

Regular Meeting, Wednesday, June 22, 2016, 7:00 p.m. Government Center, Verona, VA.

PRESENT: Carolyn S. Bragg, Chairman
Tracy C. Pyles, Jr., Vice-Chairman
Gerald W. Garber
Terry Lee Kelley, Jr.
Wendell L. Coleman
Marshall W. Pattie
Michael L. Shull
John R. Wilkinson, Director of Community Development
Becky Earhart, Senior Planner
Timmy Fitzgerald, County Administrator
Jennifer M. Whetzel, Deputy County Administrator
Patrick J. Morgan, County Attorney
Angie Michael, Executive Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 22, 2016, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 240th year of the Commonwealth....

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Chairman Bragg welcomed the citizens present.

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The Board of Supervisors led us with the Pledge of Allegiance:

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Terry Kelley, Supervisor for the Beverley Manor District, delivered the invocation.

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RESOLUTION FOR GEORGE H. STEVENS

The Board considered the Resolution for George H. Stevens.

Chairman Bragg moved, seconded by Mr. Pyles, that the Board adopt the following resolution:

WHEREAS, The County of Augusta, in consideration of the dedicated service of George H. Stevens to both Augusta County and the Wilson Volunteer Fire Company; and

WHEREAS, The Board of Supervisors wishes to express their love, esteem, admiration, and appreciation to George H. Stevens; and

WHEREAS, George H. Stevens passed away unexpectedly on May 21, 2016; and

WHEREAS, George H. Stevens served faithfully with the Wilson Volunteer Fire Company since December 6, 1993; and

WHEREAS, George H. Stevens held several leadership positions for the Wilson Volunteer Fire Company. Including Treasurer from 1993 to 2005, Vice President from 2011 to 2013, and President from 2006 to 2010 and again from 2014 to 2016; and

WHEREAS, George H. Stevens was also trained as a Firefighter I in 2007 at the age of 70, and Firefighter II in 2008 and obtained his EVOC Class 3 in 2006; and

WHEREAS, George H. Stevens was not only a key member of the Wilson Volunteer Fire Company but also of the entire community; and

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RESOLUTION FOR GEORGE H. STEVENS (CONT'D)

NOW THEREFORE BE IT RESOLVED, that the Augusta County Board of Supervisors mindful of the service, devotion, dedication, and untiring efforts of George H. Stevens to his community and to Augusta County, does hereby express their humble and heartfelt thanks and appreciation he so deserves; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of the Augusta County Board of Supervisors and a copy be given to both the Wilson Volunteer Fire Company and his wonderful wife Sylvia.

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, and Bragg and Pyles, Pattie

Nays: None

Motion carried.

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WEYERS CAVE REZONING

This being the day and time advertised to consider 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. The request also includes a request to rezone approximately .7 acres from General Agriculture to General Industrial with proffers owned by JM Apartments LC located on the north side of Airport Road approximately .3 of a mile east of the intersection with Westview School Road in Weyers Cave in the Middle River District.

Becky Earhart, Senior Planner showed a map of the property on the overhead. The applicants have submitted the following proffers on this request.

- 1) Any new industrial or commercial buildings must connect to public water and sewer.
- 2) No direct ingress or egress on Valley Church Road or Broad Run Road.
- 3) Direct access to Westview School Road and a portion of Airport Road 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".
- 4) A traffic impact study has been prepared in connection with the rezoning request. The Traffic Impact Study is not binding on the parties or a developer at the time of rezoning. However, for any future, non-agricultural development, an addendum to the TIA will be completed during the site plan approval process for developments as they occur and they will be responsible for their improvement if they aren't already funded or programmed for funding.

This request also includes the .7 acres that's owned by JM Apartments. Their proffers are a little different.

- 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.

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WEYERS CAVE REZONING (CONT'D)

The property to be zoned Airport Business has the following proffers:

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).

This property is currently zoned General Agricultural. It is in the Comprehensive Plan in an Urban Service Area slated for Industrial and Business development. There is public water and sewer facilities available in the Weyers Cave community although improvements may be necessary. The Planning Commission does recommend approval of the request with the proffers.

