous entries. However, I must emphasize that any information you may wish the board to consider will necessarily become a matter of public record as mandated by the Freedom of Information Act. Any additional information should be submitted to the clerk of the board, Mrs. Mary Weaver, at P.O. Box 540, Palmyra, Virginia 22963, preferably not later than November 15.

I do apologize for my failure to send the original notification by certified mail. This was purely a clerical error in my office. As you know, this error has been seasonably corrected.

Finally, whether or not you choose to engage counsel is entirely up to you, but I suggest that it may be prudent for you to consult a competent attorney before pursuing this matter.

Sincerely yours,

Frederick W. Payne
County Attorney

Cc (w/ enclosures): Mrs. Mary L. Weaver

TAB T

Schools One-Time Supplemental Funding Request

Information is forthcoming and will be available night of meeting

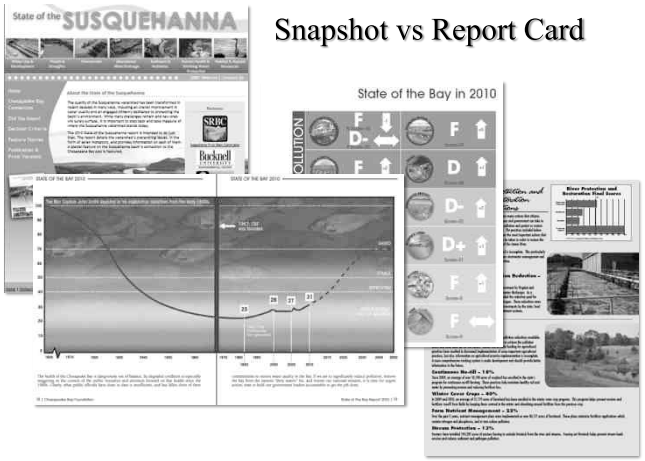
Rivanna Snapshot and the Rivanna Watershed Action Plan

Fluvanna County Board of Supervisors
November 20, 2012
Fluvanna County Planning Commission
November 28, 2012

Presentation

- The Rivanna Snapshot
- The Rivanna Watershed Action Plan
- Project timeline
- Relationship to planning activities in the Rivanna watershed

Snapshot vs Report Card

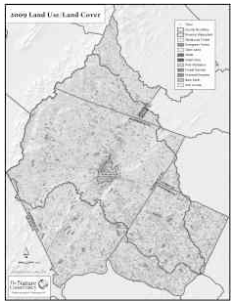


Snapshot Overview

- General information on the Rivanna River watershed (size of watershed; localities in watershed; population of the Rivanna
- Public access/recreation)
- Watershed health (impairments; TMDLs (pollution budget); implementation plans (clean-up plans)
- Land use related to healthy waters (altered hydrology; changing weather patterns; impervious surfaces; forest land)
- Describe our current commitments: BMPs, buffers, policies, conservation lands and easements

Acres of watershed in each locality

County or City	Acres of Watershed in Locality	% Watershed within Locality
Charlottesville	6,589	1%
Albemarle County	316,022	64%
Greene County	59,569	12%
Fluvanna County	95,021	19%
Louisa	9,065	2%
Orange	4,608	1%
Nelson	382	Less than 1%



52% of Fluvanna County is in the Rivanna watershed

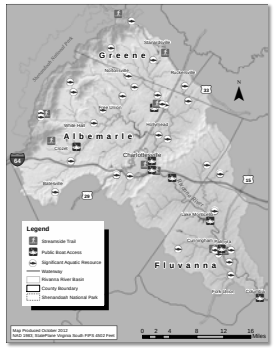
Watershed Population and Land Use

166,638 = 2010 Rivanna watershed population

Category	%	Acres
Deciduous Forest	57.8	284,083
Evergreen Forest	9.5	46,721
Open Land	22.3	109,858
Water	1.1	5,339
Impervious	3.2	15,868
Pine Plantation	4.3	21,280
Forest Harvest	0.6	3,049
Orchard/ Vineyard	0.4	1,975
Bare Earth	0.5	2,242
Golf Course	0.2	1,200
TOTAL		**491,615**

Public Access and Recreation

- **Public river landings:** fishing, paddling, swimming
- **Public access:** trails
- **Fishing:** significant aquatic living resources



VCU Healthy Waters Assessment for significant aquatic living resources

Watershed Health

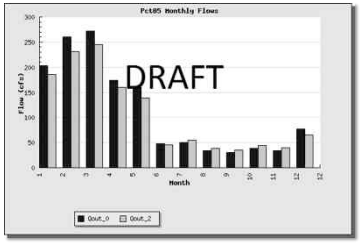
Impairment	Rivanna Stream Miles Impaired	Fluvanna Imapired Waterbodies	Fluvanna Stream Miles Impaired
Benthic-Macroinvertebrates (aquatic life standard)	135.4	Carys Creek from the headwaters downstream to the confluence with the Rivanna River.	1.7
		X-trib to Boston Creek from the headwaters downstream to its confluence with Boston Creek. (Lake Monticello)	1.7
		Middle Fork Cunningham Creek from its confluence with an unnamed tributary originating near Antioch downstream to its confluence with Cunningham Creek	3.1
		X-trib to the Rivanna River from the headwaters downstream to its confluence with the Rivanna River.	1
		X-trib to North Fork Cunningham Creek from the headwaters downstream to its confluence with the North Fork Cunningham Creek.	0.6
		North Creek from headwaters to the first unnamed tributary confluence.	
E. Coli or Fecal coliform (bacteria or recreational contact standard)	123.3	Middle Fork Cunningham Creek and tributary from the headwaters downstream to its confluence with Cunningham Creek	6.8
		Middle Fork Cunningham Creek X-trib from the headwaters downstream to its confluence with the Middle Fork Cunningham Creek.	3.6
DO* (N. Fork Moormans – possible anomaly)	11		
pH	5.2	Fluvanna Ruritan Lake - atmospheric deposition	51 acres

911 linear miles in the Rivanna Basin
222 (49%) "impaired" miles
230 (51%) "good" miles
460 "unknown" (not assessed) miles

Note: Some stream miles are impaired by more than one impairment.

Water Resources

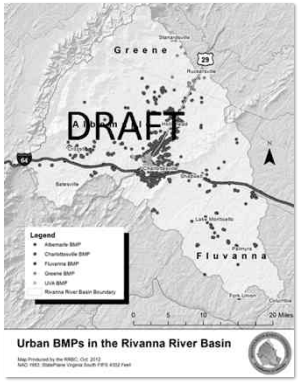
water quality is related to water quantity



Blue = Baseline
Green = After discharges and withdrawals
EXAMPLE above at confluence of N. and S Fork Rivanna
per Robert Burgholzer, DEQ

Urban Stormwater BMPs

mitigating the effects of altered hydrologic flows



- Based on locality records
- Showcase examples and explain how they work

Agriculture BMPs*

2002 – 2012 data

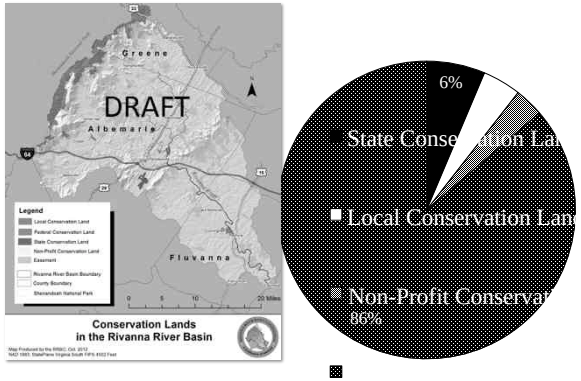
- 106.6 miles of stream fencing
- 643 acres of stream buffer, assuming a 35 ft stream buffer and including CREP*

