# AGENDA

Spotsylvania County
Board of Supervisors Meeting
Board Room/Richard E Holbert Building

**August 10, 2021**
**4:30 PM**

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**Call to Order**

**Pledge of Allegiance, Invocation**

**Approval of Agenda Including Possible Agenda Additions**

1. Resolution for Support for Broadband Grant Application - FiberLync
2. Resolution to Support the Increase of Women on Local Boards, Committees and Commissions

**Presentation of Consent Agenda**

1. Approval of the Minutes of the July 27, 2021 Board of Supervisors Meeting
2. Approval of an Additional 0.37 FTE to Convert Part-Time Deputy Clerk I to Full-Time Deputy Clerk II
3. Approval of Contract to W & H Resources, Inc. dba Priority Elevator for Holbert Building Elevator Number Two Modernization
4. Approval of Lease Agreement for Additional Space for the Voter Registrar Office for the 2021 Election
5. Approval of Letter of Support for Sentinel Landscapes Program Application
6. Authorization for Public Hearing and Adoption of a Resolution for the Grant Application Request for the Federal Fiscal Year (FFY) 2021 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation

**Public Comment on Consent Agenda**

**Vote on Consent Agenda**

**Public Presentations**

**Board Reports**

**Presentations/Reports by Staff**

1. Hub of Hope- Presentation
2. Determination of Whether R21-0011 'Linwood Estates' is Substantially Different than R18-0010 'Chancellor Ridge' (Chancellor District)
3. VOTE - SUP21-0002 Claiborne Verizon Cell Tower/Gilman Land and Timber LLC (Cellco Partnership) (Berkeley District)
4. Short Term Rentals Presentation of Recommendations
5. Fire Station Company 3 Replacement Update

**County Administrator/County Attorney Reports**

1. Informational Matters

**Recess**

**Closed Meeting**

1. Closed Meeting

**Public Presentations - Cont. 6:30 PM (3 minutes per speaker)**

**New Business**

1. Next Board of Supervisors Meeting is August 24, 2021 at 6:00 p.m.

**Adjournment**

The finalized agenda may be found on the County website at www.spotsylvania.va.us under the Board of Supervisors tab on or before the Saturday preceding the meeting date. By order of the Spotsylvania County Board of Supervisors, the Board reserves the right to amend this agenda on the day of the Board meeting. The Board of Supervisors encourages the participation of all County citizens. For those with special needs, please notify the County Administrator's Office of any accommodation required prior to the meeting you wish to attend.

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Resolution for Support for Broadband Grant Application - FiberLync |
| **Type:** | Action, Resolution |
| **Agenda Title:** | Resolution for Support for Broadband Grant Application - FiberLync |
| **Recommendation:** | Staff recommends approval of the resolution to collaborate on a regional initiative between the County and the Orange County Wireless Authority, dba FiberLync, on a federal grant application for high speed broadband services in Spotsylvania County. |
| **Summary:** | The County, in collaboration with Orange County Wireless Authority, dba FiberLync, plans to participate in a federal grant application to provide high speed wireless services to certain portions of Spotsylvania County, where unserved and underserved premises exist. This grant will require in-kind funding for the County; however, no actual financial funding is required for this grant submission. Grant applications that propose a match receive higher consideration, and the final application will address this as needed. A map of the proposed preliminary areas for this federal grant is attached for reference. |
| **Financial Impact:** | none |
| **Staff Contacts:** | Jane Reeve, Director, Information Services |
| **Consequence of Denial/Inaction:** | County residents will continue to be unserved or under-served with high speed broadband services. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Resolution_-_DOC_Fiberlync_V2.pdf | Resolution | Resolution |
| DOCFiberToPremiseProposedBuildPlan.pdf | Map | Backup Material |

At a meeting of the Spotsylvania County Board of Supervisors held on July 27, 2021 a motion by _____ and passed _____ to _____, the Board adopted the following resolution:

**RESOLUTION NO. 2021-**

**RESOLUTION OF SUPPORT FOR A REGIONAL FFY 2021 NATIONAL TELECOMMUNICATIONS AND INFROMATION ADMINISTRATION BROADBAND INFRASTRUCTURE PROGRAM GRANT APPLICATION AND DESIGNATION OF AUTHORIZED AGENTS**

**WHEREAS**, the Spotsylvania County Board of Supervisors recognizes the need for quality internet access and its benefits to the families and businesses in Spotsylvania County; and

**WHEREAS**, the Spotsylvania County Broadband Committee is always seeking providers who are willing to provide coverage to underserved areas; and

**WHEREAS**, the Orange County Wireless Authority, dba Fiberlync, is submitting a regional grant application for the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) FFY 2021 Broadband Infrastructure Program to provide broadband access to hundreds of premises in rural areas of Spotsylvania County, primarily in the Livingston, Berkley and Chancellor districts; and

**WHEREAS,** the County will provide an in-kind match if the grant is awarded; and

**WHEREAS**, this area in Spotsylvania County is currently unserved by broadband carriers impacting the ability of Spotsylvania County residents to participate in remote work, school, and communication.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors supports Fiberlync's grant application for the National Telecommunications and Information Administration (NTIA), FFY 2021 Broadband Infrastructure Program in order to provide broadband options for the premises in Spotsylvania County; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors that the following individuals are hereby designated as authorized agents any of whom may act in the execution and administration of the grant application: Edward Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator; Jane Reeve, Chief Information Officer; and Annette B. D'Alessandro, Grants Manager.

_____

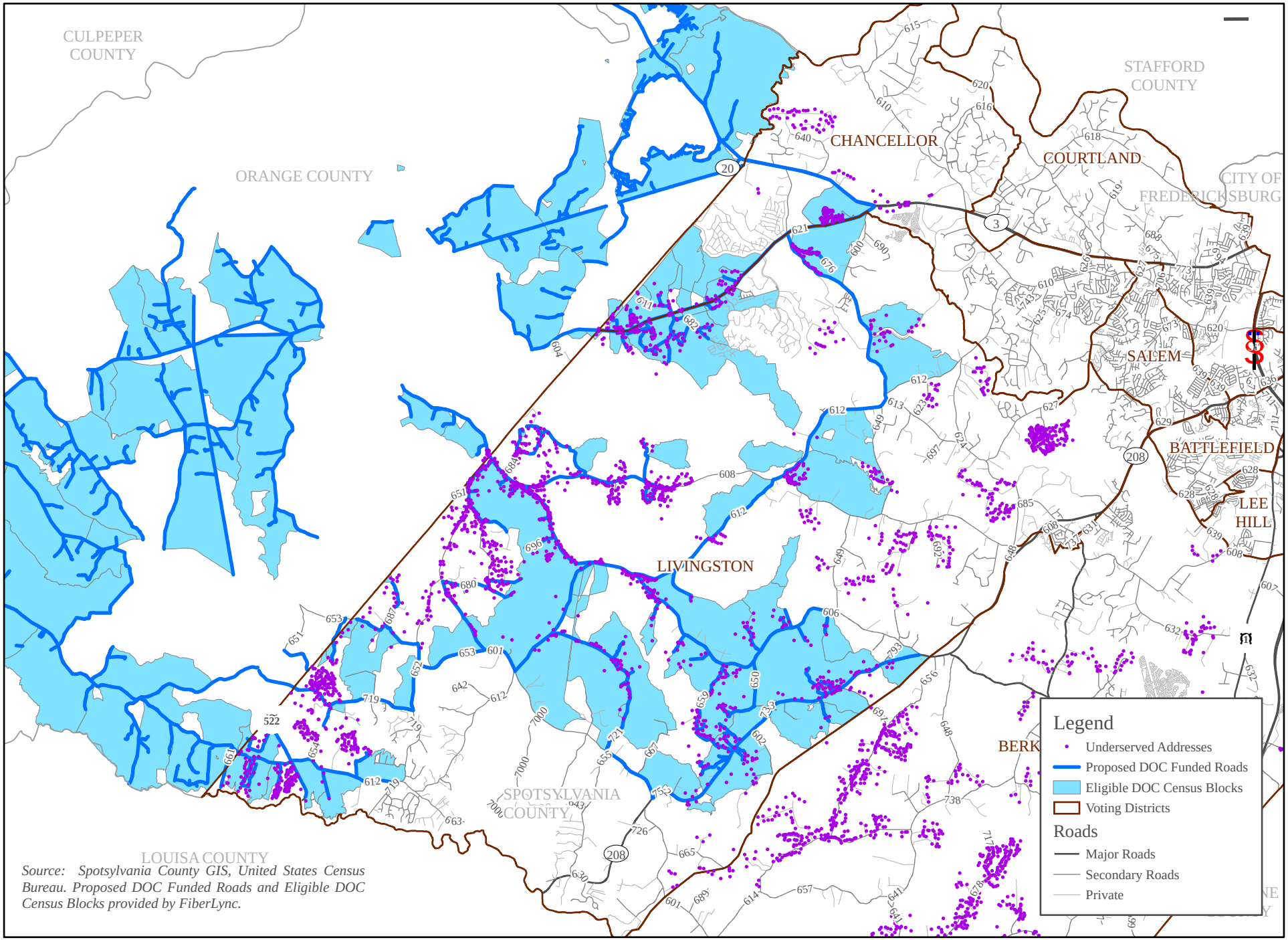
**Kevin Marshall, Chairman**
**Spotsylvania County Board of Supervisors**

**ATTEST:**

_____

**Aimee Mann, Clerk**
**Spotsylvania County Board of Supervisors**

# DOC FIBER-TO-THE-PREMISE PROPOSED BUILD PLAN




*Source: Spotsylvania County GIS, United States Census Bureau. Proposed DOC Funded Roads and Eligible DOC Census Blocks provided by FiberLync.*

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Resolution to Support the Increase of Women on Local Boards, Committees and Commissions |

| | |
|---|---|
| **Agenda Title:** | Resolution to Support the Increase of Women on Local Boards, Committees and Commissions |
| **Recommendation:** | Approve the resolution. |
| **Summary:** | Supervisors Marshall would like the Boards approval to the resolution to support the increased of women of local Boards, Committees and Commissions. |
| **Financial Impact:** | n/a |
| **Staff Contacts:** | Ed Petrovitch, County Administrator |
| **Additional Background/Other Considerations:** | Resolution is attached. |
| **Consequence of Denial/Inaction:** | The resolution will not be approved. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Women_on_Local_Boards-_Resolution_081021.doc | Resolution | Resolution |

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021, on a motion by _____ and passed _____, the Board adopted the following resolution:

**RESOLUTION NO. 2021-**

**RESOLUTION TO SUPPORT AN INCREASE WOMEN SERVING ON LOCAL BOARDS, COMMISSIONS AND COMMITTEES IN SPOTSYLVANIA COUNTY**

WHEREAS, women represent 51% of the U.S. and Virginia populations, yet hold less than one-third of the elected positions in the United States; and

WHEREAS, in Virginia, women represent about 27% of local governing elected positions and appointed board and commission seats and 22% of the same positions in Spotsylvania County; and

WHEREAS, the Board's hopes to increase the number of women in political leadership positions; and

WHEREAS, women's equal representation is a sign of a healthy democracy at the local, state, and federal government levels; and

WHEREAS, it is an important goal to obtain a balanced representation of both genders; and

WHEREAS, the Board can be a leader in increasing the number of women in political leadership through appointments to local boards, commissions, and committees.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby establishes a goal to recruit more women to serve on local boards, commissions, and committees; that the County will advertise the vacancies on local boards, commissions, and committees, and the process by which they are filled, through social media and other means in order to ensure these opportunities are made available to women and to all; and that the County will, upon any request, provide aggregate information identifying the number of women serving on each local board, commission, and committee.

(SEAL) A COPY TESTE: _____

Aimee R. Mann
Deputy Clerk to the Board of Supervisors

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Approval of the Minutes of the July 27, 2021 Board of Supervisors Meeting |

| | |
|---|---|
| **Type:** | Action |
| **Agenda Title:** | Approval of the Minutes of the July 27, 2021 Board of Supervisors Meeting |
| **Recommendation:** | Approve the Minutes of the July 27, 2021 Board of Supervisors Meeting. |
| **Summary:** | The minutes are attached. |
| **Staff Contacts:** | Aimee Mann, Deputy Clerk |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Min_072721.doc | July 27, 2021 Minutes | Minutes |

| | |
|---|---|
| PRESENT: | Deborah H. Frazier, Salem District<br>Barry K. Jett, Livingston District<br>Kevin W. Marshall, Berkeley District<br>Timothy J. McLaughlin, Chancellor District<br>David Ross, Courtland District<br>Gary F. Skinner, Lee Hill District<br>Chris Yakabouski, Battlefield District |
| STAFF PRESENT: | Ed Petrovitch, County Administrator<br>Mark L. Cole, Deputy County Administrator<br>Karl Holsten, County Attorney<br>Aimee R. Mann, Deputy Clerk |

Chairman Marshall called the meeting to order at 4:30 p.m. Supervisor Jett led the Pledge of Allegiance and Supervisor Frazier gave the invocation.

## APPROVAL OF AGENDA

On a motion by Chairman Skinner and passed 6 to 1 with Supervisor Yakabouski opposed, the Board approved the agenda to include removal of the following item:

- Consideration of Resolution Regarding Critical Race Theory

VOTE:

| | | |
|---|---|---|
| Ayes: | 6 | Frazier, Jett, Marshall, McLaughlin,<br>Ross, Skinner |
| Nays: | 1 | Yakabouski |
| Absent: | 0 | |
| Abstain: | 0 | |

## AWARD PRESENTATIONS AND SPECIAL ROCOGNITIONS

Proclamation for First Responders Appreciation Day on August 18, 2021

On a motion by Chairman Marshall and passed unanimously, the Board approved the proclamation as follows:

VOTE:

| | | |
|---|---|---|
| Ayes | 7 | Frazier, Jett, Marshall, McLaughlin<br>Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain | 0 | |

## PROCLAMATION

### RECOGNIZING FIRST RESPONDER APPRECIATION DAY AS AUGUST 18, 2021

**WHEREAS**, individuals, both career and volunteer, including police, firefighters, emergency medical technicians, search and rescue professionals, as well as other organizations in the public safety sector, come together as first responders during emergencies to provide services that can make the difference between life and death; and

**WHEREAS,** members of first responder organizations undergo significant education, training and personal sacrifice in order to achieve the expertise required to respond to emergency situations; and;

**WHEREAS,** first responders are ready to respond 24 hours a day, seven days a week, and are our first and best defense against emergencies that threaten our communities; and

**WHEREAS,** first responders are vital in every community to maintain order as they risk their own lives and safety in the performance of their duties to provide crucial services in times of crisis.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors, this 18th day of August 2021, publicly recognizes first responders and extends on behalf of its members and the residents of Spotsylvania, appreciation for their service to the County.

## PUBLIC COMMENT ON CONSENT AGENDA

None

## APPROVAL OF THE CONSENT AGENDA

The County Administrator read the synopsis as a brief preview of these agenda items for the public.

On a motion by Supervisor Skinner and passed unanimously, the Board approved the Consent Agenda as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

1. Approval of the Minutes of the June 22, 2021 Board of Supervisors Meeting;
2. Appointment of Travis King to the Citizen Budget Review Committee (Battlefield District);
3. Approval of Contract Modification #4 to Marion Enterprises, Inc. & Related Budget Adjustment for the Change Order to Merchants Square Building Renovation Project;
4. Approval of Contract to Atlantic Constructors, Inc. for Plumbing Services;
5. Approval of Contract Modification #4 for Renewal #3 to Univar USA, Inc. for Wastewater Treatment Chemicals;
6. Approval of Letter Requesting a Certain Waiver Associated with the FY 2022 Virginia Sexual and Domestic Violence Victim Fraud Fund Grant Award;
7. Approval of Purchase Orders to Atlantic Emergency Solutions, Inc. for 2022 Pierce Enforcer Tanker for Brokenburg Fire Station #2 and 2022 Pierce Enforcer Pumper for Partlow Fire Station #3;
8. Approval of Purchase Order to Carter Machinery Company, Inc. for CAT 963 Track Loader for Livingston Landfill;
9. Approval of Purchase Order to Columbia Gas of Virginia, Inc. to Relocate Gas Main for the Olde Greenwich Village Project;
10. Approval of Purchase Order to Dominion Energy Virginia, Inc. to Relocate Power Line for the Olde Greenwich Village Project;
11. Approval of Task Order #1 to Hazen and Sawyer, P.C. for Thornburg Booster Pump Station Design Services;
12. Approval of Two (2) Contract Modifications for Renewal to Kemira Water Solutions, Inc. and Univar USA, Inc. for Water Treatment Chemicals;
13. Budget Adjustment & Appropriation of Sheriff's Office Forfeiture and Seizure Funding as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-88**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2020, from the funds and for the functions or purposes indicated.

For the purpose of shifting Sheriff's Office forfeiture and seizure funds to cover expenses associated with improvements to the shooting range.

**GENERAL FUND:** ($16,252)
**CAPITAL PROJECTS FUND:** $16,252

14. Shift of Funding from the Capital Projects Fund Balance for Installation of a Gated Security Fence at the Circuit Court Parking Lot as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-89**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2021, from the funds and for the functions or purposes indicated.

To establish a new project to install a gated security fence at the Circuit Court parking lot, to be expended only by order of the Board of Supervisors as follows:

**CAPITAL PROJECTS FUND:** $125,592

15. VA-Related Transportation Project Budget Adjustments & Appropriations as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-90**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2020, from the funds and for the functions or purposes indicated.

To appropriately allocate the funding for certain VA-related transportation projects, to be expended only by order of the Board of Supervisors as follows:

**CAPITAL PROJECTS FUND:** ($250,000)
**EDA FUND:** $250,000

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-91**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2021, from the funds and for the functions or purposes indicated.

To appropriately allocate the funding for certain VA-related transportation projects, to be expended only by order of the Board of Supervisors as follows:

**CAPITAL PROJECTS FUND:** ($1,250,000)
**EDA FUND:** $1,250,000

## PUBLIC PRESENTATIONS

William Kelly submitted comments that were read during public presentations. Beth DiDonato addressed the Board during public presentations.

## BOARD OF SUPERVISORS REPORTS

During this time, Supervisors reported on items of interest and/or concern within their districts.

## PRESENTATIONS/REPORTS BY OTHERS

Presentation of the Proposed Internal Audit Multi-Year Work Plan

RSM conducted a broad-based risk assessment to support the development of a multi-year internal audit work plan for the County. The risk assessment included interviews with each member of the Board of Supervisors to gain an understanding of their perspective of risk, focusing on their objectives in order to identify potential risks. Interviews were also conducted with the County Administrator, as well as the County Administrator's Leadership Team, and various department heads and other personnel within the County to identify risks, vulnerabilities and potential opportunities. In addition, RSM reviewed the Fiscal Year (FY) Adopted Budget, the FY 2022 Recommended Budget, the Annual Comprehensive Financial Report for fiscal year ended June 30, 2020, the FY 2022 Recommended Capital Improvement Plan, as well as media coverage and Board meeting agendas, minutes, and other available documentation.

Using information gathered through the risk assessment process, RSM identified 10 recommended processes to be included in the proposed work plan. The 10 processes were prioritized, in coordination with Management, based on level of risk and correlation to the County's current process oversight work being performed.

Discussion of County Employees – Cost to Advance COLA, Merit, Public Safety Step to July 2021

The Board requested further discussion on the cost to advance COLA and merit for County Employees and Public Safety Step to July 2021.

Chairman Marshall read the following statement:

I hereby disclose I have an interest in Presentations Item #2, Discussion of County Employees – Cost to Advance COLA, Merit, Public Safety Step to July 2020, on the July 27, 2021 Agenda, as an employee of Spotsylvania County earning over $5,000 annually. This is the same matter previously discussed at the June 22, 2021 meeting and my signed disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

Supervisor Frazier read the following statement:

I hereby disclose I have an interest in Public Hearing #1, Public Hearing for Schools' Budget Adjustment & Appropriation for Federal Elementary and Secondary School Emergency Relief (ESSER II & ESSER III) Funds, on the July 27, 2021 Agenda, as an employee of Spotsylvania County Schools earning over $5,000 annually. This is the same matter previously considered and approved for a public hearing at the June 22, 2021 meeting and my signed disclosure is on file with the clerk and is available to the public for review. Ed/Aimee, please record this disclosure in the minutes of this meeting as required by law.

On a motion by Chairman Marshall and passed 6 to 1 with Supervisor Yakabouski opposed, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 6 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner |
| Nays: | 1 | Yakabouski |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-92**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2021, from the funds and for the functions or purposes indicated.

To advance the FY 2022 pay adjustments to take effect July 26, 2021 as opposed to January 1, 2022 as originally budgeted, to be expended only by order of the Board of Supervisors as follows:

**GENERAL FUND:** $1,217,746
**CODE COMPLIANCE FUND:** $50,838
**TRANSPORTATION FUND:** $5,340
**CAPITAL PROJECTS FUND:** $2,632
**UTILITIES OPERATING FUND:** $155,398

Approval Resolution to Petition Circuit Court for Bond Referendum

Based on the Board's consensus at its June 22 meeting concerning the projects and amounts to include in a bond referendum, staff presented for the Board's approval a resolution by which the Circuit Court would be petitioned to order a bond referendum be held on November 2, 2021.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-93**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA**

**WHEREAS,** the Board of Supervisors of the County of Spotsylvania, Virginia (the "Board of Supervisors") deems it necessary and desirable to petition the Circuit Court of Spotsylvania County (the "Circuit Court") to Order that a special election be held on November 2, 2021, on the question of authorizing the County of Spotsylvania, Virginia (the "County") to contract a debt and issue general obligation bonds of the County for public school, transportation, public safety, and parks and recreation purposes; and

**WHEREAS,** by Resolution adopted on June 14, 2021 and delivered to the Board of Supervisors, the School Board of the County has requested that the Board of Supervisors petition the Circuit Court to order an election on the question of authorizing the County to contract a debt and issue its general obligation bonds for public school purposes in an amount not to exceed $206,800,000;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA:**

**1. Authorization of Petition and Description of Public Improvement Projects.** In accordance with the provisions of Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Board of Supervisors hereby resolves to petition the Circuit Court on the question of authorizing the County to contract a debt and issue the County's general obligation bonds in the amounts and for the purposes further described below.

Proposed general obligation bonds in an amount not to exceed $101,742,509 to fund transportation projects, including without limitation (1) improvements to certain on-ramps to and intersections of Route 1 near and around the Veterans Administration Clinic; (2) extension and improvements to Germanna Point Drive to provide an alternate travel route for traffic; (3) widening of portions of Route 2 and Route 17 to four lanes; (4) widening of a portion of Harrison Road to include a shared-use path and a pedestrian sidewalk; (5) acquisition, design and construction of a roundabout at the intersection of Old Plank Road and Andora Drive; (6) acquisition, design and construction of improvements to the County's rural roads, including intersection improvements, construction of shoulders to rural roads, and paving of unpaved public roads; and (7) funding of the County's share of other pedestrian, bicycle and shared-use paths and "Safe Routes to School" sidewalk projects so that the County may receive matching funds under the Federal aid highway program known as the Transportation Alternatives Program, or any substantially similar or replacement federal or state highway financing program.

**2. Date of Special Election.** The Board of Supervisors hereby finds and determines that, inasmuch as it is the same day as a scheduled General Election, November 2, 2021 would be a particularly convenient and cost-effective day on which to hold the Special Election at which the matters described in paragraph 1 shall be presented to the citizens of the County.

**3. Authorization to Proceed with Petition and Related Matters.** The Board of Supervisors hereby authorizes and directs the County Attorney to promptly prepare and file an appropriate Petition with the Clerk of the Circuit Court requesting that the the Circuit Court order the Special Election in which the matters described in paragraph 1 above shall be placed on the ballot in the form of referendum questions in connection with the General Election scheduled to be held on November 2, 2021, and further authorizes and directs the Assistant County Administrator/Chief Financial Officer and the County Attorney to take all further actions necessary to present such matters to the citizens of the County under applicable law.

**4. Effectiveness and Use of Resolution.** This Resolution shall be effective immediately upon its adoption. The Board of Supervisors hereby authorizes the County Attorney to attach a certified copy of this Resolution to the Petition described in paragraph 3.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-94**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA**

**WHEREAS,** the Board of Supervisors of the County of Spotsylvania, Virginia (the "Board of Supervisors") deems it necessary and desirable to petition the Circuit Court of Spotsylvania County (the "Circuit Court") to Order that a special election be held on November 2, 2021, on the question of authorizing the County of Spotsylvania, Virginia (the "County") to contract a debt and issue general obligation bonds of the County for public school, transportation, public safety, and parks and recreation purposes; and

**WHEREAS,** by Resolution adopted on June 14, 2021 and delivered to the Board of Supervisors, the School Board of the County has requested that the Board of Supervisors petition the Circuit Court to order an election on the question of authorizing the County to contract a debt and issue its general obligation bonds for public school purposes in an amount not to exceed $206,800,000;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA:**

**1. Authorization of Petition and Description of Public Improvement Projects.** In accordance with the provisions of Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Board of Supervisors hereby resolves to petition the Circuit Court on the question of authorizing the County to contract a debt and issue the County's general obligation bonds in the amounts and for the purposes further described below.

Proposed general obligation bonds in an amount not to exceed $32,162,474 to fund public safety projects, including without limitation (1) the construction and equipping of (a) a fire training and logistics center, including classrooms, office and

storage space and related facilities, (b) a replacement fire/rescue station in the area of Partlow and Wallers Roads, and (c) a new fire/rescue station in the area of Massaponax Church Road and Route 1; and (2) replacements of fire and EMS equipment, including new fire trucks and ambulances.

**2. Date of Special Election.** The Board of Supervisors hereby finds and determines that, inasmuch as it is the same day as a scheduled General Election, November 2, 2021 would be a particularly convenient and cost-effective day on which to hold the Special Election at which the matters described in paragraph 1 shall be presented to the citizens of the County.

**3. Authorization to Proceed with Petition and Related Matters.** The Board of Supervisors hereby authorizes and directs the County Attorney to promptly prepare and file an appropriate Petition with the Clerk of the Circuit Court requesting that the the Circuit Court order the Special Election in which the matters described in paragraph 1 above shall be placed on the ballot in the form of referendum questions in connection with the General Election scheduled to be held on November 2, 2021, and further authorizes and directs the Assistant County Administrator/Chief Financial Officer and the County Attorney to take all further actions necessary to present such matters to the citizens of the County under applicable law.

**4. Effectiveness and Use of Resolution.** This Resolution shall be effective immediately upon its adoption. The Board of Supervisors hereby authorizes the County Attorney to attach a certified copy of this Resolution to the Petition described in paragraph 3.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-95**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA**

**WHEREAS,** the Board of Supervisors of the County of Spotsylvania, Virginia (the "Board of Supervisors") deems it necessary and desirable to petition the Circuit Court of Spotsylvania County (the "Circuit Court") to Order that a special election be held on November 2, 2021, on the question of authorizing the County of Spotsylvania, Virginia (the "County") to contract a debt and issue general obligation bonds of the County for public school, transportation, public safety, and parks and recreation purposes; and

**WHEREAS,** by Resolution adopted on June 14, 2021 and delivered to the Board of Supervisors, the School Board of the County has requested that the Board of Supervisors petition the Circuit Court to order an election on the question of authorizing the County to contract a debt and issue its general obligation bonds for public school purposes in an amount not to exceed $206,800,000;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA:**

**1. Authorization of Petition and Description of Public Improvement Projects.** In accordance with the provisions of Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Board of Supervisors hereby resolves to petition the Circuit Court on the question of authorizing the County to contract a debt and issue the County's general obligation bonds in the amounts and for the purposes further described below.

> Proposed general obligation bonds in an amount not to exceed $206,800,000 to fund public school projects, including without limitation, (1) the acquisition of real property for future public school sites, construction and equipping of new public schools and additions to existing public schools; (2) public school capital maintenance purposes, including HVAC and roof replacements, asphalt/sidewalk construction and replacement, and other public school capital maintenance projects; (3) school transportation purposes including acquisition of new and replacement school buses; (4) school technology purposes including upgrades to and replacements of existing equipment; and (5) acquisition, construction and equipping or rehabilitation of such other capital school assets as may be required to address the actual educational needs of the residents of the County.

**2. Date of Special Election.** The Board of Supervisors hereby finds and determines that, inasmuch as it is the same day as a scheduled General Election, November 2, 2021 would be a particularly convenient and cost-effective day on which to hold the Special Election at which the matters described in paragraph 1 shall be presented to the citizens of the County.

**3. Authorization to Proceed with Petition and Related Matters.** The Board of Supervisors hereby authorizes and directs the County Attorney to promptly prepare and file an appropriate Petition with the Clerk of the Circuit Court requesting that the the Circuit Court order the Special Election in which the matters described in paragraph 1 above shall be placed on the ballot in the form of referendum questions in connection with the General Election scheduled to be held on November 2, 2021, and further authorizes and directs the Assistant County Administrator/Chief Financial Officer and the County Attorney to take all further actions necessary to present such matters to the citizens of the County under applicable law.

**4. Effectiveness and Use of Resolution.** This Resolution shall be effective immediately upon its adoption. The Board of Supervisors hereby authorizes the County Attorney to attach a certified copy of this Resolution to the Petition described in paragraph 3.

On a motion by Supervisor Skinner and passed 6 to 1 with Supervisor Yakabouski opposed, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 6 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner |
| Nays: | 1 | Yakabouski |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-96**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA**

**WHEREAS,** the Board of Supervisors of the County of Spotsylvania, Virginia (the "Board of Supervisors") deems it necessary and desirable to petition the Circuit Court of Spotsylvania County (the "Circuit Court") to Order that a special election be held on November 2, 2021, on the question of authorizing the County of Spotsylvania, Virginia (the "County") to contract a debt and issue general obligation bonds of the County for public school, transportation, public safety, and parks and recreation purposes; and

**WHEREAS,** by Resolution adopted on June 14, 2021 and delivered to the Board of Supervisors, the School Board of the County has requested that the Board of Supervisors petition the Circuit Court to order an election on the question of authorizing the County to contract a debt and issue its general obligation bonds for public school purposes in an amount not to exceed $206,800,000;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SPOTSYLVANIA, VIRGINIA:**

**1. Authorization of Petition and Description of Public Improvement Projects.** In accordance with the provisions of Section 15.2-2640 of the Code of Virginia of 1950, as amended (the "Virginia Code"), the Board of Supervisors hereby resolves to petition the Circuit Court on the question of authorizing the County to contract a debt and issue the County's general obligation bonds in the amounts and for the purposes further described below.

Proposed general obligation bonds in an amount not to exceed $58,000,000 to fund all or a portion of the costs of construction and equipping of an indoor swimming and fitness facility to include an Olympic-sized competition swimming pool, a warm-up/therapy pool, fitness and wellness facilities, and related facilities including locker rooms, food and beverage areas and storage, and related incidental improvements such as parking lots, lighting and landscaping.

**2. Date of Special Election.** The Board of Supervisors hereby finds and determines that, inasmuch as it is the same day as a scheduled General Election, November 2, 2021 would be a particularly convenient and cost-effective day on which to hold the Special Election at which the matters described in paragraph 1 shall be presented to the citizens of the County.

**3. Authorization to Proceed with Petition and Related Matters.** The Board of Supervisors hereby authorizes and directs the County Attorney to promptly prepare and file an appropriate Petition with the Clerk of the Circuit Court requesting that the the Circuit Court order the Special Election in which the matters described in paragraph 1 above shall be placed on the ballot in the form of referendum questions in connection with the General Election scheduled to be held on November 2, 2021, and further authorizes and directs the Assistant County Administrator/Chief Financial Officer and the County Attorney to take all further actions necessary to present such matters to the citizens of the County under applicable law.

**4. Effectiveness and Use of Resolution.** This Resolution shall be effective immediately upon its adoption. The Board of Supervisors hereby authorizes the County Attorney to attach a certified copy of this Resolution to the Petition described in paragraph 3.

FY2021 Mandates Overview

The Office of Budget & Grants gave a presentation regarding the FY 2021 mandates.

## CLOSED MEETING

On a motion by Supervisor Skinner and passed unanimously, the Board adopted a resolution to adjourn into closed meeting as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

### RESOLUTION NO. 2021-97

### To Adjourn into a Closed Meeting

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, specifically regarding the matter of *The Board of Supervisors of the County of Orange, Virginia v.*

*Sustainable Property Holdings, LLC*, *et al.,* filed in the Circuit Court for the County of Orange, Virginia, Case No. CL20-275; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(7), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

## RETURN TO OPEN MEETING AND CERTIFICATION

On a roll call vote, the Board returned to open meeting and adopted the following resolution:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

### RESOLUTION NO. 2021-98

**Return to Open Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion to convene into Closed Meeting were heard, discussed or considered in the Closed Meeting.

## PUBLIC PRESENTATIONS

Daryl Owen addressed the Board during public presentations.

## PUBLIC HEARINGS

Public Hearing for Schools' Budget Adjustment & Appropriation for Federal Elementary and Secondary School Emergency Relief (ESSER II & ESSER III) Funds

Ms. Jewell presented.

Chairman Marshall declared the public hearing opened.

The following citizens spoke or submitted comments in support: Jason Derting, Jennifer Bishop, Sarah Dangerfield, Lisa Ehmer, Randall Young, Kelly Young, Carley Beale, Catherine Rusk, Oliver Beale, Beverly Graham, Amy Reardon, Michael Reardon, Ginny Hemming, Teresa Gerney, Kathryn Gregorio Palmer, Marsha Winebarger, Carmichael Fewell, Amanda Frappier, Hope Hichak, Kelly Angeli and Stephanie Burchett.

Chairman Marshall closed the public hearing.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the resolution as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**RESOLUTION NO. 2021-99**

**BE IT RESOLVED** by the Board of Supervisors of the County of Spotsylvania, Virginia, that the following appropriation be, and the same hereby are, made for the fiscal year beginning July 1, 2021, from the funds and for the functions or purposes indicated.

To fund Return to Learn and other costs matched to the ESSER II and ESSER III federal funds, to be expended only by order of the Board of Supervisors as follows:

**SCHOOL OPERATING FUND:** $15,036,335
**JOINT FLEET FUND:** $300,000

R20-0008 (RO20-0008) Linda C. Curtis & Leigh Ann Curtis-Chapman (Rappahannock Development Group, LLC) Saddle Creek (Salem District)

Ms. Fennell presented.

Charlie Payne, on behalf of applicant, gave an overview of the project and stood to answer any questions.

Chairman Marshall declared the public hearing opened.

The following citizen submitted comments in support: Peter Scelfo.

The following citizens spoke or submitted comments with concerns or in opposition: Leslie Flippo, Leslie Butterfield and Jeff Foltz.

Chairman Marshall closed the public hearing.

Charlie Payne, on behalf of applicant, addressed the concerns raised by the citizens.

On a motion by Supervisor Frazier and passed 5 to 2 with Supervisors Jett and Yakabouski opposed, the Board adopted the ordinance as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 5 | Frazier, Marshall, McLaughlin, Ross, Skinner |
| Nays: | 2 | Jett, Yakabouski |
| Absent: | 0 | |
| Abstain: | 0 | |

AN ORDINANCE No. RO20-0008

To amend the zoning map to rezone approximately 48.42 acres from Residential 1 (R-1) to Planned Development Housing District 3 (PDH-3) with proffers.

**PUBLIC HEARING: July 27, 2021**

**WHEREAS**, **Linda C. Curtis and Leigh Ann Curtis-Chapman (Rappahannock Development Group, LLC):** Requests a rezoning of three (3) parcels consisting of approximately 48.42 acres from Residential 1 (R-1) to Planned Development Housing 3 (PDH-3) with proffers for the development of 101 single family detached dwelling units. The properties are located on the south side of Piedmont Drive (Route 673) approximately 0.4 miles from its intersection with Harrison Road (Route 620). The properties are addressed as 11501 Piedmont Drive, 11513 Piedmont Drive, and 6020 Harrison Road. The properties are located within the Primary Development Boundary. The properties are designated for Low Density Residential on the Future Land Use Map of the Comprehensive Plan. Tax parcels 22 (A) 103, 22 (11) 4B, 22 (11) 5. Salem Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning as stated in the staff report and executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on June 16, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS,** on June 16, 2021 the Spotsylvania County Planning Commission recommended approval of the project, with proffers at the public hearing with a vote of 5-1; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on July 27, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the general welfare and good zoning practice are served by approval of the rezoning application.

**NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS HEREBY ORDAINS:**

§ 1. That the properties known as Tax Parcels 22 (A) 103, 22 (11) 4B, 22 (11) 5 currently zoned Residential 1 (R-1) is rezoned to Planned Development Housing District 3 (PDH-3) with the proffered conditions dated May 28, 2021.

§ 2. The Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this rezoning is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the rezoning.

§ 3. This ordinance shall be in force and effect upon adoption.

Condemnation Agreement – Saddle Creek Rezoning (R20-0008)

On a motion by Supervisor Frazier and passed 6 to 1 with Supervisor Yakabouski opposed, the Board adopted the agreement as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 6 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner |
| Nays: | 1 | Yakabouski |
| Absent: | 0 | |
| Abstain: | 0 | |

SADDLE CREEK AGREEMENT

To approve and execute an agreement ("Agreement") related to the rezoning application R20-0008 Saddle Creek proffers ("Proffers"), dated May 28, 2021, in substantially the same form as the Agreement attached hereto as Exhibit A.

**WHEREAS**, on July 27, 2021, the Board of Supervisors will hold a public hearing to consider rezoning application R20-0008, submitted by applicant Rappahannock Development Group, LLC ("Applicant") to rezone three (3) parcels, TM#s 22-A-103, 22-11-4B, and 22-11-5, owned by Linda C. Curtis and Leigh Ann Curtis-Chapman ("Owners"), consisting of approximately 48.42 acres from Residential 1 (R-1) to Planned Development Housing 3 (PDH-3) with the Proffers for the development of 101 single-family detached dwelling units; and

**WHEREAS**, staff has reviewed the subject application and recommends approval of the rezoning with the Proffers as stated in the staff report and executive summary; and

**WHEREAS**, certain Transportation Proffers found in Section III of the Proffers, cannot be completed without condemnation of a parcel of land known as Banks Lane because there is no discernable current owner of this parcel from which to purchase it or have it dedicated. The Banks Lane location, if condemned, will allow for the Owners or Applicant to complete certain proffered transportation improvements including the construction of Piedmont Drive/Saddle Creek intersection improvements which will be dedicated to the Virginia Department of Transportation's (VDOT's) Secondary Highway System; and

**WHEREAS,** the Virginia Code Section 2.1-219.1 allows for condemnation of private property for the creation of public facilities, which includes transportation facilities such as streets and roads that will be dedicated to public use; and

**WHEREAS**, execution of this Agreement does not bind the Board or the County to initiate a condemnation of the parcel of land known as Banks Lane nor does it bind the Board to approve the rezoning; and

**WHEREAS**, the Agreement provides that, should the Board approve the rezoning and thereafter initiate the condemnation, the Owners or Applicant will be responsible for all the costs associated with the condemnation; and

**WHEREAS**, if the rezoning set forth in application R20-0008 is approved by the Board of Supervisors, the general welfare and good zoning practice are served by the approval and execution of this Agreement to allow for the proffered transportation improvements cited above to be completed at the expense of the Owner or Applicant.

*NOW, THEREFORE, THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES:*

1. That the County will enter into this Agreement in substantially the same form as the Agreement attached hereto as Exhibit A with Linda C. Curtis, Leigh Ann Curtis- Chapman, and the applicant, Rappahannock Development Group, LLC, if the Board of Supervisors approves the rezoning set forth in application R20-0008 with the Proffers.

2. That the Board authorizes the County Administrator to execute the Agreement on its and the County's behalf after complete signatures are obtained from all other parties and the County Attorney's office has reviewed those signatures, and the County Administrator is further authorized to administer and effectuate the Agreement on behalf of the Board and the County.

CA21-0003: Ordinance No. 23-181- Mixed Use Streets and Residential Parking Standards

Mr. Pastwik presented.

Chairman Marshall declared the public hearing opened.

The following citizen submitted comments in support: Nathan Gredler.

Chairman Marshall closed the public hearing.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

AN ORDINANCE No. 23-181

CA21-0003: Zoning Ordinance Amendment – Mixed Use Streets and Residential Parking Standards
CA21-0003: Mixed Use Streets and Residential Parking Standards

To amend County Code Chapter 23, Article 5- General Development Standards and Article 6- Zoning to address health, safety, and welfare concerns identified by County Fire, Rescue, Emergency Management Services, improve travelway maneuverability and reduce parking conflicts. Proposed amendments include: Division 23-5.9 Off-Street Parking, specifically 23-5.9.3-Minimum Required Parking Spaces; Division 23-6.28-Mixed Use (MU) District, specifically 23-6.28.6-Parking and 23-6.28.7-Streets and Blocks. Amendments are intended to: improve mixed use street design standards to improve maneuverability of streets to accommodate large vehicles such as delivery vehicles and FREM equipment; clarify the intent of Mixed Use Streets and Blocks requirements concerning sidewalks, streets, street trees and street lights; update parking standards in the mixed use zoning district and off street parking standards applicable to all other zoning districts specific to dwelling, multi-family, dwelling, single family attached, dwelling, single family detached.

PUBLIC HEARING: July 27, 2021

**WHEREAS**, staff has reviewed the Chapter 23-Zoning Ordinance amendments and recommends approval as stated in the Executive Summary dated July 27, 2021; and

**WHEREAS**, the Planning Commission held a public hearing on this matter on June 16, 2021, duly advertised in a local newspaper for two weeks, and a motion was made and seconded to recommend approval of the Chapter 23-Zoning Ordinance amendments, with a vote of 6-0; and

**WHEREAS**, the Spotsylvania Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on July 27, 2021 and interested citizens were offered the opportunity to be heard; and

**WHEREAS**, good zoning practice and general welfare are served by approval of the Chapter 23-Zoning Ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23-Zoning, Article 5-General Development Standards, Section 23-5.9.3 be and are hereby **amended** and reordained as follows:

Sec. 23-5.9.3. - Minimum required parking spaces.

| Uses | Parking requirement<br>(Area references are to gross floor area (gfa) unless otherwise indicated) |
|---|---|
| Agriculture (i.e., Farming) | Exempt |
| Airport, Public or Private | 1 space per employee on the largest shift, plus 1 space for each vehicle used in connection with the facility, plus sufficient space to accommodate the largest number of airport customers'/travelers' vehicles that may be expected at any one time |
| Amusement Arcade | 4 spaces per 1,000 sq. ft. of gfa |
| Auction Establishment | 1 space per employee on maximum shift plus 1 space per company vehicle operating on the premises plus 1 space per 200 sq. ft. of customer service area |
| Bed and Breakfast I, II | 1 space per guest room plus dwelling, single-family detached standard |
| Billiard and Pool Halls | 4 spaces per 1,000 sq. ft. of gfa |
| Bowling Alleys | 4 spaces per lane plus 1 space per employee |
| Brewery, Winery, Cidery, Distillery | 1 space for every 500 sq. ft. of production or office area plus 1 space per 225 sq. ft. area dedicated to accessory tasting rooms, restaurants, or retail sales, plus 1 space for every 4 seats or 60 sq. ft. of assembly area dedicated to commercial hall use if applicable. |
| Bus Terminals and Train Stations | 1 space per 4 seats in the terminal |
| Business Service and Supply Service Establishment | 1 space per 300 sq. ft. of gfa |
| Campgrounds, Recreation Trailer Camp, Summer Camp | 1 space per employee during peak employment shift |
| Car Wash | 3 space per bay/stall plus 1 space per employee for self service or full service establishment |
| Child Care Center | 1 space per teacher/employee plus 1 space for each 12 children |
| Civic, Social Service and or Fraternal Facilities | 1 space per four (4) fixed seats or per 75 sq. ft. of area of assembly, whichever is greater |
| Clinics, Medical and Dental | 1 space per 200 sq. ft. of gfa |

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|---|---|
| College or University | Based on a review by the Zoning Administrator of each proposal (See Note 3) 1 space per employee during peak employment shift + .5 spaces per student of driving age |
| Contractor's Offices and Shops | 1 space per employee assigned to work onsite plus one space per facility vehicle parked onsite |
| Convenience Store | 5 spaces per 1,000 sq. ft. gfa. At no time less than ten (10) spaces |
| Correctional Facility | 1 space per 2 employees on the maximum shift (See Note 3) |
| Country Club | 1 space per 300 sq. ft. of gfa within closed bldgs. plus one space for every 3 people the outdoor facilities are designed to accommodate when used to the maximum capacity |
| Cultural Center, Museum or Similar Activity | 1 space per 300 sq. ft. of gfa |
| Data Center | 1 space per employee based on the largest shift |
| Dormitory, Fraternity or Sorority House, or Other Residence Hall located Off-Campus | 1 space per 2 beds based on the occupancy loads of the building plus 1 space for each employee, manager or resident manager |
| Dwelling, Multiple-Family<br>0—1 bedroom<br>2 bedrooms<br>3+ bedrooms | <br>1 per unit and 1 visitor space in common area per 5 units<br>1.5 per unit and 1 visitor space in common area per 5 units<br>2.0 per unit and 1 visitor space in common area per 5 units |
| Dwelling, Single-Family Attached | 2 onsite spaces per unit, and 1 visitor space in common area per 3 units. Garage or carport spaces cannot be counted toward minimum onsite parking. |
| Dwelling, Single-Family Detached | 2 onsite spaces per unit. Garage or carport spaces cannot be counted toward minimum onsite parking. |
| Eating Establishment, Carry out/Fast Food | 1.25 spaces per 100 sq. ft. gfa |
| Eating Establishment | 1.5 sp per 200 sq. ft. gfa |
| Feed Mill | 1 space per employee on largest shift plus 1 space per company vehicle operating on the premises plus 1 space per 300 sq. ft. of customer service area |
| Financial Institution | 1 space per 250 sq. ft. of gfa for customer service area (including lobby and teller area); plus 1 space per employee on the largest shift |
| Fire Service or Rescue Squad | Adequate space to accommodate all motor vehicles operated in connection with such use plus 2 additional parking spaces per |

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|---|---|
| | each such vehicle |
| Funeral Home | 1 space per 100 sq. ft. of gfa excluding storage and work areas; 25 space minimum |
| Furniture, Appliance or Carpet Store | 1 sp per 750 sq. ft. of gfa, plus 1 space for each employee on the largest shift |
| Garden Center | Enclosed Retail Area—One (1) space per each two hundred fifty (250) square feet of retail sales. Greenhouse Sales Area—One (1) space per two hundred fifty (250) square feet. Exterior Sales Area—One (1) space per each five thousand (5,000) square feet of exterior nursery sales area. |
| Golf, Miniature | 2 spaces for each hole |
| Golf Course | 1 space per 300 sq. ft. of gfa within closed bldgs. plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity |
| Golf Driving Range | 1 space per tee plus 1 space for every 2 employees on the largest shift |
| Heavy Equipment and Specialized Vehicle Sale, Rental and Services Establishment | 1 space per 500 sq. ft. of enclosed sales, rental and office floor area plus 1 space per 2,500 sq. ft. of open sales/rental display lot area plus 2 spaces per service bay |
| Hospitals | 1.5 spaces per patient bed plus 1 space for each staff doctor plus 1 space per 2 other employees |
| Hotels or Motels | 1 space per room or suite for rent plus 1 space per 4 seats of meeting room capacity plus 1 space per 250 sq. ft. of restaurant, lounge or entertainment facility plus 1 space for each 2 employees on the maximum shift |
| Indoor Athletic Facility (Gymnasium) | 1 space for every 50 sq. ft. of floor area devoted to aerobics, weightlifting, or similar activities plus 1 space per 500 sq. ft. of indoor tennis or racquetball court or similar recreation facilities |
| Indoor Recreation Facility, Commercial | 5 spaces per 1,000 sq. ft. gfa |
| Industry Types I, II, III, Industrial/Flex, Abattoir | 1 space per 1,000 sq. ft. gfa plus 1 space per 400 sq. ft. of accessory office area or 1 space per 2 employees on the largest shift whichever is less |
| Kennel | 1 space per 500 sq. ft. of gfa including runs |
| Library | 10 spaces per the first 1,000 sq. ft. of gfa plus 1 space for each 300 sq. ft. in excess of 1,000 sq. ft. |
| Live Entertainment, indoor | 1 space per 75 sq. ft. gfa |
| Manufactured Home | 1.5 spaces per unit |

| | |
|---|---|
| Manufactured Home Parks | 1.5 spaces per unit plus 1 space per 5 units for guest parking |
| Marinas, Docks and Boating Facilities, Commercial | 1 space for every 2 boat slips; at least 10 percent of the spaces must be large enough to accommodate vehicles with trailers |
| Medical Care Facility | 1 space per 2 patient beds plus 1 space per employee on largest shift |
| Mini Warehousing Establishment | 1.25 spaces per 1,000 sq. ft. of gfa of office space associated with the use plus 1 space per employee and 2 spaces for a resident manager. The width of travel aisles for vehicular access and loading and unloading shall be based on the standard width of a two-way driving aisle whose dimensions are established in the design standards manual, article 5 |
| Nursing Home, Assisted Living or Congregate Living Facilities or Other Age Restricted Housing | 1 space per 3 residents plus 1 space for each employee on largest shift |
| Office (unless otherwise provided for in this section) | 1 space per 300 sq. ft. gfa (See Note 1) |
| Open Air Market | 1 space per 1,000 sq. ft. of sales area |
| Outdoor Recreation Facility | 30 spaces per athletic field or 1 space per 1,500 sq. ft. of usable recreational space |
| Personal Service Establishment | 1 space per 275 sq. ft. of gfa |
| Place of Worship | 1 sp<br>ace per 3 seats in the principal place of worship or 1 space per 200 sq. ft. gfa, whichever is greater. (See Note 4) |
| Public or Private Elementary, Middle, Junior High School | 1.5 spaces per classroom |
| Public or Private Senior High School | 1 space per classroom plus 1 space per 6 students |
| Public Utility | 1 space per 2 employees on largest shift plus 1 space per company vehicle normally stored on the premises |
| Repair Service Establishment | 1 space per 300 sq. ft. of gfa plus 1 space per employee on the largest shift |
| Retail Sales Establishment except Furniture, Appliance or Carpet Store | 1 space per 250 sq. ft. of gfa |
| Rooming/Boarding House | 1 space per bedroom |
| Scientific Research and Development Establishment | 1 space per 400 sq. ft. of gfa |

| | |
|---|---|
| Fuel Dispensing facility | 2 spaces per service bay plus 1 space per employee, but never less than 5 spaces |
| Shopping Center | A. 100,000 sq. ft. of gfa or less—4 spaces per 1,000 sq. ft. of gfa B. more than 100,000 sq. ft.—Standard A. (above) plus 4.3 spaces per additional 1,000 sq. ft. of gfa above 100,000 sq. ft. (See Note 2) |
| Theater, Auditorium, Stadium, Live Entertainment, Outdoor | 1 space per 3 seats |
| Vehicle Light Service Establishment | 1 space per 200 sq. ft. of gfa plus 2 spaces per service bay plus 1 space per employee |
| Vehicle Major Service Establishment | 2 spaces per service bay plus 1 space per employee |
| Vehicle Sale, Rental and Ancillary Service Establishment | 1 space per 500 sq. ft. of enclosed sales/rental floor area, plus 1 space per 2,500 sq. ft. of open sales/rental display lot area, plus 2 spaces per service bay plus 1 space per employee but never less than 5 spaces |
| Veterinary Hospitals | 1 space per 100 sq. ft. of gfa exclusive of that area to house animals |
| Warehousing, Storage Yard, Lumber and Bldg. Material Yard, Motor Freight Terminal or Junk Yard | 1 space per 2 employees on largest shift plus 1 space per 5,000 sq. ft. of area devoted to storage (whether inside or outside) |
| Wayside Stand, Offsite | 1 space per 100 sq. ft. of sales, display area, but never less than 3 spaces |
| Wholesale Trade Establishment | 1 space per 4,000 sq. ft. of gfa for the wholesale operation plus 1 space per 400 sq. ft. of accessory office space |

Note 1: Where more than one (1) office bldg. is located on a lot, the parking requirements shall be based on the gfa of each building individually and not on the total gross floor area of all buildings on the lot. For purposes of this provision, buildings connected by structures such as atriums, awnings, breezeways, carports, garages, party walls or plazas shall not be deemed to be one (1) building but rather a collection of multiple buildings depending on how many are connected in such a way.

Note 2: The shopping center off-street parking requirement set forth in the minimum required parking spaces table above shall be applicable to all uses in a shopping center, except the area occupied by theaters with more than two thousand (2,000) seats. An additional three-tenths (0.3) space shall be provided for each seat above two thousand (2,000) seats. The zoning administrator may reduce the overall required parking requirements by the percentage of gross floor area of the enclosed pedestrian walkway, excluding any area within the enclosed pedestrian walkway that is leased.

Note 3: Alternative standards may be accepted as determined by the zoning administrator based on a review of each proposal to include such factors as: the number of spaces required to accommodate employees; public use vehicles anticipated to be on-site that can be used for auxiliary parking in times of peak demand. In no instance, however shall the number of spaces required for government office use be less than that required herein for general office use.

Note 4: The number of spaces required may be reduced by up to fifty (50) percent if the use is located within five hundred (500) feet of any public parking lot or any commercial parking lot where sufficient spaces are available by permission of the owners without charge, during the time of service to make up the additional spaces required.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-72, 4-22-97; Ord. No. 23-73, 8-12-97; Ord. No. 23-109, 12-14-04; Ord. No. 23-171, § 1, 9-26-17; Ord. No. 23-180, § 2, 7-28-20; Ord. No. 23-181, 07-27-2021)

§ 2. That Chapter 23-Zoning, Article 6-Mixed Use (MU) District, Section 23-6.28.6

be and are hereby **amended** and reordained as follows:

Sec. 23-6.28.6. - Parking.

(a) *Parking in the MU district.* The requirements of article 5, division 9, Off-street parking and the design standards manual shall apply in the mixed use (MU) district, except as otherwise specifically modified in this section.

(b) *Parking credits.*

(1) *Credit for on-street parking.* One (1) legal on-street parking space may be substituted for every required parking space, provided the on-street space is located on a public or private right-of-way immediately abutting the subject property.

(2) *Proximity to transit.* A fifteen (15) percent reduction in the number of required parking spaces is allowed for uses with a main entrance within a walking distance of two thousand six hundred forty (2,640) feet of an operating transit stop.

(3) *Valet parking.* Valet parking may be permitted where all of the following standards have been met:

a. An attendant is provided to park vehicles during all business hours of the use utilizing the valet parking.

b. An equivalent number of valet spaces are available to replace the number required on-site parking spaces.

c. Valet spaces do not require individual striping, and may take into account the mass parking of vehicles.

(c) *Reserved parking.* Parking spaces may be reserved for a specific tenant or unit, provided that the following standards are not exceeded:

(1) *Residential.*

a. One (1) space per efficiency or one-bedroom multi-living dwelling unit.

b. Two (2) spaces per two-bedroom or greater multi-living dwelling unit.

(2) *Nonresidential.* No more than one-third ( 1/3 ) of the total provided spaces may be reserved.

(d) *Parking spaces required.* The following table defines the minimum number of parking spaces required for each use in the use table.

| **Land Use** | |
|---|---|
| Residential | |
| Dwelling, single-family detached | 2 onsite spaces per unit. Garage or carport spaces cannot be counted toward minimum onsite parking. |
| Dwelling, single-family attached | 2 onsite spaces per unit, and 1 visitor space in common area per 3 units. Garage or carport spaces cannot be counted toward minimum onsite parking. |
| Dwelling, multiple-family<br>0—1 bedroom<br>2 bedrooms<br>3+ bedrooms | <br>1 per unit and 1 visitor space in common area per 5 units<br>1.5 per unit and 1 visitor space in common area per 5 units<br>2.0 per unit and 1 visitor space in common area per 5 units |
| Group Living | |
| Assisted living/nursing home | 1 space per employee + 1 space per 4 beds |
| All group living | 1 per bedroom |
| Public/Institutional | |
| Place of worship | 1 per 3 seats main assembly room |
| All other public/institutional | 1 per 300 sf of gross floor area |
| Retail Sales, Service, Entertainment | |
| Child care center | 1 per employee + 1 per 12 children |
| All other retail sales, service, entertainment | 1 space for the first 1,000 sf + 1 space of each additional 750 sf |
| Visitor Accommodations | |
| All visitor accommodations | 1 per guest room |
| General Business | |
| All general business | 1 space for each 500 square feet of gross floor area |

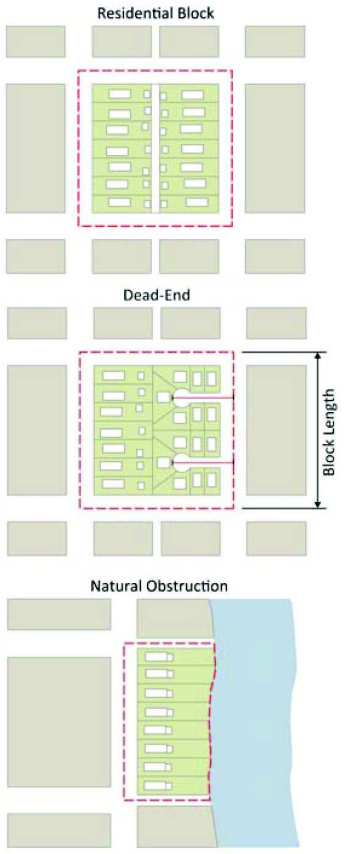
(e) The board of supervisors may approve alternative parking standards as part of a zoning map amendment.

(Ord. No. 23-150, 9-25-12; Ord. No. 23-160, 1-13-15; Ord. No. 23-181, 07-27-2021)

§ 3. That Chapter 23-Zoning, Article 6-Mixed Use (MU) District, Section 23-6.28.7 be and are hereby **amended** and reordained as follows:

Sec. 23-6.28.7. - Streets and blocks.

(a) *Streets and blocks in the MU district.* The requirements of the design standards manual apply in the mixed use (MU) district, as specifically modified in this section. Sidewalks, streets, street trees and street lights must be installed and constructed for both new and existing streets.




(b) *Blocks.*

(1) *Applicability.* The block length and perimeter standards apply to preliminary plats, final plats and site plans.

(2) *Block standards in the MU-1, MU-2, MU-3 district.*

a. Residential blocks must have sufficient width to provide for two (2) tiers of residential lots, except where single tier lots are required to accommodate single-loaded streets where across from a public park or open space, to allow for unusual topographical conditions, or when adjacent to the outer perimeter of a subdivision.

b. The maximum block perimeter shall be four thousand four hundred (4,400) feet.

c. The maximum block length shall be one thousand five hundred (1,500) feet.

d. The maximum block length for a dead end street shall be three hundred (300) feet.

(3) *Block standards in the MU-4, MU-5 district.*

a. The maximum block perimeter shall be two thousand four hundred (2,400) feet.

b. The maximum block length shall be seven hundred (700) feet.

c. The maximum block length for a dead end street shall be three hundred (300) feet.

(4) *Block measurement.*

a. A block is bounded by a street (not including an alley) that meets the requirements of this section.

b. Block perimeter is measured along the centerline of intersecting streets that encompass the block.

c. Block length is measured from centerline to centerline of intersecting streets.

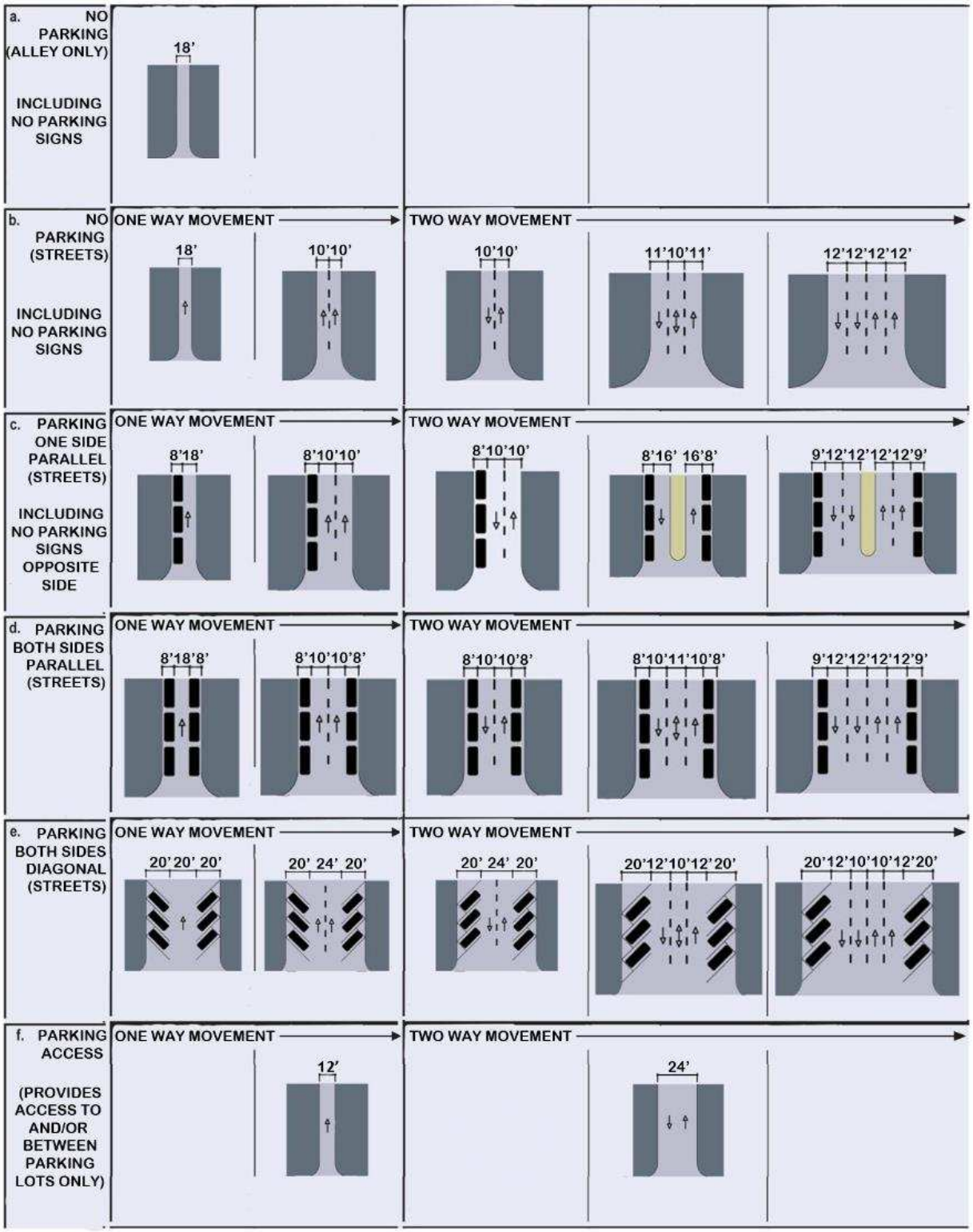
d. The maximum block length or perimeter may be extended in the event that steep slopes in excess of twenty-five (25) percent, freeways, waterways, railroad lines, preexisting development, tree conservation areas, stream buffers, cemeteries, open space, or easements make the maximum block length or perimeter unfeasible.

e. The maximum block length and perimeter may be extended by twenty-five (25) percent, if the block includes a pedestrian passage that meets the requirements of this section.

f. A block may be broken by a civic building, public park, or open lot, provided the lot is at least fifty (50) feet wide and provides a pedestrian passage meeting the requirements this section.

(c) *Street types.* This section provides general guidelines for the construction of new streets in the MU district and is intended to provide a catalog of minimum dimensions for travel lane and on-street parking widths subject to review and approval during the site plan review process for use on private streets.

**MIXED USE (MU) STREET TYPES AND LANE DIMENSIONS**



(d) The board of supervisors may approve alternative streets and blocks standards as part of a zoning map amendment.

(Ord. No. 23-150, 9-25-12; Ord. No. 23-160, 1-13-15; Ord. No. 23-181, 07-27-2021)

§ 4. This ordinance shall be in force and effect upon adoption.

CA21-0002: Ordinance No. 14-18 Section 14-10 Camping Code Amendment

Ms. Pomatto presented.

Chairman Marshall declared the public hearing opened and when no one indicated an intention to speak, closed the public hearing.

On a motion by Supervisor Skinner and passed unanimously, the Board adopted the ordinance as follows:

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

AN ORDINANCE No. 14-18

CA21-0002: County Code Amendments – Camping

To amend the Code of Spotsylvania County, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment, to allow property owners to camp on their property.

PUBLIC HEARING: July 27, 2021

**WHEREAS**, staff has reviewed the ordinance amendments and recommends approval as stated in the executive summary dated July 27, 2021 and attached hereto; and

**WHEREAS**, the Planning Commission held a public hearing on this item on July 7, 2021 and a motion was made and seconded to recommend approval of the ordinance amendments, with a vote of 7-0; and

**WHEREAS**, the Spotsylvania County Board of Supervisors' public hearing, duly advertised in a local newspaper for a period of two weeks, was held on July 27, 2021, and interested citizens were offered the opportunity to be heard; and

**WHEREAS**, good zoning practice and general welfare are served by approval of the ordinance amendments.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA BOARD OF SUPERVISORS HEREBY ORDAINS:

§ 1. That Section 14-10 related to allowed camping within the County is hereby amended and reordained as follows:

Sec. 14-10. - Camping

14-10.1 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Camper* means a person or persons camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

*Camping* or *Camping Event* means to temporarily occupy a camping device or camp site, with or without a camping device.

*Camping Device* means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy. Camping devices must be in operable condition, inspected and registered by the Virginia Department of Motor Vehicles, if required.

*Camping Device Storage* means the placement of any camping device in a visible location when it is not actively in use. A stored camping device cannot be occupied or connected to a septic system. Any device that does not meet both those criteria will be considered occupied and treated accordingly.

*Camp Site* means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

14-10.2 Camping and use and storage of camping devices

(a) A property owner, or person(s) authorized by the property owner, may camp on the property owner's property provided that:

(1) Any camping event must provide adequate means of sewage disposal to ensure the protection of ground and surface water and prevent insect attraction, solely determined by the local Virginia Department of Health, and prevent the creation of a nuisance.

(2) Any camping event which exceeds fourteen (14) days within a 60-day period that is not utilizing a permanent, inspected, in-ground sewage disposal method requires that:

i. The property owner/camper(s) obtain a temporary pump and haul permit from the Virginia Department of Health, in accordance with the Code of Virginia 12VAC5-610-599.2.

ii. The holding tank for a temporary pump and haul permit must be watertight and corrosion resistant with capacity to store the projected flow for at least 48 hours.

iii. Holding tanks that are not integral to the unit must be concealed from surrounding properties and/or public view.

(3) The camping event is in compliance with all applicable state requirements.

(b) Sewage disposal from camping events or campsites into the public sewer system is prohibited.

(c) Temporary occupancy of a camping device must be in compliance with all applicable state requirements. Nothing herein shall be construed as permitting permanent occupancy of a camping device.

(d) The zoning administrator shall be the enforcement agent for this section. Nothing herein shall be construed as preventing the sheriff's department or other county or state officials from enforcing this section.

(e) Nothing in this section shall be construed as repealing, amending or otherwise affecting any zoning ordinance of the county. Camping, as defined herein, is deemed an allowable use in all zoning districts as established in Section 23-6.12.

(f) A violation of any provision of this section shall constitute a Class 1 misdemeanor.

(Code 1980, § 12-9; Ord. of 7-10-84; Ord. 14-18, 7-27-2021)

**Cross reference—** Penalty for Class 1 misdemeanor, § 1-11; development plan for planned camping communities, § 20-32; comfort stations for planned camping communities, § 20-145; water availability connection charges for campsites, §§ 22-71, 22-72; sewer availability and connection charges for campsites, §§ 22-311, 22-312; planned camping communities, § 23-136.

§ 2. This ordinance shall be in force and effect upon adoption.

SUP21-0002 Claiborne Verizon Cell Tower/Gilman Land and Timber LLC (Cellco Partnership) (Berkeley District)

Ms. Fennell presented.

Lisa Murphy, on behalf of applicant, gave an overview of the project and stood to answer any questions.

Chairman Marshall declared the public hearing opened.

The following citizen spoke in support: Stephanie (no last name given).

The following citizens spoke with concerns or in opposition: Melinda Norman.

Chairman Marshall closed the public hearing.

On a motion by Chairman Marshall and passed unanimously, the Board tabled SUP21-0002 until the next Board meeting.

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

Chairman Marshall made a motion to reconsider the resolution for support for Broadband Grant Application – FiberLync. The motion passed unanimously.

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

On a motion by Chairman Marshall and passed unanimously, the Board voted to deny the resolution for support for Broadband Grant Application – FiberLync.

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

**NEW BUSINESS**

None

**ADJOURNMENT**

On a motion by Chairman Marshall and passed unanimously, the Board adjourned its meeting at 9:17 p.m.

VOTE:

| | | |
|---|---|---|
| Ayes: | 7 | Frazier, Jett, Marshall, McLaughlin, Ross, Skinner, Yakabouski |
| Nays: | 0 | |
| Absent: | 0 | |
| Abstain: | 0 | |

_____
Aimee R. Mann
Deputy Clerk to the Board of Supervisors

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Approval of an Additional 0.37 FTE to Convert Part-Time Deputy Clerk I to Full-Time Deputy Clerk II |
| **Type:** | Action |
| **Agenda Title:** | Approval of an Additional 0.37 FTE to Convert Part-Time Deputy Clerk I to Full-Time Deputy Clerk II |
| **Recommendation:** | Staff recommends the Board approve an additional 0.37 FTE for the conversion of a part-time (0.63 FTE) Deputy Clerk I position to a full-time (1.00 FTE) Deputy Clerk II position. |
| **Summary:** | The Clerk of the Circuit Court requests the conversion of a part-time (0.63 FTE) position to a full-time (1.00 FTE) to respond to the increasing workload within her office. The Clerk is able to make adjustments within her existing office budget to allow for the conversion. However, because this will increase FTEs within the budget, the Board's approval is needed to proceed.<br><br>This position will be utilized as an additional courtroom clerk in the Civil and Criminal Division in the Clerk of the Circuit Court's office. This position will handle the case entry of the criminal and civil cases being certified and appealed to the Circuit Court from General District Court and Juvenile and Domestic Relations Court and will process the appeals from Circuit Court to the Court of Appeals and Supreme Court of Virginia. The position will assist with telephone, mail, and email inquiries from the public; assist customers at the front counter; and process pleadings filed and the fees associated with those filings. The position will also process the subpoenas issued by the Commonwealth Attorney's Office which have substantially increased due to the increase in trials and jury trials. Lastly, the position will also be responsible for mailing marriage license, divorce VS4 forms, name changes, and adoptions to the |

| | |
|---|---|
| | Department of Vital Records, as pursuant to Code section 32.1-267. |
| **Committee/Commission Summary:** | Finance Committee |
| **Review Date:** | July 22, 2021 |
| **Status:** | Approved |
| **Financial Impact:** | Please see the attached budget adjustment. Due to shifting of existing funds within the Clerk's budget, this conversion is a net-$0 cost. |
| **Staff Contacts:** | Christy Jett, Clerk of the Circuit Court<br>Bonnie Jewell, Assistant County Administrator/Chief Financial Officer<br>Holly Dove, Budget Analyst |
| **Consequence of Denial/Inaction:** | Since Senate Bill 5007 was passed on July 1, 2021, the jury decides on the guilt or innocence of a defendant and the Judge will impose the sentence. This law has changed the minds of many defendants on how they want to proceed with the process of their case. It has caused an influx of jury trials on the court docket and more hearings means more personnel to accommodate the workload. If the conversion of the position from part-time to full-time is denied, the number of courtroom clerks would not be able to accommodate the workload that comes along with additional cases. This increases the Commonwealth's subpoenas, pleadings and motion hearings. The cases are extended out and so more defendants are not taking plea agreements and risking going forward with their cases for a verdict of 12 jurors than one judge. This will also mean that there will not be enough courtroom clerks to attend court for civil cases for the judges unless it is a jury trial. Recently, the Judge has been utilizing his law clerk and judicial assistants to assist him in court instead of courtroom clerks due to the increase. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Convert_Clerk_s_PT_to_FT_-_Budget_Adjustment.docx | Budget Adjustment | Budget Amendment |

# FY 2022 Budget Amendment Request Form

**Date:** July 13, 2021

**Department:** Clerk of the Circuit Court

**Contact person:** Christy Jett **Phone #:** 540-507-7600

**Explanation of need for budget amendment:** Staff recommends the Board approve an additional 0.37 FTE for the conversion of a part-time (0.63 FTE) Deputy Clerk I position to a full-time (1.00 FTE) Deputy Clerk II position.

The Clerk of the Circuit Court requests the conversion of a part-time (0.63 FTE) position to a full-time (1.00 FTE) to respond to the increasing workload within her office. The Clerk is able to make adjustments within her existing office budget to allow for the conversion. However, because this will increase FTEs within the budget, the Board's approval is needed to proceed.

This position will be utilized as an additional courtroom clerk in the Civil and Criminal Division in the Clerk of the Circuit Court's office. This position will handle the case entry of the criminal and civil cases being certified and appealed to the Circuit Court from General District Court and Juvenile and Domestic Relations Court and will process the appeals from Circuit Court to the Court of Appeals and Supreme Court of Virginia. The position will assist with telephone, mail, and email inquiries from the public; assist customers at the front counter; and process pleadings filed and the fees associated with those filings. The position will also process the subpoenas issued by the Commonwealth Attorney's Office which have substantially increased due to the increase in trials and jury trials. Lastly, the position will also be responsible for mailing marriage license, divorce VS4 forms, name changes, and adoptions to the Department of Vital Records, as pursuant to code section 32.1-267.

***Reminder:*** **Agenda item summary must be attached if BOS approval is required.**

| **Revenue Accounts Adjusted** | | **Amount** | |
|---|---|---|---|
| **Acct #** | | **$** | |
| | **Total Revenue Adjustment** | **$** | |

| **Expenditure Accounts Adjusted** | | **Amount** | |
|---|---|---|---|
| **Acct #** | 110-1251-405.33-20 – IS Maintenance Service Contracts | **$** | (40,000) |
| **Acct #** | 110-2160-412.31-90 (TTF) – Clerk's Other Professional Services | **$** | (40,000) |
| **Acct #** | 110-2160-412.33-20 (TTF) – Clerk's Maintenance Service Contracts | **$** | 40,000 |
| **Acct #** | 110-2160-412-1101 Full-time Compensation | **$** | 21,419 |
| **Acct #** | 110-2160-412-2101 FICA | **$** | 976 |
| **Acct #** | 110-2160-412-2102 Medicare | **$** | 228 |
| **Acct #** | 110-2160-412-2210 VRS Retirement | **$** | 4,151 |
| **Acct #** | 110-2160-412-2310 Health Ins | **$** | 12,723 |
| **Acct #** | 110-2160-412-2401 VRS Life Ins | **$** | 494 |
| **Acct #** | 110-2160-412-2710 Workers Comp | **$** | 9 |
| | **Total Expenditure Adjustment** | **$** | **0** |

Note: If amendment is between expenditure accounts only, net impact must be zero.

| **Position FTE Change** | | |
|---|---|---|
| **Position Title** | **Existing FTEs** | **Adjusted FTEs** |
| Deputy Clerk I | 1.26 | 0.63 |
| Deputy Clerk II | 10.00 | 11.00 |
| **TOTAL** | **11.26** | **11.63** |
| Net Change | | 0.37 |

Transfer requests must be signed by the requestor(s). In the case of transfers between departments or capital projects, the transfer request must be signed by the director of each affected department, or by the project manager of each affected capital project. A typed signature will be accepted.

*Christy Jett, Clerk of the Circuit Court*
Name, Department

Name, Department

**Recommendations**

**Budget**: _X__recommended _____ not-recommended
**Explanation if not recommended:**
_____
_____

**County Admin:** __ X__recommended _____ not-recommended
**Explanation if not recommended:**
_____
_____

**Finance Committee:** _X __ recommended ____not-recommended
**Explanation if not recommended:**
_____

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

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**Meeting Date:** August 10, 2021

**Title:** Approval of Contract to W & H Resources, Inc. dba Priority Elevator for Holbert Building Elevator Number Two Modernization

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**Agenda Title:** Approval of Contract to W & H Resources, Inc. dba Priority Elevator for Holbert Building Elevator Number Two Modernization

**Recommendation:** Approve the award of a contract to W & H Resources, Inc. dba Priority Elevator in the total amount of $99,768.00 for the Holbert Building Elevator Number Two Modernization project. The contract has been reviewed and approved as to form by the County Attorney's Office.

**Summary:** An Invitation for Bid (IFB) was issued by the Spotsylvania County Procurement Division on June 10, 2021 to solicit bids from qualified contractors for the Holbert Building Elevator Number Two Modernization project. Two (2) bids were received on June 24, 2021 for this procurement as follows:

| CONTRACTOR | TOTAL BID PRICE |
|---|---|
| Marion Enterprises, Inc. | $151,828.00 |
| W & H Resources, Inc. dba Priority Elevator | **$99,768.00** |

**Financial Impact:** Adequate funding is budgeted and appropriated within project GP0302 for award of this contract for this purpose.

**Staff Contacts:** Ben Loveday, Assistant County Administrator
Ryan Smith, Division Director Facilities Management
Toni Vaughan Procurement Division Administrator

**Legal Counsel:** Will Moore, Senior Assistant County Attorney

**Additional Background/Other Considerations:** This contract will provide construction services and materials for a complete turn-key elevator modernization for the Holbert Building Elevator Number Two Project.

The project consists of the replacement of elevator components to include elevator controller, selector,

hydraulic pump unit, hall fixtures, car fixtures, door operator, hangers, tracks and rollers, car door, cab panel/ceiling upgrade and mechanical, electrical and building requirements brought up to the current code.

**Consequence of Denial/Inaction:**

This project is required to maintain the elevator to current code requirements and avoid any potential safety issues for the health, welfare and safety issues to citizens.

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Contract_W___H_Resources__Inc._dba_Priority_Elevator.pdf | Contract W & H Resources, Inc. dba Priority Elevator | Contract |
| Project_Budget_Wrksht_GP0302.pdf | Project Budget Worksheet - W & H Resources Contract | Backup Material |

SPOTSYLVANIA COUNTY
CONTRACT AGREEMENT
FOR CONSTRUCTION SERVICES
Contract #21-32-EG

THIS AGREEMENT ("Agreement") is made this _____day of _____, 2021, by and between the BOARD OF SUPERVISORS OF SPOTSYLVANIA COUNTY, a political subdivision of the Commonwealth of Virginia, ("COUNTY"); and, W & H RESOURCES, INC. DBA PRIORITY ELEVATOR, a Virginia Corporation ("CONTRACTOR"), in good standing and duly licensed to do business in the Commonwealth of Virginia.

WITNESS:

WHEREAS, the COUNTY desires to obtain construction services for the Holbert Building Elevator Number Two Modernization in Spotsylvania County; and

WHEREAS, CONTRACTOR desires to provide construction services for the Holbert Building Elevator Number Two Modernization in Spotsylvania County.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises stated in this Agreement, the COUNTY and CONTRACTOR agree as follows:

ARTICLE 1

CONTRACT DOCUMENTS:

1.1. The documents listed in Section 1.2 of this Article shall constitute the Contract Documents. These Contract Documents shall represent the entire agreement and understanding between the parties. Any oral or written understanding not incorporated in these Contract Documents is not binding on either party. These Contract Documents shall be amended only by written instrument signed by both parties. The Contract Documents are presented in descending order of priority with the first document listed being of the highest priority and governing over subsequently listed documents, in case of ambiguity. In the case of conflict between the Contract Documents, or provisions therein, the most exacting performance standard shall be undertaken.