Mr. Fitzgerald represented the Board of Supervisors as the applicant and the property owners and gave a project background on the property. The property is about 515 acres and zoned agricultural. It's important to note that this property has been identified as a site for future industrial development in our County's Comprehensive Plan since 1987. It's a very unique property in Virginia. Only one other property in the Shenandoah Valley is this size and less than 200 acres are zoned for actual development on that property. When you look at a site with 500 acres, it's very unique in the State and certainly in the Shenandoah Valley. There are fewer than 25 of these sites in the whole State with 500 acres or more and they are located mostly in the southern part of the State in Southwest Virginia. This type of property positions the County well for opportunities that may come along in regards to future economic development. The lack of sites available across the State would position ourselves very well moving forward.

Mr. Pyles questioned which property was less than 200 acres zoned for actual development.

Mr. Fitzgerald clarified by saying it was the other property in Shenandoah County not the one up for rezoning.

Mr. Fitzgerald continued by saying, there are no other sites of this size that have some of the attributes that we have in Augusta County. We are beside the Regional Airport, water and sewer are close by, we have very close proximity to I81 and very close proximity to Blue Ridge Community College which provides a lot of our workforce training programs and initiatives. There are only 150 other acres in the Weyers Cave area that are zoned industrial. They have multiple owners and they vary in size. We had some challenges on this property. The State and the Virginia Economic Development Partnership shared some of these challenges with us and said going forward we need to have a set purchase price for the property. We need to have some type of local government control on the property and the appropriate zoning to move forward. In the economic development world today, if you don't have the appropriate zoning you are out of the game immediately. People do not want to go through the rezoning effort. They want something already zoned and ready to go. The Board approved, on May 11, 2016, a Rezoning and Marketing Agreement. It established a purchase price for the property at \$22,000 per acre. This price is if the whole property is sold at one time. It also established some joint marketing responsibility between the County and the owner. It spelled out what each party is responsible for. This gives the County the local control that the State wants us to have. It sets a schedule for the rezoning. In lieu of an annual option fee that would typically be paid, the owner agreed the reimbursement of Roll Back taxes would take care of that option fee going forward. This would occur at the time the site is developed.

Mr. Pyles asked if the Roll Back was five years and Mr. Fitzgerald answered yes.

Mr. Fitzgerald stated that VDOT had a concern in 2015 and expressed a need to do a Chapter 527 Traffic Study which is required by law. This size of development required this

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WEYERS CAVE REZONING (CONT'D)

to be done prior to the rezoning. The Board approved money to do the Traffic Study. McCormick Taylor completed the study on September 29, 2015. It's important to point out that the study analyzed the worst case scenario. We took the site and developed the entire property. The study generated the traffic based on those large assumptions and then we analyzed the transportation needs based on that worst case scenario. The study met the 527 requirements and was approved by VDOT. In conversation with the owners and based on the traffic study we came up with the Blue Mountain Proffers which Ms. Earhart mentioned earlier. The Chapter 527 T.I.A. is not binding on the parties or the developer at the time of rezoning. It was a very high level study and assumed the worst case scenario. At this point we don't have a development on the horizon so we did proffer that in the future, an addendum to the T.I.A. would need to be completed during the site plan approval process for non-agricultural development. What this does is take the original T.I.A. and as the site plan is submitted, the developer can revise the T.I.A. with the traffic they know is going to occur with their project. The addendum has to include the development's proposed traffic and all other traffic that's been generated from the 515 acres that have resulted from any prior approved developments. Prior to the approval of the site plan, the developer is responsible for the addition of the non-agricultural traffic and shall construct or bond the road improvements to the extent. Such improvements are justified by the addendum to the T.I.A. approved by the State and are solely necessitated by the development, unless the improvements are already funded or programmed for funding, for example by the VDOT 6-Year Plan. An example would be the I-81 exit is in the long range plan for the MPO. We are in the process of trying to get money to get started on improvements so we would include that as a project that is included and programmed for funding within VDOT. As these projects become programmed, the developer would not be responsible for those projects. I-81 and Rt. 11 is something we do consider programmed for funding because we are working towards that effort going forward. For the Airport Business portion of the property, we are also saying that public water and sewer will be utilized. There is no ingress or egress on Valley Church Road. As far as the 0.7 acres owned by JM Apartments, the direct access to West View School Road and a portion of Airport Road is limited to emergency access only unless the roads are upgraded per the recommendations of an addendum to the T.I.A. If that property becomes a standalone use on that particular parcel only, they could have direct access to Airport Road. We also point out that JM Apartments currently has an existing water and sewer waiver which allows them to use the existing water and septic on the property. If zoned correctly there are a couple funding sources we can look into. Virginia has a Business Ready Site Program available that would give us funding opportunities. The Go Virginia Campaign is the Governor's new Economic Development Campaign. There is potential grant funding moving forward to bolster this site and help market the site. In today's economic environment we have to have the correct zoning. The proper zoning increases the development opportunity in that area. It increases jobs and puts investment in to the County. This is a very unique property for Augusta County to have. We missed an opportunity several months ago because the property wasn't properly zoned.