* Conservation Reserve Enhancement Program = forested buffers

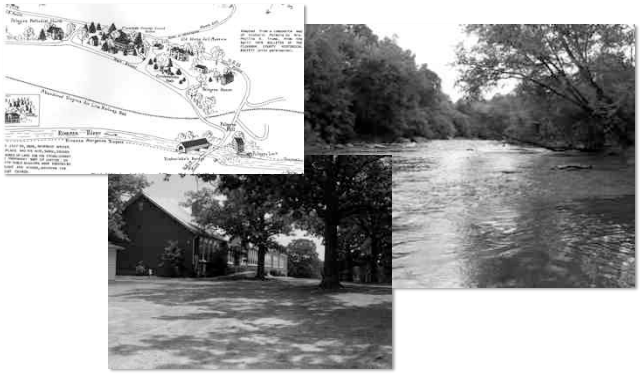
Riparian Buffers

Land Acres	# Acres of Forest Acres within 100 ft Buffers*	% in 100 ft Forest Buffers	# Acres of Forest Not in Buffers	% Not within 100 ft Buffers
58,533	44,865	77%	13,668	23%

Conservation/Protected Lands



Land Use Planning



StreamWatch

Stream health follows land use

- Rural landscapes with lots of forest have healthy streams. Urban areas with lots of paved surfaces have unhealthy streams.
- **We can predict stream health based on amount of forest and development nearby.**
- Most of the Rivanna basin is semi-rural or "exurban." Forest cover averages about 70%, and there are 17 acres for every house.
- **More than 50% of exurban streams fail the biological standard.**

Stream Health Follows Land Use (2011)

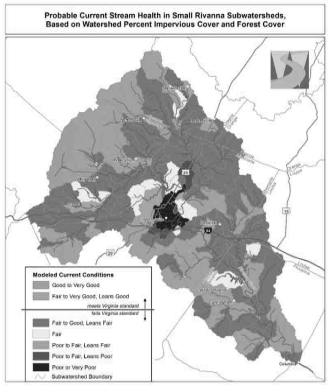
StreamWatch

Stream health follows land use

- Rural and exurban streams decline rapidly with increased development or deforestation.
- Urban streams are already in poor condition and do not respond dramatically to additional development.
- Based on land use, StreamWatch estimates that 70% of Rivanna streams fail the VA aquatic standard.
- Within 20 years, increased development in non-urban areas could reduce the number of healthy streams by on-third (see handout).

Stream Health Follows Land Use (2011)

Probable current stream health in small Rivanna watersheds based on % impervious cover and forest cover



Stream Health Follows Land Use (2011)

The Snapshot sets the stage for watershed-wide planning process (the Rivanna Action Plan)

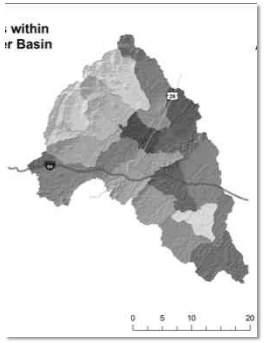
Rivanna Watershed Action Plan

The Action Plan **will bring together existing plans**:

- TMDL (water "clean up") implementation plans
- Chesapeake Bay TMDL local submissions (2012)
- TNC's Rivanna Conservation Area Plan (2003/2011)
- StreamWatch's *Stream Health Follows Land Use* (2011)
- Four local comprehensive plans
- Numerous local reports that recommend specific watershed protection measures in the Rivanna.

Watershed planning process will be done on a sub-watershed basis

- Identifies priority healthy streams, landscapes, and sub-watersheds
- Identifies existing and recommended conservation, restoration, and protection measures
- Involves the RRBC and its Technical Advisory Committee (local govt. staff)
- Includes stakeholder conversations and input



Rivanna Watershed Action Plan

Planning document ***plus toolkit*** for implementation

- Identifies priority healthy streams, landscapes, and sub-watersheds and outlines mechanisms for providing additional protection for these areas.
- Accounting procedures for evaluating proposed stormwater offsets and nutrient trading
- Accounting of best available data on water resources to evaluate beneficial instream flows in the Rivanna
- Satisfies EPA requirements for watershed planning to facilitate funding for localities
- Identifies who is doing what in the Rivanna watershed

Rivanna Snapshot and Action Plan Timeline

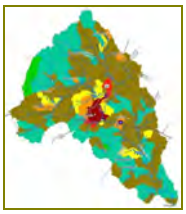
Summer 2012	Identify and assemble stakeholder advisory team
Oct-Nov 2012	Presentations to PC's and Boards/Council in watershed
Nov 30 2012	Publish Rivanna Snapshot
December 7	Public presentation of Rivanna Snapshot (First Friday event)
January 2013	Road show visioning: Albemarle, Greene, **Fluvanna**, SWCDs
Jan – Apr 2013	Gather data for Rivanna Watershed Action Plan and integrate with other planning efforts
Apr– Jun 2013	Draft Action Plan
Jun – Aug 2013	Review and publish Action Plan

Stream Health Follows Land Use

Key findings from StreamWatch's study of the Rivanna basin

Beginning in spring 2007, StreamWatch set out to study relationships between land use, stream habitat, and stream biology in the Rivanna River basin. For more than two years, we collected stream organisms and habitat data at 51 sites. We then compared these data with land use. Here is what we found:

- Most streams we studied failed Virginia's biological standard. This standard tells us whether streams support a variety of life forms. Streams with more life have better water quality, and can provide better services to humans. Such services include water supply, recreation, and aesthetic enjoyment.
- Stream health is closely related to land use. Rural landscapes with lots of forest have healthy streams. Urban areas with lots of paved surfaces have unhealthy streams. In between, health declines predictably as land use intensifies. The relationship is so strong that we can estimate stream health based on the amount of forest and development in the surrounding area.
- Most of the Rivanna basin is semi-rural (exurban). In this exurban landscape, forest cover averages about 70%, and there are 17 acres for every house. This amount of disturbance may seem mild, yet more than half of exurban streams failed the biological standard.
- Rural and exurban streams decline rapidly with increased development or deforestation. In urban areas, stream health is already poor. Therefore, urban streams do not respond dramatically to additional development.
- Unlike development and deforestation, cattle operations, quantified at the watershed scale, did not have a big impact on stream health. However, we did not study the effects of cattle located close to streams.
- Based on land use, we estimate that 70% of Rivanna streams fail the Virginia standard. Fortunately, only 5% to 10% of streams are severely degraded. Most streams sit near the pass/fail cusp and might meet the standard with better care.
- Within 20 years, increased development in non-urban areas could reduce the number of healthy streams by about a third (see maps on following pages).
- Unstable banks and excess sediment appear to affect the health of many Rivanna streams.
- Forested buffers alongside streams can protect and improve stream health.