1.2. The Contract Documents consist of:

1. Spotsylvania County Contract Agreement for Construction Services, Contract #21-32-EG between COUNTY and CONTRACTOR; and
2. County of Spotsylvania, Virginia, Invitation for Bid (IFB) #21-32-EG, Holbert Building Elevator Number Two Modernization, dated June 10, 2021; including Attachments A, B,

C, and

3. Addendum #1 to Spotsylvania County IFB #21-32-EG for Holbert Building Elevator Number Two Modernization, dated June 16, 2021; and
4. ATTACHMENT C, Bid Form, IFB #21-32-EG, Holbert Building Elevator Number Two Modernization submitted by W & H Resources, Inc. dba Priority Elevator signed and dated on June 24, 2021; and

1.3. It is the intent of the Contract Documents to describe a functionally complete and whole understanding to be constructed in strict accordance with the Contract Documents. Any labor, services, documentation, materials, or equipment that may reasonably be inferred from the Contract Documents or from prevailing custom or trade usage as being required to produce the intended result shall be provided by the CONTRACTOR without increase in the contract price or contract timelines whether or not specifically called for.

## ARTICLE 2

THE WORK AND AGREEMENT TERM LIMITS:

2.1. CONTRACTOR shall provide all materials, labor, services, construction management, necessary tools, equipment, fuel, insurance, personnel and supervision to provide construction services for the Holbert Building Elevator Number Two Modernization.

2.2. A brief summary of the work includes construction services and materials for a turn-key elevator modernization to Holbert Building Elevator Number Two Modernization in Spotsylvania County. The scope of work shall include all construction activities and all construction management, necessary tools, equipment, materials, fuel, insurance, personnel, supervision and other related items necessary to complete the Project.

## ARTICLE 3

DATES OF COMMENCEMENT, SUBSTANTIAL AND FINAL COMPLETION:

3.1. The date of commencement shall be fixed in the Notice to Proceed issued by the COUNTY.

3.2. Time is of the essence.

3.3. CONTRACTOR shall commence work within ten (10) days of the date of the Notice to Proceed and shall continue without interruption until Substantial Completion occurs within 150 consecutive calendar days from the date of the "Notice to Proceed". Substantial Completion has been achieved or occurs when the COUNTY agrees that the work is sufficiently complete, in accordance with the Contract Documents, so that it can be utilized by the COUNTY for the purposes for which it was intended. CONTRACTOR shall achieve Final Completion

no later than 210 consecutive calendar days from the date of the Notice to Proceed. Final Completion has been achieved or occurs when the COUNTY is satisfied, based upon observation of the work during construction in addition to final inspection that the work has been completed and is deemed acceptable subject to applicable provisions set forth in the Contract Documents (which may include final inspection); and

Should the CONTRACTOR fail to complete the work and/or installation, or any part thereof, in the time specified in the Contract Documents, the CONTRACTOR shall reimburse Spotsylvania County for the additional expense and damage for each calendar day that substantial or final completion has not been achieved. The amount of such additional expense and damage incurred by reason of failure to achieve substantial completion is the per diem rate of $500.00 as liquidated damages. The amount of such additional expense and damage incurred by reason of failure to achieve final completion is the per diem rate of $1,000.00 as liquidated damages. It is understood and agreed by the CONTRACTOR that any liquidated damages payable in accordance with this Agreement are not a penalty and that such sums are reasonable under the circumstances existing as of the date of execution and delivery of this Agreement. The CONTRACTOR further acknowledges and agrees that liquidated damages may be owing even though no default has occurred or been declared.

3.4. Force Majeure. Neither party shall be liable hereunder by reason of any failure or delay in the performance of its obligations hereunder (except for the payment of money) on account of strikes, industry-wide material shortages, riots, insurrection, fires, flood, storm, explosions, earthquakes, pandemic flu, acts of God, war, governmental action or labor conditions. In the case of an industry-wide material shortage the CONTRACTOR shall provide to the COUNTY within 24 hours of CONTRACTOR's determination that there exists an industry-wide material shortage, the following: 1) a written description of the specific material alleged to be in short supply; 2) a written list of all manufacturers, wholesalers, contractors and/or retailers from which CONTRACTOR has attempted to obtain, and/or contracted to obtain, said material; 3) a written description detailing all actions taken by CONTRACTOR to obtain said materials; 4) a written statement, signed by an authorized representative of CONTRACTOR, that CONTRACTOR has used due diligence to secure said materials in the most expeditious manner; 5) a written time frame in which CONTRACTOR anticipates that it will obtain said materials. The COUNTY, or its authorized representative, must concur that there is an industry-wide shortage of the specific material so identified by CONTRACTOR.

## ARTICLE 4

CONTRACT PRICE AND TERMS OF PAYMENT:

4.1. The COUNTY shall pay for services out of appropriated funds and the COUNTY's performance

under these Contract Documents is expressly subject to appropriation of funds by the Board of Supervisors.

4.2. The COUNTY agrees to pay fees not to exceed Ninety-Nine Thousand Seven Hundred Seventy-Eight Dollars ($99,768.00) for the Holbert Building Elevator Number Two Modernization.

4.3. Change Orders - The contract sum may be increased or decreased by additions to and/or reductions in the work only as affected by prior written change orders or amendment signed by both parties in advance unless otherwise directed by COUNTY. CONTRACTOR agrees not to initiate any additional work not called for in the Contract Documents for which CONTRACTOR intends to see additional compensation without first notifying COUNTY in writing and obtaining COUNTY's prior approval by a properly executed change order or contract amendment.

4.4. Retainage will be held in the amount of 5% of the contract price until final completion of the project and until the project is accepted by the COUNTY. Any payment made by the COUNTY to the CONTRACTOR shall be less a Five Percent (5%) retainage to assure faithful performance of the work required under the contract. All amounts retained under this provision shall be included in the final payment upon final completion made pursuant to section 3.3, Article 3.

4.5. Payments shall occur as follows:

1. No deposit nor advance sums shall be paid;
2. Payments are due net thirty (30) days after receipt by COUNTY of an accurate and properly submitted monthly invoice to the COUNTY for materials and services as described in Article 2. If a corrected invoice is requested, then the thirty (30) days begins to run upon receipt of corrected invoice;
3. All payments will be delivered through the US Postal Service. No request for special handling of checks will be honored.

4.6. Pursuant to Section 2.2-4354 of the Code of Virginia (1950, as amended), the CONTRACTOR covenants and agrees to:

1. Within seven (7) days after receipt of any amounts paid to the CONTRACTOR under this Agreement, (i) pay any subcontractor for its proportionate share of the total payment received from the COUNTY attributable to the work under the Contract Documents performed by such subcontractor, or (ii) notify the COUNTY and the subcontractor, in writing, of its intention to withhold all or part of the subCONTRACTOR's payment and the reason therefore;
2. Provide its federal employer identification number or social security number, as applicable, before any payment is made to the CONTRACTOR under the Agreement;
3. Pay interest, which shall accrue at the rate of one percent per month unless otherwise provided

under the terms of this Contract Documents, on all amounts owed by the CONTRACTOR to any subcontractor that remain unpaid after seven (7) days following receipt by the CONTRACTOR of payment from the COUNTY for work performed by the subcontractor under this Agreement, except for amounts withheld as allowed in Section 4.6., subdivision 1 above; and

4. Include in its contracts with any and all subcontractors the requirements of 1, 2, and 3 above.

4.7. The parties hereby agree that any finance charge lawfully assessable against the COUNTY for failure to pay any payment(s) pursuant to the terms of this Agreement shall not exceed 2% per annum, and shall only accrue from the latest date such payment was due under the applicable provisions of this Agreement.

## ARTICLE 5

RIGHTS AND RESPONSIBILITIES OF CONTRACTOR:

5.1. CONTRACTOR shall indemnify, defend and hold harmless the COUNTY and its employees, agents, and/or representatives from any and all claims, suits and actions for injury or damage sustained by any person or property from any act or omission by CONTRACTOR and/or its subcontractors or employees, or anyone else for whom CONTRACTOR is or may be responsible. This section shall survive the termination of this Agreement.

5.2. CONTRACTOR agrees to obtain a business license from the Spotsylvania County Commissioner of Revenue if required by the Code of Virginia (1950, as amended) and/or Spotsylvania County Code and to present such license for inspection by the COUNTY if requested. CONTRACTOR also agrees to maintain as current all required business licenses and permits required by the Commonwealth of Virginia and to present such licenses and permits as may be required by the COUNTY.

5.3. CONTRACTOR shall maintain the following insurance coverage, naming COUNTY as additional insured, during the course of this Agreement, and provide the COUNTY with certificates of insurance for said coverage upon execution of this Agreement:

1. General Liability – in an amount not less than $1,000,000 for any occurrence involving bodily injury, and not less than $1,000,000 for any occurrence involving property damage. Coverage should be provided on a per project/per location basis.
2. Automobile Liability Policy – in an amount not less than $1,000,000 combined single limit bodily injury and property damage. This coverage shall include liability for use of hired and non-owned vehicles; and
3. Workers' Compensation – in compliance with all states in which CONTRACTOR does

business, including Coverage B Employer's liability in not less than the following amounts:

i. Bodily Injury by accident $100,000 for each accident;

ii. Bodily Injury by disease, $500,000 policy limit; and

iii. Bodily Injury by disease, $100,000 for each employee.

5.4. Equal Opportunity Employment – During the performance of this Agreement, CONTRACTOR agrees that:

1. It will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, age, disability, or any other basis prohibited by state law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operation of the CONTRACTOR;
2. It will post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause; and
3. It will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor, that such contractor is an equal opportunity employer. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient to meet this requirement, and CONTRACTOR agrees it will include the provisions of the foregoing paragraph in every subcontract or purchase order of over $10,000.00, so that the provisions will be binding upon each subcontractor or vendor.

5.5. During the performance of this Agreement, the CONTRACTOR agrees to:

1. Provide a drug-free workplace for the CONTRACTOR's employees and comply with the Federal Drug Free Workplace Act;
2. Post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the CONTRACTOR's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
3. State in all solicitations or advertisements for employees placed by or on behalf of the CONTRACTOR that the CONTRACTOR maintains a drug-free workplace;
4. Include the provisions of the foregoing clauses in every subcontract or purchase order of over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

For the purposes of this section, "drug-free workplace" means any site at which the performance of work is done in connection with this contract awarded to the CONTRACTOR, the employees of whom are prohibited

from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

5.6. CONTRACTOR acknowledges that the Spotsylvania County Procurement Policy is applicable to this Agreement.

5.7. Except as noted in the Contract Documents, neither this Agreement, nor any part hereof, may be assigned or subcontracted by CONTRACTOR to any other party without the express written permission of the COUNTY.

5.8. The CONTRACTOR providing goods or services to the COUNTY under this Agreement represents and warrants to the COUNTY that it is:

1. Conforming to the provisions of the Civil Rights Act of 1964, as amended, the Virginia Fair Employment Contracting Act of 1975, as amended, and the Virginia Human Rights Act, as amended, where applicable;
2. Not employing illegal alien workers or otherwise violating the provisions of the Immigration Reform and Control Act of 1986 and Virginia Code §2.2-4311.1.;
3. Complying with federal, state and local laws and regulations applicable to the performance of the services procured;
4. In full compliance with the Virginia Conflict of Interest Act; and
5. Authorized to transact business in the Commonwealth of Virginia, pursuant to Section 2.2-4311.2 if the Code of Virginia.

5.9. In the event of a termination under section 6.1 of this Agreement, CONTRACTOR acknowledges and agrees that it shall not be entitled to any compensation in excess of the value of the work performed. Under no circumstances shall CONTRACTOR, or any subcontractor, be entitled to anticipatory or unearned profits, unabsorbed overhead, opportunity costs or consequential or other damages as a result of a termination under this section. Payment to CONTRACTOR of any and all sums already earned by CONTRACTOR under the terms of Article 4 constitutes CONTRACTOR's exclusive remedy for a termination hereunder.

5.10. CONTRACTOR agrees that it shall keep confidential all photographs, digital imagery, reports, information, or data given to CONTRACTOR by the COUNTY as well as any photographs, digital imagery, reports, studies, analysis, data tables, or calculations prepared by the CONTRACTOR under these Contract Documents. No release of any such data by the CONTRACTOR shall be made to any individual or organization without the prior written approval of the COUNTY, which approval the COUNTY shall be under no obligation to grant.

5.11. The CONTRACTOR shall not employ any employee who is a registered sex offender and shall

enforce the same restriction upon all subcontractors and agents of CONTRACTOR. Prior to starting work and quarterly during performance of the work, the CONTRACTOR shall check the Virginia State Police Sex Offender Registry to verify sex offender status of all employees and agents of CONTRACTOR and sub-contractors who are employed by the CONTRACTOR or subcontractor. The CONTRACTOR shall furnish the COUNTY with evidence verifying compliance with the services. Notwithstanding any other provision of this Agreement, materially false statements by the CONTRACTOR about the sex offender status of its employees or agents shall be grounds for immediate termination of this Agreement.

## ARTICLE 6

RIGHTS AND RESPONSIBILITIES OF COUNTY:

6.1. The COUNTY may cancel this Agreement and project for any reason upon ten (10) days' written notice in compliance with the notice procedure set forth in Article 7, Section 7.1 to the parties named therein. Anything contained in the Agreement to the contrary notwithstanding, a termination under this section shall not waive any right or claim to damages which COUNTY may have with respect to work performed or failed to be performed when it should have been by the CONTRACTOR. In either case, the COUNTY may pursue any cause of action which it may have by law or under this Agreement on account of such damages claimed by the COUNTY.

6.2. In case of default by the CONTRACTOR for failure to deliver or perform in accordance with the Contract specifications or terms and conditions, the COUNTY may procure the articles or services from other sources and hold the defaulting CONTRACTOR responsible for any resulting additional purchase and administrative costs including, but not limited to, fees and charges of engineers, architects, attorneys, and other professionals and all court or other dispute resolution costs. If the completion of the contract work results in increased costs to the COUNTY, a letter will be sent to the defaulted CONTRACTOR requiring payment for additional costs ("Repayment"). When Repayment is requested, the CONTRACTOR will be removed from future bidding until the Repayment has occurred, and the COUNTY reserves the right to debar CONTRACTOR from doing further business with the COUNTY. Failure of a CONTRACTOR's source to deliver is not considered to be an unavoidable cause upon which the CONTRACTOR may rely as to a delay in the work to be done under the terms of the Contract Documents, and the burden of proof rests with the CONTRACTOR to prove that any default was not related to CONTRACTOR's, or any subCONTRACTOR's or vendor's, acts or failure to act.

6.3. Pursuant to Section 2.2-4343.1 of the Code of Virginia of 1950, in all invitations to bid, requests for

proposals, contracts, and purchase orders, the COUNTY does not discriminate against faith-based organizations.

"Faith-based Organization" means a religious organization that is or applies to be a CONTRACTOR to provide goods or services for programs funded by the block grant provided pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, P.L. 104-193.

If CONTRACTOR is a faith-based organization, then CONTRACTOR shall give to each individual who applies for or receives goods, services, or disbursements provided pursuant to this Agreement the following notice:

*NOTICE*

*Pursuant to Section 2.2-4343.1 of the Code of Virginia of 1950, as an applicant for or recipient of goods, services, or disbursements provided pursuant to a contract between the COUNTY and a faith-based organization, you are hereby notified as follows:*

*Neither the COUNTY's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the County Administrator.*

ARTICLE 7

MISCELLANEOUS:

7.1. The following persons shall be contact persons for the parties, and notice given them, by certified return receipt requested mail to the addresses shown, shall constitute valid notice under the requirements of this Agreement:

1. For COUNTY:
   County Administrator
   P.O. Box 99
   Spotsylvania, VA 22553

   With a copy to:

   Spotsylvania County Attorney
   9105 Courthouse Road
   P.O. Box 308
   Spotsylvania, VA 22553

2. For CONTRACTOR:
William L. Amiss, President
W & H Resources, Inc. dba Priority Elevator
816 W. Marshall Street
Richmond, VA 23220

The parties may amend such addresses by written notice to the opposite party at the given address.

7.2. The parties agree that the Contract Documents are governed by and shall be interpreted in accordance with the laws of the Commonwealth of Virginia, and that proper venue, in the event of litigation concerning this matter, shall be in the state or federal Courts having jurisdiction in or over of Spotsylvania County, Virginia. The parties agree that any litigation involving these Contract Documents shall be brought only in such court.

7.3. In the event that any provision of this Agreement is unenforceable, then the parties agree that all other provisions of this Agreement have full force and effect and shall not be affected thereby.

7.4. The CONTRACTOR certifies that:

1. The bid or offer (1) was made without prior participation, understanding, agreement, or connection with any corporation, firm or person submitting a bid/offer for the same materials, supplies, equipment, or services with respect to the allocation of the business afforded by or resulting from the acceptance of the bid or proposal, (2) was in all respects fair and without collusion or fraud, and (3) was or was intended to be competitive and free from any collusion with any person, firm or corporation;
2. The CONTRACTOR did not offer or receive any kickback from any other bidder or contractor, supplier, manufacturer, or subcontractor in connection with the bid/offer on this solicitation. A kickback is defined as an inducement for the award of a contract, subcontracts or order, in the form of any payment, loan, subscription, advance, deposit of money, services or anything, present or promised, unless consideration of substantially equal or greater value is exchanged. Further, no person shall demand or receive any payment, loan, subscription, advance, and deposit of money, services or anything of value in return for an agreement not to compete on a public contract;
3. The CONTRACTOR is not a party to nor has it participated in nor is it obligated or otherwise bound by agreement, arrangement or other understanding with any person, firm or corporation relating to the exchange of information concerning bids, prices, terms or conditions upon which the contract resulting from the acceptance of its bid proposal is to be performed;
4. The CONTRACTOR understands that collusive bidding is a violation of the Virginia Governmental Frauds Act and federal law, and can result in fines, prison sentences, and civil

damage awards and agrees to abide by all conditions of these provisions; and

5. The CONTRACTOR or subcontractor has not and will not confer on any public employee having official responsibility for a procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is exchanged.

7.5. CONTRACTOR warrants to COUNTY that:

1. The work performed pursuant to these Contract Documents shall conform to all professional principles generally accepted as standards of the industry in the Commonwealth;
2. The CONTRACTOR's work performed shall be free of defects;
3. Any new materials and equipment furnished under these Contract Documents shall be of good quality and in working condition; and
4. The CONTRACTOR's work performed shall meet all of the requirements set forth in these Contract Documents.

7.6. Any reports, studies, photographs, negatives, drawings, or other documents prepared by CONTRACTOR in the performance of its obligations under these Contract Documents shall be remitted to the COUNTY by the CONTRACTOR upon completion, termination or cancellation of this Agreement. CONTRACTOR shall not use, willingly allow or cause to have such materials used for any purpose other than performance of CONTRACTOR's obligations under this Agreement without the prior written consent of the COUNTY. The COUNTY shall own the intellectual property rights to all materials produced under this Agreement.

7.7. Any failure of the COUNTY to demand rigid adherence to one or more of the terms and provisions as set forth in this Agreement, on one or more occasions, shall not be construed as a waiver nor deprive the COUNTY of the right to insist upon strict compliance with the terms of this Agreement. Any waiver of a term of this Agreement, in whole or in part, must be in writing and signed by the party granting the waiver to be effective.

7.8. The bankruptcy, takeover, merger, outright purchase of a majority of the voting capital stock by another organization, or other change in ownership or status of CONTRACTOR, or any assignment for the benefit of creditors shall fully obligate the newly formed organization, corporation or legal entity to fulfill all terms and conditions of this Agreement, and to perform or supply items in accordance with the specifications or descriptions contained herein. Should such newly formed organization, corporation or legal entity fail to fulfill all the terms and conditions of this Agreement or fail to perform or supply items in accordance with the specifications or descriptions contained herein to the satisfaction of the COUNTY, the COUNTY shall have the right unilaterally

to terminate this Agreement and/or to pursue any remedy for damages and otherwise which is available at law and in equity. The COUNTY reserves the right to enforce any subcontract directly against the subcontractor, CONTRACTOR or any newly formed organization, corporation or legal entity. Failure of any sub-contractor to perform shall not relieve CONTRACTOR of its obligation to fulfill the terms and conditions of this Agreement as set forth herein.

7.9. CONTRACTOR and COUNTY agree that the provisions of the Contract Documents are binding upon the parties, their employees, agents, heirs, successors and assigns.

7.10. Contractual claims and disputes shall be conducted and resolved pursuant to Section 4-7 of the current Spotsylvania County Procurement Policy.

7.11. Article and Paragraph headings are inserted for convenience only and are not a part of this Agreement.

WITNESS the following signatures and seals in agreement with the above terms for Contract #21-32-EG, Holbert Building Elevator Number Two Modernization:

SPOTSYLVANIA COUNTY, VIRGINIA

By: _____

EDWARD PETROVITCH Dated

COUNTY ADMINISTRATOR

W & H RESOURCES, INC. DBA PRIORITY ELEVATOR

By: W.L. Amiss 8-3-21

WILLIAM L. AMISS Dated

PRESIDENT

Approved as to form:

8-3-21

COUNTY ATTORNEY Dated

# SPOTSYLVANIA COUNTY

## Facility Asset Management Program

**Project Budget Worksheet**

**Project #: GP0302**

| | Current Balance (as of Aug. 3, 2021) | Revisions (Aug. 10, 2021) | Revised Balance (Aug. 10, 2021) |
|---|---|---|---|
| **Project Costs:** | | | |
| Construction | $1,448,704 | ($99,768) | $1,348,936 |
| W & H Resources, Inc dba Priority Elevator | $0 | $99,768 | $99,768 |
| **Total Project Costs** | **$1,448,704** | **$0** | **$1,448,704** |
| **Project Funding:** | | | |
| Cash | $1,448,704 | $0 | $1,448,704 |
| **Total Project Funding** | **$1,448,704** | **$0** | **$1,448,704** |

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Approval of Lease Agreement for Additional Space for the Voter Registrar Office for the 2021 Election. |
| **Type:** | Action |
| **Agenda Title:** | Approval of Lease Agreement for Additional Space for the Voter Registrar Office for the 2021 Election |
| **Recommendation:** | Approve the lease agreement with Southpoint Place, LLC for the temporary lease of approximately 3,174 square foot at 4924 Southpoint Parkway for the period of August 30, 2021 to November 30, 2021. |
| **Summary:** | The Voter Registrar's Office requires additional space to conduct early voting as part of the 2021 election. This location is the same location that was utilized in the 2020 election and was well received by the public. |
| **Financial Impact:** | $11,352.48 |
| **Staff Contacts:** | Ben Loveday, Assistant County Administrator - Community Operations<br>Kellie Acors, General Registrar |
| **Legal Counsel:** | Karl Holsten, County Attorney |
| **Additional Background/Other Considerations:** | The Voter Registrar's office witnessed 33,750 in-person voters within 45 days of the start of early voting last year. This equates to 34% of the total registered voters in Spotsylvania County. Curbside voting was also up approximately 50%. The more centralized location and the size of the office space and parking lot offers ease of access for the voters. It also provides proper space for the operations to be efficient and organized. Citizens have already started preparing for the upcoming election with inquiries about early voting and if the Voter Registrar's office will be in the same favored location. |
| **Consequence of Denial/Inaction:** | The Voter's Registrar's Office will not have sufficient space and parking to conduct early voting. |

**ATTACHMENTS:**

| File Name | Description | Type |
| --- | --- | --- |
| Voter_Registrar_2021_Southpoint_Lease_210810.pdf | Voter Registration 2021 Southpoint Lease Agreement | Agreement |

# LEASE

This lease made and entered into this ____ day of August 2021 by and between **SOUTHPOINT PLACE C, LLC, SOUTHPOINT M, LLC,** and **SOUTHPOINT PLACE W, LLC ("Landlord") and Spotsylvania County, Virginia, and the General Registrar for Spotsylvania County, Collectively ("Tenant").**

WITNESSETH:

1. Premises. Subject to the terms and conditions herein, Landlord leases to Tenant and Tenant leases from Landlord the premises: For a period beginning on August 30, 2021, to November 30, 2021. Tenant shall occupy space at 4924 Southpoint Parkway consisting of 3,174 square feet of floor space, as outlined on the floor plan attached hereto as **Appendix A** ("Premises") of the Building ("Building"), which Building is part of the development (the "Project") located at Massaponax Interchange (Exit 126), Interstate 95, Spotsylvania County, Virginia, as more fully shown in **Appendix B** attached hereto ("Site"). The Premises, Building, Project, and Site are hereinafter collectively referred to as the "Realty".

2. Term. This Lease shall be for a term of commencing on August 30, 2021 **("Commencement Date")** and ending on **November 30, 2021, ("Expiration Date").** If for any reason, including delay caused by construction of Tenant improvements by Landlord, Landlord is unable to timely deliver possession of the Premises, Landlord shall not be subject to any liability therefore, nor shall such inability affect the validity of this Lease. In such case, the obligation of Tenant to pay rent and the term of this Lease shall commence upon the date of actual delivery of possession and the term "Commencement Date" shall refer to the actual commencement date instead of the intended commencement date set forth above. The reference herein to a "lease year" shall mean that fiscal period during the term of this Lease beginning on the first day of the first full month of the term in this Lease and ending on the last day of the twelfth full month thereafter. An instrument formally establishing the Commencement Date and lease year of this Lease as well as the acceptance of the Premises by Tenant shall, at Landlord's option, be executed by Tenant at the time of delivery of possession.

3. Landlord's Work; Tenant's Work. Landlord leases the space to the Tenant "As Is." Tenant agrees that, upon Landlord tendering possession of the Premises to Tenant, that Tenant, at Tenant's sole cost and expense, shall promptly perform all other work within the Premises required to prepare the Premises for the conduct of Tenant's business therein in a good and workmanlike manner and shall open Tenant's business within 30 days after the Commencement Date. Tenant agrees not to create, incur, or permit any lien or other obligation to exist against the Realty or Landlord by reason of Tenant's work or any alteration, addition or repair permitted or required to be made by Tenant pursuant to this Lease. Any damages caused by the removal of any alteration, addition, improvement, or trade fixture during or at the end of the lease term shall be immediately repaired by Tenant at Tenant's sole cost and expense.

4. Minimum Base Rent.

A. Beginning on **August 30, 2021,** the Tenant agrees to pay to Landlord, iln advance and without demand, the guaranteed monthly base rental ("Minimum Base Rent") set forth in the following schedule:

| Period | Monthly Minimum Rent | Total Rent |
|---|---|---|
| August 30, 2021 to August 31, 2021 | $ 243.48 | $ 243.48 |
| September 1, 2021 through November 30, 2021 | $3,703.00 | $11,109.00 |
| | | **$11,352.48** |

The Minimum Base Rent set forth herein is due on the first day of each month during the term hereof. If the date of the calendar commencement of the term hereof is not the first day of a calendar month, the first such monthly installment of the Minimum Base Rent shall include a proportionate amount of the Minimum Base Rent for the period of time from the date of the commencement of the term hereof to the date on which such first monthly installment is due.

B. The Tenant shall pay all rental and other charges to be paid by the Tenant hereunder to **Pelerin Capital Management, LLC, 10798 Henderson Road, Fairfax Station, VA 22039** or to such other individual, firm or corporation and at such other place as may be designated by the Landlord. **The Tenant shall pay all rental and other charges to be paid by the Tenant to the Landlord by electronic payment as directed by the Landlord.** Tenant shall provide Landlord with an email address to which Landlord will send monthly invoices/statements of rents and other charges dues from Tenant.

C. Additional Rent. Intentionally Deleted

5. Percentage Rental. Intentionally Deleted

6. Security Deposit. Intentionally Deleted

7. Tenant Use of Premises: Tenant shall not use the Premises nor any of the Property for any disorderly, wasteful or unlawful manner or purpose, nor in any manner as may interfere with, inhibit or preclude any permitted use by any person other than Tenant of any portion of the Building or the Project. Tenant's use of the Premises to be only as specifically permitted under this Lease and for no other purpose, in accordance with all laws, ordinances, rules and regulations of applicable authority as well as the Reciprocal Easement and Operating Agreement ("R.E.O.") and the Rules and Regulations attached hereto as Appendix C and made a part of this Lease. Landlord may revise and amend such Rules and Regulations at any time and from time to time, provided that the same Rules and Regulations are generally applicable to the Building and further provided that such Rules and Regulations, as so revised, are not in conflict with any provision of this Lease. No use will be made of any service or facility furnished by Landlord to Tenant which would or might, either in duration or intensity of use, exceed that originally allocated by Landlord for use of Tenant. Tenant shall not place a load upon any floor of the Premises exceeding the designed or legally allowed floor load per square foot, nor store or permit the storage of any hazardous

materials. As between Landlord and Tenant, Landlord retains unto itself the sole and exclusive use of the roof, the exterior (including party) walls of the Premises, the maintenance, storage and mechanical areas of the Building not within the Premises and all air and subsurface rights relating to property surrounding the Building.

8. Common Area Maintenance (CAM) Expenses: Tenant shall pay to Landlord as Additional Rent Tenant's Proportionate Share of all costs and expenses of any kind paid or incurred by Landlord in managing, operating, cleaning, equipping, protecting, lighting, heating, air conditioning, insuring, repairing, replacing and maintaining the Realty and all costs and expenses associated with providing and maintaining access drives and off-site utilities serving the Realty and other costs paid or incurred by Landlord reasonably related to the operation of the Realty and the Project ("CAM Expenses"), including Landlord's share of costs imposed pursuant to a Reciprocal Easement and Operating Agreement ("R.E.O."). CAM Expenses shall also include, but may not be limited to, illumination and maintenance of the Project signs whether on or off the Site; utilities; taxes applicable to Realty and the Project, including real estate taxes imposed upon the assessed parcel of which the Premises is a part; gross receipts taxes and personal property taxes imposed upon any personal property used for the operation of the Realty; supplies; janitorial services for common areas; Landlord's equipment expenses and employee compensation and benefits, including worker's compensation insurance, for employees employed solely to manage or maintain the Realty and the Project; rubbish, snow and ice removal; insurance, including rent insurance and any other insurance required by any mortgage or ground lease; maintenance and repairs to the Realty and any common area utility, lighting or other systems located within or on the Realty; cost, repair and maintenance of any security systems; landscaping; painting; lighting; repaving and striping of parking lots and other areas; installation and operation of loudspeaker system and music program services; and maintenance and repair of sprinkler systems. The **CAM** charge is included in the Minimum Base Rent as set forth in Paragraph 4 herein.

9. Utilities. Electricity, water/sewer, and gas used by the Tenant in said Premises and Tenant's operation thereon shall be paid to Landlord on a monthly basis and the monthly charges shall be as follows: **Electricity, water/sewer, and gas $204.00 per month.** In the event Tenant occupies the space less than a full month, the Tenant's charge for such month shall be based on a pro-rata share of the number of days of such month during which Tenant occupies the space.

10. Use of Common Areas. Tenant and its agents, employees, customers and invitees shall have the reasonable non-exclusive right in common with Landlord and all others to whom Landlord has or may hereafter grant rights to use such sidewalks, roadways, parking facilities and other common areas and facilities as may from time to time be established by Landlord for the Project and be generally available to all occupants of the Building, subject to such reasonable rules and regulations and amendments thereto as Landlord may from time to time impose, and, pursuant to the REO. Landlord shall at all times have full control, management and direction of the common areas and facilities. Landlord reserves the right, at any time, to reasonably reduce, increase or otherwise change the size, number, location, layout and nature of the common areas and facilities and to construct additional buildings upon the common areas.

11. Permitted Use. The Premises shall be used exclusively for the following use: Spotsylvania Voter Registrar, including general office space and public voting, and for no other purpose without Landlord's prior written consent. Normal business hours are 8:30 a.m. through 9:00 p.m. Monday through Sunday. Tenant shall not do or permit anything to be done on, in or about the Premises or Building which in any way will obstruct or interfere with the rights of any other tenant or subtenant of the Building or use the Premises for any unlawful or improper purpose. Tenant shall not commit waste upon the Premises and Tenant shall not do any act or fail to do any act upon the Premises or make any use thereof which may make void or voidable any insurance on the Premises or Building or increase insurance premiums.

12. Maintenance and Repairs of Premises. Landlord shall keep and maintain in good condition and repair the Premises and every part thereof, including the electrical, HVAC and plumbing systems. Landlord shall keep and maintain the foundation, exterior walls and roof of the Building in which the Premises is located unless such repairs are required by reason of acts or negligence of Tenant, its agents, employees, customers or invitees, in which case such repairs shall be made by Tenant. Tenant shall give Landlord written notice of the need for any such repairs to be made by Landlord and Landlord shall be under no liability for damage or injury however caused in the event of its failure to make such repairs unless it shall have received such notice form Tenant and failed to make such repairs within a reasonable time after receipt of such notice. If Tenant refuses or neglects to promptly repair or properly keep and maintain the Premises, Landlord may, but shall not be obligated to, make and complete such repairs and maintenance on behalf of Tenant, and Tenant shall pay Landlord the costs incurred therefore upon demand.

13. Signs. Tenant shall not, without Landlord's prior written approval, install, affix or use any sign, lettering or advertising media of any kind, blinds, awning, shades, canopy, curtains, draperies, antennas, banners or other similar items (hereinafter collectively referred to as "Signs") on the exterior of the Building or Premises. Tenant shall have the right to place a sign on the Leased Premises which is permitted by applicable zoning ordinances and private restrictions. Landlord may refuse consent to any proposed signage that is, in the Landlord's opinion, to large, deceptive, unattractive, or otherwise inconsistent with or inappropriate to the Leased Premises or use of any other tenant. Landlord shall assist and cooperate with Tenant in obtaining any necessary permission from governmental authorities or adjoining owners and occupants for Tenant to place or construct the forgoing sign. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by Tenant.

14. Insurance. Tenant shall, during the term hereof and any extension thereof, at its sole expense, insure Tenant's Work, alterations or improvements made to the Premises and the equipment, stock in trade, fixtures, furnishings and other personal property located, leased or stored by it in or about the Premises against loss or damage by fire, windstorm, vandalism, malicious mischief, theft, water and sprinkler damage, boiler explosion and such other perils coverage afforded by fire with extended hazards endorsement insurance which insurance shall be in an amount equal to at least one hundred percent (100%) of the full replacement value. Tenant and Tenant's subtenant as referenced in Paragraph 16 shall also maintain, during the term hereof or any extension thereof, comprehensive general public liability insurance in amounts deemed reasonably acceptable from time to time by Landlord which amounts at the date hereof shall be at least Five Hundred Thousand Dollars ($500,000.00) per person and One Million Dollars

($1,000,000.00) per occurrence and One Hundred Thousand Dollars ($100,000.00) for loss or damage to property. The policies of liability insurance mentioned in this paragraph shall name Landlord (**SOUTHPOINT PLACE C, LLC, SOUTHPOINT M, LLC, SOUTHPOINT PLACE W, LLC, and Pelerin Capital Management**) as an additional insured and shall, at Landlord's option, include the holder of any mortgage upon the Realty. A copy of the paid policy evidencing such insurance or a certificate of the insurer certifying to the issuance of such policy shall be delivered to Landlord prior to the commencement of Tenant's Work.

15. Acknowledgement, Attornment, and Subordination. Tenant agrees within ten (10) days after request thereof by Landlord to execute in recordable form and deliver to Landlord, a statement in writing certifying (a) that this Lease is in full force and effect; (b) the Commencement and Expiration Dates of the Lease term; (c) that Tenant is the occupant of the Premises and the date Tenant commenced operating Tenant's business therein; (d) that the Lease has not been assigned, modified, supplemented or amended except by such writings as shall be stated; (e) that rent is paid currently without any offset of defense thereto; (f) the amount of rent, if any, paid in advance; and (g) that Landlord has fulfilled all its obligations under the Lease and that there are not defenses or offsets against Landlord's enforcement of this Lease except such as shall be stated therein. Tenant warrants that Landlord, its mortgage lenders, and/or purchasers shall be entitled to rely upon any such written declaration made by Tenant. This Lease is and shall be subject and subordinate at all times to all existing and subsequent mortgages placed on or against the Realty or Landlord's interest or estate therein, including all extensions, renewals, amendments, and supplements to any such lease or mortgage. Tenant agrees to promptly execute and deliver upon written request by Landlord all necessary subordination documents required by landlord. Tenant also agrees that any lender may elect to have this Lease be a prior lien to its mortgage or lease and in the event of such election and upon notification by such lender to Tenant to that effect this Lease shall be deemed prior to the lien of said mortgage whether this Lease is dated prior to or subsequent to the date of said mortgage. In the event of a sale, transfer or assignment of Landlord's interest in the Project, Building, or Site or any part thereof, or in the event of a Project Division and assignment of the divided parcel of which the Premises is a part, or in the event any proceedings are brought for foreclosure of a mortgage made by Landlord covering the Premises or in the event of a cancellation, termination or foreclosure of any ground or underlying lease covering the Realty or any part thereof, Tenant agrees to attorn to and recognize such transferee, purchaser, assignee, Landlord or mortgagee as Landlord under this Lease, provided the rights of Tenant under this Lease are recognized.

16. Assignment. Tenant shall not assign or in any manner transfer this Lease or any estate or interest therein or sublease or grant concessions or licenses for any part or all of the Premises without Landlord's prior written consent (which consent shall not be unreasonably withheld) and shall not permit any transfer of its interest in the Premises by operation of law.

17. Radius. Intentionally Deleted.

18. Damage or Destruction.

A. If the Premises shall be damaged by fire, the elements, accident, or other casualty, but are not thereby rendered untenantable in whole or in part, the Landlord shall, at

Landlord's expense, cause such damage to be repaired, and the rental shall not be abated. If by any reason of such occurrence, the Premises shall be rendered untenantable in part only, the Landlord shall, at Landlord's expense, cause such damage to be repaired, and the annual rental meanwhile shall be abated proportionately as to the portion of the Premises rendered untenantable. If the Premises should be rendered wholly untenantable by reason of such occurrence, the Landlord shall, at Landlord's expense, cause such damage to be repaired, and the annual rental meanwhile shall be abated in whole until the Premises have been restored and rendered tenantable, unless within sixty (60) days after such occurrence, the Landlord gives the Tenant written notice that Landlord has elected not to cause such damage to be repaired, in which event this Lease and the tenancy hereby created shall terminate as of the date of such occurrence, and the rental shall be adjusted as of such date.

B. In the event that fifty percent (50%) or more of the rentable area of the Project shall be damaged or destroyed by fire or other cause, notwithstanding that the Premises may be unaffected thereby, within ninety (90) days following the date of such occurrence, the Landlord shall have the right to terminate this Lease and the tenancy hereby created by giving the Tenant ten (10) days prior written notice

19. Condemnation. If the whole or, in Landlord's judgment reasonably exercised, any substantial part of the Building shall be taken by any public or quasi public authority under the power of eminent domain, or if so much of the parking facilities shall be so taken that a reasonable number of parking spaces necessary in Landlord's judgment for the continued operation of the Building shall not be available for use by patrons of the Building or, if any means of ingress to and egress from the Building shall be so taken that in Landlord's judgment reasonable means of ingress and egress for the continued operation of the Building shall not be available for use by patrons of the Building then in any such event Landlord may terminate this Lease within thirty (30) days after the date possession shall be taken by such public or quasi public authority. If the Lease is not terminated, and a portion of the Premises is taken by such public or quasi-public authority, the Minimum Base Rent and Additional Rent shall be reduced in proportion to the amount of the Premises taken, and any Minimum Gross Sales figure that may be set forth in this Lease shall likewise be proportionately reduced. If more than fifty percent (50%) of the Premises shall be taken by any public or quasi public authority under the power of eminent domain either party shall have the right to terminate this Lease upon notice in writing within thirty (30) days after such taking of possession and this Lease shall terminate as of the date possession is taken as if such date were the Expiration Date. If this Lease is not terminated, Landlord shall, at its expense, make all necessary repairs or alterations to the Premises so as to make the Premises a complete architectural and tenantable unit. All damages awarded for a taking under the power of eminent domain of all or any part of the Premises, or the Realty shall belong to and be the property of Landlord provided, however, that Tenant shall be entitled to any separate award made for depreciation or damage to and cost of removal of tenant's personal property. The provisions contained in this paragraph shall apply in like way to any sale made under threat of a taking under the power of eminent domain. In the event that this Lease is terminated as hereinabove provided, Tenant shall not have any claim against Landlord for the value of the unexpired term hereof.

20. Indemnification of Landlord. Tenant agrees to maintain during the term of this lease and any extensions thereof a general liability insurance policy in the amount set forth in **Paragraph 14** herein to protect the County, its employees, and the Landlord against any and all claims, actions, damages, liability, and expenses in connection with injury or loss of life to person or damage to property arising out of the use, occupancy, or operation of the Tenant's business within the Realty. Neither Landlord nor Landlord's agents or employees nor the holder of any mortgage on the Realty shall be liable for, and Tenant hereby waives all claims against, the aforesaid for any and all liability, damage cost and expense (including among others fines and penalties) incurred in connection with or arising from any injury to Tenant or any person or for any damage to or loss (by theft or otherwise) of any property in or about the Realty, by or from any cause whatsoever, including without limitation, those caused by snow, ice, water, gas, fire, oil, electricity, sewage or those caused by negligence of other tenants or occupants of the Building.

21. Default. If Tenant defaults in the payment of the Minimum Base Rent or any Additional Rent or other charge payable by Tenant, or if Tenant defaults in the prompt and full performance of any other provision of this Lease and Tenant does not cure such non-monetary default within thirty (30) days after written notice is given to Tenant, or if the leasehold interest of Tenant be levied upon under execution or be attached by process of law, or if the Tenant makes an assignment for the benefit of creditors or admits its inability to pay its debts, or if Tenant vacates or abandons the Premises before the end of the term hereof, then Tenant shall be in breach of this Lease and Landlord may elect to either terminate this Lease or without terminating this Lease, terminate Tenant's right to possession of the Premises. Besides any other rights and remedies Landlord may have by law or otherwise, Landlord shall have the immediate right of re-entry and may remove all persons and property from the Premises; provided, however, that Landlord's entry upon taking possession of the Premises shall not in any way terminate this Lease or release the Tenant in whole or in part from Tenant's obligation to pay the Minimum Base Rent and Additional Rent hereunder for the full Lease term or discharge Tenant after any loss or damage sustained by the Landlord on account of Tenant's breach of the Lease. Upon Landlord re-entering the Premises, it may relet all or any part of the Premises for such term or terms and at such rental or rentals as Landlord, in the exercise of Landlord's sole discretion, may deem advisable. Upon such reletting, all rent and other sums received by Landlord from such reletting shall be applied first to the payment of any indebtedness other than rent due hereunder from Tenant to Landlord; second to the payment of any costs and expenses of such reletting, including reasonable brokerage fees and attorneys' fees and the reasonable costs of alterations and repairs undertaken for such reletting; third to the payment of rent and other charges due and unpaid hereunder; and the residue, if any, shall be held by Landlord and applied in the payment of future amounts that become due and payable hereunder. If such rentals and other sums received from such reletting during any month be less than that to be paid during such month by Tenant hereunder, Tenant shall pay such deficiency immediately to Landlord. Notwithstanding any such reletting without termination, Landlord may at any time elect to terminate this Lease for such previous breach. Should Landlord at any time terminate this Lease for any breach, in addition to any other remedies it may have, it may recover from Tenant all damages it may incur by reason of such breach, including without limitation the cost of recovering the Premises, reasonable attorney's fees and the value at the time of such termination of the excess, if any, of the amount of Minimum Base Rent and Additional Rent equivalent to rent reserved in this Lease for the remainder of the stated term over the then reasonable rental value of the Premises for the remainder of the stated term, all of which amounts

shall be immediately due and payable from Tenant to Landlord. In determining the rent, which would be payable by Tenant hereunder, subsequent to default, the annual rent for each year of the unexpired term shall be equal to the average Minimum Base Rent and average annual Additional Rent payable by Tenant from the commencement of the term to the time of default or during the preceding three (3) full calendar years, whichever period is shorter. Landlord may, but shall not be obligated to, cure at any time upon ten (10) days' notice to Tenant or in the event of an emergency, without notice to Tenant, any default by Tenant under this Lease and whenever Landlord so elects, all costs and expenses incurred by Landlord in curing the default, together with interest thereon at the rate of 1.25% per month from the date of such payment by Landlord shall be payable as Additional Rent to the Landlord on demand and the Landlord shall have in the event of nonpayment thereof the same rights as in the case of default by Tenant in the payment of rent. If it shall be unlawful to charge Tenant the aforesaid interest rate, then in such event the interest rate shall be the highest rate allowed by law. No consent or waiver, express, or implied by Landlord to any breach of any term of this Lease on the part of the Tenant shall be construed as a consent or waiver of any other breach of the same or any term, unless in writing signed by Landlord.

22. Right of Entry. Landlord and Landlord's agents shall have the right to enter the Premises at reasonable times and upon reasonable notice as agreed by Tenant to examine the same and to show them to prospective tenants, purchasers, or mortgagees of the Realty and to make such repairs, alterations, improvements or additions as Landlord may reasonably deem necessary or desirable.

23. Surrender. On the last day of the Lease term or any extension thereof, or on the sooner termination of this Lease or Tenant's rights of possession, Tenant shall peaceably and quietly surrender the Premises in broom clean condition and in good order and repair, reasonable wear and tear expected. On or before such date, Tenant shall remove its trade fixtures and personal property (hereinafter referred to as "Personal Property") from the Premises and Tenant shall pay the cost and expense to repair any damage caused by such removal. Personal Property not so removed shall be deemed abandoned by Tenant and shall become the property of the Landlord, but without prejudice to Landlord's continuing right to require Tenant to remove the same at Tenant's expense. If Tenant shall not immediately surrender possession of the Premises at the termination of this Lease, Tenant shall become a tenant absolutely at will of Landlord, provided rent shall be paid to and accepted by Landlord, in advance, at the daily rate of rental equal to 125% of that payable hereunder just prior to the termination of this Lease and, notwithstanding Landlord's acceptance of such rental from Tenant, Landlord shall continue to be entitled to re-take possession of the Premises without any prior notice whatever to Tenant. If Tenant shall fail to surrender possession of the Premises immediately upon the expiration of the term hereof, all rights of Landlord applicable during the term of this Lease shall be equally applicable during such period of subsequent occupancy, whether or not a tenancy at will shall have been created as aforesaid. All Tenant options, rights of renewal, extensions and first refusal and similar provisions shall, however, be terminated and of no effect during such a tenancy.

24. Successors. All rights and liabilities herein given to or imposed upon the respective parties hereto shall extend to and bind the respective heirs, executors, administrators, successors and assigns of the parties, and, if there shall be more than one Tenant, they shall all be bound jointly and severally by the terms, covenants and agreements herein. No rights, however,

shall inure to the benefit of any assignee of Tenant unless the assignment to such assignee has been approved by Landlord in writing as provided herein. In the event of any transfer of Landlord's interest in the Premises, Landlord shall automatically be relieved of any and all obligations and liabilities on the part of Landlord accruing from and after the date of such transfer. The Lease shall not be affected by any such sale or conveyance and Tenant agrees to attorn to the purchaser or grantee.

25. Quiet Enjoyment. Upon payment by the Tenant of the rents herein provided and upon the observance and performance of all other covenants, terms and conditions on Tenant's part to be observed and performed, Tenant shall quietly enjoy the Premises without hindrance or interruption by Landlord subject to the terms and conditions of this Lease, and subject to all mortgages to which this Lease may be or become subject and subordinate. Any music shall not cause a disturbance to other tenants.

26. Notice. All notices and demands, which may or are required to be given to either party to the other hereunder, shall be in writing and delivered in person or sent by United States certified or registered mail, postage prepaid. Notices and demands to Tenant shall be addressed to it at the Premises or to such other place as the Tenant may from time to time designate in a written notice to Landlord. Notices and demands to the Landlord shall be addressed to:

**Southpoint Place C, LLC**
**c/o Pelerin Capital Management, LLC**
**10798 Henderson Road**
**Fairfax Station, VA 22039**

or at such other place as Landlord may from time to time designate in a written notice to Tenant. Any such notice, if mailed as provided herein, shall be deemed to have been rendered or given on the date mailed (postmarked) and shall be deemed to have been received on the expiration of two (2) business days after mailing.

27. Intentionally Deleted.

28. Miscellaneous.

A. Entire Agreement. This Lease, including **Appendices A, B, and C** attached hereto set forth all of the covenants, promises, agreements conditions and understanding between Landlord and Tenant concerning the Premises and there are no other covenants, promises, agreements, conditions, warranties, representations or understandings, either oral or written, between them other than as set forth herein. No alterations, amendment, change or addition to this Lease shall be binding upon Landlord or Tenant unless reduced to writing and signed by each party.

B. Interpretations and Use of Pronouns. Whenever herein the singular number is used, the same shall include the plural and the masculine gender shall include the feminine and neuter genders. Nothing contained herein shall be deemed or construed by the parties hereto or any third party to create a relationship between the parties other than the relationship of Landlord and Tenant.

C. Captions and Section Numbers. The captions and section numbers appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe or describe the scope or intent of such sections of this Lease nor in any way affect this Lease.

D. Recording. Tenant shall not record this Lease or a memorandum of lease without the written consent of Landlord.

E. Furnishing of Financial Statements. Upon Landlord's written request, Tenant shall promptly furnish Landlord, from time to time, financial statements reflecting Tenant's current financial condition.

F. Interest and Late Charges on Past Due Obligations. Any amount due from Tenant to Landlord hereunder which is not paid when due shall bear interest at the rate of one and one-half percent (1.25 %) per month, from the date due until paid, unless otherwise specifically provided herein, but the payment of such interest shall not excuse or cure the default by Tenant under this Lease. If it shall be unlawful to charge Tenant the aforesaid interest rate, then in such event the interest rate shall be the highest rate per annum allowed by law. In addition, Tenant shall pay a late charge on any amount due from Tenant to Landlord which is not paid when due of five percent (5%) of the amount overdue (excluding interest).

G. Landlord's Use of Common Areas. Landlord reserves the right, from time to time, to utilize portions of the common areas for various types of shows, entertainment, displays, the leasing of kiosks or such other uses which in Landlord's judgment tend to attract the public.

H. Applicable Law and Construction. This Lease shall be governed and construed in accordance with the laws of the State of Virginia. If any provisions of this Lease or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

29. Authority to Sign. If Tenant is a corporation, partnership (general or limited), limited liability company or trust, each person signing this Lease as an officer, partner, manager, member or trustee of Tenant represents to Landlord that such person is authorized to execute this Lease without the necessity of obtaining any other signature of any officer, partner, manager, member, trustee or beneficiary, that the execution of this Lease has been properly authorized by the Board of Directors of the corporation, by the partners of the partnership, the members and/or managers of the limited liability company or the trustee or the trust, as the case may be, and that this Lease is fully binding on Tenant.

(Continued on Next Page)

IN WITNESS WHEREOF, Landlord and Tenant have signed this Lease as of the day, month, and year first above written.

LANDLORD:
**SOUTHPOINT PLACE C, LLC**
**SOUTHPOINT PLACE M, LLC**
**SOUTHPOINT PLACE W, LLC**

**By:** _____

**Witness** **Willard L. Demory** **Date**
**Manager**

STATE OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by Willard L. Demory.

My commission expires: _____.

_____
Notary Public

(Continued on Next Page)

**TENANT:**
**Spotsylvania County, Virginia**

**By:** _____
**Edward Petrovitch** **Date**
**Spotsylvania County Administrator**

STATE OF VIRGINIA
CITY/COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____.

My commission expires: _____.

_____
Notary Public

APPROVED AS TO FORM:
_____
COUNTY ATTORNEY

**TENANT:**
**General Registrar**

**By:** _____
**Kellie E. Acors** **Date**
**Director of Elections & General Registrar**

STATE OF VIRGINIA
CITY/COUNTY OF _____

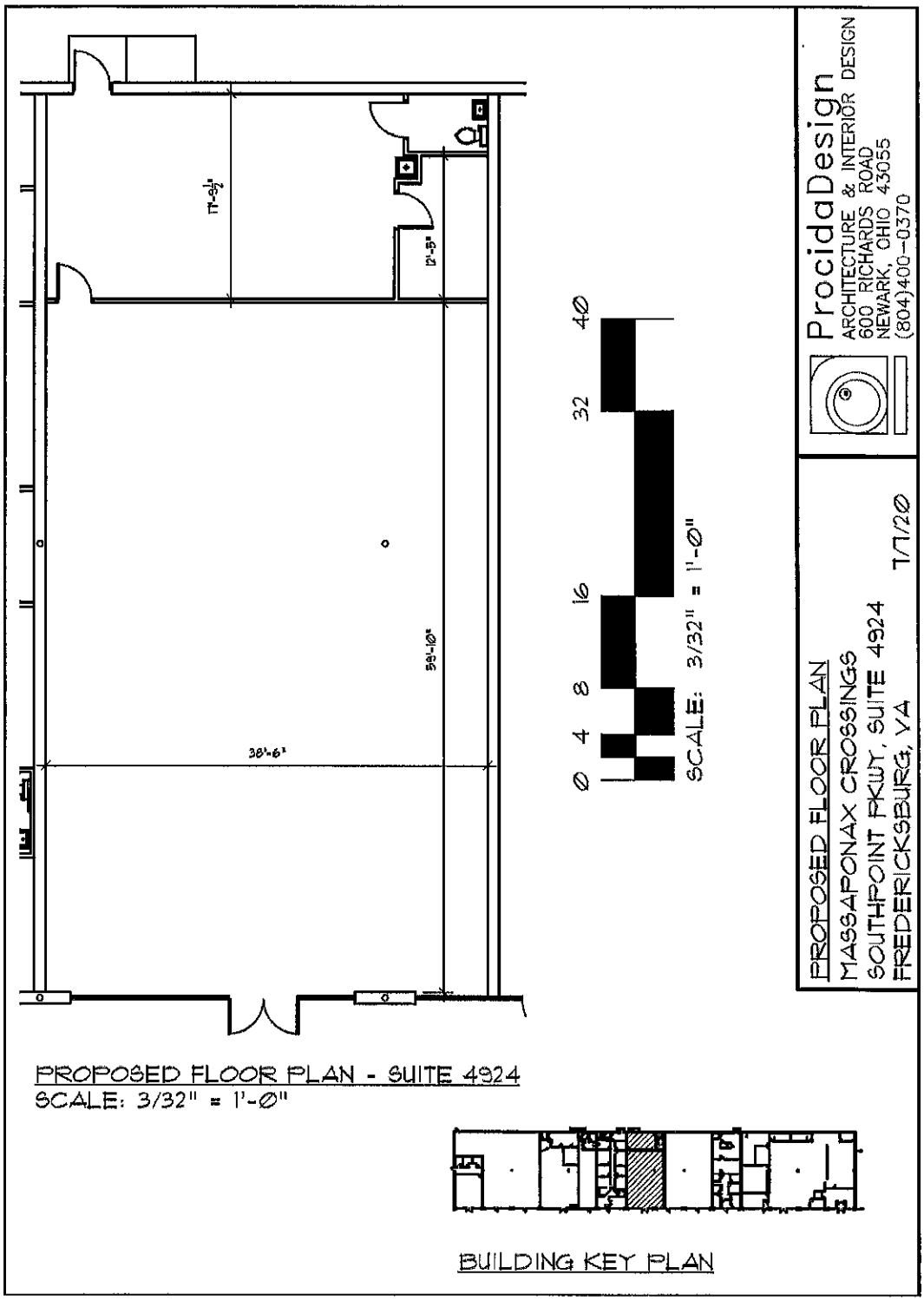
The foregoing instrument was acknowledged before me this _____ day of _____, 2021 by _____.

My commission expires: _____.

_____
Notary Public

# APPENDIX A – FLOOR PLAN

(see next page)


17'-9½"
12'-5"
59'-10"
38'-6"
0 4 8 16 32 40
SCALE: 3/32" = 1'-0"
ProcidaDesign
ARCHITECTURE & INTERIOR DESIGN
600 RICHARDS ROAD
NEWARK, OHIO 43055
(804)400-0370
PROPOSED FLOOR PLAN
MASSAPONAX CROSSINGS
SOUTHPOINT PKWY, SUITE 4924
FREDERICKSBURG, VA
1/1/20
PROPOSED FLOOR PLAN - SUITE 4924
SCALE: 3/32" = 1'-0"
BUILDING KEY PLAN

# APPENDIX B – SITE PLAN

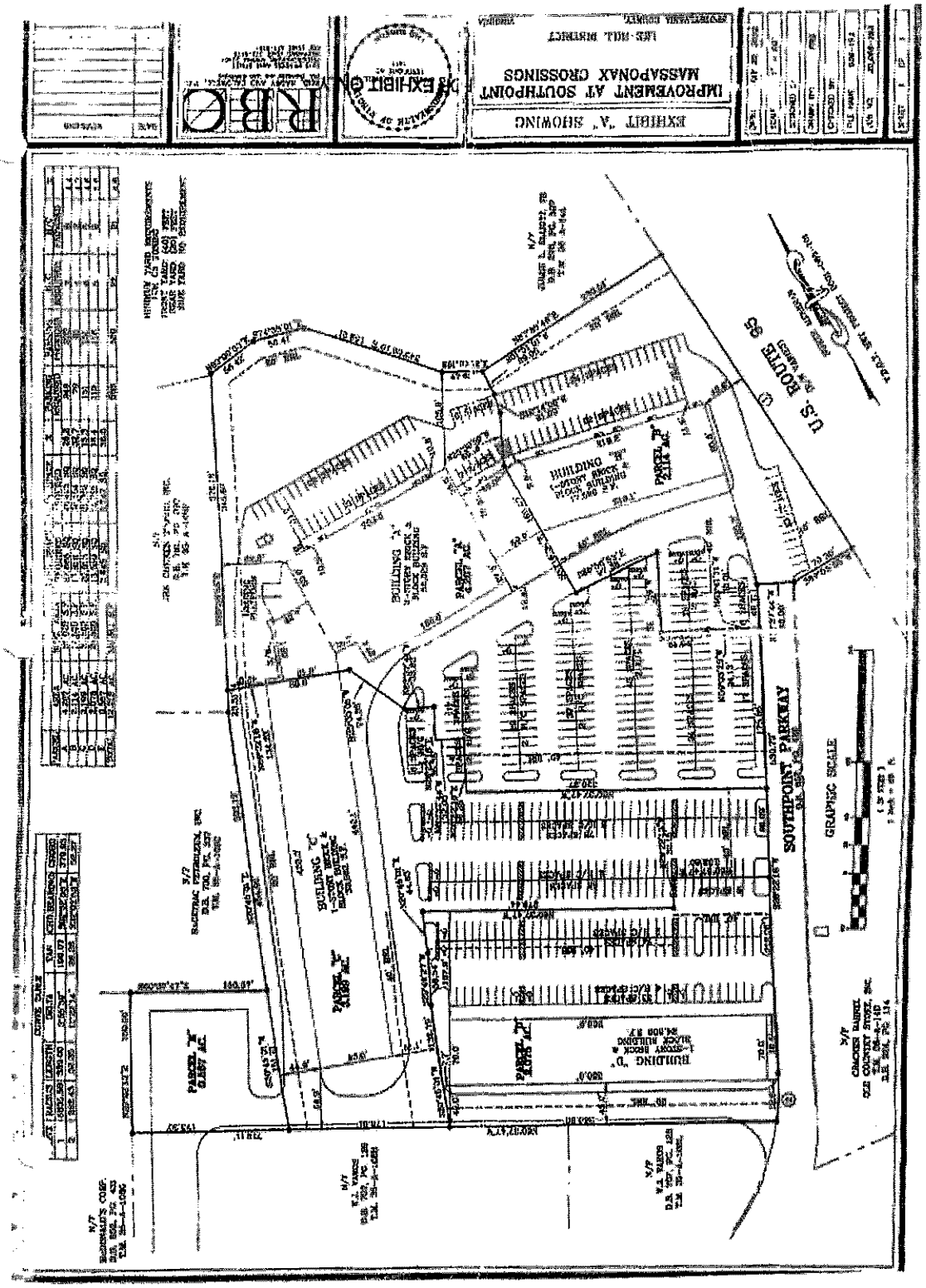


EXHIBIT "A" SHOWING
IMPROVEMENT AT SOUTHPOINT
MASSAPONAX CROSSINGS
LAKE WALL DISTRICT
RBC
EXHIBIT "A"
U.S. ROUTE 95
SOUTHPOINT PARKWAY
GRAPHIC SCALE
BUILDING "A"
BUILDING "B"
BUILDING "C"
BUILDING "D"
PARCEL "A"
PARCEL "B"
PARCEL "C"
PARCEL "D"

# APPENDIX C –
# RULES AND REGULATIONS

1. All loading and unloading of goods in the Project shall be done only at such times, in the areas and through the entrances, designated for such purposes by the Landlord.

2. The delivery or shipping of merchandise, supplies and fixtures to and from the Premises shall be subject to such rules and regulations as in the judgment of the Landlord are necessary for the proper operation of the Premises and the Project. Deliveries of merchandise shall be made through the rear exit door of the Premises, provided there is a rear exit door. Deliveries by UPS and FedEx made in small vans may be through front entrance, provided fire lane is not blocked.

3. The Tenant shall place any refuse or rubbish resulting from the use of the Premises in a container of the type specified by the Landlord, and such refuse or rubbish shall be placed outside the Premises and prepared for collection in the manner and at the times and places specified by the Landlord.

4. No aerial or any other type of equipment shall be located on the roof or exterior walls of the Premises or in or near the Premises without the prior written consent of the Landlord. Any aerial or other equipment so installed without such written consent shall be subject to removal at any time without notice to the Tenant. With prior written consent of Landlord, such consent not being unreasonably denied, Tenant may install a satellite dish not to exceed 24 inches in diameter on the building in a location designated by the Landlord in consultation with Tenant's installer.

5. No loudspeakers or similar devices shall be used in, on or about the Premises or in or near the Premises without the prior written consent of the Landlord.

6. If the Premises are equipped with separate heating or heating control facilities, the Tenant shall keep the Premises at a temperature sufficiently high to prevent water from freezing in pipes and fixtures in or near the Premises.

7. The plumbing facilities serving the Premises shall be used only for such purposes as such facilities are designed, and the expense of any breakage, stoppage or damage resulting from a violation of this provision shall be borne by the Tenant.

8. The Tenant, at its expense, shall keep the Premises free from all pests and vermin. For this purpose, the Tenant, at its expense, shall employ a pest extermination contractor approved by the Landlord to perform such pest extermination work in such manner and at such times as the Landlord deems advisable.

9. The Tenant shall not burn any trash or garbage of any kind in or in the vicinity of the Premises or the Project.

10. The Tenant shall not conduct any auction, fire or bankruptcy, or any other type of going out of business sale in, on or about the Premises without the prior written consent of the Landlord.

11. The Tenant shall not obstruct the sidewalks or passageways adjacent to the Premises in any manner without the prior written consent of the Landlord.

12. The Tenant shall not perform any acts or carry on any practices which might cause damage to the Premises or create a nuisance, annoyance, or menace to the other tenants in the Project or to the public.

13. No bicycles, vehicles, animals, birds, or pets of any kind shall be brought into or kept in the Premises.

14. No flammable, combustible, or explosive fluid, chemical or substance shall be brought into or kept upon the Premises unless it is inventory for sale or is required to be used in the Tenant's business.

**Kellie E. Acors** **Date**
**Director of Elections & General Registrar**

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Approval of Letter of Support for Sentinel Landscapes Program Application |
| **Type:** | Action |
| **Agenda Title:** | Approval of Letter of Support for Sentinel Landscapes Program Application |
| **Recommendation:** | Staff recommends approval of the attached letter of support. |
| **Non-Staff Name and Title of Presenters:** | Approval of a letter of support for a regional application to establish a Sentinel Landscape known as the Virginia Security Corridor encompassing land surrounding four anchor installations: Marine Corps Base Quantico, Fort A.P. Hill, Joint Base Langley Eustis, and Fort Pickett. This is a voluntary program that supports compatible land uses around military installations. |
| **Summary:** | The Virginia Department of Forestry (VDOF) is coordinating an application to the Sentinel Landscapes program and is seeking local support letters. Sentinel landscapes are areas in which natural and working lands are well suited to protect defense facilities from land use that is incompatible with the military's mission. The Sentinel Landscapes Partnership is a coalition of federal agencies, state and local governments, and non-governmental organizations that works with private landowners to advance sustainable land management practices around military installations and ranges. The proposed "Virginia Security Corridor" would encompass a large area surrounding four anchor installations: Marine Corps Base Quantico, Fort A.P. Hill, Joint Base Langley Eustis, and Fort Pickett. The focus is on preserving compatible land uses in military base influence areas, such as farms and forestry. Landowner participation in the program is purely voluntary. Resources include technical assistance, grants, loans, insurance, and conservation easements. The establishment of Sentinel |

| | |
|---|---|
| | Landscapes is consistent with the goals of the Fort A.P. Hill Joint Land Use Study. |
| **Financial Impact:** | N/A |
| **Staff Contacts:** | Wanda Parrish, Assistant County Administrator |
| **Additional Background/Other Considerations:** | Additional information is available here: https://sentinellandscapes.org and in the attached article written by Terry Lasher, Assistant State Forester, VDOF. |
| **Consequence of Denial/Inaction:** | A letter of support will not be provided. |
| **Talking Points:** | Approval of a letter of support for a regional application to establish a Sentinel Landscape known as the Virginia Security Corridor encompassing land surrounding four anchor installations: Marine Corps Base Quantico, Fort A.P. Hill, Joint Base Langley Eustis, and Fort Pickett. This is a voluntary program that supports compatible land uses around military installations. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Draft_Letter_of_Support.pdf | Draft Letter of Support | Letter |
| Pages_from_Spring_2021_Journal_S508.pdf | Article | Backup Material |

*Board of Supervisors*
DEBORAH H. FRAZIER
BARRY K. JETT
KEVIN W. MARSHALL
TIMOTHY J. MCLAUGHLIN
DAVID ROSS
GARY F. SKINNER
CHRIS YAKABOUSKI

*County Administrator*
ED PETROVITCH
*Deputy County Administrator*
MARK L. COLE
P.O. BOX 99, SPOTSYLVANIA, VA 22553
Voice: (540) 507-7010
Fax: (540) 507-7019

August 10, 2021

Mr. Terrance Lasher, Assistant State Forester
Virginia Department of Forestry
900 Natural Resources Dr., Suite 800
Charlottesville, VA 22903

RE: Virginia Security Corridor Sentinel Landscape

Dear Mr. Lasher:

I am writing on behalf of Spotsylvania County to confirm our interest in participating in Virginia's effort to forge a collaborative, successful partnership for the purpose of submitting applications to the Sentinel Landscapes Federal Coordinating Committee (FCC) for the designation of the Virginia Security Corridor Sentinel Landscape Partnership.

Spotsylvania County understands the general objectives of the Partnership are:

1. Virginia regional and military installation specific implementation of the Virginia/military 2017 regional joint land use study (JLUS) recommendations and the 2018 National Defense Strategy pertaining to compatible land use objectives through on-going collaboration and communication;
2. Virginia's efforts to retain working forest and agricultural land in areas that are most at risk of conversion to other land uses;
3. Support Virginia's efforts to meet its statewide water quality goals, including its Chesapeake Bay watershed commitments and its efforts to develop a coastal resiliency and water management master plan.
4. Support Virginia's efforts to stimulate rural economic development through compatible land use and market based conservation partnerships.
5. Support Virginia's efforts to protect high conservation value lands.

Spotsylvania County supports efforts to accomplish the desired goals and outcomes within the application that has been developed and agreed to through a collaborative, open process.

Sincerely,

The Honorable Kevin W. Marshall
Chairman, Spotsylvania County Board of Supervisors

# Proposed Sentinel Landscapes in Virginia

*By Terry Lasher, Virginia Department of Forestry (VDOF)*

In 2013, DoD, the Department of Agriculture, and the Department of the Interior founded the Sentinel Landscapes Partnership — a coalition of federal agencies, state and local governments, and non-governmental organizations that partner with private landowners to prevent mission impacts while promoting sustainable land uses around DoD installations. Currently, there are seven Sentinel Landscapes across the country (Florida, Georgia, Arizona, Minnesota, Washington, Maryland, and North Carolina). As of 27 January 2021, the seven landscapes have protected approximately 467,000 acres of land. They have also promoted the implementation of sustainable management practices around high value testing and training facilities and installations on an additional 2.3 million acres of land (**www.sentinellandscapes.org**). Recently, a coalition of federal, state, and DoD partners have proposed designating a new large "Virginia Security Corridor" Sentinel Landscape.

PHOTO COURTESY OF MICHAEL JACKSON, LOCKHEED MARTIN.

*Figure 1. More than 85% of Virginia airspace is used for military training.*

**Virginia's proposed corridor brings together four very important needs: military readiness, execution of joint land use study action items, working forest and agricultural lands retention, and the nationally significant goal of restoring the Chesapeake Bay.**

## Advancing the Shared Goals of DoD and the Commonwealth of Virginia

DoD plays a vital role in the Commonwealth's economy with a total economic impact of $104 billion. DoD also supports more than 885,000 jobs in the state, and the military accounts for 44% of all federal spending in Virginia.

DoD is also a critical partner in the state's environmental health. This relationship is highlighted by a mutual interest in issues, such as climate resilience and the protection and enhancement of water quality and natural resources. Balancing these critical concerns collaboratively and with a holistic approach is mutually beneficial. We also understand that the environment functions more efficiently and effectively when managed at the landscape level. Such an approach takes coordination, funding, and a sense of shared interest, all of which a Sentinel Landscapes delivers.

The designation of a Virginia Sentinel Landscape would increase collaboration and partnership across many different interests toward a set of shared goals: to enhance military readiness and to benefit the environment, wildlife, outdoor recreation, working lands, and the local economy. For DoD, the landscape designation would protect and expand its capacity to train and test equipment for national security. For example, projects and programs that conserve open and forested land ensure that land-based and airspace training can continue. These types of projects also build local resilience to natural hazards and reduce or eliminate impacts of incompatible development to DoD installations. For other partners, the designation would bring investment dollars to programs that help landowners and localities manage their resources while reducing incompatible land use changes that negatively impact military readiness.

## Anticipated Approach to Securing a Sentinel Landscape Designation

Virginia's Secretaries of Agriculture and Forestry, and Veterans and Defense Affairs, in partnership with DoD's military installations, local governments, and non-governmental agencies, propose the designation of a Sentinel Landscape encompassing much of the eastern portion of the Commonwealth. This proposed plan utilizes one landscape designation with four subgroups or "anchors" (see map for landscape division). The "Virginia Security Corridor" Sentinel Landscape partners expect to explore regional compatible land use planning options to minimize encroachment and other factors that can affect the military's ability to execute mission training and testing requirements at facilities in Virginia, including its air corridors.

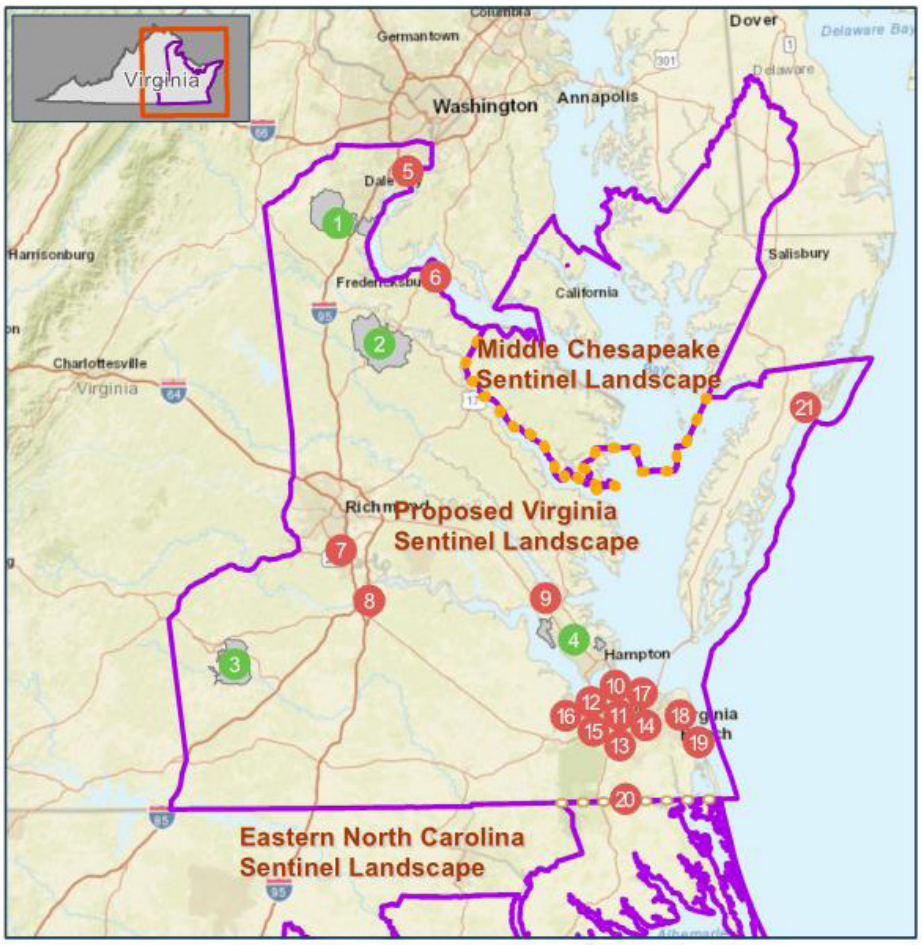
Expanding the Sentinel Landscape Partnership in Virginia would bridge the gap between existing Sentinel Landscapes in Maryland and North Carolina (Figure 2). Virginia's proposed Security Corridor Sentinel Landscape would therefore create a large scale, multi-partner training and environmental network in the Mid-Atlantic. In the context of DoD's commitment to restore the Chesapeake Bay watershed, the Corridor may also provide opportunities for increased collaboration in efforts to protect both natural landscapes and military sustainment.

## Anchor Installations

Unlike other Sentinel Landscapes, the Virginia Security Corridor proposes to designate four anchor installations: Marine Corps Base Quantico, Fort A.P. Hill, Joint Base Langley Eustis, and Fort Pickett (Figure 2). This approach would allow the Sentinel Landscape to focus on large landscape restoration and management while delivering locally managed programs and representing local conservation needs and goals.

While each sub-landscape will be responsible for identifying specific initiatives, they all share five established objectives:

- Strengthen military readiness through compatible land use
- Retain working forests and agricultural land
- Protect high conservation value land
- Meet statewide water quality goals and support the goals of the state coastal resiliency master plan
- Stimulate rural economic development




GRAPHIC PROVIDED BY TERRI LASHER, VDOF.

*Figure 2. Proposed sub-landscapes and anchors of the Virginia Security Corridor Sentinel Landscape.*

While it may seem ambitious to identify four anchor installations, the proposed approach reflects the diverse missions and concerns of military installations in Virginia. The Corridor partners have determined that dividing the landscape among the anchors is critical to the success of the proposed partnership.

## Next Steps

The designation of the Virginia Security Corridor Sentinel Landscape would unite four essential needs of the DoD and its partners: military readiness, execution of joint land use study action items, working forest and agricultural lands conservation, and restoration of the Chesapeake Bay. The partners should receive notice from the Sentinel Landscape Partnership in June to indicate if they will be asked to submit a full proposal for the designation. If so, the final proposal will be submitted in August.

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Authorization for Public Hearing and Adoption of a Resolution for the Grant Application Request for the Federal Fiscal Year (FFY) 2021 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation |
| **Type:** | Action, Resolution |
| **Agenda Title:** | Authorization for Public Hearing and Adoption of a Resolution for the Grant Application Request for the Federal Fiscal Year (FFY) 2021 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation |
| **Recommendation:** | The Commonwealth's Attorney, Sheriff, and staff recommend that the Board of Supervisors approve the authorization to advertise for a public hearing and adopt the authorized agent resolution for the grant application for the FFY 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program – Local Solicitation |

The JAG – Local Solicitation program allows states, tribes, and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions. The grant application requires a 30-day governing body review. In addition to the governing body review, the grant guidelines stipulate that the public be notified of the grant application as well as be provided with an opportunity to comment on the application. Staff seeks approval to advertise for the public hearing to be held on Tuesday, September 14, 2021. Spotsylvania County is eligible to receive $26,859. The Commonwealth's Attorney and Sheriff have agreed to split this funding.

If approved, the Commonwealth's Attorney will subaward $10,000 to the Rappahannock Area Community Services Board for mental health evaluations and treatment of eligible participants in

**Summary:**

their efforts to create a Mental Health Docket. This is a specialized criminal court docket within the existing structure of Virginia's court system. Through voluntary admission, eligible defendants are invited to participate in the Mental Health Docket following a specialized screening and assessment. For those who submit to the terms and conditions of community-based supervision, a team of program and treatment professionals work together to develop service plans and supervise participants. Preliminary research demonstrates that Mental Health Docket participants tend to have lower rates of criminal activity and increased linkages to treatment services when compared to defendants with mental illness who go through the traditional court system. If this pilot is successful, it is anticipated that there will be additional funding needed to continue with the program; however, there are several potential grant opportunities that could be pursued to offset these additional future costs.

The Sheriff would like to utilize the remaining funds of $16,859 towards the purchase of subscription software to aid in managing their policies and procedures, training records, and accreditation process. The software will also alert sworn personnel whenever a policy change occurs. Although the grant program does not require a local match, the cost of the subscription service will exceed the available grant funds. The Sheriff's Office will make up the additional costs, anticipated to be approximately $441, through use of their FY 2022 Adopted Budget, asset forfeiture funds, or a combination of these funding sources. The annual ongoing costs are estimated to be $15,300 per year thereafter. In order to cover these costs, the Sheriff's Office will seek additional funding through future years' budget processes.

The grant does not allow for supplanting of local funds. Since the 30-day governing body review and public comment period will not be completed by the application deadline date of August 16, 2021, the Bureau of Justice Assistance will add special conditions to the award that will withhold grant funds until documentation is provided confirming that the federal requirements for review and comment have been met. Staff requests that the attached authorized agent resolution be adopted in order to submit the application.

**Committee/Commission Summary:** Finance Committee

**Review Date:** July 22, 2021

| | |
|---|---|
| **Status:** | Approved |
| **Financial Impact:** | This is a request to submit a grant application; therefore, there is no financial impact at this time. Once the application is approved the grant award will need to be reviewed and recommended for approval by County Administration, the County Attorney's Office, and the Finance Committee before being submitted to the Board of Supervisors for their action. The Board of Supervisors can accept or decline the award. |
| **Staff Contacts:** | Travis Bird, Commonwealth's Attorney<br>Alexandra Vakos, Commonwealth's Attorney's Office<br>Sheriff Roger Harris, Sheriff's Office<br>Major Carter Well, Sheriff's Office<br>Captain Charles Carey, Sheriff's Office<br>Annette D'Alessandro, Office of Budget and Grants |
| **Legal Counsel:** | N/A |
| **Additional Background/Other Considerations:** | Information Services is aware of the Sheriff's Office request for this type of software and is supportive of proceeding with the grant application request. |
| **Consequence of Denial/Inaction:** | Failure to apply for this grant opportunity will mean that the County will not receive the $26,859 that has been allocated to it through the Department of Justice's JAG Local Solicitation funding formula. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| FY22_JAG__Application_for_CA_and_SO-_Resolution.docx | Resolution | Agreement |
| FY22_JAG_Application_for_CA_and_SO_-_Notice_for_Public_Hearing_for_Agenda.pdf | Notice for Public Hearing for Agenda | Agreement |

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021 on a motion by _____ and passed _____ to _____, the Board adopted the following resolution:

**RESOLUTION NO. 2021-**

**A RESOLUTION AUTHORIZING THE APPLICATION FOR THE FFY 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – LOCAL SOLICITATION AND DESIGNATION OF AUTHORIZED AGENTS FOR THE APPLICATION**

**WHEREAS,** the Department of Justice offers the Edward Byrne Memorial Justice Assistance Grant – Local Solicitation and allows local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

**WHEREAS,** Spotsylvania County is eligible to receive $26,859 under the FFY 2021 Edward Byrne Memorial Justice Assistance Grant – Local Solicitation, and

**WHEREAS**, the Commonwealth's Attorney's Office would like to utilize $10,000 of these funds to issue a subaward to the Rappahannock Area Community Services Board for mental health evaluations and treatment of eligible participants in their efforts to create a Mental Health Docket.