There being no questions the Chairman declared the public hearing open.

Ms. Earhart received a letter dated June 8, 2016 from Cut Stone Farms, LLC. Marvin and Lori Maust are the Managing Partners. Marcus, Lynae, Jackson and Katie Maust are the Partners. The letter states that they are against the rezoning. Cut Stone Farms asked for the Board to consider the impact of noise, traffic, and change in landscape-views to those residents who have lived in the area for decades and those who are new to the area like themselves, as well as loss of good farmland. This area already has a robust industrial sector with several housing complexes, and further loss of land that can be used for agriculture in the Weyers Cave/Mt. Sidney area, which, ironically, had one of the earliest chapters of the Future Farmers of America, would make it more difficult for agricultural. If there is a shrinking amount of available land for those

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WEYERS CAVE REZONING (CONT'D)

future farmers, a rich agricultural history will be forfeited.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Garber did a quick review of the property. People generally in rezoning's talk about the land. I have probably been over and around that land more than anybody. Some of the land I have farmed for 40 years. I can tell you that really the last time anybody made a living on this farm land collectively was in the 60's. The last five dairy operations there did not end well. That's the reality of where we are. If somebody gave you this land today you would have to borrow about \$2 million to get it up and running. Specifically, I get asked frequently how as a farmer, I can justify rezoning farmland. The fact is, most farms in Augusta County are supported by off farm income. The people who have money to spend have jobs. The people who can borrow have a salary to back it. It's very difficult to buy a farm, get a loan and back it with the farm income. The irony here is, we need to continue to have job opportunities. We have an opportunity to pick and choose. It is a unique property because the farm families sold this land 26 years ago because somebody offered them twice what it was worth. There has been very little acreage added in the last 25 to 26 years. Money from out of the area came in, put it all together, and created this large site. Since 1990 there is no farmer that has owned this property. It has been farmed but not owned by a farmer. The property has changed hands five times. The decision of what to do with this land was probably made 25 or 26 years ago. From our standpoint, we need to continue to have good job opportunities. Because I think we can pick and choose, I think we can have a good building, good investments and good high paying jobs. At a 3.1% unemployment we need to look at jobs that allow everybody to improve.

Mr. Garber moved, seconded by Mr. Pyles, that the Board adopt the following ordinance.

ORDINANCE

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.

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

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WEYERS CAVE REZONING (CONT'D)

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel numbers 43 (portion) and 44B (portion) on tax map number 28 containing a total of approximately 20 acres is changed from General Agriculture to Airport Business with the following proffers:

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

Parcel numbers 7C, 15, 15A, 17, 18, 41, 41C (portion), 41D, 41E, 41G, 43 (portion), 44, and 44B (portion) on tax map number 28 containing a total of approximately 494 acres is changed from General Agriculture to General Industrial with the following proffers:

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.
5. 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.

Parcel number 44A on tax map number 28 containing a total of approximately 0.7 of an acre is changed from General Agriculture to General Industrial with the following proffer:

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.

Mr. Pyles stated that he agrees with Mr. Garber in regards to the job impact. Ten years ago this was up for consideration for rezoning and one of the big concerns was it was too big. We were looking at 2000 acres. I know from my years at ASR there were a lot of people that farmed and were there for the benefits and pay. The point for tonight is about the Comprehensive Plan. The Comp Plan is not like dinner plans. It is something the Board does. We made the plan so we can have an order to what we do. So we can get the most out of our property. This land was planned for future industry. It's right on the road and right off the interstate. That's what makes it very good. There is water and sewer. The Service Authority for the past number of years, has spent over a ½ million dollars just on plans and buying additional property so we can