See inside for maps of current and future watershed conditions

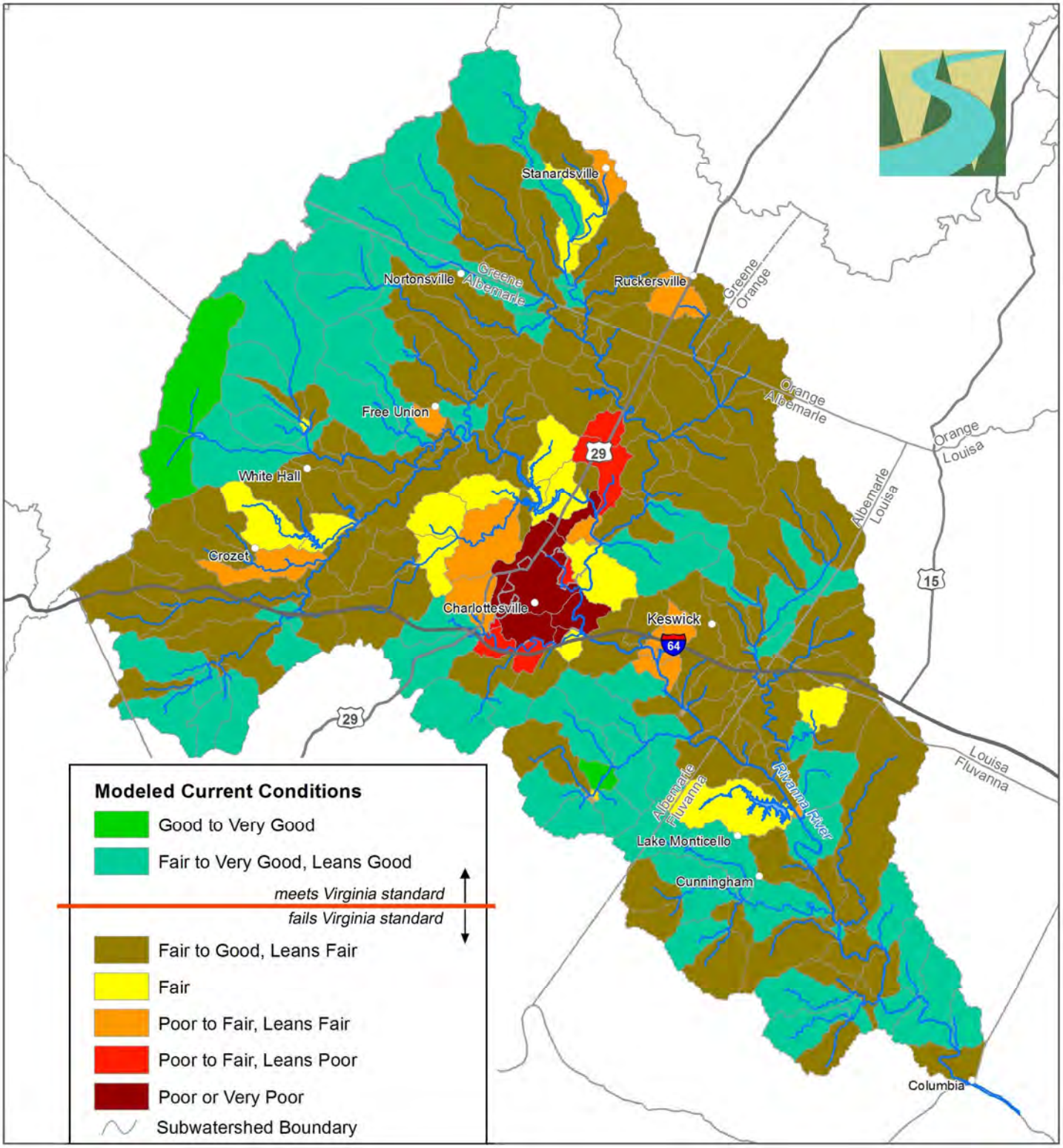
StreamWatch monitors and assesses Rivanna basin streams and rivers to help the community maintain and restore healthy waterways.

www.streamwatch.org
P.O. Box 681, Charlottesville, VA
434-962-3527

To learn more about the StreamWatch Land Use Study, visit www.streamwatch.org/lus

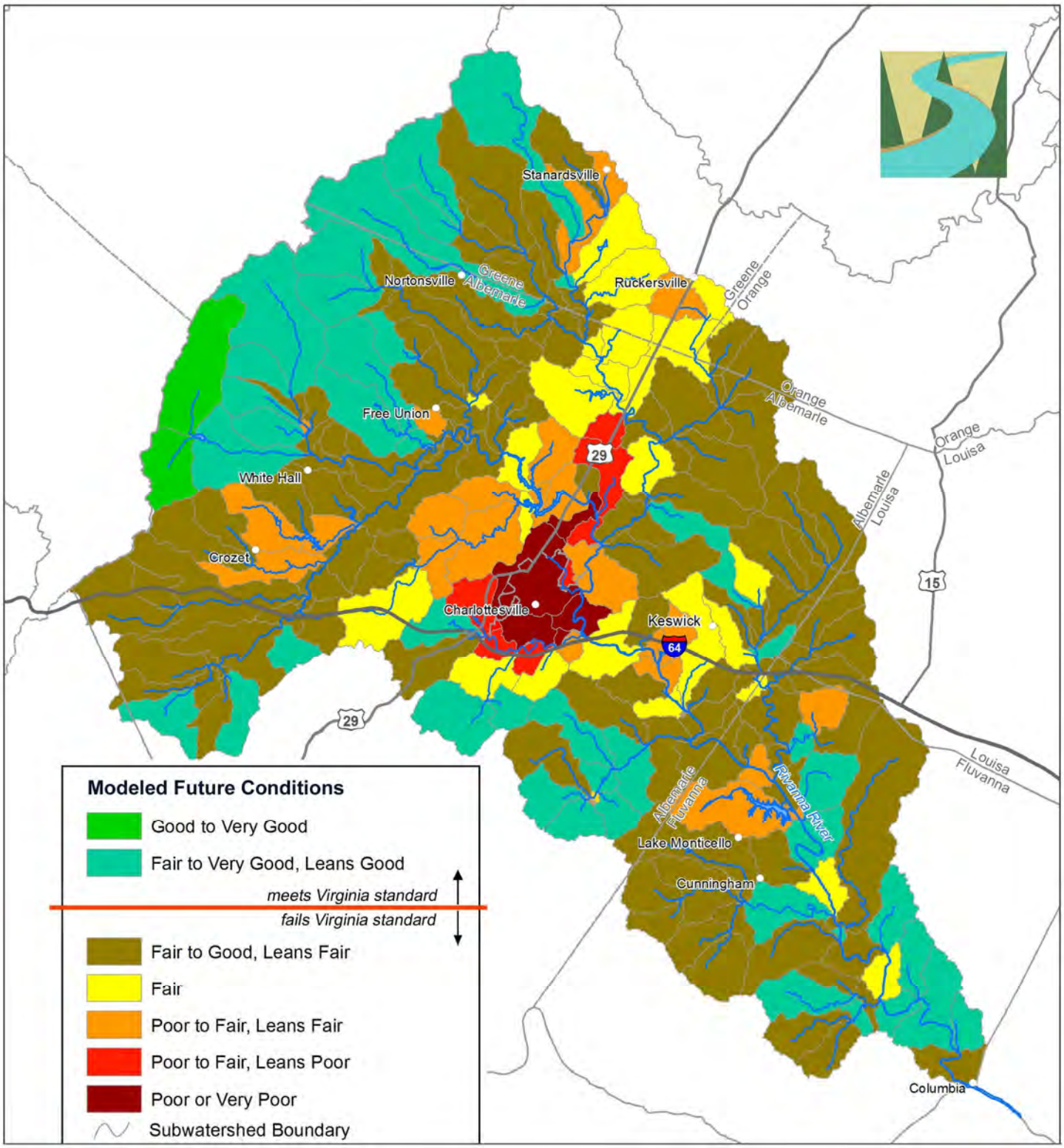
Likely Current Health of Streams in Small Rivanna Watersheds

Colors below indicate modeled stream health in small watersheds throughout the Rivanna, based on land use. Per our model, we estimate that 70% of Rivanna streams fail the Virginia biological standard. Fortunately, only 5% to 10% of streams are likely to be severely degraded. Most streams sit near the pass/fail cusp and might meet the standard with better care.



Possible Health of Rivanna Streams in 20 Years

In 20 years, increased development could reduce the number of healthy streams by about a third. We based this projection on a simple, speculative scenario: We increased impervious cover (roads, parking lots, buildings, *etc.*) and decreased forest cover to levels that could occur in 20 years, based on current population growth. We distributed growth evenly throughout non-urban areas of the basin, then calculated stream health based on the projected land use conditions.



Acknowledgments

This study reflects the work of scores of individuals and thousands of hours of donated time. We are deeply grateful to the following individuals, organizations, and funders. This study would not have been possible without their generosity.

StreamWatch Partners

Albemarle County / City of Charlottesville / Fluvanna County / The Nature Conservancy / Rivanna Conservation Society
Rivanna River Basin Commission / Rivanna Water and Sewer Authority / Thomas Jefferson Planning District Commission
Thomas Jefferson Soil and Water Conservation District

Science Collaborators

For guidance with study design, assistance with modeling, and review of analytical methods, we extend our special thanks to Karen McGlathery and Todd Scanlon of University of Virginia's Department of Environmental Sciences. For contributing research on stream sedimentation, we extend our special thanks to Christine May of James Madison University's Department of Biology.

Technical Support

For development and management of GIS-based information about the Rivanna basin, we extend our special thanks to Chris Bruce of The Nature Conservancy, Chesapeake Bay Funders Network, Rick Odom, and WorldView Solutions, Inc.