**WHEREAS,** the Spotsylvania County Sheriff's Office would like to utilize $16,859 of these funds to purchase subscription software to aid in managing their policies and procedures, training records, and accreditation process, and

**WHEREAS,** the County is not required to provide a local match for the grant award; and

**WHEREAS,** the subscription costs will exceed the available grant funds; and

**WHEREAS,** the Sheriff's Office will make up the additional costs through use of their FY 2022 Adopted Budget, asset forfeiture funds, or a combination of these funding sources;

**NOW, THEREFORE BE IT RESOLVED** by the Spotsylvania County Board of Supervisors that Spotsylvania County submit a grant application under the FFY 2021 Edward Byrne Memorial Justice Assistance Grant – Local Solicitation in the amount of $26,859; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors, that the authorization to advertise for a Public Hearing on September 14, 2021 is approved; and

**BE IT FURTHER RESOLVED** by the Spotsylvania County Board of Supervisors, that the following individuals are hereby designated as authorized agents any of whom may act in the execution and submission of the grant application: Ed Petrovitch, County Administrator; Mark Cole, Deputy County Administrator; Bonnie Jewell, Assistant County Administrator/Chief Financial Officer; and Annette D'Alessandro, Grants Manager.

(SEAL) A COPY TESTE: _____

Aimee R. Mann

Deputy Clerk to the Board of Supervisors

DRAFT

**SPOTSYLVANIA COUNTY**
**NOTICE OF PUBLIC HEARING**

The Spotsylvania County Board of Supervisors will hold a public hearing at 4:30 p.m. on Tuesday, September 14, 2021, in the Board of Supervisors Meeting Room in the R. E. Holbert Building, 9104 Courthouse Road, Spotsylvania, Va. 22553, to receive public comments on the following:

Spotsylvania County Government will submit a grant application to the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation for Fiscal Year 2021. The JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system. Spotsylvania County proposes to utilize the funds for software and to issue a subaward to the Rappahannock Area Community Services Board for mental health evaluations and treatments.

A copy of the grant application will be on file in the Office of Budget & Grants at 8800 Courthouse Road, and may be examined Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. starting on August 17, 2021. In addition to the public hearing, public comments will be accepted from August 25, 2021, through September 27, 2021. For those with special needs, please notify the Office of Budget and Grants of any accommodations you may require at least five days before the meeting. For additional information or to provide comment in advance of the meeting, please contact:

Spotsylvania County – Office of Budget and Grants
P.O. Box 215, 8800 Courthouse Road
Spotsylvania, VA 22553-2514
or
Grant Manager at 540-507-7595 or adalessandro@spotsylvania.va.us

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Hub of Hope - Presentation |

| | |
|---|---|
| **Agenda Title:** | Hub of Hope- Presentation |
| **Recommendation:** | Information Only. |
| **Summary:** | Supervisor Marshall added this presentation to the meeting. |
| **Staff Contacts:** | Ed Petrovitch, County Administrator |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Hub_of_Hope_Inc._Presentation.pdf | Presentation | Presentation |

HUB OF HOPE

HELPING OTHER PEOPLE EAT

# Board of Supervisors Presentation

The Hub of Hope is a 501 c(3) non profit organization with the mission of fighting food insecurity by simply Helping Other People Eat!

# What led us to launching the Hub of HOPE?

# Co-Founders.

Trenton Stinson

Co-Founder / CEO

Dee Stinson

Co-Founder / COO

## Our Journey and Story...

- Relocated in 2012
- Two kids in school system
- Fell in love with Community
- Graduated in 2014 from GU
- Youth Pastors out in community
- Mentoring in schools

HUB OF HOPE

HELPING OTHER PEOPLE EAT

# Presentation

## Who we are

An **economy of People** helping people eat!
A **mobile delivery Food** Access Organization
A **nonprofit Restaurant Service**

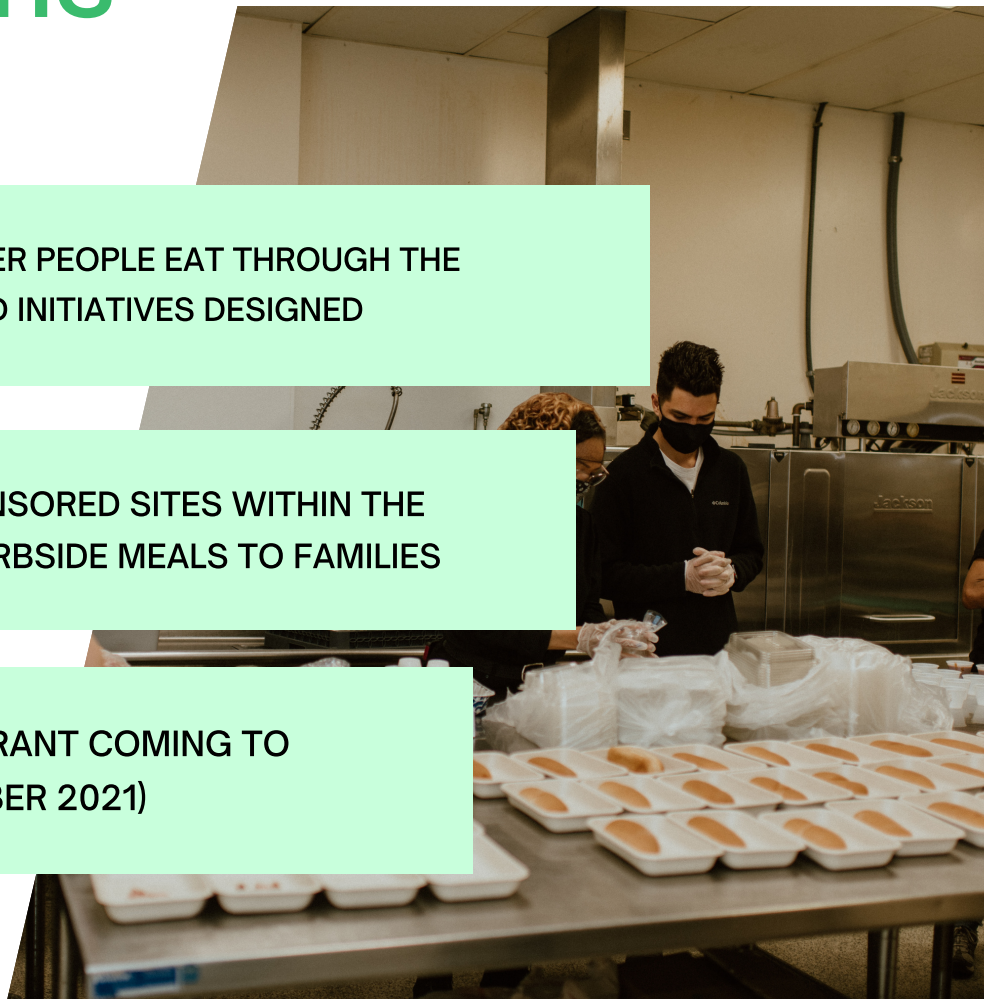
## What we do

**Target Population** (ALICE) / Working Families
A "**No questions Asked**" service value
**Child Nutrition Program** that targets Child Development Centers
A **mobile delivery** service that creates access and mobilizes community volunteers
A **fast casual nonprofit restaurant** in Cosner's Corner

## What we need

County leadership support in permitting process and buildout
Annual Financial Support

# Our Daily Operations



HUB OF HOPE
HELPING OTHER PEOPLE EAT

OUR PRIMARY MISSION IS TO HELP OTHER PEOPLE EAT THROUGH THE DEVELOPMENT OF CREATIVE FOOD INITIATIVES DESIGNED

f2g

WE SERVE MEALS TO CHILDREN AT SPONSORED SITES WITHIN THE COUNTY AND PROVIDE DELIVERED OR CURBSIDE MEALS TO FAMILIES

BUY A BOWL GIVE A BOWL
THE HUB

A FAST CASUAL NONPROFIT RESTAURANT COMING TO COSNER'S CORNER (NOVEMBER 2021)

# HUB OF HOPE

HELPING OTHER PEOPLE EAT

# OUR NEEDS

AS OF JULY 31ST, 2021

**21,080**

**MEALS REQUESTED AND SERVED THROUGH OUR CENTRAL KITCHEN IN SOUTHPOINT**

AS OF AUGUST 1ST

**$3.18**

**AVERAGE COST PER MEAL**

*COST DOES NOT INCLUDE LABOR & OVERHEAD COSTS

## Support in our New Construction Plans

We have submitted permit set drawings to the County for approval and authorization of the new fast casual nonprofit restaurant

## Any Cares Act funding consideration to assist

Any favorable funding consideration particularly CARES ACT dollars that can be invested into helping other people eat

PROJECTED NEED

**$67,035**

**BASED ON LAST (5) MONTH AVERAGE**

OUR REQUEST

**$82,500**

**23% PROJECTED INCREASE**

THE HUB

Conveniently located in COSNER'S CORNER

# Any Questions...

# COMING SOON...

## November 2021

LOCATED IN COSNER'S CORNER, THIS FAST CASUAL, 5,900 SF SPACE WILL BE DESIGNED TO CREATE A FOOD-BASED ECONOMY THAT HELPS OTHER PEOPLE EAT!

# THE HOPE ECONOMY

# BUY A BOWL - GIVE A BOWL

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Determination of Whether R21-0011 'Linwood Estates' is Substantially Different than R18-0010 'Chancellor Ridge' (Chancellor District) |
| **Type:** | Action |
| **Agenda Title:** | Determination of Whether R21-0011 'Linwood Estates' is Substantially Different than R18-0010 'Chancellor Ridge' (Chancellor District) |
| **Recommendation:** | Based on staff's review, the "Linwood Estates" application appears to be substantially different than the "Chancellor Ridge" application based on the significant changes to the project's mitigation to public facilities. These changes assist in meeting the Level of Service Standards identified in the Comprehensive Plan. Staff's complete analysis is attached for the Board's reference. |
| **Summary:** | This application requests a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes with a density of 2.3 units per acre and 30 percent open space. A previous request involving the same parcels to rezone from RU to PDH-4 for 64 single family detached homes, identified as R18-0010 "Chancellor Ridge", was denied by the Board of Supervisors on March 23, 2021. Section 23-4.6.12 of the Zoning Ordinance requires a waiting period for subsequent applications and states that the Board of Supervisors may not reconsider substantially the same application for a period of one (1) year following the date of the denial of the application by the Board of Supervisors. However, an owner/applicant may submit a new project to the Board of Supervisors for a determination made as to whether it is substantially the same as the project that was denied. In accordance with the Board of Supervisors' adopted policy, the Board must decide whether this request for rezoning is |

| | |
|---|---|
| | substantially the same as or different than the previously denied application, which will determine whether it is or is not eligible for consideration through the public hearing process. |
| **Review Date:** | N/A |
| **Financial Impact:** | N/A |
| **Staff Contacts:** | Brad Robinson, Planner II |
| **Legal Counsel:** | Alexandra Spaulding, Senior Assistant County Attorney |
| **Additional Background/Other Considerations:** | The applicant's narrative identifying the application differences is attached for the Board's reference. |
| **Consequence of Denial/Inaction:** | If the Board determines the application is substantially the same, the application may not proceed through the public hearing process. The request for determination will be closed and the application will have to wait one year from the original denial date to be reconsidered. If the Board determines the application is substantially different, the application will be deemed complete and will move forward through the review and public hearing process. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| BOS_Memo_-_Linwood_Estates_-_Final.pdf | BOS Memo - Linwood Estates | Memorandum |
| Linwood_Estates_Narrative-Consideration_BOS.PDF | Applicant's Narrative | Backup Material |
| ADOPTED_Policy___Criteria_-_Not_Substantially_the_Same.pdf | Adopted Policy - Not Substantially the Same | Backup Material |

**County of Spotsylvania**
Department of Planning & Zoning
9019 Old Battlefield Blvd., Ste. 320
Spotsylvania, VA 22553
Phone: (540) 507-7434

# MEMORANDUM

TO: Board of Supervisors

FROM: Brad Robinson, Planner II

DATE: August 10, 2021

RE: R21-0011 "Linwood Estates" (The Tracy Family Trust, Arthur L. & Patricia B. Tracy, Trustees/Old Plank Partners LLC)

The above referenced application for "Linwood Estates" was received by the Planning Department on June 17, 2021. The application requests a rezoning of approximately 27.16 acres from Rural (RU) to Planned Development Housing 4 (PDH-4) with proffers to allow for 64 single family detached homes with a density of 2.3 units per acre and 30 percent open space. A previous request involving the same parcels to rezone from RU to PDH-4 for 64 single family detached homes, identified as R18-0010 "Chancellor Ridge", was denied by the Board of Supervisors on March 23, 2021.

Section 23-4.6.12 of the Zoning Ordinance requires a waiting period for subsequent applications and states that the Board of Supervisors may not reconsider substantially the same application for a period of one (1) year following the date of the denial of the application by the Board of Supervisors. However, an owner/applicant may submit a new project to the Board of Supervisors for a determination made as to whether it is substantially the same as the project that was denied. In accordance with the Board of Supervisors' adopted policy, the Board must decide whether this request for rezoning is substantially the same as the previously denied application, which will determine whether it is or is not eligible for reconsideration through the public hearing process.

The Board's policy sets for the following:

**CRITERIA FOR DETERMINATIONS OF SUBSTANTIALLY THE SAME**

**An application may be deemed "not substantially the same" as the denied application if there are discernible changes in the proffered application that:**

1. **Result in different impacts than the application that was denied; and**
2. **Attempt to address the reason(s) for denial.**

Examples of changes may include, but are not limited to:

- Change in density or intensity
- Change in layout
- Change in unit types
- Change in use

The complete policy is attached for reference.

The applications for “Linwood Estates” and “Chancellor Ridge” are similar with regard to the proposed use, density, unit type, and layout. Differences between the applications have been identified in the proffer statements and are outlined in the following table. Please note that the table does not include the full text of the proffer statements.

| | **Linwood Estates R21-0011** | **Chancellor Ridge R18-0010** |
|---|---|---|
| Rezoning Request | RU to PDH-4 | RU to PDH-4 |
| No. of Lots | 64 | 64 |
| Right of Way Dedication | 0.3964 acres prior to or upon the first subdivision plan approval, except in the event the County requests all or part of said R/W be dedicated sooner | 0.3964 acres prior to or upon the first subdivision plan approval |
| Open Space | 8.3411 acres | 8.3411 acres |
| **Cash Proffers** | | |
| Schools | $100,000 *($1,562.50 per unit)* | $0.00 *($0.00 per unit)* |
| Public Safety | $16,179.84 *($252.81 per unit)* | $5,454.72 *($85.23 per unit)* |
| Transportation | $300,000 *($4,687.50 per unit)* | $438,567.04 *($6,852.61 per unit)* |
| Parks & Rec | $2,228.13 *($34.81 per unit)* | $12,193.92 *($190.53 per unit)* |
| Total | $418,407.97 *($6,537.62 per unit)* | $456,215.68 *($7,128.37 per unit)* |
| **Additional Proffers** | | |
| | $180,000 cash contribution towards new softball field lights at Chancellor High School | $70,000 towards roundabout improvements at Old Plank Road & Andora Drive |
| **Overall Cash Proffers** | **$598,407.97** | **$526,215.68** |

The key differences between each application can be summarized as follows:

- Timing of the right-of-way dedication changed from prior to or upon subdivision plan approval to also include a provision for the County to request it sooner.
- Overall cash proffers for schools increased from $0.00 to a total of $280,000.
- Public safety cash proffers increased from $5,454.72 to $16,179.84.
- Overall transportation proffers decreased from $508,567.04 to $300,000.
- Total cash proffers increased to a total of $598,407.97 vs. prior total of $526,215.68.

Based on staff's review, the "Linwood Estates" application appears to be substantially different than the "Chancellor Ridge" application based on the significant changes to the project's mitigation to public facilities. These changes assist in meeting the Level of Service Standards identified in the Comprehensive Plan.

If the Board determines the application is substantially the same, the application may not proceed through the public hearing process. The request for determination will be closed and the application will have to wait one year from the original denial date to be reconsidered.

If the Board determines the application is substantially different, the application will be deemed complete and will move forward through the process.

Hirschler

# MEMORANDUM

TO: Brad Robinson, CZA
Planner II
Spotsylvania County Planning & Zoning

FROM: Charlie Payne

DATE: July 2, 2021

RE: Linwood Estates Rezoning Request
(Spotsylvania County Tax Map Parcels 21-10-1 & 21-10-2)

---

Brad,

I hope this finds you well. You have asked that we provide a narrative outlining our position as to why the recently filed Linwood Estates rezoning application for County Tax Map Parcels 21-10-1 & 21-10-2 ("Rezoning Request") is substantially different than the previously denied application R18-0010, and is thus eligible for reconsideration through the public hearing process. The County's applicable zoning ordinance section is Sec. 23-4.6.11. - Waiting period for subsequent applications, which provides:

> "Where an application for an amendment to the zoning map is disapproved by the board of supervisors, the board may not reconsider substantially the same application for a period of one (1) year following the date of the denial of the application by the board of supervisors."

We believe the Rezoning Request is not the substantially the same application for all of the following reasons provided below.

**Background**:

As you may be aware, R-18-0010 known as "Chancellor's Ridge" was originally filed with the County on or about October 29, 2018. The application was denied this past March 23, 2021. R-18-0010 included a rezoning request for the development of 64 single family detached units from a zoning district of RU to PDH-4. Chancellor Ridge also included several proffers, including the following in relevant part:

- The subject property would have been developed in conformance with the generalized development plan titled "Zoning Map Amendment Generalized Development Plan Chancellor Ridge"
- The Use would have include 64 single family units

- Dedication of certain right of way only prior to or upon the first subdivision plan approval
- Construction of left and right turn tapers
- Preservation of open space
- Cash proffers totaling $7,128.37 per unit for a total of $456,215.68 that included $85.23 per unit towards public safety and $6,852.61 per unit towards transportation and $0.00 per unit towards schools
- Additional cash proffer of $70,000 towards round about improvements at Old Plank and Andora Drive

**Linwood Estate:** The Rezoning Application was filed with the County on or about June 15, 2021. It includes a rezoning request for the development of 64 single family units from zoning district RU to PDH-4. Linwood Estate also includes the following proposed proffers, in relevant part:

- The subject property will be developed in conformance with the generalized development plan titled "Zoning Map Amendment Generalized Development Plan **Linwood Estates**"
- Dedication of certain right of way only prior to or upon the first subdivision plan approval, **except the applicant has now proffered that it would dedicate the right of way sooner if the County requested the need for the right of way prior to subdivision plan approval**
- Cash proffers totaling **$6,537.62** per unit for a total of **$418,407.97** that includes **$252.81 per unit towards public safety** and **$4,687.50 per unit towards transportation** and **$1,562.50 per unit towards schools**
- Additional cash proffer of **$180,000** towards new softball field lights at Chancellor High School.

**Significant Differences Between the Two Applications**: Although the applications are somewhat similar, the key substantial differences between the two applications are the following:

- Timing of dedication of right of way from prior to or upon subdivision plan approval to when the County requires it
- Overall cash proffers for schools increased from **$0.00 to a total of $280,000**
- Public safety cash proffers increased from **$5,454.72 to $16,179.84**
- Overall transportation proffers decreased from **$508,567.04 to $300,000**
- Overall cash proffers increased to a total of **$598,407.97** vs. prior zoning of $526,215.68

Please contact me if you require additional information

*Board of Supervisors*

Ann L. Heidig
Emmitt B. Marshall
Timothy J. McLaughlin
Benjamin T. Pitts
David Ross
Gary F. Skinner
Paul D. Trampe

*Department of Planning*

Wanda Parrish, AICP, Director

9019 Old Battlefield Blvd., Suite 320
Spotsylvania, VA 22553

PHONE: (540) 507-7434
FAX: (540) 507-7445

# POLICY ON DETERMINATION OF "NOT SUBSTANTIALLY THE SAME"

**ISSUE:** During the past ten months the Planning Department has received two requests from applicants wanting to revise and resubmit rezoning or proffer amendment applications that were denied by the Board by Supervisors. These applications were received within the twelve (12) month waiting period for subsequent applications as outlined in Section 23-4.6.12 of the Zoning Ordinance. Section 23-4.6.12 prohibits the Board from reconsidering "substantially the same application for a period of one (1) year following the date of the denial of the application by the Board of Supervisors". Sec. 23-4.5.11 contains the same provision for Special Use denials. Staff developed this policy to ensure consistent treatment of applications that are subject to a Board of Supervisors determination under Sections 23-4.5.11 and 23-4.6.12.

**PROCEDURE:** The following procedure will be followed when determining if an application is substantially the same as a previously denied application:

1. The applicant must submit an application with sufficient information to base a decision accompanied with the required fee for the application type. The application shall include a narrative describing each of the changes to the application.
2. Planning staff will deem the application incomplete pending a decision by the Board of Supervisors as to whether the application is substantially the same as the previously denied application.
3. Planning staff will review the materials, formulate a recommendation, and prepare a report.
4. The staff report will be presented to the Board of Supervisors at a Board meeting.
5. The Board of Supervisors will decide whether the application is substantially different than the previously denied application and, therefore, eligible for reconsideration through the public hearing process; or whether it is substantially the same and, therefore, not eligible for consideration within the one (1) year period.

If an application is determined to be substantially different, then the applicant will submit a complete application to be processed via the current provisions of the Zoning Ordinance.

If an application is determined to be substantially the same, the application may not proceed through the public hearing process and the file will be closed. The applicant may request a refund of 80% of the planning application fee in accordance with Unified Fee Schedule Refund Policy.

Approved by the Spotsylvania County Board of Supervisors on August 14, 2012.

## CRITERIA FOR DETERMINATIONS OF SUBSTANTIALLY THE SAME

**An application may be deemed "not substantially the same" as the denied application if there are discernible changes in the proffered application that:**

1. **Result in different impacts than the application that was denied; and**
2. **Attempt to address the reason(s) for denial.**

Examples of changes may include, but are not limited to:

- Change in density or intensity
- Change in layout
- Change in unit types
- Change in use

Applications will be reviewed on a case by case basis using the Criteria. Due to the individuality of each application, different determinations may be reached when similar changes are proposed to unassociated applications. For example one rezoning application that reduces its density by 10% from the denied version of the application may be deemed not substantially the same because the reduction was sufficient to address transportation impacts resulting in maintenance of acceptable Levels of Service on the surrounding road network, while a separate application that reduces its density by 10% may be deemed substantially the same since the reduction was not sufficient to result in different impacts than the denied application.

Approved by the Spotsylvania County Board of Supervisors on September 25, 2012.

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | VOTE - SUP21-0002 Claiborne Verizon Cell Tower/ Gilman Land and Timber LLC (Cellco Partnership) (Berkeley District) |
| **Type:** | Action, Resolution, Public Hearing, Ordinance |
| **Agenda Title:** | VOTE - SUP21-0002 Claiborne Verizon Cell Tower/Gilman Land and Timber LLC (Cellco Partnership) (Berkeley District) |
| **Recommendation:** | On June 16, 2021, the Planning Commission found SUP21-0002 substantially in accord with the Comprehensive Plan and recommended approval of the Special Use Permit with conditions, with a vote of 6-0. Staff recommends approval of the Special Use Permit with conditions. |
| **Summary:** | The applicant requests a Special Use permit for a 195-foot monopole communication tower with a 4-foot lightning rod, for a total height of 199 feet, on an approximately 91.76-acre parcel zoned Rural (RU) District. The property is located on Guinea Station Road approximately 706 feet east of Flippo Drive (Route 634) and approximately 1500 feet west of the Caroline County line. The property is addressed as 3800 Guinea Station Road and identified as Tax Parcel 64-A-3. The property is designated as Rural Residential on the Future Land Use Map of the Comprehensive Plan. Berkeley Voting District. The Board of Supervisors held a public hearing on July 27, 2021 and continued the vote until August 10, 2021 to determine if a light could be added to the proposed 199' monopole communication tower. "Obstruction Marking and Lighting" an Advisory Circular (AC70/7460-1M) published by the U.S. Department of Transportation Federal Aviation Administration provides guidance on the type of marking and lighting is permitted on any temporary or permanent structure, that does not exceed 200'. The applicant has volunteered to light the proposed 199' monopole tower |

| | |
|---|---|
| | in accordance with the applicable laws, rules, and regulations. The draft conditions have been amended to reflect a complementary condition. |
| **Committee/Commission Summary:** | Planning Commission |
| **Review Date:** | June 16, 2021 |
| **Status:** | Approved |
| **Financial Impact:** | N/A |
| **Staff Contacts:** | Shannon D. Fennell, Planner III |
| **Legal Counsel:** | Alexandra Spaulding, Senior Assistant County Attorney |
| **Additional Background/Other Considerations:** | N/A |
| **Consequence of Denial/Inaction:** | The deadline for the Board of Supervisors to take an action on this application is August 12, 2021. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| SUP21-0002_Claiborne_Cell_Tower_-_BOS_Presentation.pptx | Presentation | Presentation |
| BOS_Staff_Report_-_SUP21-0002_Claiborne_Verizon_Cell_Tower.docx | Staff Report | Staff Report |
| VZW_Claiborne_-_SUP_application_(signed)_-_revised_3.10.21.pdf | Application | Backup Material |
| VZW_Clairborne_-_Project_Narrative_-_revised_5.20.21.pdf | Application Narrative | Backup Material |
| Claiborne_-_FZD_REV_5_-_20210513.pdf | Application GDP | GDP |
| VZW_Claiborne_-_Network_Map_revised_5.28.21.jpg | VZW Claiborne - Network Map | Backup Material |
| VZW_Claiborne_-_Tree_Buffer_Pictures_May_21.2021.pdf | VZW Claiborne - Existing Tree Buffer Images | Backup Material |
| VZW_Claiborne-photosim_location_map_(distances).jpg | VZW Claiborne - Photosim Location Map 1 with distances | Backup Material |
| VZW_Claiborne-photosim_location_map_2_(distances).jpg | VZW Claiborne - Photosim Location Map 2 with distances | Backup Material |
| VZW_Claiborne_-_Structural_Integrity_Letter_-_revised_3.5.21.pdf | VZW Claiborne - Structural Integrity Letter | Backup Material |
| VA_DCR_-_14_VZW_Claiborne.pdf | Letter from DCR - Claiborne B Cell Tower | Letter |
| US_Dept_Fish_Wildlife_-_13_VZW_Claiborne.pdf | Letter from US Dept Fish Wildlife Service | Letter |
| SHPO_-_15_VZW_Claiborne.pdf | Memo - VA Dept of Historical Resources | Memorandum |
| RF_EME_Compliance_Report_(NIER)_-_17_VZW_Claiborne.pdf | VZW Claiborne - Radio Frequency Exposure FCC | Backup Material |

| | | |
|---|---|---|
| | Compliance Assessment | |
| Interference_Analysis_Report_(IMOD)_-_18_VZW_Claiborne.pdf | Co-Location Interference Analysis Report | Backup Material |
| Federal_Preservation_Officer_FCC_-_16_VZW_Claiborne.pdf | Federal Communication Commission | Letter |
| Determination_no_FAA_study_reqd_-_12_VZW_Claiborne.pdf | Determination No FAA Study Required- Federal Airways & Airspace | Backup Material |
| Colo_Policy_-_11_VZW_Claiborne.pdf | VZW - General Collocation Policy | Backup Material |
| PoA.pdf | POA | Backup Material |
| Adjacent_property_owners_proof_of_mailing.pdf | Community Meeting Notification | Backup Material |
| sign_in_sheet.pdf | Community Meeting Sign In Sheet | Backup Material |
| Project_Summary_SUP21-0002.pdf | Project Summary | Backup Material |
| pcmin21_0616.docx | PC Minutes - July 16,2021 | Minutes |
| bos_20210727.doc | BOS Advertisement | Backup Material |
| DRAFT_Approval_Resolution_SUP21-0002.pdf | Draft Approval Resolution | Resolution |
| DRAFT_Denial_Resolution_SUP21-0002.pdf | Draft Denial Resolution | Resolution |
| FAA_Marking_and_Lighting_Reqs..PDF | FAA Obstruction Marking and Lighting Advisory Circular | Backup Material |

# *SUP21-0002 "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

*Berkeley Voting District*

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Board of Supervisors Public Hearing

July 27, 2021

Shannon D. Fennell, Planner III

## *SUP21-0002 - "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

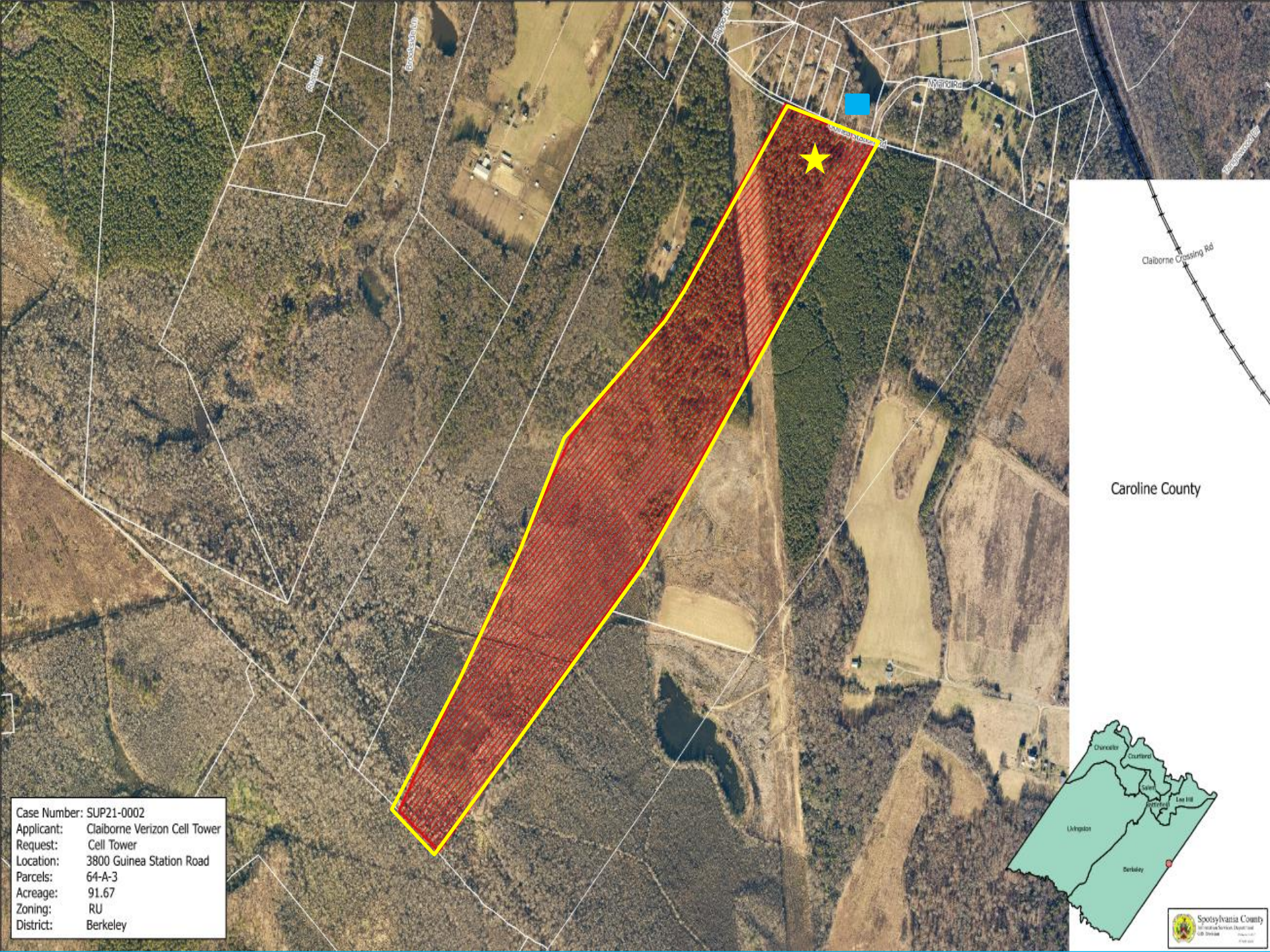
*Berkeley Voting District*

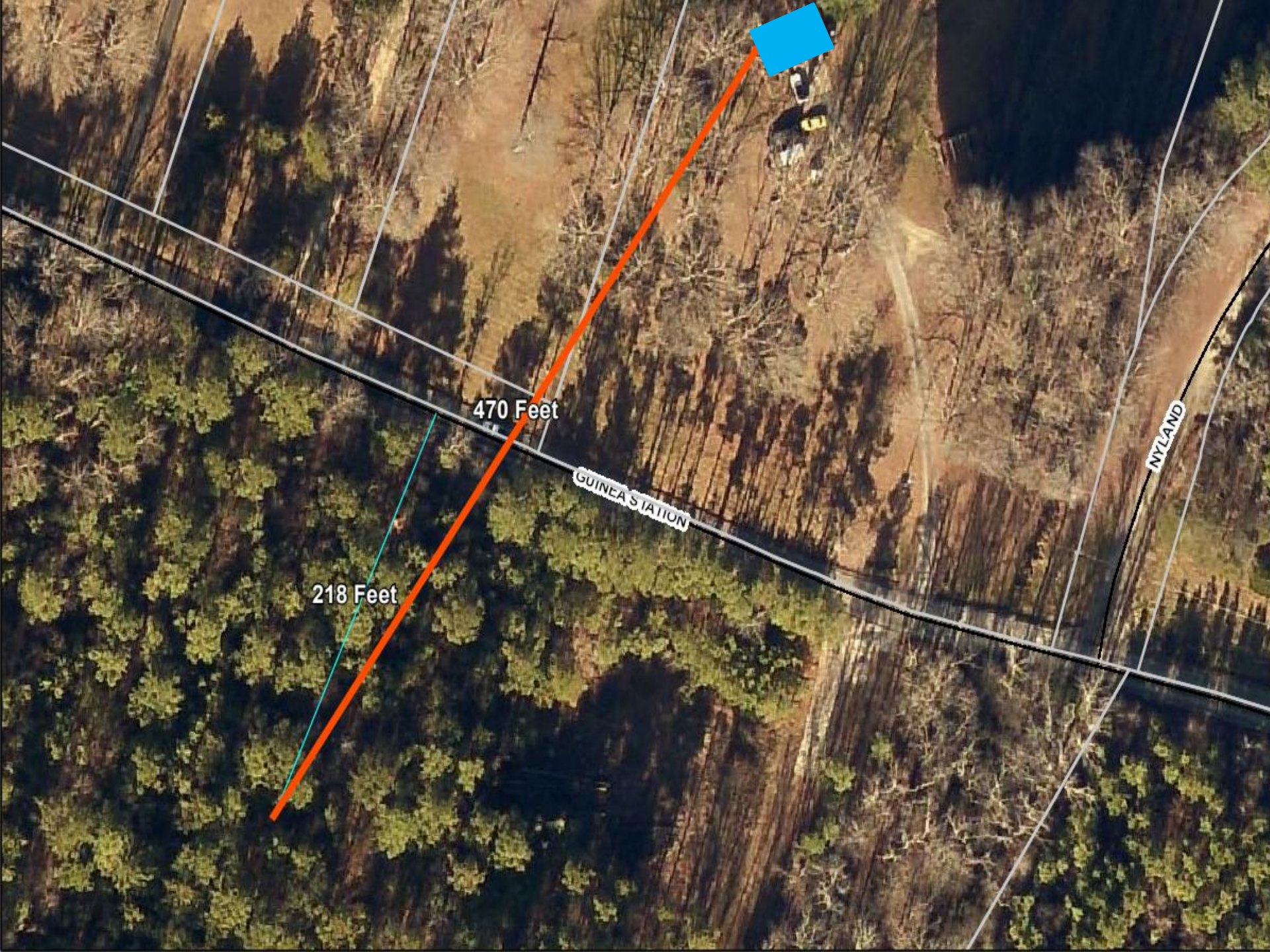
## Request

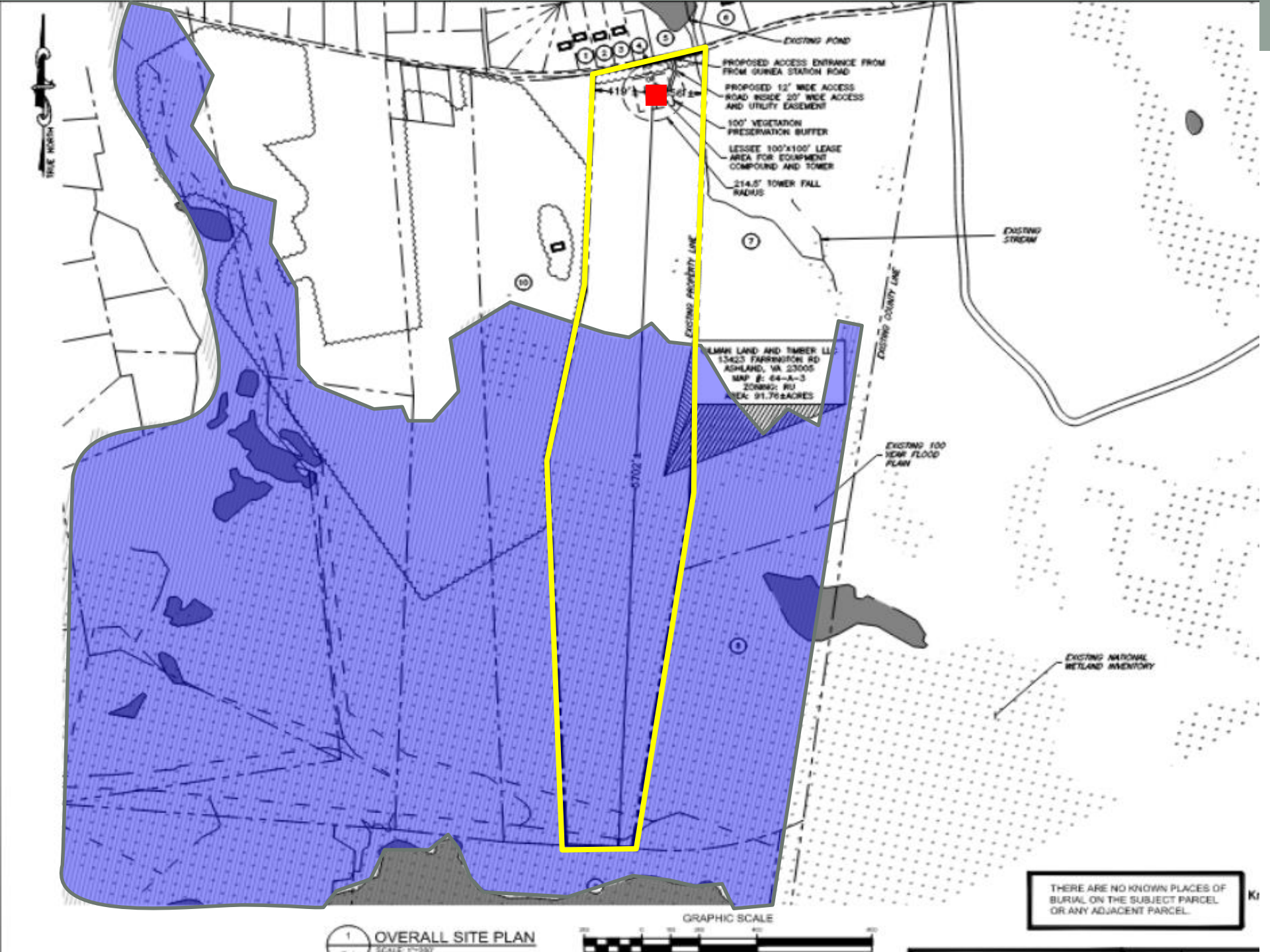
- To allow a 195-foot monopole telecommunications tower with 4-foot lighting rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District.

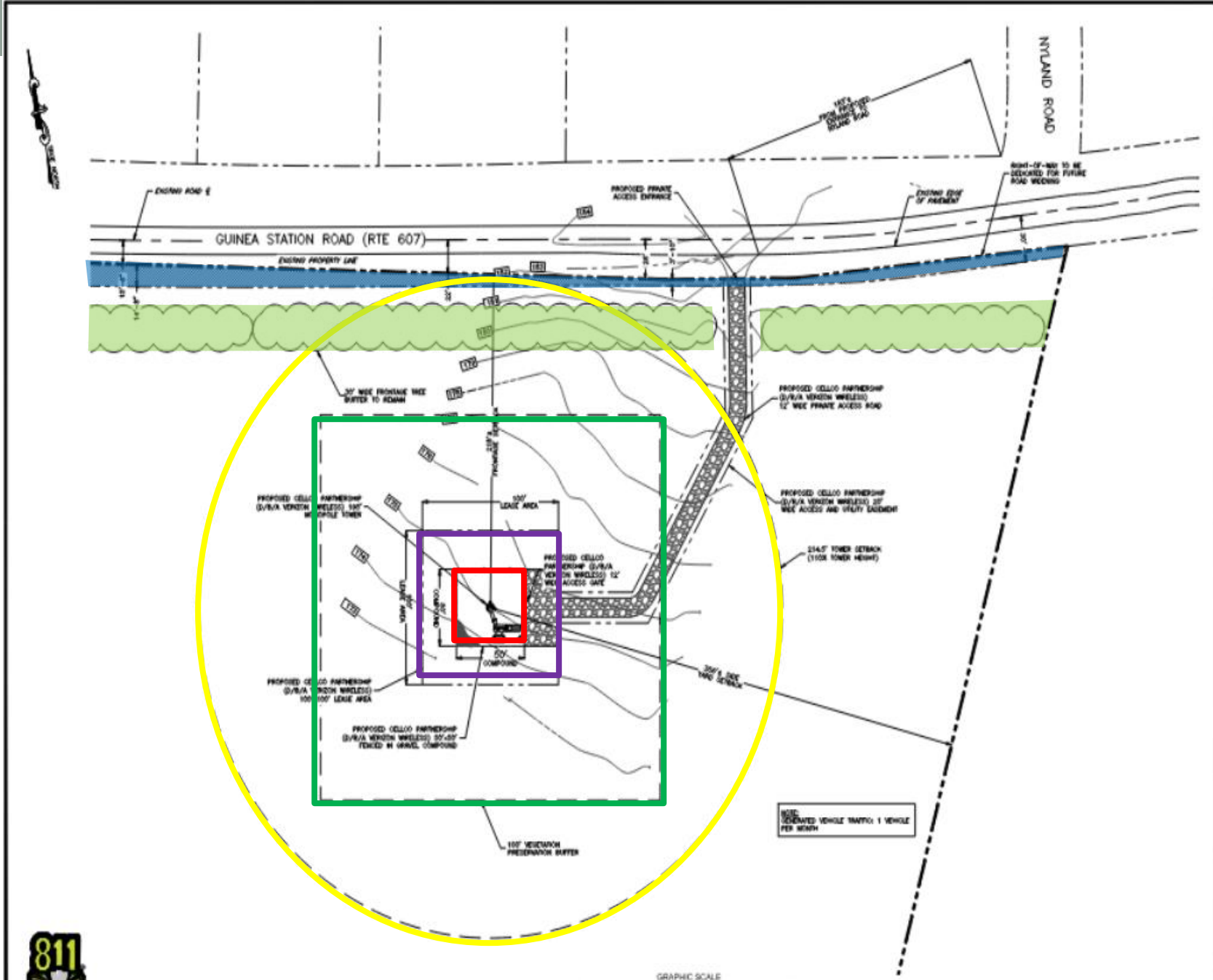
## Recommendation

- The Planning Commission with a vote of 6-0 and staff recommend approval with conditions.


Claiborne Crossing Rd
Caroline County
Case Number: SUP21-0002
Applicant: Claiborne Verizon Cell Tower
Request: Cell Tower
Location: 3800 Guinea Station Road
Parcels: 64-A-3
Acreage: 91.67
Zoning: RU
District: Berkeley
Chancellor
Courtland
Lee Hill
Livingston
Berkeley
Spotsylvania County


470 Feet
218 Feet
GUINEA STATION
NYLAND


TRUE NORTH
EXISTING POND
PROPOSED ACCESS ENTRANCE FROM FROM GUINEA STATION ROAD
PROPOSED 12' WIDE ACCESS ROAD INSIDE 20' WIDE ACCESS AND UTILITY EASEMENT
100' VEGETATION PRESERVATION BUFFER
LESSEE 100'x100' LEASE AREA FOR EQUIPMENT COMPOUND AND TOWER
214.5' TOWER FALL RADIUS
EXISTING STREAM
EXISTING PROPERTY LINE
EXISTING COUNTY LINE
ILLMAK LAND AND TIMBER LLC
13423 FARRINGTON RD
ASHLAND, VA 23005
MAP #: 64-A-3
ZONING: RU
AREA: 91.76±ACRES
EXISTING 100 YEAR FLOOD PLAIN
EXISTING NATIONAL WETLAND INVENTORY
THERE ARE NO KNOWN PLACES OF BURIAL ON THE SUBJECT PARCEL OR ANY ADJACENT PARCEL.
GRAPHIC SCALE
1 OVERALL SITE PLAN

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ENGINEER

NB+C TOTALLY COMMITTED
NB+C ENGINEERING SERVICES, LLC.

APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

CLAIBORNE
VERIZON NEW BUILD
3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

DESIGN RECORD

REVISIONS

| REV | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |
| | | | |
| 5 | 03/10/21 | REVISED | CCS |
| 4 | 02/16/21 | REVISED | CCS |
| 3 | 10/08/20 | REVISED | BLS |
| 2 | 09/11/20 | REVISED | CCS |
| 1 | 4/15/19 | FINAL | CCS |
| 0 | 01/11/19 | PRELIMINARY | CCS |

PROFESSIONAL STAMP

JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #0402122

ENGINEER

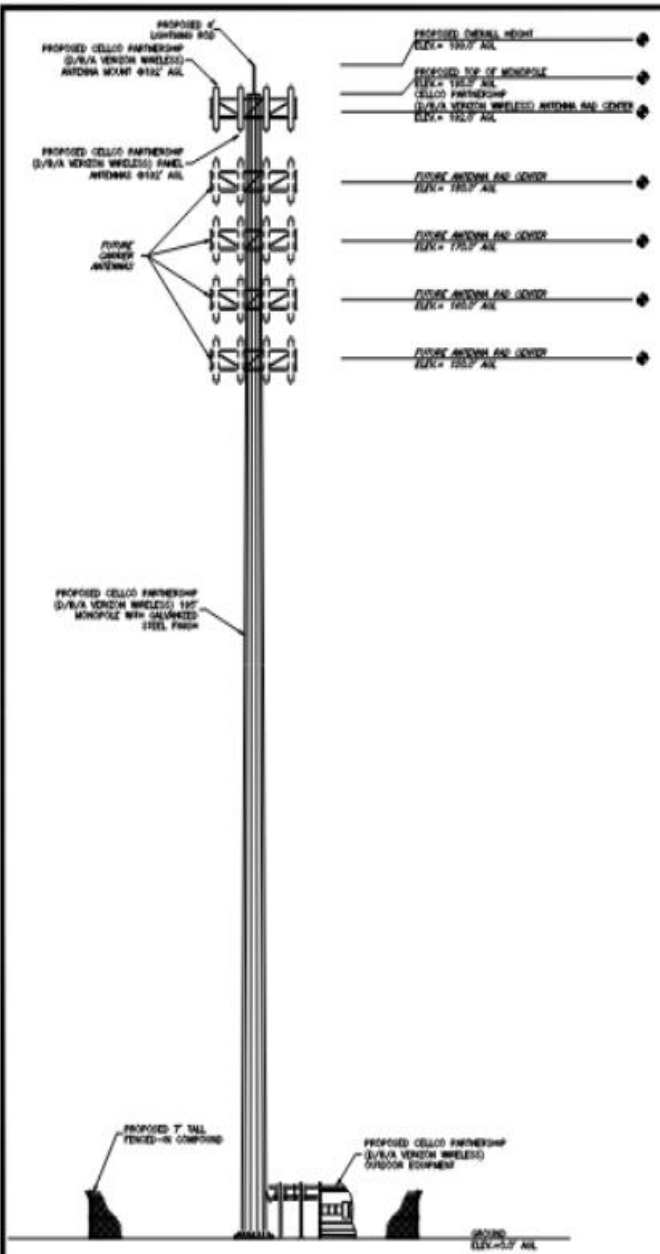
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #0402122

SHEET TITLE

ENLARGED SITE PLAN

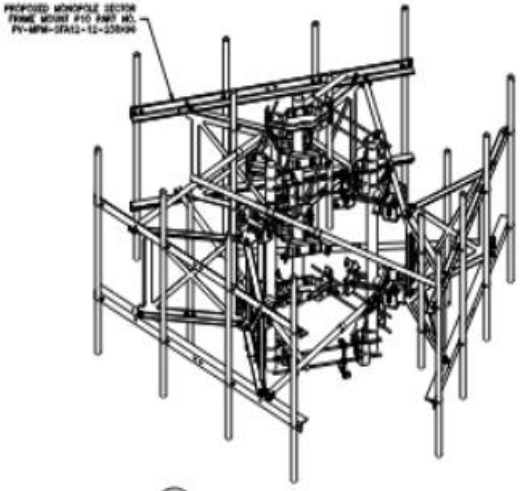
SHEET NUMBER

Z-2




1 C-2 ELEVATION
SCALE: 1/32" = 1'

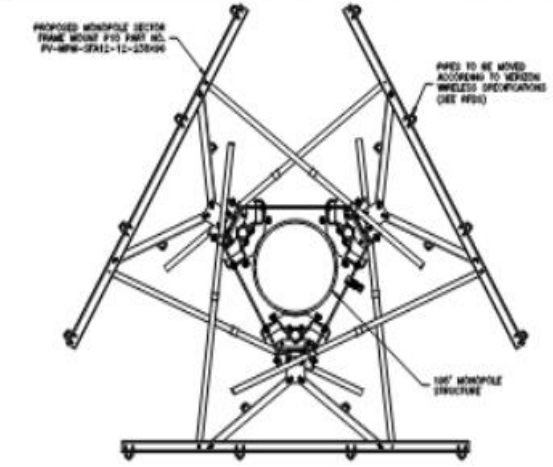
GRAPHIC SCALE




2 C-2 ISOMETRIC MOUNT DETAIL
SCALE: NTS

NOTE:
1. TIEBACKS MUST BE CONNECTED TO A RING MEMBER THAT PROVIDES ADEQUATE SUPPORT WITHIN THE LIMITS NOTED IN THE TIEBACK ANGLE RANGE DETAIL.
2. PROPOSED COLLAR IS SUITABLE FOR MONOPOLE DIAMETERS 10'9"-60"ø.

NOTE: THE P10 PV-MPM-SFA12-12-238x96 MOUNT MEETS BOTH VERIZON WIRELESS'S MOUNT CLASSIFICATION STANDARD "SS10-48" MINIMUM CRITERIA FOR THE 200MPH MARKET WHICH IS
1. M1400R-48C AND M1000R3-48
2. THIS DESIGNATION MUST BE INSTALLED ON THE MOUNT VIA A METAL TAG




3 C-2 PLAN VIEW MOUNT DETAIL
SCALE: NTS

## GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
8. TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/TIA 222-H REQUIREMENTS.
9. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
10. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
11. IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
12. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
13. PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT OR MODIFICATION OF THE EXISTING STRUCTURE, A STRUCTURAL ANALYSIS SHALL BE PERFORMED BY THE OWNER'S AGENT TO CERTIFY THAT THE EXISTING/PROPOSED COMMUNICATION STRUCTURE AND COMPONENTS ARE STRUCTURALLY ADEQUATE TO SUPPORT ALL EXISTING AND PROPOSED ANTENNAS, COAXIAL CABLES AND OTHER APPURTENANCES.
14. PROPERTY LINE INFORMATION WAS PREPARED USING DEEDS, TAX MAPS, AND PLANS OF RECORD AND SHOULD NOT BE CONSTRUED AS AN ACCURATE BOUNDARY SURVEY.
15. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
16. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
17. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
18. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
19. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
20. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.

NOTE:
THE TOWER STRUCTURE HAS NOT BEEN EVALUATED BY NETWORK BUILDING AND CONSULTING EE AND WILL NEED TO BE ANALYZED WITH ALL PROPOSED LOADING BY A PROFESSIONAL ENGINEER PRIOR TO INSTALLATION.

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ENGINEER

NB+C
TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.

APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

CLAIBORNE
VERIZON NEW BUILD
3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

DESIGN RECORD

REVISIONS

| REV | DATE | DESCRIPTION | BY |
|---|---|---|---|
| 5 | 07/13/21 | ADDRESS | CCC |
| 4 | 03/19/21 | TITLE/ADD | CCC |
| 3 | 03/08/21 | ADDRESS | ALS |
| 2 | 09/17/20 | ADDRESS | CCC |
| 1 | 4/14/19 | ADDRESS | DCB |
| 0 | 04/11/19 | PRELIMINARY | DCB |

PROFESSIONAL STAMP

JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #082123

ENGINEER

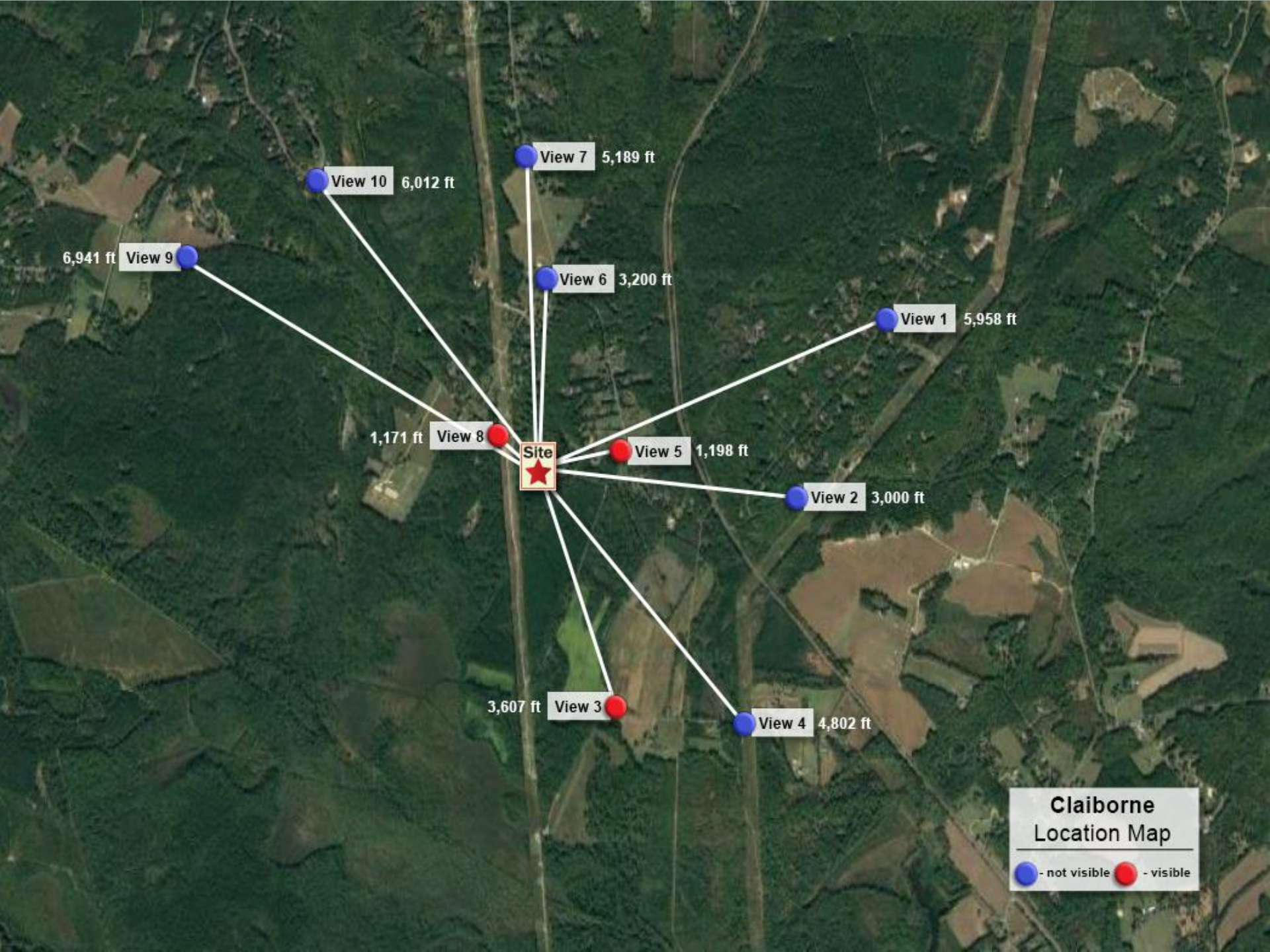
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #082123

SHEET TITLE

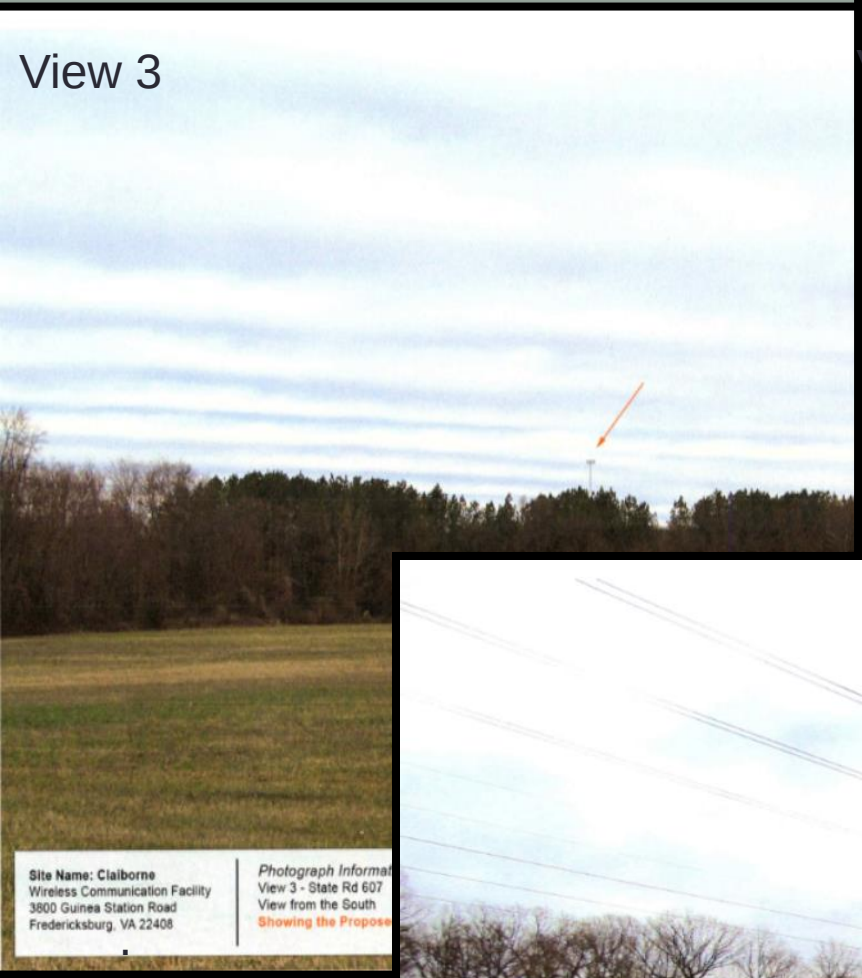
TOWER ELEVATION, DETAILS & NOTES

SHEET NUMBER

C-2


View 7 5,189 ft
View 10 6,012 ft
6,941 ft View 9
View 6 3,200 ft
View 1 5,958 ft
1,171 ft View 8
Site
View 5 1,198 ft
View 2 3,000 ft
3,607 ft View 3
View 4 4,802 ft
Claiborne
Location Map
- not visible
- visible

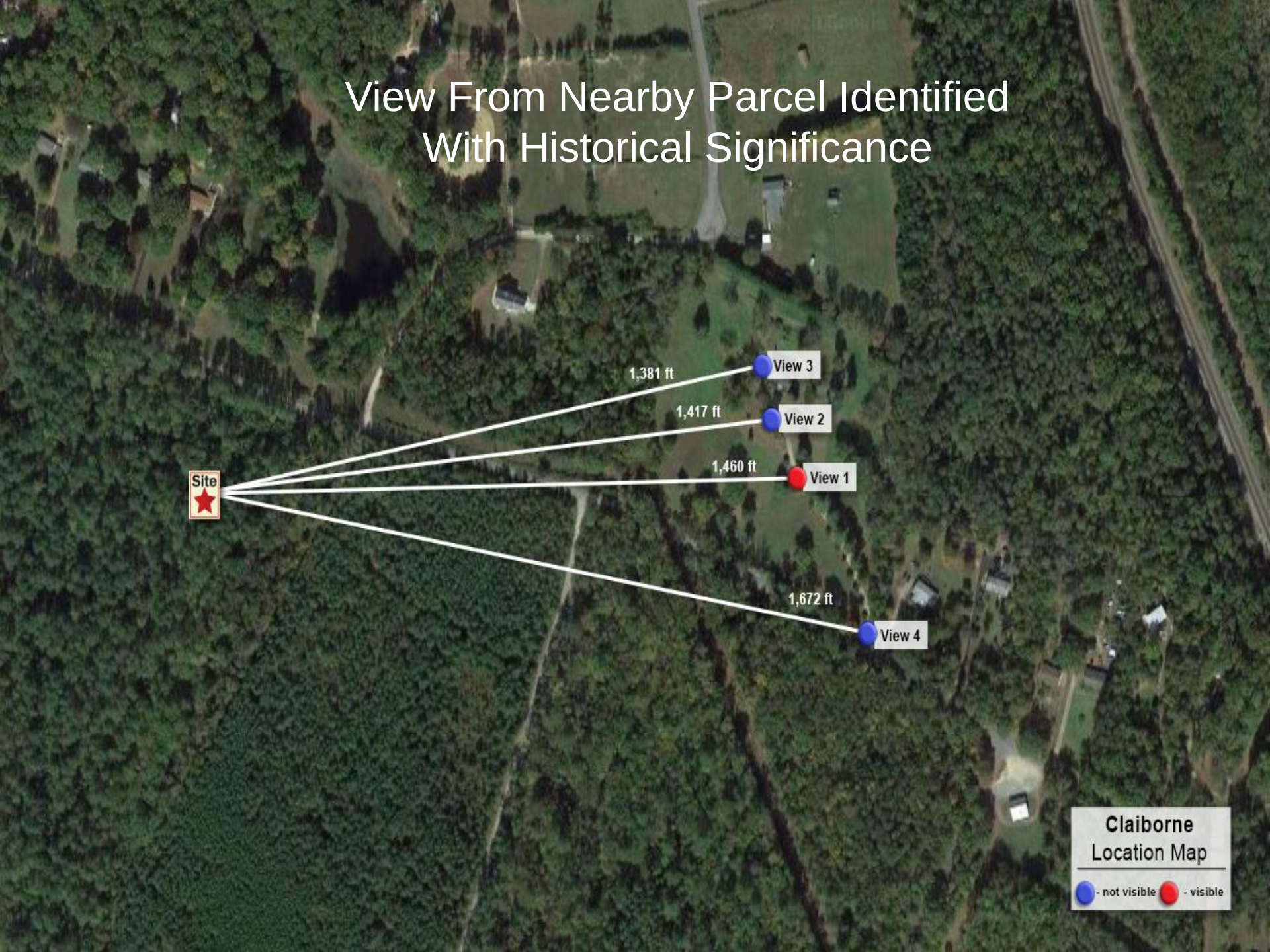
View 3




View 5

View 8

# View From Nearby Parcel Identified With Historical Significance



View 1

**Site Name: Claiborne**
Wireless Communication Facility
3800 Guinea Station Road
Fredericksburg, VA 22408

*Photograph Information:*
View 1
View from the East
Showing the Proposed Site

NB+C
TOTALLY COMMITTED

## *SUP21-0002 - "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

*Berkeley Voting District*

# Findings

## In Favor:

- The proposal is consistent with the Comprehensive Plan with respect to encouraging the provision of fiber optic cable and other technological infrastructure throughout the Primary Development Boundary, and to the extent feasible, the County as a whole.
- The proposal satisfies all of the Special Use standards of review as established in Sec.23-4.5.7 of the County's Zoning Ordinance.
- The proposal will enhance telecommunication coverage and products available for citizens and tourists.
- The proposal will encourage the retention and expansion of existing rural business operations.
- Proposed right-of-way dedication is favorable for future road improvements.
- Vegetative screening is expected to reduce the immediate visibility of the tower site from ground level when factoring in the 30' vegetative buffer along Guinea Station Road and tree preservation and reforestation in prior cleared areas within the lease area and outside of the actual tower compound. This is a favorable mitigation considering Guinea Station Road as a Civil War Trail, Scenic Byway, and within the Rural Residential land use area.

# *SUP21-0002 - "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

*Berkeley Voting District*

## Findings

**Against**:

- Height of tower will inevitably exceed the height of the natural tree canopy and is expected to be visible from some vantage points generally in close proximity to the site as exhibited by the project renderings resulting from prior balloon flights.

## *SUP21-0002 - "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

*Berkeley Voting District*

## Recommendation

- The Planning Commission reviewed the proposal in accordance with the Code of Virginia, Sec. 15.2-2232 and determined that the facility's location, character, and extent are substantially in accord with the Comprehensive Plan and with a vote of 6-0 recommend approval of SUP21-0002 with the following conditions:

# *SUP21-0002 - "Claiborne Cell Tower"*

*Owner: Gilman Land and Timber LLC*

*Applicant: Cellco Partnership*

*Berkeley Voting District*

## Recommended Conditions:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Verizon, Site Name: Claiborne, 3800 Guinea Station Road Fredericksburg, VA 22408, Spotsylvania County" dated April 11, 2019 and last revised, May 10, 2021.
2. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant or its successors-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.
4. The variable width right of way along Guinea Station Road (Route 607), as identified on the GDP, will be dedicated to the County as part of the site plan review and approval process for the telecommunications facility, in accordance with the applicable County requirements and procedures.
5. The 100-foot vegetation preservation buffer as depicted on sheet Z-2 of the GDP will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road as identified on the GDP.

# County of Spotsylvania
## Department of Planning
## Staff Report

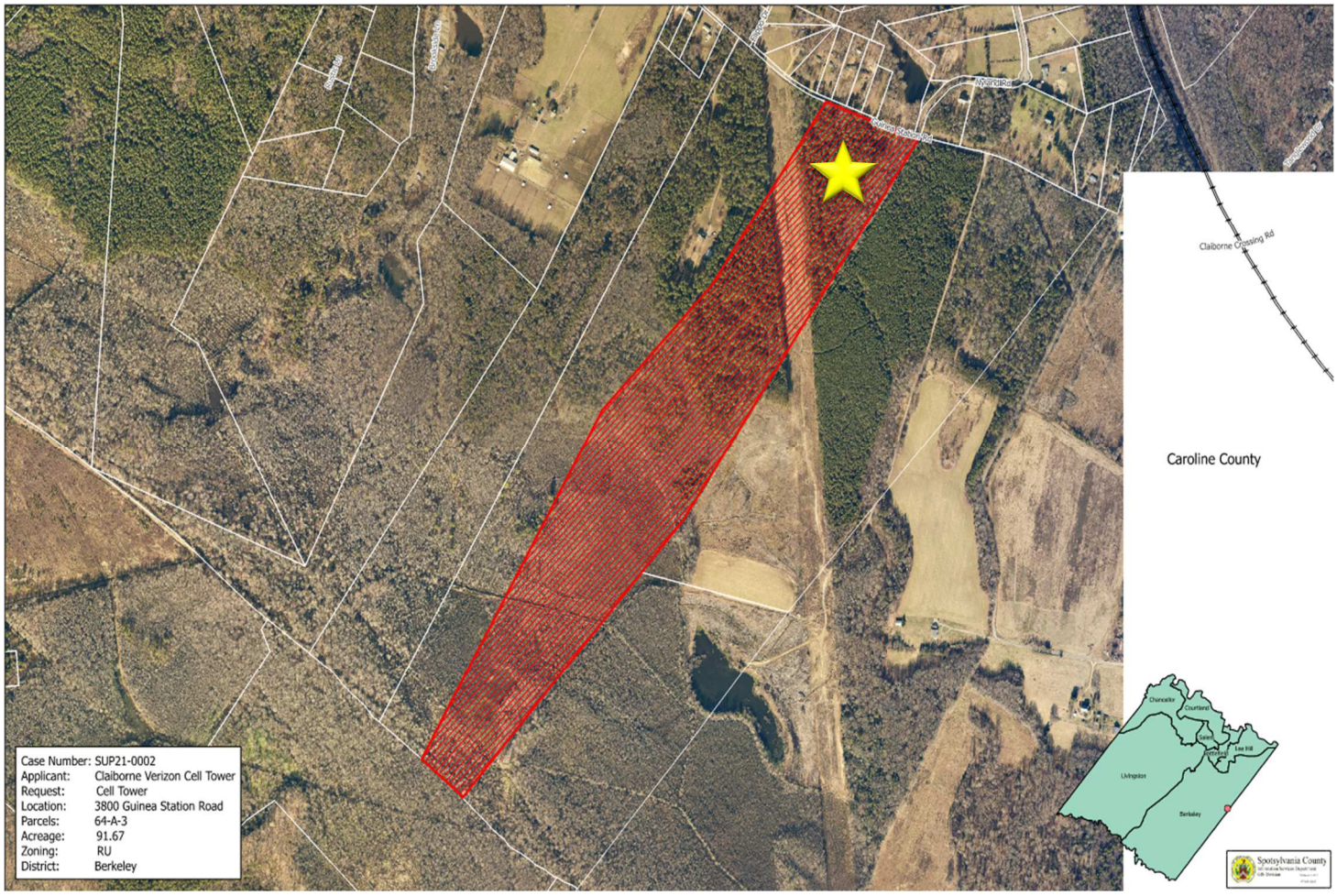
SUP21-0002
(Berkeley Voting District)

**Board of Supervisors**
**July 27, 2021**

| | |
|---|---|
| Planning Commission Recommendation: | The Planning Commission found SUP21-0002 substantially in accord with the Comprehensive Plan and recommended approval of the Special Use Permit with conditions, with a vote of 6-0. |
| Staff Recommendation: | Staff recommends approval of the Special Use Permit with conditions. |
| Project: | "Claiborne Cell Tower" |
| Owner | Gilman Land and Timber LLC |
| Applicant: | Cellco Partnership |
| Request: | The applicant requests a Special Use permit for a 195-foot monopole telecommunication tower with 4-foot lightning rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District. In addition, the Planning Commission must review the proposal in accordance with the Code of Virginia, Sec. 15.2-2232, to determine whether the proposed facility is in substantial accord with the Comprehensive Plan. |
| Tax Map Parcel(s): | 64-A-3 |
| Location: | The property is addressed as 3800 Guinea Station Road and is located on the south side of Guinea Station Road (Route 607) approximately 706 feet east of Flippo Drive (Route 634) and approximately 1,500 feet west of the Caroline County line. |
| Zoning Overlay: | None |
| Future Land Use Designation: | Rural Residential |
| Historic Resources: | None identified |
| Date Action Required: | August 12, 2021 (The Board has 150 days from a complete application to make their decision per Federal Telecommunications Act Section 332(c)(7)(B)(11)). |
| Community Meetings: | The applicant held a community meeting regarding this proposal on February 6, 2020. There was only one concern expressed during the meeting regarding the site selection process, particularly whether adjacent parcels had also been considered. |

**Figure 1: Zoning Map**

**Figure 2: Aerial Map**



## I. Project Summary

The telecommunications facility is proposed in the northernmost section of the approximately 91.76-acre parcel currently zoned Rural (RU) District. The subject parcel is a vacant heavily wooded parcel with a large swamp at the southwest corner and a 200-foot Dominion Power easement running diagonally from the northwestern corner to the southeastern corner. The subject parcel is bordered to the north by single family residential properties in the Nyland Subdivision and Nyland Estates, with the closes residence being approximately 450-feet from the tower. The Nyland Subdivision and Nyland Estates residential lots that are adjacent to the subject parcel are zoned RU and range in size from 1 to 5 acres. To the west the subject parcel is bordered by a large single family detached residential lot and to the east and to the south by large heavily wooded vacant parcels, all zoned RU.

As proposed the 195-foot monopole communication tower will be topped by a 4-foot lightning rod, for a total of 199 feet in height. The Generalized Development Plan (GDP) depicts that the tower will be located within a 2,500 square foot compound that will be constructed approximately 180 feet from the ultimate right of way of Guinea Station Road. A 7-foot tall chain link fence topped with 12 inches of barbed wire as an anti-climbing device is shown surrounding the proposed compound. The site will be accessed through a proposed 12-foot wide private access road from Guinea Station Road (Route 607). The GDP also depicts approximately 0.16 acres (6,970 square feet) to be dedicated for future right of way. The proposed tower is located approximately 356 feet from the eastern property line, approximately 5,703 feet from southern property line, approximately 419 feet from the western property line and approximately 211 feet from the proposed property line (upon dedication of the future right of way) along Guinea Station Road. Based on the images from the balloon test, the top portion of the tower will be visible approximately 1,198 feet east, approximately 1,171 feet northwest, and approximately 3,607 feet south of the site. Guinea Station Road is part of a designated Civil War Trail and is recognized as a Scenic Byway. In an attempt to provide screening at the ground level, protecting the view shed; the applicant shows a 30-foot street buffer, consisting of existing vegetation, along Guinea Station Road which exceeds the required 15-foot street buffer. In addition to the street buffer which is along the property's frontage, the GDP also depicts a 100-foot vegetation preservation buffer surrounding the proposed lease area and compound which will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road that is also identified on the GDP.

The applicant's GDP depicts the proposed antennas for Verizon located at a height of 192-feet above ground level (AGL) and allows for at least four future co-locations at 180-feet, 170-feet, 160-feet, and 150-feet AGL respectively. The height of the monopole was determined by the applicant to be the lowest possible height that will eliminate current network deficiencies and provide state of the art capacity for its voice and data services. Prior to determining that a new facility was necessary to satisfy its service objective, the applicant considered co-location on a Dominion Virginia Power structure. Verizon determined the facility was not structurally capable of supporting the antenna or equipment and the facility would not enable Verizon to satisfy its service objectives.

## II. Spotsylvania County Comprehensive Plan Analysis

The Planning Commission must review the proposal in accordance with the Code of Virginia, Sec. 15.2-2232 to determine whether the facility's location, character, and extent are substantially in accord with the Comprehensive Plan. Staff offers the following analysis:

**Location:** The Telecommunications Tower proposal being considered for a Special Use permit is located outside of the limits of the Primary Development Boundary. The Primary Development Boundary defines the area within which public water and sewer utilities will be provided. The Primary Development Boundary is shown on the Future Land Use Map of the Comprehensive Plan. Land within the boundary is intended to develop with higher residential densities and more intensive non-residential uses than outside of the boundary. By maintaining a Primary Development Boundary, the County encourages the most efficient use of the land while preserving the rural character. Given the nature of telecommunications infrastructure necessary to provide services across wide geographies, such uses are generally compatible with lands within and outside of the limits of the Primary Development Boundary.

The project area has a rural residential land use designation as per the Future Land Use Element of the Comprehensive Plan. The rural residential designation encompasses most of the area outside the Primary Development Boundary. In general, rural residential development has a density of one unit per two acres and greater, including large lot residential, cluster development, farms, and forestland. These properties are served by private wells and septic systems. The preservation of land through conservation easements or preservation methods defined by the County Code may also be appropriate within this land use.

The project is consistent with the land use designation. Telecommunications infrastructure benefits emergency responders, all land uses and the motoring public. Like other prior approved telecommunications towers outside of the Primary Development Boundary with similar land use designations, such infrastructure is suited for a wide array of land use designations across geography, generally.

Considering location, the proposal meets Comprehensive Plan Introduction and Vision Chapter Guiding Principles and Policies A.2, "[to] Support the installation of broadband internet, telecommunications infrastructure, microwave towers, fiber optics, and similar communications systems that meet an identified need for communications support for businesses throughout the County", and Land Use Chapter Policies Applicable to All Land Uses 7: "[To encourage] the provision of fiber optic cable and other technological infrastructure throughout the Primary Development Boundary, and to the extent feasible, the County as a whole". Also, from a Land Use perspective the proposal complements Policies 6 and 7 of the Commercial Land Use Designation: "[To] encourage the retention and expansion of existing business operations…" and "[To] encourage non-retail commercial operations."

Location is also favorable due to findings of no negative impacts to historic resources, environmental resources and wildlife habitats. Pursuant to Comprehensive Plan Introduction and Vision Guiding Principles and Policies B.4 "[To] preserve significant…historic, and cultural resources…", and Historic Resources Chapter Policy 2, "[To] …support projects that consider and mitigate the impact of development projects on historic and cultural resources…", the NEPA study has verified that "no historic properties existed within the direct Area of Potential Effect (APE), and that the tower would have no effect on historic properties within the visual APE (Area of Potential Effect)." The proposed project was also found to have "no statement of interest from any

Indian tribe". There are no identified primary, secondary, or tertiary priority Civil War Related lands documented in or around this site. Staff notes that Guinea Station Road is part of a designated Civil War Trail and is a recognized Scenic Byway. As a result, the location of the proposal just off Guinea Station Road warranted further exploration of potential impacts of the proposal along the corridor considering the location of the proposal resulting in visual or character impacts of concern. Staff reached out to the Fredericksburg and Spotsylvania National Military Park (NPS), Civil War Trails, VDOT and the Virginia Department of Conservation and Recreation concerning potential impacts of this proposal. No concerns of significance were raised. From a County perspective as steward of its historic resources and character, the applicant has positively agreed to expand the depth of a forested buffer between Guinea Station Road and the tower compound from twenty to thirty feet since initial application, preserving existing vegetation onsite. This enhanced screening depth is expected to reduce the immediate visibility of the tower site from ground level. Trees along the road frontage are generally tall pines without significant underbrush resulting in expected visibility towards the site with no certainties for vegetation retention beyond the 30' buffer. To enhance screening, staff identified the area within the lease area but outside of the tower compound as an area where tree preservation, additional plantings, or natural reforestation may be well suited for expanded screening and buffering.

Pursuant to Natural Resources Policy 1, "[To] balance the protection of environmental resources and natural wildlife habitats with development", staff notes correspondence with the Virginia Department of Game and Inland Fisheries notes "Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR § 17.40(o) [as determined through the Information, Planning, and Consultation System (IPaC) northern long-eared bat assisted determination key]". The Virginia Department of Conservation and Recreation (DCR) noted the activity will not affect any documented state-listed plants or insects. Through DCR's review, a note was made recognizing the area as part of a mapped Ecological Core C5 (least ecologically relevant for tier purposes) threatened with fragmentation resulting from project installation. As noted earlier, the applicant has proposed to enhance transitional screening between Guinea Station Road and the compound. This area includes a partially deforested area in front of the compound to reduce fragmentation concern. The applicant has positively agreed to expand the depth of a forested buffer between Guinea Station Road and the tower compound from twenty to thirty feet since initial application, preserving existing vegetation onsite. This enhanced screening depth is expected to reduce the immediate visibility of the tower site from ground level and reduce the extent of cited fragmentation. This enhanced screening depth is expected to reduce the immediate visibility of the tower site from ground level. Trees along the road frontage are generally tall pines without significant underbrush resulting in expected visibility towards the site with no certainties for vegetation retention beyond the 30' buffer. To enhance screening, staff identified the area within the lease area but outside of the tower compound as an area where tree preservation, additional plantings, or natural reforestation may be well suited for expanded screening and buffering.