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WEYERS CAVE REZONING (CONT'D)

upgrade our facility as necessary to meet these types of needs. We have our plan and we need to stick to it unless there is something very specific that changes it. This has continued to be a property we wanted to rezone. Mr. Fitzgerald talked about the Metropolitan Planning Organization and this Board rightly included this area so that we could plan for the road. Our Comprehensive Plan allows people to know what land is planned for so when you buy something you can look to see what it yet to come, is it planned for agriculture or planned for industry. On this property they had almost 30 years of warning. The object of the Comp Plan is to do the best you can to reduce the waste of land. When we pick out something like this and put it all together, that's the best use of our land. If we had no zoning and no plan the County would be a mess. Sometimes we seem hard hearted, but there's a desire to give people an understanding of what we are going to do that makes this County successful. We plan for these things and we stick to our plans. Some members of this Board have not been through a Comp Plan Review and I think that will be helpful. We are going to be hurt with the next one because Ms. Earhart won't be here. She is the mother of all Comp Plans. She has such an understanding when we put these things together. I think 30 years is long enough to wait on something. We benefit from it, we've got a plan and I am very much in support of it.

Mr. Coleman stated that if it seems to the public and the media that the Board doesn't care and had very little to say about something this major, that is not the case. This goes back into the 80's. I was Chair of the Board when we were talking about a mega site so there have been ongoing conversations over time. This Board has been involved and of course I'm kind of new back to the Board. When I decided to run again I began to bring myself up to speed with this because the previous Board had worked on this and talked about this. Going forward, it became a priority of this Board. Our citizens deserve nothing less and they deserve good paying jobs. We are going to work with the Economic Development Partnership at the state level and the Shenandoah Regional Partnership. This has the potential to be good for the Region. Not only impacting Augusta County, but our neighbors all around. I'm personally pleased that this Board was willing to bring this back up and talk about this. I'm a strong supporter of this and will continue to be so.

Mr. Shull asked how many showed up to the meeting tonight to look at this rezoning. He appreciates them coming out. This has been on the Comprehensive Plan for a number of years. The Comp Plan is a guideline. I remember coming here during the meetings when the public was invited to help give their input on the Comprehensive Plan. We have to look at smart growth which was one of the comments made back then. This County has been growing over the years. You can look at the rural areas, the family farms have been divided up with the sons and daughters building houses on the farms. There is an ever-growing population here so we have to try and utilize our land in the best way we have. The interstates are here and that causes a lot of growth along these areas. We strive to keep growth close to water and sewer. We are going to grow no matter what we do and we can't stand in the way of progress. If we don't let industry come in where does our tax base come from? It comes from the residents. As everyone knows if you look around we have one of the lowest tax rates around and we would like to keep it that way. We also have to try and provide a tax base. You look at our high schools and how many students graduate every year, approximately 700-900 kids every year that will be looking for jobs. The Airport has been there for many years. It is a great asset for us. I feel like the Planning Commission has approved it and it's a great place for industry.

Chairman Bragg stated that the word that comes to mind for her is opportunity. It gives

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WEYERS CAVE REZONING (CONT'D)

the State the opportunity to market a site in Virginia, it gives a potential industry an opportunity to grow and develop, it gives our citizens an opportunity for jobs and improved incomes and it gives the airport opportunities as far as growth is concerned. I think that's important and it has to be well planned. I believe this is one of the better areas to do that.

Many people and Boards over the years have looked at this and planned for this kind of growth and development that will have the least detrimental impact on the County as a whole. I do believe this is the right thing to do.

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, Bragg and Pyles, Pattie

Nays: None

Motion carried.

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WIRELESS TELECOMMUNICATION ORDINANCE

This being the day and time advertised to consider an ordinance to amend Sections 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.

John Wilkinson, Director of Community Development, explained that this is an ordinance amendment in response to changes in the Federal Communications Regulations that mandate we make these changes so that our ordinances are up to date. Most of the changes are definitions and are long overdue, including tower base stations and defining what a substantial change to the tower is. There was also a change made to allow administrative review of small increases in height of the towers. The Planning Commission recommends approval of the changes.

There being no questions the Chairman declared the public hearing open.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board adopt the following ordinance amendment...

**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:

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

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.

§ 25-68.1. 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.

§ 25-68.2. 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

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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

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

1. 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
2. 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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

§ 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 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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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.

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. 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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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.

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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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.

3. Eight (8) copies of a wireless telecommunications facilities plan are submitted meeting the

4. 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 set backs, 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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

§ 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.