For general guidance and review, we thank StreamWatch's Technical Advisory Committee:

Samuel Austin, U.S. Geological Survey / Greg Harper, Albemarle County / David Hirschman, Center for Watershed Protection / John Kauffman, Virginia Department of Game and Inland Fisheries / Karen McGlathery, University of Virginia Rick Odom, Ecologist, GIS specialist / Brian Richter, The Nature Conservancy / Todd Scanlon, University of Virginia William Van Wart, Virginia Department of Environmental Quality

Volunteers and Interns

Our profound and heartfelt gratitude goes out to the many volunteers and interns who assisted with data collection and data management. We could not have completed this study without your hard work. *Thank you!*

Volunteers

Jennifer Alexander / Michael Baker / Dav Banks / Cameron Beers / Calvin Biesecker / Steve Botts / Kelly Bowman / Rachel Bush
Nora Byrd / David Carr / Tina Colom / Gus Colom / Cristina Cornell / Erin Cornell / Nancy Cornell / Aaron Cross / Vince Dish
Laura Dollard / Sharon Ellison / Terri Ellison / Brendan Ferreri-Hamberry / Jane Fisher / Nancy Ford / Ned Foss / Doug Fraser
Nancy Friend / Diane Frisbee / James Gano / Kathy Gerber / Nancy Gercke / Repp Glaettli / Helen Gordon / Sean Grzegorczyk
Shane Grzegorczyk / Deb Hackett / Elise Hackett / Ralph Hall / Shirley Halladay / Allen Hard / Bob Henricks / Tana Herndon
Joel Howard / John Ince / Stefan Jirka / Karen Joyner / Jim Kabat / Terri Keffert / Aidan Keith-Hynes / Bronwyn Keith-Hynes
Patrick Keith-Hynes / Frances Lee-Vandell / Vera Leone / Keggie Mallett / Ann McLeod-Lambert / Vicki Metcalf / Susan Meyer
Jill Meyer / Leslie Middleton / Janet Miller / Becky Minor / Maggie Murphy / Sarah Murphy / Rose Sgarlat Myers / Jim Nix
Marianne O'Brien / Cindy O'Connell / Killian O'Connell / James Peacock / Frank Persico / Art Petty / Kristin Pickering / Elena Prien
Patrick Punch / Anne Rasmussen / Nicola (Nicky) Roberts / Pat Schnatterly / Steve Schnatterly / Marjorie Siegel / Susan Sleight
Hugo Spaulding / Will Spaulding / Edward Strickler Jr. / Ida Swenson / Roger Temples / Pat Temples / Michelle Thompson
Rob Tilghman / Dorothy Tompkins / Rachel Vigour / John Walsh / Tom Walsh / Phyllis White / Frank Wilczek / Pat Wilczek
Steve Sylvan Willig / James Winsett / Laurel Woodworth

Interns

Aaron Bloch / Will Devault-Weaver / Kelsey Ducklow / Alissa Gador / Erin Gallagher / Benjamin Hines / Aryn Hoge / Margaret Jarosz
Sarah Kang / Katie Layman / Andrew Moore / Robert Noffsinger / Scott Osborne / Catherine Pham Eleanor Preston / Peter Swigert
Brian Walton / Megan Wood

Funders

Albemarle County / Chesapeake Bay Restoration Fund / City of Charlottesville / Fluvanna County / J & E Berkley Foundation
Rivanna Water and Sewer Authority / Virginia Environmental Endowment

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	Adoption of the Fluvanna County Board of Supervisors regular meeting minutes.
MOTION(s):	I move the regular meeting minutes of the Fluvanna County Board of Supervisors for Wednesday, November 7, 2012 be adopted.
STAFF CONTACT:	Mary L. Weaver, Clerk to the Board of Supervisors
RECOMMENDATION:	Approval
TIMING:	Routine
DISCUSSION:	None
FISCAL IMPLICATIONS:	N/A
POLICY IMPLICATIONS:	N/A
LEGISLATIVE HISTORY:	None
ENCLOSURES:	Draft minutes for November 7, 2012

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Court Room
November 7, 2012, 2:00 p.m.

MEMBERS PRESENT: Shaun V. Kenney, Chairman
Bob Ullenbruch, Vice-Chairman
Donald W. Weaver
Mozell H. Booker
Joe Chesser

ALSO PRESENT: Steven M. Nichols, County Administrator
Fred Payne, County Attorney
Mary Weaver, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Kenney called the meeting of November 7, 2012, to order at 2:00 p.m., in the Circuit Courtroom in Palmyra, Virginia; and the Pledge of Allegiance was recited, after which, Chairman Kenney called for a moment of silence.

COUNTY ADMINISTRATOR'S REPORT

Mr. Nichols reported on the following topics:

- Happy Birthday to Mrs. Booker (tomorrow)
- Parks and Recreation Family Halloween event was very successful, 250 family members attended.
- Pleasant Grove Trail Clean Up Day was Saturday, October 20th, 2012. Volunteers saved County $675 in staffing costs.
- Compliance Update for Omohundro Well and WTP Consent Order, completion expected well before the December 15, 2012 due date.
- Update on Staff Survey Tiger Team. Team identified four primary categories of concerns: Safety, Communication, Job Resources and Recognition & Performance.
- Columbia Visioning Session on Saturday, November 17, 2012 from 9:00 am to Noon at Parish Hall of Saint Joseph Church.
- Update on status of ongoing projects and supervisor requests.

PUBLIC COMMENTS #1

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

- Elizabeth Franklin, Columbia District – speaking on behalf of the Fluvanna Taxpayers Association, addressed the Board in regards to the long voting lines in the Rivanna District.
- W.A Pace, Palmyra District - addressed the Board in regards to the proposed reassessment of land. Suggests the Board to do future reassessments in-house with employees reporting to the County Administrator.

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

PUBLIC HEARING
None

ACTION MATTERS
Adoption of the Draft 2013 Thomas Jefferson Planning District Legislative Program – Mr. David Blount, TJPDC Legislative Liaison, reviewed with the Board the six priority positions; State Mandates & Funding Obligations, Transportation Funding & Devolution, Public Education Funding, Chesapeake TMDL, Land Use & Growth Management and Comprehensive Services Act along with other changes to the program. Reminded the Board of the Legislative Forum that will be held on Thursday, November 29, 2012 at the Water Center focusing on cost shifting and mandates.

MOTION:

Mr. Chesser moved to adopt the 2013 Draft Thomas Jefferson Planning District (TJPD) Legislative Program with amendments, understanding that additional, suggested revisions to the draft may be incorporated into the final version. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Authorization of the Issuance of Not to Exceed $70,000,000 General Obligation School Refunding Bonds of the County of Fluvanna, Virginia, to be sold to the Virginia Public School Authority / *Contribution and/or use of FY13 debt service savings from the refunding of the 2008A General Obligation School Bonds* – Ms. Barbara Horlacher, Director of Finance, reviewed with the Board what has been accomplished since the finance work session on September 5, 2012.

MOTION:

Mr. Chesser moved to approve the resolution entitled "AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $70,000,000 GENERAL OBLIGATION SCHOOL REFUNDING BONDS OF THE COUNTY OF FLUVANNA VIRGINIA, SERIES 2012B, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF". Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mrs. Booker moved to reserve all debt service savings on refinancing issues for future County use. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Elimination / Retention of Various Boards, Commissions, and Committees – Mr. Steven Nichols reviewed with the Board his recommendations of which Boards, Commissions, and Committees to Eliminate and Terminate representation. The Board discussed which Boards, Commissions, and Committees to eliminate. The following motion was made:

MOTION:

Mr. Ullenbruch moved to eliminate the following Boards, Commissions, and Committees since they are no longer active or have served their intended purpose, with such elimination to be effective immediately.

- Court Green Committee
- Economic Development Commission (EDC)
- Finance Board
- Fluvanna County Transportation Safety Commission
- Landfill Advisory Committee
- Palmyra Wastewater Committee

With no second this motion failed. After more discussion the following motions were made:

MOTION:

Mr. Chesser moved to terminate representation on the following Boards, Commissions, and Committees since they are no longer active, have served their intended purpose, or our representation is no longer necessary, with such elimination to be effective immediately.

- Affordable Housing Task Force
- Piedmont Workforce Investment Board
- Thomas Jefferson Water Resources Protection Foundation

Mrs. Booker seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

MOTION:

Mr. Chesser moved to eliminate the following Boards, Commissions, and Committees since they are no longer active or have served their intended purpose, with such elimination to be effective immediately.

