



COUNTY OF AUGUSTA  
COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
P.O. BOX 590  
COUNTY GOVERNMENT CENTER  
VERONA, VA 24482-0590



**MEMORANDUM**

**TO:** Augusta County Planning Commission  
**FROM:** Becky Earhart, Senior Planner *Becky*  
**DATE:** June 6, 2016  
**SUBJECT:** Regular Meeting

The Regular Meeting of the Augusta County Planning Commission will be held on **Tuesday, June 14, 2016, at 7:00 p.m.**, at the Augusta County Government Center, in the Meeting Room, 18 Government Center Lane, Verona, Virginia.

The Planning Commission will meet beginning at **4:45 pm** in the **Community Development Department Conference Room** at the Augusta County Government Center to review the ordinance amendments. Please note the change in location. The Board of Supervisors' Conference Room is being utilized by the Electoral Board that day. After the ordinance review, we will go on the viewing to Weyers Cave. We will have dinner in the Community Development Department Conference Room at approximately 6:15.

Attached are the agenda and meeting materials for Tuesday's meeting. If you are unable to attend the meeting, please let Jean or me know as soon as possible, so that we can adjust the meal count.

BE/jm

ADVANCED  
AGENDA

Regular Meeting of the Augusta County Planning Commission

Tuesday, June 14, 2016, 7:00 P.M.

1. CALL TO ORDER

2. DETERMINATION OF A QUORUM

3. MINUTES

Approval of the Called and Regular Meetings on May 10, 2016.

4. PUBLIC HEARINGS

A. A request to rezone approximately 494 acres from General Agriculture to General Industrial with proffers and approximately 20 acres from General Agriculture to Airport Business with proffers owned by Blue Mountain Investments LLC located east of Westview School Road (Rt. 773) and west of the Shenandoah Valley Regional Airport and running on both sides of Airport Road (Rt. 771) and Broad Run Road (Rt. 774) in Weyers Cave in the Middle River District. This request also includes a request to rezone approximately 0.7 acres from General Agriculture to General Industrial with proffers owned by J-M Apartments LC located on the north side of Airport Road (Rt. 771) approximately 0.3 of a mile east of the intersection with Westview School Road (Rt. 773) in Weyers Cave in the Middle River District.

B. An ordinance to amend Sections 25-74 and 25-384 of the Augusta County Code to prohibit the extraction of oil and natural gas in general agricultural zones and to allow for the extraction of oil and natural gas by special use permit in industrial zones in Augusta County.

C. An ordinance to amend Sections 25-68, 25-68.1, 25-68.2, 25-68.3, 25-68.4, 25-68.5, 25-68.6, 25-68.7, 25-68.8, and 25-68.9 of Division A, Article VI.B Wireless Telecommunications Facilities of the Augusta County Code.

5. MATTERS TO BE PRESENTED BY THE PUBLIC

6. NEW BUSINESS

7. OLD BUSINESS

8. MATTERS TO BE PRESENTED BY THE COMMISSION

9. STAFF REPORTS

A. Information for Commission – Code of Virginia, Section 15.2-2310  
(Board of Zoning Appeals Items)

10. ADJOURNMENT

PRESENT: S. Bridge, Chairman  
K. Shiflett, Vice Chairman  
J. Curd  
E. Shipplett  
R. L. Earhart, Senior Planner and Secretary  
J. Wilkinson, Director of Community Development

ABSENT: C. Foschini  
T. Jennings  
K. Leonard

VIRGINIA: At the Called Meeting of the Augusta County Planning Commission held on Tuesday, May 10, 2016, at 4:00 p.m. in the Board of Supervisors' Conference Room, Augusta County Government Center, Verona, Virginia.

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The Planning Commission assembled in the Augusta County Government Center. Patrick Morgan, County Attorney, briefed the Commission on recent changes to the State Code regarding proffers. Mr. Morgan indicated that the changes impact the Commission's ability to obtain on-site and off-site proffers on residential rezonings but does not apply to business and industrial requests. He stated that local government attorneys are still discussing the ramifications of the Code changes and he will provide additional information to the Commission as it becomes available.

The Planning Commission traveled to Berry Farm to obtain background information prior to the review of the Parks and Recreation Master Plan update. The Commission also traveled to the following site, which will be considered by the Commission:

1. Mary Ann Heerschap – PUO

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Chairman

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Secretary

PRESENT: S. Bridge, Chairman  
K. Shiflett, Vice Chairman  
J. Curd  
E. Shipplett  
R. L. Earhart, Senior Planner and Secretary  
J. Wilkinson, Director of Community Development

ABSENT: C. Foschini  
T. Jennings  
K. Leonard

VIRGINIA: At the Regular Meeting of the Augusta County Planning Commission held on Tuesday, May 10, 2016, at 7:00 p.m. in the Board Room, Augusta County Government Center, Verona, Virginia.

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**DETERMINATION OF A QUORUM**

Mr. Bridge stated as there were four (4) members present, there was a quorum.

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**MINUTES**

Mr. Curd moved to approve the minutes of the called and regular meetings held on April 12, 2016.

Mrs. Shiflett seconded the motion, which carried unanimously.

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**Mary Ann Heerschap**

A request to add the Public Use Overlay to approximately 9.5 acres owned by Mary Ann Heerschap located at 87 Reeves Road, Mt. Solon in the North River District.

Mrs. Earhart explained the request as presented on PowerPoint. She reviewed the additional proffers that were submitted by the applicant with the Commissioners.

Mary Ann Heerschap of 87 Reeves Road, Mount Solon stated she is the administrator of the School of Our Lady Queen of Peace and Reconciliation. This is a non- Diocese school that uses Catholic curriculum. The school is for adolescents from the ages of 12 to18 and in grades 7 through 12. The students attend school year round and meet the 180 day State requirement. The day begins at nine o'clock and the students work for an hour on an occupation, such as cracking walnuts, repairing chicken netting and preparing items for the farmers market. They have also repaired fencing and worked in the orchard. After Occupations, they have traditional classroom subjects which are integrated using a Montessori teaching method. They learn business skills and basic farming skills. The students receive periodic evaluations and all educational and legal requirements have been met. Currently there are four students. This is the first year the school has been full-time. She stated she will be working with the Old Rite Russian Orthodox Church which is planning on bringing in 18 Estonian families. They will be incorporating the children of these families into the school. One of the priests will be an instructor for Humanities, Theology, and Literature. There is currently one full-time teacher and one part-time teacher, as well as herself.

Mr. Shipplett stated it sounds like the students will be receiving very limited instruction in math and language. He asked how they will be prepared for adulthood.

Mrs. Heerschap stated she homeschooled her own children for 20 years. All of her children but one have attended college and have received degrees. They have been successful in college, they have successful careers, and some of them hold high positions within their jobs. She feels she will have the same success with these students.

Mrs. Heerschap stated she started the school in 2011 as a hybrid school with only one student. That student is still attending her school, but was only attending one day a week. She doesn't feel the student was being properly educated by only attending one day a week and thought there would be interest from others, if she opened the school full-time.

Mr. Shipplett stated he was assuming by her presentation that the school would be focused more on learning occupations.

Mrs. Heerschap stated she uses the Montessori program and has gone through training through the National Association for Montessori Teachers. Students have been very successful with the program. The specific program she is teaching the younger students is basically reviewing their math levels for the first year and is finding deficiencies in students who have attended public schools. She is using a program called Right Start, which has also been tested and used in Finnish schools and has proven to be successful.

Mr. Shipplett asked if he understood correctly that 18 families will be coming from Estonia.

Mrs. Heerschap stated that is correct, although the families are not here yet.

Mr. Shipplett asked if they would be taught English skills.

Mrs. Heerschap stated according to the law they have three years to teach the students English and then transition them into schools. These students do not do well in public schools and the smaller environment of the private school seems to be better suited to them.