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WIRELESS TELECOMMUNICATION ORDINANCE CONT'D

§ 25-68.9. Federal and state requirements.

Wireless 7 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.

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, Bragg and Pyles, Pattie

Nays: None

Motion carried.

* * * * *

****END OF PUBLIC HEARINGS****

WINDY RIDGE ROAD ABANDONMENT ORDINANCE

The Board considered an ordinance to abandon a portion of Windy Ridge Road from a gate located on the southern side of property described as Tax Map Parcels 36-8 and 36-12 to the northern property boundary line of the said parcels (North River District).

Pat Morgan, County Attorney stated that several months ago Mr. and Mrs. Cathey asked the board for permission to put a gate up across a piece of road called Windy Ridge Road which is an extension of what is known as Berry Road in our County. In the 1940's the County attempted to abandon the road and several years ago a Circuit Court judge determined this had not be done. The road was considered discontinued. It was still a public road, but not a part of the Secondary System. They have asked that we abandon the road. We have placed appropriate notices up and advertised for it in a newspaper with general circulation in the County. The Statute says if there is a request for a public hearing then the Board should hold one. He stated that we have received no such request so there is no need for a public hearing on this matter. He noted that Mr. and Mrs. Cathey are present tonight with their attorney.

Dr. Pattie moved, seconded by Mr. Shull, that the Board approve the following ordinance.

AN ORDINANCE TO
ABANDON A PORTION OF WINDY RIDGE ROAD

WHEREAS, Theodore F. M. Cathey and Kathleen H. Cathey have petitioned the Board of Supervisors to abandon a portion of Windy Ridge Road that crosses their property; and

WHEREAS, that portion of Windy Ridge Road has been discontinued as a state maintained highway, but remains a public road; and

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WINDY RIDGE ROAD ABANDONMENT ORDINANCE (CONT'D)

WHEREAS, that portion of Windy Ridge Road is not a part of the State Secondary System of Highways; and

WHEREAS, that portion of Windy Ridge Road is no longer used by the public;

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors finds the portion of Windy Ridge Road, from a gate located on the southern side of property described as Tax Map Parcels 36-8 and 36-12, being in the North River Magisterial District to the northern property boundary line of the said parcels is no longer necessary for public use.

BE IT ORDAINED, in accordance with §33.2-919 of the Code of Virginia, that the portion of Windy Ridge Road, from a gate located on the southern side of property described as Tax Map Parcels 36-8 and 36-12, being in the North River Magisterial District to the northern property boundary line of the said parcels is hereby abandoned.

A copy of this ordinance shall be delivered to the Virginia Department of Transportation.

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, Bragg and Pyles, Pattie

Nays: None

Motion carried.

* * * * *

ROAD NAME CHANGE

The Board considered the renaming of a portion of Old White Bridge Road (Rt. 640) to Goose Creek Road Extended.

Mr. Fitzgerald stated that this is a potential name change of Old White Bridge Road to Goose Creek Road Extended. This was a VDOT project several years back where a small connection was built out to Route 250 and they left the old section of Goose Creek Road in place and ended the road there. In that project they continued to keep Goose Creek Road running down the old road because all of the businesses located there are addressed off of Goose Creek Road. They named the new segment Old White Bridge Road which is actually on the other side of Route 250. There have been a lot of calls and concerns from citizens in regards to giving directions to their houses. We looked through the GIS addressing and there is only one property that would possibly be addressed off of this segment and it will likely be addressed off of Goose Creek Road because of where it is located on the corner. This name change doesn't have an impact on property owners. It is recommended that the Board approve the renaming that section of road to Goose Creek Road Extended.

Mr. Pyles stated that he believed name changing of roads had gone to staff responsibility years ago.

Mr. Fitzgerald stated that they had looked at the policy and it says that if citizens ask, we bring it before the Board and there is a potential for a public hearing. If nobody is affected the Board can simply make a motion to do the road name change. I will go back and see if that was the decision and the policy never got changed.

Mr. Coleman moved, seconded by Mr. Shull, that the Board approve the road name change of Old White Bridge Road to Goose Creek Road Extended.

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ROAD NAME CHANGE (CONT'D)

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, Bragg and Pyles, Pattie

Nays: None

Motion carried.

* * * * *

INFRASTRUCTURE ACCOUNT STATUS

The Board considered additions and deletions to Infrastructure and Recreational Capital Accounts.