- Court Green Committee
- Finance Board
- Fluvanna County Transportation Safety Commission
- Palmyra Wastewater Committee

Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

The Board **directed staff** to meet with the Economic Development Commission (EDC) and the Economic Development Authority (EDA) to discuss absorbing EDC.

The Board discussed if there was a need for the Landfill Advisory Committee. After discussion the following motion was made:

DRAFT

MOTION:

Mr. Ullenbruch moved to eliminate the following Boards, Commissions, and Committees since it is no longer active or has served their intended purpose, with such elimination to be effective immediately.

- Landfill Advisory Committee

Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

FY13 Fluvanna County Salary Band Adjustments – Mr. Steven Nichols, County Administrator, reviewed with the Board the reasoning behind this adjustment request to reflect the VRS increase.

MOTION:

Mr. Ullenbruch moved to approve a revision to the FY13 Fluvanna County Salary Table to increase the maximum salary ranges by 5.28% and to recalculate the mid-point salary ranges, retroactive to July 1, 2012. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Appointment / Thomas Jefferson Emergency Medical Services Council – Mr. Steven Nichols, County Administrator addressed this request.

MOTION:

Mr. Ullenbruch moved to appoint Andrea Gaines to the Thomas Jefferson Emergency Medical Services Council, with a term to begin immediately and to terminate on June 30, 2014. Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

VDOT FY14 Revenue Sharing Application – Ms. Patricia Groot, Grants Administrator, addressed the Board with this request in regards to the VDOT Roundabout at the intersection of Route 53 and Route 15. The Board discussed and the following motion was made:

MOTION:

Mr. Chesser moved the Board of Supervisors approve the application and resolution to apply for Virginia Department of Transportation (VDOT) Revenue Sharing funds for the design and construction of a roundabout at the Route 15 and Route 53 intersection. Mrs. Booker seconded. The motion carried, with a vote of 4-1. AYES: Kenney, Booker, Ullenbruch and Chesser. NAYS: Weaver. ABSENT: None.

PRESENTATIONS

Reassessment Lessons Learned, Options, and Recommendations – Utilities Revenue Outlook – Land Use Update and Options – Mr. Mel Sheridan, Commissioner of Revenue reviewed with the Board the following items:

Reassessment Lessons Learned, Options and Recommendations – Assessor meetings were completed on October 26, 2012. 435 meetings were held, 208 parcels were changed and 227 stayed the same. Average change in assessed value is 25.9% less than

current. Recommend scheduled cycle for reassessments on a 2 year cycle In-House vs Out Source. Recommend the Board of Equalization members be appointed in January 2013.
Utilities Revenue Outlook – There was a $71, 587 net loss in utilities for FY2012 because General Assembly implemented a tax exemption.
Land Use Options - $2,296,145.23 deferred total tax for open land. Land Use rate can only be changed during a reassessment year.

Rural Zoning Policies – Ms. Allyson Finchum, Director of Planning and Mr. Andrew Pompei reviewed with the Board the current development trends in rural areas; history of rural preservation issues in Fluvanna County; and tools used by Virginia localities to manage growth in rural areas. The Board discussed how to proceed with Rural Preservation.

The Board **directed staff** to review recommendations of Rural Land Use Committee, prepare cash proffers policy and draft zoning and subdivision ordinances that provide cohesive solutions to rural land use issues.

County Vehicle Assessment – Mr. Wayne Stephens, Public Works Director reviewed with the Board the current county vehicles, which vehicles need to be surplused, replaced and the plan to maintain them. The Board concurred with the plan to dispose of eleven excess vehicles.

CONSENT AGENDA

Mr. Nichols explained the questions the Board had on the following items:

- Capital Reserve Maintenance Fund request to replace the Roof on the Carysbrook Performing Arts Center
- Capital Reserve Maintenance Fund request for Installation of a Handicapped Ramp at Abram School

The following items were approved under the consent agenda:

MOTION:

Mrs. Booker moved to approve the consent agenda, which consisted of:

- Minutes from October 17, 2012
- Resolution Recognizing Kevin Alexander Hogan as an Eagle Scout
- Capital Reserve Maintenance Fund request to replace the Roof on the Carysbrook Performing Arts Center
- Capital Reserve Maintenance Fund request for Installation of a Handicapped Ramp at Abram School
- 2012 Thomas Jefferson Regional Brownfields Assessment & Planning Grant

Mr. Chesser seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

Mr. Chesser recognized Kevin Alexander Hogan's accomplishments as an Eagle Scout.

ACCOUNTS PAYABLE AND BUDGET REPORT

Ms. Barbara Horlacher, Finance Director addressed the Board regarding the accounts payable.

MOTION:

Mr. Weaver moved the Accounts Payable and Payroll be ratified for the period September 22, 2012 through October 19, 2012 in the amount of $2,321,199.53. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

General Fund	$ 964,630.27
Capital Improvements	$ 375,370.46
Debt Service	$ 321,276.54
Sewer	$ 1,806.62
Fork Union Sanitary District	$ 7,600.60
Total Expenditures by Fund	**$1,670,684.49**
Payroll – September	$ 650,515.04

Total Payables & Payroll **$2,321,199.53**

UNFINISHED BUSINESS

None

NEW BUSINESS

Monthly BOS Work Sessions – Mr. Steven Nichols, County Administrator, requested the Board add a monthly BOS Work Session on the first Wednesday of each month at 6:00 p.m. following the regular 2:00 p.m. Board meeting. The work session would generally be focused on a single topic discussion based on the interest and needs of the Board. Board discussed and will change by-laws to reflect the added work sessions at the organizational meeting in January 2013.

Electronic Employee Pay Statements – Mr. Steven Nichols, County Administrator, reviewed with the Board the ability to send pay statements out electronically and the savings to the County. Mr. Nichols plans to review the system features, inform staff, and convert all personnel on the payroll to this format in the near future.

PUBLIC COMMENTS #2

Chairman Kenney opened the floor for the second round of public comments.
With no one wishing to speak, Chairman Kenney closed the second segment of public comments.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 4:50p.m., Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed session, pursuant to the Virginia Code Section 2.2-3711-A-3, 2.2-3711-A-6 and 2.23711-A-7 for discussion of Real Estate, Investment of Funds and

Legal Matters. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

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

At 5:58p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors reconvene again in open session. Mr. Ullenbruch seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. NAYS: None. ABSENT: None.

MOTION:

At 5:59 p.m., the following resolution was adopted by the Fluvanna County Board of Supervisors, following a closed meeting held Wednesday, November 7, 2012, on motion of Mr. Weaver, seconded by Mr. Ullenbruch, and carried by the following vote of 5-0. AYES: Kenney, Ullenbruch, Weaver, Booker and Chesser. 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."

ADJOURN

MOTION:

At 6:00 p.m., Mr. Chesser moved to adjourn the meeting of Wednesday, November 7, 2012. Mr. Weaver seconded. The motion carried, with a vote of 5-0. AYES: Kenney, Booker, Ullenbruch, Chesser and Weaver. NAYS: None. ABSENT: None.

ATTEST: FLUVANNA COUNTY BOARD OF SUPERVISORS

_____ _____

Mary L. Weaver, Clerk Shaun V. Kenney, Chairman

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Resolution No. 27-2012

RESOLUTION
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED
$70,000,000 GENERAL OBLIGATION SCHOOL REFUNDING BONDS
OF THE COUNTY OF FLUVANNA VIRGINIA, SERIES 2012B,
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
AND PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, the Board of Supervisors (the "Board") of the County of Fluvanna, Virginia (the "County"), has been informed of the advice of Morgan Keegan & Company, Inc., the County's financial advisor, that the County may be able to effect substantial debt service savings by (a) refunding all or a portion of the County's $67,525,000 General Obligation School Bonds, Series 2008A (the "2008 County Bonds"), which were sold to the Virginia Public School Authority ("VPSA") on December 22, 2008, to finance the construction and equipping of a high school in the County, and (b) thereby causing the refunding of VPSA's corresponding $67,525,000 Special Obligation School Financing Bonds, Fluvanna County Series 2008 (the "2008 VPSA Bonds") (collectively, the "Plan of Refinancing"); and

WHEREAS, the Board has determined that it is necessary and expedient to issue its general obligation school refunding bonds in a principal amount not to exceed $70,000,000 (the "Bonds") in order to effect the Plan of Refinancing; and

WHEREAS, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds and has consented to the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FLUVANNA, VIRGINIA:

1. **Authorization of Bonds; Request of VPSA**. The Board hereby determines that it is advisable to contract a debt and issue and sell the Bonds for the purpose of paying the principal of, and premium, if any, and interest on, all or a portion of the 2008 County Bonds (such refunded portion herein referred to as the "Refunded Bonds") and paying the issuance costs incurred in connection with the Plan of Refinancing. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution, and requests VPSA to purchase the Bonds and to effect a refunding of the corresponding maturities of the 2008 VPSA Bonds through the issuance by VPSA of its own refunding bonds (the "VPSA Bonds").