Mr. Shipplett asked Mrs. Heerschap if she was aware of the issues that will need to be addressed regarding the well and septic system and the entrance.

Mrs. Heerschap stated she was very aware of these issues. She is looking at making a circular drop-off and is planning on creating parking in the front and back of the site as well. She is working with an architect to make sure all the requirements are met.

Mr. Curd asked if the school would be opened for twelve months.

Mrs. Heerschap stated they will attend school year round for 180 days as required by the State, Monday through Friday. The typical day is longer than the public schools because the students work on Occupations for an hour, which is not counted as part of the curriculum. The school day is finished around 4:30 p.m. Every month the school closes for several days. It is also closed for three weeks at Christmas and two weeks at Easter. The students also get five weeks off during the summer, come back for four weeks and then get a two week break before school starts on the 31<sup>st</sup> of August.

Mr. Curd asked if Mrs. Heerschap anticipates there will be a lot of carpooling between the parents of the students attending the school.

Mrs. Heerschap stated two of the four students currently carpool, and one student is her daughter. Parents pick their children up at 4:30. During the summer, the school day is shortened to 4:00.

There being no further questions from the Commissioners, Mr. Bridge opened the Public Hearing.

The Right Reverend Zaccaria stated he is a Bishop for the Old Ritualist Orthodox Church of North America. Once the Federal Government approves the vetting process for immigration, the church will be bringing 18 refugee Old Ritualist Estonian families to the valley where there is a community of Old Ritualist Orthodox. Families in Estonia are being removed and their land taken away because their fields are needed to build transportation infrastructure and defense positions against their neighbor. In the 200 years of Estonia, no child has received more than an 8<sup>th</sup> grade education. Estonians can be equated with the Old Order Amish in the fact that they do not use modern conveniences. In the past it has been attempted for Estonian children to attend public schools. The attempts have been unsuccessful as the children do not adjust well in the public school setting. All they know is farming and their culture is work, church, and family. They do not aspire to be doctors, dentists, or professional businessmen. They are farmers, tradesmen, and craftsmen. They live a very simple life and just want to raise their families, work the farm, and go to church.

Bishop Zaccaria stated the septic field has been located behind the area where the school is to go. A survey has been done to make sure the septic system will not impede on an existing sink hole on the property or on the wells in the area.

Mrs. Earhart stated septic approval will come at the site plan stage, if the request is approved. A site plan is required when adding the Public Use Overlay.

Mr. Shipplett asked if the families are from the countryside.

Mr. Zacharia stated yes, they are farmers who live far out in the countryside and border Russia.

Mrs. Shiflett asked what kind of jobs the parents will seek when they come here, as well as the children when they have completed school.

Bishop Zaccaria stated they are in the process of negotiating the purchase of a 600 acre farm and a 1200 acre farm. The land will be subdivided into 50 acre lots for each family and they will live there for the remainder of their lives. They raise their own food and make their own furniture. For added income they make crafts to sell in local markets. Most families are small and usually have only 1-2 children. The children will continue to live on the farm when they are grown. They travel to other Old Ritualist communities to find their spouses and marry within.

There being no one else to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mr. Shipplett moved to recommend approval of the request with proffers.

Mr. Curd seconded the motion, which carried unanimously.

#### **Augusta County Code Section 25-384**

An ordinance to add Paragraph G to §25-384 of the Augusta County Code allowing daycare centers by special use permit in General Industrial Districts.

Mrs. Earhart stated there was a request made to the Board of Supervisors to allow the option of having daycare centers in General Industrial Districts. The special use permit category has been fashioned after existing special use permit categories for daycare centers. This would apply to either adult or child daycare centers. The classifications and standards relate to the designated areas for pickup and delivery of the adults or children. Any playground or gathering areas would be located in the side and rear yards and must be adequately fenced. The use must be compatible with industrial traffic. The applicant will need to demonstrate compliance with State licensing requirements.

There being no discussion by the Commission, Mr. Bridge opened the Public Hearing.

There being no one to speak in favor of or against the request, Mr. Bridge closed the Public Hearing.

Mr. Curd moved to recommend approval of the amendment.

Mrs. Shiflett seconded the motion, which carried unanimously.

**STAFF REPORTS**

The Planning Commission took no action on the upcoming BZA items.

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There being no further business to come before the Commission, the meeting was adjourned.

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Chairman

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Secretary



**COUNTY OF AUGUSTA  
STAFF REPORT  
Blue Mountain Investments, LLC and J-M Apartments, LC  
June 14, 2016**

**SUMMARY OF REQUEST:** A request to rezone approximately 494 acres from General Agriculture to General Industrial with proffers and approximately 20 acres from General Agriculture to Airport Business with proffers owned by Blue Mountain Investments LLC located east of Westview School Road (Rt. 773) and west of the Shenandoah Valley Regional Airport and running on both sides of Airport Road (Rt. 771) and Broad Run Road (Rt. 774) in Weyers Cave in the Middle River District. This request also includes a request to rezone approximately 0.7 acres from General Agriculture to General Industrial with proffers owned by J-M Apartments LC located on the north side of Airport Road (Rt. 771) approximately 0.3 of a mile east of the intersection with Westview School Road (Rt. 773) in Weyers Cave in the Middle River District.

**AIRPORT BUSINESS PROFFERS- TM#28-43 (portion) and 44B (portion):**

1. All new buildings or structures used for industrial or commercial purposes shall be required to connect to public water and sewer.
2. There will be no direct ingress or egress on Valley Church Road (Rt. 847).

**GENERAL INDUSTRIAL PROFFERS- TM#28-7C, 15, 15A, 17, 18, 41, 41C (portion), 41D, 41E, 41G, 43 (portion), 44, and 44B (portion):**

1. All new buildings or structures used for industrial or commercial purposes shall be required to connect to public water and sewer.
2. There will be no direct ingress or egress on Valley Church Road (Rt. 847).
3. There will be no direct ingress or egress on Broad Run Road (Rt. 774).
4. Direct access to Westview School Road (Rt. 773) and a portion of Airport Road (Rt. 771) as depicted on the Rezoning Exhibit A dated April 14, 2016 will be limited to emergency access only until such time as the roads are upgraded to meet the traffic demands identified in an addendum to the traffic impact analysis entitled "Airport Road Traffic Impact Analysis" prepared by McCormick Taylor dated September 29, 2015. A traffic impact analysis entitled "Airport Road Traffic Impact Analysis" prepared by McCormick Taylor dated September 29, 2015 (the "TIA") has been prepared in connection with the rezoning request. The TIA is not binding on the parties or a developer at the time of rezoning. However for any future, non-agricultural development, an addendum(a) to the TIA will be completed during the site plan approval process for developments as they occur. This addendum shall include both the development's proposed traffic and all other traffic generated from the 515 acres resulting from any prior, approved non-agricultural development on the subject property.

Prior to the approval of a site plan for any development on subject property, any developer responsible for the addition of non-agricultural traffic to the subject property shall construct or bond road improvements to the extent such improvements are justified by the findings of an addendum to the TIA, and are solely necessitated by the developer's development and such improvements are not already funded or programmed for funding by way of but not limited to VDOT six year improvement plan. Projects already funded or programmed for funding include, but are not limited to the I-81/Rt. 11 exit 235 interchange improvements.

**GENERAL INDUSTRIAL PROFFERS- TM#28-44A:**

1. Direct access to Westview School Road (Rt. 773) and a portion of Airport Road (Rt. 771) as depicted on the Rezoning Exhibit A dated April 14, 2016 will be limited to emergency access only until such time as the roads are upgraded to meet the traffic demands identified in an addendum to the traffic impact analysis entitled "Airport Road Traffic Impact Analysis" prepared by McCormick Taylor dated September 29, 2015. However, if the use of the property changes to a stand-alone industrial use on that one parcel only, direct access to Airport Road will be permitted.