**Character:** On balance, the proposal meets Land Use Policy 8: "Redevelopment and investment in existing developed areas should be encouraged provided that the development does not adversely impact adjoining properties." The proposed tower would stand within an existing forested area. As a result, much of the tower except for the structure that rises above the tree line, will be screened with existing vegetation. Presence of surrounding woodlands is a positive element of this proposal as it reduces character impacts on the immediate surroundings. Staff notes that the

applicant has considered visibility impacts and in the interest of reducing contrast against the surroundings as noted in the project narrative "VZW is proposing a monopole design for the facility, which is much less visually obtrusive than other tower designs while still being able to meet the coverage objectives of the site. The monopole will be a matte galvanized steel, which will help blend the portion of the facility above the existing tree line with the sky." Additionally, per the project narrative "antennae shall be neutral, non-reflective color with no logos".

Staff notes that Guinea Station Road is part of a designated Civil War Trail and is a recognized Scenic Byway. As a result, the location of the proposal just off Guinea Station Road warranted further exploration of potential impacts of the proposal along the corridor considering the location of the proposal resulting in visual or character impacts of concern. Staff reached out to the Fredericksburg and Spotsylvania National Military Park (NPS), Civil War Trails, VDOT and the Virginia Department of Conservation and Recreation concerning potential impacts of this proposal. No concerns of significance were raised. From a County perspective as steward of its historic resources and character, the applicant has positively agreed to expand the depth of a forested buffer between Guinea Station Road and the tower compound from twenty to thirty feet since initial application, preserving existing vegetation onsite. This enhanced screening depth is expected to reduce the immediate visibility of the tower site from ground level. This enhanced screening depth is expected to reduce the immediate visibility of the tower site from ground level. Trees along the road frontage are generally tall pines without significant underbrush resulting in expected visibility towards the site with no certainties for vegetation retention beyond the 30' buffer. To enhance screening, staff identified the area within the lease area but outside of the tower compound as an area where tree preservation, additional plantings, or natural reforestation may be well suited for expanded screening and buffering.

Resulting from balloon flight and staff visit to the site on multiple occasions the tower is not expected to be visible from distant locations. Topography and existing tree cover help shield the extent of visibility to the immediate area mostly.

At 199' (including lightning rod), the tower will inevitably exceed the height of the natural tree canopy and is expected to be visible from some vantage points exhibited by the project renderings resulting from prior balloon flights generally in close proximity to the project, and additional private property and residence locations not readily available for similar simulations. For examples, see balloon test tower renderings View 3, 5, 8. The nearby residences are chiefly located along the north side of Guinea Station Road extending from the Caroline County line to Church Pond Road where the balloon flight identified visibility. The homes are located on a higher elevation and look down upon Guinea Station Road and lands to the south. This stretch of road includes Nyland (DHR ID 088-0100), a mid-19$^{th}$ century home of historic significant identified as National Register of Historic Places eligible. Additional illustrative renderings of the tower based on the balloon flight were added considerate of the historic property. Of the 4 viewing sites from Nyland, 1 location was identified where the tower would be visible.

**Extent:** The proposed monopole tower structure is 199' (including a 4' lightning rod). This is a height typically seen for towers though the County has seen shorter projects in the past. Topography is often a factor to determine height. The applicant has confirmed that the proposed centerline for its antenna array is 192' which is the lowest height possible to meet its coverage objectives. The project includes a 199' vertical element within a 50' x 50' square foot secured telecommunications compound, accessed via a 12' wide access-way from Guinea Station Road.

The extent of this project is not a-typical. This project is designed for the ability to collocate additional carriers on the same tower in the future. This is considered positive as it reduces the likelihood/need for additional tower construction nearby in the foreseeable future.

**Note:** As per Code Sect. 23-4.5.1, Uses that are designated as "special uses" are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the county as a whole, require individual consideration of their design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location. Special uses are subject to Sect. 23-4.5.7, Standards of Review.

## III. Special Use Standards of Review

Section 23-4.5.7 of the County Zoning Ordinance outlines eight standards that shall be met by an application for consideration of approval. The following table details those standards with staff comments.

| STANDARDS OF REVIEW FOR SPECIAL USE APPROVAL | |
|---|---|
| **STANDARD** | **STAFF COMMENT** |
| 1. Proposed use is in accord with the comprehensive plan and other official plans adopted by the county. | The project is consistent with the land use designation. Telecommunications infrastructure benefits emergency responders, all land uses and the motoring public. Like other prior approved telecommunications towers outside of the Primary Development Boundary with similar land use designations, such infrastructure is suited for a wide array of land use designations. The project area has a rural residential land use designation as per the Future Land Use Element of the Comprehensive Plan. The rural residential development supports densities of one unit per two acres and greater, including large residential lots, cluster development, farms, and forestland. The proposed tower will be located within an existing forested area. As a result, much of the tower except for the structure that rises above the tree line, will be screened with existing vegetation. The presence of the surrounding woodlands is a positive element of this proposal as it reduces impact on the character of the immediate surroundings. |

| | |
|---|---|
| 2. Proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area. | The subject parcel is a vacant heavily wooded parcel with a large swamp at the southwest corner and a 200-foot Dominion Power easement running diagonally from the northwestern corner to the southeastern corner. The subject parcel is bordered to the north by single family residential properties ranging in size from 1 ac to 5 acres within the Nyland Subdivision and Nyland Estates, both zoned RU. To the west the subject parcel is bordered by a large single family detached residential lot and to the east and to the south by large heavily wooded vacant parcels, all zoned RU. The proposed tower compound encompasses less than 1% of the total parcel acreage and is sited more than 200' from Guinea Station Road and the 30' of existing vegetation along the frontage will be preserved. The tower except for the structure that rises above the tree line, will be screened with existing vegetation. The presence of the surrounding woodlands is a positive element of this proposal as it reduces character impacts on the immediate surroundings. |
| 3. Proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. | In rural residential areas such as the project area telecommunications infrastructure can encourage the appropriate development of adjacent land as the proposed facility will support the public's increased use of wireless devices for person, business, and educational needs. Staff does note the potential visual impacts as Guinea Station Road is part of a designated Civil War Trail and is recognized as a Scenic Byway. In an effort to ensure that the site is adequately screened at ground level view, protecting the view shed; the applicant's GDP shows a 30-foot street buffer along Guinea Station Road which exceeds the required 15-foot street buffer. In addition to the street buffer which is along the property's frontage, the GDP also depicts a 100-foot vegetation preservation buffer around the proposed lease area which will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road that is also identified on the GDP. |
| 4. Proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood. | The proposed use is not expected to affect the health or safety of persons within adjacent neighborhoods. The closes residential structures |

| | |
|---|---|
| | are located approximately 450-feet north of the tower across Guinea Station Road. The proposed use will support the County's emergency communications efforts. |
| 5. Proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood. | The proposed use is not expected to be detrimental to the public welfare or to property or improvements within the neighborhood. |
| 6. Proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities. | The proposed use is appropriately sited with respect to these facilities. |
| 7. Proposed use will not cause undue traffic congestion or create a traffic hazard. | The proposed use is not expected to cause any significant additional congestion or hazards to the existing road network; however, staff notes the need for a low volume commercial entrance. |
| 8. Proposed use will have no unduly adverse impact on environmental or natural resources. | The proposed use will have no unduly adverse impact on environmental or natural resources. |

## IV. Findings

In Favor:

- The proposal is consistent with the Comprehensive Plan with respect to encouraging the provision of fiber optic cable and other technological infrastructure throughout the Primary Development Boundary, and to the extent feasible, the County as a whole.
- The proposal satisfies all of the Special Use standards of review as established in Sec.23-4.5.7 of the County's Zoning Ordinance.
- The proposal will enhance telecommunication coverage and products available for citizens and tourists.
- The proposal will encourage the retention and expansion of existing rural business operations.
- Proposed right-of-way dedication is favorable for future road improvements.
- Vegetative screening is expected to reduce the immediate visibility of the tower site from ground level when factoring in the 30' vegetative buffer along Guinea Station Road and tree preservation and reforestation in prior cleared areas within the lease area and outside of the actual tower compound. This is a favorable mitigation considering Guinea Station Road as a Civil War Trail, Scenic Byway, and within the Rural Residential land use area.

Against:

- Height of tower will inevitably exceed the height of the natural tree canopy and is expected to be visible from some vantage points generally in close proximity to the site as exhibited by the project renderings resulting from prior balloon flights.

## V. Staff Recommendation and Conditions

Based on staff's analysis, the proposal is substantially in accord with the Comprehensive Plan. Therefore, staff recommend approval of SUP21-0002 with the following conditions:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Verizon, Site Name: Claiborne, 3800 Guinea Station Road Fredericksburg, VA 22408, Spotsylvania County" dated April 11, 2019 and last revised, May 10, 2021.
2. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant or its successors-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.
4. The variable width right of way along Guinea Station Road (Route 607), as identified on the GDP, will be dedicated to the County as part of the site plan review and approval process for the telecommunications facility, in accordance with the applicable County requirements and procedures.
5. The 100-foot vegetation preservation buffer as depicted on sheet Z-2 of the GDP will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road as identified on the GDP.

**June 16, 2021 Planning Commission Update:**

During the Public Hearing, staff read a letter submitted from an adjacent property owner expressing their desire for the applicant to extend fiber optic connectivity to their parcel and their concern that all residents impacted by the tower should in return gain access to high speed internet.

Ms. Maddox made a motion to find that the facility's location, character and extent is substantailly in accord with the Comprehensive Plan; the motion was seconded by Ms. Carter and the motion passed with the Planning Commission voting 6-0.

Ms. Maddox made a motion to recommed approval of SUP21-0002 to the Board of Supervisors with conditions; the motion was seconded by Ms. Carter and the motioned passed with the Planning Commission voting 6-0.

07/01/2019

**SPECIAL USE APPLICATION**
**(Please type or print)**

Date:_____ Case:_____

| | | |
|---|---|---|
| 110-0000-316-16-08 (395) | Mailing | $_____ |
| 260-0000-318-99-14 | Intake Process. Fee | $ 65.00 |
| 110-0000-316-16-08 (395) | Planning | $_____ |
| 110-0000-316-16-10 (334) | GIS | $ 190.00 |
| 260-0000-313-03-45 | Zoning | $ 455.00 |
| | **Total Filing Fee:** | _____ |

Cellco Partnership (d/b/a Verizon Wireless)
Applicant's Name

1831 Rady Court
Applicant's Address

Richmond, VA 23222
City, State, Zip Code

jholland@nbcllc.com
Applicant's E-mail Address

(757) 817-6628
Applicant's Telephone No.

David Beniamino / Jeff Holland
Agent's Name (Point of Contact for Application)

120 Eastshore Drive, Suite 300
Agent's Address

Glen Allen, VA 23059
City, State, Zip Code

jholland@nbcllc.com
Agent's E-mail Address

(757) 817-6628
Agent's Telephone No.

**Property Owner Information:**

**If Applicant is not the owner, attach documentation of owner's consent**

Gilman Land and Timber LLC
Name

13423 Farrington Road — Ashland, VA 23005 — Telephone No.
Address — City, State, Zip Code

Parcel Location: 3800 Guinea Station Road, Fredericksburg, VA 22408

Tax Map Parcel Number: 64-A-3 Acreage: 91.76 ac

Zoning District: RU (Rural District) Overlay District: N/A

Proposed Use: 199' wireless communications facility

*To: The Board of Supervisors of Spotsylvania County, Virginia. The above named applicant(s) hereby petition(s) for the approval indicated above for the described property and as shown on the attached materials made a part of this Application.*

I hereby certify by my signature below that I am the owner of record of the named property or that I am authorized to act on behalf of all the owners of record of the named property to execute this application. I further certify that all information I have provided thereon is complete and accurate. I agree on behalf of myself and all owners to conform to the Zoning Ordinance, Subdivision Ordinance, Virginia Uniform Statewide Building Code, Erosion Ordinance, Chesapeake Bay Preservation Ordinance, the Water and Sewer Construction Specifications of Spotsylvania County, and all other applicable laws and regulations of this jurisdiction.

David Beniamino — 2/4/21 — David Beniamino
Signature of Owner or Agent with POA* — Date — Print Name

_____ — _____ — _____
Signature of Owner or Agent with POA* — Date — Print Name

**I have read this Application, understand its intent and freely consent to its filing. Futhermore, I have the power to authorize and hereby grant permission for Spotsylvania County Officials and other authorized government agents on official business to enter the property to process this Application.*

Voting District:_____ Census Tract:_____ Traffic Analysis Zone:_____
(To be completed by the Planning Department after submission)

**Cellco Partnership (d/b/a Verizon Wireless) Special Use Permit Application**
**Site Name: Claiborne**
**3800 Guinea Station Road**
**Fredericksburg, VA 22408**
**Parcel #64-A-3**
**Zoning District: Rural (RU)**

## Project Narrative

Pursuant to Section 23-6.24.3(39) of the Spotsylvania County Zoning Ordinance, Cellco Partnership, d/b/a Verizon Wireless (hereinafter "VZW") seeks a Special Use Permit from the Spotsylvania Board of Supervisors for the proposed wireless telecommunication facility, as described herein ("Facility"). The proposed installation is critical to VZW's goal of providing state of the art capacity for its voice and data services, including wireless broadband, along Guinea Station Road (SR 607) in Spotsylvania County. As indicated on the aerial network map included as a part of this submission package ("Network Map"), antennas operating on the proposed Facility will connect with antennas being operated by the Applicant on the following existing towers, which are the only towers in proximity to the proposed Facility: (1) a 200 foot self-support tower (VZW site name: Massaponax) at the intersection of Massaponax Church Road and Interstate 95 approximately 3 miles to the northwest; (2) a 250 foot self-support tower (VZW site name: Lock's Corner) on Fredericksburg Turnpike in Bowling Green, VA approximately 4.17 miles to the east; and (3) a 285' guyed tower (VZW site name: Nancy Wright) on Jefferson Davis Highway in Woodford, VA approximately 5.16 miles to the southwest.

Like the networks of all other wireless carriers, VZW's network of antenna sites are largely based on the use of existing towers and tall structures, built by VZW and other wireless carriers and tower companies. Before determining that a new tower was necessary to satisfy its service objectives, the Applicant first searched the area around the pin labeled, "Guinea Station Road" on the Network Map, for existing towers and/or tall structures on which it could co-locate its antennas. There is only one structure within the search area on which VZW is not currently co-located. That structure is a Dominion Virginia Power structure, which is too short to enable VZW to satisfy its service objectives and is structurally incapable of supporting VZW's antennas and equipment. Because there are no other existing towers or tall structures in the search area on which VZW could locate its antennas, VZW is seeking this Special Use Permit from the Board of Supervisors in order to construct a galvanized steel monopole tower, which will not be marked or lit, adjacent to a vegetated portion of the subject property.

The location of the proposed communication facility is currently zoned as part of the Rural District (RU). Under Section 23-6.24.3(39) of the Spotsylvania County Zoning Ordinance, Telecommunication facilities are permitted by approval of a Special Use Permit.

## Facility Description

As shown in the attached Site Plan, prepared by John Daughtrey, PE, Network Building + Consulting, LLC, and dated September 17, 2020, VZW proposes to construct a 195' tall monopole style wireless telecommunications facility (the "communications facility") within a small leased area on the subject parcel. VZW's antennas, cables and related equipment will be attached to the monopole on a platform mounted at a centerline height of 192' above ground level (AGL). A four (4) foot tall lightening rod will be attached to the monopole for a total height of 199' AGL.

The proposed Facility would be located in the northernmost section of the above referenced 91.76 acre parcel within VZW's 100' x 100' leased area containing a 50' x 50' fenced equipment compound. The Facility will be accessed by a 12' gravel access drive (within a 20 utility and access easement) off of Guinea Station Road (SR 607).

The closest property lines to the east, west and south contain stands of existing mature hardwood trees that will screen the fenced compound and large portions of the Facility from the neighboring properties. Properties to the north, across Guinea Station Road, contain residential uses that will be screened from the Facility by an existing stand of mature hardwood trees.

The proposed Facility will operate continuously and will not require any occupants or employees on site. The Facility will be serviced by a technician on a monthly basis or during a service outage so there will be no impact on traffic in this area.

**Compliance with the Spotsylvania County Zoning Ordinance**

**Sec. 23-7A.3.3. - Special use permit review process.**

Prior to submitting an application for a special use permit, the applicant shall:

(a) Meet with the director of planning to discuss all aspects of the proposal.

***Representatives from VZW met with Spotsylvania County staff on August 15, 2019 to discuss all aspects of the proposal and hear feedback regarding the proposal.***

(b) Conduct a balloon test:

- The balloon shall be a minimum five (5) feet in diameter and be of a highly visible color.
- The balloon shall be flown during daylight hours for two (2) consecutive days.
- An alternate date shall be planned for in the event that the weather is not conducive to a balloon test.
- The applicant is responsible for securing all FAA approvals prior to this demonstration.

***A balloon test conforming to the requirements of 23-7A.3.3(b) of the Spotsylvania Zoning Ordinance was held on January 28th 2020 and January 30, 2020, as the previously scheduled date of the second consecutive day on January 29, 2020 was canceled due to inclement weather. After the community meeting was held by VZW representatives, one additional balloon test was held for the purpose of generating an additional set of photo simulations from the Nyland property, located at 7401 Nyland Road. Copies of the Affidavit of Publication and Certificate of Mailing Notice of Balloon Test and Community Meeting have been included as a part of this submission package.***

(c) Hold a community meeting in compliance with the County of Spotsylvania Community Meeting Policy:

- Notice of the meeting and balloon test shall be advertised in the local newspaper twice no more than fourteen (14) and no less than five (5) days prior to the balloon test.
- Notification shall be mailed to all properties within two thousand (2,000) feet of the subject property no less than fourteen (14) days prior to the balloon test.
- Discussion shall include the balloon test, photo simulations, and current plans.
- Results of the meeting shall be reasonably incorporated into applicant's filing submission package.

***A community meeting conforming to the requirements of 23-7A.3.3(c) of the Spotsylvania Zoning Ordinance was held on February 6, 2020 at Massaponax High School, located at 8201 Jefferson Davis Highway. Copies of the Affidavit of Publication and Certificate of Mailing Notice of Balloon Test and Community Meeting are enclosed herewith for reference, together with a copy of the Community Meeting sign-in sheet. At the community meeting, VZW representatives were able to answer questions and address concerns regarding the proposed Facility to the satisfaction of most in attendance. However, there is a large extended family of residents owning land primarily in Caroline County, who would prefer to have the proposed Facility located on land owned by any one of their extended family members. To this end, the family member, who owns land in Spotsylvania County, adjacent to the subject property scheduled a follow-up in person meeting with Staff, Supervisor Marshall and VZW representatives, which was held on March 9, 2020. At that meeting, it became clear that the adjacent property owner would prefer to have the Facility relocated to his property.***

(d) The applicant shall submit a complete application package and review fee to the county. A complete application includes the following information:

***A completed application, including the Special Use Permit fee of $7,270.00 has been included as a part of the submission package.***

1. Scaled drawings, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning the structure, equipment, utilities, grounding, topography, ANSI collapse zone, setbacks, drives, parking, fencing, landscaping, adjacent uses and other information deemed necessary to assess the siting and design.

***A scaled set of drawings, prepared by Network Building & Consulting and signed and sealed by Mr. John A. Daughtrey III, P.E. has been submitted as a part of the submission package.***

2. Photographs of the site from a minimum of four (4) points surrounding the site as designated by the director of planning that include a simulated photographic image to scale of the proposed wireless telecommunication facility to show the impact on other predominate land uses. The photograph with the simulated image shall include the foreground, mid-ground and the background of the site. A map shall be provided indicating the location and distance from the point at which the photograph was taken to the proposed site.

***A set of photo simulations, prepared by Network Building & Consulting, showing the potential visual and aesthetic impacts of the proposed facility has been included as an attachment to this submission package. These photo simulations meet the criteria of Section 23-7A.3.3(2) of the Spotsylvania Zoning Ordinance. As indicated above, after the community meeting was held by VZW representatives, one additional balloon test was held for the purpose of generating an additional set of photo simulations from the Nyland property, located at 7401 Nyland Road. Those photo simulations have also been included as an attachment to this submission package.***

3. A statement from an electrical engineer attesting that the cumulative effect of all existing and proposed antennae will not result in a ground level exposure of non-ionizing electromagnetic radiation (NIER) that exceeds the lowest applicable exposure standards established by the FCC.

***Included with this application is a Radio Frequency Exposure FCC Compliance Assessment (NIER) prepared by Michael McGuire, P.E., EBI Consulting, dated December 3, 2020, confirming compliance with FCC RF Emissions safety requirements.***

4. An inventory of the existing wireless telecommunication facilities owned and/or operated by the applicant and other entities associated with the application that are located within the jurisdiction of Spotsylvania County or within twenty (20) miles of the border thereof, including specific information about the location and height of each antenna and/or antenna support structure.

***Pursuant to Virginia Code § 15.2-2316.4:2.A., a locality may not require an applicant to provide proprietary, confidential or other business information, including propagation maps, to justify the need for a new telecommunications facility; however, as indicated above, we have provided a map depicting the existing structures on which VZW is currently operating antennas, which will connect with antennas on the proposed Facility.***

5. A radio frequency engineer's statement that specifically describes the coverage area objective, the "hand-off" sites, equipment specifications, methodology, assumptions, constraints and other factors used in the design. The engineer's statement shall be supported by propagation maps that include a legend referencing signal strength. At a minimum, the following coverage maps shall be presented:

(a) Existing network coverage (minimum twenty (20) mile radius surrounding the proposed site).
(b) Proposed coverage from the proposed site.
(c) Composite network coverage (existing and proposed coverage).
(d) Composite network coverage (existing and proposed coverage) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments to a minimum height of eighty (80) feet AGL.
(e) Capacity.

***As indicated above,* pursuant to Virginia Code § 15.2-2316.4:2.A.2., a locality may not require an applicant to provide proprietary, confidential or other business information, including propagation maps, to justify the need for a new telecommunications facility; however, as indicated above, we have provided a map depicting the existing structures on which VZW is currently operating antennas, which will connect with antennas on the proposed Facility.**

6. Evidence demonstrating the inadequacy or unavailability of other structures within a three (3) mile radius of the proposed site. In assessing the adequacy of existing structures, the applicant should consider the use of one (1) or more existing structures or a combination of an existing structure and a new structure at a lower height than proposed as a means to achieve coverage objective.

***VZW always attempts to co-locate on existing structures within the designated search area prior to proposing a new wireless telecommunications facility. Given the rural setting of the proposed area, no structures of sufficient height to meet VZW's engineering requirements are located within the***

***geographical search area. As indicated above, VZW is currently operating on all existing towers within 3 miles of the proposed Facility.***

7. An engineering report by a structural engineer describing the structure height, design, and capacity of the proposed antenna support structure including the number and type of antenna which could be accommodated in accordance with the requirements set forth in the latest revision to ANSI EIA/TIE-222.

***The proposed application for this Facility includes an initial design for the monopole; however, the exact specifications of the structure will be designed once approvals have been issued by Spotsylvania County. VZW will submit an engineering report certifying that the proposed monopole is compatible for co-location with a minimum of three (3) users as well as all applicable building codes at the time of Building Permit submission. A letter by Robert Beacom, P.E. of Sabre Industries, Inc, indicating that the monopole will be designed to meet the ANSI EIA/TIE-222 standards has been included as a part of this submission package.***

8. For new structures, a copy of the owner's co-location policy.

***VZW does not have a co-location policy per se, but the company routinely works with other wireless communications providers, local governments, and other FCC licensed users to permit the co-location of antennas and supporting equipment. VZW has Master / Standard License and Leasing Agreements (MLA / SLA) in place with the national wireless providers and several regional wireless providers. VZW's general co-location guidelines have been included as an attachment to this submission package.***

9. FAA air navigation hazard determination report. A consultant study will not be accepted as a substitute to this requirement.

***Included as an attachment to this submission package is a Federal Airways & Airspace determination, issued April 18, 2019, which indicates that the proposed Facility does not require an FAA study based on its location and height. It also confirms that the proposed Facility will not have to be lit.***

10. FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).

***Pursuant to Virginia Code § 15.2-2316.4:2.A.2. a locality may not require an applicant to provide information reviewed by a federal agency as part of the federal approval process, but may require an applicant to provide a copy of any approval granted by a federal agency, including the conditions imposed by that agency. Copies of the following documents confirming that the proposed Facility complies with the National Environmental Policy Act (NEPA) have been included as attachments to this submission package:***

1) ***Letter from Cindy Schulz, of the U.S. Department of Interior Fish and Wildlife Service, dated June 10, 2019, confirming "no effect" and "not likely to have an adverse effect" on endangered or protected species;***
2) ***Letter from Tyler Meader of the Commonwealth of Virginia Department of Conversation and Recreation confirming no effect on state endangered plants or insects and***

***encouraging the applicant to voluntarily comply with U.S. Fish and Wildlife interim guidelines for Communication Tower Siting, Construction, Operation and Decommissions'***

3) ***Email from SHPO dated June 6, 2019, concurring that there will be no adverse effect on historic resources with the APE; and***
4) ***Letter from Jill Springer, Federal Preservation Officer of the FCC, dated June 20, 2019, confirming that she had received no "statement of interest" from any Indian tribe.***

11. 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 (SHPO).

***Pursuant to Virginia Code § 15.2-2316.4:2.A.2., a locality may not require an applicant to provide information reviewed by a federal agency as part of the federal approval process, but may require an applicant to provide a copy of any approval granted by a federal agency, including the conditions imposed by that agency. As indicated above, a copy of the written comment issued by SHPO on June 6, 2019 is included as an attachment to this submission package.***

12. FCC license for each wireless service provider associated with the application.

***A copy of VZW's FCC license has been included as an attachment to this submission package.***

**Sec. 23-7A.4.1. - General standards.**

The following general standards shall apply to all applications proposing wireless telecommunication facilities:

1. A report prepared by a structural engineer certifying that the proposed structure is capable of supporting similar users, including the primary user. All new structures shall be built with the intent of allowing the maximum number of co-locaters possible.

***The proposed application for this Facility includes an initial design for the monopole; however, the exact specifications of the structure will be designed once approvals have been issued by Spotsylvania County. VZW will submit an engineering report certifying that the proposed monopole is compatible for co-location with a minimum of three (3) users as well as all applicable building codes at the time of Building Permit submission. A letter by Robert Beacom, P.E. of Sabre Industries, Inc, indicating that the monopole will be designed to meet the ANSI EIA/TIE-222 standards has been included as a part of this submission package.***

2. The following setback requirements shall apply:

(a) All antenna support structures must maintain a minimum setback of one hundred ten (110) percent of the ANSI collapse zone standard from the nearest legally occupied structure and from all adjoining property lines. In the event that the same person(s) own several parcels, the setback shall be to the peripheral property lines created by the aggregate of the parcels.

***Sheet Z-2 of the attached site plan shows the minimum setback of one hundred ten (110) percent of the ANSI collapse zone standard from all adjoining property lines. No legally occupied structures are within the proposed collapse zone.***

(b) All wireless telecommunication facilities must satisfy the minimum zoning district setback requirements for primary structures.

***Sheet Z-1 of the attached site plan shows the setbacks for the proposed facility. The setback from the northern property line is two-hundred and fifteen (215) feet; the western property line is four-hundred and nineteen (419) feet; the eastern property line is three-hundred and fifty six (356) feet; and the southern property line is five-thousand seven-hundred and two (5,702) feet. All proposed setbacks meet the standards of Sec. 23-6.24.4(e) of the Spotsylvania Zoning Ordinance.***

3. Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a legally binding commitment by at least one (1) wireless service provider agreeing to install and operate his equipment continuously on the proposed structure upon its construction for a minimum period of one (1) year.

***Cellco Partnership d/b/a VZW is the applicant for this project and will be the anchor tenant for the proposed support structure.***

4.The county is particularly mindful of the uniqueness of its historic resources. Every effort shall be made to minimize adverse impacts on such resources in the siting of telecommunication facilities. Every effort should be made to make each facility as aesthetically pleasing as possible. All stealth techniques when appropriate must be utilized.

***VZW is proposing a monopole design for the Facility, which is much less visually obtrusive than other tower designs while still being able to meet the coverage objectives for the site. The monopole will be a matte galvanized steel, which will help blend the portion of the Facility above the existing tree line in with the sky. The Facility will be located within in a semi-cleared area bordered by woods and mature trees on the subject property that will screen the base of the tower from the public right of way on Guinea Station Road so that it blends in with the natural setting and surroundings. The existing stand of mature hardwood trees that line the northern property line identified on the drawings as "20' Wide Frontage Tree Buffer to Remain Buffer" will be preserved to screen from the residential uses across Guinea Station Road.***

5. All antenna support structures shall be enclosed by security fencing not less than six (6) feet in height, equipped with an appropriate anti-climbing device.

***The proposed seven (7') foot chain-linked security fence, depicted on Sheet Z-2, will contain appropriate anticlimbing devices.***

6.The following requirements shall govern the landscaping surrounding wireless telecommunications facilities. The board of supervisors may waive or allow modified screening with a special use permit.

(a) Any combination of landscaped vegetative buffers, landscaped earthen berms or preservation of existing vegetation shall be provided around the perimeter of the site of any wireless telecommunication

facility to effectively screen the view of the equipment compound from surrounding perspectives. The standard buffer shall consist of a mix of native trees and shrubs planted in a landscaped area at least fifteen (15) feet wide outside the perimeter of the compound.

(b) Existing mature tree growth and natural landforms shall be preserved at a minimum radius depth of one hundred (100) feet from the base of the structure except as necessary to accommodate the proposed facilities and vehicular access.

(c) The wireless telecommunication facility owner is responsible for maintaining all landscape plant material in a healthy condition. Dead plants shall be removed and replaced in-kind.

***The Facility will be located within in a semi-cleared area bordered by woods and mature trees on the subject property that will screen the base of the tower and fenced equipment compound from the public right of way on Guinea Station Road and adjacent residential properties so that it blends in with the natural setting and surroundings. A twenty (20) foot wide strip of existing hardwood trees along the frontage of Guinea Station Road will be preserved to screen the facility from the surrounding residential uses.***

***Due to the location of the proposed Facility and the existing mature hardwood trees surrounding the Facility, VZW is requesting that the Spotsylvania County Board of Supervisors waive Sec. 23-7A.4.1.6(A) of the Spotsylvania County Zoning ordinance, as the goals set out in the requirements will be served by maintaining the existing landscaping.***

7. The treatment, color and lighting system for wireless telecommunication facilities shall be as follows:

(a) Antenna support structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
(b)Antennae shall be a neutral, non-reflective color with no logos.
(c) The design of wireless telecommunication facilities shall to the extent possible use materials, colors, textures and screening that will blend the facilities with the natural setting and the built environment.
(d) If an antenna is installed on a structure other than an antenna support structure, the antenna and ancillary equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure.
(e) Antenna support structures at least eighty (80) feet in height that are not required to be lit by federal regulations shall be equipped with beacon strobe lights that can be remotely activated.
(f) Advertising without prior approval of the board of supervisors is not permitted on any component of the wireless telecommunication facility.
(g) Utility lines shall be placed underground.

***The proposed 195' monopole will have a galvanized steel finish and will contain no advertising. The proposed antennas will be a neutral, non-reflected color and contain no logos. All utility lines will be placed underground.***

8. Applicants shall submit with the intent to occupy the lowest height possible to meet their coverage objectives. Reverse stacking is encouraged in order to reduce the number of taller towers.

***VZW is proposing a centerline for its antenna array at one-hundred and ninety two (192) feet, which is the lowest height possible to meet its coverage objectives.***

9. Wireless telecommunication facilities shall be designed and installed so as not to interfere with the county's public safety/service radio system or public safety/service radio systems operated in other jurisdictions. Any entity operating wireless telecommunication facilities determined to interfere with the county's or another jurisdiction's public safety radio system shall take corrective action immediately upon discovery. All wireless providers must check prior to network deployment and annually thereafter with the director of emergency communications to insure compliance.

***VZW currently complies and will continue to comply with all FCC standards regarding reporting requirements and radio frequency emissions. Included with this application is a Co-Location Interference Analysis Report prepared by EBI Consulting, dated November 30, 2020.***

10. All new towers, monopoles, or like structures hereafter constructed in the county shall include, at no cost to the county, space, as the county may require, for installation by the county of components for its communication system(s) (including both tower space and sheltered equipment space on the ground.)

***Virginia Code Section 15.2-2316.4:2.A.8., prohibits a locality from conditioning its approval of a new tower on the applicant's willingness to allow wireless facilities provided or operated by a locality, to be placed on the tower at no cost. If Spotsylvania County wishes to have an opportunity to co-locate its equipment on the facility once it is approved, an application and associated lease agreement will need to be negotiated with VZW's third -party leasing vendor. Contacts are available upon request.***

11. All wireless telecommunication facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate their operation. If such standards and regulations are changed, then the owners of the facilities shall bring such facilities into compliance with such revised standards and regulations as required by law. Failure to comply shall constitute grounds for the removal of the facility at the owner's expense.

***The proposed site will meet all applicable standards and regulations of the FAA, FCC and any other agency of the federal government with the authority to regulate structures and antennas.***

12. At such time that any component of the wireless telecommunication facility ceases to be operated for a continuous period of twelve (12) months, it shall be considered abandoned, and the owner of such facility shall remove same or opt to convey tower to county within ninety (90) days of receipt of notice from the department of planning of the removal requirement. The applicant shall post a performance bond equivalent to the cost of removal of the said tower facility from existence with the director of planning prior to issuance of a permit. If removal to the satisfaction of the department of planning does not occur within ninety (90) days, the county may remove and salvage the telecommunications facility or tower and all supporting equipment and building(s) at the owner's expense.

***All antennas and support structures will be removed from the proposed site within ninety (90) days of receipt of notice from Spotsylvania County that the facility has been deemed abandoned. However, Virginia Code Section 15.2-2316.4:2.A.4., prohibits a locality from disapproving an application based on the imposition of surety***

***requirements to ensure that abandoned or unused wireless facilities can be removed unless locality imposes similar requirements on other permits for other types of similar commercial development.***

13. The owner of each antenna support structure shall have a safety inspection conducted annually by a registered professional engineer licensed by the Commonwealth of Virginia. A copy of the inspection report shall be filed annually in March with the director of planning. The report shall state the current user status of the antenna and/or support structure and the overall condition of the facility in accordance with the latest revision of ANSI EIA/TIA-222, and any subsequent amendment thereto.

***VZW will submit a safety inspection report to the director of planning each year, no later than March 1st, stating the current use of the wireless communications facility, all users and the overall condition of the facility.***

14. The owner of the antenna support structure shall provide the name and address of a contact person during the approval process and shall notify the department of planning in writing of any changes. The name and address of a registered agent for each lessee of tower space shall also be provided to the department of planning and the commissioner of revenue by January 1st of each year.

***VZW has designated Jeff Holland, AICP (120 Eastshore Drive, Suite 300 Glen Allen, VA 23059) as the primary contact person during the approval process and construction of the facility. Once the facility has been constructed and finalized, the same and address of the registered agent for ongoing communication will be provided to Spotsylvania County. The name and address of a registered agent for each lessee of tower space shall also be provided to the department of planning and the commissioner of revenue by January 1st of each year.***

## Compliance with the Spotsylvania County Comprehensive Plan 2018

### The Land Use Plan

The future land use designated for the area is rural residential uses. The Facility will not impact the development of these uses as it will use only approximately 100' x 100' footprint on a heavily wooded agricultural parcel. The proposed Facility will not create any flood and/or other hazardous, deleterious or otherwise undesirable substance or conditions as it will not be located within a flood plain. The Facility is an unmanned facility and will not require any additional fire or police protection.

The proposed Facility will not impact Spotsylvania County's transportation needs or impact its water and sewer facilities as water and sewerage are not required. The proposed improvements at the subject property will not impact drainage as it is utilizing an existing entrance off Guinea Station Road and the proposed 12' access road will be properly designed with erosion and sediment control features.

In regard to the health, safety and welfare of Spotsylvania County and its residents, the Facility will not generate any traffic other than a visit once a month by a technician. The Facility will not generate any noise, vibrations, dust or fumes other than during the initial construction period. There will be no outside storage of equipment and no signage other than required by Spotsylvania County or the FCC will be posted. The Facility operates continuously 24/7 and will contain the 199' self-support monopole tower, antennas and lines, ground based radio equipment, telco, electric and fiber utilities located within a 50' x 50' fenced compound.

**Public Facilities Plan**

The proposed Facility will further the Public Facility Goals and Objectives of Spotsylvania County in innumerable ways, including by (a) enabling citizens to work from home, (b) attracting businesses that depend on reliable wireless service, and (c) facilitating on-line learning and access to educational and government services and information to improve the welfare of citizens.

A strong wireless infrastructure allows residents to work remotely and operate home businesses as well as take advantage of on-line educational resources, which help create a strong workforce. Since 2005, the number of Americans working from home has doubled, not including those who are self-employed. Without robust communications infrastructure, prospective residents who want or need to work from home are unable to settle or remain in the area. Even before the current pandemic, students needed excellent internet access in order to download and upload assignments, watch educational videos posted by teachers, and research on-line. Students without good internet service have been shown to be at a significant educational disadvantage. During the current pandemic the need for robust wireless services has become even more apparent, as the result of stay at home order that has forced schools to educate online and employees to work from home. The lack of availability of robust wireless services and high speed internet has increased the focus on the growing digital divide. Excellent wireless services are no longer a luxury, but an absolute necessity.

The proposed wireless internet and enhanced data services to be provided by VZW will also provide attractive assets to businesses looking to locate in the county both from a business perspective as well as a quality of life perspective. Further, travel and tourism are an important part of the County's economy. Visitors to the County's many historic and recreational sites expect to have reliable wireless service wherever they travel in the County.

**Final Summary**

This proposal meets the requirements of the Zoning Ordinance for wireless telecommunications facilities, meets the criteria for a Special Use Permit, and is consistent with the goals and objectives of the Spotsylvania County Zoning Ordinance and Comprehensive Plan. The proposed Facility is necessary to support the public's increased use of wireless devices for personal, business and educational communications, as well as emergency communications. The proposed Facility would benefit the general welfare of the citizens of Spotsylvania County by improving wireless communications infrastructure in compliance with good zoning practices. In addition, there will be limited visual impact to the residential homes in closest proximity to the Facility because they are fairly well shielded by existing mature vegetation and are topographically at a higher elevation than the Facility.

verizon

# SITE NAME: CLAIBORNE

## SPECIAL USE PERMIT
## GILMAN LAND AND TIMBER LLC
## PARCEL ID: 64-A-3

3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

Know what's **below.**
**Call** before you dig.

## SITE INFORMATION

| | |
|---|---|
| PROJECT DESCRIPTION: | RAWLAND: PROPOSED INSTALLATION OF TELECOMMUNICATIONS TOWER AND RELATED EQUIPMENT WITHIN SECURED COMPOUND. |
| SITE ADDRESS: | 3800 GUINEA STATION ROAD<br>FREDERICKSBURG, VA 22408 |
| LATITUDE (NAD 83):<br>LONGITUDE (NAD 83): | 38° 09' 42.5071"<br>-77° 27' 55.2315" |
| GROUND ELEVATION: | 175.0' ± (ASML) |
| JURISDICTION: | SPOTSYLVANIA COUNTY |
| ZONING: | RU (RURAL DISTRICT) |
| PARCEL ID: | 64-A-3 |
| PARCEL AREA: | 91.76± ACRES |
| PRINCIPLE USE: | VACANT |
| PARCEL OWNER: | GILMAN LAND AND TIMBER LLC |
| PARCEL OWNER CONTACT: | WILLIAM GILMAN<br>13423 FARRINGTON ROAD<br>ASHLAND, VA 23005<br>(804) 798-7812 |
| TOWER OWNER: | CELLCO PARTNERSHIP (D/B/A VERIZON WIRELESS)<br>1831 RADY COURT<br>RICHMOND, VA 23222 |
| STRUCTURE TYPE: | MONOPOLE |
| HEIGHT OF STRUCTURE: | 195.0' AGL |
| RAD CENTER: | 192.0' AGL |
| OVERALL HEIGHT OF STRUCTURE: | 199.0' AGL |
| TOTAL LEASE AREA: | 10,000 SQ. FT. |
| POWER PROVIDER: | DOMINION VA POWER (866)366-4357 |
| TELCO PROVIDER: | VERIZON (800)871-9244 |

## EMERGENCY INFORMATION:

SPOTSYLVANIA COUNTY FIRE & RESCUE: (804) 507-7900

SPOTSYLVANIA COUNTY SHERIFF'S OFFICE: (804) 507-7200

## PROJECT TEAM

| | |
|---|---|
| CONSTRUCTION MANAGER: | NETWORK BUILDING + CONSULTING, LLC<br>AL BROWNE<br>(804) 615-1848 |
| PROJECT MANAGEMENT FIRM: | NETWORK BUILDING + CONSULTING, LLC<br>SAMANTHA JETER<br>(804) 837-5584 |
| ENGINEERING FIRM: | NB+C ENGINEERING SERVICES, LLC.<br>120 EASTSHORE DRIVE<br>SUITE 300<br>GLEN ALLEN, VA 23059<br>(804) 548-4079 |

## VICINITY MAP

GRAPHIC SCALE
1000 0 500 1000 2000 4000
(IN FEET)
1 INCH = 1000 FEET

TRUE NORTH

## DIRECTIONS

DEPART RADY CT TOWARD RADY ST. TURN LEFT ONTO RADY ST. TURN LEFT ONTO MAGNOLIA ST. TURN RIGHT ONTO US-360 W / MECHANICSVILLE TPKE. TAKE RAMP FOR I-64 W. TAKE RAMP RIGHT FOR I-64 WEST TOWARD CHARLOTTESVILLE / WASHINGTON. KEEP STRAIGHT ONTO I-95 N / RICHMOND-PETERSBURG TPKE. AT EXIT 118, TAKE RAMP RIGHT TOWARD THORNBURG. TURN LEFT ONTO MUDD TAVERN RD. ROAD NAME CHANGES TO VA-606. TURN RIGHT ONTO US-1 N / JEFFERSON DAVIS HWY. TURN RIGHT ONTO GUINEA STATION RD. ARRIVE 3800 GUINEA STATION RD, FREDERICKSBURG, VA 22408.

## CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2015 INTERNATIONAL BUILDING CODE
- 2014 NATIONAL ELECTRICAL CODE
- 2015 NFPA 101, LIFE SAFETY CODE
- 2015 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- ANSI/TIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSI/T 311

## DRAWING INDEX


| | |
|---|---|
| T-1 | TITLE SHEET |
| PL-1 | OVERALL PLAT SHEETS |
| Z-1 | SITE PLAN |
| Z-2 | ENLARGED SITE PLAN |
| Z-3 | SITE DISTANCE PLAN |
| C-1 | COMPOUND PLAN |
| C-2 | TOWER ELEVATION DETAILS & NOTES |
| S-1 | EQUIPMENT MOUNTING DETAILS |


## DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"X36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

## APPROVAL BLOCK

ENGINEER

NB+C TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
120 EASTSHORE DRIVE, SUITE 300
GLEN ALLEN, VA 23059
804-548-4079

APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

CLAIBORNE
VERIZON NEW BUILD
3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

DESIGN RECORD

## REVISIONS

| REV | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |
| | | | |
| 5 | 05/10/21 | REVISED | CCC |
| 4 | 03/18/21 | REVISED | CCC |
| 3 | 03/08/21 | REVISED | KLB |
| 2 | 09/17/20 | REVISED | CCC |
| 1 | 4/16/19 | FINAL | DCB |
| 0 | 04/11/19 | PRELIMINARY | DCB |

PROFESSIONAL STAMP

COMMONWEALTH OF VIRGINIA
JOHN A. DAUGHTREY III
Lic. No. 0402052122
05/10/2021
PROFESSIONAL ENGINEER

ENGINEER

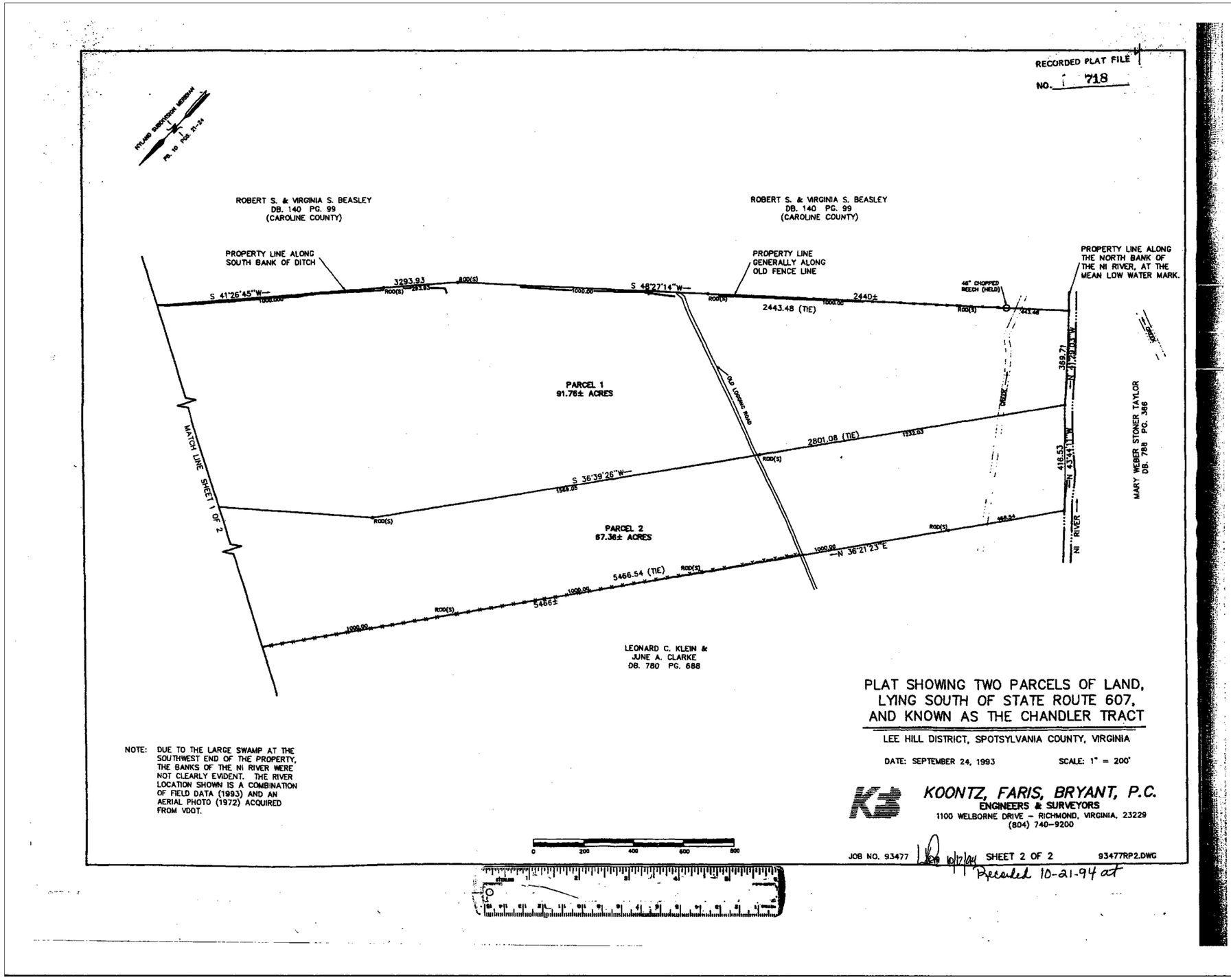
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

**TITLE SHEET**

SHEET NUMBER

**T-1**




NOTE: DUE TO THE LARGE SWAMP AT THE SOUTHWEST END OF THE PROPERTY, THE BANKS OF THE NI RIVER WERE NOT CLEARLY EVIDENT. THE RIVER LOCATION SHOWN IS A COMBINATION OF FIELD DATA (1993) AND AN AERIAL PHOTO (1972) ACQUIRED FROM VDOT.

1 / PL-1 OVERALL PLAT SHEET 1
SCALE: NA

ENGINEER


NB+C TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
120 EASTSHORE DRIVE, SUITE 300
GLEN ALLEN, VA 23059
804-548-4079


APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

CLAIBORNE
VERIZON NEW BUILD
3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

DESIGN RECORD

REVISIONS

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| 1 | 4/16/19 | FINAL | DCB |
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PROFESSIONAL STAMP

COMMONWEALTH OF VIRGINIA
JOHN A. DAUGHTREY III
Lic. No. 0402052122
05/10/2021
PROFESSIONAL ENGINEER

ENGINEER

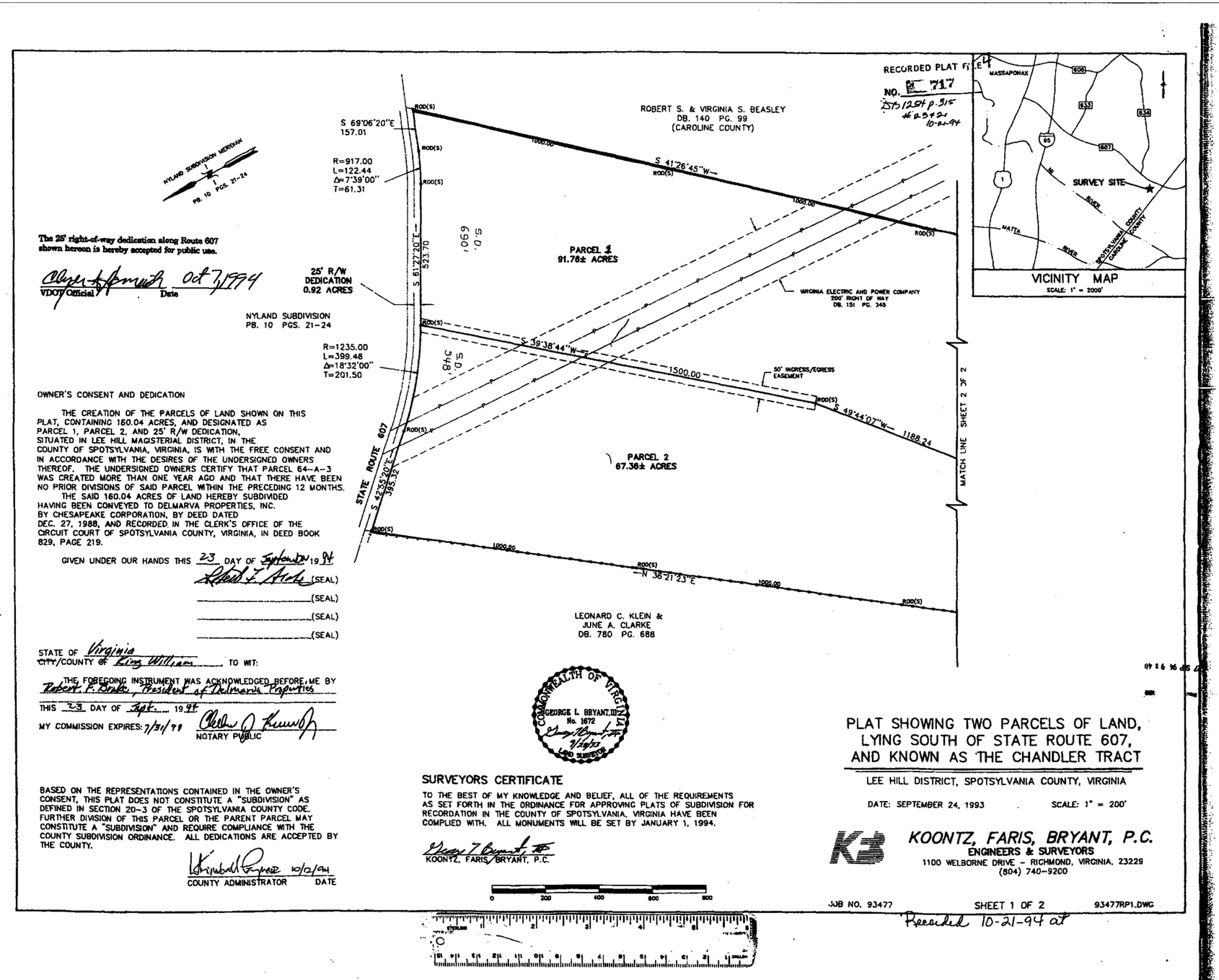
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

PLAT SHEET 1

SHEET NUMBER

PL-1




The 25' right-of-way dedication along Route 607 shown hereon is hereby accepted for public use.

VDOT Official — Date: Oct 7, 1994

NYLAND SUBDIVISION
PB. 10 PGS. 21-24

OWNER'S CONSENT AND DEDICATION

THE CREATION OF THE PARCELS OF LAND SHOWN ON THIS PLAT, CONTAINING 160.04 ACRES, AND DESIGNATED AS PARCEL 1, PARCEL 2, AND 25' R/W DEDICATION, SITUATED IN LEE HILL MAGISTERIAL DISTRICT, IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF. THE UNDERSIGNED OWNERS CERTIFY THAT PARCEL 64-A-3 WAS CREATED MORE THAN ONE YEAR AGO AND THAT THERE HAVE BEEN NO PRIOR DIVISIONS OF SAID PARCEL WITHIN THE PRECEDING 12 MONTHS.

THE SAID 160.04 ACRES OF LAND HEREBY SUBDIVIDED HAVING BEEN CONVEYED TO DELMARVA PROPERTIES, INC. BY CHESAPEAKE CORPORATION, BY DEED DATED DEC. 27, 1988, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF SPOTSYLVANIA COUNTY, VIRGINIA, IN DEED BOOK 829, PAGE 219.

GIVEN UNDER OUR HANDS THIS 23 DAY OF September 1994

Robert F. Burke (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF Virginia
CITY/COUNTY OF King William TO WIT:

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY Robert F. Burke, President of Delmarva Properties

THIS 23 DAY OF Sept. 1994

MY COMMISSION EXPIRES: 7/31/98

NOTARY PUBLIC

BASED ON THE REPRESENTATIONS CONTAINED IN THE OWNER'S CONSENT, THIS PLAT DOES NOT CONSTITUTE A "SUBDIVISION" AS DEFINED IN SECTION 20-3 OF THE SPOTSYLVANIA COUNTY CODE. FURTHER DIVISION OF THIS PARCEL OR THE PARENT PARCEL MAY CONSTITUTE A "SUBDIVISION" AND REQUIRE COMPLIANCE WITH THE COUNTY SUBDIVISION ORDINANCE. ALL DEDICATIONS ARE ACCEPTED BY THE COUNTY.

Kimball Payne 10/2/94
COUNTY ADMINISTRATOR DATE

COMMONWEALTH OF VIRGINIA
No. 1672
GEORGE L. BRYANT, III
9/24/93
LAND SURVEYOR

SURVEYORS CERTIFICATE

TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS AS SET FORTH IN THE ORDINANCE FOR APPROVING PLATS OF SUBDIVISION FOR RECORDATION IN THE COUNTY OF SPOTSYLVANIA, VIRGINIA HAVE BEEN COMPLIED WITH. ALL MONUMENTS WILL BE SET BY JANUARY 1, 1994.

George L. Bryant, III
KOONTZ, FARIS, BRYANT, P.C.

# PLAT SHOWING TWO PARCELS OF LAND, LYING SOUTH OF STATE ROUTE 607, AND KNOWN AS THE CHANDLER TRACT

LEE HILL DISTRICT, SPOTSYLVANIA COUNTY, VIRGINIA

DATE: SEPTEMBER 24, 1993 SCALE: 1" = 200'

KOONTZ, FARIS, BRYANT, P.C.
ENGINEERS & SURVEYORS
1100 WELBORNE DRIVE - RICHMOND, VIRGINIA, 23229
(804) 740-9200

JOB NO. 93477 SHEET 1 OF 2 93477RP1.DWG

Recorded 10-21-94 at

1 PL-2 OVERALL PLAT SHEET 2
SCALE: NA

ENGINEER
NB+C TOTALLY COMMITTED.
NB+C ENGINEERING SERVICES, LLC.
120 EASTSHORE DRIVE, SUITE 300
GLEN ALLEN, VA 23059
804-548-4079

APPLICANT
verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION
CLAIBORNE
VERIZON NEW BUILD
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FREDERICKSBURG, VA 22408
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PROFESSIONAL STAMP
COMMONWEALTH OF VIRGINIA
JOHN A. DAUGHTREY III
Lic. No. 0402052122
05/10/2021
PROFESSIONAL ENGINEER

ENGINEER
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE
PLAT SHEET 2

SHEET NUMBER
PL-2

1 / Z-1 OVERALL SITE PLAN
SCALE: 1"=200'

GRAPHIC SCALE
200 0 100 200 400 800
(IN FEET)
1 INCH = 200 FEET

1 KENNEDY, JOHN C
3819 GUINEA STATION RD
FREDERICKSBURG,VA 22408
MAP #: 64A-1-26
ZONING: RU
USE: RESIDENTIAL
AREA: 1.43± ACRES

2 ADKINS, JAMES C & JUDY R
3817 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
MAP #: 64A-1-27
ZONING: RU
USE: RESIDENTIAL
AREA: 1.44± ACRES

3 IMELDA, R DELEON
3815 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
MAP #: 64A-1-28
ZONING: RU
USE: RESIDENTIAL
AREA: 1.44± ACRES

4 GONZALEZ, VICTOR M & TAMI F
3805 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
MAP #: 64A-1-29
ZONING: RU
USE: RESIDENTIAL
AREA: 1.01± ACRES

5 GONZALEZ, VICTOR M. & TAMI F.
3805 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
MAP #: 64A-2-7
ZONING: RU
USE: VACANT
AREA: 5.05± ACRES

6 PARRISH, MICHAEL & LISA
7401 NYLAND ROAD
FREDERICKSBURG, VA 22408
MAP #: 64A-2-6
ZONING: RU
USE: RESIDENTIAL
AREA: 3.49± ACRES

7 BAIGIS, PAIGE
23885 LACEYS TAVERN COURT
ALDIE, VA 20105
MAP #: 64-A-3A
ZONING: RU
USE: VACANT/AGRICULTURAL
AREA: 105.45± ACRES

8 BEASLEY, CHARLES CUTLER
1667 BLACK CAT ROAD
KESWICK, VA 22947
MAP #: 64-A-4A
ZONING: RU
USE: VACANT/AGRICULTURAL
AREA: 90.75± ACRES

9 WEBER S TAYLOR TRUSTEE
THE WEBER S TAYLOR FAMILY REVOC TR
1204 PRINCE EDWARD ST
FREDERICKSBURG, VA 22401
MAP #: 64-A-4
ZONING: RU
USE: VACANT/AGRICULTURAL
AREA: 71± ACRES

10 FRACES E SIBLEY
3900 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
MAP #: 64-A-3B
ZONING: RU
USE: RESIDENTIAL/AGRICULTURAL
AREA: 67.36± ACRES

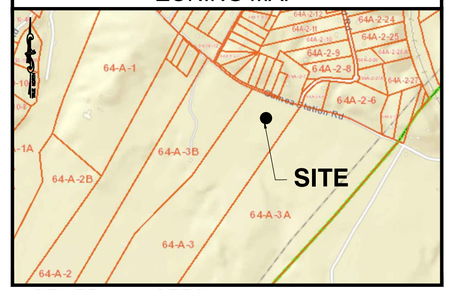
THERE ARE NO KNOWN PLACES OF BURIAL ON THE SUBJECT PARCEL OR ANY ADJACENT PARCEL.

811 Know what's below. Call before you dig.

TRILEAF CORPORATION PERFORMED A NEPA REVIEW FOR CELLCO PARTNERSHIP (D/B/A VERIZON WIRELESS) IN COMPLIANCE WITH ALL RULES AND REGULATIONS OF THE FCC. THREE (3) PARCELS HAVE BEEN IDENTRIFIED BY TRILEAF CORPORATION TO BE WITHIN 2600 FEET FROM THE SUBJECT PARCEL. HOWEVER, TRILEAF CORPORATION DETERMINED A FINDING OF NO HISTORIC PROPERTIES WITHIN THE AREA OF POTENTIAL EFFECTS (APE) FOR DIRECT EFFECTS AND NO EFFECT ON HISTORIC PROPERTIES WITHIN THE APE FOR VISUAL EFFECTS. THE THREE (3) PARCELS ARE:

| ID NO. | HISTORIC RESOURCE NAME | HISTORIC RESOURCE ADDRESS | DISTANCE FROM PROPOSED LOCATION: |
|---|---|---|---|
| 088-0100 | NYLAND | 3701 GUINEA STATION RD ALT ROUTE 607 | THE HISTORIC RESOURCE IS LOCATED APPROXIMATELY 2000 FEET NORTHEAST OF THE PROJECT LOCATION |
| 088-5413 | CSX RAILROAD CORRIDOR (CURRENT) | CSX RAILROAD CORRIDOR | THE HISTORIC RESOURCE IS LOCATED APPROXIMATELY 2,600 FEET NORHTEAST OF THE PROJECT LOCATION |
| 500-0001 | RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD (HISTORIC), RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD HISTORIC DISTRICT (CURRENT NAME) | CSX TRACKS | THE HISTORIC RESOURCE IS LOCATED APPROXIMATELY 2600 FEET NORTHEAST OF THE PROJECT LOCATION |

## ZONING MAP




## GENERAL NOTES

1. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
2. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
3. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION. THERE IS NO HANDICAP ACCESS REQUIRED.
4. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.

## LEGEND

- PROPERTY LINE – SUBJECT PARCEL
- PROPERTY LINE – ABUTTERS
- EXISTING ROAD
- EXISTING FENCE
- PROPOSED EASEMENT
- PROPOSED LEASE AREA
- EXISTING EASEMENT
- PROPOSED FENCE
- EXISTING STREAMS
- EXISTING BUILDING
- 100 YEAR FLOOD PLAIN
- NATIONAL WETLAND INVENTORY
- EXISTING PONDS

## ZONING INFORMATION

JURISDICTION: SPOTSYLVANIA COUNTY

ZONING: RU (RURAL DISTRICT)

| DIMENSION | REQUIREMENT | PROPOSED ± |
|---|---|---|
| FRONT YARD SETBACK: | 30 | 218' |
| SIDE YARD SETBACK: | 10' | 356' |
| REAR YARD SETBACK: | 35' | 5702' |

LOT AREA: 91.76 ± ACRES

(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)

ENGINEER

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GLEN ALLEN, VA 23059
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APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

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FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

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05/10/2021
PROFESSIONAL ENGINEER

ENGINEER

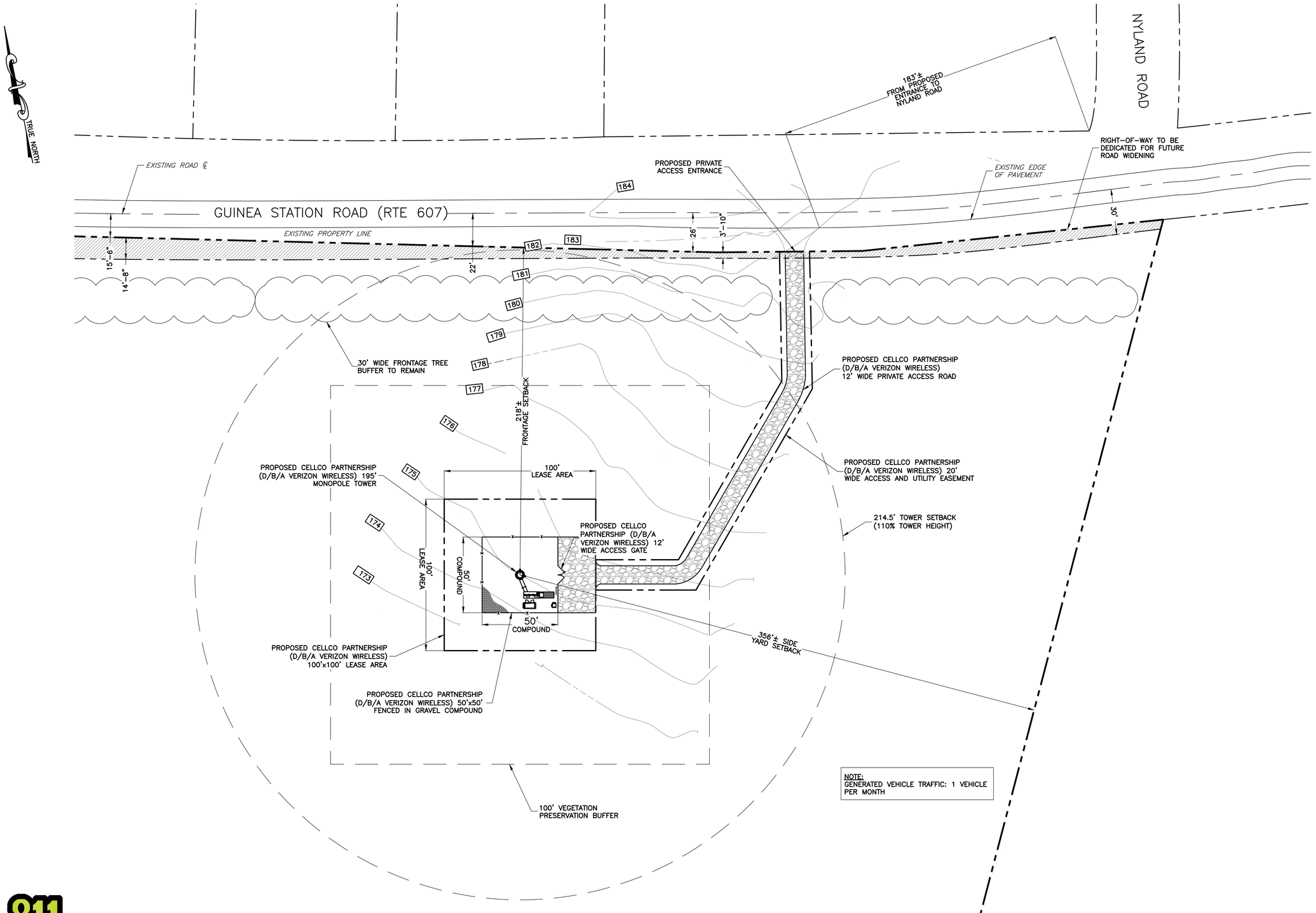
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

**OVERALL SITE PLAN**

SHEET NUMBER

**Z-1**




NOTE:
GENERATED VEHICLE TRAFFIC: 1 VEHICLE PER MONTH

1 / C-1 COMPOUND PLAN
SCALE: 1" = 30'

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 INCH = 30 FEET

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ENGINEER

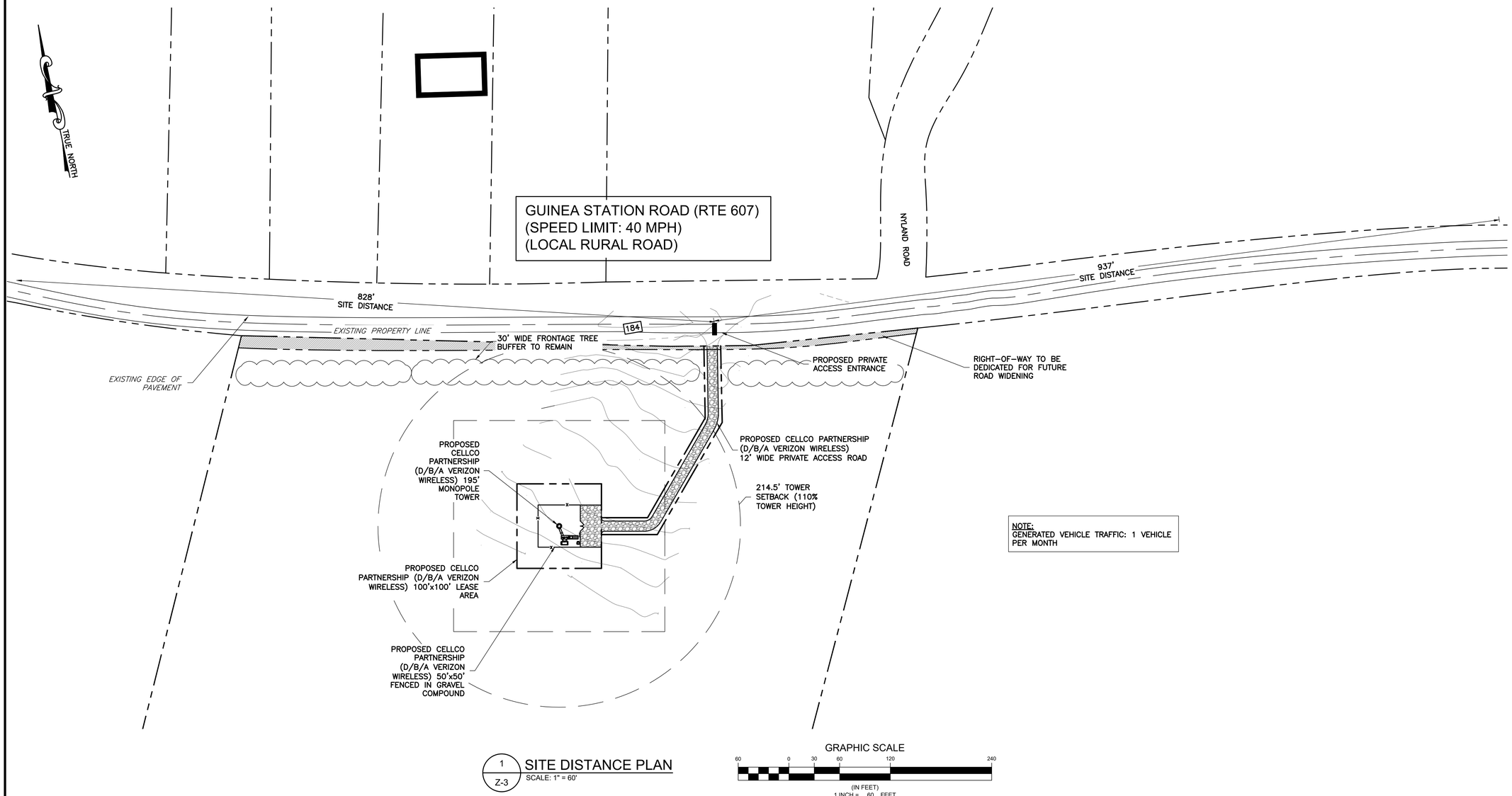
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

ENLARGED SITE PLAN

SHEET NUMBER

Z-2




NOTE:
GENERATED VEHICLE TRAFFIC: 1 VEHICLE PER MONTH

1/Z-3 SITE DISTANCE PLAN
SCALE: 1" = 60'

GRAPHIC SCALE
60 0 30 60 120 240
(IN FEET)
1 INCH = 60 FEET

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ENGINEER

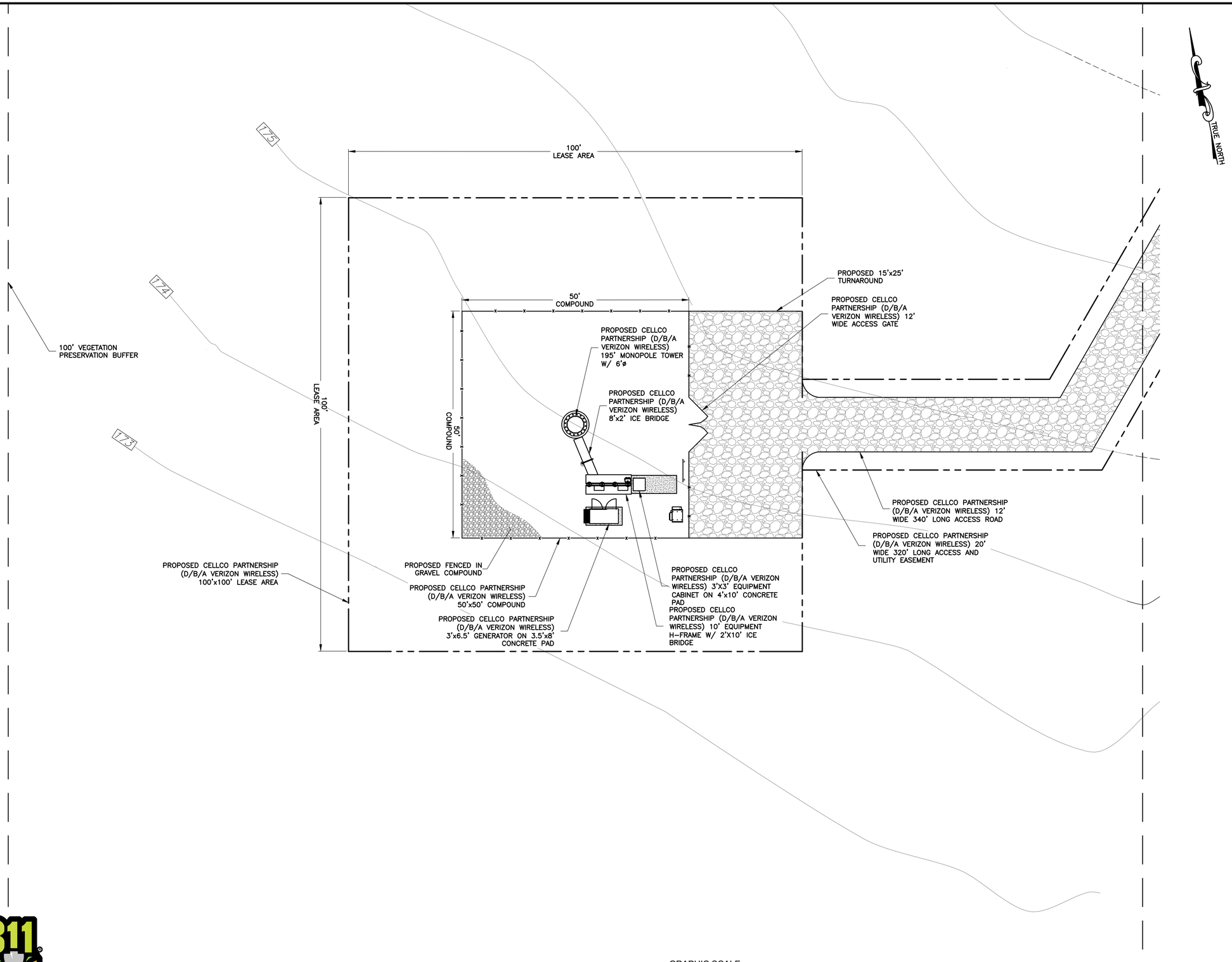
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

**SITE DISTANCE PLAN**

SHEET NUMBER

**Z-3**




1 / C-1 COMPOUND PLAN
SCALE: 1" = 8'-0"

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

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ENGINEER

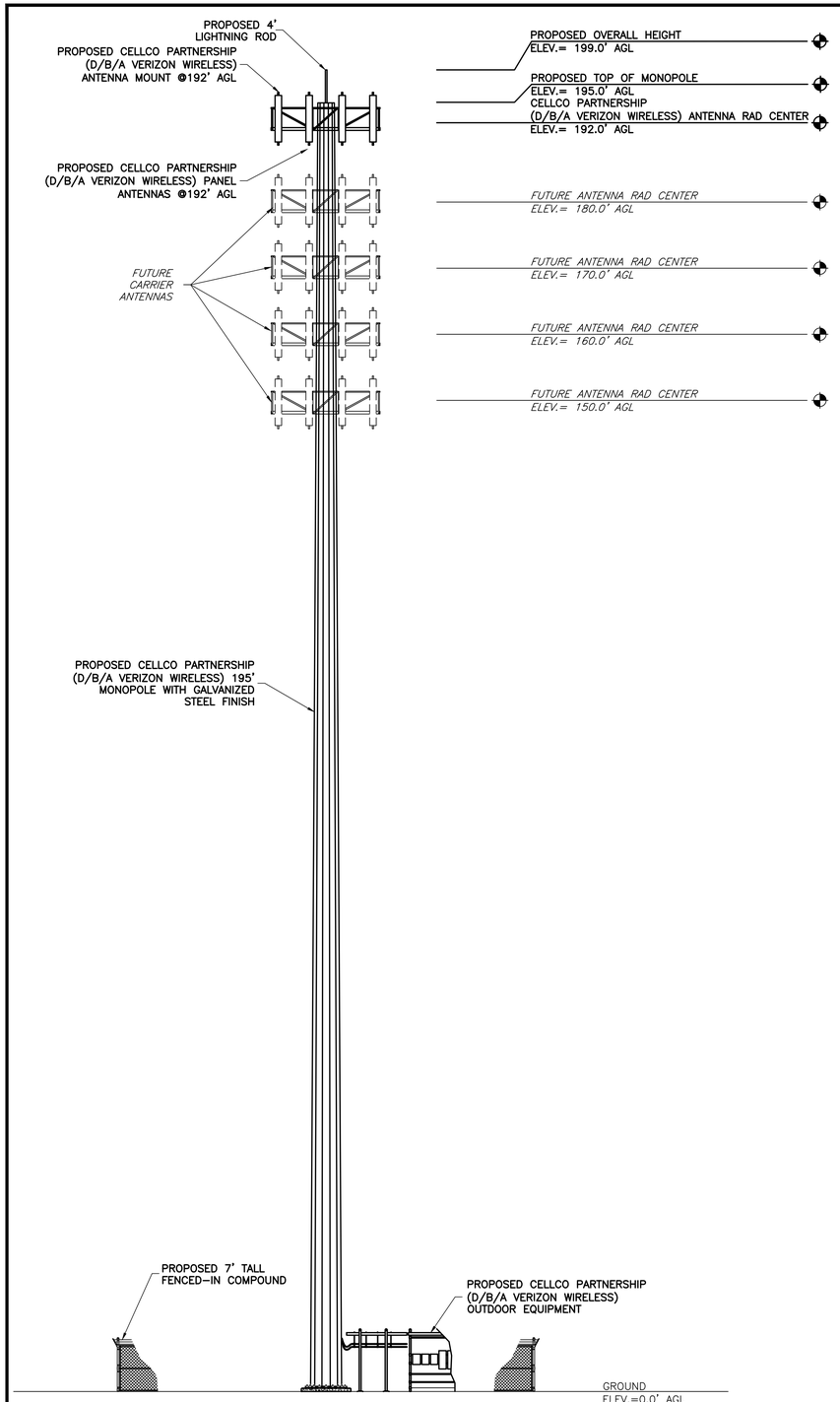
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

COMPOUND PLAN

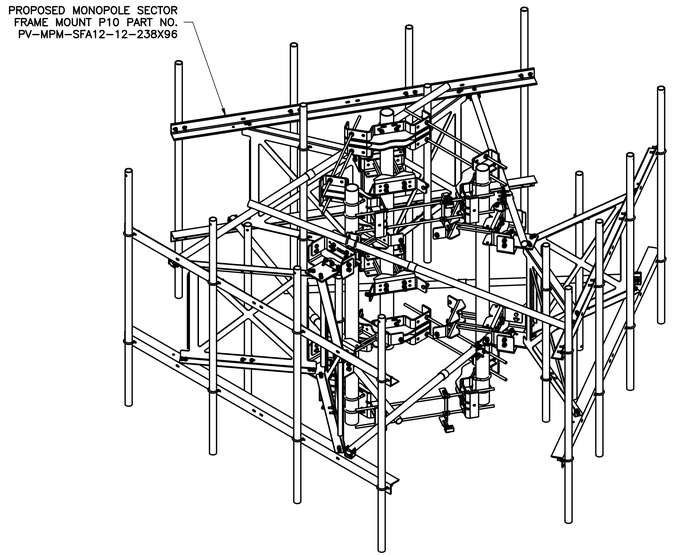
SHEET NUMBER

C-1




1 / C-2 ELEVATION
SCALE: 3/32" = 1'

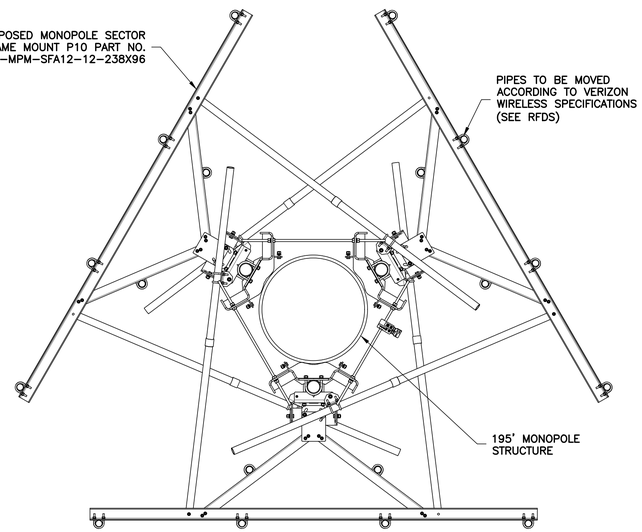
GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
3/32 INCH = 1 FOOT




2 / C-2 ISOMETRIC MOUNT DETAIL
SCALE: NTS

NOTE:
1. TIEBACKS MUST BE CONNECTED TO A RIGID MEMBER THAT PROVIDES ADEQUATE SUPPORT WITHIN THE LIMITS NOTED IN THE TIEBACK ANGLE RANGE DETAIL.
2. PROPOSED COLLAR IS SUITABLE FOR MONOPOLE DIAMETERS 15"ø-50"ø.