2. **Details of the Bonds**. (a) The Bonds shall be issued in fully registered form, shall be dated the date of their issuance and delivery, and shall be designated "General Obligation School Refunding Bonds, Series 2012B," or such other designation as the County Administrator shall determine. The Board authorizes the issuance and sale of the Bonds to VPSA on terms as the County Administrator shall determine to be satisfactory and in the best interests of the County; provided, however, that the Bonds (i) shall be issued in an aggregate principal amount not to exceed $70,000,000; (ii) shall mature no later than December 31, 2035; (iii) **shall have a true interest cost**

not to exceed 4.00%; (iv) shall be sold to VPSA at a price not less than 99% of the aggregate principal amount of the Bonds (without regard to any original issue discount allocable to the Bonds); and (v) shall be subject to optional prepayment or redemption at a price not greater than 102% of the aggregate principal amount thereof; and provided, further, that the refunding of the Refunded Bonds shall result in **net present value debt service savings to the County of not less than 4.75%** of the amount of such Refunded Bonds.

(b) Subject to the preceding terms, the Board further authorizes the County Administrator to conform the terms of the Bonds in necessary respects to the terms of the corresponding VPSA Bonds, including (i) the aggregate principal amount of the Bonds, (ii) the interest rates of the Bonds and (iii) the amortization schedule (including principal installment dates and amounts) for the Bonds, all in such manner as the County Administrator shall determine to be in the best interests of the County.

(c) Following the pricing of the corresponding VPSA Bonds, the County Administrator shall evidence approval of the final terms and purchase price of the Bonds by executing and delivering to VPSA a Bond Sale Agreement (the "Bond Sale Agreement") setting forth the terms and conditions of VPSA's purchase of the Bonds. The Bond Sale Agreement shall be in substantially the form presented to this meeting, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator.

(d) The actions of the County Administrator in determining the final terms and the purchase price of the Bonds shall be conclusive, and no further action shall be necessary on the part of the Board.

3. **Form of the Bonds**. For as long as VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds. On twenty (20) days written notice from VPSA, the County shall deliver, at its expense, the Bonds in marketable form in denominations of $5,000 and whole multiples thereof, as requested by VPSA, in exchange for the temporary typewritten bond.

4. **Payment; Paying Agent and Bond Registrar**. The following provisions shall apply to the Bonds:

(a) For as long as VPSA is the registered owner of the Bonds, all payments of principal of, and premium, if any, and interest on, the Bonds shall be made in immediately available funds to VPSA at or before 11:00 a.m. on the applicable interest payment date, principal payment date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such interest payment date, principal payment date or date fixed for prepayment or redemption.

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(b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Regions Bank, Richmond, Virginia, or its successor, is designated as bond registrar and paying agent for the Bonds (the "Bond Registrar"). The County may replace at any time, in its sole discretion, but with written notice to VPSA, the Bond Registrar with another qualified bank or trust company as successor Bond Registrar.

5. **Prepayment or Redemption**. Subject to the provisions of Section 2, the Bonds shall be subject to prepayment or optional redemption prior to their respective maturities as a whole or in part and at such times and prices as shall be determined by the County Administrator and set forth in the Bond Sale Agreement; provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

6. **Execution of the Bonds**. The Chairman or Vice Chairman of the Board, either of whom may act, and the Clerk of the Board or any Deputy Clerk, any of whom may act, are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.

7. **Pledge of Full Faith and Credit**. For the prompt payment of the principal of, and premium, if any, and interest on, the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged. In each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of, and premium, if any, and the interest on, the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.

8. **Use of Proceeds Certificate and Non-Arbitrage Certificate**. The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate, any of whom may act, are hereby authorized and directed to execute a Non-Arbitrage Certificate and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Non-Arbitrage Certificate and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.

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9. **Limitation on Private Use**. The County covenants that it shall not permit the proceeds of the Bonds or the facilities refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

10. **Redemption of Refunded Bonds**. The County Administrator is authorized and directed to determine which maturities (or portions thereof) of the 2008 County Bonds, if any, shall be refunded and constitute the Refunded Bonds. The County Administrator is further authorized to provide the appropriate redemption notices to VPSA in accordance with the resolution and documents providing for the issuance of the 2008 County Bonds.

11. **Escrow Deposit Agreement**. The County Administrator is authorized to enter into an escrow agreement or refunding trust agreement (referred to herein as an "Escrow Agreement") with VPSA, or with a bank or trust company if desired by the County Administrator and permitted by VPSA, to provide for the redemption of the Refunded Bonds and to enable VPSA to effect a redemption of the corresponding maturities of the 2008 VPSA Bonds. The Escrow Agreement shall be in the form approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel, his execution to constitute conclusive evidence of the County Administrator's approval of the Escrow Agreement. If the County determines not to utilize SNAP as permitted by Section 12 below and if permitted by VPSA, the County Administrator is authorized to select a verification agent to verify that the amounts deposited or invested pursuant to the Escrow Agreement will be sufficient to pay the principal of, and premium and accrued interest on, the Refunded Bonds on their optional redemption date.

12. **State Non-Arbitrage Program**. The Board has previously received and reviewed the Information Statement (the "Information Statement") describing the State Non-Arbitrage Program of the Commonwealth of Virginia ("SNAP") and the Contract Creating the State Non-Arbitrage Program Pool I (the "Contract"), and the Board has determined to authorize the County Treasurer to utilize SNAP in connection with the investment of the proceeds of the Bonds, if the County Administrator determines that the utilization of SNAP is in the best interest of the County. The Board acknowledges that the Treasury Board of the Commonwealth of Virginia is not, and shall not be, in any way liable to the County in connection with SNAP, except as otherwise provided in the Contract.

13. **Continuing Disclosure Agreement**. If requested by VPSA at any time while the Bonds remain outstanding, the Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate, any of whom may act, are hereby

authorized and directed to execute a Continuing Disclosure Agreement setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934, as amended, and directed to make all filings required by the Continuing Disclosure Agreement. The Continuing Disclosure Agreement shall be substantially in the form presented to this meeting, with such completions, omissions, insertions and changes as are not inconsistent with this Resolution.

14. **Post-Issuance Compliance Policy**. The County Administrator, and such other officer or officers of the County as he may designate, are authorized and directed to adopt a Post-Issuance Tax-Exempt Bonds Compliance Policy, in a form approved by the County Attorney and the County's bond counsel, relating to compliance by the County with federal income tax regulations governing the use and investment of bond proceeds by the County generally, and with securities regulations governing the offering and sale of bonds by the County. Such Policy shall be substantially in the form presented at this meeting, with such completions, omissions, insertions and changes as may be approved by the County Administrator, the County Attorney and the County's bond counsel.

15. **Filing of Resolution**. The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

16. **Further Actions**. The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

17. **Effective Date**. This Resolution shall take effect immediately.

* * *

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CERTIFICATE

The undersigned Clerk of the Board of Supervisors (the "Board") of the County of Fluvanna, Virginia (the "County") hereby certifies that:

1. A meeting of the Board was duly called and held on November 7, 2012 (the "Meeting").

2. Attached hereto is a true, correct and complete copy of a resolution (the "Resolution") of the Board entitled **"RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $70,000,000 GENERAL OBLIGATION SCHOOL REFUNDING BONDS OF THE COUNTY OF FLUVANNA VIRGINIA, SERIES 2012B, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND PROVIDING FOR THE FORM AND DETAILS THEREOF"** as recorded in full in the minutes of the Meeting and duly adopted by a majority of the members of the Board present and voting during the Meeting.