**VICINITY ZONING:** General Agriculture to the north and west; General Industrial, Airport Business, and General Agriculture to the east; and General Agriculture and Airport Business to the south.

**PREVIOUS ZONING:** General Agriculture

**COMPREHENSIVE PLAN PLANNING POLICY AREA/FUTURE LAND USE DESIGNATION:** Urban Service Area: Industrial and Business

**SOILS:** According to the Commissioner of Revenue's Land Use Office, 525 acres of the total property participate in the Land Use program and therefore, soil classifications are easily available for the property. According to their records, approximately 111.2 acres of the property are classified as having soils in Class II under the County's Land Use Program and 119 acres are Class III. Soils classified as Class I, II or Class III are considered to be the best for farming purposes in the County.

**COMMENTS FROM ENGINEER:** Most any development of the property will potentially increase stormwater discharge. Stormwater management must be addressed per the provisions of the Augusta County Stormwater Ordinance. An adequate receiving channel must be verified or constructed for all concentrated discharge from the property regardless of whether or not detention is required.

This property lies within the Transition and Airport zones of the Airport Overlay District (APO) for the Shenandoah Valley Regional Airport. The floor of the zone

above the site ranges from approximately 1200 Ft along the eastern boundary to 1351 Ft msl, and the highest grade on the site is approximately 1230 Ft msl, therefore some uses could be restricted. In addition, the FAA restricts open water in the vicinity of airports to discourage wildlife. Any SWM facilities or other operations constructed on the property should be in compliance with the latest version of FAA AC 150/5200-33 or the prevailing Federal Aviation Administration's guidance on managing Hazardous Wildlife Attractants on or near Airports.

Portions of this property lie within Zone A on the FEMA FIRM. Any development on this portion of the property must meet the provisions of the Floodplain Overlay Ordinance. Placement of fill in this area is discouraged. Any fill placed in this area could impact other properties and will require a detailed flood study and a Letter of Map Revision (LOMR) from FEMA. New lots must contain a "Buildable Area" outside of the floodplain.

This property drains to North River which is listed on the Virginia DEQ Draft 2014 Impaired Waters List. This impaired segment extends from its confluence with Naked Creek downstream to its confluence with South River. The impaired uses are recreation and aquatic life, the specific impairments are E. coli, fecal coliform bacteria and violations of the general benthics standard. The sources are agriculture, non-point sources and wildlife other than waterfowl for the bacterial impairments and unknown for the benthics impairment. This segment is covered by approved TMDLs which must be considered by the applicant. (Bacterial Federal TMDL ID # 23366, Benthic Federal TMDL ID # 9509 and 9510).

The applicant may want to consider Best Management Practices designed to reduce pollutant loads and is advised to contact the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality for any requirements related to proposed work in wetland areas or adjacent to any streams. Use of water quality protection measures listed in either the Virginia Stormwater Management Handbook or through the Virginia Stormwater Management BMP Clearinghouse will be required depending on the disturbed acreage.

#### Natural Resources Recommendations from the Comprehensive Plan

The 2007 Augusta County Comprehensive Plan recommends performance standards to protect natural resources. For Urban Service Areas, a riparian buffer of 35 feet on either side of a stream is encouraged, and where feasible, stormwater should not be piped through in a manner to short-cut the buffer. Additionally, floodplain areas should have no habitable structures, but should instead be utilized for greenways & recreation areas.

Portions of the site may have slopes in excess of 25%. In Urban Service Areas, the Comprehensive Plan recommends avoidance of slopes >25%, especially associated with stream valleys.

For Wetland areas, the Comprehensive Plan recommends provision of a 35 foot buffer from the edge of wetlands.

For any unique natural features such as caves, major karst features, critical habitats, etc., the Comprehensive Plan recommends to tie these features in with greenways, active and passive recreation areas and flood plain preservation areas.

**COMMENTS FROM ZONING ADMINISTRATOR:** If rezoned to General Industrial, the existing single family dwellings along Westview School Road and Valley Church Road adjacent to new industrial development may be impacted by traffic congestion, noise, lights, vibration, odor or fumes from permitted industrial uses such as manufacturing plants, feed and fertilizer facilities, vehicle and heavy equipment sales and service, or freight and truck terminals, and outdoor storage of equipment or raw materials; or special use permits for uses such as junkyards, batching plants, or slaughterhouses. The zoning ordinance requires a buffer yard to be provided adjacent to any property line not entirely zoned business, industrial, or planned commerce subject to the "buffer yard" requirements in section 25-387 (10' with a 6' privacy fence or 20' with landscaping). Outdoor lighting must meet all requirements of Article VI "Outdoor Lighting". Portions of the parcels under consideration for rezoning are within or adjacent to the Airport Overlay and Floodplain Overlay districts. Any development of property within the Airport Overlay District shall comply with the district regulations including that no structure shall be erected to a height above the airport safety zone limitations, which may limit the height of future industrial structures. All development on parcels within the Floodplain Overlay District must meet the requirements of Article XLVII.

If rezoned to industrial, staff would recommend that for all new buildings facing the existing homes along Westview School Road and Valley Church Road, that outdoor storage be kept to the rear of the buildings and that there be an increased street setback of four hundred feet (400') similar to Hollister and McKee Foods in order to mitigate the potential impacts from the above uses.

**COMMENTS FROM ACSA:** There is an existing 8" water line located approximately 2083'± on Gentry Road from the intersection of Gentry Road & Westview School Road located at the mentioned parcels. There is an existing 8" water line located along Airport Road approximately 504'± from the intersection of Airport Road and New Airport Road. There is an existing 8" water line located approximately 660'± from the mentioned parcels to the intersection of Airport Road and Valley Church Road. There is an existing 8" sewer line located approximately 480'± southeast from the mentioned parcels along Airport Road

that empties into the existing pump station located along Airport Road. There is an existing 8" sewer line located on Valley Church Road fronting the mentioned parcels where an existing 4" force main dumps into 8" gravity sewer line. There is an existing 8" sewer line located in the Harshbarger Subdivision along Falcon Land and Gentry Road. There is a significant amount of land involved in this rezoning. It is likely that the remaining capacity in the publicly owned system is inadequate to provide services to the properties. It should be noted there would be a number of onsite and offsite water and sewer system improvements/upgrades that would be required to serve the properties. Items such as line sizes, water system storage, pumping facilities, and capacity of the publicly owned treatment facilities will need to be considered. Upgrades and construction of offsite facilities will be required.

**Water and Sewer Notes:**

1. Water and sewer capacities are not reserved until system adequacy is determined (supply, treatment, transmission) and payment of the connection fees has been received in accordance with Service Authority Policy. Augusta County Service Authority Policies and Procedures can be found at <http://acsawater.com/oppm/main.php>.
2. Any engineering evaluations and upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.
3. Investigation of available fire flow is recommended to ensure that the system is capable of providing the needed fire flow to comply with the Augusta County Fire/Rescue requirements for the proposed use of the property. Any upgrades or extensions would be the responsibility of the owner/developer and are subject to Service Authority review and approval.