NOTE: THE P10 PV-MPM-SFA12-12-238X96 MOUNT MEETS BOTH VERIZON WIRELESS'S MOUNT CLASSIFICATION STANDARD "NSTD-44S MINIMUM CRITERIA FOR THE SOUTH MARKET WHICH IS
1. M1400R-4[6] AND M1000R(I)-4[6]
2. THIS DESIGNATION MUST BE INSTALLED ON THE MOUNT VIA A METAL TAG




3 / C-2 PLAN VIEW MOUNT DETAIL
SCALE: NTS

## GENERAL NOTES

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITIES COMPANY OR OTHER PUBLIC AUTHORITIES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
3. THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK. MINOR OMISSIONS OR ERRORS IN THE BID DOCUMENTS SHALL NOT RELIEVE THE CONTRACTOR FROM RESPONSIBILITY FOR THE OVERALL INTENT OF THESE DRAWINGS.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SITE IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL REPAIR ANY DAMAGE CAUSED AS A RESULT OF CONSTRUCTION OF THIS FACILITY.
5. THE SCOPE OF WORK FOR THIS PROJECT SHALL INCLUDE PROVIDING ALL MATERIALS, EQUIPMENT AND LABOR REQUIRED TO COMPLETE THIS PROJECT. ALL EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
6. THE CONTRACTOR SHALL VISIT THE PROJECT SITE PRIOR TO SUBMITTING A BID TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
7. CONTRACTOR SHALL VERIFY ANTENNA ELEVATION AND AZIMUTH WITH RF ENGINEERING PRIOR TO INSTALLATION.
8. TRANSMITTER EQUIPMENT AND ANTENNAS ARE DESIGNED TO MEET ANSI/TIA 222-G REQUIREMENTS.
9. ALL STRUCTURAL ELEMENTS SHALL BE HOT DIPPED GALVANIZED STEEL.
10. CONTRACTOR SHALL MAKE A UTILITY "ONE CALL" TO LOCATE ALL UTILITIES PRIOR TO EXCAVATING.
11. IF ANY UNDERGROUND UTILITIES OR STRUCTURES EXIST BENEATH THE PROJECT AREA, CONTRACTOR MUST LOCATE IT AND CONTACT THE APPLICANT & THE OWNER'S REPRESENTATIVE.
12. OCCUPANCY IS LIMITED TO PERIODIC MAINTENANCE AND INSPECTION BY TECHNICIANS APPROXIMATELY 2 TIMES PER MONTH.
13. PRIOR TO THE INSTALLATION OF THE PROPOSED EQUIPMENT OR MODIFICATION OF THE EXISTING STRUCTURE, A STRUCTURAL ANALYSIS SHALL BE PERFORMED BY THE OWNER'S AGENT TO CERTIFY THAT THE EXISTING/PROPOSED COMMUNICATION STRUCTURE AND COMPONENTS ARE STRUCTURALLY ADEQUATE TO SUPPORT ALL EXISTING AND PROPOSED ANTENNAS, COAXIAL CABLES AND OTHER APPURTENANCES.
14. PROPERTY LINE INFORMATION WAS PREPARED USING DEEDS, TAX MAPS, AND PLANS OF RECORD AND SHOULD NOT BE CONSTRUED AS AN ACCURATE BOUNDARY SURVEY.
15. THIS PLAN IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
16. THE PROPOSED FACILITY WILL CAUSE ONLY A "DE MINIMIS" INCREASE IN STORMWATER RUNOFF. THEREFORE, NO DRAINAGE STRUCTURES ARE PROPOSED.
17. NO SIGNIFICANT NOISE, SMOKE, DUST, OR ODOR WILL RESULT FROM THIS FACILITY.
18. THE FACILITY IS UNMANNED AND NOT INTENDED FOR HUMAN HABITATION (NO HANDICAP ACCESS REQUIRED).
19. THE FACILITY IS UNMANNED AND DOES NOT REQUIRE POTABLE WATER OR SANITARY SERVICE.
20. POWER TO THE FACILITY WILL BE MONITORED BY A SEPARATE METER.

NOTE:
THE TOWER STRUCTURE HAS NOT BEEN EVALUATED BY NETWORK BUILDING AND CONSULTING ES AND WILL NEED TO BE ANALYZED WITH ALL PROPOSED LOADING BY A PROFESSIONAL ENGINEER PRIOR TO INSTALLATION.

Know what's **below.**
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ENGINEER

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**NB+C ENGINEERING SERVICES, LLC.**
120 EASTSHORE DRIVE, SUITE 300
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APPLICANT

verizon✓
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| 1 | 4/16/19 | FINAL | DCB |
| 0 | 04/11/19 | PRELIMINARY | DCB |

PROFESSIONAL STAMP

COMMONWEALTH OF VIRGINIA
JOHN A. DAUGHTREY III
Lic. No. 0402052122
05/10/2021
PROFESSIONAL ENGINEER

ENGINEER

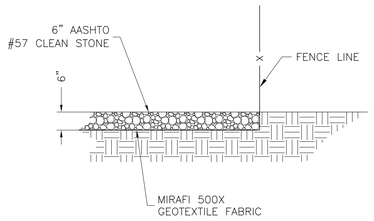
JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

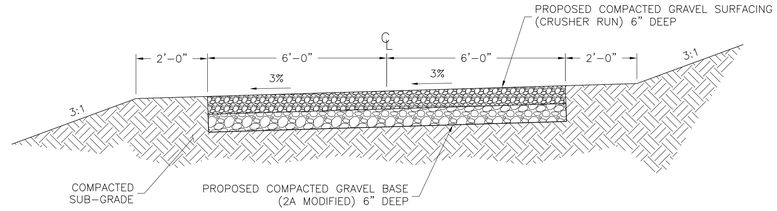
**TOWER ELEVATION, DETAILS & NOTES**

SHEET NUMBER

**C-2**

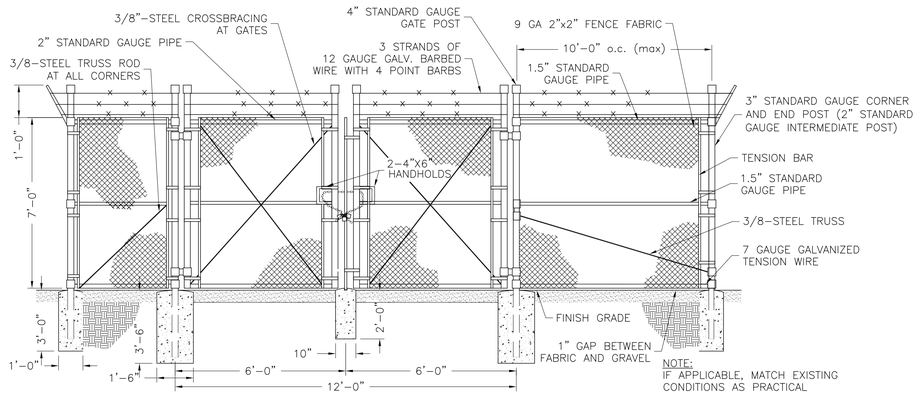



1 / S-1 GRAVEL COMPOUND DETAIL
NTS




NOTE:
- CONTRACTOR TO USE 6" DEEP GRAVEL BASE (2A MODIFIED) AS MEANS OF ACCESS FOR ALL HEAVY CONSTRUCTION TRAFFIC. PROPOSED GRAVEL SURFACE (6" DEEP CRUSHER RUN) TO BE INSTALLED AFTER ALL MAJOR CONSTRUCTION HAS BEEN COMPLETED.
- THE PROPOSED ROAD MUST BE KEYED INTO THE EXISTING GRADE. THE FINAL FINISHED GRADE SHALL BE FLUSH WITH THE EXISTING GRADE TO ALLOW FOR PROPER DRAINAGE ACROSS THE ROAD.

2 / S-1 PROPOSED GRAVEL DRIVEWAY TYPICAL SECTION
NTS




4 / S-1 TYPICAL FENCE AND GATE DETAIL
NTS

ENGINEER

NB+C ENGINEERING SERVICES, LLC.
120 EASTSHORE DRIVE, SUITE 300
GLEN ALLEN, VA 23059
804-548-4079

APPLICANT

verizon
1831 RADY COURT
RICHMOND, VA 23222

SITE INFORMATION

CLAIBORNE
VERIZON NEW BUILD
3800 GUINEA STATION ROAD
FREDERICKSBURG, VA 22408
SPOTSYLVANIA COUNTY

DESIGN RECORD

REVISIONS

| REV | DATE | DESCRIPTION | BY |
|---|---|---|---|
| | | | |
| | | | |
| 5 | 05/10/21 | REVISED | CCC |
| 4 | 03/18/21 | REVISED | CCC |
| 3 | 03/08/21 | REVISED | KLB |
| 2 | 09/17/20 | REVISED | CCC |
| 1 | 4/16/19 | FINAL | DCB |
| 0 | 04/11/19 | PRELIMINARY | DCB |

PROFESSIONAL STAMP

COMMONWEALTH OF VIRGINIA
JOHN A. DAUGHTREY III
Lic No. 0402052122
05/10/2021
PROFESSIONAL ENGINEER

ENGINEER

JOHN A. DAUGHTREY III, P.E.
VA PROFESSIONAL ENGINEER LIC. #052122

SHEET TITLE

**CONSTRUCTION DETAILS**

SHEET NUMBER

**S-1**

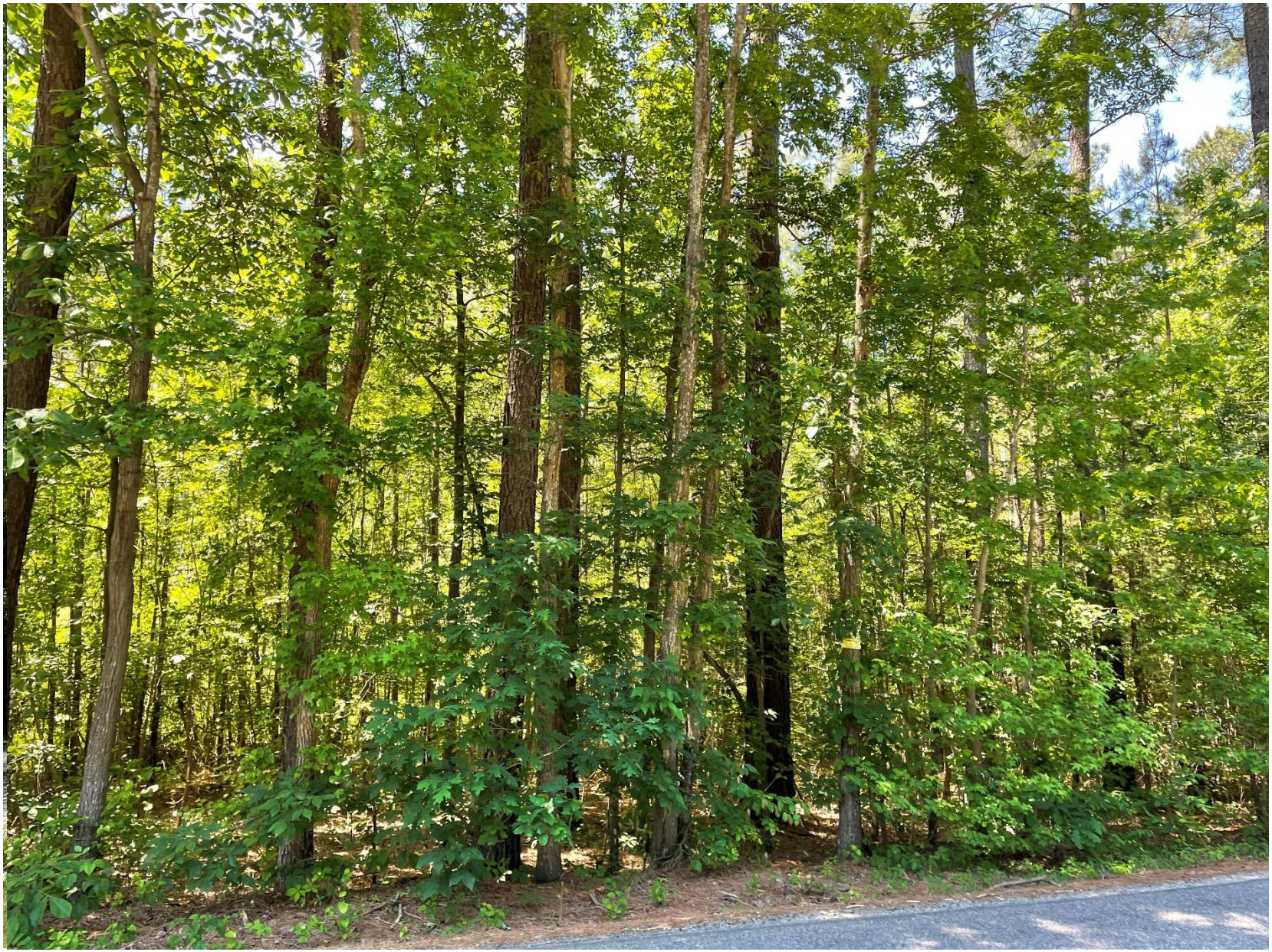
VZW Claiborne
Aerial Network Map - 5 mile radius
Legend
miles
Towers
COSNER CORNER MP
OVERVIEW MP
CEDAR FOREST GUYED
ONDURA WT
SUMMIT SST
QUAL RIDGE SST (VZW)
SPOTSYLVANIA COUNTY / CAROLINE COUNTY BOUNDARY
Spotsylvania
Sandy Ln
Fredericksburg-Turnpike
2.88 mi
3.0 mi
Proposed VZW Claiborne
GILMAN (VZW)
2.4 mi
4.15 mi
Lock's Corner (VZW)
3.26 mi
THORNBURG MP
MUDD TAVERN WT
VSP-THORNBURG SST
Woodford Rd
5.18 mi
Nancy Wright (VZW)
Google Earth
©2021 Google
6 mi
N
648
208
738
606
609
605
632
626
2
17

**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking west on Guinea Station Road from Nyland Road**

**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking west on Guinea Station Road from 3805 Guinea Station Road**

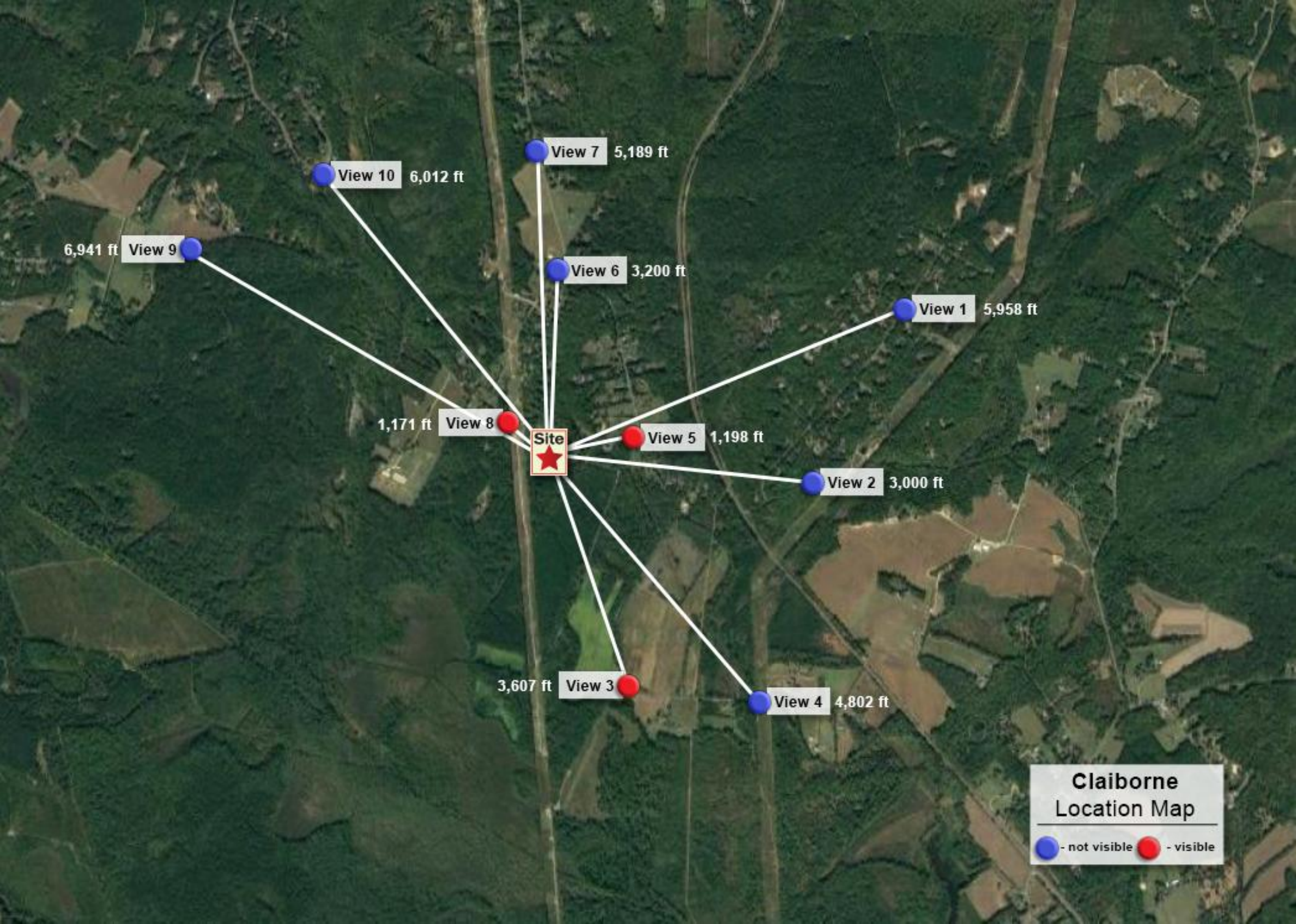
**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking west on Guinea Station Road from public hearing sign**

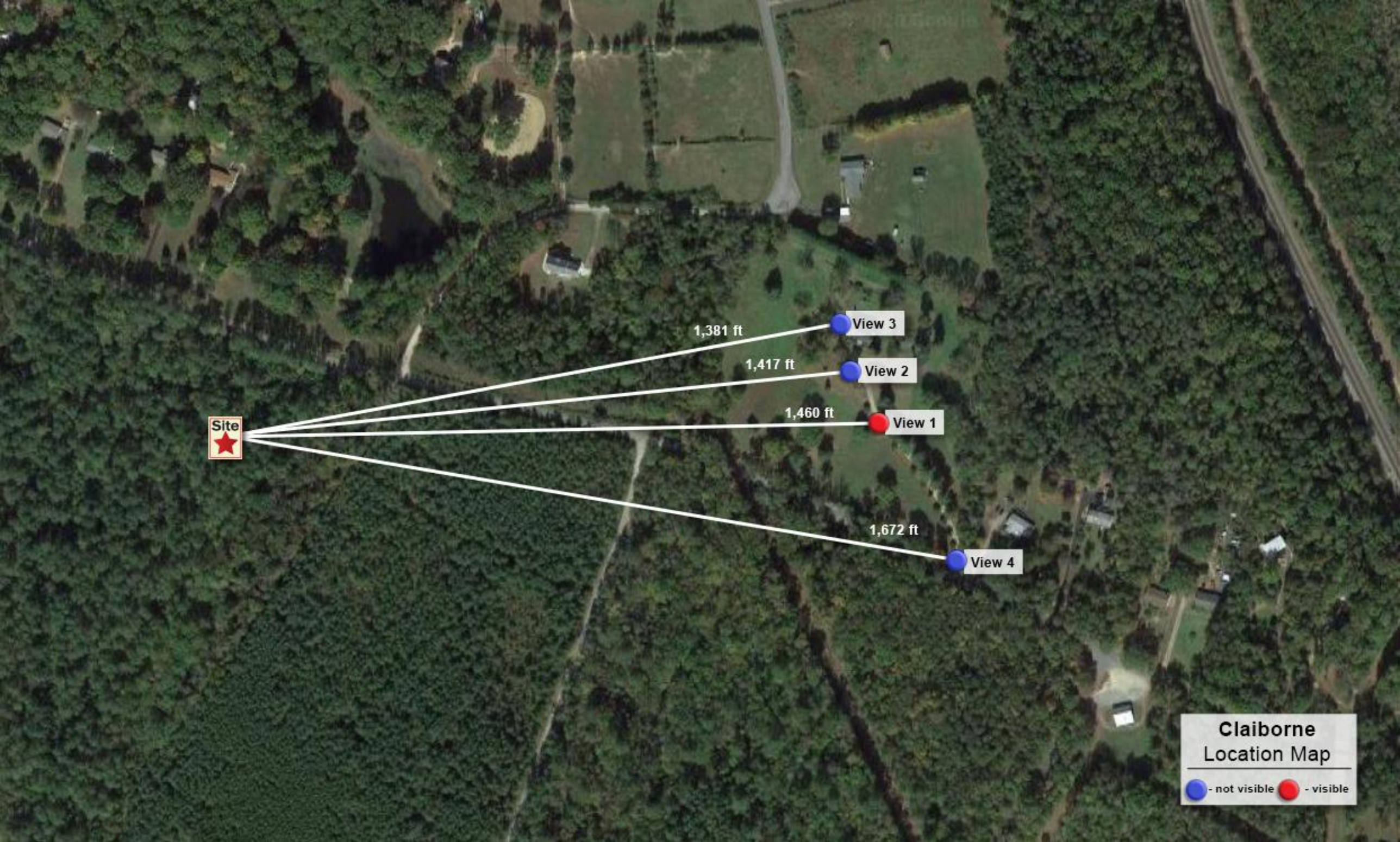
**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking south towards proposed tower compound from Guinea Station Road**



**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking west on Guinea Station Road from 3815 Guinea Station Road**

**Cellco Partnership (dba Verizon Wireless) – Site Name: Claiborne**
**Special Use Permit (SUP21-0002)**
**Gilman Land and Timber LLC – Parcel ID: 64-A-3**
**Existing Tree Buffer – Guinea Station Road – May 21, 2021**
**Looking east on Guinea Station Road from 3815 Guinea Station Road**


View 7 5,189 ft
View 10 6,012 ft
6,941 ft View 9
View 6 3,200 ft
View 1 5,958 ft
1,171 ft View 8
Site
View 5 1,198 ft
View 2 3,000 ft
3,607 ft View 3
View 4 4,802 ft
Claiborne
Location Map
- not visible
- visible


Site
1,381 ft
View 3
1,417 ft
View 2
1,460 ft
View 1
1,672 ft
View 4
Claiborne
Location Map
- not visible
- visible

Sabre Industries™
Towers and Poles

March 5, 2021

Jeff Holland, AICP
Senior Land Use Specialist
NETWORK BUILDING + CONSULTING
120 Eastshore Drive | Suite 300 | Glen Allen, VA | 23059

RE: 195' Sabre Monopole for Claiborne, VA

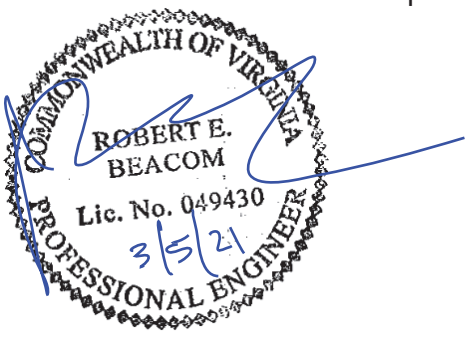
Dear Mr. Holland,

Upon receipt of order, we propose to design and supply the above referenced monopole for a Basic Wind Speed of 112 mph and 30 mph with 1" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas" to support four (4) wireless carriers.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles. The fall radius for the monopole design described above is within a radius equal to 50% of the tower height at ground level.

Sincerely,




Robert E. Beacom, P.E., S.E.
Engineering Supervisor

Matthew J. Strickler
*Secretary of Natural Resources*

Clyde E. Cristman
*Director*

# COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz
*Deputy Director of Administration and Finance*

Russell W. Baxter
*Deputy Director of Dam Safety & Floodplain Management and Soil & Water Conservation*

Thomas L. Smith
*Deputy Director of Operations*

June 27, 2019

Theresa Docal
Trileaf Corporation
8600 LaSalle Road, Suite 301
Towson, MD 21286

Re: 650754, Claiborne B Cell Tower

Dear Ms. Docal:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

According to the information currently in Biotics, natural heritage resources have not been documented within the submitted project boundary including a 100-foot buffer. Please note, a predictive model identifying potential habitat for natural heritage resources does intersect the project boundary. However, based on DCR biologist's review of the proposed project a survey is not recommended for the resource.

In addition, the proposed project will fragment an Ecological Core C5 as identified in the Virginia Natural Landscape Assessment (https://www.dcr.virginia.gov/natural-heritage/vaconvisvnla), one of a suite of tools in Virginia ConservationVision that identify and prioritize lands for conservation and protection.

Ecological Cores are areas of unfragmented natural cover with at least 100 acres of interior that provide habitat for a wide range of species, from interior-dependent forest species to habitat generalists, as well as species that utilize marsh, dune, and beach habitats. Cores also provide benefits in terms of open space, recreation, water quality (including drinking water protection and erosion prevention), and air quality (including carbon sequestration and oxygen production), along with the many associated economic benefits of these functions. The cores are ranked from C1 to C5 (C5 being the least ecologically relevant) using many prioritization criteria, such as the proportions of sensitive habitats of natural heritage resources they contain.

Fragmentation occurs when a large, contiguous block of natural cover is dissected by development, and other forms of permanent conversion, into one or more smaller patches.. Habitat fragmentation results in biogeographic changes that disrupt species interactions and ecosystem processes, reducing biodiversity and habitat quality due to limited recolonization, increased predation and egg parasitism, and increased invasion by weedy species.

Therefore minimizing fragmentation is a key mitigation measure that will preserve the natural patterns and connectivity of habitats that are key components of biodiversity. The deleterious effects of fragmentation can be reduced by minimizing edge in remaining fragments; by retaining natural corridors that allow movement between

fragments; and by designing the intervening landscape to minimize its hostility to native wildlife (natural cover versus lawns).

According to the United States Fish and Wildlife Service (USFWS) Guidance dated September 14, 2000 "new construction of communication towers creates a potentially significant impact on migratory birds, especially some 350 species of night-migrating birds". "Communications towers are estimated to kill 4-5 million birds per year and some of these species affected are also protected under the Endangered Species Act and Bald and Golden Eagle Act" (USFWS, 2000). Therefore, DCR recommends voluntary implementation of USFWS interim guidelines for Communication Tower Siting, Construction, Operation, and Decommissioning (http://www.fws.gov/northeast/virginiafield/PDFS/EndSpecies/MISC/commtower.pdf).

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

New and updated information is continually added to Biotics. Please re-submit a completed order form and project map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

A fee of $90.00 has been assessed for the service of providing this information. Please find attached an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, **DCR - Division of Natural Heritage, 600 East Main Street, 24th Floor, Richmond, VA 23219.** Payment is due within thirty days of the invoice date. Please note the change of address for remittance of payment as of July 1, 2013. Late payment may result in the suspension of project review service for future projects.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from http://vafwis.org/fwis/ or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Should you have any questions or concerns, please contact me at 804-225-2429. Thank you for the opportunity to comment on this project.

Sincerely,

Tyler Meader

Tyler Meader
Natural Heritage Locality Liaison

# United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Field Office
6669 Short Lane
Gloucester, VA 23061

Date: 6/10/19

**Self-Certification Letter**

Project Name: Claiborne - B (3800 Guinea Station Road, Fredericksburg, VA 22408)

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Virginia Ecological Services online project review process. By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions. This letter, and the enclosed project review package, completes the review of your project in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter also provides information for your project review under the National Environmental Policy Act of 1969 (P.L. 91-190, 42 U.S.C. 4321-4347, 83 Stat. 852), as amended. A copy of this letter and the project review package must be submitted to this office for this certification to be valid. This letter and the project review package will be maintained in our records.

The species conclusions table in the enclosed project review package summarizes your ESA conclusions. These conclusions resulted in:

- "no effect" determinations for proposed/listed species and/or proposed/designated critical habitat; and/or
- Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR § 17.40(o) [as determined through the Information, Planning, and Consultation System (IPaC) northern long-eared bat assisted determination key]; and/or
- "may affect, not likely to adversely affect" determinations for proposed/listed species and/or proposed/designated critical habitat.

We certify that use of the online project review process in strict accordance with the instructions provided as documented in the enclosed project review package results in reaching the appropriate determinations. Therefore, we concur with the "no effect" or "may affect, not likely to adversely affect" determinations for proposed and listed species and proposed and designated critical habitat. Additional coordination with this office is not needed.

Candidate species are not legally protected pursuant to the ESA. However, the Service encourages consideration of these species by avoiding adverse impacts to them. Please contact this office for additional coordination if your project action area contains candidate species.

Should project plans change or if additional information on the distribution of proposed or listed species, proposed or designated critical habitat becomes available, this determination may be reconsidered. This certification letter is valid for 1 year.

Information about the online project review process including instructions and use, species information, and other information regarding project reviews within Virginia is available at our website http://www.fws.gov/northeast/virginiafield/endspecies/project_reviews.html. If you have any questions, please contact Troy Andersen of this office at (804) 824-2428.

Sincerely,

Cindy Schulz
Field Supervisor
Virginia Ecological Services

Enclosures - project review package

# United States Department of the Interior

FISH AND WILDLIFE SERVICE
Virginia Ecological Services Field Office
6669 Short Lane
Gloucester, VA 23061-4410
Phone: (804) 693-6694 Fax: (804) 693-9032
http://www.fws.gov/northeast/virginiafield/

In Reply Refer To:
Consultation Code: 05E2VA00-2019-TA-4263
Event Code: 05E2VA00-2019-E-10778
Project Name: Claiborne - B

June 10, 2019

Subject: Verification letter for the 'Claiborne - B' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Theresa Docal:

The U.S. Fish and Wildlife Service (Service) received on June 10, 2019 your effects determination for the 'Claiborne - B' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Yellow Lance, *Elliptio lanceolata* (Threatened)

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

---

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

**Action Description**
You provided to IPaC the following name and description for the subject Action.

**1. Name**

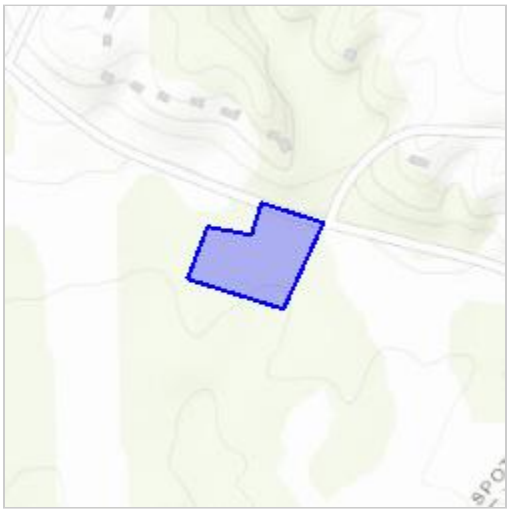
Claiborne - B

**2. Description**

The following description was provided for the project 'Claiborne - B':

> Verizon Wireless proposes to construct a 199-foot tall monopole communications tower and associated equipment within a 50-foot by 50-foot (2,500 square feet) compound within a 100-foot by 100-foot (10,000 square feet) lease area. The project includes a 12-foot wide proposed access road within a 20-foot wide proposed access and utility easement that extends northeast connecting with Guinea Station Road. Currently the site is a forested area.

Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/38.161838664534045N77.46506056009144W



**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

**Determination Key Description: Northern Long-eared Bat 4(d) Rule**

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

| | |
|---|---|
| **From:** | towernotifyinfo@fcc.gov |
| **To:** | Theresa Docal |
| **Subject:** | Section 106 Notification of SHPO/THPO Concurrence- Email ID # 3727970 |
| **Date:** | Thursday, June 6, 2019 12:17:49 PM |

---

This is to notify you that the Lead SHPO/THPO has concurred with the following filing:
Date of Action: 06/06/2019
Direct Effect: No Historic Properties in Area of Potential Effects (APE)
Visual Effect: No Effect on Historic Properties in APE
Comment Text: None

File Number: 0008641851
TCNS Number: 185092
Purpose: New Tower Submission Packet

Notification Date: 7AM EST 05/15/2019

Applicant: Verizon Wireless
Consultant: Johnson, Mirmiran & Thompson, on behalf of Trileaf Corporation
Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No
Site Name: Claiborne - B
Site Address: 3800 Guinea Station Road
Detailed Description of Project: Legal Description: No Township Found.
Site Coordinates: 38-9-42.5 N, 77-27-55.2 W
City: Fredericksburg
County: SPOTSYLVANIA
State:VA
Lead SHPO/THPO: Virginia Department of Historic Resources

NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE
Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.

verizon

# Radio Frequency Exposure
# FCC Compliance Assessment

## ☒ Pre-Activation ☐ Post-Activation

| SITE-SPECIFIC-INFORMATION | | | |
|---|---|---|---|
| **Site Name** | **Claiborne** | **Multi-Licensee Facility** | **No** |
| **Street Address** | **3800 Guinea Station Road** | **Is Verizon a Significant Contributor To Co-Locator Areas Requiring Mitigation?** | **No** |
| **City, State, Zip** | **Fredericksburg, Virginia 22408** | | |
| **Verizon's Max % MPE (Measured - Occupational)** | **N/A** | **Verizon's Max % MPE (Predictive - Occupational)** | **0.0026 Occupational** |
| **Structure Type** | **Monopole** | **Assessment Date** | **N/A** |
| **Broadcast (AM/FM/TV) Co-Locators** | **No** | **Assessment Purpose** | **Modification** |
| **Total Access Points** | **Unknown** | **Total Report Revisions** | **0** |
| **Original Report Date** | **December 3, 2020** | **Report Revision Date** | **N/A** |
| **Compliance Status** | **Mitigation Required** | | |

| VERIZON'S WORST-CASE RF EMISSIONS IN ACCESSIBLE AREAS AT THIS FACILITY | |
|---|---|
| ☒ | BELOW the General Population MPE limit |
| ☐ | ABOVE the General Population MPE limit and BELOW the Occupational MPE limit |
| ☐ | ABOVE the Occupational MPE limit and BELOW 10x the Occupational MPE limit |
| ☐ | ABOVE 10x the Occupational MPE limit |

| **Final Compliant Configuration** | | | | | | | |
|---|---|---|---|---|---|---|---|
| | **GUIDELINES** | **NOTICE** | **CAUTION** | **WARNING** | **NOC INFO** | **BARRIER/MARKER** | |
| **Access Point(s)** | ☒ [1] | ☐ | ☐ | ☐ | ☒ [1] | ☐ | |
| **Alpha** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Beta** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Gamma** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |

**NOTE: The table above represents EVERY compliance item that MUST be implemented at this location; Also in Sec. 4 (B)**

**Additional Compliance Requirements:**

There are no barriers recommended on this site. Barriers are not recommended for installation because there are no exceedances on any walking/working surface. Signage is recommended at the access points and/or the Verizon antennas as noted in the table above. To reduce the risk of exposure and/or injury, EBI recommends that access to the monopole or areas associated with the active antenna installation be restricted and secured where possible.

| | | | |
|---|---|---|---|
| **Consultant Legal Name** | EBI Consulting | **Phone/Fax** | 781-273-2500 |
| **Address** | 21 B Street, Burlington, MA 01803 | | |

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## 1. Introduction

Verizon Wireless has contracted with EBI Consulting, an independent Radio Frequency consulting firm, to conduct a **Radio Frequency Exposure (RFE) FCC Compliance Assessment** of the Claiborne cell site. The following report contains a detailed summary of the Radio Frequency environment as it relates to Federal Communications Commission (FCC) and Occupational Safety & Health Administration (OSHA) Rules and Regulations for all individuals.

The **Verizon Wireless antenna data** was provided by:

| | |
|---|---|
| **Name** | Jeff Dubiel |
| **Title** | RF Manager |
| **Date** | April 16, 2019 |
| **Sub-Market** | Virginia |

This compliance assessment and report has been **prepared** and **reviewed** by:

| | **Preparer** | **Reviewer** |
|---|---|---|
| **Name** | Rebecca Sinisgalli | Drew Duncklee |
| **Title** | RF/EME Technician II | Program Manager II |
| **Date** | December 1, 2020 | December 3, 2020 |

This report utilizes the following **for predictive modeling of the ambient RF environment**:
**MPE Modeling Program**: RoofMaster™ version 18
**Required Modeling Assumptions**: 100% Duty Cycle and Maximum Total Power Output.

**Additional Modeling Assumptions:**

EBI has performed theoretical MPE modeling using RoofMaster™ software to estimate the worst-case power density at the site's nearby broadcast levels resulting from operation of the antennas. Using the computational methods set forth in Federal Communications (FCC) Office of Engineering & Technology (OET) Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (OET-65), RoofMaster™ calculates predicted power density in a scalable grid based on the contributions of all RF sources characterized in the study scenario. At each grid location, the cumulative power density is expressed as a percentage of the FCC limits. Manufacturer antenna pattern data is utilized in these calculations. RoofMaster™ models consist of the Far Field model as specified in OET-65 and an implementation of the OET-65 Cylindrical Model (Sula9). The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

The modeling is based on worst-case scenario for the number of antennas and antenna parameters. The assumptions used in the modeling are based upon information provided by Verizon and information gathered from other sources.

Modeling results were generated based on information from the following material:

- RFDS – RFDS_CLAIBORNEB_1272219 – 04/16/2019
- CDs – Claiborne - FZD REV 2- 20200917 – 09/17/2020


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## 2. Existing Site Characteristics

### a. Structure

| | |
|---|---|
| **Physical Description** | This project involves the installation of six (6) wireless telecommunication antenna(s) on a monopole in Fredericksburg, Virginia. The site is a 195 – foot monopole. |
| **Single-Family Home** | ☐ **YES** ☒ **NO** |
| **Latitude (NAD 83)** | 38° 9' 42.50" N |
| **Longitude (NAD 83)** | -77° 27' 55.23" W |
| **Total Analyzed Elevations (Roof Levels)** | 1 (See antenna table below) |

### b. Accessibility

| | |
|---|---|
| **Did the property owner or agent of the property owner (e.g. a security guard) grant you access to the rooftop?** | N/A |
| **If not - were you required to be escorted by Verizon personnel in order to gain access?** | N/A |
| **Were you required to provide any proof of identity to gain access?** | N/A |
| **What specific documents were required in order to gain access?** | N/A |
| **All access points locked at time of assessment?** | N/A |
| **All access points alarmed at time of assessment?** | N/A |
| **Were there any broken locks or inoperable alarms on any of the access points to the rooftop?** | N/A |
| **Were there any access issues caused by either the property owner or agent of the property owner?** | N/A |

**Additional Notes:**

This assessment is a pre-activation report. No site visit was conducted.


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## c. Existing Verizon Observations

| Existing Observations | | | | | | | |
|---|---|---|---|---|---|---|---|
| | GUIDELINES | NOTICE | CAUTION | WARNING | NOC INFO | BARRIER/MARKER | |
| Access Point(s) | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Alpha | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Beta | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| Gamma | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |

**NOTE: The table above represents EXISTING compliance items implemented at this location.**

| | |
|---|---|
| **Are Verizon signs posted on the front, back and sides of antenna arrays where possible?** | N/A |
| **Are Verizon signs visible from all areas of approach?** | N/A |
| **Are there any broken, damaged or illegible Verizon signs?** | N/A |
| **Are there any broken or damaged Verizon physical barriers?** | N/A |
| **Are there any Verizon indicative markers in need of repair or replacement?** | N/A |

## d. Antenna Inventory

| | |
|---|---|
| **Z-height represents the distance from the nearest walking surface to the _____ of the antenna.** | ☐ **Bottom** ☒ **Centerline** ☐ **Top** |
| **NON-Verizon Co-locator Data** | ☒ **Estimates** ☐ **Actual Data** |

| Ant # | Operator | Antenna Make | Antenna Model | Frequency (MHz) | Azimuth (deg.) | Mechanical Downtilt (deg.) | Horizontal Beamwidth (Degrees) | Aperture (feet) | Total Power Input (Watts) | Antenna Gain (dBd) | Total ERP (Watts) | Total EIRP (Watts) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 80 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 1 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 80 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 1 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 1900 | 1900 | 80 | 0 | 78 | 8.4 | 80 | 15.12 | 2600.70 | 4265.15 |
| 2 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 80 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 2 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 80 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 2 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 2100 | 2100 | 80 | 0 | 78 | 8.4 | 80 | 15.41 | 2780.29 | 4559.67 |
| 3 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 200 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 3 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 200 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 3 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 1900 | 1900 | 200 | 0 | 78 | 8.4 | 80 | 15.12 | 2600.70 | 4265.15 |
| 4 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 200 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 4 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 200 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 4 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 2100 | 2100 | 200 | 0 | 78 | 8.4 | 80 | 15.41 | 2780.29 | 4559.67 |
| 5 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 320 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 5 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 320 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 5 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 1900 | 1900 | 320 | 0 | 78 | 8.4 | 80 | 15.12 | 2600.70 | 4265.15 |
| 6 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 700 | 700 | 320 | 0 | 82 | 8.4 | 80 | 13.07 | 1622.15 | 2660.32 |
| 6 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 850 | 850 | 320 | 0 | 83 | 8.4 | 80 | 12.87 | 1549.14 | 2540.59 |
| 6 | Verizon | COMMSCOPE | NHH-85C-R2B 00DT 2100 | 2100 | 320 | 0 | 78 | 8.4 | 80 | 15.41 | 2780.29 | 4559.67 |


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| Ant # | NAME | X | Y | Antenna Radiation Centerline | Z-Height Ground |
|---|---|---|---|---|---|
| 1 | Verizon | 29.8 | 14.4 | 192.0 | 192.0 |
| 2 | Verizon | 33.7 | 10.1 | 192.0 | 192.0 |
| 3 | Verizon | 30.0 | 2.1 | 192.0 | 192.0 |
| 4 | Verizon | 24.3 | 3.4 | 192.0 | 192.0 |
| 5 | Verizon | 15.8 | 6.4 | 192.0 | 192.0 |
| 6 | Verizon | 17.7 | 11.5 | 192.0 | 192.0 |


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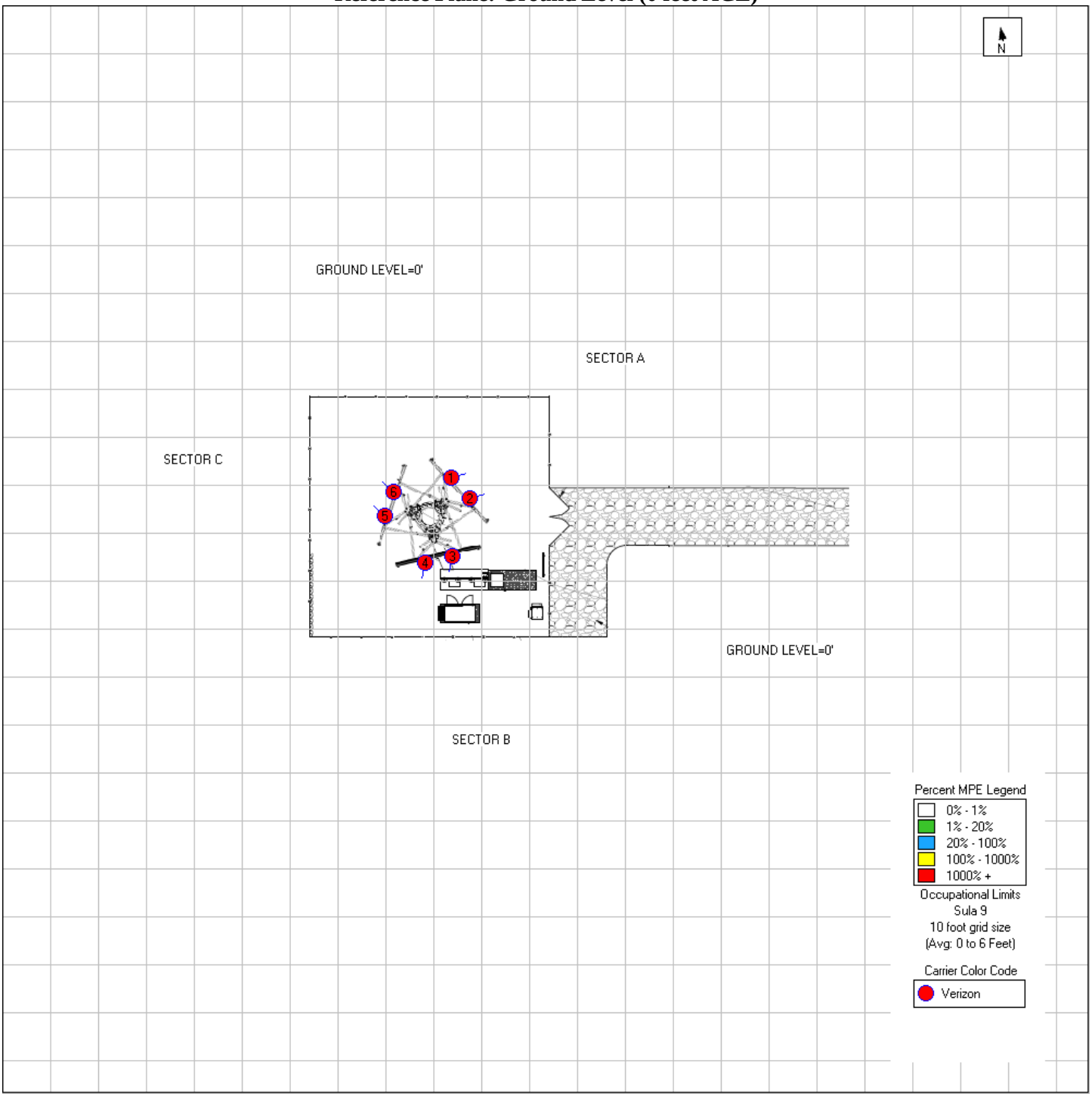
## 3. Analysis

### a. Predictive Model: Verizon

| Is the area being modeled completely INACCESSIBLE to members of the general population (including untrained maintenance workers)? | ☐ YES ☒ NO |
|---|---|

**Reference Plane: Ground Level (0 feet AGL)**





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**4. Conclusion**
**a. Conclusion Narrative**

**Description of MPE-Limit Exceeding Areas:**

Based on worst-case predictive modeling, there are no modeled exposures on any accessible ground walking/working surface related to Verizon's proposed antennas that exceed the FCC's occupational and/or general public exposure limits at this site.

Modeling also indicates that the worst-case emitted power density does not exceed the FCC's general population or occupational limit in front of Verizon's antennas on the ground level.

Additionally, all surrounding buildings and structures were analyzed and the maximum emitted power density modeled on these surfaces is less than the FCC's general public limit.

**Potentially Non-Compliant Co-Locator Areas: Verizon Responsibility**
*The following table represents potentially non-compliant co-locators for which Verizon is a 5% General Population MPE (1% Occupational MPE) contributor.*

| AT&T | T-Mobile | Sprint | US Cellular | Unknown | Other |
|---|---|---|---|---|---|
| ☐ | ☐ | ☐ | ☐ | ☐ | |
| | | | | | |
| | | | | | |
| | | | | | |

Based on review of construction drawings and aerial photographs, no collocators were identified onsite.


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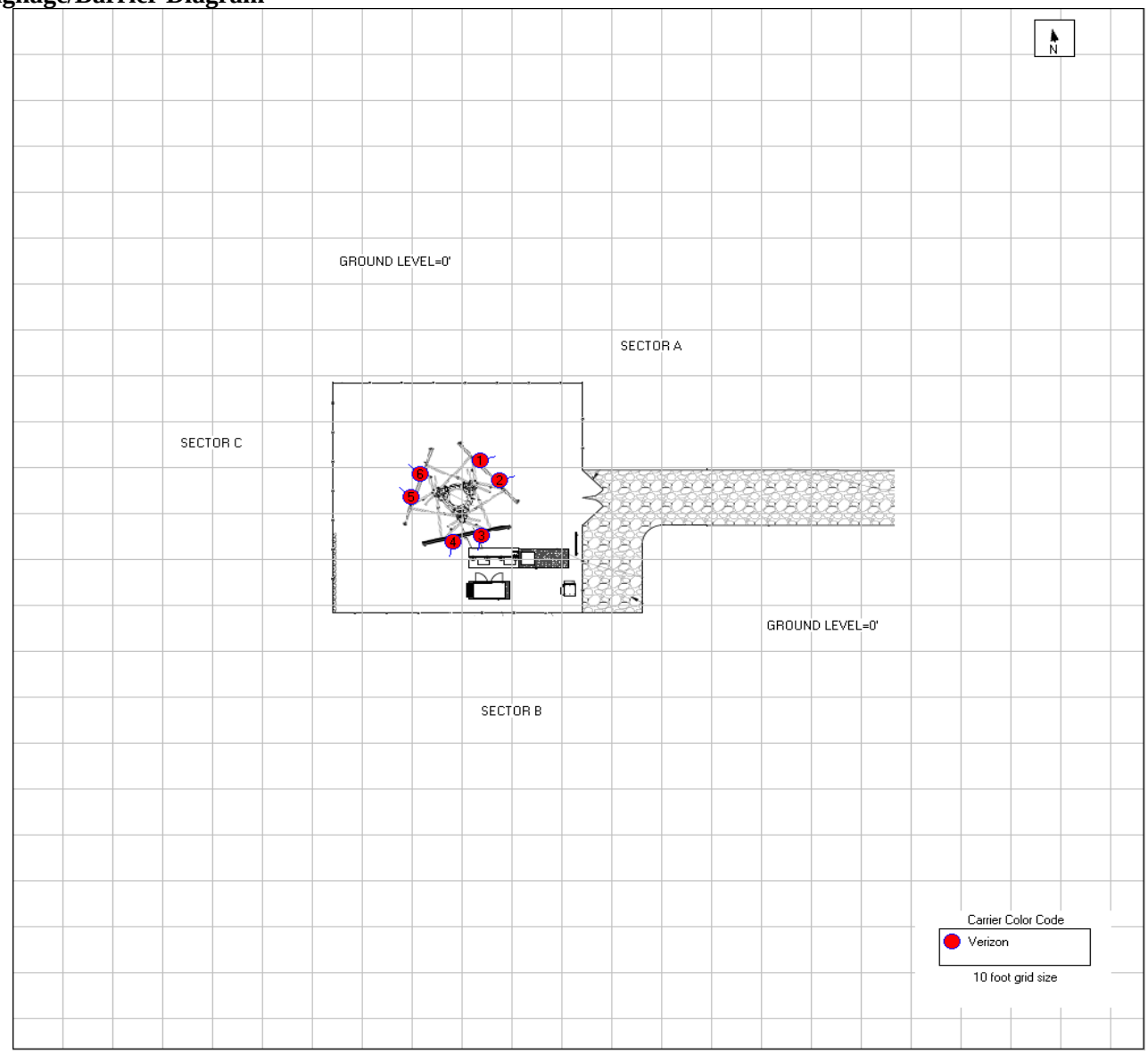
**b. Signage/Barrier Diagram**




Existing Sign

Proposed Sign

Installed Sign

*Post signs to the base of the monopole climbing ladder.

| Final Compliant Configuration | GUIDELINES | NOTICE | CAUTION | WARNING | NOC INFO | BARRIER/MARKER | |
|---|---|---|---|---|---|---|---|
| **Access Point(s)** | ☒ [1] | ☐ | ☐ | ☐ | ☒ [1] | ☐ | |
| **Alpha** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Beta** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Gamma** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |

**NOTE: The table above represents EVERY compliance item that MUST be implemented at this location.**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**c. Signage/Barrier Installation Detail**

| **Mitigation Actions Required/Taken** | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **GUIDELINES** | | **NOTICE** | | **CAUTION** | | **WARNING** | | **NOC INFO** | | **BARRIER/MARKER** | |
| **Access Point(s)** | ☒ [1] | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☒ [1] | ☐ | ☐ | |
| **Alpha** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Beta** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| **Gamma** | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | ☐ | |
| | **ADD** | **REM** | **ADD** | **REM** | **ADD** | **REM** | **ADD** | **REM** | **ADD** | **REM** | **ADD ONLY** | |

**NOTE: The table represents either the signage/barriers installed / removed OR items required by the market (if mitigation is not installed by consultant/vendor).**

| **SPECIAL MITIGATION INSTRUCTIONS** | |
|---|---|
| **Items to be Installed** | • Install GUIDELINES and NOC INFO signs to the base of the monopole climbing ladder. |
| **Items to be Removed** | N/A |
| **Items to be Repaired/Replaced** | N/A |
| **Access Requirements** | To reduce the risk of exposure and/or injury, EBI recommends that access to the monopole or areas associated with the active antenna installation be restricted and secured where possible. |

Barriers are not recommended for installation because there are no exceedances on any walking/working surface.


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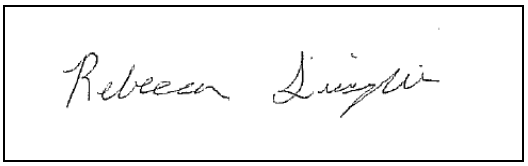
## 5. Appendix C: RF Consultant Certifications

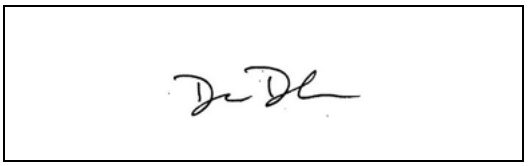
### a. Preparer Certification

I, Rebecca Sinisgalli, the preparer of this report, am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also fully aware of and familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.



### b. Reviewer Certification

I, Drew Duncklee, the reviewer and approved of this report, am fully aware of and familiar with the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I am also fully aware of and familiar with the Verizon Wireless Signage & Demarcation Policy. I have reviewed this Radio Frequency Exposure Assessment report and believe it to be both true and accurate to the best of my knowledge.

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## 6. Appendix D: Reference Information

### a. FCC Rules & Regulations

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards "incorporate prudent margins of safety." The following represents explanations of the most applicable information:

**Two Classifications for Exposure Limits**

| | |
|---|---|
| Occupational – Applies to situations in which persons are "exposed as a consequence of their *employment*" and are "*fully aware* of the potential for exposure and can *exercise control* over their exposure". | General Population – Applies to situations in which persons are "exposed as a consequence of their employment *may not be made fully aware* of the potential for exposure or *cannot exercise control* over their exposure". Generally speaking, those without significant and documented RF Safety & Awareness training would be in the General Population classification. |

**Environment Classification**

| | |
|---|---|
| Controlled – Applies to environments that are restricted or "controlled" in order to prevent access from members of the General Population classification. | Uncontrolled – Applies to environments that are unrestricted or "uncontrolled" that allow access from members of the General Population classification. |

| ***Limits for Occupational/Controlled Exposure*** | | |
|---|---|---|
| **Frequency Range (MHz)** | **Power Density (S) ($mW/cm^2$)** | **Averaging Time $\|E\|^2$, $\|H\|^2$, or S (minutes)** |
| 300-1500 | f/300 | 6 |
| 1500-100,000 | 5 | 6 |
| | | |
| ***Limits for General Population/Uncontrolled Exposure*** | | |
| **Frequency Range (MHz)** | **Power Density (S) ($mW/cm^2$)** | **Averaging Time $\|E\|^2$, $\|H\|^2$, or S (minutes)** |
| 300-1500 | f/1500 | 30 |
| 1500-100,000 | 1 | 30 |
| *f = frequency in MHz* | | |

**Significant Contribution to the RF Environment**

Any carrier contributing an aggregate MPE percentage of *5* or more (to the applicable RF Environment Classification) is defined as a significant contributor. This means that if any area is determined to be out of compliance with FCC rules, all significant contributors are jointly responsible for correcting any deficiencies.

### b. Occupational Safety and Health Administration (OSHA) Requirements

A formal adopter of FCC Standards, OSHA stipulates that those in the Occupational classification must complete training in the following: RF Safety, RF Awareness, and Utilization of Personal Protective Equipment. OSHA also provides options for Hazard Prevention and Control:

| Hazard Prevention | Control |
|---|---|
| • Utilization of good equipment<br>• Enact control of hazard areas<br>• Limit exposures<br>• Employ medical surveillance and accident response | • Employ Lockout/Tag out<br>• Utilize personal alarms & protective clothing<br>• Prevent access to hazardous locations<br>• Develop or operate an administrative control program |


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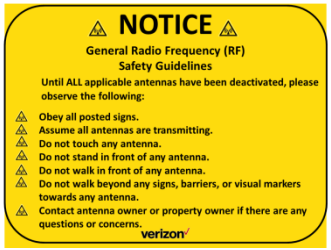
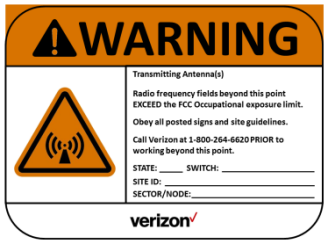
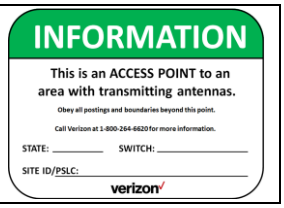
### c. RF Signage

Areas or portions of any transmitter site may be susceptible to high power densities that could cause personnel exposures in excess of the FCC guidelines. These areas must be demarcated by conspicuously posted signage that identifies the potential exposure. Signage must be viewable regardless of the viewer's position. Signs must be legible and readily viewable and readable at a minimum distance of five feet (1.52 meters) from the boundary (and as necessary on approach to this boundary) at which the applicable limits are exceeded, and that controls or indicators be placed at compliance boundaries. The minimum readable letter height at 5 feet from the signage is 0.20 inches for the Message and 0.44 inches for the Signal.

| GUIDELINES | NOTICE | CAUTION | WARNING |
|---|---|---|---|
| This sign will inform anyone of the basic precautions to follow when entering an access point to an area with transmitting radiofrequency equipment. | This sign indicates that RF emissions may exceed the FCC General Population MPE limit. | This sign indicates that RF emissions may exceed the FCC Occupational MPE limit. | This sign indicates that RF emissions may exceed at least 10x the FCC Occupational MPE limit. |
|  | | |  |

| NOC INFORMATION | |
|---|---|
| Information signs are used as a means to provide contact information for any questions or concerns. They will include specific cell site identification information and the Verizon Wireless Network Operations Center phone number. |  |

### d. Physical Barriers

Physical barriers are control measures that require awareness and participation of personnel. Physical barriers are employed as an additional administration control to complement RF signage and physically demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example**: chain-connected stanchions

### e. Indicative Markers

Indicative markers are visible control measures that require awareness and participation of personnel, as they cannot physically prevent someone from entering an area of potential concern. Indicative markers are employed as an additional administration control to complement RF signage and visually demarcate an area in which RF exposure levels may exceed the FCC General Population limit. **Example**: paint stripes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Reviewed and Approved by:

sealed 03dec2020 mike@h2dc.com
H2DC PLLC VA CoA#: 0413000651

Michael McGuire
Electrical Engineer
Mike@h2dc.com

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the structure, as well as the impact of the antennas and broadcast equipment on the structural integrity of the structure, are specifically excluded from EBI's scope of work.

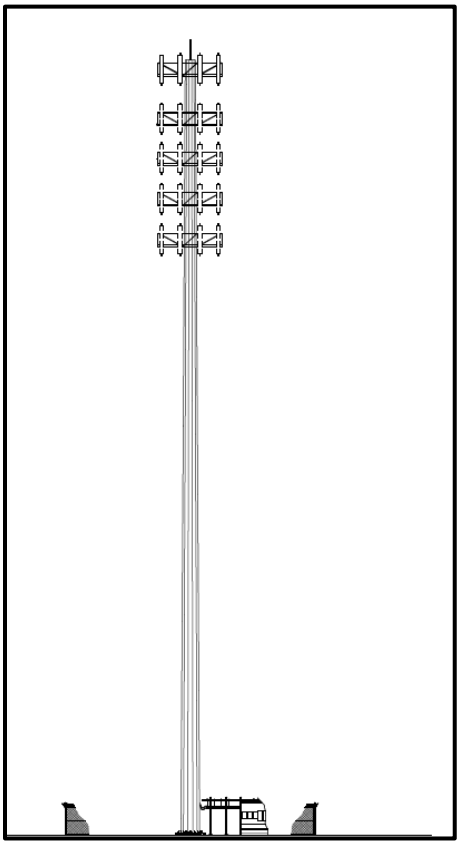
EBI Consulting
environmental | engineering | due diligence

# CO-LOCATION INTERFERENCE ANALYSIS REPORT

## Verizon Wireless
## Claiborne
## 3800 Guinea Station Road
## Fredericksburg, VA  22408

**Delivered: November 30, 2020**

**EBI Project Number: 6220006089**



**Prepared by:**
**EBI Consulting**
21 B Street
Burlington, MA  01803

EBI Consulting
environmental | engineering | due diligence

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# 1.0 Executive Summary

This report presents a radio frequency interference (RFI) analysis which was performed on the **Verizon Wireless_Claiborne** site. The RFI analysis consists of transmitter noise, receiver desensitization, intermodulation, harmonic and transmitter spurious output interference. The report consists of Sections that provide details of the communications site, antenna systems, operational frequencies and each interference analysis mode.

A summary of the interference analysis results is depicted in the following Table.

| Interference Analysis Mode | Type Mix | Status | Summary | Worst-Case Margin (dB) |
|---|---|---|---|---|
| Transmitter Noise | N/A | Passed | No Interference was predicted | **21.2** |
| Receiver Desensitization | N/A | Passed | No Interference was predicted | **49** |
| Transmitter Intermodulation | 1 Tx | Passed | No Interference was predicted | N/A |
| Transmitter Intermodulation | 2 Tx | Passed | No Interference was predicted | N/A |
| Transmitter Intermodulation | 3 Tx | Passed | No Interference was predicted | N/A |
| Transmitter Intermodulation | 4 Tx | Passed | No Interference was predicted | N/A |
| Transmitter Intermodulation | 5 Tx | Passed | No Interference was predicted | N/A |
| Receiver Intermodulation | 1 Tx | Passed | No Interference was predicted | N/A |
| Receiver Intermodulation | 2 Tx | Passed | No Interference was predicted | N/A |
| Receiver Intermodulation | 3 Tx | Passed | No Interference was predicted | N/A |
| Receiver Intermodulation | 4 Tx | Passed | No Interference was predicted | N/A |
| Receiver Intermodulation | 5 Tx | Passed | No Interference was predicted | N/A |
| Transmitter Harmonics | N/A | Passed | No Interference was predicted | N/A |
| Transmitter Spurious Output | N/A | Passed | No Interference was predicted | N/A |

The analysis was performed with the setup options depicted in the Table below.

| Analysis | Description |
|---|---|
| Receiver Performance | Receiver Sensitivity Threshold |
| Receiver Bandwidth | Receiver Dependent |
| Antenna Patterns Considered | Yes |
| Measured Antenna Isolation Data | No |
| Filters/Multicouplers Considered | Yes |
| Number of Simultaneous Transmitters Mixed | 5 |
| Highest Intermodulation Order Tested | 7 |
| Condense Intermodulation Hit Quantity | Yes - 10000/Order |
| TX IM Bandwidth Multiplication | No |
| Tx/Rx Systems Excluded | None |
| Site File Name | Verizon Wireless_Claiborne.dta |
| Report File Name | Verizon Wireless_Claiborne.docx |
| WirelessSiteRFI Software Version | 10.0.12 |

## 2.0 Site Description

The communication systems located at this site are described in this section as well as the configuration of the antenna systems.

The site parameters are:

**Site Name:** **Verizon Wireless_Claiborne**
**Owner:** Verizon Wireless
**Site Description:** Monopole Facility
**Address:** 3800 Guinea Station Road, Fredericksburg, VA 22408
**Latitude:** 38.16180753 N
**Longitude:** -77.46534208 W
**Elevation:** 175 feet AMSL

**Notes:** Currently **Verizon Wireless** is the only provider proposed to locate on this facility. This analysis was contained solely to those proposed radio systems for **Verizon Wireless.**

### 2.1 Communications Systems

| System | Provider | Technology | Frequency Band |
|---|---|---|---|
| 1 | Verizon Wireless | LTE | 700 MHz Band |
| 2 | Verizon Wireless | LTE | 1900 MHz PCS Band |
| 3 | Verizon Wireless | LTE | 850 MHz Cellular |
| 4 | Verizon Wireless | LTE | 2100 MHz AWS Band |

## 2.2 Antenna Systems

| Ant # | Mfg | Antenna Model | Gain (dBd) | Hgt (ft) | Orient (deg) | Sector | Ant Use | Transmission Line Type | Line Loss (/100') | Line Length (ft) |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Commscope | NHH-85C-R2B | 13.83 | 192 | 80 | A | Dplx | 1/2 in. Foam | 0.5 | 10 |
| 2 | Commscope | NHH-85C-R2B | 13.83 | 192 | 200 | B | Dplx | 1/2 in. Foam | 0.5 | 10 |
| 3 | Commscope | NHH-85C-R2B | 13.83 | 192 | 320 | C | Dplx | 1/2 in. Foam | 0.5 | 10 |
| 4 | Commscope | NHH-85C-R2B | 15.4 | 192 | 80 | A | Dplx | 1/2 in. Foam | 0.5 | 10 |
| 5 | Commscope | NHH-85C-R2B | 15.4 | 192 | 200 | B | Dplx | 1/2 in. Foam | 0.5 | 10 |
| 6 | Commscope | NHH-85C-R2B | 15.4 | 192 | 320 | C | Dplx | 1/2 in. Foam | 0.5 | 10 |

## 3.0 Transmitter Frequencies

| Freq # | Ant # | Provider | Model | Technology | Channel Label | ID | Frequency (MHz) | Power (Watts) | BW (KHz) |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 1 | Verizon Wireless | Ericsson | LTE | 1 | A | 781.500000 | 160 | 10000 |
| 2 | 2 | Verizon Wireless | Ericsson | LTE | 1 | B | 781.500000 | 160 | 10000 |
| 3 | 3 | Verizon Wireless | Ericsson | LTE | 1 | C | 781.500000 | 160 | 10000 |
| 4 | 4 | Verizon Wireless | Ericsson | LTE | 1 | D | 1972.500000 | 160 | 5000 |
| 5 | 5 | Verizon Wireless | Ericsson | LTE | 1 | E | 1972.500000 | 160 | 5000 |
| 6 | 6 | Verizon Wireless | Ericsson | LTE | 1 | F | 1972.500000 | 160 | 5000 |
| 7 | 7 | Verizon Wireless | Ericsson | LTE | 1 | J | 885.000000 | 160 | 10000 |
| 8 | 8 | Verizon Wireless | Ericsson | LTE | 1 | K | 885.000000 | 160 | 10000 |
| 9 | 9 | Verizon Wireless | Ericsson | LTE | 1 | L | 885.000000 | 160 | 10000 |
| 10 | 12 | Verizon Wireless | Ericsson | LTE | 1 | M | 2125.000000 | 160 | 10000 |
| 11 | 10 | Verizon Wireless | Ericsson | LTE | 1 | N | 2125.000000 | 160 | 10000 |
| 12 | 11 | Verizon Wireless | Ericsson | LTE | 1 | O | 2125.000000 | 160 | 10000 |

## 4.0 Receiver Frequencies

| Freq # | Ant # | Provider | Model | Technology | Channel Label | ID | Frequency (MHz) | Sen (dBm) | BW (KHz) |
|---|---|---|---|---|---|---|---|---|---|
| 1 | 1 | Verizon Wireless | Ericsson | LTE | 1 | A | 751.500000 | -110 | 10000 |
| 2 | 2 | Verizon Wireless | Ericsson | LTE | 1 | B | 751.500000 | -110 | 10000 |
| 3 | 3 | Verizon Wireless | Ericsson | LTE | 1 | C | 751.500000 | -110 | 10000 |
| 4 | 4 | Verizon Wireless | Ericsson | LTE | 1 | D | 1892.500000 | -110 | 5000 |
| 5 | 5 | Verizon Wireless | Ericsson | LTE | 2 | E | 1892.500000 | -110 | 5000 |
| 6 | 6 | Verizon Wireless | Ericsson | LTE | 1 | F | 1892.500000 | -110 | 5000 |
| 7 | 7 | Verizon Wireless | Ericsson | LTE | 1 | J | 840.000000 | -110 | 10000 |
| 8 | 8 | Verizon Wireless | Ericsson | LTE | 1 | K | 840.000000 | -110 | 10000 |
| 9 | 9 | Verizon Wireless | Ericsson | LTE | 1 | L | 840.000000 | -110 | 10000 |
| 10 | 12 | Verizon Wireless | Ericsson | LTE | 1 | M | 1725.000000 | -110 | 10000 |
| 11 | 10 | Verizon Wireless | Ericsson | LTE | 1 | N | 1725.000000 | -110 | 10000 |
| 12 | 11 | Verizon Wireless | Ericsson | LTE | 1 | O | 1725.000000 | -110 | 10000 |

## 5.0 Transmitter Noise Analysis

Transmitter noise interference occurs because a transmitter radiates energy on its operating frequency as well as frequencies above and below the assigned frequency. The energy that is radiated above and below the assigned frequency is known as sideband noise energy and extends for several megahertz on either side of the operating frequency. This undesired noise energy can fall within the passband of a nearby receiver even if the receiver's operating frequency is several megahertz away. The transmitter noise appears as "on-channel" noise interference and cannot be filtered out at the receiver. It is on the receiver's operating frequency and competes with the desired signal, which in effect, degrades the operational performance.

The analysis predicts each transmitter's noise signal level present at the input of each receiver. It takes into account the transmitter's noise characteristics, frequency separation, power output, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in both systems. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required, if any, to prevent receiver performance degradation caused by transmitter noise interference. The Table below depicts the results of this analysis. For each receiver, the transmitter that has the worst-case impact is displayed. The Signal Margin represents the margin in dB, before the receiver's performance is degraded. A negative number indicates that the performance is degraded and the value indicates how much additional isolation is required to prevent receiver performance degradation.

| Receiver Provider | Receive Channel | Receive Frequency (MHz) | Transmitter Provider | Transmit Channel | Transmit Frequency (MHz) | Attn Required (dB) | Attn Provided (dB) | Signal Margin (dB) |
|---|---|---|---|---|---|---|---|---|
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 58.3 | 79.5 | 21.2 |
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 58.3 | 79.5 | 21.2 |
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 58.3 | 79.5 | 21.2 |
| Verizon Wireless | 1 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 54.6 | 97.5 | 42.8 |
| Verizon Wireless | 2 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 54.6 | 97.5 | 42.8 |
| Verizon Wireless | 1 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 54.6 | 97 | 42.3 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 51.6 | 79.5 | 27.9 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 51.6 | 79.5 | 27.9 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 51.6 | 79.5 | 27.9 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 54.6 | 91.6 | 36.9 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 54.6 | 91.6 | 36.9 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 54.6 | 91.6 | 36.9 |

**Analysis Results:** No transmitter noise interference problems were predicted that were determined to be system performance limiting to any operators analyzed in this report. All calculations yielded results that determined, based upon the listed configurations, that there was adequate isolation between all analyzed transmitters and receivers either through physical separation, antenna broadcast pattern gain roll off or filtering and isolation devices considered to be part of the standard transmitter / receiver configuration deployed by the equipment manufacturers listed as part of this analysis.

## 6.0 Receiver Desensitization Analysis

Receiver desensitization interference occurs when an undesired signal from a nearby "off-frequency" transmitter is sufficiently close to a receiver's operating frequency. The signal may get through the RF selectivity of the receiver. If this undesired signal is of sufficient amplitude, the receiver's critical voltage and current levels are altered and the performance of the receiver is degraded at its operating frequency. The gain of the receiver is reduced, thereby reducing the performance of the receiver.

A transmitter can be operating several megahertz away from the receiver frequency and/or its antenna can be located several thousand feet from the receiver's antenna and still cause interference.

The analysis predicts each transmitter's signal level present at the input of each receiver. It takes into account the transmitter's power output, frequency separation, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in both systems. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required, if any, to prevent receiver performance degradation caused by receiver desensitization interference. The Table below depicts the results of this analysis. For each receiver, the transmitter that has the worst-case impact is displayed. The Signal Margin represents the margin in dB, before the receiver's performance is degraded. A negative number indicates that the performance is degraded and the value indicates how much additional isolation is required to prevent receiver performance degradation.

| Receiver Provider | Receive Channel | Receive Frequency (MHz) | Transmitter Provider | Transmit Channel | Transmit Frequency (MHz) | Attn Required (dB) | Attn Provided (dB) | Signal Margin (dB) |
|---|---|---|---|---|---|---|---|---|
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 22.3 | 72.6 | 50.3 |
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 22.3 | 72.6 | 50.3 |
| Verizon Wireless | 1 | 751.500000 | Verizon Wireless | 1 | 781.500000 | 22.3 | 72.6 | 50.3 |
| Verizon Wireless | 1 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 19 | 182.7 | 163.7 |
| Verizon Wireless | 2 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 19 | 182.7 | 163.7 |
| Verizon Wireless | 1 | 1892.500000 | Verizon Wireless | 1 | 1972.500000 | 19 | 182.2 | 163.2 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 23.6 | 72.6 | 49 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 23.6 | 72.6 | 49 |
| Verizon Wireless | 1 | 840.000000 | Verizon Wireless | 1 | 885.000000 | 23.6 | 72.6 | 49 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 19 | 89.2 | 70.2 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 19 | 89.2 | 70.2 |
| Verizon Wireless | 1 | 1725.000000 | Verizon Wireless | 1 | 2125.000000 | 19 | 89.2 | 70.2 |

**Analysis Results:** No receiver desensitization interference problems were predicted that were determined to be system performance limiting to any operators analyzed in this report. All calculations yielded results that determined, based upon the listed configurations, that there was adequate isolation between all analyzed transmitters and receivers either through physical separation, antenna broadcast pattern gain roll off or filtering and isolation devices considered to be part of the standard transmitter / receiver configuration deployed by the equipment manufacturers listed as part of this analysis.

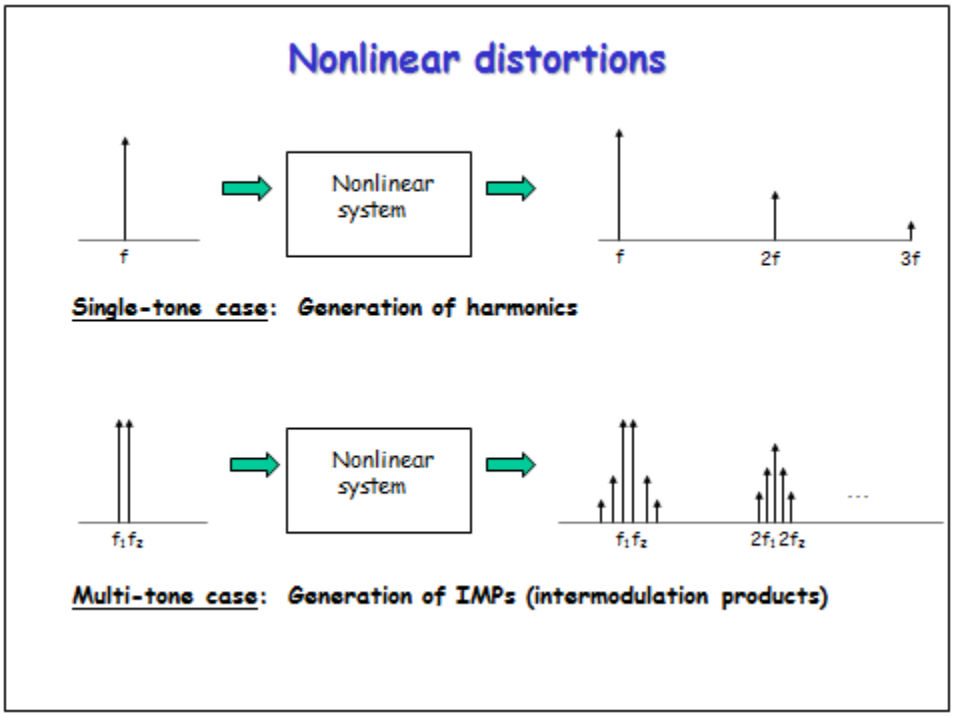
## 7.0 Intermodulation Interference Analysis

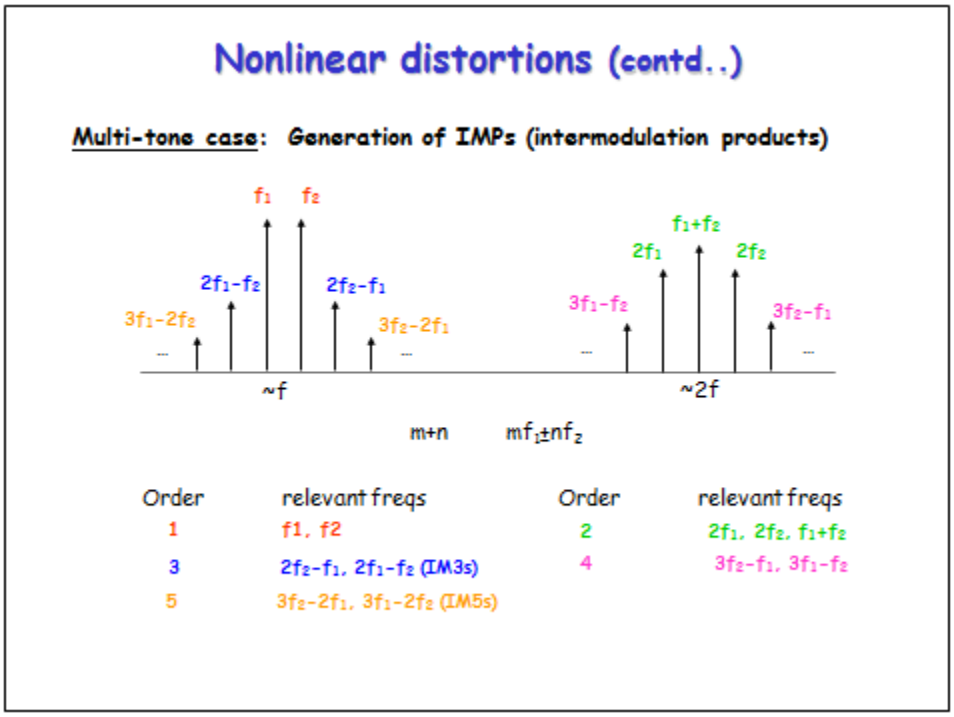
There are three basic categories of Intermodulation (IM) interference. They are receiver produced, transmitter produced, and "other" radiated IM. Transmitter produced IM is the result of one or more transmitters impressing a signal in the non-linear final output stage circuitry of another transmitter, usually via antenna coupling. The IM product frequency is then re-radiated from the transmitter's antenna. Receiver produced IM is the result of two or more transmitter signals mixing in a receiver RF amplifier or mixer stage when operating in a non-linear range.