Jennifer Whetzel, Deputy County Administrator, stated that at the Staff Briefing on Monday, the Finance Director had distributed a list of projects that had been completed within the Board of Supervisor’s districts. They are projects related to Infrastructure funding or Parks and Rec matching grant funding. In accordance with our Net Assets Policy, twice a year the Board reviews any funds that have previously been committed on or any projects that have been completed, the funds would be added back to the perspective infrastructure accounts. Also included, as this is the June review because of end of fiscal year, is the year end fund balances for the School Board, Shenandoah Valley Social Service and the Children Services Act. These funds will be put in their respective capital accounts as well.

Dr. Pattie moved, seconded by Mr. Shull, that the Board approve the additions and deletions to the infrastructure accounts.

Vote was as follows: Yeas: Shull, Garber, Coleman, Kelley, Bragg and Pyles, Pattie

Nays: None

Motion carried.

* * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Billy F. Little of 1658 Estaline Valley Road, Craigsville, is here concerning the completion of this road. When the project was started in 2002 or so it solved a lot of problems concerning flooding and traffic conditions. Since it has stopped He has worked on his driveway a great deal because of flooding. He went to VDOT and put in a request for repairs to his driveway. That being said, the traffic conditions are horrendous on the old Rt. 601. The part of the new road that has been completed has been great and has solved a great deal of problems concerning flooding and safety. My driveway is not fun to enter with heavy traffic coming from Augusta Correctional. I have had several close calls. It’s discouraging to have to deal with the issues at the bottom of my driveway. It’s very dangerous. My question is, why hasn’t this been completed?

Mr. Pyles stated that this was the most expensive project that he has had since being on the Board. Our money sources from the State dried up. We were doing \$5 or \$6 million a year and now its \$1 million. The cost to finish the job was beyond 20 years of funding so I stopped it. We could not gain enough money in a reasonable amount of time to do it. The State has changed how they do it. They don’t do a lot for secondary roads. That road is not something we can afford to finish.

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MATTERS TO BE PRESENTED BY THE PUBLIC (CONT'D)

Mr. Little: We have discussed this before and I voted for Mr. Pyles on assumption that this would be completed. It's very discouraging that it is not completed. Safety is the biggest issue and it's getting worse. I would like the Board to consider funding this road issue and fix the safety issues involved.

Mr. Pyles: The complaint needs to go to Mr. Dickie Bell and those folks that have cut off the State funding. We don't own the road. If the County wants us to start building roads then we are looking at a great deal of money. I spent nearly 35% of my infrastructure for 10-15 years to complete that road. We are looking at \$10 million to finish it.

Mr. Little: I know the longer we put it off the more expensive it is going to be. If it had been finished in 2002 the cost would have been a lot less. I have to stand my ground on this one.

Mr. Pyles: You need to discuss this with your Delegates. This is a VDOT issue and needs to be taken up with VDOT.

Mr. Little: I thought this would be a start.

Mr. Pyles: Every year we hold a public hearing to take input on roads.

Chairman Bragg: VDOT holds a public hearing every year and listens to citizens' concerns on roads. The money comes from VDOT so it needs to be brought up to VDOT. The next hearing will be next April or May.

* * * * *

WAIVERS/VARIANCES – NONE

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CONSENT AGENDA

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the consent agenda as follows:

MINUTES

Consider minutes of the following meetings:

- Regular Meeting, Wednesday, May 25, 2016

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

* * * * *

June 22, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD

Mr. Shull moved, seconded by Mr. Coleman that the Board reappoint the following to serve on the listed Boards and Commissions.

Cole Heizer Ag Industry Board

Effective immediately and to expire on June 30, 2020.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

Mr. Garber moved, seconded by Mr. Shull that the Board appoint the following to serve on the listed Boards and Commissions.

Melody Puffenbarger Library Board

Effective immediately and to expire on June 30, 2018.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

Mr. Garber thanked everyone for their interest on the rezoning issue. 500 acres is a big deal.

Mr. Kelley moved, seconded by Mr. Shull that the Board appoint the following to serve on the listed Boards and Commissions.

Greg Campbell Planning Commission

Effective immediately and to expire on June 30, 2018.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

Dr. Pattie moved, seconded by Mr. Shull that the Board reappoint the following to serve on the listed Boards and Commissions.