**COMMENTS FROM HEALTH DEPARTMENT:** Public water and sewer will serve this property.

**COMMENTS FROM FIRE-RESCUE:** There will be little to no impact on service delivery.

**TRAFFIC: 2014 Traffic Data:**

**Rt. 256 Wevers Cave Rd (Rt. 276 to RCL)**

-AADT: 5600 vpd  
-Peak Hour K-Factor: 0.112  
-Peak Hour Directional Factor: 0.63  
-Posted Speed Limit: 55 mph  
-Functional Classification: Rural Minor Arterial

**Rt. 771 Airport Rd**

-AADT: 730 vpd (5/2/13)  
-Posted Speed Limit: Unposted  
-Functional Classification: Local

**Rt. 773 Westview School Rd**

-AADT: 220 vpd (4/21/04)  
-Posted Speed Limit: Unposted  
-Functional Classification: Local

**Rt. 774 Broad Run Rd**

-AADT: 40 vpd (5/2/13)  
-Posted Speed Limit: Unposted  
-Functional Classification: Local

**Rt. 847 Valley Church Rd**

-AADT: 310 vpd (4/30/13)

-Posted Speed Limit: Unposted

-Functional Classification: Local

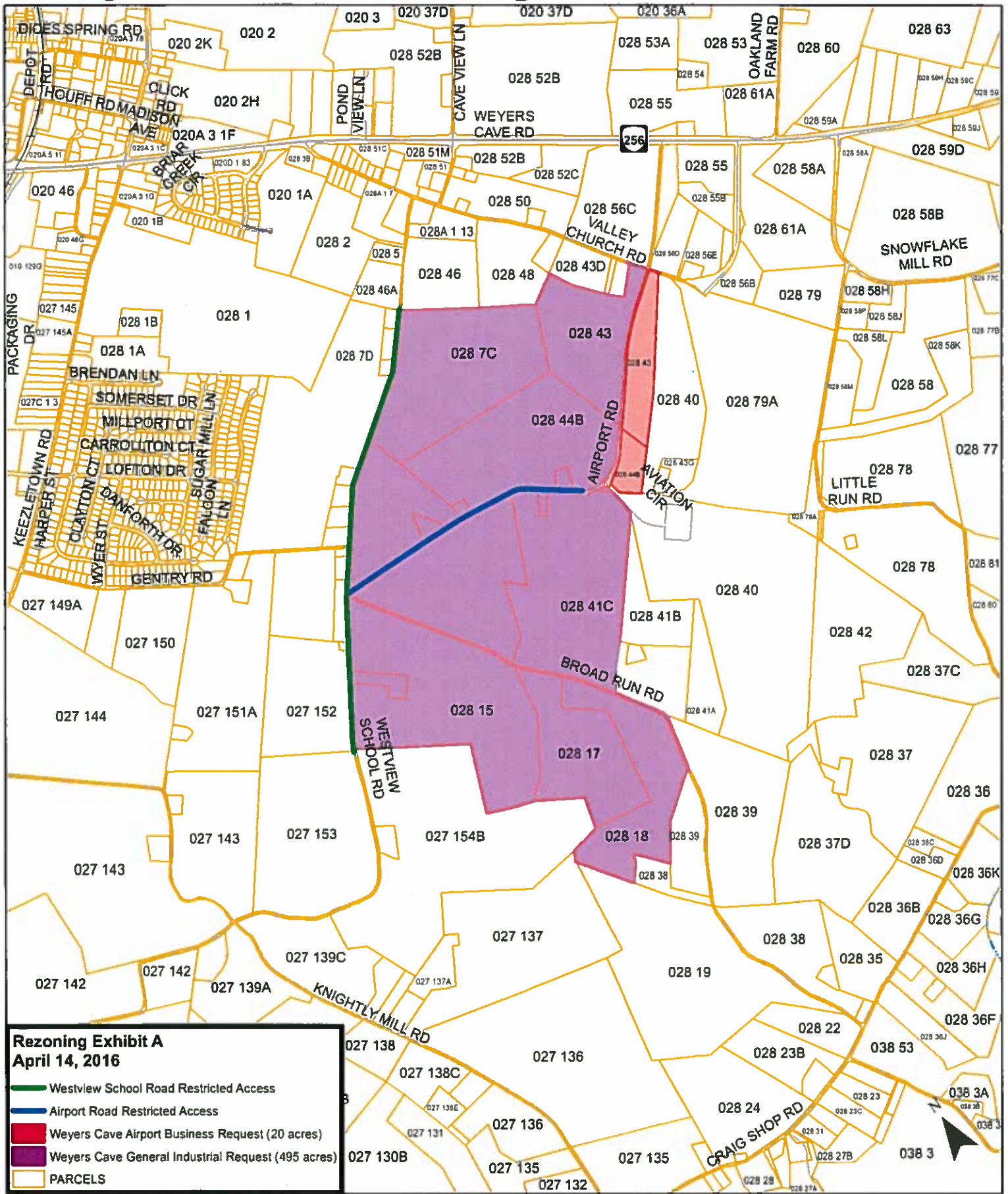
**COMMENTS FROM VDOT:**

1. The potential development will substantially affect transportation on Rt. 256 and other surrounding roadways per the definition in the Traffic Impact Analysis Regulations. Therefore, a VDOT Traffic Impact Analysis (TIA) was prepared by McCormick Taylor dated September 29, 2015. Substantial roadway/intersection improvements were recommended in the TIA. For more information, the TIA and VDOT comments are available at the following link:  
<http://landtrx.vdot.virginia.gov/page/SubmissionRead.aspx?MastId=21727>
2. It is the understanding of VDOT that the proffers are stating that any non-agricultural developer will be required to develop an addendum to the existing TIA by analyzing the traffic impacts of the specific development and any prior non-agricultural development on the 515 acre property. Essentially, the addendum(s) will be taking a phased approach to the cumulative traffic impacts at that date in time whereas the global traffic impacts have already been studied in the McCormick Taylor analysis. Prior to approval of a site plan, the developer will be required to provide mitigation for the traffic impacts directly attributable to the specific development unless already being provided by other means of funding or programming.
3. The Proffers have limited the primary traffic to the recently reconstructed portion of Airport Road until such a time that the other roadways are upgraded to meet the traffic demand. As shown above, the other surrounding roadways have very low volumes and are not designed for industrial traffic. Airport Road would have to be further evaluated at the time of the TIA addendum(s) to determine appropriate geometry and pavement sections. In order to maximize the use of the properties, it is understood that additional state maintained roadway upgrades and/or abandonments will be required within the rezoned property area. These system changes will need to be included in any TIA addendum.
4. Access to any State maintained roadway must be in accordance with Appendix F of the VDOT Road Design Manual. The proposed location of the entrance(s) must be approved by VDOT and must meet the VDOT Intersection Sight Distance and Access Management Regulations requirements. Any new roads proposed to be accepted into the State System or existing road modifications must be designed in accordance with the VDOT Road Design Manual.

**SCHOOL BOARD STAFF COMMENTS:** This request will not have an effect on the enrollment at Clymore Elementary School, Stewart Middle School, and Fort Defiance High School.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** This rezoning was initiated at the request of the Board of Supervisors. Therefore, Staff will not be making a recommendation on this rezoning.