"Other" radiated IM is the result of transmitter signals mixing in other non-linear junctions. These junctions are usually metallic, such as rusty bolts on a tower, dissimilar metallic junctions, or other non-linear metallic junctions in the area. IM products can also be caused by non-linearity in the transmission system such as antenna, transmission line, or connectors.

Communication sites with co-located transmitters, usually have RF coupling between each transmitter and antenna system. This results in the signals of each transmitter entering the nonlinear final output (PA) circuitry of the other transmitters. When intermodulation (IM) products are created in the output circuitry and they fall within the passband of the final amplifier, the IM products are re-radiated and may interfere with receivers at the same site or at other nearby sites. Additionally, these strong transmitter signals may directly enter a receiver and drive the RF amplifier into a nonlinear operation, or if not filtered effectively by the receiver input circuitry, these signals could mix in the nonlinear circuitry of the receiver front-end or mixer, creating IM products directly in the receiver.

The frequencies of IM mixing are known as nonlinear distortions. The images below depict how these IM products are derived when passing through a nonlinear junction/system.






Below are the mathematical formulae for common IM products. IM products are classified by their "order" (2nd, 3rd, 4th, ...Nth). Some of the more common forms of mixing are illustrated in the following examples. Note that the "A", "B", and "C" designations are the mixing frequencies. The numerical number assigned to the letter designation indicates the harmonic relationship of the frequency. Thus, 2A means the 2nd harmonic of frequency A.

| Order | Mixing Formulae |
|---|---|
| First | A=B, A=C, etc. |
| Second | A ± B, A ± C, etc. |
| Third | A + B - C, A ± 2B, 2A ± B, etc. |
| Fourth | A ± 3B, 2A ± 2B, 3A ± B, etc. |
| Fifth | A ± 4B, 2A ± 3B, 3A ± 2B, 4A ± B, etc. |
| Sixth | A ± 3B ± 2C, 2A ± 2B ± 2C, 3A ± 2B ± C, etc. |
| Seventh | A ± 6B, 2A ± 5B, 3A ± 4B, 4A ± 3B, 5A ± 2B, etc. |
| Eighth | A ± 7B, 2A ± 6B, 3A ± 5B, 4A ± 4B, 5A ± 3B, 6A ± 2B, etc. |
| Ninth | A ± 8B, 2A ± 7B, 3A ± 6B, 4A ± 5B, 5A ± 4B, 6A ± 3B, etc. |

The above IM product formulae are just a few of the many possible combinations. When there are four frequencies involved at one time, the mixing possibilities increase tremendously. Not all of the mixing possibilities are significant in creating interference signals. Some fall “out-of-band” of the receiver and the higher order IM products are usually weaker in signal strength.

## 7.1 Transmitter Generated Intermodulation Analysis

Intermodulation in transmitters occurs when a signal from another transmitter is impressed on the nonlinear final output stage circuitry, usually via antenna coupling. The power level of the IM product is determined by the power level of the incoming extraneous signal from another transmitter and by a conversion loss factor. The conversion loss factor takes into account the mixing efficiency of the transmitter's final output stage. Conversion loss differs with transmitter design, adjustment, frequency separation of the source signals, and with the order of the IM product.

The analysis calculates all possible IM product frequencies that could potentially interfere with receivers at the communications site based on each receiver's individual bandwidth. It then predicts each IM signal level present at the input of each affected receiver. For each IM frequency, the analysis considers all possible sources of IM generation in the transmitters. For example, if there are four transmitters involve, the analysis will calculate the IM signal level that would be generated in each transmitter. For this example, that would be four possible mixing conditions.

The analysis takes into account the transmitter's power output, modulation bandwidth, conversion losses, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in each system. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required to prevent receiver performance degradation for each IM interference signal that occurs. Receivers experiencing transmitter generated intermodulation interference are depicted in the following Table.

| Tx 1 Source Mix Tx | | Tx 2 Source | | TX 3 Source | | Tx 4 Source | | Tx 5 Source | | Intermod Hit | | Affected Receiver | | Attn Need (dB) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | Freq (MHz) | Ord | ID | Freq (MHz) | |
| None | | | | | | | | | | | | | | |

**Analysis Results:** The above table lists any transmitter generated IM product that is determined to have potential to noticeably degrade the system performance to any receive systems analyzed as part of this study. Based upon the listed configurations for transmitters, receivers, antenna models, antenna patterns and equipment filtering and isolation specifications it has been determined that no transmitter generated intermodulation interference problems were predicted that have the potential to be system performance limiting to any receivers analyzed in this report. While there are thousands of potential IM product combinations based upon the large number of transmitters located at this facility, all potential products produced yielded values that were below the limit where any noticeable degradation to system performance would be experienced.

## 7.2 Receiver Generated Intermodulation Analysis

Within a receiver, when two or more strong off-channel signals enter and mix in the receiver and one of the IM product frequencies created coincides with the receiver operating frequency, potential interference results. This internal IM mixing process takes place in the receiver's RF amplifier when it operates in a nonlinear range and/or in the first mixer, which, of course, has been designed to operate as a nonlinear device.

Receivers have a similar conversion loss type factor and receiver performance is commonly described in terms of conversion loss with respect to the 2A - B type products. Here, conversion loss is the ratio of a specified level of A and B to the level of the resulting IM product, when the product is viewed as an equivalent on-channel signal. Receiver conversion loss varies with input levels, AGC action, and product order.

The analysis calculates all possible IM product frequencies that could potentially interfere with receivers at the communications site based on each receiver's individual bandwidth. It then predicts each IM signal level present at the input of each affected receiver. For each IM frequency, the analysis considers that the IM signal is generated directly in the receiver.

The analysis takes into account the transmitter's power output, modulation bandwidth, conversion losses, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in each system. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required to prevent receiver performance degradation for each IM interference signal that occurs. Receivers experiencing receiver generated intermodulation interference are depicted in the following Table.

| Tx 1 Source | | Tx 2 Source | | TX 3 Source | | Tx 4 Source | | Tx 5 Source | | Intermod Hit | | Affected Receiver | | Attn Need (dB) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | ID | Freq (MHz) | Freq (MHz) | Ord | ID | Freq (MHz) | |
| None | | | | | | | | | | | | | | |

**Analysis Results:** The above table lists any receiver generated IM product that is determined to have potential to noticeably degrade the system performance to any receive systems analyzed as part of this study. Based upon the listed configurations for transmitters, receivers, antenna models, antenna patterns and equipment filtering and isolation specifications it has been determined that no receiver generated intermodulation interference problems were predicted that have the potential to be system performance limiting to any operators analyzed in this report.

## 8.0 Transmitter Harmonic Output Interference Analysis

Transmitter harmonic interference is due to non-linear characteristics in a transmitter. The harmonics are typically created due to frequency multipliers and the non-linear design of the final output stage of the transmitter. If the harmonic signal falls within the passband of a nearby receiver and the signal level is of sufficient amplitude, it can degrade the performance of the receiver.

The analysis takes into account the transmitter's harmonic characteristics, output level, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in each system. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required to prevent receiver performance degradation for any harmonics that fall within a receiver's passband. Receivers experiencing transmitter harmonic interference are depicted in the following Table.

| Transmitter | | Harmonic | | Affected Receiver | | Attn Needed (dB) |
|---|---|---|---|---|---|---|
| ID | Frequency (MHz) | Frequency (MHz) | Order | ID | Frequency (MHz) | |
| None | | | | | | |

**Analysis Results:** No transmitter generated harmonic interference problems were predicted that have the potential to be system performance limiting to any operators analyzed in this report. The calculations to determine harmful out of band harmonics assumed that proper bandpass filtering was utilized to severely reduce these harmonics to levels below those that could be system performance limiting to any receivers analyzed as part of this analysis.

## 9.0 Transmitter Spurious Output Interference Analysis

Transmitter spurious output interference can be attributed to many different factors in a transmitter. The generation of spurious frequencies could be due to non-linear characteristics in a transmitter or possibly the physical placement of components and unwanted coupling. If a spurious signal falls within the passband of a nearby receiver and the signal level is of sufficient amplitude, it can degrade the performance of the receiver.

The analysis takes into account a transmitter's spurious output specification, output levels, transmission line losses, filters, duplexers, combiners, isolators, multi-couplers and other RF devices that are present in each system. Additionally, the analysis considers the antenna separation space loss, horizontal and vertical gain components of the antennas as well as how they are mounted on the structure. The gain components are derived from antenna pattern data published by each manufacturer.

The analysis determines how much isolation is required to prevent receiver performance degradation for any transmitter spurious signals that fall within a receiver's passband. Receivers experiencing transmitter spurious output interference are depicted in the following Table.

| Transmitter | | Affected Receiver | | Attn Needed (dB) |
|---|---|---|---|---|
| ID | Frequency (MHz) | ID | Frequency (MHz) | |
| None | | | | |

**Analysis Results:** No transmitter generated spurious emission interference problems were predicted that have the potential to be system performance limiting to any operators analyzed in this report. The calculations to determine harmful off channel emissions assumed that proper bandpass filtering was utilized to severely reduce these products to levels below those that could be system performance limiting to any receivers analyzed as part of this analysis.

# 10.0 Summary & Limitations

Based upon the data received regarding the proposed radio equipment to be utilized by **Verizon Wireless**, there should not be any negative impact to the performance of any radio systems proposed on this monopole facility from the proposed **Verizon Wireless** installation based upon calculations performed utilizing the radio configurations described in this report. Currently **Verizon Wireless** is the only provider proposed to locate on this facility. This analysis was contained solely to those proposed radio systems for **Verizon Wireless.**

This analysis was performed solely based upon radio configuration data provided by **Verizon Wireless**. In certain instances, where assumptions were required, industry standard values were utilized for variables such as transmission power levels, filter response curves, combining schemes and other configuration variables if not provided by the parties listed above. The scope of this study was limited to radio systems present on this monopole structure exclusively. It does not take into account emissions from surrounding radio sources.

As identified in the various sections of this report, the potential is present for certain forms of interference to exist. However, based upon the supplied and assumed radio system configurations, the isolation provided by physical separation, Antenna pattern gain roll off, filtering variables and isolation devices appears adequate to allow these radio systems to co-exist as outlined in the drawings and configuration documents provided by **Verizon Wireless**.

This analysis was also performed assuming that all radio equipment including lines and antennas are performing to manufacturers specifications. Each system was analyzed assuming proper filtering was used to maintain compliance with all FCC licenses and reduce out of band emissions.

| | |
|---|---|
| **From:** | towernotifyinfo@fcc.gov |
| **To:** | tribal |
| **Cc:** | tcnsweekly@fcc.gov |
| **Subject:** | Proposed Construction of Communications Facilities Notification of Final Contacts - Email ID # 24313 |
| **Date:** | Thursday, June 20, 2019 8:01:34 AM |

Verizon Wireless
Mindi L Okai
10845 Olive Blvd.
Suite 260
St. Louis, MO 63141

Dear Applicant:

This letter addresses the proposed communications facilities listed below that you have referred to the Federal Communications Commission (Commission) for purposes of contacting federally recognized Indian Tribes, including Alaska Native Villages (collectively Indian Tribes), and Native Hawaiian Organizations (NHOs), as specified by Section IV.G of the Nationwide Programmatic Agreement (NPA). Consistent with the procedures outlined in the Commission's Wireless Infrastructure Second Report and Order (1), we have contacted the Indian Tribes or NHOs identified in the attached Table for the projects listed in the attached Table. You referred these projects to us between 06/13/2019 and 06/20/2019. Our contact with these Tribal Nations or NHOs was sent on 06/20/2019.

Thus, as described in the Wireless Infrastructure Second Report and Order (2), if you or Commission staff do not receive a statement of interest regarding a particular project from any Tribe or NHO within 15 calendar days of 06/20/2019, your obligations under Section IV of the NPA with respect to these Tribal Nations or NHOs are complete. If a Tribal Nation or NHO responds that it has concerns about a historic property of traditional religious and cultural significance that may be affected by the proposed construction within the 15 calendar day period, the Applicant must involve it in the review as set forth in the NPA, and may not begin construction until the process set forth in the NPA is completed.

You are reminded that Section IX of the NPA imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review. In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Tribal Nation or NHO. A Tribal Nation's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Hence, an Applicant is still required to notify any potentially affected Tribal Nation or NHO of any such finds pursuant to Section IX or other applicable law.

Sincerely,
Jill Springer
Federal Preservation Officer
Federal Communications Commission
jill.springer@fcc.gov

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1) See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment, Second Report and Order, FCC 18-30 (Mar. 30, 2018) (Wireless Infrastructure Second Report and Order).
2) See id. at paras. 111-112.

LIST OF PROPOSED COMMUNICATIONS TOWERS

TCNS# 184241 Referred Date: 06/19/2019 Location: 1776 North Avest Lane, Meridian, ID
Detailed Description of Project: Crown Castle proposes to remove an existing 87.2-foot monopole tower and replace with a 100.4-foot monopole tower. Associated equipment will be installed within the existing compound.

**********
*  Federal Airways & Airspace *
*  Summary Report: New Construction *
*  Antenna Structure *
**********

Airspace User: Tracy R Cuffie

File: CLAIBORNE

Location: Fredericksburg, VA

Latitude: 38°-09'-42.50" Longitude: 77°-27'-55.23"

SITE ELEVATION AMSL.....175 ft.
STRUCTURE HEIGHT.....199 ft.
OVERALL HEIGHT AMSL.....374 ft.
SURVEY HEIGHT AMSL.....374 ft.

NOTICE CRITERIA
FAR 77.9(a): NNR (DNE 200 ft AGL)
FAR 77.9(b): NNR (DNE Notice Slope)
FAR 77.9(c): NNR (Not a Traverse Way)
FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for EZF
FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for APH
FAR 77.9(d): NNR (Off Airport Construction)

NR = Notice Required
NNR = Notice Not Required
PNR = Possible Notice Required (depends upon actual IFR procedure)
For new construction review Air Navigation Facilities at bottom
of this report.

Notice to the FAA is not required at the analyzed location and height for
slope, height or Straight-In procedures. Please review the 'Air Navigation'
section for notice requirements for offset IFR procedures and EMI.

OBSTRUCTION STANDARDS

FAR 77.17(a)(1): DNE 499 ft AGL
FAR 77.17(a)(2): DNE - Airport Surface
FAR 77.19(a): DNE - Horizontal Surface
FAR 77.19(b): DNE - Conical Surface
FAR 77.19(c): DNE - Primary Surface
FAR 77.19(d): DNE - Approach Surface
FAR 77.19(e): DNE - Approach Transitional Surface
FAR 77.19(e): DNE - Abeam Transitional Surface

VFR TRAFFIC PATTERN AIRSPACE FOR: EZF: SHANNON
Type: A RD: 37231.02 RE: 83
FAR 77.17(a)(1): DNE
FAR 77.17(a)(2): Does Not Apply.
VFR Horizontal Surface: DNE
VFR Conical Surface: DNE
VFR Primary Surface: DNE
VFR Approach Surface: DNE
VFR Transitional Surface: DNE

VFR TRAFFIC PATTERN AIRSPACE FOR: APH: A P HILL AAF (FORT A P HILL)
Type: A RD: 53961.03 RE: 216.4
FAR 77.17(a)(1): DNE
FAR 77.17(a)(2): Does Not Apply.
VFR Horizontal Surface: DNE
VFR Conical Surface: DNE
VFR Primary Surface: DNE
VFR Approach Surface: DNE
VFR Transitional Surface: DNE

TERPS DEPARTURE PROCEDURE (FAA Order 8260.3, Volume 4)
FAR 77.17(a)(3) Departure Surface Criteria (40:1)
DNE Departure Surface

MINIMUM OBSTACLE CLEARANCE ALTITUDE (MOCA)
FAR 77.17(a)(4) MOCA Altitude Enroute Criteria
The Maximum Height Permitted is 1000 ft AMSL

PRIVATE LANDING FACILITIES

| FACIL IDENT | TYP | NAME | BEARING To FACIL | RANGE IN NM | DELTA ARP ELEVATION | FAA IFR |
|---|---|---|---|---|---|---|
| 03VA | HEL | SPOTSYLVANIA REGIONAL MEDICA | 336.52 | 3.59 | +137 | |
| No Impact to Private Landing Facility<br>Structure is beyond notice limit by 16813 feet. | | | | | | |
| 20VA | AIR | WOODFORD AIRPARK | 192.85 | 4.89 | +129 | |

No Impact to VFr Transitional Surface.
Below surface height of 389 ft above ARP.

AIR NAVIGATION ELECTRONIC FACILITIES

| FAC IDNT | TYPE | AT | FREQ | VECTOR | DIST (ft) | DELTA ELEVA | ST | LOCATION | GRND APCH ANGLE | BEAR |
|---|---|---|---|---|---|---|---|---|---|---|
| EZF | NDB | R | 23 | 6.39 | 38303 | +291 | VA | SHANNON | .44 | |
| APH | NDB | D | 39 | 123.77 | 48572 | +161 | VA | A P HILL | .19 | |
| BRV | VORTAC | R | 114.5 | 26.92 | 71268 | +229 | VA | BROOKE | .18 | |
| GVE | VORTAC | R | 115.6 | 254.53 | 205154 | -8 | VA | GORDONSVILLE | 0.00 | |
| CSN | VORTAC | R | 116.3 | 326.83 | 208876 | -68 | VA | CASANOVA | -.02 | |
| RIC | RADAR | Y | 2715. | 170.37 | 242499 | +169 | VA | RICHMOND INTERNAT | .04 | |

CFR Title 47, §1.30000-§1.30004
AM STUDY NOT REQUIRED: Structure is not near a FCC licensed AM station.
Movement Method Proof as specified in §73.151(c) is not required.
Please review 'AM Station Report' for details.

Nearest AM Station: WFVA @ 13427 meters.

Airspace® Summary Version 19.3.528

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04-18-2019
16:02:02

verizon

Network Field Engineering

1831 Rady Court
Richmond, VA 23222

Verizon Wireless (VZW) Southern Virginia (SOVA) General Collocation Policy:

Any new tower approved for construction by VZW will be built to conform to local zoning requirements and, if required by code, the structure will be designed for collocation by other wireless service providers. For example, if the local zoning ordinance requires that the structure is designed for VZW and two additional service providers, the VZW structure will be designed and built in that way and all drawings for zoning approval will show the locations reserved for "Future Use". Additionally, VZW freely allows subleasing of tower and ground space at our locations to our competitors. To make this a transparent process and remove the appearance of any local anti-competitive concerns, VZW has retained the services of KGI Wireless to manage all inbound collocation requests (see below).

VZW SOVA Policy for Collocation Requests by Localities:

In conformance with the new State legislation, going forward VZW will not agree to any conditions for zoning approval that require VZW to either reserve space for future use by localities or grant space to localities free of charge. As is the case of allowing collocation by VZW's competitors, the VZW collocation policy extends equally to collocation requests by localities. Localities can make application for collocation through KGI, and all negotiations of lease terms and fees will be handled between the jurisdiction and KGI.

KGI Wireless:

KGI Wireless, located in Austin, Texas (https://kgiwireless.com/) has been retained by VZW nationally to handle subleasing of space that is available on VZW owned structures to all third parties. Attached is a KGI information package that can be provided to the localities regarding the procedures for subleasing space.

Main KGI contact:
Geoff Kay
Senior Director, Business Development
KGI Wireless, Inc.
512.345.9595 Ext 259
512.334.3259 Direct
512.345.9898 Fax

KGI
Building Three, Suite 370
805 Las Cimas Parkway
Austin, Texas 78746

verizon

# Collocation / Site License Application Process for all Verizon Submarkets

Application received at KGI (*you can e-mail or fax copy to your KGI contact, but please mail the completed, signed, hard copy to the KGI office):*

**KGI**
Building Three, Suite 370
805 Las Cimas Parkway
Austin, Texas 78746

KGI verifies that all information has been included with the application.

Signed and dated application form with ALL fields completed
**$2,500** application fee for both new licenses or amendments (payable to KGI)
Equipment cut-sheets *(Typically copied sheets from catalogs)*
Preliminary Site Sketch

- An Entry & Testing Agreement may be required prior to accessing the tower site and is good for a minimum of 30 days to drive test the site and perform any required preliminary testing (*for new licenses). A current Certificate of Insured will also be required. Your KGI contract specialist will let you know the correct name and address of the Verizon entity to be shown as additional insured on the Certificate of Insurance*
- KGI will coordinate a site walk with one of Verizon's representatives *(if necessary)*
- After verification, the application is forwarded to the appropriate Verizon market contacts for approval pending structural analysis. This process takes approximately 10 to 20 days.
- KGI will forward the due diligence package to the carrier
- KGI forwards request for structural analysis, any site photos, etc., along with previous studies to the region's preferred engineering consultant. **Photos of the subject tower and compound as it exists prior to installing new equipment are very helpful.**
- Structural cost will depend on the Verizon submarket and tower type. If no existing studies are available and mapping or foundation/geotech studies are required, the additional cost will be quoted on a site by site basis. If no additional studies are required, a structural analysis takes an average of 10 business days. If additional study is required (soils, foundations) the process takes approx. 4 weeks.
  DO NOT ORDER STRUCTURAL REPORTS ON YOUR OWN WITH A DIFFERENT ENGINEERING FIRM OR YOU MAY BE REQUIRED TO RE-RUN THEM THROUGH VERIZON'S PREFERRED VENDOR AT ADDITIONAL COST.
- Mount analysis of existing installations must be performed prior to modifying equipment and all mounts, new or existing, must comply with current regulatory standards. Additional fee will be required for the mount analysis and quote obtained on a case by case basis. Please provide model numbers of existing or proposed mounts and photos of existing with your application..
  Please send PO / check to KGI or email PO to your Contract Specialist.
  **KGI**
  Building Three, Suite 370
  805 Las Cimas Parkway
  Austin, Texas 78746
  **KGI will submit the Order Package to the Engineering Firm on your behalf.**
- If structural analysis passes and application is approved, the agreement (site license agreement or amendment) will be prepared by KGI Legal. If structural fails, negotiations to modify the tower may take place if desired. You will be required to pay for a Modification Design that will take approx. 20 days to complete. Allow approx. 30 days for draft completion once mod design and all engineering reports have been completed and approved by Verizon.
- Engineer-sealed Construction Drawings, Site Plan and the names and contact info for construction contractor must be provided for approval.
- A copy of your building permit, construction schedule, zoning approval or statement that zoning is not required must be provided prior to starting construction at the site.
- After full execution of the agreement and upon satisfaction of NTP requirements, KGI will issue an NTP (Notice to Proceed). **See attached NTP checklist.** **You must coordinate with KGI for a date to begin installation. **

- **3rd Party Inspection** of work (through contractor - paid to KGI who will coordinate) **Fee may vary depending upon project type and location (generator add, lift required, etc.)**
- **** Before the NTP will be issued, the Post Installation Fee must be received in the form of a check. The NTP will not be issued until full payment of any outstanding charges has been received.**
- **IMPORTANT! As-built drawings with any red-lined changes must be provided in a final Close-out Package to be delivered to Verizon.**

**NTP REQUIREMENTS -**

1. License Agreement or Amendment fully executed
2. All Fees to KGI are paid, including the post-installation inspection fee
3. Completed Method of Procedure (MOP) is received and approved (if required)
4. Permitting (Zoning/BP) is completed and copy provided or statement that none is required.
5. Structural Analysis is complete and approved
6. If Structural Failed, Mod Design Complete and Approved and inspected (if required)
7. Contractor information received – must list Project Manager on site and his cell #
8. Construction schedule provided with specific dates and operations to be completed each day.
9. Certificate of Insurance for Contractor showing Verizon as additional insured
10. Certificate of Insurance for Applicant showing Verizon as additional insured.
11. All underground utilities and grounding have been located and marked and site walk completed (if required)
12. Verizon has reviewed NTP items and released KGI to issue NTP.

Liability and insurance coverage amounts must comply with requirements in the Site License Agreement or MLA
Address to use for Verizon on Certificates of Insurance:
Verizon Wireless
180 Washington Valley Road
Bedminster, NJ 07921
Attention: Network Real Estate

SPECIAL POWER OF ATTORNEY AFFIDAVIT COMMONWEALTH OF VIRGINIA COUNTY OF SPOTSYLVANIA

This 8th day of SEPTEMBER, 2020, I, Gilman Land and Timber LLC (c/o William B. Gilman), the owner/contract purchaser (circle one) of Parcel ID Number 64-A-3 (describe land by tax map number) make, constitute, and appoint Cellco Partnership d/b/a Verizon Wireless (agents David Beniamino (Network Building + Consulting LLC) and Lisa Murphy (Wilcox & Savage, P.C.)), my true and lawful attorney-in-fact, and in my name, place and stead giving unto said David Beniamino (Network Building + Consulting LLC) and Lisa Murphy (Wilcox & Savage, P.C.), full power and authority to do and perform all acts and make all representation necessary, without any limitation whatsoever, to make Application for said Special Use Application. The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on SEPTEMBER 8, 2020, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of Spotsylvania County stating that the terms of this power have been revoked or modified.

Given under our hands this 8th day of SEPTEMBER 2020.

William B. Gilman

Owner/Contract Purchaser/Authorized Agent (Circle One)

COMMONWEALTH OF Virginia

COUNTY OF Hanover, to wit:

The foregoing instrument was acknowledged before me by WILLIAM B. GILMAN, the Owner of said property, this 8th day of SEPTEMBER, 2020.

Notary Public Minor T. Mills

My commission expires: NOVEMBER 30, 2021

Registration Number: 347010

MINOR T MILLS COMMONWEALTH OF VIRGINIA NOTARY PUBLIC

Minor T Mills
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #347010
My Commission Expires
November 30, 2021

OFFICE USE ONLY File/Case Number _____ Date Accepted _____, 20____

WILLCOX SAVAGE

Lisa M. Murphy
(757) 628-5540
lmurphy@wilsav.com

16102.025

January 24, 2020

**VIA OVERNIGHT COURIER**

David M. Beniamino, AICP
Senior Land Use Specialist
NETWORK BUILDING + CONSULTING
4435 Waterfront Drive, Suite 100
Glen Allen, VA 23060

**Proposed 195-Foot Wireless Telecommunication Facility**
**(with a 4-foot lightning rod)**
**3800 Guinea Station Road (Tax Map #64-A-3)**
**Verizon Wireless Site Name: Claiborne**

Dear David:

As a follow-up to our telephone conversation, enclosed you will find a notarized Proof of Publication from *The Free Lance Star* confirming that legal advertisements regarding the balloon test and community meeting for the referenced site were run in their newspaper on January 15th and 22nd, together with a notarized affidavit from me certifying that the balloon test and community meeting notice letters were mailed to the adjacent property owners on January 14th.

Please do not hesitate to call or email me should you have any questions regarding these materials. With kind regards, I am

Very truly yours,

Lisa M. Murphy

Enclosures

# The Free Lance-Star

**Advertising Affidavit**

THE FREE LANCE-STAR
1340 Central Park Blvd
Suite 100
Fredericksburg, Va 22401

**Account Number**
6116842

WILLCOX & SAVAGE, P.C.
440 MONTICELLO AVE., SUITE 2200
NORFOLK, VA 23510

**Date**
January 22, 2020

| Date | Category | Description | Ad Size | Total Cost |
|---|---|---|---|---|
| 01/22/2020 | Meetings and Events | BALLOON TEST & COMMUNITY MEETING NOTICE In connectic | 1 x 35 L | 368.00 |

**BALLOON TEST & COMMUNITY MEETING NOTICE**

In connection with an application for a special use permit for a 195-foot monopole wireless telecommunications tower with a 4-foot lightning rod on property located at 3000 Guinea Station Road in Fredericksburg, Cellco Partnership (d/b/a Verizon Wireless) will hold a balloon test from 7:30 am to 4:30 pm on Tuesday, January 28, 2020, and again at the same times on Wednesday, January 29, 2020. The rain date for the balloon test will be Thursday, January 30, 2020. A representative will be available on site from 8:00 am to noon each day of the balloon test to answer questions. In addition, Verizon Wireless will hold a community meeting on Thursday, February 6th, at 6:30 pm in the library of Massaponax High School located at 9201 Jefferson Davis Highway to display photographs of the balloon test and photographic simulations of the tower, and to provide additional information and answer questions regarding the project. Please contact Lisa Murphy at (757) 628-5540 or by email at lmurphy@wilsav.com or David Beniamino at (540) 870-3570 or by email at dbeniamino@nbcllc.com with any questions.

## Proof of Publication

I hereby certify that the attached notice was published in The Free Lance-Star, a newspaper published daily in Fredericksburg, Va. on the following date(s):

01/15, 01/22/2020

____ Listed additionally on-line @ Fredericksburg.com

Newspaper reference: 0001051284

Julie Gilliam
Publisher, Supervisor or Accounting Assistant

Sworn to and subscribed before me this

22 nd Day of January 2020

Kimberly B. Harris
Notary Public

Kimberly B. Harris
NOTARY PUBLIC
Commonwealth of Virginia
Notary Registration Number 356753
Commission Expires January 31, 2021

State of Virginia
County/City

My Commission expires _____

**CERTIFICATE OF MAILING**
**NOTICE OF BALLOON TEST AND COMMUNITY MEETING**

I, the undersigned, counsel for Cellco Partnership d/b/a Verizon Wireless, hereby certify that on January 14, 2020, I mailed a copy of the Notice of Balloon Test & Community Meeting, attached as Exhibit A, to all property owners listed on the 3000 foot radius property owner spreadsheet, attached as Exhibit B, to notify these potentially affected property owners of the balloon test we are holding on January 28, 2020 and January 29, 2020 from 7:30 a.m. to 4:30 p.m., with a rain date of January 30th, and to notify them of the community meeting we are holding on February 6, 2020 at 6:30 p.m. in the library at Massaponax High School located at 8201 Jefferson Davis Highway.

Lisa M. Murphy, Esquire

COMMONWEALTH OF VIRGINIA
CITY OF NORFOLK, to-wit:

The foregoing certificate was acknowledged before me this 14th day of January, 2020, by Lisa M. Murphy, who is personally known to me.

DIANE K. DOTSON NOTARY ID #194292 EXP. 3-31-20 PUBLIC COMMONWEALTH OF VIRGINIA

Notary Public

My Commission expires: _____
Registration Number _____ [Affix Seal]

**EXHIBIT A**

Balloon Test & Community Meeting Notice Letter

*See attached.*

WILLCOX SAVAGE

Lisa M. Murphy
(757) 628-5540
lmurphy@wilsav.com

16102.025

January 14, 2020

**Proposed 195-Foot Wireless Telecommunication Facility**
**(with a 4-foot lightning rod)**
**3800 Guinea Station Road (Tax Map #64-A-3)**
**Verizon Wireless Site Name: Claiborne**

Dear Property Owner:

In order to satisfy a gap in coverage, Cellco Partnership (d/b/a Verizon Wireless) will be applying to Spotsylvania County for a special use permit to install and operate a 195-foot wireless telecommunication facility with a 4-foot lightning rod on 91.76 acres of vacant land zoned Rural located at 3800 Guinea Station Road, near property that you own. The proposed telecommunication facility will be a galvanized steel monopole tower, which will not be marked or lit. An aerial map depicting the location of the proposed tower is enclosed for reference.

We will be holding a balloon test from 7:30 a.m. to 4:30 p.m. on Tuesday, January 28th, and at the same times on Wednesday, January 29th. The rain date for the balloon test will be Thursday, January 30th. A representative of Verizon Wireless will be available on-site from 8:00 a.m. to noon each day of the balloon test to answer questions. In addition, we would like to cordially invite you to attend an informational meeting on Thursday, February 6th, at 6:30 p.m. in the library of Massaponax High School located at 8201 Jefferson Davis Highway.

At the informational meeting we will present the general development plan and additional details regarding the proposal, including balloon test photographs and photographic simulations of the proposed tower, and we will answer questions regarding the project. If you are unable to attend the informational meeting and/or the balloon test and you have questions regarding the proposed tower or would like additional information, please feel free to contact me directly by phone at (757) 628-5540 or by email at lmurphy@wilsav.com or David Beniamino by phone at (540) 878-3570 or by email at dbeniamino@nbcllc.com. We would be happy to answer any questions you may have. With kind regards, I am

Very truly yours,

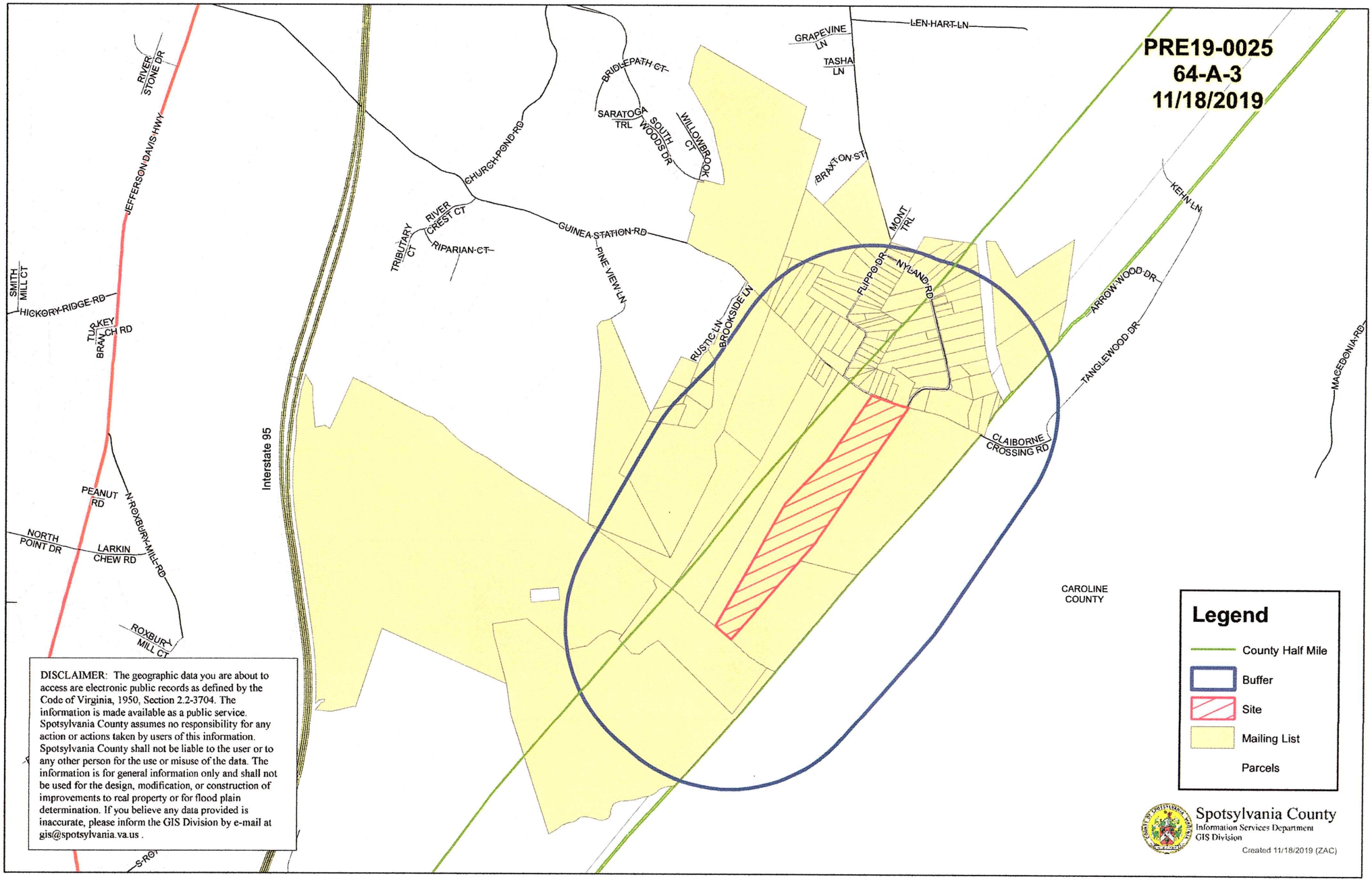
Lisa M. Murphy

Enclosure

**EXHIBIT B**

Adjacent Property Owner's List

*See attached.*




DISCLAIMER: The geographic data you are about to access are electronic public records as defined by the Code of Virginia, 1950, Section 2.2-3704. The information is made available as a public service. Spotsylvania County assumes no responsibility for any action or actions taken by users of this information. Spotsylvania County shall not be liable to the user or to any other person for the use or misuse of the data. The information is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination. If you believe any data provided is inaccurate, please inform the GIS Division by e-mail at gis@spotsylvania.va.us .

| TAXMAP | PROPADDRES | FULLNAME | CAREOF | MAILADDRES | Apt # | CITY | ST | ZIP |
|---|---|---|---|---|---|---|---|---|
| 50- A - 59- | 7628 Flippo DR | Justin P Patterson | | 705 Upham PL | 0 | VIENNA | VA | 22180 |
| 50- A - 60- | 7632 Flippo DR | Daryl R Bullock | | 7632 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50- A - 61- | 7640 Flippo DR | Donnie N Bullock | | 7640 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50- A - 90- | 4201 Guinea Station RD | Kyung Soo Kim Trustee & Kyung J Kim | & Kyung D Kim & Kyung Soo Kim et al | 716 Forest Glade DR | 0 | CHESAPEAKE | VA | 23322 |
| 50-10 - 5- | 7406 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-10 - 6- | 7404 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-10 - 7- | 7400 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-10 - 8- | 7403 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-10 - 9- | 7405 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-10 - 10R | 7407 Rustic LN | Eugene Dirusso or | Elizabeth M Dirusso | 7410 Brookside LN | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 1- | 4031 Guinea Station RD | James R Alpy | | 4031 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 2- | 4025 Guinea Station RD | Corey R Hall | | 4025 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 3- | 4017 Guinea Station RD | Dale M Eckelberry or | Marion R Eckelberry | 4017 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 4A | 0 Guinea Station RD | Paul W Komar or | Sharon S Komar | 794 Turkey Ridge RD | 0 | CASTLETON | VA | 22716 |
| 50-16 - 6- | 3925 Guinea Station RD | Brett L Young | | 3925 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 7- | 3921 Guinea Station RD | Richard D Milam Jr | | 3921 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 8- | 3917 Guinea Station RD | Larry C Dwyer or | Sandra L Dwyer | 3917 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 9- | 7600 Flippo DR | Dennis G Newton or | Linda S Mauck | 7600 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 10- | 7538 Flippo DR | Richard H Chipiwalt or | Martha J Chipiwalt | 7538 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 11- | 7518 Flippo DR | Janet Lopez | | 7518 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 12- | 7504 Flippo DR | Dmitriy Zavyalov | | 122 Steeplechase RD | 0 | SAVANNAH | GA | 31405 |
| 50-16 - 13- | 7604 Flippo DR | Richard D O'Canas | | 7607 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 14- | 7608 Flippo DR | Sidney Thomas Simpson or | Lisa Lynn Simpson | 7608 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 15- | 7612 Flippo DR | Betty L Anderson | | 7612 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-16 - 16- | 7616 Flippo DR | Panalytics LLC | | 4222 Fortuna Center PLZ | 228 | DUMFRIES | VA | 22025 |
| 50-16 - 17- | 7620 Flippo DR | Dennis Bean | | 7620 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 50-23 - 5- | 0 Pine View LN | Guinea Station LLC | | 0 PO Box 1097 | 0 | FREDERICKSBURG | VA | 22402 |
| 51- A - 26A | 11045 Claiborne Crossing RD | Betty E Francy | | 11045 Claiborne Crossing RD | 0 | FREDERICKSBURG | VA | 22408 |
| 63- A -141- | 0 Assigned on Request | Gilman Land and Timber LLC | | 13423 Farrington RD | 0 | ASHLAND | VA | 23005 |
| 64- 1 - 1- | 3906 Guinea Station RD | Joshua A Banko or | Sarah D Banko | 3906 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- 1 - 2- | 3908 Guinea Station RD | Yvonne Dillon | | 4412 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 1- | 3918 Guinea Station RD | Westwood Farms LLC | | 3918 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 1A | 7400 Brookside LN | Recreational Adventures Campgrounds | | 0 PO Box 295 | 0 | HILL CITY | SD | 57745 |
| 64- A - 1A | 7400 Brookside LN | Recreational Adventures Campgrounds | | 0 PO Box 295 | 0 | HILL CITY | SD | 57745 |
| 64- A - 1A | 7400 Brookside LN | Recreational Adventures Campgrounds | | 0 PO Box 295 | 0 | HILL CITY | SD | 57745 |
| 64- A - 2- | 3902 Guinea Station RD | Frances Elaine Sibley or | Allen Banko | 3900 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 2A | 3910 Guinea Station RD | Robyn L Charles | | 3910 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 2B | 3914 Guinea Station RD | Frances Elaine Sibley or | Allen Banko | 3900 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 3- | 3800 Guinea Station RD | Gilman Land and Timber LLC | | 13423 Farrington RD | 0 | ASHLAND | VA | 23005 |
| 64- A - 3A | 3700 Guinea Station RD | Paige Baigis | | 41999 Braddock RD | 0 | ALDIE | VA | 20105 |
| 64- A - 3B | 3900 Guinea Station RD | Allen Banko or | Frances E Sibley | 3900 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64- A - 4- | 0 Assigned on Request | Weber S Taylor Trustee | The Weber S Taylor Family Revoc Tr | 1204 Prince Edward ST | 0 | FREDERICKSBURG | VA | 22401 |
| 64- A - 4A | 0 Assigned on Request | Charles Cutler Beasley | | 1667 Black Cat RD | 0 | KESWICK | VA | 22947 |
| 64- A - 5- | 0 Assigned on Request | James N Mills & Clayton I Mills & | Lee T Mills | 1 Belmont CT | 0 | FREDERICKSBURG | VA | 22405 |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 64A 1 - 2- | 7705 Flippo DR | Paul B Sullivan | | 7705 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 3- | 7701 Flippo DR | Ronnie P Bache & | Shirley T Bache | 7701 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 4- | 7641 Flippo DR | Charles Shelton Gibson Jr | | 7641 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 5- | 7637 Flippo DR | Lisa M Bush | | 7637 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 6- | 7633 Flippo DR | Sandra Jaldin Orosco | | 7633 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 7- | 7629 Flippo DR | Kenneth D Chappell or | Janice D Chappell | 7629 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 8- | 7625 Flippo DR | Perry Lynn Arrington or | Betty J Arrington | 7625 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 9- | 7621 Flippo DR | Ralph C Duggins & | Linda Duggins | 7621 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 10- | 7617 Flippo DR | Joel H Nissen or | Tracey A Nissen | 7617 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 11- | 7613 Flippo DR | Samuel Reid or | Shirley Reid | 7613 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 12- | 7609 Flippo DR | Hannah T Lewis | | 7609 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 13- | 7605 Flippo DR | Carol A Altman Trust | | 7605 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 14A | 7601 Flippo DR | James H Pearson or | Sherry A Pearson | 7601 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 14B | 7541 Flippo DR | Patricia A Smith | | 7541 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 15- | 7533 Flippo DR | Ernesto Messina | | 17286 Day Lily DR | 0 | RUTHER GLEN | VA | 22546 |
| 64A 1 - 15A | 7539 Flippo RD | Patricia A Smith | | 7541 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 16- | 7529 Flippo DR | John Louis Kobuchi or | Jean Margaret Kobuchi | 7529 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 19- | 7517 Flippo DR | Scott T Ellsworth & | Mary M Ellsworth | 7517 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 20- | 7513 Flippo DR | John W Wood or Imogene P Wood or | Larry A Lamb or Shirley S Lamb | 0 PO Box 1361 | 0 | LOUISA | VA | 23093 |
| 64A 1 - 21- | 7509 Flippo DR | Thomas Hubbard & Deborah E Dillard | & Michelle Williams | 7509 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 22- | 7505 Flippo DR | Elizabeth W Wood | | 7505 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 23- | 7501 Flippo DR | Michael Hawkins or | Kimberlee G Hawkins | 7501 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 24- | 3827 Guinea Station RD | Rachel Rene Woodward | | 3827 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 25- | 3821 Guinea Station RD | Martin Condrey | | 3821 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 26- | 3819 Guinea Station RD | John C Kennedy | | 3819 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 27- | 3817 Guinea Station RD | James C Adkins or | Judy R Adkins | 3817 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 28- | 3815 Guinea Station RD | Imelda R Deleon | | 3815 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 - 29- | 3811 Guinea Station RD | Victor M Gonzalez or | Tami F Gonzalez | 3805 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 -171- | 7525 Flippo DR | David B Slater & | Betty J Slater | 7525 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 -172- | 0 Assigned on Request | David B Slater & | Betty J Slater | 7525 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 -181- | 7521 Flippo DR | Richard W Ledden or | Laurel A Ledden | 7521 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 1 -182- | 0 Assigned on Request | Richard W Ledden or | Laurel A Ledden | 7521 Flippo DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 3A | 3611 Guinea Station RD | Jeremias M Lopez Hernandez or | Rita A Turcios | 10443 Claiborne Crossing RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 3B | 3609 Guinea Station RD | David R Fitts | | 0 PO Box 1 | 0 | HUSTLE | VA | 22476 |
| 64A 2 - 4- | 3615 Guinea Station RD | Norman L or C Lynn Howdyshell & | Joseph P D'Orio or Jessica D'Orio | 3619 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 5- | 3619 Guinea Station RD | Norman L Howdyshell or | C Lynn Howdyshell | 3619 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 6- | 3701 Guinea Station RD | Raymond W Parrish or | Wanda C Parrish | 3701 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 6A | 7401 Nyland RD | Michael H Parrish or | Lisa M Parrish | 7401 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 7- | 3805 Guinea Station RD | Victor M Gonzalez or | Tami F Gonzalez | 3805 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 8- | 7412 Nyland RD | Victor M Gonzalez or | Tami F Gonzalez | 3805 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 9- | 7430 Nyland RD | Victor M Gonzalez | | 3805 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 10- | 7502 Nyland RD | Dana K Stahl or | Kyle J Stahl | 7502 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 11- | 7506 Nyland RD | Shepherd A Cofer or | Maria Z Cofer | 7506 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 12- | 7508 Nyland RD | Kathy Lynn Torres or | Raul Torres | 7508 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 12A | 7510 Nyland RD | Alice L Posey or | Milton D Posey | 7510 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 13- | 7514 Nyland RD | John Calvin Braithwaite or | Dana J Braithwaite | 7514 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |

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|---|---|---|---|---|---|---|---|---|
| 64A 2 - 14- | 7522 Nyland RD | Richard Cleveland or | Janet Cleveland | 7522 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 15- | 7604 Nyland RD | Eugene J Reardon or | Nora J Reardon | 7604 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 16- | 7618 Nyland RD | Phyllis T Pickens | | 408 Butternut DR | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 17R | 7631 Nyland RD | Jason Pickett | | 7631 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 18A | 7627 Nyland RD | Benjamin M Ward | | 7627 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 18B | 7615 Nyland RD | Edith R Leinenbach or | Stuart C Leinenbach | 7615 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 19- | 7613 Nyland RD | Stuart C Leinenbach or | Edith R Leinenbach | 7613 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 20A | 7609 Nyland RD | Catherine E Ponton | | 7609 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 20B | 7603 Nyland RD | Harry A & Margaret P Lloyd Life Est | & Kevin Mark Lloyd Sr | 7603 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 20C | 7607 Nyland RD | Richard D O'Canas or | Lisa D O'Canas | 7607 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 20D | 7605 Nyland RD | Michael Angel Bermudez or | Jeffery Vincze Sowards | 7605 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 21- | 7523 Nyland RD | Dawn Houser Purks | | 7523 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 21A | 7521 Nyland RD | Luke A Guy Jr or | Lillian M Guy Life Estate | 7521 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 21B | 7525 Nyland RD | Dale E Sowards & | Jo Ann Sowards | 7525 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 22- | 7515 Nyland RD | Russell A Weaver or | Jennifer A Weaver | 7515 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 23- | 7509 Nyland RD | Newton Lee Beach II | | 7509 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 24- | 7507 Nyland RD | Sandra Rae Beach | | 7507 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 25- | 7431 Nyland RD | Leonard J Balderson or | Rosa D Balderson | 7431 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 26- | 7427 Nyland RD | Robert Vance Withers or | Joyce Waite Withers | 381 Widewater RD | 0 | STAFFORD | VA | 22554 |
| 64A 2 - 26A | 7429 Nyland RD | Allen Judson Withers III | | 385 Widewater RD | 0 | STAFFORD | VA | 22554 |
| 64A 2 - 27- | 0 Assigned on Request | Norman L or C Lynn Howdyshell & | Joseph P D'Orio or Jessica D'Orio | 3619 Guinea Station RD | 0 | FREDERICKSBURG | VA | 22408 |
| 64A 2 - 27A | 7423 Nyland RD | Matthew M Durney Sr | | 7423 Nyland RD | 0 | FREDERICKSBURG | VA | 22408 |
| 65- A - 1- | 0 Assigned on Request | Betty E Francy | | 11045 Claiborne Crossing RD | 0 | FREDERICKSBURG | VA | 22408 |

Project Name: Verizon Tower - 3800 Guinea Station Road

Meeting Date: 2/6/20 Location: Massaponax High School

| NAME | PHONE # | E-MAIL ADDRESS |
|---|---|---|
| DENNIS E. BUCHANAN | (540) 907-8473 | dbuchanan22534@COMCAST.NET |
| Cutler BEASLEY | 4344099998 | Cutler.Beasley@gmail.com |
| Janet LOPEZ | 5402735999 | Nicholas.Lopez@Hotmail.com |
| Jerry; Paige Baigis | 703-989-0601 | JerryBaigis@gmail.com |
| Melinda NORMAND | 804-633-7152 | melinda@DSageCottage.com |
| Jennifer Maddox | 540-834-3268 | jmaddox@spotsylvania.va.us |
| David Damerow | 540-507-7427 | ddamerow@spotsylvania.va.us |
| Wanda Parrish | 540 834 0747 | WSCPARRISH@Verizon.net |
| Raymond BELL | 540-834-7444 | pasbell@aol.com |
| Patrick B. Suffolk | 540-898-7580 | |
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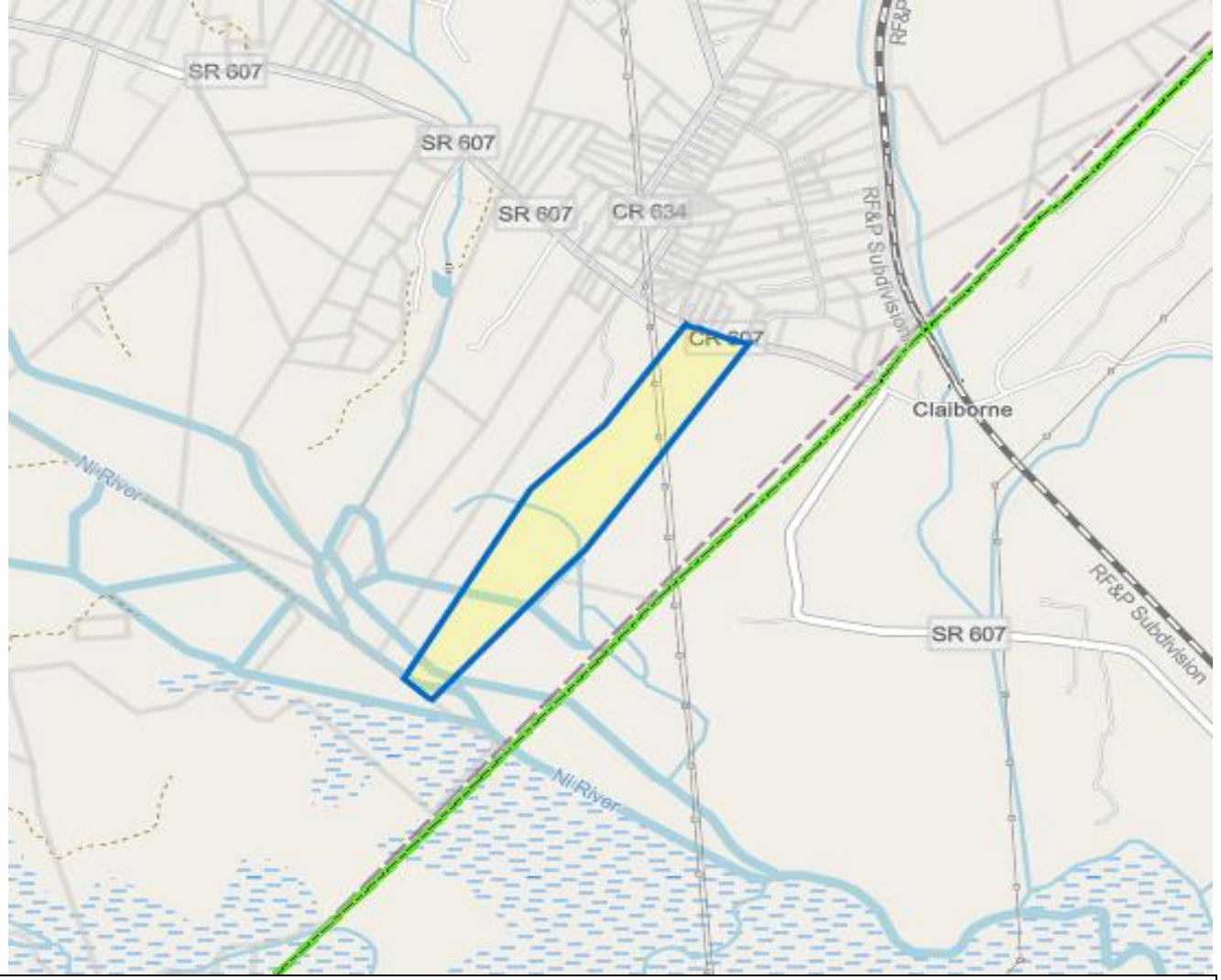
# PROJECT SUMMARY
**PLANNING DEPARTMENT**
**SPOTSYLVANIA COUNTY, VIRGINIA**
## SPECIAL USE PERMITS

**Application#: SUP21-0002**
**Date Submitted: 2/24/2021**
**Case Planner: Shannon Fennell**

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|---|---|---|---|
| Project Name: **Claiborne Verizon Cell Tower** | | | |
| Applicant: **Cellco Partnership dba Verizon Wireless; 1831 Rady Ct.; Richmond, VA 23222** Wk: **757-817-6628** | | | |
| Owner: **Gilman Land And Timber, LLC; 13423 Farrington Rd.; Ashland, VA 23005-7115** Wk: | | | |
| Plan Preparer: **N B and C Engineering Services, LLC; 4436 Waterfront Dr., Ste. 100; Glen Allen, VA 23060** Wk: **804-548-4079** | | | |
| Zoning: **RU** | Proposed Zoning/Use: **/Cell Tower** | Public Water: **n/a** | Public Sewer: **n/a** |
| New Bldg Sq Ftg: **n/a** | Total Site Acres: **91.76** | Lots/Units Proposed: **1 / 0** | |
| Parcel # and Address **64-A-3 ; 3800 Guinea Station Rd.** | **Route #: 607** | Voting: **Berkeley** | |
| Description: **Cell tower** | | | |

Cc: BOS, PC, County Admin, County Attorney, Economic Development, ACOE, NPS, FRED, Fort A.P. Hill, Fredericksburg Post Office, Spotsylvania Post Office, REC, Press

## Spotsylvania County Planning Commission DRAFT

Board Room – Holbert Building, 9104 Courthouse Road, Spotsylvania VA 22553

| | | |
|---|---|---|
| **MINUTES:** | June 16, 2021 | |
| **Call to Order:** | Ms. Maddox called the meeting to order at 7:00 p.m. | |
| **Members Present:** | Mary Lee Carter | Lee Hill |
| | Jennifer Maddox | Berkeley |
| | Richard Thompson | Courtland |
| | Dr. Raymond Bell | Salem |
| | Jacob Lane | Livingston |
| | Gerald Childress | Chancellor |
| | Travis Bullock | Battlefield |
| **Members Absent:** | Jacob Lane | Livingston |
| **Staff Present:** | Paulette Mann, Planning Commission Secretary | |
| | B. Leon Hughes, AICP, Director of Planning & Zoning | |
| | Kimberly Pomatto, CZA, Deputy Director of Planning & Zoning | |
| | Alexandra Spaulding, Senior Assistant County Attorney | |
| | Brad Robinson, CZA, Planner II | |
| | Shannon Fennell, Planner III | |
| | Jacob Pastwik, AICP, Planner III | |
| | Phil Sullivan, Deputy Fire Marshal | |

**Announcements:** Mr. Hughes updated the Commission on upcoming cases, what's on the TRC agendas and community meetings.

**Review and approval of minutes**

**Motion and vote:** On a motion by Mr. Thompson seconded by Mr. Childress, the Commission voted to approve the minutes of May 19, 2021.

VOTE:

Ayes: 6 Dr. Bell, Ms. Carter, Mr. Bullock, Ms. Maddox, Mr. Thompson and Mr. Childress
Nays: 0
Absent: 0
Abstain: 0

**Unfinished Business:** None

**Rezoning**

**R20-0008 Linda C. Curtis and Leigh Ann Curtis-Chapman (Rappahannock Development Group, LLC):** Requests a rezoning of three (3) parcels consisting of approximately 48.42 acres from Residential 1 (R-1) to Planned Development Housing 3 (PDH-3) with proffers for the development of 101 single family detached dwelling units. The properties are located on the south side of Piedmont Drive (Route 673) approximately 0.4 miles from its intersection with Harrison Road (Route 620). The properties are addressed as 11501 Piedmont Drive, 11513 Piedmont Drive, and 6020 Harrison Road. The properties are located within the Primary Development Boundary. The properties are designated for Low Density Residential on the Future Land Use Map of the Comprehensive Plan. Tax parcels 22 (A) 103, 22 (11) 4B, 22 (11) 5. Salem Voting District.

Ms. Fennell presented the case. The applicant proposes to rezone the subject parcels from Residential 1 District (R-1) to the Planned Development Housing 3 District (PDH-3) with proffers. If approved, the applicant will develop 101 single-family detached homes, with a density of 2 dwelling units per acre. Staff notes that the density proposed with the Saddle Creek development is marginally less than the density of adjacent existing subdivisions.

The project will be served by a public road network, as all subdivision streets will be public and connect to Piedmont Drive and Huntington Meadows Lane both of which are public right of ways and maintained by VDOT. Initial entrance designs included a left turn lane in to the property on Piedmont; however, concerns were raised regarding the close proximity to the Piedmont Drive and Chancellor Park Drive intersection and potential safety concerns lead the applicant to investigate the possibility of incorporating what is currently Banks Lane into the development as the primary access off Piedmont Drive with a traffic signal. Upon further study it was determined by VDOT that that conceptual intersection did not meet VDOT's signal warrants. As a result, the entrance design is a one lane roundabout, adjoining the entrance at Piedmont Drive Opposite Chancellor Park Drive in the hopes of mitigating this development's impact on the County's transportation facilities and its neighbors. As proposed the roundabout would significantly improve the existing traffic conditions decreasing the Levels of Service (LOS) from D and E for northbound left/right turning movements and southbound left turning movements (respectively) to and overall LOS B during the AM peak and LOS A during the PM peak. A variable width of right of way must be dedicated along Piedmont Drive to provide for the proposed road improvements. Upon further review of the proposed improvements and a title report for Banks Lane, it was discovered by the applicant that there was no evidence of any fee simple conveyance of the approximately 670-foot private road known as Banks Lane. Therefore, in order to construct the roundabout as proposed and dedicate to VDOT for acceptance into the Commonwealth's Secondary Highway System, the applicant requests the County to condemn the area currently known as Banks Lane and as identified on the proffered exhibits.

Should the Board of Supervisors approve the rezoning and decide to condemn Banks Lane the roundabout improvement will serve as a public facility and mitigate the proposal's impact on the County's transportation facilities and its neighbors. The roundabout will serve as the primary entrance for the Saddle Creek development and seven (7) other existing residential properties. If the rezoning is approved, the applicant will enter into an agreement with the County regarding the

potential condemnation. The draft agreement is incorporated by reference in the applicant's proffer statement and identifies terms and conditions related to the potential condemnation process.

Based on County projections the development will generate an estimated 210 new residents (above the by-right use) with 40 being school-aged children at full build out (18 elementary school students, 9 middle school students, and 13 high school students). The new students from the development will attend Battlefield Elementary, Chancellor Middle and Chancellor High Schools. As of October 1, 2020 and current school district boundaries, there is existing capacity in the elementary and high schools to accommodate the projected students. Currently, Chancellor Middle School has capacity for 7 additional students, and the projected 9 middle school students will cause enrollment to exceed capacity by 2 students. Currently, there are no Capital Improvement projects for the Chancellor Middle School; however, to mitigate the projected impact the applicant has offered a cash contribution of $130,000.13 towards a future school expansion project.

Ms. Fennell discussed the following findings:

In Favor:

- **A.** The proposal is consistent with the intent of the Primary Development Boundary by having more intense development occur within the Primary Development Boundary.
- **B.** The proposal is consistent with the Comprehensive Plan with respect to the Guiding Principles and Policies of Spotsylvania County of being a family friendly community, and comports with the idea of contributing to the mix of units in support of a growing diverse housing stock to accommodate housing needs for all stages of life.
- **C.** The density as proposed with the Saddle Creek development is less than the density of adjacent existing subdivisions, Battlefield Green, Dominion Green, Huntington Meadows, Jackson Meadows, Willow Pond and Chancellor Park (sections 1-3) as the densities of these developments range from 2.2 dwelling units per acre to 3.0 dwelling units per acre.
- **D.** The proposed development also integrates quality open space into the design in excess of zoning district requirements, while incorporating and protecting environmentally sensitive features.
- **E.** The County's Fiscal Impact model projects a net positive annual fiscal benefit at build out.
- **F.** The applicant has proffered $138,531.60 in cash contributions to mitigate the impacts of the development on public safety and schools.
- ***G.*** The applicant has proffered aggregate sum of $56,024.04 towards the VDOT Safe Routes to School Program for sidewalks along Chancellor Park Drive which will improve pedestrian safety.
- **H.** The applicant will provide pedestrian connectivity throughout the site connecting Piedmont Drive, Scott Drive, Huntington Meadows Lane and Harrison Road; the proposed 10-foot paved multi-use trail from Scott Drive to Harrison Road will be dedicated to the County as a future connection point to the VCR Trail.
- **I.** The applicant will construct a roundabout at the Piedmont Drive/Chancellor Park Drive/Saddle Creek Drive intersection, which will mitigate not only the project's

impacts to the County's Transportation network but also address existing traffic safety concerns at the Piedmont/Chancellor intersection.

**J.** The applicant will connect to Huntington Meadows Lane, using the existing interparcel connection; this will allow traffic to reach Leavells Road without utilizing the Piedmont Drive/Harrison Road intersection or the Harrison Road/Salem Church Road/Leavells Road intersections.

**K.** The applicant has proffered $200,000 to mitigate impacts of this development on the Harrison Road, Salem Church and Leavells Road intersection

Against:

**A.** The development will contribute to some additional traffic at the Harrison Road/Salem Church Road/Leavells Road intersection which could temporarily degrade LOS at the intersection from existing before the $6.1 Million Smart Scale project is completed in 2026.

**B.** The projected population for the Saddle Creek development will have an impact on the County's Recreational Facilities; however, no mitigation for parks and recreation impacts have been proposed.

The Comprehensive Plan Guiding Principles and Policies support a diverse housing inventory that can accommodate the housing needs for all stages of life. This diversity includes small to larger single family homes as part of this inventory. This projects comports with this goal by providing housing on smaller lots to provide a compact, walkable residential community. This project is within the Primary Development Boundary and consistent with respect to the proposed density and parcel sizes of adjacent existing subdivisions. The proposed development also integrates quality open space into the design in excess of zoning district requirements, and provides pedestrian connectivity throughout the site and to adjacent subdivisions. The County's FIA model projects a net positive annual fiscal benefit at build out of the project. The applicant has proffered cash contributions totaling $394,555.64 to mitigate the development's impacts on public safety, transportation and schools. The project's transportation improvements include the dedication of off-site right of way, the construction of a roundabout at the Piedmont/Chancellor Park Drive/Saddle Creek Drive intersection, right away along Piedmont Drive, and a cash contribution toward the Salem Church Rd, Leavells Rd, and Harrison Rd intersection, which not only assist in mitigating the project's impacts but also assist in addressing existing traffic safety issues. Given the Findings in Favor and reasons noted in the conclusion, Staff recommends approval of the rezoning request with the proffered conditions dated May 28, 2021.

Mr. Thompson asked for clarification about the condemnation of Banks Lane.

Ms. Fennell explained that no one owns Banks Lane and there is no owner of record for the road.

*Ms. Maddox opened the public hearing.*

Applicant, Charlie Payne: He provided a PowerPoint presentation to the Planning Commission and stated that Banks Lane is not owned by anyone hence the traffic circle and interparcel connection to Huntington Meadows.

Denies Hamilton: She stated that in October she was t-boned by a high school student. She stated she has concerns about additional accidents occurring. Ms. Hamilton stated that crosswalks are great but many people have no regard for pedestrians and suggested big flashing lights like what is near UMW.

Nick Adams: He stated he has concerns about the speed on Piedmont Drive. He alerted folks that you cannot see the flashing school sign unless you are right up on it because of overgrown vegetation. He stated he has concerns about the roundabout because no one knows how to successfully navigate them. He is excited about the trails.

Matthew Misner: He stated he echoes many comments already raised. He expresses his concerns about getting in and out of his driveway. He is in favor of the roundabout.

Jason Aldridge: He advised that he agrees with everything already said but has concerns about construction during rush hour times.

Ms. Mann read letters submitted to her on the case.

Raymond Carney: He has concerns about the number of students this will add, the number of cars, lack of transportation improvements, and affordable housing.

Jacquay Manos: She expressed concerns about the volume of traffic the proposal will create. Additionally, her concerns are about noise, traffic, congestion, car fumes, and accidents.

Earl Smith: He stated that he has major concerns regarding traffic, fumes created carbon monoxide, construction dust and dirt.

Renee LeMay: She raised concerns about traffic, overcrowding at Chancellor High School, and the potential for adding trailers to schools.

Glenn Summers: He expressed her concerns regarding the installation of a traffic circle and the ability to safely navigate during school arrivals, dismissals and special events. He also has concerns about traffic.

Applicant, Charlie Payne: He stated that the development didn't warrant a light and the roundabout is their solution for speed and safer traffic movement. The improvements they are making bring the level of service from a D to a B in the AM peak, and from an E to an A in the PM peak. He stated that he feels the neighbors will be better off with these additions.

Ms. Maddox inquired about the applicant's timeline.

Mr. Payne stated that these would be built and completed within 3-5 years.

*Ms. Maddox closed the public hearing.*

Motion and vote: Ms. Maddox made a motion, seconded by Mr. Childress to approve the rezoning with proffers dated May 28, 2021. The motion passed 5-1 with Mr. Thompson voting no.

**SUP21-0002 - Gilman Land and Timber LLC (Cellco Partnership)**: Requests a special use permit for a 195-foot monopole communication tower with a 4-foot lightning rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District. The property is located on the south side of Guinea Station Road (Route 607) approximately 706 feet east of Flippo Drive (Route 634) and approximately 1,500 feet west of the Caroline County line. The property is addressed as 3800 Guinea Station Road and identified as Tax Parcel 64-A-3. The property is designated as Rural Residential on the Future Land Use Map of the Comprehensive Plan. Berkeley Voting District.

Ms. Fennell presented the case. The telecommunications facility is proposed in the northernmost section of the approximately 91.76-acre parcel currently zoned Rural (RU) District. The subject parcel is a vacant heavily wooded parcel with a large swamp at the southwest corner and a 200-foot Dominion Power easement running diagonally from the northwestern corner to the southeastern corner. The subject parcel is bordered to the north by single family residential properties in the Nyland Subdivision and Nyland Estates, with the closes residence being approximately 450-feet from the tower. The Nyland Subdivision and Nyland Estates residential lots that are adjacent to the subject parcel are zoned RU and range in size from 1 to 5 acres. To the west the subject parcel is bordered by a large single family detached residential lot and to the east and to the south by large heavily wooded vacant parcels, all zoned RU.

As proposed the 195-foot monopole communication tower will be topped by a 4-foot lightning rod, for a total of 199 feet in height. The Generalized Development Plan (GDP) depicts that the tower will be located within a 2,500 square foot compound that will be constructed approximately 180 feet from the ultimate right of way of Guinea Station Road. A 7-foot tall chain link fence topped with 12 inches of barbed wire as an anti-climbing device is shown surrounding the proposed compound. The site will be accessed through a proposed 12-foot wide private access road from Guinea Station Road (Route 607). The GDP also depicts approximately 0.16 acres (6,970 square feet) to be dedicated for future right of way. The proposed tower is located approximately 356 feet from the eastern property line, approximately 5,703 feet from southern property line, approximately 419 feet from the western property line and approximately 211 feet from the proposed property line (upon dedication of the future right of way) along Guinea Station Road. Based on the images from the balloon test, the top portion of the tower will be visible approximately 1,198 feet east, approximately 1,171 feet northwest, and approximately 3,607 feet south of the site. Guinea Station Road is part of a designated Civil War Trail and is recognized as a Scenic Byway. In an attempt to provide screening at the ground level, protecting the view shed; the applicant shows a 30-foot

street buffer, consisting of existing vegetation, along Guinea Station Road which exceeds the required 15-foot street buffer. In addition to the street buffer which is along the property's frontage, the GDP also depicts a 100-foot vegetation preservation buffer surrounding the proposed lease area and compound which will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road that is also identified on the GDP.

The applicant's GDP depicts the proposed antennas for Verizon located at a height of 192-feet above ground level (AGL) and allows for at least four future co-locations at 180-feet, 170-feet, 160-feet, and 150-feet AGL respectively. The height of the monopole was determined by the applicant to be the lowest possible height that will eliminate current network deficiencies and provide state of the art capacity for its voice and data services. Prior to determining that a new facility was necessary to satisfy its service objective, the applicant considered co-location on a Dominion Virginia Power structure. Verizon determined the facility was not structurally capable of supporting the antenna or equipment and the facility would not enable Verizon to satisfy its service objectives.

Ms. Fennell discussed the following findings:

In Favor:

- The proposal is consistent with the Comprehensive Plan with respect to encouraging the provision of fiber optic cable and other technological infrastructure throughout the Primary Development Boundary, and to the extent feasible, the County as a whole.
- The proposal satisfies all of the Special Use standards of review as established in Sec.23-4.5.7 of the County's Zoning Ordinance.
- The proposal will enhance telecommunication coverage and products available for citizens and tourists.
- The proposal will encourage the retention and expansion of existing rural business operations.
- Proposed right-of-way dedication is favorable for future road improvements.
- Vegetative screening is expected to reduce the immediate visibility of the tower site from ground level when factoring in the 30' vegetative buffer along Guinea Station Road and tree preservation and reforestation in prior cleared areas within the lease area and outside of the actual tower compound. This is a favorable mitigation considering Guinea Station Road as a Civil War Trail, Scenic Byway, and within the Rural Residential land use area.

Against:

- Height of tower will inevitably exceed the height of the natural tree canopy and is expected to be visible from some vantage points generally in close proximity to the site as exhibited by the project renderings resulting from prior balloon flights.

The Planning Commission must review the proposal in accordance with the Code of Virginia, Sec. 15.2-2232 to determine whether the facility's location, character, and extent are substantially in accord with the Comprehensive Plan. Based on staff's analysis, the proposal is substantially in accord with the Comprehensive Plan and staff recommends approval of the request.

Should the Commission find the proposal in substantial accord with the Comprehensive plan and recommend approval, staff recommends the following conditions:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Verizon, Site Name: Claiborne, 3800 Guinea Station Road Fredericksburg, VA 22408, Spotsylvania County" dated April 11, 2019 and last revised, May 10, 2021.
2. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant or its successors-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.
4. The variable width right of way along Guinea Station Road (Route 607), as identified on the GDP, will be dedicated to the County as part of the site plan review and approval process for the telecommunications facility, in accordance with the applicable County requirements and procedures.
5. The 100-foot vegetation preservation buffer as depicted on sheet Z-2 of the GDP will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road as identified on the GDP.

*Ms. Maddox opened the public hearing.*

Ms. Maddox stated that the balloon test shows a lot and appreciate the pictures.

Applicant, Lisa Murphy: She discussed the proposal and the dense tree cover on the property. The tower will take up only 1% of the entire property. The tower will be 195 feet with a 4 ft. lightning rod and will be unlit.

Mr. Childress noted that the property is owned by a timber company. He inquired whether they plan to timber in the near future.

Ms. Murphy stated that the property has already been timbered and they will be reforesting around the tower.

*Speaking if favor or opposition:*

Ms. Mann stated that she received one letter in reference to this case.

Mr. & Mrs. Baigis: The letter expressed that they wish to be in partnership with Cellco to extend fiber optic connectivity to their planned homesite. They expressed that all residents impacted by the tower should gain access to high speed land line internet.

Applicant, Lisa Murphy stated that verizon wireless and the land lines are not conncted and they are located 356 feet from the proposed tower. This is not something they could provide to the Baigis family.

*Ms. Maddox closed the public hearing.*

Ms. Maddox stated that she receives calls all of the time of citizen's hoping for high speed internet.

**Motion and vote:** Ms. Maddox made a motion, seconded by Ms. Carter to find the request substantailly in accord with the comprehensive plan. The motion passed 6-0.

**Motion and vote:** Ms. Maddox made a motion, seconded by Ms. Carter to recommend approval of the proposal with the conditions listed below:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Verizon, Site Name: Claiborne, 3800 Guinea Station Road Fredericksburg, VA 22408, Spotsylvania County" dated April 11, 2019 and last revised, May 10, 2021.
2. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant or its successors-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.
4. The variable width right of way along Guinea Station Road (Route 607), as identified on the GDP, will be dedicated to the County as part of the site plan review and approval process for the telecommunications facility, in accordance with the applicable County requirements and procedures.

5. The 100-foot vegetation preservation buffer as depicted on sheet Z-2 of the GDP will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road as identified on the GDP.

The motion passed 6-0.

**Amendment:**

**CA21-0003: Spotsylvania County Planning Commission, Ordinance No. 21-181:** Proposed amendments to the Code of the County of Spotsylvania ("Code"), Chapter 23- Zoning, Article 5, Division 9- Off-Street Parking, and Chapter 23-Zoning, Article 6, Mixed Use (MU) District, as follows:

**Chapter 23, Article 5: Division 9- Off-Street Parking**

Sec. 23-5.9.3- Minimum Required Parking Spaces. Amendments are specific to residential parking standards. For multi-family dwelling units, remove minimum parking standard of 1.6 spaces per unit, replacing it with a per unit, bedroom-count-based, minimum standard as follows: 0-1 bedroom, 1 per unit and 1 visitor space in common area per 5 units; 2 bedrooms, 1.5 per unit and 1 visitor space in common area per 5 units; 3+ bedrooms, 2.0 per unit and 1 visitor space in common area per 5 units. For single family attached dwelling units, amend the current minimum parking standard of 2 spaces per unit, to require 2 onsite spaces per unit, and 1 visitor space in common area per 3 units. Garage or carport spaces cannot be counted toward minimum onsite parking. Amendments result in increased assurance of onsite spaces and provision for additional visitor spaces. For single family detached dwelling units, amend the current minimum parking standard of 2 spaces per unit, to require a minimum of 2 parking spaces per unit, specifying they both be onsite. Garage or carport spaces cannot be counted toward minimum onsite parking.

**Chapter 23, Article 6: Division 28- Mixed Use (MU) District**

Sec. 23-6.28.6- Parking. Amendments are specific to residential parking standards. For multi-family dwelling units, as a clean-up item to consolidate parking standards into two cells within the minimum parking spaces table. A substantive amendment specific to provision of minimum parking for dwelling, multi-family, units of 0-1 bedrooms removes standard of .75 per unit +1 visitor per 5 units to 1 per unit and 1 visitor per 5 units in common area. Minimum parking standards for 2 bedroom and 3+ bedroom units remain unchanged but specify parking spaces are to be located in common area. For single family attached dwelling units, a new parking standard has been introduced to address the land use and matches standard established in the General Development Standards applicable to other Zoning Districts. As a new standard within the Mixed Use Zoning District, single family attached dwelling units now requires a minimum 2 onsite spaces per unit, and 1 visitor space per 3 units in common area. Garage or carport spaces cannot be counted toward minimum onsite parking. For single family detached dwelling units, the new standard removes reference to "and two family", and clarifies the minimum parking standard to require a minimum 2 onsite spaces per unit, replacing 2 per unit. Garage or carport spaces cannot be counted toward minimum onsite parking.

Sec. 23-6.28.7- Streets and Blocks. Specific to subsection (a), the text amendment is meant to clarify language to apply to "both new and existing streets" as opposed to "both new streets and existing streetscapes". Specific to subsection (c) the existing Mixed Use Street Types and Lane Dimensions Table would be removed and replaced to require road configurations better suited to accommodate large vehicles including delivery trucks, moving trucks, and fire, rescue, emergency management equipment. The revised table has been reorganized and font size increased for easier interpretation. Revisions to the aforementioned table include: No parking streets and new alley standard clarify that no parking streets and no parking alleys include no parking signs. Alley standards with no parking require an 18' travelway; provision for no parking streets with one-way movement include one 18' lane or two 10' lanes, replacing standard of one 10' or two 8' lanes; two-way movement no parking streets include two 10' lanes, replacing two 9' lanes. Yield parking streets are removed. Parking one side parallel street standard specifies need for no parking signs on opposite side of street where parking not intended. Amendments to street standards for parking one side streets include: a single 18' travel lane for one-way movement with 8' parallel parking space, replacing one 9' lane with 7' parallel parking space. For two lane divided two-way movement to require 16' travel lanes with 8' wide parallel parking spaces, replacing 11' travel lane with 7' width parallel parking spaces. For streets with parallel parking on both sides and one-way movement, travelway of 18' with 8' wide parallel parking spaces on either side of street proposed to replace travelway of 9' with two 7' wide parallel parking spaces on either side of street. For streets with diagonal parking in all instances the diagonal space standard would be increased to 20', replacing 16.5' to accommodate larger vehicles and reduce travelway intrusion. Parking access standards for connector roads between parking lots remove 10' wide single lane two-way traffic standard with a one way 12' lane standard. Two-way movement is accommodated with an existing 24' wide standard to remain. All other Mixed Use Streets standards remain within the reorganized table format.