3. A summary of the members of the Board present or absent at the Meeting, and the recorded vote with respect to the Resolution, is set forth below:

			Voting		
Member Name	Present	Absent	Yes	No	Abstaining
Shaun V. Kenney, Chairman	X		X		
Bob Ullenbruch, Vice Chairman	X		X		
Joe Chesser	X		X		
Mozell H. Booker	X		X		
Donald W. Weaver	X			X	

4. The Resolution has not been repealed, revoked, rescinded or amended, and is in full force and effect on the date hereof.

Dated: November 7, 2012

WITNESS my signature and the seal of the Board of Supervisors of Fluvanna County, Virginia this 7th day of November, 2012.

_____
Mary L. Weaver, Clerk
Board of Supervisors of the County of Fluvanna, Virginia

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BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on November 7, 2012 in Palmyra, Virginia, the following action was taken:

Present	Vote
Shaun V. Kenney, Chairman	YEA
Robert "Bob" Ullenbruch, Vice-Chairman	YEA
Donald W. Weaver	NAY
Mozell H. Booker	YEA
Joe Chesser	YEA

On a motion by Mr. Chesser seconded by Mrs. Booker, and carried by a vote of 4-1, the following resolution was adopted:

A RESOLUTION OF THE
FLUVANNA COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF THE
Construction of the Roundabout at Rt. 15 and Rt. 53

WHEREAS, the intersection at Rt. 15 and Rt. 53 is reaching a critical point in terms of functional level of service; and,

WHEREAS, construction of a roundabout at the Rt. 15 and Rt. 53 intersection for a cost currently estimated at $1.7 million is the necessary solution for relieving anticipated traffic congestion and avoiding any adverse impact on local economic development options; and,

WHEREAS, the Fluvanna County Board of Supervisors desires to participate in the VDOT cost sharing program to fund this project as an equitable means to achieving the County's goals of economic development and transportation improvement; and,

WHEREAS, the Fluvanna County Board of Supervisors desires to submit another application for a total allocation of funds of up to $550,000 through the Virginia Department of Transportation Fiscal Year 2013-14 Revenue Sharing Program~~,~~ and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Fluvanna County Board of Supervisors hereby supports this application for a total allocation of $550,000 through the Virginia Department of Transportation Revenue Sharing Program.

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BE IT FURTHER RESOLVED THAT: the Fluvanna Board of Supervisors hereby authorizes the County Administrator to execute any agreements, certificates and other documents required on behalf of the County of Fluvanna to carry out the terms of the Project .

ADOPTED this 7th day of November,

_____
Shaun V. Kenney,
Chairman of the Board of Supervisors

A COPY ATTEST:

_____
Mary Weaver, Clerk to the Board

DRAFT

BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, November 7, 2012, in Palmyra, Virginia, the following action was taken:

Present	Vote
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice Chairman	YEA
Mozell H. Booker	YEA
Joseph Chesser	YEA
Donald W. Weaver	YEA

On a motion by Mrs. Booker, seconded by Mr. Chesser, and carried by a vote of 5-0, the following resolution was adopted.

RESOLUTION
Recognizing Kevin Alexander Hogan Award of Eagle Scout Status

WHEREAS, Kevin Alexander Hogan has completed all the requirements for becoming an Eagle Scout; and

WHEREAS, Kevin has been examined by an Eagle Scout Board of Review and deemed worthy of the Eagle Scout award; and

WHEREAS, Boy Scout Troop 138 will be convening a Eagle Scout Court of Honor on December 30, 2012 at 2:30 p.m. at Saints Peter and Paul Catholic Church, Palmyra, Virginia;

NOW, THEREFORE BE IT RESOLVED that the Fluvanna County Board of Supervisors joins Kevin's family and friends in congratulating him on his achievements and the award of Eagle Scout status.

Adopted this 7th, day of November 2012
by the Fluvanna County Board of Supervisors

ATTEST:

_____
Shaun V. Kenney, Chairman

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BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: 11/20/12

SUBJECT:	Schools Wastewater Treatment Plants Budget Transfer
MOTION(s):	**I move the Board of Supervisors approve a budget transfer of $55,500 from the Middle School/Central Wastewater Treatment Plant project to the Carysbrook Wastewater Treatment Plant project.**
STAFF CONTACT:	Eric Dahl
RECOMMENDATION:	I recommend approval of the requested action.
TIMING:	Routine.
DISCUSSION:	When the initial $100,000 was requested in FY12, the intent for funding was the preliminary work on the Middle School/Central project and securing engineering/design services for both projects. The original agenda item dated 2/15/12 appropriated the $100,000 to the current High School project only (New Middle School). This budget transfer will reallocate the funds for the Wastewater Treatment Plant projects as they were intended.
FISCAL IMPLICATIONS:	The Capital Improvement Plan budget for the Middle School/Central Wastewater Treatment Plant will decrease $55,500 and the Carysbrook Wastewater Treatment Plant budget will increase $55,500.
POLICY IMPLICATIONS:	None
LEGISLATIVE HISTORY:	None
ENCLOSURES:	Letter dated 11/2/12 from Chuck Winkler and letter dated 1/24/12 from Gena Keller and Chuck Winkler.

FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY

PALMYRA, VIRGINIA 22963

OFFICE OF THE SUPERINTENDENT

(434) 589 8208 Fax: (434) 589 2248

November 2, 2012

Barbara Horlacher, Finance Director
County of Fluvanna
P.O. Box 540
Palmyra, VA 22963

Fluvanna County Public Schools currently has two wastewater treatment plant projects funded by Capital Improvement funds. The Middle School/Central project is funded at $160,000; the Carysbrook project is funded at $250,000. When the initial $100,000 was requested, the intent was funding for preliminary work on the Middle School/Central project and securing engineering/design services for both projects. We have learned that funding for engineering/design of the Carysbrook project must be assigned to the $250,000 allotment. The School Division formally requests $55,500.00 be transferred from the Middle School/Central allocation of $160,000 to the Carrysbrook project allotment.

Respectfully,

Chuck Winkler
Assistant Superintendent

The Fluvanna County School Board does not discriminate on the basis of race, color, ethnicity, religion, age, national origin, marital status, disability, sex, status of a parent, or any other legally protected status in the provision of employment services, programs, activities or treatment. The Assistant Superintendent is designated as the responsible person (Compliance Officer) regarding assurances of nondiscrimination. Any complaint alleging discrimination based on a disability shall be directed to the Director for Special Services (the Section 504 Coordinator). Both may be reached at the following address: 14455 James Madison Highway, Palmyra, VA 22963; telephone (434) 589-8208. The Fluvanna County School Board is an Equal Opportunity Employer.

FLUVANNA COUNTY PUBLIC SCHOOLS
14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963
(434) 589 8208 Fax: (434) 589 2248

To: Fluvanna County Board of Supervisors
From: Ms. Gena Keller and Chuck Winkler
RE: FCHS Waste Water Treatment Plant Funding Request
Date: January 24, 2012 (February 1st Meeting)

Request:
Fluvanna County Public Schools (FCPS) requests the allocation of $100,000 from this year's budget to begin to address concerns at the waste water treatment plant (WWTP) located at the high school site. These funds were included in the original FCPS Capital Improvement Plan, but urgency necessitates the need for this allocation request from this year's budget.

Rationale:
In 2010-11, the Department of Environmental Quality (DEQ) began to state specific concerns at the WWTP. They also began issuing fines in late 2011 with approximately $4,000 paid to date. DEQ's main concerns were as follows:

- Maintain safe ammonia levels that currently exceed limits.
- Stabilize the flow rates that are at or exceeding daily limits.
- Balance the PH and other mineral levels to allow for safe discharge.
- Employ at least a Class III operator to monitor the sites' daily levels and rates.
- Secure an outside engineering entity to review the WWTP for design issues and future capacity.

As a follow-up during that same year, FCPS contracted with Timmons Engineering and Crabtree & Rohrbaugh to perform a facility study to include the waste water treatment plants at both the high school and middle school locations. Their findings and suggestions regarding the plants are as follows:

- Install a heating system to allow for proper control of the minerals at the high school site. ($25,000)
- Install an equalization tank to assist with the flow rate at the high school site. ($75,000)
- Reline the tanks to prolong the life expectancy at the high school site. ($60,000)
- Install a new plant at the middle school site, since the tanks are deteriorating and in jeopardy of immediate collapse. ($200,000)

Above costs include engineering fees and permits

Since most of this work needs to begin in May-June 2012 in order for completion in August 2012 and to avoid additional fines, FCPS is requesting $100,000 be allocated immediately to secure engineering design and begin phase-in of all tasks.