# Weyers Cave Rezoning- Exhibit A

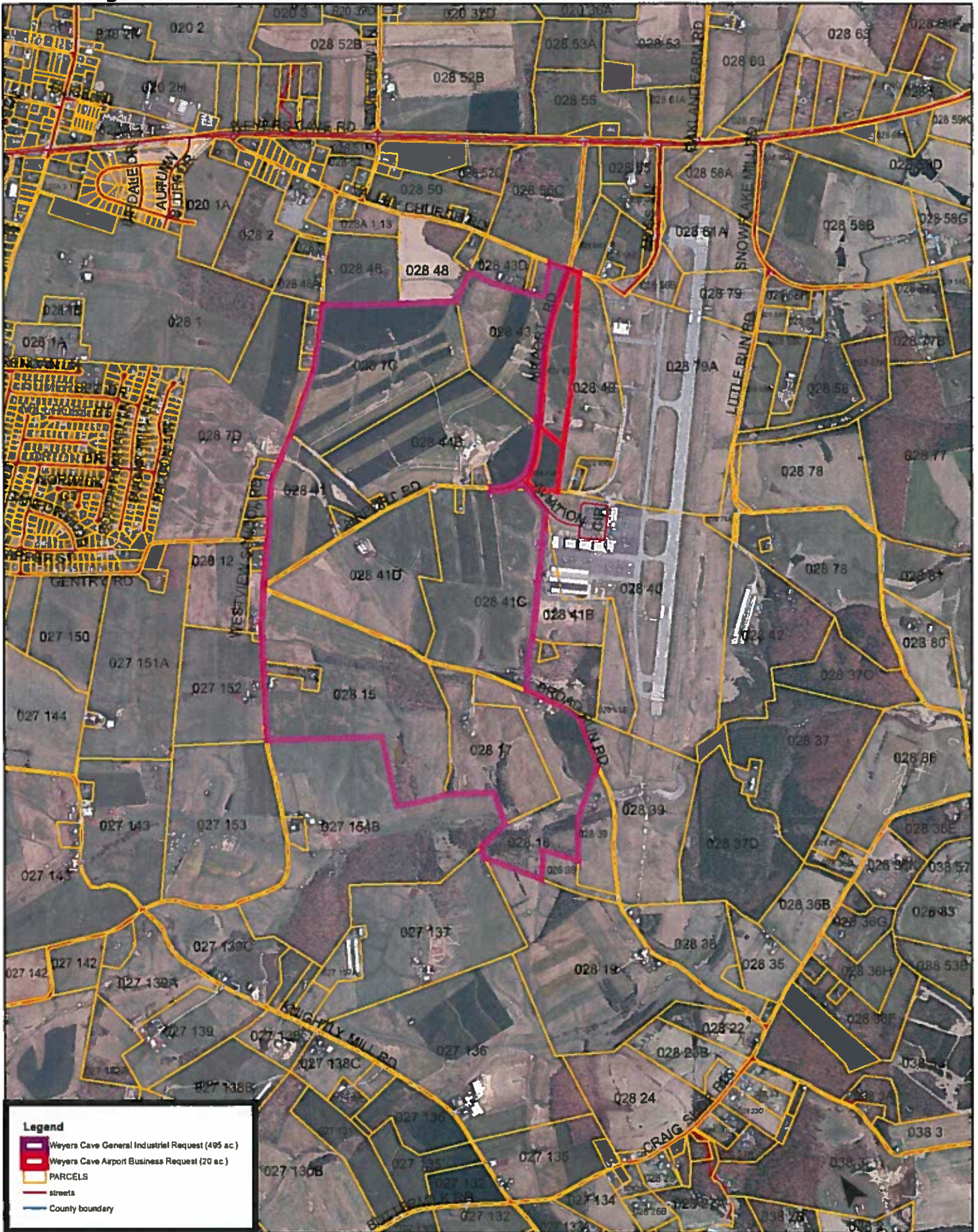


0 800 1,600 3,200 4,800 6,400 Feet

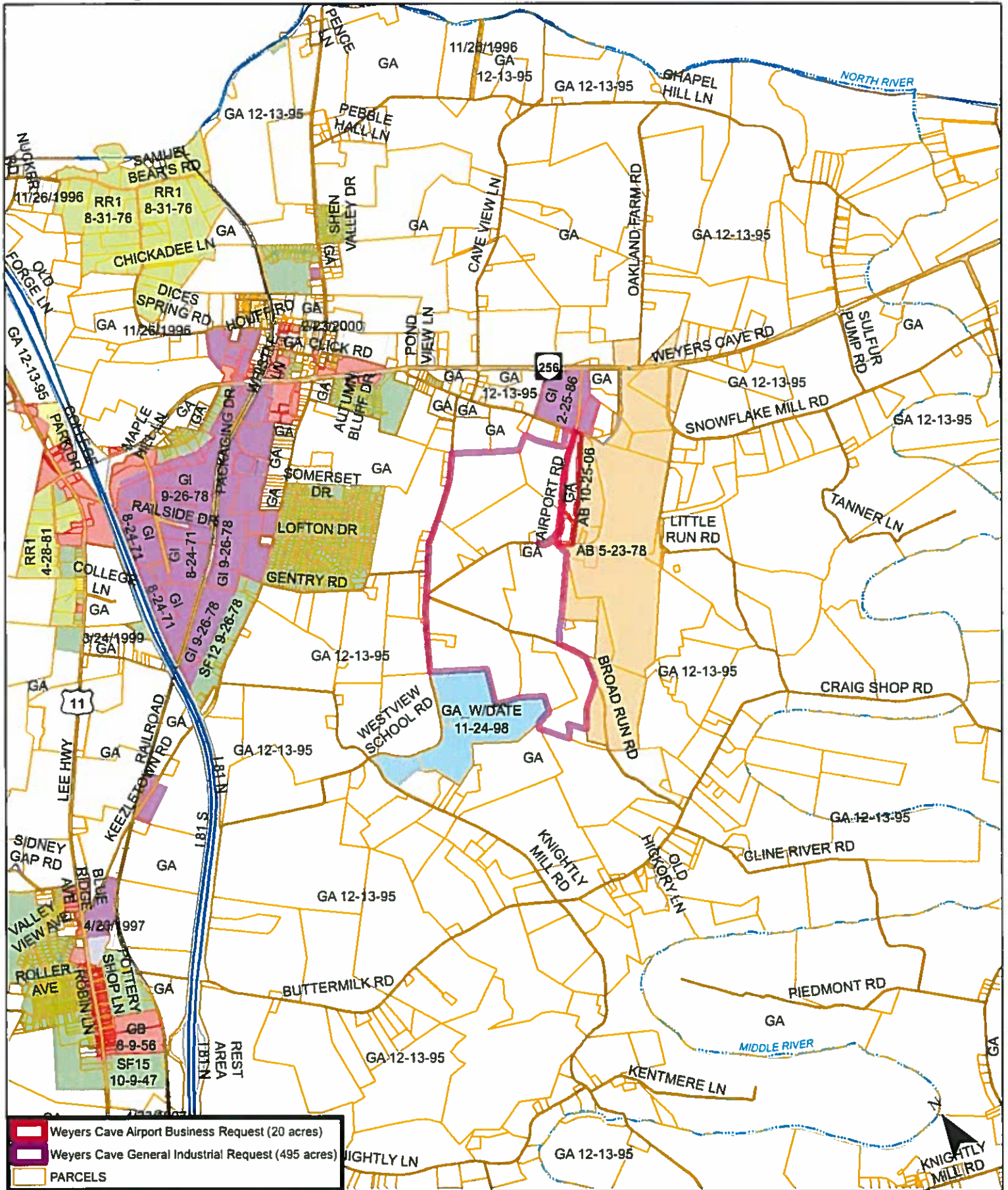
1 inch = 1,600 feet



# Weyers Cave Area



# Weyers Cave Rezoning



0 1,600 3,200 6,400 9,600 Feet  
1 inch = 3,200 feet

**COUNTY OF AUGUSTA  
STAFF REPORT  
Amending the Extraction of Oil and Natural Gas Regulations  
June 14, 2016**

**An ordinance to amend Sections 25-74 and 25-384 of the Augusta County Code to prohibit the extraction of oil and natural gas in general agricultural zones and to allow for the extraction of oil and natural gas by special use permit in industrial zones in Augusta County.**

Requirements for a special use permit to extract oil or natural gas in industrial zones include a transportation study to determine impacts on roads accessing the extraction site, a study to determine the effects of extracting on public water supplies and private wells within five miles of the extraction site, evidence of conformance with state and federal regulations concerning noise and vibration, and submission of plans of site operation to the zoning administrator.