Mr. Pastwik presented the case. Planning staff, working with County Fire, Rescue, and Emergency Management (FREM), Transportation and Zoning have drafted proposed changes to the County Zoning ordinance meant to address parking capacity and travel way width concerns raised by FREM recently. These amendments are expected to create easier to navigate neighborhoods for emergency services, citizens, visitors, delivery and moving trucks, and reduce frequency of parking along roads with dimensions that are not conducive or intended for on street parking. County FREM has raised concerns about some of the County Mixed-Use(MU) road standards providing insufficient passable travel ways for emergency vehicles such as ladder trucks compounded by instances of insufficient availability of visitor parking resulting in parking along roads where vehicles ought not be parked. Mr. Phil Sullivan, FREM Division Chief was in attendance and available to provide "on the ground" insight. The proposed amendments are intended to address this two-fold issue. Parking revisions are expected to result in additional parking availability in single family attached communities where provision of adequate parking for visitors has proven to be problematic in some newer developments, particularly those developments zoned Mixed-Use(MU). Off-street parking standards have also been updated for

single family detached and multi-family. Though off-street parking standards for single family attached communities differ by locality, the proposed changes are not vastly different than other localities in Virginia. New Kent County employs a similar standard as proposed. The draft would increase the number of minimum parking spaces for single family attached/townhome communities from 2 spaces per unit, however only 1 such space must have convenient access to the dwelling unit, to 2 onsite spaces per unit, and 1 visitor space per 3 units in common area. Resulting from Planning Commission direction received at the April 21, 2021 Public Hearing Initiation, the draft specifies that garage or carport parking would not be counted toward the minimum parking standard. This change would appear as part of the Mixed Use (MU) parking standard as well as the General Development Standards for all other zoning districts that include single family attached. As part of the draft amendment, staff also proposes creating an equal standard for off-street parking for multi-family developments. At present the County has two separate standards. The first is located in Zoning Chapter 23, Article 5: Division 9- Off-Street Parking with application to all zoning districts where multi-family uses are permitted, except for the Mixed Use(MU) district where a separate standard exists. For Mixed Use(MU), multi-family parking standards are located in Chapter 23, Article 6: Division 28- Mixed Use (MU) District. Under the draft proposal, the multi-family parking standard presently adopted in the Mixed Use (MU) ordinance would also apply under General Development Standards applicable to all other Zoning Districts with multi-family uses. Staff asserts the Mixed Use(MU) standard is more favorable as it is bedroom count based as opposed to a single standard applied to any and all bedroom count projects. Specific details of the proposed amendments are outlined below: DRAFT Ordinance 23-181: Chapter 23, Article 5: Division 9- Off-Street Parking Sec. 23-5.9.3- Minimum Required Parking Spaces. Amendments are specific to residential parking standards. For dwelling, multi-family, remove minimum parking standard of 1.6 spaces per unit, replacing it with a per unit, bedroom-count-based, minimum standard as follows: 0-1 bedroom, 1 per unit and 1 visitor space in common area per 5 units; 2 bedrooms, 1.5 per unit and 1 visitor space in common area per 5 units; 3+ bedrooms, 2.0 per unit and 1 visitor space in common area per 5 units. For dwelling, single family attached, amend the current minimum parking standard of 2 spaces per unit, to require 2 onsite spaces per unit, and 1 visitor space per 3 units in common area, resulting in increased assurance of onsite spaces and provision for additional visitor spaces. For dwelling, single family detached, amend the current minimum parking standard of 2 spaces per unit, to require a minimum of 2 parking spaces per unit, specifying they both be onsite. For both single family detached and attached units, garage and carport spaces cannot be counted toward minimum onsite parking. DRAFT Ordinance 23-181: Chapter 23, Article 6: Division 28- Mixed Use(MU) District. Sec. 23-6.28.6- Parking. Amendments are specific to residential parking standards. For dwelling, multi family, as a clean-up item to consolidate parking standards into two cells within the minimum parking spaces table. A substantive amendment specific to provision of minimum parking for dwelling, multi-family, units of 0-1 bedrooms removes standard of .75 per unit +1 visitor per 5 units to 1 per unit and 1 visitor per 5 units in common area. Minimum parking

standards for 2 bedroom and 3+ bedroom units remain unchanged but specify parking spaces are to be located in common area. For dwelling, single family attached, a new parking standard has been introduced to address the land use and matches a standard established in the General Development Standards applicable to other Zoning Districts. As a new standard within the Mixed Use(MU) Zoning District, dwelling, single family attached now requires a minimum 2 onsite spaces per unit, and 1 visitor space in common area per 3 units. For dwelling, single family detached, the new standard removes reference to "and two family", and clarifies the minimum parking standard to require a minimum 2 onsite spaces per unit, replacing 2 per unit. For both single family detached and attached units, garage and carport spaces cannot be counted toward minimum onsite parking. Sec. 23-6.28.7- Streets and Blocks. Specific to subsection (a), the text amendment is meant to clarify language to apply to "both new and existing streets" as opposed to "both new streets and existing streetscapes". Specific to subsection (c) the existing Mixed Use(MU) Street Types and Lane Dimensions Table would be removed and replaced to require road configurations better suited to accommodate large vehicles including delivery trucks, moving trucks, and fire, rescue, emergency management equipment. The revised table has been reorganized and font size increased for easier interpretation. Revisions to the aforementioned table include: No parking streets and new alley standard clarify that no parking streets and no parking alleys include no parking signs. Alley standards with no parking require an 18' travel way; provision for no parking streets with one-way movement include one 18' lane or two 10' lanes, replacing standard of one 10' or two 8' lanes; two-way movement no parking streets include two 10' lanes, replacing two 9' lanes. Yield parking streets are removed. Parking one side parallel street standard specifies need for no parking signs on opposite side of street where parking not intended. Amendments to street standards for parking one side streets include: a single 18' travel lane for one-way movement with 8' parallel parking space, replacing one 9' lane with 7' parallel parking space. For two lane divided two-way movement to require 16' travel lanes with 8' wide parallel parking spaces, replacing 11' travel lane with 7' width parallel parking spaces. For streets with parallel parking on both sides and one-way movement, travel way of 18' with 8' wide parallel parking spaces on either side of street proposed to replace travel way of 9' with two 7' wide parallel parking spaces on either side of street. For streets with diagonal parking in all instances the diagonal space standard would be increased to 20', replacing 16.5' to accommodate larger vehicles and reduce travel way intrusion. Parking access standards for connector roads between parking lots remove 10' wide single lane two-way traffic standard with a one way 12' lane standard. Two-way movement is accommodated with an existing 24' wide standard to remain. All other Mixed Use(MU) Streets standards remain within the reorganized table format.

Staff recommends the Planning Commission approve CA21-0003, Ordinance No. 23-181- Mixed Use Streets and Residential Parking Standards.

Mr. Thompson inquired whether FREM was in agreement with the proposed.

Mr. Pastwik stated yes and Mr. Sullivan agreed.

Mr. Childress inquired if anything could be done regarding exitsing conditions of developments.

Mr. Sullivan stated that some developments have taken matters into their own hands to make the situation better. He stated that FREM fully endorses what Planning is doing here. He stated that they would be working with the exisitng develoments as they see the issues in the field.

Ms. Carter inquired if the developments are willing to work with staff.

Mr. Sullivan stated yes, so far all have been positive encounters.

Mr. Childress thanked staff for a great job.

**Motion and vote:** Mr. Thompson made a motion, seconded by Mr. Bell to recommend approval of the amendment of the code. The motion passed 6-0.

**Public Comment:**

**New Business:**

Mr. Bullock apologized for missing the worksession portion of the meeting.

**Adjournment**

**Motion and vote:** On a motion by Mr. Thompson, seconded by Mr. Childress, the Commission voted to adjourn. The motion passed 6-0.

The meeting adjourned at 9:00 p.m.

(To: Display Advertising (Classified Section)

Please run the following ad on **Tuesday, July 13, 2021 and Tuesday, July 20, 2021** in the **Free Lance-Star.** with the usual format: bold border; Spotsylvania County seal; 2 columns wide; underline as shown; larger, darker print for underlined portions. (Ref. P O # 9518)

## PUBLIC NOTICE

The Spotsylvania County Board of Supervisors will hold a public hearing at 6:00 p.m. on Tuesday, July 27 2021 in the Holbert Building located at 9104 Courthouse Road, Spotsylvania, Va. 22553, to consider the following:

***Special Use Permit(s):***

**SUP21-0002 - Gilman Land and Timber LLC (Cellco Partnership)**: Requests a special use permit for a 195-foot monopole communication tower with a 4-foot lightning rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District. The property is located on the south side of Guinea Station Road (Route 607) approximately 706 feet east of Flippo Drive (Route 634) and approximately 1,500 feet west of the Caroline County line. The property is addressed as 3800 Guinea Station Road and identified as Tax Parcel 64-A-3. The property is designated as Rural Residential on the Future Land Use Map of the Comprehensive Plan. Berkeley Voting District.

***Rezoning(s):***

**R20-0008 Linda C. Curtis and Leigh Ann Curtis-Chapman (Rappahannock Development Group, LLC):** Requests a rezoning of three (3) parcels consisting of approximately 48.42 acres from Residential 1 (R-1) to Planned Development Housing 3 (PDH-3) with proffers for the development of 101 single family detached dwelling units. The properties are located on the south side of Piedmont Drive (Route 673) approximately 0.4 miles from its intersection with Harrison Road (Route 620). The properties are addressed as 11501 Piedmont Drive, 11513 Piedmont Drive, and 6020 Harrison Road. The properties are located within the Primary Development Boundary. The properties are designated for Low Density Residential on the Future Land Use Map of the Comprehensive Plan. Tax parcels 22 (A) 103, 22 (11) 4B, 22 (11) 5. Salem Voting District.

***Amendment(s):***

**CA21-0002: Spotsylvania County Board of Supervisors, Ordinance No. 14-18:** Proposed amendments to the Code of the County of Spotsylvania, Chapter 14 Article 1- Offenses and Miscellaneous, Section 10 – Camping and Use or Storage of Camping Equipment.
Amendments include the restructuring of the provision to create a definitions section in 10-14.1 and create a new section 10-14.2 that was the former 10-14.1, and amended as follows:
**Chapter 14, Article 1-Section 10-** Camping and Use or Storage of Camping Equipment

Section 10-14.1 of the proposed amendment includes the addition of the following defined terms:

Camper means a person or persons camping or utilizing a camping device or camp site for the purposes of camping or temporary occupancy.

Camping or Camping Event means to temporarily occupy a camping device or camp site, with or without a camping device.

Camping Device means any natural or man-made tent, tarp, lean-to, camping trailer, recreational vehicle, or similar device or structure, established or maintained and operated for purposes of temporary occupancy.

Camping devices must be in operable condition, inspected and registered by the Virginia Department of Motor Vehicles, if required.

Camping Device Storage means the placement of any camping device in a visible location when it is not actively in use. A stored camping device cannot be occupied or connected to a septic system. Any device that does not meet both those criteria will be considered occupied and treated accordingly.

Camp Site means any plot of ground used for purposes of temporary occupancy, with or without a camping device, or intended for exclusive occupancy by a camping device(s).

Section 14-10.2 – amends the provisions related to camping within the County to allow property owners, or person(s) authorized by the property owner, to camp on the property owner's property provided that adequate sewage disposal is provided and any camping event which exceeds fourteen (14) days must obtain a temporary pump and haul permit from the Virginia Department of Health in accordance with the Code of Virginia 12VAC5-610-599.2. All camping events must be in compliance with all applicable state requirements. Sewage disposal into the public sewer system is prohibited. Temporary occupancy of a camping device must be in compliance with all applicable state requirements. Permanent occupancy of a camping device is not permitted. Property owners may store camping devices on their own property provided that any camping device regulated by the Virginia Department of Motor Vehicles is in operable condition, inspected, registered and owned by the property owner where the camping device is stored. Camping is an allowable use in all zoning districts within Spotsylvania County.

**CA21-0003: Spotsylvania County Planning Commission, Ordinance No. 21-181:** Proposed amendments to the Code of the County of Spotsylvania ("Code"), Chapter 23- Zoning, Article 5, Division 9- Off-Street Parking, and Chapter 23-Zoning, Article 6, Mixed Use (MU) District, as follows:

**Chapter 23, Article 5: Division 9- Off-Street Parking**

Sec. 23-5.9.3- Minimum Required Parking Spaces. Amendments are specific to residential parking standards. For multi-family dwelling units, remove minimum parking standard of 1.6 spaces per unit, replacing it with a per unit, bedroom-count-based, minimum standard as follows: 0-1 bedroom, 1 per unit and 1 visitor space in common area per 5 units; 2 bedrooms, 1.5 per unit and 1 visitor space in common area per 5 units; 3+ bedrooms, 2.0 per unit and 1 visitor space in common area per 5 units. For single family attached dwelling units, amend the current minimum parking standard of 2 spaces per unit, to require 2 onsite spaces per unit, and 1 visitor space in common area per 3 units. Garage or carport spaces cannot be counted toward minimum onsite parking. Amendments result in increased assurance of onsite spaces and provision for additional visitor spaces. For single family detached dwelling units, amend the current minimum parking standard of 2 spaces per unit, to require a minimum of 2 parking spaces per unit, specifying they both be onsite. Garage or carport spaces cannot be counted toward minimum onsite parking.

**Chapter 23, Article 6: Division 28- Mixed Use (MU) District**

Sec. 23-6.28.6- Parking. Amendments are specific to residential parking standards. For multi-family dwelling units, as a clean-up item to consolidate parking standards into two cells within the minimum parking spaces table. A substantive amendment specific to provision of minimum parking for dwelling, multi-family, units of 0-1 bedrooms removes standard of .75 per unit +1 visitor per 5 units to 1 per unit and 1 visitor per 5 units in common area. Minimum parking standards for 2 bedroom and 3+ bedroom units remain unchanged but specify parking spaces are to be located in common area. For single family attached dwelling units, a new parking standard has been introduced to address the land use and matches standard established in the General Development Standards applicable to other Zoning Districts. As a new standard within the Mixed Use Zoning District, single family attached dwelling units now requires a minimum 2

onsite spaces per unit, and 1 visitor space per 3 units in common area. Garage or carport spaces cannot be counted toward minimum onsite parking. For single family detached dwelling units, the new standard removes reference to "and two family", and clarifies the minimum parking standard to require a minimum 2 onsite spaces per unit, replacing 2 per unit. Garage or carport spaces cannot be counted toward minimum onsite parking.

Sec. 23-6.28.7- Streets and Blocks. Specific to subsection (a), the text amendment is meant to clarify language to apply to "both new and existing streets" as opposed to "both new streets and existing streetscapes". Specific to subsection (c) the existing Mixed Use Street Types and Lane Dimensions Table would be removed and replaced to require road configurations better suited to accommodate large vehicles including delivery trucks, moving trucks, and fire, rescue, emergency management equipment. The revised table has been reorganized and font size increased for easier interpretation. Revisions to the aforementioned table include: No parking streets and new alley standard clarify that no parking streets and no parking alleys include no parking signs. Alley standards with no parking require an 18' travelway; provision for no parking streets with one-way movement include one 18' lane or two 10' lanes, replacing standard of one 10' or two 8' lanes; two-way movement no parking streets include two 10' lanes, replacing two 9' lanes. Yield parking streets are removed. Parking one side parallel street standard specifies need for no parking signs on opposite side of street where parking not intended. Amendments to street standards for parking one side streets include: a single 18' travel lane for one-way movement with 8' parallel parking space, replacing one 9' lane with 7' parallel parking space. For two lane divided two-way movement to require 16' travel lanes with 8' wide parallel parking spaces, replacing 11' travel lane with 7' width parallel parking spaces. For streets with parallel parking on both sides and one-way movement, travelway of 18' with 8' wide parallel parking spaces on either side of street proposed to replace travelway of 9' with two 7' wide parallel parking spaces on either side of street. For streets with diagonal parking in all instances the diagonal space standard would be increased to 20', replacing 16.5' to accommodate larger vehicles and reduce travelway intrusion. Parking access standards for connector roads between parking lots remove 10' wide single lane two-way traffic standard with a one way 12' lane standard. Two-way movement is accommodated with an existing 24' wide standard to remain. All other Mixed Use Streets standards remain within the reorganized table format.

Persons interested may appear and present their views at the public hearing described above or submit written comments in accordance with the Revised Public Hearing Procedures During the Coronavirus Emergency. Any public hearing cases, including any ordinances as applicable, are on file and available in the Planning Department, located at 9019 Old Battlefield Blvd, 3rd Floor, Spotsylvania, Virginia, 22553; (540) 507-7434, and may be inspected between 8:00 a.m. and 4:30 p.m., Monday through Friday. The Board of Supervisors encourages the participation of all interested County citizens. For those with special needs, please notify the Office of the County Administrator of any accommodations you may require at least five days before the meeting you wish to attend.

Additionally, those desiring to submit written comments to be read publicly to the Board may do so immediately by going to the following website www.spotsylvania.va.us/comments, or by placing written comments in the Treasurer's Office drop box outside the Holbert Building at 9104 Courthouse Road, Spotsylvania, VA 22553. Comments submitted via the Treasurer's Office drop box should be in a sealed envelope which is clearly marked with *the case number*. Written comments not received by County staff by 12:00 P.M. on the day of a meeting are not required to be presented to the Board, so please plan accordingly.

Additionally, comments may be mailed to the attention of Aimee Mann at PO Box 99, Spotsylvania, VA 22553. Mailed comments must be received by close of business on the Monday prior to the Board meeting

date in order for them to be read into the public record at the hearing.

Submissions of written comments must include the citizen's name and voting district. Please construct your written comments in such manner that they are limited to three (3) minutes when read at a typical oral reading pace. For comments provided in representation of a group, the time limit is five (5) minutes.

**BY ORDER OF THE SPOTSYLVANIA COUNTY BOARD OF SUPERVISORS**

**ED PETROVITCH, COUNTY ADMINISTRATOR**

***DRAFT***

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021, on a motion by____, seconded by _____ resolution: and passed_____, the Board adopted the following

**RESOLUTION NO. 2021-_____**

**Approve with Conditions**
**Special Use Permit SUP21-0002**
**Claiborne Cell Tower**

**WHEREAS**, Gilman Land and Timber LLC (Cellco Partnership) requests a special use permit for a 195-foot monopole communication tower with a 4-foot lightning rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District. The property is located on the south side of Guinea Station Road (Route 607) approximately 706 feet east of Flippo Drive (Route 634) and approximately 1,500 feet west of the Caroline County line. The property is addressed as 3800 Guinea Station Road and identified as Tax Parcel 64-A-3. The property is designated as Rural Residential on the Future Land Use Map of the Comprehensive Plan. Berkeley Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval with conditions as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on June 16, 2021 duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Planning Commission recommended approval of the project with conditions with a vote of 6-0; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on July 27, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard. The Board of Supervisors voted 7-0 to close the public hearing and table the vote until August 10, 2021; and

**WHEREAS,** the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application with the recommended conditions satisfies the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;

2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and

8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

**WHEREAS**, general welfare and good zoning practice are served by approval of the Special Use Permit application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby approve SUP21-0002 with the conditions listed below:

1. The telecommunications tower and compound shall be developed in conformance with the Generalized Development Plan titled "Verizon, Site Name: Claiborne, 3800 Guinea Station Road Fredericksburg, VA 22408, Spotsylvania County" dated April 11, 2019 and last revised, May 10, 2021.
2. The final site design and operation of the facility must be in compliance with all other standards outlined in Sec. 23-7A.4.1 of the Code, except that Sec. 23-7A.4.1.12 is modified to not require the applicant to post a performance bond and Sec. 23-7A.4.1.10 is inapplicable.
3. If the operation of this site causes any interference to surrounding broadcast television receivers, amateur radio operations, or County radio system operations, the owner, applicant or its successors-in-interest shall investigate the complaint, work with the Spotsylvania County Cable TV and Telecommunications Commission to determine remediation, and correct the problem, if it is found to be the fault of one of the tower vendors, within thirty (30) days of receipt of written notice of the interference complaint to the County.
4. The variable width right of way along Guinea Station Road (Route 607), as identified on the GDP, will be dedicated to the County as part of the site plan review and approval process for the telecommunications facility.
5. The 100-foot vegetation preservation buffer as depicted on sheet Z-2 of the GDP will remain undisturbed and will be allowed to naturally reforest with the exception of the 20-foot wide access road as identified on the GDP.
6. The tower will be lit in accordance with FAA Advisory Circular 70/7460-1M ("70/7460-1M"), and any applicable updates thereto, or other applicable rules, regulations, or laws. Notwithstanding anything in 70/7460-1M or other applicable rules, regulations, or

laws that references the lighting being voluntary or discretionary, the tower will be lit specifically in accordance with FAA Advisory Circular 70/7460-1M chapter 5, subsections 5.5(1)(b) and (c); chapter 6, subsections 6.2, 6.3, 6.4.1(1) and (2), and 6.4.6; and chapter 8. Any malfunction or failure of the lighting system will be corrected by the applicant or owner of the tower within 15 days of its malfunction or failure, unless action is required sooner under other applicable rules, regulations, or laws.

**BE IT FINALLY RESOLVED** that the Spotsylvania County Board of Supervisors' approval and adoption of any conditions does not relieve the applicant and/or subsequent owners from compliance with the provisions of any applicable Spotsylvania County Ordinances, rules, regulations, or adopted standards. To the extent anything in this Special Use Permit is less restrictive than the County's Ordinances, or its rules, regulations, or adopted standards, the lessened restriction shall be void and the County's Ordinances, or its rules, regulations, or adopted standards shall control and be applicable to the Special Use Permit.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

***DRAFT***

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021, on a motion by _____, seconded by _____ and passed_____, the Board adopted the following resolution:

**RESOLUTION NO. 2021-_____**

**Deny**
**Special Use Permit SUP21-0002**
**Claiborne Cell Tower**

**WHEREAS**, Gilman Land and Timber LLC (Cellco Partnership) requests a special use permit for a 195-foot monopole communication tower with a 4-foot lightning rod, for a total of 199 feet in height, on an approximately 91.76-acre parcel zoned Rural (RU) District. The property is located on the south side of Guinea Station Road (Route 607) approximately 706 feet east of Flippo Drive (Route 634) and approximately 1,500 feet west of the Caroline County line. The property is addressed as 3800 Guinea Station Road and identified as Tax Parcel 64-A-3. The property is designated as Rural Residential on the Future Land Use Map of the Comprehensive Plan. Berkeley Voting District; and

**WHEREAS**, staff has reviewed the subject application and recommends approval with conditions as stated in the staff report and the executive summary; and

**WHEREAS**, the Spotsylvania County Planning Commission held a public hearing on June 16, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard; and

**WHEREAS**, the Spotsylvania County Planning Commission recommended approval of the project with conditions with a vote of 6-0; and

**WHEREAS**, the Spotsylvania County Board of Supervisors held a public hearing on July 27, 2021, duly advertised in a local newspaper for a period of two weeks, and interested citizens were given an opportunity to be heard. The Board of Supervisors voted 7-0 to close the public hearing and table the vote until August 10, 2021; and

**WHEREAS,** the Spotsylvania County Board of Supervisors considered the Special Use Permit request in accordance with Sec. 23-4.5.7, Standards of Review, and finds that the application does not sufficiently satisfy the following standards:

1. That the proposed use is in accord with the comprehensive plan and other official plans adopted by the county;

2. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;

3. That the proposed use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;

4. That the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

5. That the proposed use will not be detrimental to the public welfare or injurious to property or improvements within the neighborhood;

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, wastewater treatment, fire and police protection, waste disposal, and similar facilities;

7. That the proposed use will not cause undue traffic congestion or create a traffic hazard; and

8. That the proposed use will have no unduly adverse impact on environmental or natural resources.

**WHEREAS**, general welfare and good zoning practice are served by denial of the Special Use Permit application.

**NOW, THEREFORE, BE IT RESOLVED** that the Spotsylvania County Board of Supervisors does hereby deny SUP21-0002.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

AYES: _____ NOES: _____ ABSTAIN: _____

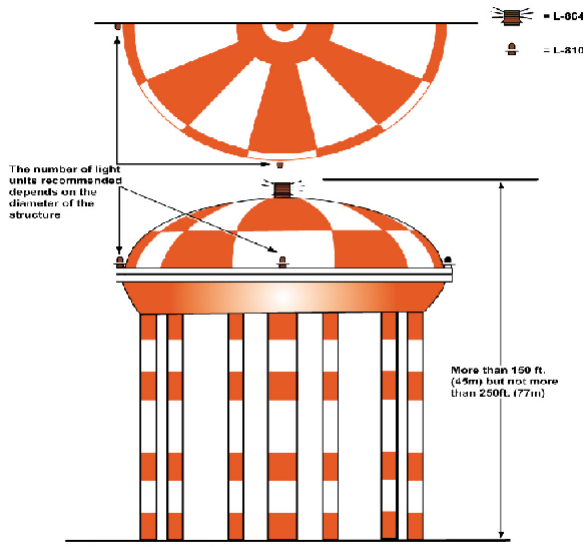
ADOPTED: _____ REJECTED: _____ STRICKEN: _____

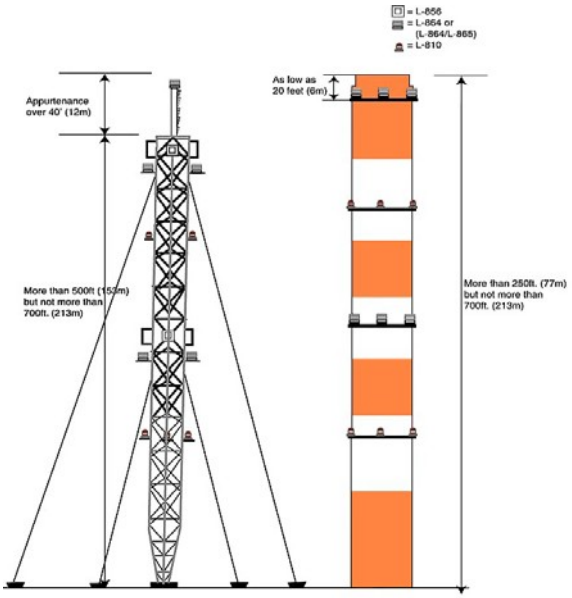
U.S. Department
of Transportation
**Federal Aviation
Administration**

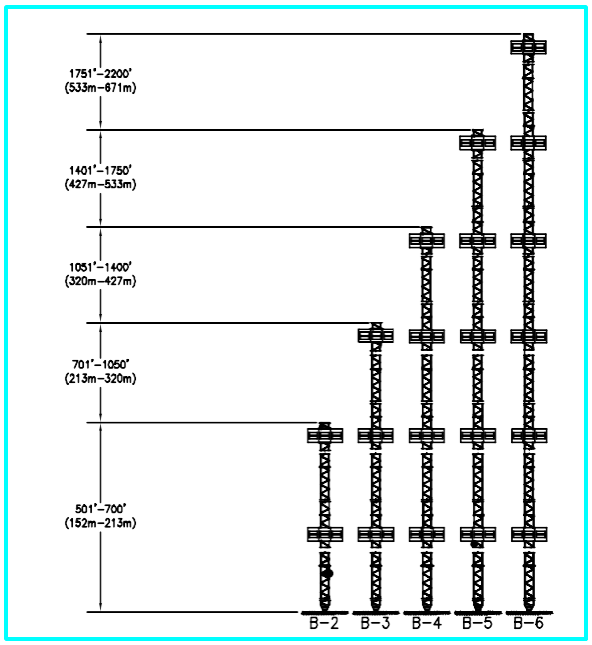
# ADVISORY CIRCULAR

AC 70/7460-1M

# Obstruction Marking and Lighting




**Effective: 11/16/2020** **Initiated by: Policy Assurance**

U.S. Department of Transportation
Federal Aviation Administration

# Advisory Circular

**Subject:** Obstruction Marking and Lighting

**Date:** 11/16/2020 **AC No.** 70/7460-1M
**Initiated By:** AJV-P13

**Purpose.**

This Advisory Circular (AC) describes the Federal Aviation Administration's standards for marking and lighting structures to promote aviation safety.

**Cancellation.** AC 70/7460-1L, change 2, Obstruction Marking and Lighting, dated August 2018 is cancelled by this version.

1. **Effective Date.** This AC is effective November 16, 2020.

2. **Related Documents.**

a. Title 14 of the Code of Federal Regulations Part 77 describes the standards used relative to objects in the navigable airspace and specifies the requirements for notice to the Administrator of certain proposed construction or alteration.

b. Federal Communications Commission (FCC) specifications are contained in Part 17 of the FCC Rules and Regulations

**Principal Changes.**

This circular contains numerous editorial changes. Major changes are listed below.

*a.* Page 2, Addition of Note. The FAA has changed specifications for light emitting diode (LED)-based red obstruction lights to make them visible to pilots using certain night vision goggle systems. Effective with the implementation of this change in FAA AC 150/5345-43, *Specification for Obstruction Lighting Equipment*, manufacturers will be required to meet the new specification for certified red LED-based obstruction lights.

b. Page 6, Removed paragraph 2.8, Obstruction Height Definition. Structures lower than 499 feet AGL can be considered obstructions. As written, the paragraph caused confusion and was deleted.

c. Informational paragraphs are added regarding the change to manufacturing standards for LED-based red obstruction lights compatibility with night vision goggle systems and maintaining conspicuity to avoid misinterpretation when replacing lights.

d. Reorganized information in Chapter 11, Marking and Lighting of Catenary and Catenary Support Structures and chapter 13, Marking and Lighting Wind Turbines.

e. Reorganized chapters by subject matter and figures in , Pages A-1 to A- 29, as well as minor grammatical changes

f. Added Chapter 14, Marking and Lighting Temporary Structures and associated figures in the Appendix, Figures A-31 through A-33.

g. Added Figure 22, Catenary Markers - Line Spacing (Adjacent Lines Within 200 feet (60.96 m) or Less

h. Added , Figure 30 Wind Turbine Lighting During Construction.

Comments or Suggestions.

Direct comments or suggestions regarding this AC to:

Federal Aviation Administration
Manager, Policy Assurance
Attention: AJV-P13
600 Independence Avenue, S.W.
Washington, DC 20591

KAREN L CHIODINI
Digitally signed by KAREN L CHIODINI
Date: 2020.11.14 12:21:32 -05'00'

Karen Chiodini, Director (A)
Policy, AJV-P
Mission Support Services
Federal Aviation Administration

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# CHAPTER 1. ADMINISTRATIVE AND GENERAL PROCEDURES

## 1.1 Reporting Requirements.

A Sponsor proposing any type of construction or alteration of a structure that may affect the National Airspace System (NAS) as required under the provisions of Code of Federal Regulations (CFR), Title 14, Aeronautics and Space, Part 77, Safe, Efficient Use, and Preservation of the Navigable Airspace (14 CFR, Part 77), is to notify the Federal Aviation Administration (FAA) by completing the FAA Form 7460-1, Notice of Proposed Construction or Alteration.

This form should be filed electronically at https://oeaaa.faa.gov. The website includes the FAA Notice Criteria Tool for Sponsors use to determine if the structure exceeds criteria threshold and requires a notice to be filed.

## 1.2 Preconstruction Notice.

The notice must be submitted:

1. At least 45 days prior to the date of proposed construction or alteration is to begin.
2. On or before the date an application for a construction permit is filed with the Federal Communications Commission (FCC). The FCC advises its applicants to file with the FAA well in advance of the 45-day period to expedite FCC processing.

## 1.3 FAA Acknowledgement.

The FAA will acknowledge, electronically, each FAA Form 7460-1 notice received.

## 1.4 Supplemental Notice Requirement.

1. If required, the FAA will include a statement requiring the filing of FAA Form 7460-2, Notice of Actual Construction or Alteration, on the determination. All FAA Forms 7460-2 should be filed electronically at https://oeaaa.faa.gov.
2. FAA Form 7460-2, Part 1, must be submitted to the FAA at least ten days prior to starting the actual construction or alteration of a structure. The FAA Form 7460-2, Part 2, completed within five days after the structure has reached its greatest height.
3. In addition, notification of dismantlement or abandonment of construction must be submitted to the FAA using the supplemental notice FAA Form 7460-2.

**Note:** Notification as required in the determination is critical to aviation safety.

## 1.5 Modifications and Deviations.

Requests for modification or deviation from the standards outlined in this AC must be submitted to the FAA Obstruction Evaluation Group (OEG). The Sponsor is responsible for adhering to approved marking and/or lighting limitations, and recommendations given, and should notify the FAA and FCC (for those structures regulated by the FCC) prior to making any changes, such as removal of marking and/or lighting. Requests received for any changes after a determination has been issued will require a new aeronautical study and may result in a modified determination, including updated marking and/or lighting recommendations.

1. Modification examples. Modifications will be based on whether they impact aviation safety. Examples of modifications are as follows:

   a. Marking and/or lighting only a portion of an object. The object may be located with respect to other objects or terrain that only a portion of it needs to be marked and/or lighted.

   b. No marking and/or lighting. The object may be located with respect to other objects or terrain, removed from the general flow of air traffic, or may be so conspicuous by its shape, size, or color that marking or lighting would serve no useful purpose.

   c. Voluntary marking and/or lighting. The object may be located with respect to other objects or terrain that the Sponsor feels increased conspicuity would better serve aviation safety. Sponsors who desire to voluntarily mark and/or light their structure should do so in accordance with this AC.

   d. Marking or lighting an object in accordance with the standards for an object of greater height or size. The object may present such an extraordinary hazard potential that higher standards may be recommended for increased conspicuity to ensure aviation safety.

2. Deviations. The assigned Obstruction Evaluation Specialist will conduct an aeronautical study of the proposed deviation(s) and forward their recommendation to their FAA Team Manager for final approval. Examples of deviations that may be considered:

   a. Colors of objects.

   b. Dimensions of color bands or rectangles.

   c. Colors/types of lights.

   d. Basic signals and intensity of lighting.

   e. Night/day lighting combinations.

   f. Flash rate.

The FAA strongly recommends that owners become familiar with the different types of lighting systems and to specifically request the type of lighting system desired when submitting FAA Form 7460-1. Information regarding types of lighting systems is provided in Chapters 5 - 10, and specifications regarding lighting equipment classifications in Table A-1, in this AC. While the FAA will make every effort to accommodate the structure Sponsor's request, Sponsors should also request information from system manufacturers to determine which system best meets their needs based on purpose, installation, and maintenance costs.

## 1.6 Additional Notification.

Proper authorization and annotations of obstruction marking and lighting may require notice to the FCC prior to making any change to the submitted information which the FAA based its determination. This includes modification, deviation, or optional upgrade to white lighting on structure, which may be subject to inspection and enforcement of marking and lighting requirements by the FCC. FCC Forms and Bulletins can be obtained from the FCC's National Call Center at 1-888-CALL-FCC (1-888-225-5322) or online at: https://www.fcc.gov/wireless-telecommunications. Additionally, upon completion of the actual change, complete the "Add Supplemental Notice (FAA Form 7460-2)" at the https://oeaaa.faa.gov website.

# CHAPTER 2. GENERAL

## 2.1 Structures to be Marked and Lighted.

Any temporary or permanent structure, including all appurtenances, that exceeds any obstruction standard contained in 14 CFR Part 77 or an overall height of 200 feet (60.96m) above ground level (AGL) should be marked and/or lighted. However, an FAA aeronautical study may reveal that the absence of marking and/or lighting will not impair aviation safety. Conversely, the object may present such an extraordinary hazard potential that higher standards may be recommended for increased conspicuity to ensure aviation safety. Recommendations for marking and/or lighting structures can vary, depending on terrain features, weather patterns, geographic location, number of structures, and overall design layout. The FAA may also recommend marking and/or lighting a structure that does not exceed 200 feet (60.96 m) AGL or 14 CFR Part 77 standards because of its particular location. The marking and lighting configurations are illustrated in Appendix A.

## 2.2 Guyed Structures.

The guys of a 2,000-foot (609.60 m) skeletal tower are anchored between 1,600 feet (487.68 m) and 2,000 feet (609.60 m) from the base of the structure. This places a portion of the guys 1,500 feet (457.20 m) from the tower at a height of between 125 feet (38.10 m) and 500 feet (152.40 m) AGL. Title 14 CFR Part 91, Section 119, requires pilots, when operating over other than congested areas, to remain at least 500 feet (152.40 m) from man-made structures. Therefore, the tower must be cleared by 2,000 feet (609.60 m) horizontally to avoid all guy wires. Properly maintained marking and lighting are important for increased conspicuity because the guys of a structure are difficult to see until the aircraft is dangerously close.

## 2.3 Marking and Lighting Equipment.

Considerable effort and research was expended to determine the minimum marking and lighting systems and quality of materials that will produce an acceptable level of aviation safety. The FAA will recommend only those marking and lighting systems that meet established technical standards and commercial outside lighting should not be used in lieu of FAA recommended marking and/or lighting. While additional lights may be desirable to identify an obstruction to air navigation, and may on occasion be recommended, the FAA will recommend minimum standards in the interest of safety, economy, and related concerns. Therefore, to provide an adequate level of safety, obstruction lighting systems should be installed, operated, and maintained in accordance with the recommended standards herein. Chapter 15 contains descriptions of FAA- approved obstruction marking and lighting equipment and information referred to in this AC.

## 2.4 Light Failure Notification.

Sponsors should consider that conspicuity is achieved only when all recommended lights are working. Partial equipment outages decrease the margin of safety. Any outage should be corrected as soon as possible. Failure of steady-burning side or intermediate lights should be corrected as soon as possible, but notification is not required.

**Note:** On September 11, 2020, the FAA changed specifications for LED-based red obstruction lights to make them visible to pilots using certain night vision goggle systems. Effective with implementation of this change in FAA AC 150/5345-43, *Specification for Obstruction Lighting Equipment*, manufacturers will be required to meet the new specification for certified red LED-based obstruction lights.

Because the new specification ensures the light is visible to pilots operating with night vision goggles, there is risk of a pilot misinterpreting the tower height if a legacy intermediate-level light is replaced with one that meets the new specification unless the top light meets the new specification as well. Therefore, if a legacy specification intermediate-level LED-based light is replaced with a light that meets the new specifications, then the top-level light(s) on the obstruction must also meet the new specification to ensure the entire obstruction is visible during the use of night vision goggles.

2.4.1. Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light, flashing obstruction light regardless of its position, wind turbine lighting fixture, or wind turbine synchronization should be reported immediately by calling Outage Reporting and Notice to Airmen (NOTAM) at 877-487-6867, or in Alaska 800-478- 3576, so a NOTAM can be issued. For structures that are regulated by the FCC, the FCC advises that noncompliance with notification procedures could subject the Sponsor to penalties or monetary forfeitures. Voluntarily installed lights (not required by an FAA determination) do not require a NOTAM.

2.4.2. The following information should be specified for outage reporting:

1. Name of persons or organizations reporting the light failures, including any title, address, and telephone number.
2. The type of structure.
3. Location of structure (including latitude and longitude, prominent structures, landmarks, etc.).
4. Height of structure AGL/above mean sea level (AMSL) if known.
5. Return to service date.
6. FCC Antenna Structure Registration Number (for structures that are regulated by the FCC).

**Note:** When the primary lamp in a double obstruction light fails and the secondary lamp comes on, no report is required.

**2.5 Notification of Restoration.**

As soon as normal operation is restored, notify Outage Reporting and NOTAM Offices (see Paragraph 2.4.1).

**Note:** For structures regulated by the FCC, the FCC advises that noncompliance with notification procedures could subject the Sponsor to penalties or monetary forfeitures.

## 2.6 Federal Communications Commission (FCC) Requirement.

The use of a high-intensity flashing white lighting system on structures located in residential neighborhoods (as defined by applicable zoning laws) trigger requirements for FCC licenses and an environmental assessment.

## 2.7 Voluntary Marking of Meteorological Evaluation Towers (MET) Less Than 200 Feet (60.96 m) AGL.

The FAA recommends voluntary marking of MET less than 200 feet (60.96 m) AGL in accordance with marking guidance contained in this AC. Historically this guidance has not been applied, however the FAA recognizes the need to address safety impacts to low-level agricultural flight operations and believes that voluntarily marking MET less than 200 feet (60.96 m) AGL in remote and rural areas enhance the conspicuity of these structures.

1. Painting. The MET should be painted in accordance with the standards and criteria contained in Chapters 3 and 15, with alternating bands of aviation orange and white paint. In addition, paragraph 3.3.1 states that all markings should be replaced when faded or otherwise deteriorated.

2. High-visibility sleeves. It is recommended that several high-visibility sleeves be installed on the MET outer guy wires (see Figure A-2). One high- visibility sleeve should be installed on each guy wire, as close to the anchor point as possible, but at a height well above the crop or vegetation canopy. A second sleeve should be installed on the same outer guy wires midway between the location of the lower sleeve and the upper attachment point of the guy wire to the MET.

Spherical markers. It is also recommended that high-visibility aviation orange spherical marker (or cable) balls be attached to the guy wires. Spherical markers should be installed and displayed in accordance to Chapter 11. The FAA, however, recognizes various weather conditions and manufacturing placement standards may affect the placement and use of high-visibility sleeves and/or spherical markers. Thus, some flexibility is allowed when determining sleeve length and marker placement on the MET.

# CHAPTER 3. MARKING GUIDELINES

## 3.1 Purpose.

This chapter provides recommended guidelines to make certain structures conspicuous to pilots during daylight hours. One way to achieve this conspicuity is to paint and/or mark these structures. Recommendations on marking structures can vary, depending on terrain features, weather patterns, geographic location, and the number of structures.

## 3.2 Paint Colors.

Alternate sections of aviation orange and white paint should be used as the contrast in colors provides maximum visibility of an obstruction. Specific paint standards are contained in Chapter 15.

## 3.3 Paint Standards.

To be effective, the paint used should meet specific color requirements when freshly applied to a structure. Because all outdoor paints deteriorate with time, and it is not practical to give a maintenance schedule for all climates, surfaces should be repainted when the color changes noticeably or its effectiveness is reduced by scaling, oxidation, chipping, or layers of contamination. The subsequent standards should be followed.

### 3.3.1 Materials and Application.

The FAA recommends that quality paint and materials be selected to maximize years of service. The paint should be appropriate for the surfaces to be painted, including any previous coatings, and suitable for the environmental conditions. Surface preparation and paint application should follow the manufacturer's recommendations.

> **Note:** In-Service Aviation Orange Color Tolerance Charts are available from private suppliers for determining when repainting is required. The color should be sampled on the upper half of the structure, since weathering is greater there.

### 3.3.2 Surfaces not Requiring Paint.

Ladders, decks, and walkways of steel towers and similar structures do not need to be painted if a smooth surface presents a potential hazard to maintenance personnel. Painting may also be omitted from precision or critical surfaces if the paint would have an adverse effect on the transmission or radiation characteristics of a signal. However, the structure's overall marking effect should not be reduced.

### 3.3.3 Skeletal Structures.

Complete all marking/painting prior to or immediately upon completion of construction. This

applies to catenary support structures, radio and television towers, and similar skeletal structures. To be effective, paint should be applied to all inner and outer surfaces of the framework.

**3.4 Paint Patterns.**

Various types of paint patterns are used to mark structures. The pattern is determined by the size and shape of the structure. The following patterns are recommended:

3.4.1 Solid Pattern.

Obstacles should be painted aviation orange if the structure's horizontal and vertical dimensions do not exceed 10.5 feet (3.20 m).

3.4.2 Checkerboard Pattern.

Alternating rectangles of aviation orange and white are normally displayed on the following structures:

1. Water, gas, and grain storage tanks (see Figures A-3, A-4, and A-5).

2. Buildings, as required.

3. Large structures exceeding 10.5 feet (3.20 m) across, having a horizontal dimension that is equal to or greater than the vertical dimension.

3.4.3 Size of Patterns.

The sides of the checkerboard pattern should measure not less than five feet (1.52 m) or more than 20 feet (6.10 m) and should be as nearly square as possible. However, if it is impractical because of the size or shape of a structure, the sides of the patterns may be less than five feet (1.52 m). The pattern should be arranged so that each outer corner of the structure will be painted aviation orange.

3.4.4 Alternate Bands.
Alternate bands of aviation orange and white are normally displayed on the following structures:

1. Communication towers and catenary support structures.

2. Poles.

3. Smokestacks.

4. Skeletal framework of storage tanks and similar structures.

5. Structures that appear narrow from a side view that are 10.5 feet (3.20 m) or less across, and the horizontal dimension is less than the vertical dimension

6. Coaxial cable, conduits, and other cables attached to the face of a tower. 3.4.5.

3.4.5 Color Band Characteristics.

Bands for structures of any height (see Figure A-6) should be:

1. Equal in width, provided each band is not less than 1 1/2 feet (0.46 m) or more than 100 feet (30.48 m) wide.

2. Perpendicular to the vertical axis with the bands at the top and bottom painted orange.

3. An odd number of bands on the structure.

4. Equal and in proportion to the structure's AGL height.

5. Approximately one-seventh the height, if the structure is equal to or less than 700 feet (213.36 m) AGL. For each additional 200 feet (60.96 m) or fraction thereof, add one additional orange and one additional white band. Table 4-1 shows the required band widths based on the height of the structure.

**Table 3-1. Structure Height to Bandwidth Ratio**

| **If a structure is:** | | **Then Band Width:** |
|---|---|---|
| **Greater Than** | **Equal to or Less Than** | **Band Width** |
| 10.5 feet (3.20 m) | 700 feet (213.36 m) | 1/7 of |
| 700 feet (213.36 m) | 900 feet (274.32 m) | 1/9 of |
| 900 feet (274.32 m) | 1,100 feet (335.28 m) | 1/11 of |
| 1,100 feet (335.28 m) | 1,300 feet (396.24 m) | 1/13 of |

3.4.6 Structures With a Cover or Roof.

If the structure has a cover or roof, the highest orange band should be continued to cover the entire top of the structure (see Figures A-3 and A-4).

3.4.7 Skeletal Structures Atop Buildings.

If a flagpole, skeletal structure, or similar object is erected on top of a building, the combined height of the object and building will determine whether marking is recommended. However, only the height of the object filed with the FAA determines the width of the color bands.

3.4.8 Partial Marking.

If marking is recommended for only a portion of a structure because the lower portion of the structure is shielded by other objects or terrain, the width of the bands on the exposed portion should still be determined by the overall height of the structure. Paragraph 3.4.5 provides details on calculating the width of the paint bands. A minimum of three bands should be displayed on the exposed portion of the structure. If the exposed portion of the structure is not large enough to have at least three bands, the width of the bands may be reduced equally so that three equally sized bands can be fit. This will ensure that the marking pattern provides sufficient contrast for a pilot to locate the structure.

3.4.9 Teardrop Pattern.

Spherical water storage tanks with a single, circular standpipe support may be marked in a teardrop-striped pattern. The tank should show alternate stripes of aviation orange and white. The stripes should extend from the top center of the tank to its supporting standpipe. The width of the stripes should be equal, and the width of each stripe at the greatest girth of the tank should not be less than five feet (1.52 m) nor more than 15 feet (4.57 m) (see Figure A-5).

3.4.10 Community Names.

If it is desirable to paint the name of the community on the side of a tank or other structure, the stripe pattern may be broken to serve this purpose. This open area should have a maximum height of three feet (0.91 m) (see Figure A-5).

3.4.11 Exceptions.

Structural designs not conducive to standard markings may be marked as follows:

1. If it is not practical to paint the roof of a structure in a checkerboard pattern, it may be painted solid orange.
2. If a spherical structure is not suitable for an exact checkerboard pattern, the shape of the rectangles may be modified to fit the shape of the surface.
3. Storage tanks not suitable for a checkerboard pattern may have alternating bands of aviation orange and white or a limited checkerboard pattern applied to the upper one- third of the structure.
4. The skeletal framework of certain water, gas, and grain storage tanks may be excluded from the checkerboard pattern.

## 3.5 Unlighted Markers.

Unlighted markers are used to identify structures and to make them more conspicuous when it is impractical to paint them. Unlighted markers may also be used with aviation orange and white paint when additional conspicuity is necessary for aviation safety. Unlighted markers should be displayed in conspicuous positions on or adjacent to the structures so as to retain the general definition of the structure. They should be recognizable in clear, daytime visibility from a distance of at least 4,000 feet (1,219.20 m) and in all directions from which aircraft are likely to approach. Unlighted markers should be distinctively shaped, i.e., spherical or cylindrical, so that they are not mistaken for items that are used to convey other information. They should be replaced when faded or otherwise deteriorated.

### 3.5.1 Spherical Markers.

Spherical markers are primarily used to identify overhead wires and catenary transmission lines that are less than 69 kilovolts (kV). Markers may be of another shape, i.e., cylindrical, provided the projected area of such markers is not less than that presented by a spherical marker.

1. Size and Color.

   The diameter of the markers used on extensive catenary wires (catenary wires that cross canyons, lakes, rivers, etc.) should not be less than 36 inches (91.44 centimeter (cm)). Smaller 20-inch (50.80-cm) spheres are permitted on less extensive catenary wires or on power lines below 50 feet (15.24 m) AGL and within 1,500 feet (457.20 m) of an airport runway end. Each marker should be a solid color, specifically aviation orange, white, or yellow.

2. Installation.

   a. Spacing. Unlighted markers should be spaced equally along the wire at approximately 200-foot (60.96 m) intervals, or fraction thereof. There should be less space between markers in critical areas near runway ends (i.e., 30 feet to 50 feet (9.14 m to 15.24 m)). They should be displayed on the highest wire or by another means at the same height as the highest wire. Where there is more than one wire at the highest point, the markers may be installed alternately along each wire if the distance between adjacent markers meets the spacing standard of 200 feet or less. This method distributes the weight and wind- loading factors (see Figures A-21 and A-22).

   b. Pattern. An alternating color scheme provides the most conspicuity against all backgrounds. Unlighted markers should be installed by alternating solid-colored markers of aviation orange, white, and yellow. Normally, an orange marker is placed at each end of

a line and the spacing is adjusted (not to exceed 200 feet (60.96 m)) to accommodate the rest of the markers. When less than four markers are used, they should all be aviation orange.

c. Wire Sag. Wire Sag, or droop, will occur due to temperature, wire weight, wind, etc. Twenty-five feet (7.62 m) is the maximum allowable distance between the highest wire installed with marker balls and the highest wire without marker balls, and must not violate the sag requirements of the transmission line design.

d. Adjacent Lines. Catenary crossings with multiple transmission lines require appropriate markers when the adjacent catenary structure's outside lines are greater than 200 feet (60.96 m) away from the center of the primary structure. If the outside lines of the adjacent catenary structure are within 200 feet (60.96 m) or less from the center of the primary structure, markers are not required on the adjacent lines.

3.5.2 Flag Markers.

Flags are used to mark certain structures or objects when it is technically impractical to use spherical markers or paint. Flag markers must be mounted at the highest point of the structure to ensure visibility. Some common examples of structures that may utilize this type of markers include, temporary construction equipment and vehicles, oil and drilling rigs, cranes, and derricks.

1. Minimum Size. Each side of the flag marker should be at least two feet (0.61 m) in length.

2. Color Patterns. Flags should be colored as follows:

   a. Solid. Aviation orange.

   b. Orange and White. Arrange two triangular sections, one aviation orange, and the other white to form a rectangle.

   c. Checkerboard. Flags three feet (0.91 m) or larger should be a checkerboard pattern of aviation orange and white squares, each one foot (0.30 m) plus or minus 10 percent.

3. Shape. Flags should be rectangular in shape and have stiffeners to keep them from drooping in calm wind.

4. Display. Flag markers should be displayed around, on top, or along the highest edge of the obstruction. When flags are used to mark extensive or closely grouped obstructions, they should be displayed approximately 50 feet (15.24 m) apart. The flag stakes should be strong enough to support the flags and be higher than the surrounding ground, structures, and/or objects of natural growth.

## 3.6 Unusual Complexities.

The FAA may also recommend appropriate marking in an area in which grouped obstructions present a common obstruction to air navigation.

## 3.7 Omission or Alternatives to Marking.

The alternatives listed below require FAA review and concurrence prior to making changes. See subsequent chapters for specific guidance. High-Intensity Flashing White Lighting Systems are more effective than aviation orange and white paint and therefore can be recommended instead of paint marking. This is particularly true under certain ambient light conditions involving the position of the sun relative to the direction of flight. High-intensity lighting systems should not be used on structures 700 feet (213.36 m) AGL or less, however, when operated during daytime, twilight, or 24 hours a day, other methods of marking and lighting may be omitted.

3.7.1 Medium-Intensity Flashing White Lighting Systems are operated during daytime and twilight on structures 700 feet (213.36 m) AGL or less, but generally not on structures less than 200 feet (60.96 m) AGL. When used, other methods of marking may be omitted.

**Note:** Sponsors must ensure that alternatives to marking are coordinated with the FCC for structures under its jurisdiction prior to making the change.

# CHAPTER 4. LIGHTING GUIDELINE

## 4.1 Purpose.

This chapter describes the various obstruction lighting systems used to identify structures that have been determined to require added conspicuity. The lighting standards in this AC are the minimum necessary for aviation safety. Recommendations for lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

## 4.2 Standards.

The standards outlined in this AC are based on using light units that meet specified intensities, beam patterns, color, and flash rates as stated in AC 150/5345-43, *Specification for Obstruction Lighting Equipment*. The AC may be obtained from: www.faa.gov/airports/resources/advisory_circulars/index.cfm/go/document.current/documentnumber/150_5345-43.

## 4.3 Lighting Systems.

Obstruction lighting may be displayed on structures as follows (refer to subsequent chapters for details):

1. Aviation Red Obstruction Lights. Use flashing lights and/or steady-burning lights during nighttime. Tower structures are typically marked with flashing red lights. Buildings and smaller obstructions located near airports should be marked with steady-burning red lights.

2. Medium-Intensity Flashing White Obstruction Lights. Medium-intensity flashing white obstruction lights may be used during daytime and twilight with automatic reduced intensity selected for nighttime operation. When this system is used on structures 700 feet (213.36 m) AGL or less, other methods of marking and lighting the structure may be omitted. Aviation orange and white paint is always required for daytime marking on structures exceeding 700 feet (213.36 m) AGL. This system is not normally recommended on structures 200 feet (60.96 m) AGL or less.

3. High-Intensity Flashing White Obstruction Lights. High-intensity flashing white obstruction lights may be used during daytime, with automatically selected reduced intensities for twilight and nighttime operations. When this system is used, other methods of marking and lighting the structure may be omitted. This system should not be used on structures 700 feet (213.36 m) AGL or less, unless an FAA aeronautical study shows otherwise.

   **Note:** All flashing lights on a structure should flash simultaneously except for catenary support structures, which have a distinct flashing sequence between the levels of lights (see paragraph 12.4).

4. Dual Lighting. This system consists of red lights for nighttime and high- or medium-intensity flashing white obstruction lights for daytime and twilight. When a dual lighting system incorporates medium-intensity flashing white lights on structures 700 feet (213.36 m) AGL or less or high-intensity flashing white lights on structures greater than 700 feet (213.36 m) AGL, other methods of marking the structure may be omitted.

5. Lighted Spherical Markers. Lighted markers are available for increased night conspicuity of high-voltage (69 kV or greater) transmission line catenary wires and should be manufacturer-certified as, visible and recognizable from a minimum distance of 4,000 feet (1,219.20 m) under nighttime conditions and under minimum VFR conditions, and have a minimum intensity of at least 32.5 candelas. Markers should be distinctively shaped, i.e., spherical or cylindrical, so that they are not mistaken for items used to convey other information

6. Aircraft Detection Lighting System. Lights are controlled by sensor based systems designed to detect aircraft approaching a single obstacle or group of obstacles and automatically activate the appropriate obstruction lights until the aircraft has departed the area and the lights are no longer needed. This technology reduces the impact of nighttime lighting on nearby communities and migratory birds, as well as, extends the life expectancy of obstruction lights.

7. Obstruction Lights During Construction. As the height of the structure exceeds each level at which permanent obstruction lights would be recommended, two or more lights of the type specified in the determination should be installed at that level. Temporary high- or medium-intensity flashing white lights, if recommended in the determination, should be operated 24 hours a day until all permanent lights are in operation. In either case, two or more lights should be installed on the uppermost part of the structure any time it exceeds the height of the temporary construction equipment. They may be turned off for periods when they could interfere with construction personnel. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. The lights should be positioned to ensure that a pilot has an unobstructed view of at least one light at each level when approaching from any direction.

8. Obstruction Lights in Urban Areas. When a structure is located in an urban area where there are numerous other white lights (e.g., streetlights), red obstruction lights with painting or a medium-intensity dual system is recommended. White lighting is not normally recommended on structures less than 200 feet (60.96 m) or within 3 NM of an airport.

## 4.4 Inspection, Repair, and Maintenance.

To ensure the proper candela output for fixtures with incandescent lamps, the voltage provided to the lamp filament should not vary more than plus or minus three percent of the lamp's rated voltage. The input voltage should be measured at the closest disconnecting means to the lamp fixture with the lamp operating during the hours of normal operation (for strobes, the input voltage of the power supplies should be within 10 percent of rated voltage).

Lamps should be replaced after being in operation for approximately 75 percent of their rated life or immediately upon failure.

Flashtubes in a light unit should be replaced immediately upon failure, when the peak effective intensity falls below specification limits, when the fixture begins skipping flashes, or at the manufacturer's recommended intervals.

Due to the effects of harsh environments, light fixture lenses should be visually inspected every 24 months or when the light fixture fails for ultraviolet (UV) damage, cracks, crazing, dirt buildup, etc., to ensure the certified light output has not deteriorated (see Chapter 2, paragraph 2.4 for reporting requirements in case of failure). Lenses that have cracks, UV damage, crazing, or excessive dirt buildup should be cleaned or replaced.

## 4.5 Nonstandard Lights.

Moored balloons, chimneys, church steeples, and similar obstructions may be floodlighted by fixed search light projectors installed at three or more equidistant points around the base of each obstruction. The searchlight projectors should provide an average illumination of at least 15 foot-candles (161.46 lux) over the top one-third of the obstruction.

## 4.6 Placement Factors.

The height above ground level (AGL) of the structure determines the number of light levels. The light levels may be adjusted slightly, but not to exceed 10 feet (3.05 m) when necessary to accommodate guy wires and personnel who replace or repair light fixtures. Except for catenary wire support structures, the following factors should be considered when determining the placement of obstruction lights on a structure:

1. Red Obstruction Lighting Systems. The structure's overall height, including all appurtenances, such as rods, antennas, and obstruction lights, determines the number of light levels.

2. Medium-Intensity Flashing White Obstruction Lighting Systems. The structure's overall height, including all appurtenances such as rods, antennas, and obstruction lights, determines the number of light levels.

3. High-Intensity Flashing White Obstruction Lighting Systems. The main structure's overall height, excluding all appurtenances, such as rods, antennas, and obstruction lights, determines the number of light levels.

4. Dual Obstruction Lighting Systems. The structure's overall height, including all appurtenances, such as rods, antennas, and obstruction lights, is used to determine the number of light levels for a medium-intensity white obstruction light/red obstruction dual lighting system. The structure's overall height, excluding all appurtenances, is used to

determine the number of light levels for a high-intensity white obstruction light/red obstruction dual lighting system.

5. Aircraft Lighting Detection System. The system should be designed with sufficient sensors and mounted with a clear view to provide complete detection coverage for aircraft that enter a three-dimensional volume of airspace, or coverage area, around an obstruction(s). The system should activate the obstruction lighting system in sufficient time to allow the lights to illuminate and synchronize to flash simultaneously prior to an aircraft penetrating the defined volume and remain on for a specified time expected for the aircraft to depart the coverage area.

6. Lighted Spherical Markers. The lighting unit should emit a steady-burning red light and be mounted on the highest energized line, visible to a pilot approaching from any direction. If the lighted markers are installed on a line other than the highest catenary wire, then unlighted markers should be used in addition to the lighted markers should be installed on the highest energized line. The maximum distance between the line energizing the lighted markers and the highest catenary above the lighted marker should be no more than 25 feet (7.62 m) and must not violate the sag requirements of the transmission line design.

7. Adjacent Structures. The elevation of the tops of adjacent buildings in congested areas may be used as the equivalent of ground level to determine the correct number of light levels required.

8. Shielded Lights. If an adjacent structure or object blocks the visibility of an obstruction light, the light's horizontal placement should be adjusted or additional lights should be mounted on that object to retain or contribute to the definition of the obstruction.

9. Nesting of Lights. Care should be taken to ensure that obstruction lights do not become blocked or "nested" as new antennas, hardware, or appurtenances are added to the top of a structure. If new equipment is added that blocks the obstruction light's visibility, the light fixtures must be relocated and/or raised so that it is not blocked by the new equipment. For example, when new larger cellular antenna panels are fitted to older towers, the obstruction light will need to be raised so that it is not blocked by the larger antenna panels. The widest structure, appurtenance, lightning rod, or antenna that can be placed in front of an obstruction light (excluding the L-810 light) without significantly blocking the obstruction light's visibility should be no wider than 7/8 of an inch. Due to their smaller size, L-810 lights should not be blocked by any structure.

## 4.7 Monitoring Obstruction Lights.

Obstruction lighting systems should be closely monitored by visual or automatic means. It is extremely important to visually inspect obstruction lighting in all operating intensities at least once every 24 hours on systems without automatic monitoring. In the event a structure is not readily accessible for visual observation, a properly maintained automatic monitor should be

used. This monitor should be designed to register the malfunction of any light on the obstruction regardless of its position or color. When using remote monitoring devices, the system's communication and operational status should be confirmed at least once every 24 hours. The monitor (aural or visual) should be located in an area generally occupied by the responsible personnel. In some cases, this may require a remote monitor in an attended location. For each structure, a log should be maintained in which the lighting system's daily operations status is recorded. Light fixture lenses should be replaced if serious cracks, hazing, dirt buildup, etc., has occurred.

**4.8 Ice Shields.**

Where icing is likely to occur, metal grates or similar protective ice shields should be installed directly over each light unit to prevent falling ice or accumulation from damaging the light units. The light should be mounted in a manner to ensure an unobstructed view of at least one light by a pilot approaching from any direction.

**4.9 Light Shields.**

In general, light shields are not permitted because of the adverse effects they have on the obstruction light fixture's photometrics. In addition, these shields can promote undesired snow accumulation, bird nesting, and wind loading.

**4.10 Distractions.**

When obstruction lights are in proximity to a navigable waterway, they may distract vessel operators. To avoid interference with marine navigation, coordinate with the Office of Navigation Systems, United States (U.S.) Coast Guard before installing the lighting system. The contact information for the U.S. Coast Guard is:

Commandant (CG-NAV-1)
U.S. Coast Guard
2703 Martin Luther King Jr. Avenue, Southeast STOP 7418
Washington, DC 20593-0001
Telephone: 202-372-1546

# CHAPTER 5. RED OBSTRUCTION LIGHT SYSTEM

## 5.1 Purpose.

Red steady burning (L-810) and flashing (L-810 F or L-864) Obstruction Light Systems are used to increase conspicuity during nighttime, however additional marking and/or lighting during daytime and twilight is required. Recommendations on lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

## 5.2 Standards.

The red obstruction light system is composed of flashing omnidirectional lights (L-864) and/or steady-burning or flashing (L-810/L-810 (F)) lights. When one or more levels are comprised of flashing lights, the lights should flash simultaneously. To determine the number of light levels needed, refer to Figure A-6.

1. Single Obstruction Light. A single red obstruction light may be used when more than one obstruction light is required either vertically or horizontally, or when maintenance is needed, and can be installed within a reasonable time.

    a. Top level. A single steady-burning light may be used to identify low structures, such as airport instrument landing system buildings, as well as long horizontal structures, such as perimeter fences and building roof outlines.

    b. Intermediate level. Single flashing or steady-burning lights (as appropriate for size and type of structure) may be used on skeletal and solid structures when more than one level of lights is installed and there are two or more single lights per level.

2. Double Obstruction Light. A double steady-burning light should be installed when used as a top light, at each end of a row of single obstruction lights, and in areas or locations where the failure of a single unit could cause an obstruction to be totally unlighted.

    a. Top level. Structures 150 feet (45.72 m) AGL or less should have one or more double steady-burning lights installed at the highest point and operating simultaneously.

    b. Intermediate level. Double flashing or steady-burning lights (as appropriate for size and type of structure) should be installed at intermediate levels when a malfunction of a single light could create an unsafe condition and in remote areas where immediate maintenance cannot be performed. Both units may operate simultaneously, or a transfer relay may be used to switch to a spare unit should the active system fail.

c. Lowest level. The lowest level of light units may be installed at a higher elevation than normal on a structure if the surrounding terrain, trees, or adjacent building(s) would obscure the lights. In certain instances, as determined by the FAA, the lowest level of lights may be eliminated.

## 5.3 Control Device.

Red obstruction lights should be operated by an acceptable control device (e.g., photocell, timer, etc.) adjusted so the lights will be turned on when the northern sky illuminance reaching a vertical surface falls below a level of 60 foot-candles (645.83 lux) but before reaching a level of 35 foot-candles (376.73 lux). The sensing device should, if practical, face the northern sky in the Northern Hemisphere (see AC 150/5345-43, Specification for Obstruction Lighting Equipment). The control device should turn the lights off when the northern sky illuminance rises to a level of not more than 60 foot-candles (645.83 lux). The lights may also remain on continuously.

## 5.4 Alternate Method of Displaying Obstruction Lights.

In certain cases, instead of installing lights on the obstruction, the FAA may recommend the placement of a light(s) on an adjacent pole of equal height.

## 5.5 Poles, Towers, and Similar Skeletal Structures.

The following standards apply to radio and television towers, supporting structures for overhead transmission lines, and similar structures.

1. Top-Mounted Obstruction Lights.

   a. Structures 150 feet (45.72 m) AGL or less. Two or more steady-burning red (L-810) lights should be installed in a manner to ensure an unobstructed view of one or more lights by a pilot.

   b. Structures exceeding 150 feet (45.72 m) AGL. At least one red flashing (L-864) light should be installed in a manner to ensure an unobstructed view of one or more lights by a pilot.

   c. Appurtenances 40 feet (12.19 m) or less. If a rod, antenna, or other appurtenance 40 feet (12.19 m) or less in height is incapable of supporting a red flashing light, then it may be placed at the base of the appurtenance. If the mounting location does not allow an unobstructed view of the light by a pilot approaching in any direction, then additional lights should be added.

   d. Appurtenances exceeding 40 feet (12.19 m). If a rod, antenna, or other appurtenance exceeding 40 feet (12.19 m) in height is incapable of supporting a red flashing light, a

supporting mast with one or more lights should be installed adjacent to the appurtenance. Adjacent installations should not exceed the appurtenance's height and be within 40 feet (12.19 m) of the tip to allow the pilot an unobstructed view of at least one light. If the rod, antenna, or other appurtenance is 7/8 inch wide or more, at least two lights must be installed on the supporting mast to provide the necessary unobstructed view.

2. Mounting Intermediate Levels. The number of light levels is determined by the height of the structure, including all appurtenances, as shown in , Figure A-6. The number of lights on each level is determined by the shape and height of the structure. These lights should be mounted to ensure an unobstructed view of at least one light by a pilot approaching in any direction.

   a. Steady-burning lights (L-810).

      i. Structures 150 feet (45.72 m) AGL or less. Two or more steady-burning lights should be installed diagonally or on diametrically opposite positions.

      ii. Structures exceeding 150 feet (45.72 m) AGL. These structures do not require steady-burning lights.

   b. Flashing lights (L-810 F). For structures exceeding 150 feet (45.72 m) but not more than 350 feet (106.68 m), two or more flashing lights should be mounted outside at diagonally opposite positions at intermediate levels. These lights should be configured to flash simultaneously with the L-864 flashing light on the top of the structure at a rate of 30 flashes per minute (fpm) (± 3 fpm).

   c. Flashing lights (L-864).

      i. Structures 350 feet (106.68 m) AGL or less. These structures do not require flashing (L-864) lights at intermediate levels.

      ii. Structures exceeding 350 feet (106.68 m) AGL. At intermediate levels, two (L-864) lights should be mounted outside at diagonally opposite positions.

## 5.6 Chimneys, Flare Stacks, and Similar Solid Structures (except Hyperbolic Cooling Towers).

**5.6.1** Number of Light Units**.**
The number of units recommended depends on the diameter of the structure at the top. The number of lights recommended below is the minimum (see Figure A- 10).

1. Structures 20 feet (6.10 m) or less in diameter. Three light units per level.

2. Structures exceeding 20 feet (6.10 m) but not more than 100 feet (31 m) in diameter. Four

light units per level.

5.6.2 Top-Mounted Obstruction Lights.

1. Structures 150 feet (45.72 m) AGL or less. L-810 lights should be installed horizontally at regular intervals at or near the top.

2. Structures exceeding 150 feet (45.72 m) AGL. At least three L-864 lights should be installed.

3. Chimneys, Cooling Towers, and Flare Stacks. Lights may be displayed as low as 20 feet (6.10 m) below the top (, Figure A-7) to avoid the obscuring effect of deposits and heat generally emitted by this type of structure. It is important that these lights are readily accessible for cleaning and lamp replacement. It is understood that with flare stacks, as well as any other structures associated with the petrol-chemical industry, normal lighting requirements may not be necessary. This could be due to the location of the flare stack/structure within a large, well-lighted, petrol-chemical plant, or the fact that the flare, or working lights surrounding the flare stack/structure, is as conspicuous as obstruction lights.

5.6.3 Mounting Intermediate Levels.

The number of light levels is determined by the height of the structure including all appurtenances. Structures between 150 feet and 350 feet (45.72 m and 106.68 m) AGL should have a second level of steady-burning red light units installed approximately at the midpoint of the structure and in a vertical line with the top level of lights. Structures exceeding 350 feet (106.68 m) AGL should have a second level of flashing light units. For cooling towers 600 feet (182.88 m) AGL or less, intermediate light levels are not necessary.

1. Steady-burning (L-810) lights. The recommended number of light levels is shown in Figure A-6. At least three lights should be installed on each level.

2. Flashing (L-864) lights. The recommended number of light levels is shown in Figure A-6.

   a. Structures 350 feet (106.68 m) AGL or less. These structures do not need intermediate levels of flashing lights.

   b. Structures exceeding 350 feet (106.68 m) AGL. At least three flashing (L-864) lights should be installed on each level in a manner allowing an unobstructed view of at least one light.

## 5.7 Prominent Buildings, Bridges, and Similar Extensive Obstructions.

When objects within a group of obstructions are approximately the same overall height above the surface and are located a maximum of 150 feet (45.72 m) apart, the group of obstructions may be considered an extensive obstruction. Light units should be installed on the same horizontal plane at the highest portion, or edge, of the prominent obstructions. Light units should be placed to

ensure the light is visible to a pilot approaching from any direction. If the structure is a bridge (see Figure A-8) and is over navigable water, the sponsor must obtain prior approval of the lighting installation from the Commander of the District Office of the U.S. Coast Guard to avoid interference with marine navigation. Steady-burning lights should be displayed to indicate the extent of the obstruction as follows:

1. Structures 150 feet (45.72 m) or less in any horizontal direction. If the structure/bridge/extensive obstruction is 150 feet (45.72 m) or less horizontally, at least one steady-burning light (L-810) should be displayed on the highest point at each end of the obstruction's major axis. If this is impractical because of the overall shape, display a double obstruction light in the center of the highest point.

2. Structures exceeding 150 feet (45.72 m) in at least one horizontal direction. If the structure/bridge/extensive obstruction exceeds 150 feet (45.72 m) horizontally, at least one steady-burning light should be displayed for each 150 feet (45.72 m), or fraction thereof, of the overall length of the major axis. At least one of these lights should be displayed on the highest point at each end of the obstruction. Additional lights should be displayed at approximately equal intervals, not to exceed 150 feet (45.72 m) on the highest points along the edge between the end lights. If an obstruction is located near a landing area and two or more edges are the same height, the edge nearest the landing area should be lighted.

3. Structures exceeding 150 feet (45.72 m) AGL. Steady-burning red obstruction lights should be installed on the highest point at each end. At intermediate levels, steady-burning red lights should be displayed for each 150 feet (45.72 m), or fraction thereof. The vertical position of these lights should be equidistant between the top lights and the ground level, as the shape and type of obstruction will permit. A steady-burning red light should be displayed at each outside corner on each level with the remaining lights evenly spaced between the corner lights.

4. Exceptions. Flashing red lights (L-864) may be used instead of steady-burning lights if early or special warning is necessary. These lights should be displayed on the highest points of an extensive obstruction at intervals not exceeding 3,000 feet (914.40 m). At least three lights should be displayed on one side of the extensive obstruction to indicate a line of lights.

5. Ice Shields. Where icing is likely to occur, metal grates or similar protective ice shields should be installed directly over each light unit to prevent falling ice or accumulation from damaging the light units. The light should be mounted in a manner to ensure an unobstructed view of at least one light by a pilot approaching from any direction.

## 5.8 Group of Obstructions.

With the exception of wind turbines, when individual structures within a group of obstructions differ in height and are spaced no more than 150 feet (45.72 m) apart, the prominent structures within the group should be lighted in accordance with the standards for individual obstructions

based on its corresponding height. Shorter structures within the group of obstructions do not need to be lighted. When structures are shorter than the prominent structure and are located on the outside of the group of obstructions, those structures should be lighted in accordance with the standards for individual obstructions based on its corresponding height. In addition to lighting the shorter structures on the outside of the group, at least one flashing light should be installed either at the top of the tallest, most prominent center structure, or on a dedicated tower that is located near the center of the group and is the same height as the most prominent structure. Light units should be placed on the structures to ensure that the lights are visible to a pilot approaching from any direction. If one or more of the structures within the group are a solid mass (non-skeletal), additional lighting may be necessary to make sure that the light is not being blocked by the more prominent structure(s). For the purpose of marking and lighting these structures, a group of obstructions is considered to be three or more structures.

# CHAPTER 6. MEDIUM-INTENSITY FLASHING WHITE OBSTRUCTION LIGHT SYSTEMS

## 6.1 Purpose.

Medium-intensity flashing white (L-865) obstruction lights may provide conspicuity both day and night. Recommendations on lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

Using a 24-hour, medium-intensity, flashing white light system in urban/populated areas is not normally recommended due to their tendency to blend with the background lighting in these areas at night. This makes it extremely difficult for some types of aviation operations, i.e., medical-evacuation (medevac) and police helicopters to see these structures. Using this type of system in urban and rural areas often results in complaints. In addition, this system is not recommended on structures within 3 NM of an airport.

## 6.2 Standards.

The medium-intensity flashing white light system is normally composed of flashing omnidirectional lights. Medium-intensity flashing white obstruction lights may be used during daytime and twilight with automatically selected, reduced intensity for nighttime operation. When this system is used on structures 700 feet (213.36 m) AGL or less, other methods of marking and lighting the structure may be omitted. Aviation orange and white paint is always required for daytime marking on structures exceeding 700 feet (213.36 m) AGL. This system is not normally recommended on structures 200 feet (60.96 m) AGL or less. The number of light levels needed is shown in Figure A-9.

## 6.3 Control Device.

The light intensity is controlled by a device (photocell) that changes the light's intensity when the ambient light changes. The illuminance sensing device should, if practical, face the northern sky in the Northern Hemisphere and the system should automatically change intensity steps when the illumine sense reaching a north-facing vertical surface is as follows:

1. Twilight-to-Night. This should not occur before the illumination drops below 5 foot-candles (53.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

2. Night-to-Day. The intensity changes listed in subparagraph 6.3 1 above should be reversed when changing from the night-to-day mode.

## 6.4 Radio and Television Towers and Similar Skeletal Structures.

6.4.1 Mounting Lights.

The number of levels recommended depends on the height of the structure, including antennas and similar appurtenances.

1. Top levels. One or more lights should be installed at the highest point to provide 360-degree coverage, ensuring an unobstructed view by a pilot approaching from any direction.

2. Appurtenances 40 feet (12.19 m) or less. If a rod, antenna, or other appurtenance 40 feet (12.19 m) or less in height is incapable of supporting the medium-intensity flashing white light, then it may be placed at the base of the appurtenance. If the mounting location does not allow an unobstructed view of the medium-intensity flashing white light by a pilot approaching from any direction, then additional lights should be added.

3. Appurtenances exceeding 40 feet (12.19 m). If a rod, antenna, or other appurtenance exceeds 40 feet (12.19 m) above the tip of the main structure, a medium-intensity flashing white light should be placed within 40 feet (12.19 m) from the top of the appurtenance. If the appurtenance (such as a whip antenna) is incapable of supporting the light, one or more lights should be mounted on a pole adjacent to the appurtenance. Adjacent installations should not exceed the height of the appurtenance and be within 40 feet (12.19 m) of the tip to allow the pilot an unobstructed view of at least one light. If the rod, antenna, or other appurtenance is 7/8 of an inch wide or more, at least two lights must be installed on the supporting mast to provide the necessary unobstructed view.

6.4.2 Mounting Intermediate Levels.

At intermediate levels, two or more lights (L-865) should be mounted outside at diagonally or diametrically opposite positions of intermediate levels. The lowest light level should not be less than 200 feet (60.96 m) AGL.

6.4.3 Lowest Levels.

The lowest level of light units may be installed at a higher elevation than normal on a structure if the surrounding terrain, trees, or adjacent building(s) would obscure the lights. In certain instances, as determined by the FAA, the lowest level of lights may be eliminated.

6.4.4 Structures 700 feet (213.36 m) AGL or less.

When medium-intensity flashing white lights are used during nighttime and twilight only, marking is required for daytime. When operated 24 hours a day, other methods of marking and lighting are not required.

6.4.5 Structures exceeding 700 feet (213.36 m) AGL.

Medium intensity lights should be used during nighttime, twilight, and may be used 24 hours a day. Additionally, marking is always required for daytime. The number of light levels needed is the same as high intensity lights as shown in Figures A-13 and A-14.

6.4.6 Ice Shields.

Where icing is likely to occur, metal grates or similar protective ice shields should be installed directly over each light unit to prevent falling ice or accumulation from damaging the light units. The light should be mounted in a manner to ensure an unobstructed view of at least one light by a pilot approaching from any direction.

## 6.5 Chimneys, Flare Stacks, and Similar Solid Structures.

The recommended number of top-level light units depends on the diameter of the structure at the highest point of a structure. The lights should be installed at the highest point, however, top level chimney lights may be installed as low as 20 feet (6.10 m) below the top to minimize deposit build-up due to emissions (see Figure A-10). The number of lights per level below is the minimum recommended.

1. Structures 20 feet (6.10 m) or less in diameter. Three light units per level

2. Structures exceeding 20 feet (6.10 m) but not more than 100 feet (31 m) in diameter. Four light units per level.

## 6.6 Prominent Buildings and Similar Extensive Obstructions.

With the exception of wind turbines, when objects within a group of obstructions are approximately the same overall height above the surface and are located a maximum of 150 feet (45.72 m) apart, the group of obstructions may be considered an extensive obstruction. Light units should be installed on the same horizontal plane at the highest portion, or edge, of the prominent obstructions. Light units should be placed to ensure that the light is visible to a pilot approaching from any direction. Lights should be displayed to indicate the extent of the obstruction as follows:

1. Structures 150 feet (45.72 m) or less in any horizontal direction. If the structure/extensive obstruction is 150 feet (45.72 m) or less horizontally, at least one light should be displayed on the highest point at each end of the obstruction's major axis. If this is impractical because of the overall shape, display a double obstruction light in the center of the highest point.

2. Structures exceeding 150 feet (45.72 m) in at least one horizontal direction. If the structure/extensive obstruction exceeds 150 feet (45.72 m) horizontally, at least one light should be displayed for each 150 feet (45.72 m), or fraction thereof, of the overall length of the major axis. At least one of these lights should be displayed on the highest point at each end of the obstruction. Additional lights should be displayed at approximately equal intervals not to exceed 150 feet (45.72 m) on the highest points along the edge between the end lights. If an obstruction is located near a landing area and two or more edges are the same height, the edge nearest the landing area should be lighted.

3. Structures exceeding 150 feet (45.72 m) AGL. Lights should be installed on the highest point at each end. At intermediate levels, lights should be displayed for each 150 feet (45.72 m), or fraction thereof. The vertical position of these lights should be equidistant between the top lights and the ground level as the shape and type of obstruction will permit. One such light should be displayed at each outside corner on each level with the remaining lights evenly spaced between the corner lights.