The Fluvanna County School Board does not discriminate on the basis of race, color, ethnicity, religion, age, national origin, marital status, disability, sex, status of a parent, or any other legally protected status in the provision of employment services, programs, activities or treatment. The Assistant Superintendent is designated as the responsible person (Compliance Officer) regarding assurances of nondiscrimination. Any complaint alleging discrimination based on a disability shall be directed to the Director for Student Services (the Section 504 Coordinator). Both may be reached at the following address: 14455 James Madison Highway, Palmyra, VA 22963; telephone (434) 589-8208. The Fluvanna County School Board is an Equal Opportunity Employer.

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	Capital Reserve Maintenance Fund Request for Replacement of Fuel Site Computer System
MOTION(s):	**I move the Board of Supervisors approve a $20,402.86 Capital Reserve Maintenance Fund Request to replace the Fuel Site Computer System.**
STAFF CONTACT:	Chuck Winkler, Assistant Superintendent
RECOMMENDATION:	Approve
TIMING:	Urgent
DISCUSSION:	See Attached
FISCAL IMPLICATIONS:	
POLICY IMPLICATIONS:	
LEGISLATIVE HISTORY:	
ENCLOSURES:	Capital Reserve Maintenance Fund Request for Replacement of Fuel Site Computer System

Capital Reserve Maintenance Fund Request

Section 1 - REQUEST		
Requesting Department/Agency Fluvanna County Public Schools	Dept/Agency Contact Chuck Winkler	Date of Request 2012/11/09
Phone (434) 589-8208	Fax (434) 589-2248	Fiscal Year FY13
Reserve Fund Purpose Category: Unexpected equipment failure		

Description of Project/Repair	Qty	Unit Price	Total Price
Replacement of Fuel Site Computer System	1	$20,402.86	$20,402.86
		Total Request:	$20,402.86

Description and justification for proposed use.

The fuel site used by county agencies located at Carysbrook Elementary experiences frequent outages due to the age of the system components and software. Replacement of the system is requested. The cost of fuel is shared between the school system and county agencies. During periods when the fuel system is non-operational, the ability to track usage is lost and it is impossible to determine each department's share of the cost accurately. With users failing to manually record gallons pumped, we have been forced to use averages based on previous months' usages, resulting in questionable results.

Department/Agency Head Name	Signature	Date
FCPS - Chuck Winkler	C. H. Winkler	11.12.12

Section 2 - REVIEW		
Recommended? ☒ Yes ☐ No	County Finance Director	Date 11-14-12
Recommended? ☒ Yes ☐ No	County Administrator	Date 11-14-12

Section 3 - BOARD OF SUPERVISORS		
Approved? ☐ Yes ☐ No	Decision Date	Comments

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	Capital Reserve Maintenance Fund Request for Replacement of failed tube bundle Heat Exchange unit at Central Elementary
MOTION(s):	**I move the Board of Supervisors approve a $5,180.00 Capital Reserve Maintenance Fund Request to replace the failed tube bundle Heat Exchange Unit at Central Elementary**
STAFF CONTACT:	Chuck Winkler, Assistant Superintendent
RECOMMENDATION:	Approve
TIMING:	Urgent
DISCUSSION:	See Attached
FISCAL IMPLICATIONS:	
POLICY IMPLICATIONS:	
LEGISLATIVE HISTORY:	
ENCLOSURES:	Capital Reserve Maintenance Fund Request for Replacement of failed tube bundle Heat Exchange Unit at Central Elementary.

Capital Reserve Maintenance Fund Request

Section 1 - REQUEST		
Requesting Department/Agency Fluvanna County Public Schools	Dept/Agency Contact Chuck Winkler	Date of Request 2012/11/09
Phone (434) 589-8208	Fax (434) 589-8208	Fiscal Year FY13

Reserve Fund Purpose Category: Unexpected equipment failure

Description of Project/Repair	Qty	Unit Price	Total Price
Replace failed tube bundle heat exchange unit at Central Elementary	1	$5,180.00	$5,180.00
~~Replace water heater switch at Fluvanna Middle School~~	~~1~~	~~$232.00~~	~~$232.00~~
			$5,180.00
		Total Request:	~~$5,412.00~~

Description and justification for proposed use.

A tube bundle heat exchange unit in the original section of Central Elementary has developed leaks that cannot be repaired or patched. This affects the ability to provide heat to 24 rooms. The maintenance department can install the replacement unit.

~~A switch in the primary water heater at Fluvanna Middle School requires replacement in order to provide hot water for the school. The maintenance department can install the replacement parts.~~

Department/Agency Head Name	Signature	Date
FCPS - Chuck Winkler	C. A. Winkler	11.12.12

Section 2 - REVIEW		
Recommended? ☒ Yes ☐ No	County Finance Director	Date 11-14-12
Recommended? ☒ Yes ☐ No	County Administrator	Date 11-14-12

Section 3 - BOARD OF SUPERVISORS		
Approved? ☐ Yes ☐ No	Decision Date	Comments

BOARD OF SUPERVISORS AGENDA ITEM

Meeting Date: November 20, 2012

SUBJECT:	Capital Reserve Maintenance Fund Request for refurbishing original lockers for student use at Fluvanna Middle School.
MOTION(s):	**I move the Board of Supervisors approve a $7,400.00 Capital Reserve Maintenance Fund Request to refurbish original lockers for student use at Fluvanna Middle School.**
STAFF CONTACT:	Chuck Winkler, Assistant Superintendent
RECOMMENDATION:	Approve
TIMING:	Urgent
DISCUSSION:	See Attached
FISCAL IMPLICATIONS:	
POLICY IMPLICATIONS:	
LEGISLATIVE HISTORY:	
ENCLOSURES:	Capital Reserve Maintenance Fund Request for refurbishing original lockers for student use at Fluvanna Middle School.

Capital Reserve Maintenance Fund Request

Section 1 - REQUEST		
Requesting Department/Agency Fluvanna County Public Schools	Dept/Agency Contact Chuck Winkler	Date of Request 2012/11/09
Phone (434) 589-8208	Fax (434) 589-2248	Fiscal Year FY13

Reserve Fund Purpose Category: Other one-time, minor capital projects less than $20,000

Description of Project/Repair	Qty	Unit Price	Total Price
Refurbish original lockers for student use at Fluvanna Middle School	1	$7,400.00	$7,400.00
		Total Request:	$7,400.00

Description and justification for proposed use.

The hallway lockers in the original building at Fluvanna Middle School are not usable. Locks are no longer operational. Refurbishment will involve the installation of padlock eyes in order for students to secure their belongings. The cost for this project is $7,400.00.

Department/Agency Head Name	Signature	Date
FCPS - Chuck Winkler	C.A. Winkler	11.12.12

Section 2 - REVIEW		
Recommended? ☒ Yes ☐ No	County Finance Director [signature]	Date 11-14-12
Recommended? ☒ Yes ☐ No	County Administrator [signature]	Date 11-14-12

Section 3 - BOARD OF SUPERVISORS		
Approved? ☐ Yes ☐ No	Decision Date	Comments

COUNTY OF FLUVANNA

"Responsive & Responsible Government"

P.O. Box 540, Palmyra, VA 22963 · (434) 591-1910 · FAX (434) 591-1911 · www.co.fluvanna.va.us

MEMORANDUM

TO: Board of Supervisors

FROM: Eric Dahl, Budget Analyst

SUBJECT: Contingency Balance

DATE: November 13, 2012

The balance for the BOS Contingency line for FY13 is as follows:

Board of Supervisors Contingency:

Beginning Budget:	$100,000.00
LESS: Robinson, Farmer, Cox and Assoc. - Schools Efficiency Review 8.1.12	-$20,249.80
Available:	$79,750.20

EMS Contract Services:

Beginning Budget:	$150,000.00
Available:	$150,000.00

Total Available Budget: Board of Supervisors Contingency Line **$ 229,750.20**