**AN ORDINANCE TO AMEND  
SECTIONS 25-74 and 25-384  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the Augusta County Board of Supervisors has deemed it desirable to require a special use permit for the extraction of oil and natural gas in Industrial Zones and to prohibit the extraction of oil and natural gas in Agricultural Zones in Augusta County;

NOW THEREFORE be it resolved by the Board of Supervisors for Augusta County that Paragraph D of Sections 25-74 and 25-384 of the Augusta County Code are amended to read as follows:

**25-74 Uses Permitted by Special Use Permit**

**D. Uses away from developed areas.**

Uses customarily found in areas away from developed areas, including but not necessarily limited to: batching plants, including asphalt and portland cement, storage of bulk fuel, explosives, ammunition and fireworks, outdoor shooting ranges and preserves, and extraction of minerals, rock, dirt, gravel, sand, and similar materials but not to include extraction of oil or natural gas, may be permitted by Special Use Permit, provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

2. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. The business shall have direct access to a state maintained road; and
5. The business and anticipated enlargements thereof will be appropriate for agriculture areas and is not more properly placed in an available industrial zone; and
6. All buildings, structures, and operations will be set back at least two hundred feet (200') from all property lines and at least one thousand feet (1000') from any residentially zoned property unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties; and
7. The board of zoning appeals may reduce or eliminate the two hundred foot (200') set back between adjoining properties where similar industrial uses are ongoing and the adjoining property owners agree that such a reduction is mutually beneficial.

#### **25-384 Uses Permitted by Special Use Permit**

##### **D. Extraction of minerals, rock, gravel, sand, oil, natural gas, and similar materials.**

Extraction of minerals, rock, gravel, sand, oil, natural gas, and similar materials may be permitted by Special Use Permit provided:

1. The neighboring area is not characterized by residential, commercial, or industrial development which would be adversely impacted by the proposed use; and
2. ~~Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads;~~ A technical transportation study shall be submitted that assesses the potential physical and operational impacts to the transportation assets (roads, bridges, right-of-way, etc.) which are anticipated to provide service to the subject parcel or parcels; and
3. On-site traffic flow will adequately and safely accommodate all traffic to and from the public highways; and
4. All buildings, structures, and operations will be set back at least one hundred feet (100') from all property lines unless the board of zoning appeals determines that greater setbacks are necessary to adequately protect neighboring properties. An accessory retail sales outlet may observe the normal principal building setbacks in General Industrial Districts; and.
5. All uses involving the extraction of oil or natural gas shall conform to applicable state and federal regulations concerning noise and vibration. The Zoning Administrator may require the submission of a copy of data submitted to state or federal agencies pertaining to these performance standards with the required site plan.

6. All mining operators shall submit to the Zoning Administrator a copy of the operations plan required by state agencies with the required site plan.

7. For uses involving the extraction of oil or natural gas, a study shall be performed to determine that the use will not have an adverse effect on the public water supply or private water wells within a five mile radius of the mining operation, and outlining what measures, if any are necessary, the operator shall take to insure the public water supply or private water wells within a five mile radius of the mining operation will not be adversely affected.

5- 8. Exemptions. The following extraction activities do not require a Special Use Permit.

Any operator engaging in mining and disturbing less than one (1) acre of land and removing less than five hundred (500) tons of material at any particular site is exempt from the provisions of this ordinance; providing, however, each person intending to engage in such restricted mining shall submit an application for exemption, a sketch of the mining site, and an operations plan to the Zoning Administrator, who shall approve the application if he determines that the issuance of the permit shall not violate the provisions of this ordinance.

**COMMUNITY DEVELOPMENT STAFF RECOMMENDATION:** With more and more discussion of fracking and related topics, the County felt that it would be advisable to clarify that extraction of oil and natural gas are not allowed by Special Use Permit in General Agriculture Districts. Likewise, since federal law has mandated that fracking cannot be prohibited in a locality, the County is recommending that language be added to the ordinance to allow the extraction of oil and natural gas in General Industrial districts with a Special Use Permit. Requirements have been drafted to address impact on public and private water supplies and the transportation network. While no one has approached the County about a fracking operation in the County, these amendments will allow the Board of Zoning Appeals to consider such requests in General Industrial districts on a case by case basis. Recommend Approval of the Ordinance Amendments.

**COUNTY OF AUGUSTA  
STAFF REPORT  
Wireless Telecommunication Facilities Amendments  
June 14, 2016**

**AN ORDINANCE TO AMEND  
ARTICLE VI.B OF CHAPTER 25  
OF THE AUGUSTA COUNTY CODE**

This ordinance will bring the County Code into compliance with changes mandated in the Code of Federal Regulations CFR47, Chapter 1, Subchapter A, Part 1, 1.40001(b)(7)(i) through (iv). These changes will include amending the definitions and modifying the regulations governing the collocation of equipment on to existing towers and base stations.

**AN ORDINANCE TO AMEND  
ARTICLE VI.B OF CHAPTER 25  
OF THE AUGUSTA COUNTY CODE**

WHEREAS, the U.S. Government has enacted legislation that requires local governments to establish uniform procedures to follow when considering an application for the construction of a new telecommunications tower or modification of an existing tower; and

WHEREAS, it is the desire of the Board of Supervisors to amend Article VI.B to conform the County's procedure to the federal government's requirements.

NOW, THEREFORE BE IT RESOLVED, that Article VI.B. of Chapter 25 of the Augusta County Code is amended to read as follows:

**Article VI.B. Wireless telecommunication facilities.**

**§ 25-68. Purpose.**

The purpose of this article is to provide wireless telecommunications service to the citizens throughout Augusta County by regulating the placement, construction, and modification of towers and base stations ~~telecommunications facilities~~, and to promote and encourage collocation on existing telecommunication towers facilities or base stations, and ~~alternative telecommunication structures~~ to minimize the proliferation of towers in the County.

**§ 25-68.2. § 25-68.1. Applicability.**

~~Collocation on existing telecommunications facilities or alternative telecommunication structures and new facilities less than one hundred ninety-nine feet (199') in height may be permitted upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of this chapter. All new wireless telecommunications facilities over one hundred ninety-nine feet (199') in height, and those that cannot meet the Administrative Permit regulations, and any collocations that involve a substantial change to the existing structure may be permitted only by the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of this article. Collocation on existing wireless telecommunications facilities and new facilities less than one hundred ninety-nine feet (199') in height may be permitted upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of this chapter.~~

**§ 25-68.1. § 25-68.2. Definitions applicable to this section.**

Base station Alternative telecommunication structure. A structure or equipment at a fixed location that enables licensed or authorized wireless communications between user equipment and a communications network. The term does not include a tower. The term includes, but is not limited to, a building, clock tower, bell steeple, sign, utility pole, water storage tank, silo and other similar mounting structures that may be used for the purpose of supporting and obscuring the presence of antennae.

Collocation. The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Eligible support structure. A tower or base station as defined in this section, provided it is existing at the time the application is filed with the local government, which is eligible for collocation.

Existing. A constructed tower or base station is existing if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process. A tower that has not been reviewed and approved because it was in an area not requiring zoning approval when it was built, but was lawfully constructed, is existing for the purposes of this definition.

Height, structure. Telecommunications support structure facility height shall be measured from ground level (finished grade) to the top of the structure. Measurement of tower antennae support structure height for the purpose of determining compliance with the requirements of this article shall include the

structure, foundation, and any facilities attached thereto which extend above the top of the structure.

Site. The current boundaries and any access or utility easements of the leased or owned property surrounding the tower, and any access or utility easements.

Substantial change. A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

A. For existing towers not in the public rights-of-way:

1. An increase in the height of the tower by more than 10% or by the height of one additional antenna array with the separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater, or

2. The addition of any appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower at the level of the appurtenance, whichever is greater, or

3. Any excavation or deployment outside the current site, or

4. It would defeat the concealment elements of the structure, or

5. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, however, this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in the Code of Federal Regulations CFR 47, Chapter 1, Subchapter A, Part 1, 1.40001(b)(7)(i) through (iv).

B. For base stations not in the public rights-of-way:

1. An increase in the height of the structure by more than 10% or more than ten feet (10'), whichever is greater, or

2. The addition of any appurtenance that would protrude from the edge of the structure by more than six feet (6'); or

3. The installation of more than four (4) new equipment cabinets; or

4. Any excavation or deployment outside the current site, or



5. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, however, this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in the Code of Federal Regulations CFR 47, Chapter 1, Subchapter A, Part 1, 1.40001(b)(7)(i) through (iv).