Eric Shipplett Planning Commission
Larry Dudley Recycling Committee

June 22, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Dr. Pattie moved that the Board appoint the following to serve on the listed Boards and Commissions, seconded by Mr. Shull.

Andrew Crummett Ag Industry Board

Effective immediately and to expire on June 30, 2020.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

Mr. Coleman stated that he had a very productive discussion with Tim Swortzel from the School Board concerning the expansion of the Governor's School. He wanted to ensure that the expansion of the Governor's School is not on the back of the Tech School. We were told recently that there was no student interest in the Firefighter class so that classroom is just sitting there. They are mindful in terms of workforce development and that Tech School is and will be the school of the future. The types of technical jobs that are going to be required as we create a new Virginia economy and all of the discussions we are hearing on the National scene of keeping business and industry in our country and doing everything we can at trying to try and bring industry back to America. Everyone needs to have that type of conversation with their School Board member.

Mr. Shull: There was an article in the Staunton News Leader on the need of expanding the Governor's School. It's ironic that we discussed it on Monday and then there's an article in the paper today. I will say that they are in need of a second instructor in the nursing program in order to keep their State credentials. I hope our School Board and School Administration does take a look at that.

Mr. Pyles: A quick note about the Estaline Valley Road, the money that I had set aside was used to do rural rustic roads. More people got the benefit by getting off of the dirt roads that would benefit from completing Estaline Valley Road.

Mr. Pyles moved, seconded by Mr. Coleman that the Board reappoint the following to serve on the listed Boards and Commissions.

Carl R. Cline Recycling Committee
Matthew C. Altis Parks and Rec
William Bashaw Ag Industry Board

Effective immediately and to expire on June 30, 2018.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

June 22, 2016, at 7:00 p.m.

MATTERS TO BE PRESENTED BY THE BOARD (CONT'D)

Chairman Bragg: The Blue Mountain Rezoning project has potential to have a very positive and significant impact on Augusta County.

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MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

- 1) Request from VA WWI and WWII Commemoration Commission.
- 2) Augusta County has been asked to designate a Liaison to the Committee that would be the contact person for them. Need names by July 1, 2016.
- 3) Republican Primary voting results. 6.95% of registered voters in Augusta County voted in the republican primary. 3208 Votes total. The cost of this type of election is estimated at around \$25,000.
- 4) JULY 13, 2016 MEETING CANCELLATION
Mr. Fitzgerald asked if the Board wanted to consider the cancellation of the July 13, 2016, Board meeting.

Mr. Coleman moved, seconded by Mr. Shull that the Board cancel the July 13, 2016 regular meeting.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

Nays: None

Motion carried.

- 5) Reminder of the Civic Club schedule for Courthouse presentations.
- 6) June 24, 2016 is the annual Employee Picnic on the dock of the Government Center.

* * * * *

CLOSED SESSION

On motion of Mr. Pyles, seconded by Mr. Shull, the Board went into closed session pursuant to:

(1) **the personnel exemption under Virginia Code § 2.2-3711(A)(1)** [discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

- A) Boards and Commissions
- B) Personnel under direction of the Board of Supervisors

June 22, 2016, at 7:00 p.m.

CLOSED SESSION (CONT'D)

- (1) **the real property exemption under Virginia Code § 2.2-3711(A)(3)**CLOSED SESSION (CONT'D)

[discussion of the acquisition for a public purpose, or disposition, of real property]:

A) Natural Chimneys Property

- (2) **the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)**

[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) FOIA

- (3) **the economic development exemption under Virginia Code § 2.2-3711(A)(5)**

[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Pending Prospect

On motion of Mr. Shull, seconded by Mr. Pyles, the Board came out of Closed Session.

Vote was as follows: Yeas: Bragg, Kelley, Garber, Wendell, Shull, Pattie and Pyles

Nays: None

Motion carried.

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The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Bragg, Garber, Kelley, Coleman, Shull, Pattie and Pyles
NAY: None

June 22, 2016, at 7:00 p.m.

CLOSED SESSION (CONT'D)

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

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ADJOURNMENT

There being no other business to come before the Board, Dr. Pattie moved, seconded by Mr. Shull, the Board adjourn subject to call of the Chairman.

Vote was as follows: Yeas: Pattie, Shull, Garber, Coleman, Kelley, Bragg and Pyles

 Nays: None

Motion carried.

* * * * *

Chairman
h:6-22min.16

County Administrator