C. For towers or base stations in the public rights-of-way:

1. It involves installation of any new equipment cabinets on the ground if there are no existing cabinets associated with the structure, or involves installation of ground cabinets that are more than 10% larger in height or overall volume than existing cabinets, or

2. Any excavation or deployment outside the current site, or

3. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure, however, this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in the code of Federal Regulations CFR 47, Chapter 1, Subchapter A, Part 1, 1.40001(b)(7)(i) through (iv).

Support structure. Any tower or base station as defined in this section.

Tower. Any structure built for the sole or primary purpose of supporting any authorized antennas and their associated facilities, including structures that are constructed for wireless communication services.

Wireless telecommunication facilities. Towers, base stations and other structures utilized to house or support antennae and related equipment for radio, television, microwave, cellular phone, digital phone, wireless internet, and other wireless communications services. Non-commercial television or internet antennae and amateur radio antennae are accessory uses to a dwelling and are not governed by this section.

**§25-68.3. Use of consultant.**

The County reserves the right to employ the services of a telecommunications consultant to review all applications. All applicable costs will be the responsibility of the applicant. All recommendations of the consultant must be met in order to obtain an Administrative Permit. The recommendations of the consultant will be considered by the board of zoning appeals in making their decision as to whether or not to issue a Special Use Permit for a wireless telecommunications facility.

**§ 25-68.4. Uses permitted by administrative permit.**

The uses listed in this section shall be permitted within the General Agriculture, General Business, and General Industrial zoning districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of ARTICLE LVI of this chapter. In the residential zoned districts, the only permitted wireless telecommunication facilities will be the installation of antennas and equipment on base stations ~~alternative telecommunication structures shall be permitted~~ upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of ARTICLE LVI of division I of this chapter. Administrative Permits are to be issued only for facilities where the applicant can demonstrate that the proposal meets the standards required by this chapter and the facility will not have an undue adverse impact on the surrounding neighborhood.

**A. Collocation of antennas on existing antenna tower support structures.**

The collocation of antennas on existing antenna tower support structures may be permitted by Administrative Permit provided it does not result in ~~an overall increase in the height of the~~ a substantial change to the tower or structure, or expansion of more than twenty-five percent (25%) of the approved fenced compound outside the existing site area provided that:

1. Proposed alterations will not require the tower to be lighted. Lighted towers require a Special Use Permit.

24. Three (3) copies of a wireless facilities plan are submitted meeting the requirements of ARTICLE LXVII, "Site Plan Review" of this chapter including latitude and longitude, a description of the lot lines, site elevation view of the structure showing the height of the existing tower and that if the existing structure is less than one hundred ninety-nine feet (199') in height, the collocation will not extend the overall height more than 10% or twenty feet (20') whichever is greater, or the addition of any appurtenance to the body of the tower would protrude from the edge of the tower more than twenty feet (20'), above one hundred ninety-nine feet (199'); the height and location of existing and proposed antennas, compound details showing existing and proposed equipment shelters, landscaping, screening, access, parking, security, and a statement that the structure will not be lighted shall be submitted at the time of application for an Administrative Permit. Comments received from applicable agencies will be provided to the Zoning Administrator before any permit is granted.

32. Antennas and ancillary equipment collocated on an existing tower telecommunications facility or installed on an alternative telecommunication structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.

4.3. Written, technical evidence is provided from a professional engineer that the existing or proposed structure meets structural integrity standards.

54. No signs other than those listed below may be placed on the ~~tower antenna support structure~~ or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations.

65. No advertising of any type may be placed on the ~~tower antenna support structure~~ or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an alternative telecommunication structure.

76. The applicant will provide a copy of the Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport, National Environmental Policy Act of 1969 (NEPA) documentation, ~~and bond for removal of abandoned structures if one is not on file for the existing site.~~

87. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

9. The applicant will provide a bond for the removal of abandoned tower structures if one is not on file for the existing site.

B. The installation of antennas and equipment on base stations, alternative telecommunication structures.

The installation of antennas and equipment on base stations alternative telecommunication structures may be permitted by Administrative Permit provided the overall height of the structure shall not be increased by more than ten fifty percent (10 50%) of the height of the existing structure or more than ten feet (10') whichever is greater, but in no case shall the height exceed one hundred ninety nine feet (199') high and the addition of any appurtenance to the body of the structure would not protrude more than six feet (6') from the edge of the structure provided that:

1. Proposed alterations will not require the tower to be lighted. Lighted base stations require a Special Use Permit.

24. Three copies of a wireless facilities plan are submitted meeting the requirements of ARTICLE LXVII, "Site Plan Review" of this chapter including latitude and longitude, a description of the lot lines, site elevation view of the structure showing the overall height of the structure does not increase more than ten fifty percent (10 50%) or more than ten feet (10') whichever is greater and does not exceed one hundred ninety-nine feet (199'), the addition of any appurtenance to the body of the structure would not protrude more than six feet (6') from the edge of the structure. the height and location of existing and proposed antennas, ground details showing existing and proposed equipment shelters, landscaping, screening, access, parking, security, and a statement that the structure will not be lighted shall be submitted at the time of application for an Administrative Permit. Comments received from applicable agencies will be provided to the Zoning Administrator before any permit is granted.

32. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

43. The installation shall to the extent possible, use materials, colors, textures, and other appropriate techniques to blend the installation with the support structure.

~~4. Towers and antenna support structures are not lighted.~~

5. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

6. If a telecommunications antenna is mounted on a base station, ~~an alternative support structure~~, security fencing shall not be required unless the county determines that its safety requirements are not met without it.

7. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

C. New wireless telecommunications tower facility less than 199' in height.

A new wireless telecommunications tower facility may be permitted by Administrative Permit provided the tower facility is one hundred ninety-nine feet (199') or less in height provided that:

1. Towers and support structures are not lighted. Lighted towers require a Special Use Permit.

2.4. In order to apply for a new telecommunications tower facility, the applicant must demonstrate that no existing telecommunications tower facility or base station alternative telecommunication structure can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

32. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential collocatable structures within a three (3) mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.

43. Propagation predictions and coverage objective from a committed carrier including hand-off sites.

54. No telecommunications tower facility may be approved and no building permit issued until the first telecommunications service provider is identified.

65. Eight (8) copies of a wireless facilities plan are submitted meeting the requirements of ARTICLE LXVII, "Site Plan Review" of this chapter, including latitude and longitude, and a description of the lot lines, location of the proposed tower structure showing setbacks, location of adjacent dwellings and structures, separation distances, site elevation view showing the height of the tower structure does not exceed one hundred ninety-nine feet (199'), the location and height of the proposed antennas, compound details, landscaping, screening, access, parking, and security.

76. Towers and ~~antenna~~-support structures shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA) or the Zoning Administrator. Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting. (Ord. 9/28/11)

87. ~~Towers Antenna-support structures~~ shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling. Setbacks for telecommunications towers antenna-support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.

98. Wireless telecommunications towers and equipment facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located.

109. All towers or other support structures will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.

110. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

~~11.~~ ~~Towers and antenna support structures are not lighted.~~

12. Wireless telecommunications tower facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the County not to be warranted.

13. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

14. Collocation space on new telecommunications towers facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.

15. All recommendations from the consultant must be met. If the applicant cannot meet all recommendations from the consultant, they may apply for a Special Use Permit.

16. Approval for a highway entrance can be obtained from the Virginia Department of Transportation.

17. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

18. National Environmental Policy Act of 1969 (NEPA) report.

19. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.

20. Color photo simulations showing to scale representations of the proposed tower ~~structure~~ and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.

21. No signs other than those listed below may be placed on the tower antenna support structure or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations

22. No advertising of any type may be placed on the tower antenna support structure or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an alternative telecommunication structure.

23. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for the construction of a new wireless telecommunications tower facility, the Zoning Administrator shall send by first class mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, the application shall be denied, and the applicant advised that the requested facility may be constructed or placed only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within twenty-one (21) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

24. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

**§ 25-68.5. Uses permitted by special use permit.**

The uses listed in this section shall be permitted within the General Agriculture, General Business, and General Industrial zoning districts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of ARTICLE LVIII of this chapter.

**A. General standards applicable to all Special Use Permits.**

No Special Use Permit shall be issued without consideration that, in addition to conformity with any standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

**B. Wireless telecommunications facilities.**

New wireless telecommunication towers or base stations facilities over one hundred ninety-nine feet (199'), new towers or base stations wireless telecommunications facilities that are to be lighted or existing towers or base stations that will add new lighting, existing facilities expanded higher than one hundred ninety-nine feet (199'), existing facilities where a collocation or expansion would result in a substantial change to the facility, facilities otherwise permitted by Administrative Permit but where objections have been received, and facilities where setback requirements cannot be met or the recommendations of the consultant cannot be met may be permitted by Special Use Permit provided that: (Ord. 09/28/11)

1. In order to apply for a Special Use Permit for a new wireless telecommunications facility, the applicant must demonstrate that no existing telecommunication tower facility or base station alternative telecommunication structure can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.

2. The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential collocatable structures within a three-mile radius of the proposed structure, and written discussion and documentation of why those opportunities were rejected.



3. Propagation predictions and coverage objective from a committed carrier including hand-off sites.

4. No wireless telecommunications facility may be approved and no building permit issued until the first telecommunications service provider is identified.

5. Eight (8) copies of a wireless telecommunications facilities plan are submitted meeting the requirements of ARTICLE LXVII, "Site Plan Review" of this chapter, including latitude and longitude, and a description of the lot lines, location of the proposed structure showing setbacks, location of adjacent dwellings and structures, separation distances, site elevation view with the height of the structure showing the location and height of the proposed antennas, compound details, landscaping, screening, access, parking, and security.

6. Towers and base stations ~~and antenna support structures~~ shall be visually as innocuous as possible and maintain a galvanized steel finish unless otherwise required by the Federal Aviation Administration (FAA) or the board of zoning appeals. Antennas shall be of a neutral, nonreflective color with no logos. The design of accessory structures and equipment shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the facilities with the natural setting. (Ord. 09/28/11)

7. Towers and antenna base stations ~~support structures~~ shall be set back a distance equal to one hundred ten percent (110%) of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty percent (150%) of the height of the structure from any dwelling unless the board of zoning appeals finds that a lesser setback will adequately protect neighboring properties. Setbacks for towers and base stations ~~telecommunications antenna support structures~~ shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure. (Ord. 09/28/11)

8. Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located.

9. All towers or base stations ~~other support structures~~ will be designed to collapse within the lot lines in case of structure failure as the result of various hazards including high wind.

10. Written, technical evidence from a professional engineer that the existing or proposed structure meets structural integrity standards.

11. Towers and ~~antenna support structures~~ base stations shall not be artificially lighted unless required by the Federal Aviation Administration (FAA).

12. Wireless telecommunications facilities shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device unless determined by the county not to be warranted.

13. Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

14. Collocation space on new wireless telecommunications facilities shall be reasonably available to other telecommunication service providers including limited facilities of the County and its agencies.

15. Approval for a highway entrance can be obtained from the Virginia Department of Transportation.

16. Federal Aviation Administration (FAA) hazard determination report and documentation that the request presents no hazard to any airport.

17. Federal Communications Commission (FCC) environmental compliance report prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

18. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.

19. Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways.

20. No signs other than those listed below may be placed on a ~~the tower antenna support structure~~ or other components comprising the wireless telecommunications facility unless required by the Federal Communications Commission (FCC):

a. A sign is required displaying the facility owner's name, address, Federal Communications Commission (FCC) antenna support registration number and emergency contact phone number. The sign shall not exceed four square feet (4 sq. ft.) in size and shall be located on the security fence or other approved location.

b. Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to Federal Communications Commission (FCC) regulations

21. No advertising of any type may be placed on a the tower antenna support structure or other components comprising the wireless telecommunications facility unless the advertising was pre-existing on an base station alternative telecommunication structure.

22. A balloon test may be required by the board of zoning appeals. The applicant shall be responsible for costs associated with the public advertisement of such test.

23. If the applicant is not the owner of the property, the application shall be accompanied by the written consent of the owner.

#### **§ 25-68.6. Landscaping requirements.**

The following requirements for the planting and maintenance of landscaping surrounding wireless telecommunications facilities shall be met.

A. Wireless telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings, equipment, and security fence from the view of adjacent property. The standard buffer shall consist of a double row of six foot (6') high staggered evergreen trees planted ten foot (10') on center outside the perimeter of the fenced compound. The applicant shall propose an evergreen plant species indigenous to the region.

B. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunications facilities sited on large, wooded lots, natural growth around the property perimeter may be determined by the County to be a sufficient buffer such that additional landscaping is not warranted.

C. The permittee is responsible for maintaining all plant material in a healthy condition. Any replacement plants shall be consistent with existing plantings.

#### **§25-68.7. Bonding.**

Prior to the issuance of a building permit for a wireless telecommunications facility, the applicant shall:

A. Submit to the Zoning Administrator an itemized cost estimate of the work to be done to completely remove the entire telecommunications facility including the concrete pad plus twenty-five percent (25%) of said estimated costs

as a reasonable allowance for administrative costs, inflation, and potential damage to existing roads or utilities.

B. Submit a bond, irrevocable Letter of Credit, or other appropriate surety acceptable to the County in the amount of the estimate as approved by the Zoning Administrator which shall:

1. Secure the cost of removing the facility and restoring the site to its original condition to the extent reasonably possible.

2. Include a mechanism for a Cost of Living Adjustment after ten (10) and fifteen (15) years.

C. The applicant will ensure the bond shall remain in effect until the Community Development Department has inspected the site and verified that the wireless telecommunications facility and equipment has been removed and the site restored. At which time the Community Development Department shall promptly release the bond.

**§25-68.8. Removal, maintenance and safety.**

A. The applicant shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the foundation and tower or base station support-structure and security barrier (if applicable), and maintenance of the buffer areas and landscaping if present. The project owner shall be responsible for the cost of maintaining the wireless telecommunications facility and access road if present, unless accepted as a public way, and the cost of repairing any damage occurring as a result of operation and construction.

B. Any wireless telecommunications facility that is found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or disassembled and completely removed, including the concrete pad, within one hundred eighty (180) days. Any wireless telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall completely remove the wireless telecommunications facility within one hundred eighty (180) days of receipt of notice from the County instructing the owner to remove the facility.

C. The applicant shall notify the Augusta County Community Development Department within thirty (30) days of the date the ~~tower~~ wireless telecommunications facility is no longer used for telecommunications purposes. The tower or base station shall be disassembled and completely removed, including the concrete pad and all equipment, from the site within one hundred

eighty (180) days of the date the facility tower—is no longer used for telecommunications purposes.

**§ 25-68.9. Federal and state requirements.**

Wireless ~~∓~~ telecommunications facilities shall meet or exceed all applicable federal and state standards and regulations set forth by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and other agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the wireless telecommunications facilities governed by this division shall bring such telecommunications facilities into compliance as required. Failure to comply with federal and state standards and regulations shall constitute grounds for condemnation and removal of the noncompliant facilities by the county at the owner's or operator's expense.

**§ 25-68.10. Revocation of Special Use Permits.**

All Special Use Permits are subject to and conditioned upon compliance with any applicable federal, state, or local licensing or regulatory requirements, and may be revoked upon failure to so comply.

**COMMUNITY DEVELOPMENT STAFF COMMENTS:** These amendments are necessary to bring the County requirements into compliance with Federal law. Recommend approval of the amended ordinance.