## 6.7 Group of Obstructions.

With the exception of wind turbines, when individual structures within a group of obstructions differ in height and are spaced no more than 150 feet (45.72 m) apart, the prominent structures within the group should be lighted in accordance with the standards for individual obstructions based on its corresponding height. Shorter structures within the group of obstructions do not need to be lighted. When structures are shorter than the prominent structure and located on the outside of the group of obstructions, those structures should be lighted in accordance with the standards for individual obstructions based on its corresponding height. In addition to lighting the shorter structures on the outside of the group, at least one flashing light should be installed either at the top of the tallest, most prominent center structure, or on a dedicated tower that is located near the center of the group and is the same height as the most prominent structure. Light units should be placed on the structures to ensure that the lights are visible to a pilot approaching from any direction. If one or more of the structures within the group are a solid mass (non-skeletal), additional lighting may be necessary to make sure that the light is not being blocked by the more prominent structure(s). For the purpose of marking and lighting these structures, a group of obstructions is considered to be three or more structures.

## 6.8 Special Cases.

When lighting systems are installed on structures located near highways, waterways, airport approach areas, etc., caution should be exercised to ensure that the lights do not distract or otherwise cause a hazard to motorists, vessel operators, or pilots on an approach to an airport. In these cases, shielding may be necessary and should not derogate the lighting system’s intended purpose.

# CHAPTER 7. HIGH-INTENSITY FLASHING WHITE OBSTRUCTION LIGHT SYSTEMS

## 7.1 Purpose.

High-intensity (L-856) flashing white obstruction lights provide the highest degree of conspicuity both day and night. Recommendations on lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

Use extreme caution when using high-intensity flashing white lights. Using a 24-hour, high-intensity flashing white light system in urban/populated areas is not normally recommended due to their tendency to merge with background lighting in these areas at night. This makes it extremely difficult for some types of aviation operations (i.e., medevac) and police helicopters to see these structures. Additionally, this type of system in urban and rural areas often results in complaints.

## 7.2 Standards.

High-intensity flashing white obstruction lights should be used during daytime with automatically selected, reduced intensities for twilight and nighttime operations. When high-intensity white obstruction lights are operated 24 hours a day, other methods of marking and lighting may be omitted. This system should not be recommended on structures 700 feet (213.36 m) AGL or less unless an FAA aeronautical study shows otherwise. The number of light levels needed is shown in, Figures A-13 and A-14.

## 7.3 Control Device.

Light intensity is controlled by a device (photocell) that changes the light's intensity when the ambient light changes. The illuminance sensing device should, if practical, face the northern sky in the Northern Hemisphere and the system should automatically change intensity steps when the illuminance reaching a north-facing vertical surface is as follows:

1. Day-to-twilight. This should not occur before the illumination drops to 60 foot-candles (645.83 lux) but should occur before it drops below 35 foot-candles (376.74 lux).

2. Twilight-to-night. This should not occur before the illumination drops below 5 foot-candles (53.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

3. Night-to-day. The intensity changes listed in subparagraphs 7.3.1 and 7.3.2 above should be reversed when changing from the night-to-day mode

## 7.4 Units per Level.

One or more light units are needed to obtain the desired horizontal coverage. The number of light units recommended per level (except for the supporting structures of catenary wires and

buildings) depends upon the average outside diameter of the specific structure and the horizontal beam width of the light fixture. Light units should be installed to ensure an unobstructed view of the system by a pilot approaching from any direction. The number of lights recommended below is the minimum.

1. Structures 20 feet (6.10 m) or less in diameter. Three light units per level.

2. Structures exceeding 20 feet (6.10 m) but not more than 100 feet (30.48 m) in diameter. Four light units per level.

3. Structures exceeding 100 feet (30.48 m) in diameter. Six light units per level.

4. Structures exceeding 200 feet (60.96 m) in diameter. Eight light units per level.

## 7.5 Installation Guidance.

On most obstruction high-intensity light fixtures, the effective peak intensity of the light beam can be adjusted from zero-to-eight degrees above the horizon. Standard installation should place the top light at zero degrees to the horizontal and all other light units installed in accordance with Table 7-1.

**Table 7-1. Light Unit Elevation Above the Horizontal**

| Height of Light Unit Above Terrain | Degrees of Elevation Above |
|---|---|
| Exceeding 500 feet AGL | 0 |
| Above 400 feet to 500 feet AGL | 1 |
| Above 300 feet to 400 feet AGL | 2 |
| 300 feet AGL or less | 3 |

1. Vertical Aiming. When terrain, nearby residential areas, or other situations dictate, the light beam may be further elevated above the horizontal. The main beam of light at the lowest level should not strike the ground closer than 3 SM (4.83 kilometers (k)) from the structure.

If additional adjustments are necessary, the lights may be individually adjusted upward, in one-degree increments, starting at the bottom. Excessive elevation may reduce its conspicuity by raising the beam above a collision course flight path.

2. Relocation or Omission of Light Units. Light units should not be installed in such a manner that the light pattern/output is disrupted by the structure.

   a. Lowest Level. The lowest level of light units may be installed at a higher elevation than normal on a structure if the surrounding terrain, trees, or adjacent building(s) would obscure the lights. In certain instances, as determined by the FAA, the lowest level of lights may be eliminated.

   b. Two Adjacent Structures. When two structures are within 500 feet (152.40 m) of each other and the light units are installed at the same levels, the sides of the structures facing each other do not need be lighted (see Figures A-11 and A-12). However, all lights on both structures must flash simultaneously, except for adjacent catenary support structures. Vertical placement of the lights should be adjusted to either or both structures' intermediate levels to place the lights on the same horizontal plane. If one structure is higher than the other, a complete level of lights should be installed on the higher structure that extends above the top of the lower structure. If the structures are of such heights that the levels of lights cannot be placed in identical horizontal planes, then the light units should be placed so that the center of the horizontal beam patterns do not face toward the adjacent structure. For example, structures situated north and south of each other should have the light units on both structures installed on a northwest/southeast and northeast/southwest orientation.

   c. Three or More Adjacent Structures. The treatment of a cluster of structures as an individual or a complex of structures will be determined by the FAA, taking into consideration the location, heights, and spacing of other structures.

## 7.6 Radio and Television Towers and Similar Skeletal Structures.

1. Mounting Lights.

   The number of levels recommended depends on the height of the structure, excluding antennas and similar appurtenances. At least three lights should be installed on each level and mounted to ensure that the effective intensity of the full horizontal beam coverage is not impaired by the structural members.

2. Top Level.

   One level of lights should be installed at the highest point of the structure. If the highest point is a rod or antenna incapable of supporting a lighting system, then the top level of lights should be installed at the highest portion of the main skeletal structure. If guy wires come

together at the top, it may be necessary to install this level of lights as low as 10 feet (3.05 m) below the top. If the appurtenance (rod, antenna, etc.) exceeds 40 feet (12.19 m) above the main structure, a high-intensity, flashing white light (L-856) should be mounted on the highest point (see Figure A-7). If the appurtenance (such as a whip antenna) is incapable of supporting a medium-intensity light, one or more lights should be installed on a pole adjacent to the appurtenance. The pole should not exceed the height of the appurtenance and no lower than 40 feet (12.19 m) from the top, allowing a pilot an unobstructed view of at least one light in any direction. If the pole, rod, antenna, or other appurtenance is 7/8 of an inch wide or more, at least two lights must be installed on the supporting mast to provide the necessary unobstructed view.

3. Ice Shields.

Where icing is likely to occur, metal grates or similar protective ice shields should be installed directly over each light unit to prevent falling ice or accumulation from damaging the light units. The light should be mounted in a manner to ensure an unobstructed view of at least one light by a pilot approaching from any direction.

## 7.7 Antenna or Similar Appurtenance Light.

When a structure lighted by a high-intensity, flashing white light system is topped with an antenna or similar appurtenance exceeding 40 feet (12.19 m) in height, a high- intensity flashing white light (L-856) should be placed within 40 feet (12.19 m) from the tip of the appurtenance. This light should operate 24 hours a day and flash simultaneously with the rest of the lighting system. The location of the appurtenance light is shown in, Figure A-14. Structures with an appurtenance 40 feet (12.19 m) or less in height should be lit in accordance with Figure A-13.

## 7.8 Chimneys, Flare Stacks, and Similar Solid Structures.

The number of light levels depends on the height of the structure, excluding appurtenances. Three or more lights should be installed on each level to ensure an unobstructed view by the pilot. Normally, the top level lights are on the highest point of a structure, however, top level chimney lights may be installed as low as 20 feet (6.10 m) below the top to minimize deposit buildup due to emissions.

## 7.9 Prominent Buildings and Similar Extensive Obstructions.

When objects within a group of obstructions are approximately the same overall height above the surface and are located a maximum of 150 feet (45.72 m) apart, the group of obstructions may be considered an extensive obstruction. Light units should be placed to ensure that the light is visible to a pilot approaching from any direction. These lights may require shielding, such as louvers, to ensure minimum adverse impact on local communities.

Light units should be installed on the same horizontal plane at the highest portion or edge of the prominent obstructions and displayed to indicate the extent of the obstruction as follows:

1. Obstructions 200 feet (60.96 m) or less in either horizontal dimension. Three or more light units should be installed at the highest portion of the structure to ensure that at least one light is visible to a pilot approaching from any direction. Light units may be mounted on a single pedestal at or near the center of the obstruction. If the light units are placed more than 10 feet (3.05 m) from the center point of the structure, use a minimum of four light units.

2. Obstruction exceeds 200 feet (60.96 m) in one horizontal dimension, but is 200 feet (60.96 m) or less in the other. Two light units should be placed on each of the shorter sides. These light units may be installed either adjacent to each other at the midpoint of the obstruction's edge or at (near) each corner, with the light unit aimed to provide 180 degrees of coverage at each edge. One or more light units should be installed along the overall length of the major axis at approximate equal intervals, not to exceed a distance of 100 feet (30.48 m) from the corners or from each other.

3. Obstruction exceeds 200 feet (60.96 m) in both horizontal dimensions. The light units should be equally spaced along the overall perimeter of the obstruction at intervals of 100 feet (30.48 m), or fraction thereof.

## 7.10 Hyperbolic Cooling Towers.

High intensity light units should be installed to ensure an unobstructed view of at least two lights by a pilot approaching from any direction.

1. Number of light units. The number of units recommended depends on the diameter of the structure at the top, as shown in Figure A-15. The minimum number of light units recommended is indicated below.

    a. Structures exceeding 100 feet (30.48 m) but not more than 200 feet (60.96 m) diameter. Six light units per level.

    b. Structures exceeding 200 feet (60.96 m) in diameter. Eight light units per level.

## 7.11 Special Cases.

When lighting systems are installed on structures located near highways, waterways, airport approach areas, etc., caution should be exercised to ensure that the lights do not distract or otherwise cause a hazard to motorists, vessel operators, or pilots on an approach to an airport. In these cases, shielding or adjusting the aim of the vertical or horizontal light may be necessary. This adjustment should not derogate the lighting system's intended purpose. Such adjustments may require an additional review, as described in paragraph 7.5.

# CHAPTER 8. DUAL LIGHTING WITH RED/MEDIUM-INTENSITY FLASHING WHITE LIGHT SYSTEMS

## 8.1 Purpose.

This dual lighting system includes red lights (L-864) for nighttime and medium-intensity and flashing white lights (L-865) for daytime and twilight use. This lighting system may be used in lieu of operating a medium-intensity flashing white lighting system at night. There may be some populated areas where nighttime use of medium- intensity light systems may cause significant environmental concerns. Using the dual lighting system should reduce/mitigate those concerns and complaints. Recommendations for lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

## 8.2 Installation.

The light units should be installed as specified in Chapters 4, 5, and 6. The number of light levels needed is dependent on the height of the obstruction, as shown in Figure, A-16.

## 8.3 Operation.

Light systems should be operated as specified in Chapter 4, 5, and 6. These systems should not be operated simultaneously; however, there should be no more than a 2-second delay when changing from one system to the other. Outage of the uppermost red light must cause the white obstruction light system to activate and operate in its specified “night” step intensity.

## 8.4 Control Device.

The light system is controlled by a device (photocell) that changes the intensity of the lights when the ambient light changes. The illuminance sensing device should, if practical, face the northern sky in the Northern Hemisphere and the system should automatically change intensity steps when the illuminance reaching a north-facing vertical surface is as follows:

1. Twilight-to-Night. This should not occur before the illumination drops below 5 foot-candles (53.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

2. Night-to-Day. The intensity changes listed in subparagraph 8.4.1 above should be reversed when changing from the night-to-day mode.

## 8.5 Antenna or Similar Appurtenance Light.

1. When a structure equipped with a dual lighting system is topped with an antenna or similar appurtenance exceeding 40 feet (12.19 m) in height, a medium-intensity flashing white (L-865) and a flashing red light (L-864) should be placed within 40 feet (12.19 m) from the tip of the appurtenance. The white light should operate during daytime and twilight and the red

light during nighttime. These lights should flash simultaneously with the rest of the lighting system.

2. When a structure equipped with a dual lighting system is topped with an antenna or similar appurtenance less than 40 feet (12.19 m) in height and exceeds 7/8 of an inch, a minimum of two medium-intensity flashing white (L-865), flashing red lights (L-864) should be placed immediately below, within 40 feet (12.19 m) from the tip of the appurtenance (see Figure A-17). The white light should operate during daytime and twilight and the red light between the hours of sunset and sunrise. These lights should flash simultaneously with the rest of the lighting system.

**8.6 Omission of Marking.**

When medium-intensity white obstruction lights are operated on structures 700 feet (213.36 m) AGL or less during daytime and twilight, other methods of marking may be omitted.

# CHAPTER 9. DUAL LIGHTING WITH RED/HIGH-INTENSITY FLASHING WHITE LIGHT SYSTEMS

## 9.1 Purpose.

This dual lighting system includes red lights (L-864) for nighttime and high-intensity flashing white lights (L-856) for daytime and twilight use. This lighting system may be used in lieu of operating a flashing high intensity white lighting system at night. There may be some populated areas where nighttime use of high-intensity lights may cause significant environmental concerns and complaints. Using the dual lighting system should reduce/mitigate those concerns. Recommendations on lighting structures can vary, depending on terrain features, weather patterns, geographic location, and number of structures.

## 9.2 Installation.

The light units should be installed as specified in Chapters 4, 5, and 7. The number of light levels needed is dependent on the height of the structure as shown in Figures A-18 and A-19.

## 9.3 Operation.

Lighting systems should be operated as specified in Chapters 4, 5, and 7. These systems should not be operated simultaneously; however, there should be no more than a 2-second delay when changing from one system to the other. Outage of the uppermost red light must cause the white obstruction lighting system to activate and operate in its specified “night” step intensity.

## 9.4 Control Device.

The light intensity is controlled by a device (photocell) that changes the light intensity when the ambient light changes. The illuminance-sensing device should, if practical, face the northern sky in the Northern Hemisphere and the system should automatically change intensity steps when the illuminance reaching a north-facing vertical surface is as follows:

1. Day-to-Twilight. This should not occur before the illumination drops to 60 foot-candles (645.83 lux) but should occur before it drops below 35 foot-candles (376.74 lux).

2. Twilight-to-Night. This should not occur before the illumination drops below 5 foot-candles (53.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

3. Night-to-Day. The intensity changes listed in subparagraph 9.4.1 and 9.4.2 above should be reversed when changing from the night to day mode.

## 9.5 Antenna or Similar Appurtenance Light.

When a structure using this dual lighting system is topped with an antenna or similar

appurtenance exceeding 40 feet (12.19 m) in height, a high-intensity flashing white light (L-856) and a red flashing light (L-864) should be placed within 40 feet (12.19 m) from the tip of the appurtenance (see Figure A-18). The white light should operate during daytime and twilight and the red light during nighttime. Structures with an appurtenance 40 feet (12.19 m) or less in height should be lit in accordance with see Figure A-19.

**9.6 Omission of Marking.**

When high-intensity white obstruction lights are operated during daytime and twilight, other methods of marking may be omitted.

# CHAPTER 10. AIRCRAFT DETECTION LIGHTING SYSTEMS

## 10.1 Purpose.

Aircraft Detection Lighting Systems (ADLS) are sensor-based systems designed to detect aircraft as they approach an obstruction or group of obstructions; these automatically activate the appropriate obstruction lights until they are no longer needed by the aircraft. This technology reduces the impact of nighttime lighting on nearby communities and migratory birds and extends the life expectancy of the obstruction lights.

## 10.2 General Standards.

10.2.1. The system should be designed with sufficient sensors to provide complete detection coverage for aircraft that enter a three-dimensional volume of airspace, or coverage area, around the obstruction(s) (Figure A-20), as follows:

1. Horizontal detection coverage should provide for obstruction lighting to be activated and illuminated prior to aircraft penetrating the perimeter of the volume, which is a minimum of 3 NM (5.56 km) away from the obstruction or the perimeter of a group of obstructions. In some situations, such as when the 3 NM perimeter is not achievable, lighting uncontrolled by the ADLS may be required.

2. Vertical detection coverage should provide for obstruction lighting to be activated and illuminated prior to aircraft penetrating the volume, which extends from 200 feet above the ground up to 1,000 feet (304.80 m) above the highest part of the obstruction or group of obstructions, for all areas within the 3 NM (5.56 km) perimeter defined in subparagraph 10.2.1.1 above.

3. In some circumstances, it may not be possible to meet the volume area defined above because the terrain may mask the detection signal from acquiring an aircraft target within the 3 NM (5.56 km) perimeter. In these cases, the sponsor should identify these areas in their application to the FAA for further evaluation.

4. In some situations, lighting not controlled by the ADLS may be required when the 3 NM (5.56 km) perimeter is not achievable to ensure pilots have sufficient warning before approaching the obstructions.

10.2.2. The ADLS should activate the obstruction lighting system in sufficient time to allow the lights to illuminate and synchronize to flash simultaneously prior to an aircraft penetrating the volume defined above. The lights should remain on for a specific time period, as follows:

1. For ADLSs capable of continuously monitoring aircraft while they are within the 3 NM/1,000 foot (5.56 km/304.80 m) volume, the obstruction lights should stay on until the aircraft exits the volume. In the event detection of the aircraft is lost while being

continuously monitored within the 3 NM/1,000 foot (5.56 km/304.80 m) volume, the ADLS should initiate a 30-minute timer to keep the obstruction lights on until the timer expires. This should provide the untracked aircraft sufficient time to exit the area and give the ADLS time to reset.

2. For ADLSs without the capability of monitoring aircraft targets in the 3 NM/1,000 foot (5.56 km/304.80 m) volume, the obstruction lights should stay on for a preset amount of time, calculated as follows:

   a. For single obstacles: seven minutes.

   b. For groups of obstacles: (the widest dimension of the group in nautical miles + 6) x 90 seconds, equals the number of seconds the light(s) should remain on.

10.2.3. Approval of an ADLS will be on a case-by-case basis and may be modified, adjusted, or denied based on proximity of the obstruction or group of obstructions to airports, low-altitude flight routes, military training areas, or other areas of frequent flight activity. It may be appropriate to keep certain obstructions closest to these known activity areas illuminated during the nighttime hours, while the remainder of the group's obstruction lighting is controlled by the ADLS.

10.2.4. Project sponsors requesting the use of ADLS should indicate the location of the proposed sensors, range of each sensor, and a visual indication showing how each sensor's detection arc provides the full horizontal and vertical coverage, as required under paragraph 10.2.1 on their application maps or diagrams. In the event that detection coverage is not 100 percent due to terrain masking, project sponsors should provide multiple maps or diagrams that indicate coverage at the affected altitudes. A sample diagram is shown in Figure A-20.

10.2.5. Types of ADLS component or system failure events.

1. In the event of an ADLS component or system failure, the ADLS should automatically turn on all the obstruction lighting and operate in accordance with this AC as if it was not controlled by an ADLS. The obstruction lighting must remain in this state until the ADLS and its components are fully restored.
2. In the event that an ADLS component failure occurs and an individual obstruction light cannot be controlled by the ADLS, but the rest of the ADLS is functional, that particular obstruction light should automatically turn on and operate in accordance with this AC as if it was not controlled by an ADLS, and the remaining obstruction lights can continue to be controlled by the ADLS. The obstruction lighting will remain in this state until the ADLS and its components are restored.
3. Complete light failure should be addressed in accordance with Chapter 2, paragraph 2.4.

10.2.6. The ADLS's communication and operational status must be checked at least once every 24 hours to ensure both systems are operational.

10.2.7. The ADLS should be able to detect an aircraft with a cross-sectional area of one square meter or more within the volume, as required in subparagraphs 10.2.1.1. and 10.2.1.2.

10.2.8. Each ADLS installation should maintain a log of activity data for a period of no less than the previous 15 days. This data should include, but not be limited to, the date, time, duration of all system activations/deactivations, track of aircraft activity, maintenance issues, system errors, communication and operational issues, lighting outages/issues, etc.

10.2.9. Operational frequencies.

1. Unlicensed devices (including FCC Part 15) cannot be used for this type of system.

2. Any frequency used for the operation of ADLS must be individually licensed through the FCC.

# CHAPTER 11. MARKING AND LIGHTING OF CATENARY AND CATENARY SUPPORT STRUCTURES

## 11.1 Purpose.

This chapter provides guidelines for marking and lighting catenary and catenary support structures. For the purpose of marking and lighting, catenary is defined as suspended wires (or lines) kept at a defined mechanical tension by supporting structures. These wires may be either energized or non-energized and are used for transmission, distribution, or other purposes, as defined. The recommended marking and lighting of both the structures and wires provides day and night conspicuity and assists pilots in identifying and avoiding catenary wires and associated support structures. Catenary lines that are suspended across open areas such as rivers, canyons, and lakes create a unique hazard to pilots. The term "violation area" is used to describe these open areas within the catenary span that an aircraft would most likely encounter the wires.

## 11.2 Lighted Spherical Markers.

11.2.1. Lighted markers are available for increased night conspicuity of high-voltage (69 kV or greater) transmission line catenary wires. These markers should be used on transmission line catenary wires near airports, heliports, across rivers, canyons, lakes, etc. The lighted markers should be manufacturer-certified as recognizable from a minimum distance of 4,000 feet (1,219.20 m) under nighttime conditions, minimum Visual Flight Rules (VFR) conditions, or having a minimum intensity of at least 32.5 candelas. The lighting unit should emit a steady-burning, red light.

11.2.2. Lighted markers should be installed on the highest energized line. If the lighted markers are installed on a line other than the highest catenary, then markers specified in paragraph 11.3.2, should be used in addition to the lighted markers. The maximum distance between the line energizing the lighted markers and the highest catenary above the lighted marker should be no more than 25 feet (7.62 m) and must not violate the sag requirements of the transmission line design (see Figure A-25).

Lighted markers should be distinctively shaped, (i.e., spherical or cylindrical) so they are not mistaken for items that are used to convey other information. They should be visible in all directions from which aircraft are likely to approach. The area in the immediate vicinity of the supporting structure's base should be clear of all items and/or objects of natural growth that could interfere with the line-of-sight between a pilot and the structure's lights (see Figure A-21). When a catenary wire crossing requires three or more supporting structures, the inner structures should be equipped with enough light units per level to provide full coverage from which aircraft are likely to approach.

## 11.3 Catenary Marking Standards.

Catenary wires should be marked with lighted or unlighted marker balls to make the wires more

visible to pilots approaching the hazard. High-voltage (69 kilovolts (kV) or greater) transmission lines are typically mounted on large catenary support structures and should be fitted with lighted markers to provide sufficient conspicuity in both day and nighttime conditions. Transmission lines that are less than 69 kV are typically mounted on smaller catenary support structures and should be fitted with unlighted markers that provide daytime conspicuity.

11.3.1 Lighted Catenary Markers.

Lighted markers provide increased nighttime conspicuity of high-voltage (69 kV or greater) transmission line catenary wires. However, since lighted markers require a minimum line load to operate, it should be noted that the lights may not be operational under certain transmission system conditions, such as power outages or line maintenance. Whenever possible, these lighted markers should be used on transmission line catenary wires near airports, heliports, across rivers, canyons, lakes, areas of known risk to aviation, etc.

The lighted markers should be manufacturer-certified as, visible and recognizable from a minimum distance of 4,000 feet (1,219.20 m) under nighttime conditions and under minimum VFR conditions, and have a minimum intensity of at least 32.5 candelas. Markers should be distinctively shaped, i.e., spherical or cylindrical, so that they are not mistaken for items used to convey other information. The lighting unit should emit a steady-burning red light and be mounted on the highest energized line, visible to a pilot approaching from any direction. If the lighted markers are installed on a line other than the highest catenary wire, then unlighted markers should be used in addition to the lighted markers (see Figure A-24).

1. Size and Color.

The diameter of the markers (lighted and unlighted) used on extensive catenary wires that cross canyons, lakes, rivers, etc., should not be less than 36 inches (91.44 cm). The 20-inch (50.80 centimeters (cm)) markers, or smaller 12-inch (30.48 cm) markers, are permitted on less extensive catenary wires or on power lines below 50 feet (15.24 m) above the ground and within 1,500 feet (457.20 m) of an airport runway end. Each lighted marker should be a solid color; specifically aviation orange, white, or yellow. Transmission lines that are configured in a “double-bundled” arrangement would typically require the larger 36-inch (91.44 cm) markers, however the next smaller size marker may be used to prevent the marker from rubbing against the parallel transmission line.

> **Note:** For the purposes of this advisory circular, the term “extensive” is used to describe catenary wire crossings that extend across an open area that an aircraft could be reasonably expected to fly at or below the altitude that the catenary wires are suspended. “Less extensive” is used to describe catenary wire crossings that extend across an open area that an aircraft could reasonably be expected to fly at or above the same altitude.

2. Installation.

a. Spacing. Lighted markers should be spaced equally along the wire at intervals of

approximately 200 feet (60.96 m), or a fraction thereof. Intervals between markers should be less in critical areas near runway ends, i.e., 30 feet to 50 feet (9.14 m to 15.24 m). If the lighted markers are installed on a line other than the highest catenary wire, then unlighted markers specified in paragraph 11.3.2, should be used in addition to the lighted markers. The lighted markers may be installed alternately along each wire if the distance between adjacent markers meets the 200-foot (60.96m) spacing standard. This method allows the weight and wind loading factors to be distributed.

b. Pattern. An alternating color scheme provides the most conspicuity against all backgrounds. Lighted and unlighted markers should be installed by alternating solid-colored markers of aviation orange, white, and yellow. Normally, an orange marker is placed at each end of a line and the spacing is adjusted (not to exceed 200 feet (60.96 m)) to accommodate the rest of the markers. When less than four markers are used, they should all be aviation orange (see Figure A-24).

c. Wire Sag. Wire sag or droop will occur due to temperature, wire weight, wind, etc. The maximum sag distance between the line energizing the lighted markers and the highest catenary wire above the lighted markers should be no more than 25 feet (7.62 m), and it should not violate the sag requirements of the transmission line design.

d. Adjacent Lines. Catenary crossings with multiple transmission lines require appropriate markers when the adjacent catenary structure's outside lines are greater than 200 feet (60.96 m) away from the center of the primary structure (see Figure A-23). If the outside lines of the adjacent catenary structure are within 200 feet (60.96 m) or less from the center of the primary structure, markers are not required on the adjacent lines (see Figure A-22). If the catenary crossing is within close proximity to an airport, specifically within 1,500 feet (458 m) of an airport runway end, then all catenary lines should be marked, regardless of their proximity to each other.

11.3.2 Unlighted Catenary Markers.

Unlighted markers provide increased daytime conspicuity of non-high-voltage (less than 69 kV) transmission line catenary wires. These unlighted markers should be used on transmission line catenary wires near airports, heliports, across rivers, canyons, lakes, areas of known risk to aviation, etc. where lighted markers are not possible.

The unlighted markers should be manufacturer-certified as recognizable from a minimum distance of 4,000 feet (1,219.20 m) under daytime, VFR conditions. Markers should be distinctively shaped, i.e., spherical or cylindrical, so that they are not mistaken for items used to convey other information. Unlighted markers should be mounted on the highest catenary line, visible to a pilot approaching from any direction.

3. Size and Color.

The diameter of the unlighted markers used on extensive catenary wires that cross canyons, lakes, rivers, etc., should not be less than 36 inches (91.44 cm). The 20-inch (50.80-cm) markers, or smaller 12-inch (30.48-cm) markers are permitted on less extensive catenary wires or on power lines below 50 feet (15.24 m) above the ground and within 1,500 feet (457.20 m) of an airport runway end. Each unlighted marker should be a solid color; specifically aviation orange, white, or yellow. For transmission lines that are configured in a "double-bundled" arrangement and would typically require the larger 36-inch markers, the next smaller size marker may be used to prevent the marker from rubbing against the parallel transmission line.

**Note:** For the purposes of this advisory circular, the term "extensive" is used to describe catenary wire crossings that extend across an open area that an aircraft could be reasonably expected to fly at or below the altitude that the catenary wires are suspended. "Less extensive" is used to describe catenary wire crossings that extend across an open area that an aircraft could be reasonable expected to fly at or above the same altitude.

4. Installation.

a. Spacing. Unlighted markers should be spaced equally along the wire at intervals of approximately 200 feet (60.96 m), or a fraction thereof. Intervals between markers should be less in critical areas near runway ends, i.e., 30 feet to 50 feet (9.14 m to 15.24 m). The unlighted markers may be installed alternately along each wire if the distance between adjacent markers meets the 200-foot (60.96 m) spacing standard. This method allows the weight and wind loading factors to be distributed (see Figure A-21).

b. Pattern. An alternating color scheme provides the most conspicuity against all backgrounds. Unlighted markers should be installed by alternating solid- colored markers of aviation orange, white, and yellow. Normally, an orange marker is placed at each end of a line and the spacing is adjusted (not to exceed 200 feet (60.96 m)) to accommodate the rest of the markers. When less than four markers are used, they should all be aviation orange.

c. Wire Sag. Wire sag or droop will occur due to temperature, wire weight, wind, etc. The maximum sag distance between the line holding the unlighted markers and the next lowest catenary wire should be no more than 25 feet (7.62 m), and it should not violate the sag requirements of the transmission line design.

d. Adjacent Lines. Catenary crossings with multiple transmission lines require appropriate markers when the adjacent catenary structure's outside lines are greater than 200 feet (60.96 m) away from the center of the primary catenary structure (see Figure A-25). If the outside lines of the adjacent catenary structure are within 200 feet (60.96 m) or less from the center of the primary catenary structure, markers are not required on the adjacent line.

## 11.4 Catenary Lighting Standards.

When using medium-intensity flashing white (L-866), high-intensity flashing white (L-857), dual medium-intensity (L-866/L-885), or dual high-intensity (L-857/L-885) lighting systems operated 24 hours a day, other marking of the support structure is not necessary.

1. Levels. A system of three levels of sequentially flashing light units should be installed on each supporting structure or adjacent terrain. One level should be installed at the top of the structure, one at the height of the lowest point in the catenary wire, and one level approximately midway between the other two light levels. In general, the middle level should be at least 50 feet (15.24 m) from the other two levels. The middle light unit may be omitted when the distance between the top and the bottom light levels is less than 100 feet (30.48 m).

    a. Top Levels. One or more lights should be installed at the top of the structure to provide 360-degree coverage, ensuring an unobstructed view. If the installation presents a potential danger to maintenance personnel or inhibits lightning protection, the top level of lights may be mounted as low as 20 feet (6.10 m) below the highest point of the structure.

    b. Horizontal Coverage. The light units at the middle and bottom levels should be installed to provide a minimum of 180-degree coverage, centered perpendicularly to the flyway. When a catenary crossing is situated near a bend in a river, canyon, etc., or is not perpendicular to the flyway, the horizontal beam should be directed to provide the most effective light coverage to warn pilots approaching from either direction of the catenary wires.

    c. Variation. The vertical and horizontal arrangements of the lights may be subject to the structural limits of the towers and/or adjacent terrain. A tolerance of 20 percent from uniform spacing of the bottom and middle light is allowed. If the base of the supporting structure(s) is higher than the lowest point in the catenary, such as a canyon crossing, one or more lights should be installed on the adjacent terrain at the level of the lowest point in the span. These lights should be installed on the structure or terrain at the height of the lowest point in the catenary (see Figure A-25).

2. Flash Sequence and Duration. The flash sequence for catenary wire support structures should be middle, top, and bottom with all lights on the same level flashing simultaneously. This pattern of flashes is designed to present a unique signal that pilots should interpret as a warning that catenary wires are in the vicinity of the lights. The time intervals for the sequence and duration of the flash pattern are outlined in FAA AC 150/5345-43, Specification for Obstruction Lighting Equipment. If Light-Emitting Diode (LED) obstruction light fixtures are used to light catenary wires, a slower flash rate of 40 fpm is allowed to enable each light fixture to make a well-defined flash so that the middle-top-bottom flash pattern will be easily recognized. Field experience has shown that LED fixtures flashing at 60 fpm, as specified in AC 150/5345-43, do not have enough time to turn off in between flash cycles, and appear as if they are steady-burning. Slowing the flash rate to 40

fpm promotes a cleaner, crisper presentation for the pilot to recognize. In the event there are only two levels of lights, the lights should simply alternate at the same flash rate/duration as if there were three lights.

3. Synchronization. Although not required, it is preferred that the corresponding light levels on associated supporting towers of a catenary crossing flash simultaneously.

4. Structures 700 feet (213.36 m) AGL or less. When medium-intensity white lights (L-866) are operated 24 hours a day or when a dual red/medium-intensity light system (L-866 daytime and twilight/L-885 nighttime) is used, marking can be omitted. When using a medium-intensity white light (L-866) or a flashing red light (L-885) during twilight or nighttime only, paint should be used for daytime marking.

5. Structures exceeding 700 feet (213.36 m) AGL. When high-intensity white lights (L-857) are operated 24 hours a day or when a dual red/high-intensity system (L-857 daytime and twilight/L-885 nighttime) is used, marking can be omitted. This system should not be used on structures 700 feet (213.36 m) or less unless an FAA aeronautical study shows otherwise. When a flashing red obstruction light (L-885), a medium-intensity (L-866) flashing white lighting system, or a high-intensity white lighting system (L-857) is used for nighttime and twilight only, paint should be used for daytime marking.

## 11.5 Control Device.

The light intensity is controlled by a device (photocell) that changes the intensity when the ambient light changes. The illuminance-sensing device should, if practical, face the northern sky in the Northern Hemisphere and the lighting system should automatically change intensity steps when the northern sky illuminance reaching a north-facing vertical surface is as follows:

1. Day-to-Twilight (L-857 System). This should not occur before the illumination drops to 60 foot-candles (645.83 lux) but should occur before it drops below 35 foot-candles (376.74 lux).

2. Twilight-to-Night (L-857 System). This should not occur before the illumination drops below 5 foot-candles (53.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

3. Night-to-Day. The intensity changes listed in subparagraph 11.4.1 and 11.4.2 above should be reversed when changing from the night-to-day mode.

4. Day-to-Night (L-866 or L-885/L-866). This should not occur before the illumination drops below 5 foot-candles (563.82 lux) but should occur before it drops below 2 foot-candles (21.53 lux).

5. Night-to-Day. The intensity changes listed in subparagraph 11.1.4.4 above should be reversed when changing from the night-to-day mode.

6. Red Obstruction (L-885). The red lights should not turn on until the illumination drops below 60 foot-candles (645.83 lux) but should occur before reaching a level of 35 foot-candles (367.74 lux). Lights should not turn off before the illumination rises above 35 foot-candles (367.76 lux) but should occur before reaching 60 foot-candles (645.83 lux).

## 11.6 Area Surrounding Catenary Wire Support Structures.

The area in the immediate vicinity of the supporting structure's base should be clear of all items and/or objects of natural growth that could interfere with the line-of-sight between a pilot and the structure's lights.

## 11.7 Three or More Catenary Wire Support Structures.

Where a catenary wire crossing requires three or more supporting structures, the inner structures should be equipped with enough light units per level to provide full 360-degree coverage across rivers, canyons, lakes, areas of known risk to aviation, etc.

# CHAPTER 12. MARKING AND LIGHTING MOORED BALLOONS AND KITES

## 12.1 Purpose.

The purpose of marking and lighting moored balloons, kites, and their cables or mooring lines is to indicate the presence and general definition of these objects to pilots when approaching from any direction.

## 12.2 Standards.

These marking and lighting standards pertain to all moored balloons and kites that require marking and lighting under 14 CFR, Part 101.

## 12.3 Marking.

Flag markers should be used on mooring lines to warn pilots of their presence during daylight hours.

1. Display. Markers should be displayed at no more than 50-foot (15.24 m) intervals and should be visible for at least 1 SM (1.61 km).

2. Shape. Markers should be rectangular in shape and not less than 2 feet (0.61 m) in length. Stiffeners should be used in the borders to expose a large area and to prevent drooping in calm wind or wrapping around the cable.

3. Color Patterns. One of the following color patterns should be used:

   a. Solid Color. Aviation orange.

   b. Orange and White. Two triangular sections, one of aviation orange and the other white, combined to form a rectangle.

## 12.4 Purpose.

Flashing obstruction lights should be used on moored balloons or kites and their mooring lines to warn pilots of their presence during the hours between sunset and sunrise and during periods of reduced visibility. These lights may be operated 24 hours a day.

1. Systems. Flashing red (L-864) or medium-intensity white lights (L-865) may be used to light moored balloons or kites. High-intensity lights (L-856) are not recommended.
2. Display. Simultaneously flashing lights should be displayed on the top, nose, and tail sections, as well as the tether cable approximately 15 feet (4.57 m) below the craft to define the extremes of size and shape. Additional lights should be equally spaced along the cable's overall length for each 350 feet (106.68 m), or fraction thereof.

3. Exceptions. When the requirements of this paragraph cannot be met, floodlights may be used.

## 12.5 Operational Characteristics.

The light intensity is controlled by a device (photocell) that changes the intensity when the ambient light changes. The system should automatically turn the lights on and change intensities as ambient light conditions change. The reverse order should apply in changing from nighttime-to-daytime operation.

# CHAPTER 13. MARKING AND LIGHTING WIND TURBINES

## 13.1 Purpose.

This chapter provides guidelines for the marking and lighting applicable to single wind turbines and wind turbine farms. For the purpose of this AC, wind turbine farms are defined as a wind turbine development that contains more than three turbines. The recommended marking and lighting of these structures is intended to provide day and night conspicuity and to assist pilots in identifying and avoiding these obstacles.

## 13.2 General Standards.

The development of wind turbine farms is a very dynamic process, which changes based on the terrain. Each wind turbine farm is unique, therefore it is important that a lighting plan is developed that provides sufficient safety for air traffic. When developing lighting plans for wind turbine farms, it is best to use an aerial-view map or diagram of the turbine farm to plan the location of the required lighting. This way, a certain degree of strategy planning can be applied, which, in many instances, results in a minimal number of lights. Proximity to airports and VFR routes, extreme terrain where heights may vary widely, and local flight activity should be considered when developing a lighting plan. The following guidelines are recommended for wind turbines.

## 13.3 Wind Turbine Configurations.

Prior to marking and lighting the wind turbine farm, the configuration and the terrain of the wind turbine farm should be determined. The following is a description of the most common configurations (see Figure A-26):

1. Linear. Wind turbine farms in a direct, consecutive configuration, often located along a ridgeline, the face of a mountain, or along borders of a mesa or field. The line may be ragged in shape or be periodically broken, and may vary in size from just a few turbines to many turbines forming a line that is several miles long.

2. Cluster. Wind turbine farms arranged in circular configuration. A cluster is typically characterized by having a pronounced perimeter, with various turbines placed inside the circle at various, erratic distances throughout the center of the circle.

3. Grid. Wind turbine farms arranged in a geographical shape, such as a square or a rectangle, in which the turbines are placed a consistent distance from each other in rows, giving the appearance that they are part of a square pattern.

## 13.4 Marking Standards.

13.4.1 Wind turbines should be painted white or light grey, as these colors have been shown to be the most effective method for providing daytime conspicuity (see Figure A-26). Wind turbine manufacturers typically use a European color-matching system that is referred to as the RAL Color Standard. The RAL system uses a four-digit code to identify a specific color of paint, for example, an RAL 9xxx code would represent a color in the white/black range. The preferred white paint color is pure white, RAL 9010, or an equivalent, however most wind turbines currently produced are painted light grey, RAL 7035, which is the darkest acceptable off-white paint allowed. Any shade of white between these two RAL specifications is strongly recommended (see Table 13-1).

**Table 13-1. Wind Turbine Paint Standard Colors**

| Color | RAL Number |
|---|---|
| Pure White (preferred color) | 9010 |
| Light Grey (Darkest Acceptable) | 7035 |

13.4.2 In geographic areas that experience lengthy periods of snow cover (i.e., Alaska), and where it is deemed necessary, the mast of the turbine may be painted alternating bands of aviation orange and white to provide additional contrast against the snow. The nacelle and blades of the turbine must remain solid white or light grey (see Figure A-27).

13.4.3 Blades or blade tips must not be painted or manufactured in colors to camouflage wind turbines with the surrounding terrain.

13.4.4 For turbines that are constructed with lattice-type masts, the mast structure must be painted with alternating bands of aviation orange and white paint, in accordance with Chapter 3. The turbine's nacelle and blades must remain solid white or light grey.

## 13.5 Lighting Standards.

13.5.1 Studies have shown that red lights provide the most conspicuity to pilots, therefore during nighttime hours and periods of reduced visibilities, wind turbine obstruction lighting should consist of FAA L-864 aviation red flashing, strobe, or pulsed obstruction lights. Any array of flashing, strobe, or pulsed obstruction lighting should be synchronized to flash simultaneously (within ±1/20 second (0.05 second) of each other). Light fixtures should be placed as high as

possible on the turbine nacelle so they are visible by a pilot approaching from any direction (see Figure A-28). Should any lighting fixture or the lighting system synchronization fail, a lighting outage report should be prepared in accordance with Chapter 2, paragraph 2.4.

Daytime lighting of wind turbines is not required. See paragraph 14.4 for daytime marking requirements.

13.5.2 In most cases, not all wind turbine units within a wind turbine farm need to be lighted. Obstruction lights should be placed along the perimeter of the wind turbine farm so that there are no unlit separations or gaps more than 1/2 SM (0.80 km). Wind turbines within a grid or cluster should not have an unlighted separation or gap of more than 1 SM (1.61 km) across the interior of a grid or cluster of turbines (see Figure A-25).

1. Linear Turbine Configurations: Lights should be placed on the turbine positioned at each end of a line or string of turbines. Lights should also be placed along the line of turbines so that there is no more than a 1/2 SM (804.67 m) gap between the lighted turbines. In the event the gap between lights on the last segment of turbines is significantly short, it may be appropriate to move the lights on the turbine string back toward the starting point to present a well-balanced string of lights. High concentrations of lights should be avoided.

2. Cluster Turbine Configurations. A turbine should be selected as a starting point along the outer perimeter of the cluster. The turbine should be lighted, and a light should be placed on the next turbine along the perimeter of the cluster (clockwise or counterclockwise) so that no more than a 1/2 SM (804.67 m) gap exists. This pattern should be continued around the perimeter of the cluster until the starting point is reached. In the event that the gap between the lights on the last segment of turbines is significantly short, it may be appropriate to move the lights along the perimeter of the cluster back toward the starting point to present a well-balanced perimeter of lights. If the distance across the cluster is greater than 1 SM (1.61 km), additional lights should be placed on other turbines throughout the center of the cluster so that there are no unlighted gaps across the cluster. For example, if the distance across a wind turbine farm is 1.8 SM (2.90 km), a light should be placed on a turbine at approximately every 0.9 SM (1.45 km).

3. Grid Turbine Configurations. Turbines on the corners of the farm should be lit, and then use the same concept for selecting which turbines should be lit as outlined in paragraph 13.5.3.

13.5.3 Special Considerations.

Occasionally, some wind turbines may be located apart from the main group of turbines. If one or two wind turbines protrude from the general limits of the turbine farm, these turbines should be lighted in addition to those identified in the main group.Additional lighting may be necessary on wind turbines located on the interior of a cluster or grid configuration whose height is 100 feet (30.48 m) or higher than the other wind turbines located within the farm.

## 13.6 Wind Turbines Above 499 Feet (152.10 m).

13.6.1 For wind turbines with a rotor tip height, while at top dead center, greater than 499 feet (152.10 m) AGL, but less than 699 feet (213.06 m) AGL, the turbines should be lighted in accordance with paragraph 13.5. In addition to these requirements, the top of the turbine's nacelle should be equipped with a second L-864 flashing red light (see Figure A-28).

13.6.2 The two obstruction lights should be arranged horizontally, positioned on opposite sides of the nacelle, visible to a pilot approaching from any direction, and flash simultaneously. Using this lighting configuration ensures the conspicuity of turbines in this size category.

13.6.3 In the event one of the two obstruction lights fails, no light failure notification is required; however, the light should be restored to service as soon as possible.

13.6.4 All turbines within this size category should be illuminated, regardless of their location within a wind turbine farm, and should be configured to flash simultaneously with the other turbines in the same farm. This requirement ensures the pilots operating at low altitudes above 500 feet AGL have sufficient warning that a wind turbine obstruction may be within their flight path.

## 13.7 Wind Turbines at or Above 699 Feet (213.36 m).

13.7.1 For wind turbines with a rotor tip height, while at top dead center, at or above 699 feet (213.06 m) AGL, additional lighting is required. All wind turbines of this size, regardless of number or configuration should be lighted.

13.7.2 In addition to the lighting identified in paragraphs 13.5 and 13.6, an additional level of lights is required at a point midway between the top of the nacelle and ground level. The location of the additional lights may be adjusted as necessary to allow mounting at a seam within the turbine's mast.

13.7.3 The additional level of lights should consist of a minimum of three L-810 F flashing red lights configured to flash in unison with the two L-864 red flashing lights located at the top of the nacelle at a rate of 30 fpm (± 3 fpm). The L-810 F lights should be spaced at equal distances around the mast to ensure a pilot approaching from any direction has an unobstructed view of at least two of the lights (see Figure A-28).

13.7.4 For wind turbine structures with a mast diameter greater than 20 feet (6.10 m), four L- 810 red lights should be used.

13.7.5 All turbines within this size category should be illuminated, regardless of their location within a turbine farm, and should be configured to flash simultaneously with the other turbines in the same farm. This requirement ensures the pilots operating at low altitudes above 500 feet AGL have sufficient warning that a wind turbine obstruction may be within their flight path.

## 13.8 Lighting of Wind Turbines During Construction Phase.

To ensure proper conspicuity of turbines at night during construction, all turbines should be lighted with temporary lighting once they reach a height of 200 feet (60.96 m) or greater until the permanent lighting configuration is turned on. If practical, permanent obstruction lights should be installed and operated at each level as construction progresses. As the structure's height continues to increase, the temporary lighting should be relocated to the structure's uppermost height (see Figure A-30). An L-810 steady-burning red light must be used to light the structure during the construction phase, if the permanent L-864 flashing-red lights are not in place. The temporary lighting may be turned off for short periods if they interfere with construction personnel. If power is not available, turbines should be lighted with a self-contained, solar-powered, LED, steady-burning red light that meets the photometric requirements of an FAA L-810 lighting system. The lights should be positioned to ensure a pilot has an unobstructed view of at least one light at each level. Using a NOTAM to justify not lighting the turbines until the entire project is completed is prohibited.

## 13.9 Lighting and Marking of Airborne Wind Turbines.

The FAA is currently conducting research to develop special lighting and marking standards for Airborne Wind Turbines. Sponsors should consult with their respective FAA OE Specialists for updated information.

## 13.10 Lighting and Marking of Offshore Wind Turbines.

FAA lighting and marking recommendations for Offshore Wind Turbines applies to structures in United States territorial seas, which extends from the coastline to 12 NM offshore. The Bureau of Ocean Energy Management (BOEM), which maintains jurisdiction of land leases beyond the 12 NM, is developing their own marking and lighting standards for offshore wind turbines and new construction must comply with those standards.

# CHAPTER 14. MARKING AND LIGHTING TEMPORARY STRUCTURES

## 14.1 Purpose.

This chapter provides general guidelines for marking and lighting temporary structures, such as construction equipment, cranes, derricks, oil and drilling rigs, etc. The purpose of marking and lighting these obstructions is to indicate the presence and general outline of the structure to assist pilots when approaching from any direction to identify and avoid these obstacles. These guidelines are not to be considered all-inclusive, each obstacle must be evaluated individually and the determination will provide lighting requirements that are specific to the structure.

## 14.2 General Standards.

Due to the temporary nature, potential mobility, and ability to instantaneously extend to full height, accommodations must be made to mitigate the effects of these structures on the airspace for safe operations. Temporary structures are unique based on the structure type, size, and use, and the aeronautical study evaluates the potential effect on airspace. Proximity to airports, navigational aids (NAVAIDS), air routes, and local flight activity, as well as the duration of the project are considered during the evaluation process.

Marking and/or lighting of these structures is intended to provide day and night conspicuity and to assist pilots in identifying and avoiding these obstacles. In some cases, the Sponsor will also be required to initiate a NOTAM to provide additional mitigation procedures for the safe operation of the temporary obstacle due to the proximity of these aviation elements.

## 14.3 Marking Standards.

Marking is used to increase conspicuity of structures for daytime conditions. Flags are used to mark certain structures or objects when it is technically impractical to use paint. When using paint, various types of paint colors and patterns are used to mark structures and the pattern should ensure the paint contrasts with the surrounding environment.

### 14.3.1 Flag Markers.

Flag markers must be mounted at the highest point of the structure to ensure visibility. Some common examples of structures that may utilize this type of markers include, temporary construction equipment and vehicles, oil and drilling rigs, cranes, and derricks. Refer to Section 3.5.2 for full details.

1. Minimum Size. Each side of the flag marker should be at least two feet (0.61 m) in length.

2. Color Patterns. Flags should be colored as follows:

   a. Solid colored flag must be aviation orange.

b. When using two colors, arrange two triangular sections, one aviation orange and the other white to form a rectangle.

c. Flags three feet (0.91 m) or larger should be a checkerboard pattern of aviation orange and white squares, each one foot (0.30 m) plus or minus 10 percent.

3. Display. Flag markers should be displayed around, on top, or along the highest edge of the obstruction. The flag staff should be strong enough to support the flag and be higher than the surrounding ground, structures, and/or objects of natural growth.

14.3.2 Paint.

1. Ideally cranes should be painted aviation orange or alternating aviation orange and white, however with flags and/or lights, contrasting bright colors that do not merge into the surrounding environment are acceptable. Colors that camouflage with the surrounding environment (i.e., sky blue, forest green, etc.) should be avoided.
2. Refer to paragraph 3.2, Paint Standard, for details.

14.3.3 Alternative to Marking.

1. Along with, or as an alternative to paint, medium intensity white lighting can be used to make the obstacle more conspicuous during daytime conditions for structures over 200 feet AGL.
2. High intensity lighting is not recommended on temporary structures.

**14.4 Lighting Standards.**

Lighting is used to increase conspicuity of structures for day or nighttime conditions and must be visible to a pilot approaching in any direction. When a temporary structure cannot be removed from site or lowered below the no-effect height, the addition of lighting will be used to alert pilots of their presence. Generally, red lights are recommended during the hours between sunset and sunrise and periods of reduced visibility, using marking for the remainder of the time with occasional exceptions. Lights must be mounted at the highest point of the structure, and in cases of more extensive structures additional lights may be necessary at intermediate levels and furthest horizontal points (i.e., horizontal boom ends, etc.) to clarify the outline of the structure (see Figure A-31).

1. Structures 150 feet (45.72 m) AGL or less. Two or more steady-burning or flashing red (L-810/L-810 F) lights should be installed on the highest part of the structure in a manner to ensure an unobstructed view of one or more lights by a pilot.
2. Structures exceeding 150 feet (45.72 m) AGL and not more than 350 feet (106.68 m) AGL. At least one red flashing (L-864) light should be installed on the highest part of the structure and intermediate levels of one or more flashing red lights (L-810 F) should be mounted in a manner to ensure an unobstructed view of one or more lights by a pilot.

a. Mounting Intermediate Level Lights. The number of light levels required is determined by the height of the structure, including all appurtenances, as shown in, Figure A-6. The number of lights on each level is determined by the shape and width of the structure. At least two or more of these lights (L-810 F) should be mounted diagonally or on diametrically opposite positions to ensure an unobstructed view of at least one light at each level by a pilot approaching in any direction. These lights should be configured to flash simultaneously with the L-864 flashing light on the top of the structure at a rate of 30 flashes per minute (fpm) (± 3 fpm). Steady burning lights (L-810) and red flashing lights (L-864) are not used as intermediate level lights on these types of structures.

3. Structures exceeding 350 feet (106.68 m) AGL. At least one red flashing (L-864) light should be installed on the highest part of the structure in a manner to ensure an unobstructed view of one or more lights by a pilot. In addition, intermediate levels of lights of flashing red (L-864) will be required.

a. Intermediate Levels Lights. The number of light levels required is determined by the height of the structure, including all appurtenances, as shown in, Figure A-6. The number of lights on each level is determined by the shape and width of the structure. At least two or more of these lights (L-864) should be mounted diagonally or on diametrically opposite positions to ensure an unobstructed view of at least one light at each level by a pilot approaching in any direction. These lights should be configured to flash simultaneously with the L-864 flashing light on the top of the structure at a rate of 30 flashes per minute (fpm) (± 3 fpm). Steady burning lights are not used on these types of structures.

14.4.1 Construction Cranes or Rigs (Oil and Drilling).

When a crane or rig cannot be removed from site or lowered below the no-effect height, the addition of lighting will be used to alert pilots of their presence during the hours between sunset and sunrise and periods of reduced visibility. Lights must be mounted at the highest point, and in cases of more extensive structures additional lights may be necessary at intermediate levels and furthest horizontal (i.e., horizontal boom ends, etc.) points to clarify the outline of the structure (see Figure A-32).

1. Systems. Steady burning and flashing red lights (L-864/L-810) may be used to light cranes and rigs. High-intensity lights (L-856) are not recommended.

2. Display. The flashing light (L-864) should be displayed on the highest point, and the steady light (L-810) at the ends of boom, and other various locations along the top of the structure to best define the outline. Additionally, in certain cases, intermediate level lighting or sidelights (L-810) may be required. For construction cranes with angular booms, the lights must be mounted on a pivot axis so the fixture remains level when the boom tilts to ensure the lights remain level and is not obscured by the structure.

3. Exceptions.

   a. Architectural lighting or floodlights may be used in addition to, but not in place of, standard lighting provided they do not cause an adverse effect on the obstruction light fixture's photometrics and do not result in an obscured view of one of more obstruction lights by a pilot.

   b. In some cases, the boom or rig may be lowered below the no-effect height or removed from site, and nighttime lighting is not required.

14.4.2 Container Cranes.

1. These structures are generally used in brightly lit areas, however lighting must be used to alert pilots of the current configuration and presence of the obstruction during the hours between sunset and sunrise and periods of reduced visibility. Extensive structures require additional lights at intermediate levels and furthest horizontal points, (i.e., horizontal boom ends, etc.), as well as horizontal mid-points as necessary, to clarify the outline of the structure for pilots approaching from any direction.

2. Systems. Medium intensity white lights (L-865) may be used, however high-intensity lights (L-856) are not recommended.

3. Display. The lights should be displayed on the highest point, ends of boom, and other various ways to best define the size and shape of the structure. Lights must be mounted at the highest point at all times during usage. For large container cranes with angular booms, the lights must be mounted on a pivot axis so the fixture remains level when the boom tilts to ensure the lights remain level and is not obscured by the structure (see Figure A-33).

4. Exceptions. Architectural lighting or floodlights may be used in addition to, but not in place of, standard lighting provided they do not cause an adverse effect on the obstruction light fixture's photometrics and do not result in an obscured view of one of more obstruction lights by a pilot.

## 14.5 Operational Characteristics.

When using flashing lights, the lights should flash simultaneously.

# CHAPTER 15. MARKING AND LIGHTING EQUIPMENT AND INFORMATION

## 15.1 Purpose.

This chapter lists documents relating to obstruction marking and lighting systems and where they may be obtained.

## 15.2 Paint Standard.

15.2.1 Paint and aviation colors/gloss, referred to in this AC, with the exception of wind turbines, should conform to Aerospace Material Specification Standard, SAE-AMS- STD-595, *Colors Used in Government Procurement*, previously known as FED-STD- 595 (cancelled February 14, 2017). Wind turbines must meet the standards in Chapter 13, paragraph 13.4, of this AC.

15.2.2 Approved colors must be formulated without using lead, zinc chromate, or other heavy metals to match international aviation orange, white, and yellow, as listed in Table 3-1. All coatings must be manufactured and labeled to meet Federal Environmental Protection Act Volatile Organic Compound(s) guidelines, including the National Volatile Organic Compound Emission Standards for architectural coatings.

1. Exterior Acrylic Waterborne Paint. Coatings should be ready-mixed, 100 percent acrylic, exterior latex formulated for application directly to galvanized surfaces. Ferrous iron and steel or non-galvanized surfaces must be primed with a manufacturer-recommended primer compatible with the finish coat.

2. Exterior Solvent-Borne Alkyd-Based Paint. Coatings should be ready-mixed, alkyd-based, exterior enamel for application directly to non-galvanized surfaces, such as ferrous iron and steel. Galvanized surfaces must be primed with a manufacturer-recommended primer compatible with the finish coat.

**Table 15-1. Aerospace Material Specification Standard, SAE-AMS-STD-595**

| Color | Number |
|---|---|
| Orange | EA 12197 |
| White | EA 17875 |
| Yellow | EA 13538 |

## 15.3 Availability of Specifications and Advisory Circulars.

1. Federal and military specifications describing the technical characteristics of various paints and their application techniques are available through the ASSIST Database at https://assist.dla.mil/online/start/. ASSIST is a robust, comprehensive website used by standardization management activities to develop, coordinate, distribute, and manage defense and federal specifications and standards, military handbooks, commercial item descriptions, data item descriptions, and related technical documents prepared in accordance with the policies and procedures of the Defense Standardization Program (DSP).
2. For Federal Product Description line items only (for download, refer to ASSIST), use the following Uniform Resource Locator (URL):

   https://www.gsa.gov/buying-selling/purchasing-programs/requisition- programs/gsa-global-supply/supply-standards/index-of-federal- specifications-standards-and-commercial-item-descriptions.

3. Copies of FAA Advisory Circulars may be obtained online at:

   https://www.faa.gov/regulations_policies/advisory_circulars/

## 15.4 Lights and Associated Equipment Standards.

The lighting equipment referred to in this AC should conform to the latest edition of one of the following specifications, as applicable:

1. Obstruction Lighting Equipment.
   a. AC 150/5345-43, *FAA Specification for Obstruction Lighting Equipment*.
   b. Military Specifications MIL-L-6273, *Light, Navigational, Beacon, Obstacle, or Code, Type G-1*.
   c. Military Specifications MIL-L-7830, *Light Assembly, Marker, Aircraft Obstruction*.
2. Certified Equipment.
   a. AC 150/5345-53, *Airport Lighting Certification Program*, lists the manufacturers that have demonstrated compliance with the specification requirements of AC 150/5345-43, *FAA Specification for Obstruction Lighting Equipment*.
   b. Other manufacturers' equipment may be used provided the equipment meets the specification requirements of AC 150/5345-43, *FAA Specification for Obstruction Lighting Equipment*.
3. Airport Lighting Installation and Maintenance.

   AC 150/5340-30, *Design and Installation Details for Airport Visual Aids*.

4. Vehicles and Structures.

   a. AC 150/5210-5, *Painting, Marking, and Lighting of Vehicles Used on an Airport*, contains provisions for marking vehicles principally used on airports.

   b. FAA Standard FAA-STD-003, *Paint Systems for Structures.* Obstruction marking for FAA facilities must conform to FAA Drawing Number D-5480 (page 39 of 42).

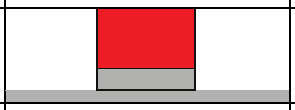
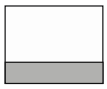
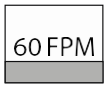
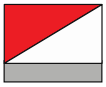
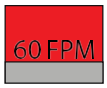
## 15.5 Availability of Military Specifications.

The military standards and specifications listed above may be obtained from:

DAP/DODSSP
Building 4, Section D
700 Robbins Avenue
Philadelphia, PA 19111-5904
Telephone: (215) 737-8000
FAX: (215) 737-7155

URL: https://quicksearch.dla.mil/ (ASSIST Database)

# APPENDIX A: SPECIFICATIONS FOR OBSTRUCTION LIGHTING EQUIPMENT CLASSIFICATION

| Type | Symbol | Description |
|---|---|---|
| **L-810**<br>**L-810 F** | | Steady-Burning or Flashing (30 FPM) - RED<br>Single Obstruction Light |
| **L-810**<br>**L-810 F** | | Steady-Burning or Flashing (30 FPM) – RED<br>Double Obstruction Light |
| **L-856** | | High-Intensity Flashing – WHITE<br>Obstruction Light (40 FPM) |
| **L-857** | | High-Intensity Flashing – WHITE<br>Catenary Light (60 FPM) |
| **L-864** |  | Medium-Intensity Flashing – RED<br>Obstruction Light (20-40 FPM)(30 FPM when used with L-810 F) |
| **L-865** |  | Medium-Intensity Flashing – WHITE<br>Obstruction Light (40-FPM) |
| **L-866** |  | Medium-Intensity Flashing - WHITE<br>Catenary Light (60-FPM) |
| **L-864/L-865** |  | Medium-Intensity Flashing Dual – RED / WHITE<br>Obstruction Light (20-40 FPM)<br>Obstruction Light (40 FPM) |
| **L-885** |  | Flashing Obstruction Light - RED<br>Obstruction Light (60 FPM) |

FPM = Flashes Per Minute

**Table A-1. FAA-Approved Obstruction Lighting Fixtures**

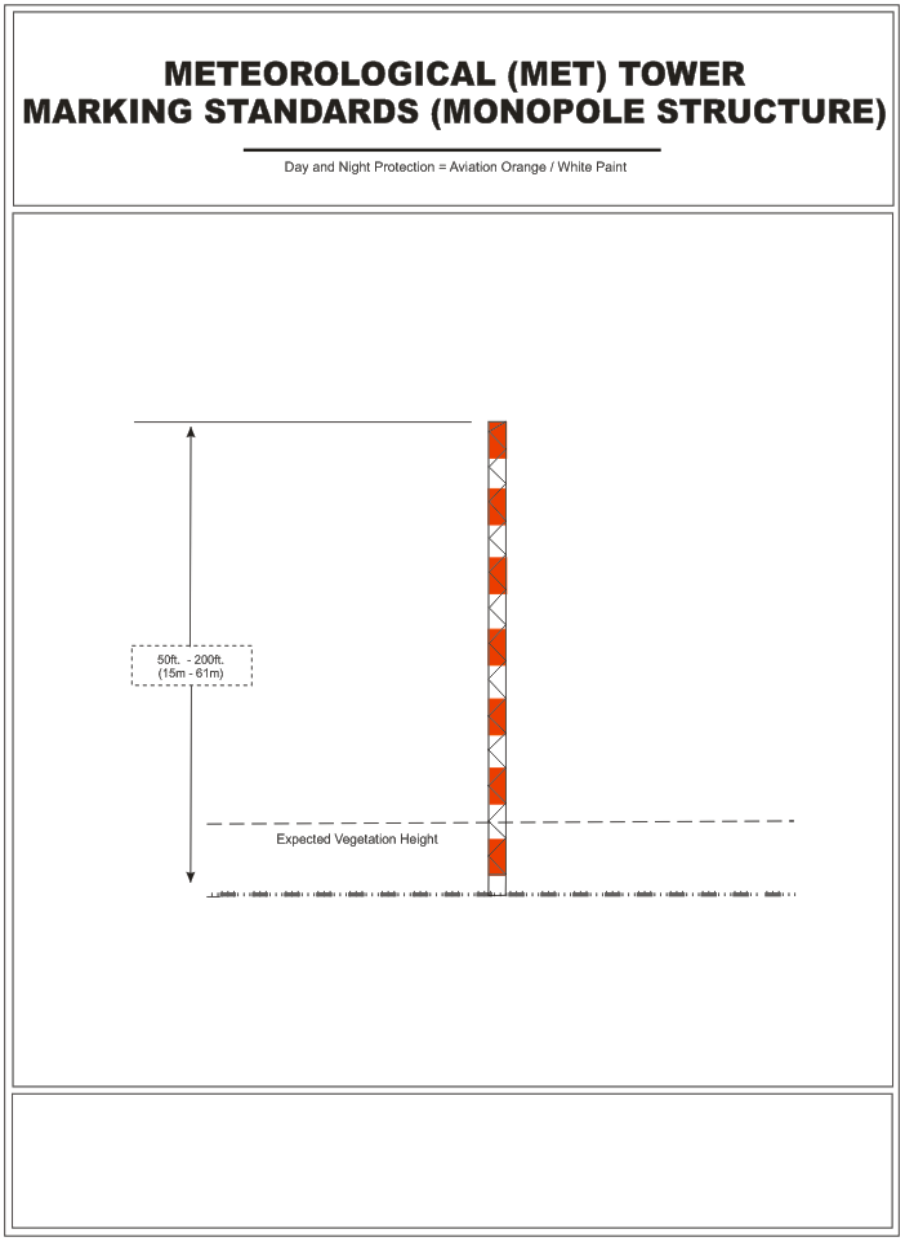



**Figure A-1. Meteorological Evaluation Tower (MET) Marking Standards (Monopole Structure)**

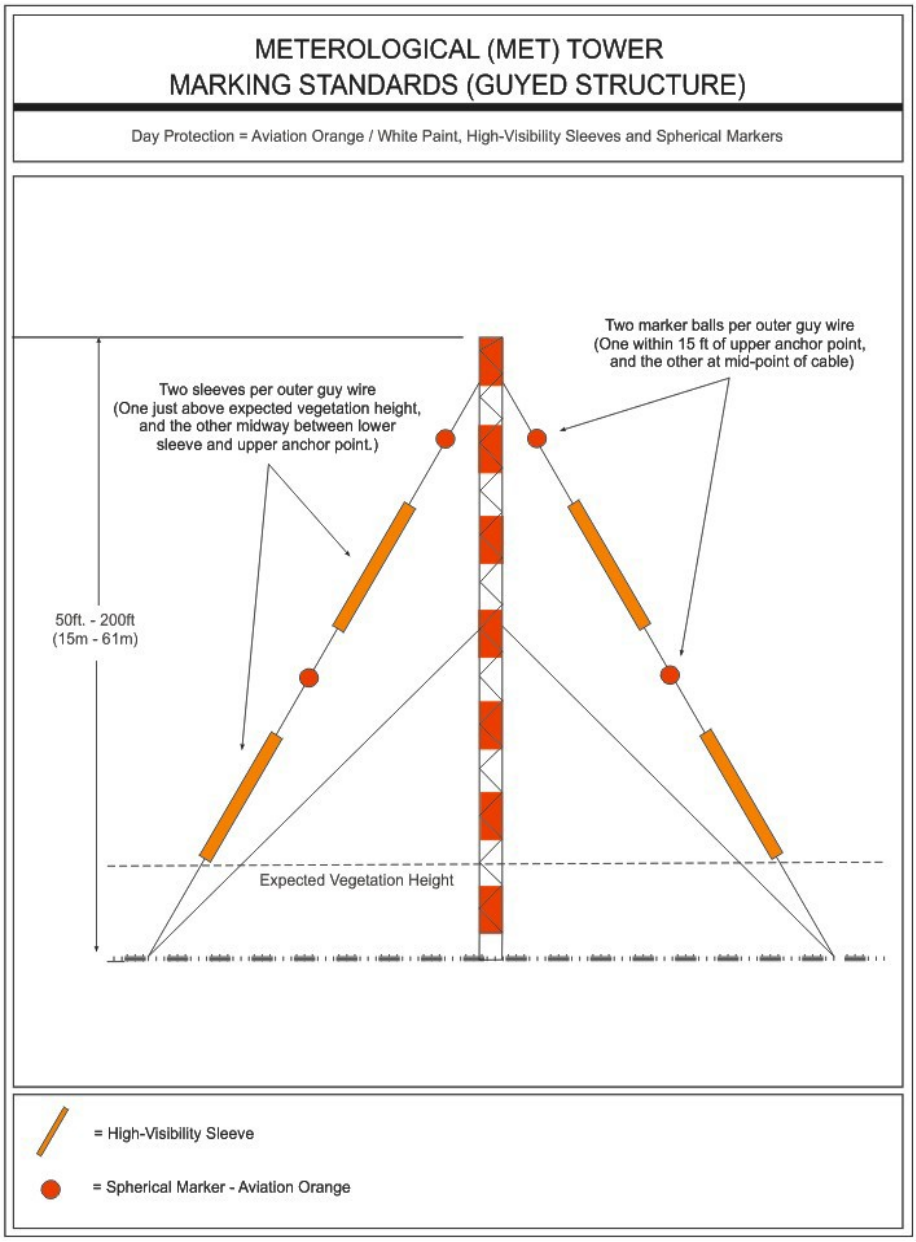



**Figure A-2. Meteorological Evaluation Tower (MET) Marking Standards (Guyed Structure)**

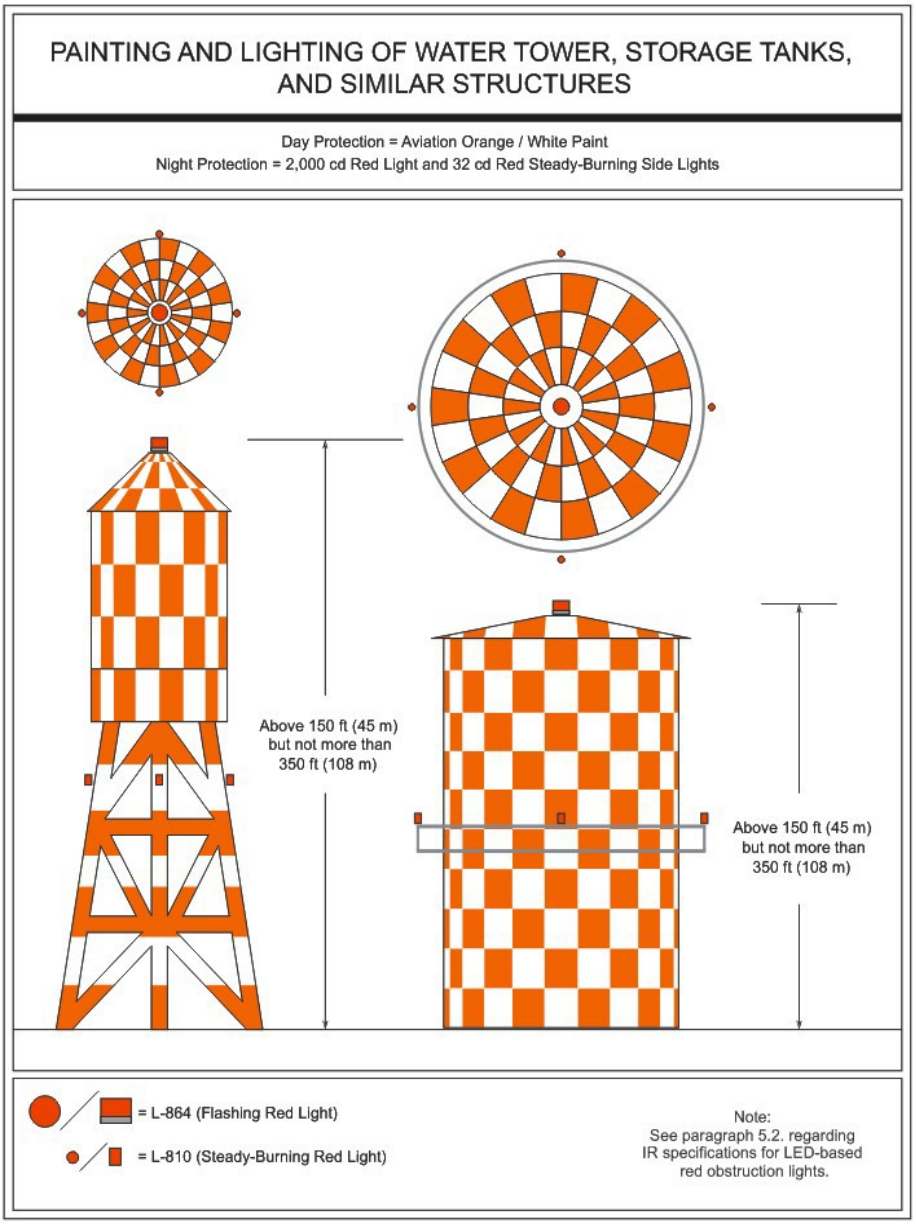



**Figure A-3. Painting and Lighting of Water Towers, Storage Tanks, and Similar Structures**

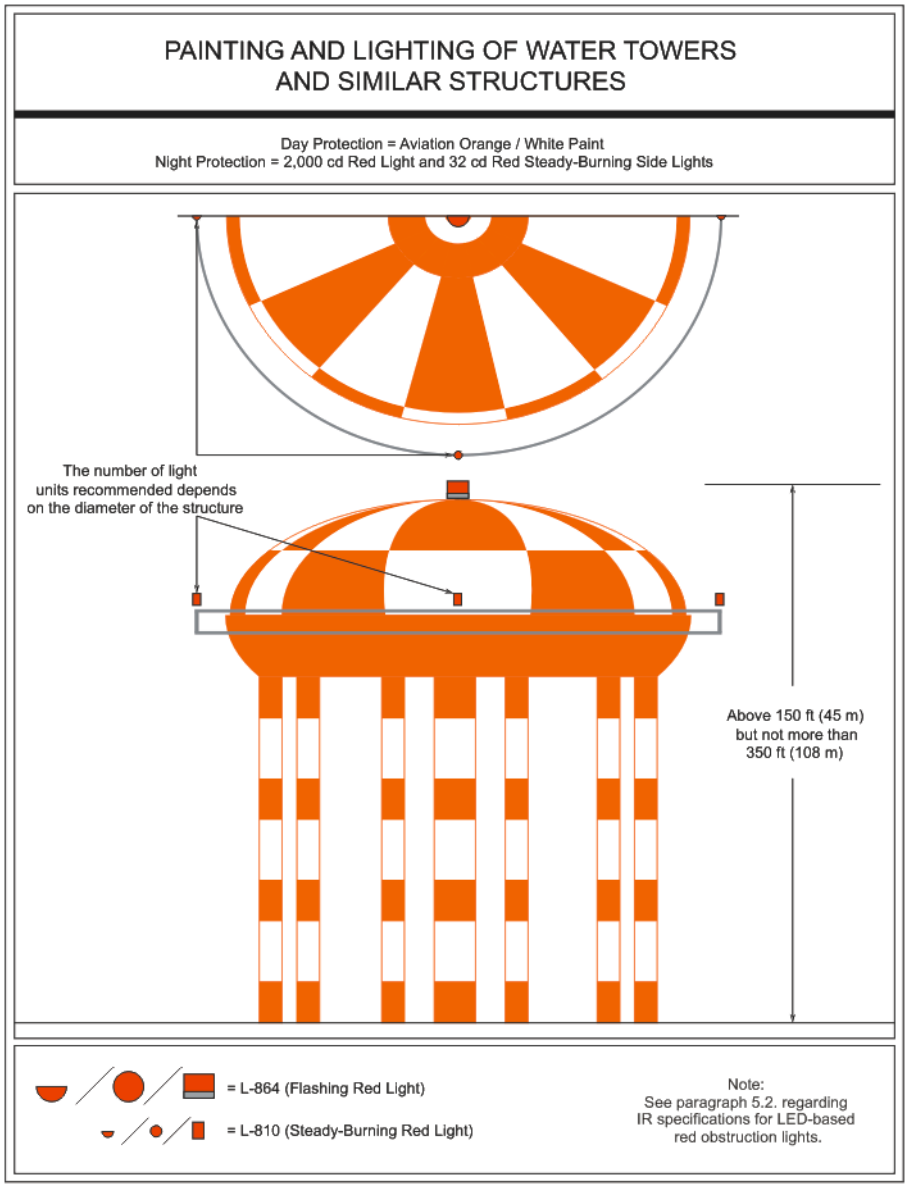



**Figure A-4. Painting and Lighting of Water Towers and Similar Structures**

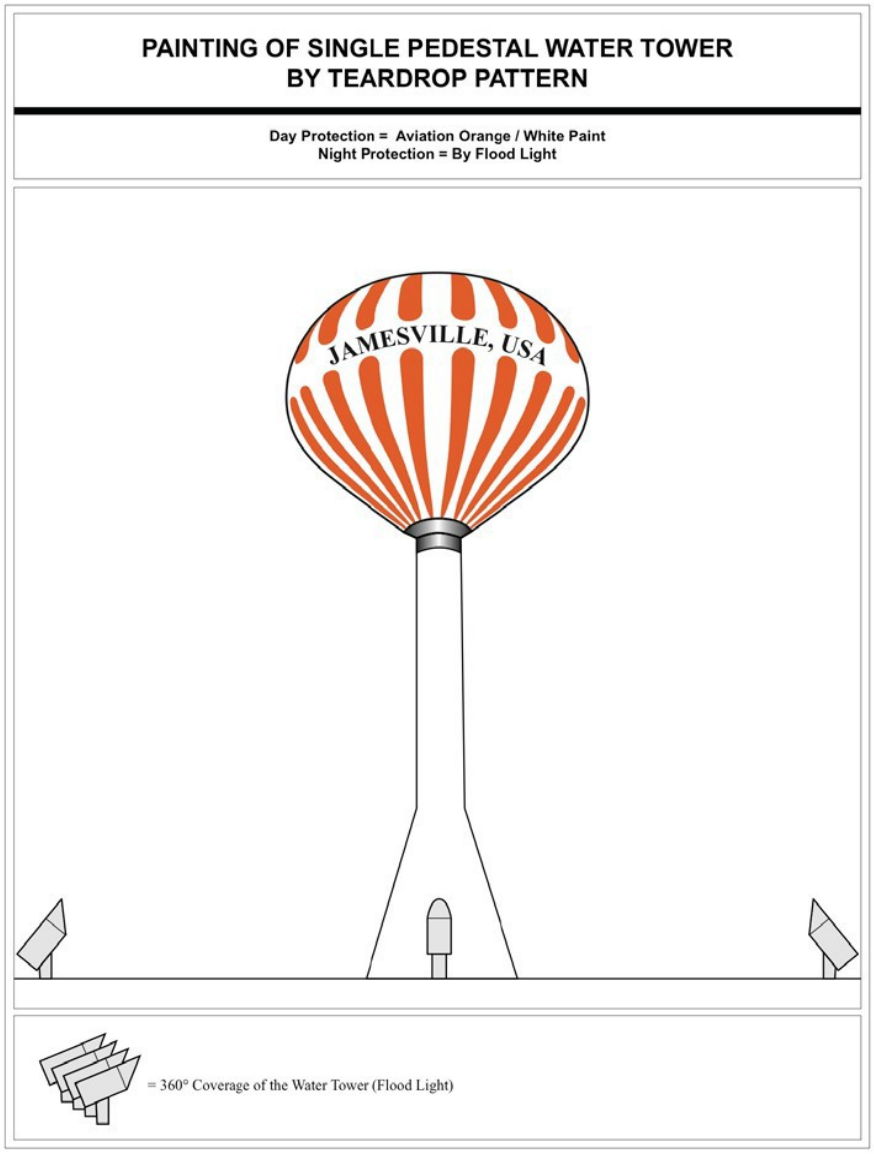



**Figure A-5. Painting a Single Pedestal Water Tower Using the Teardrop Pattern**

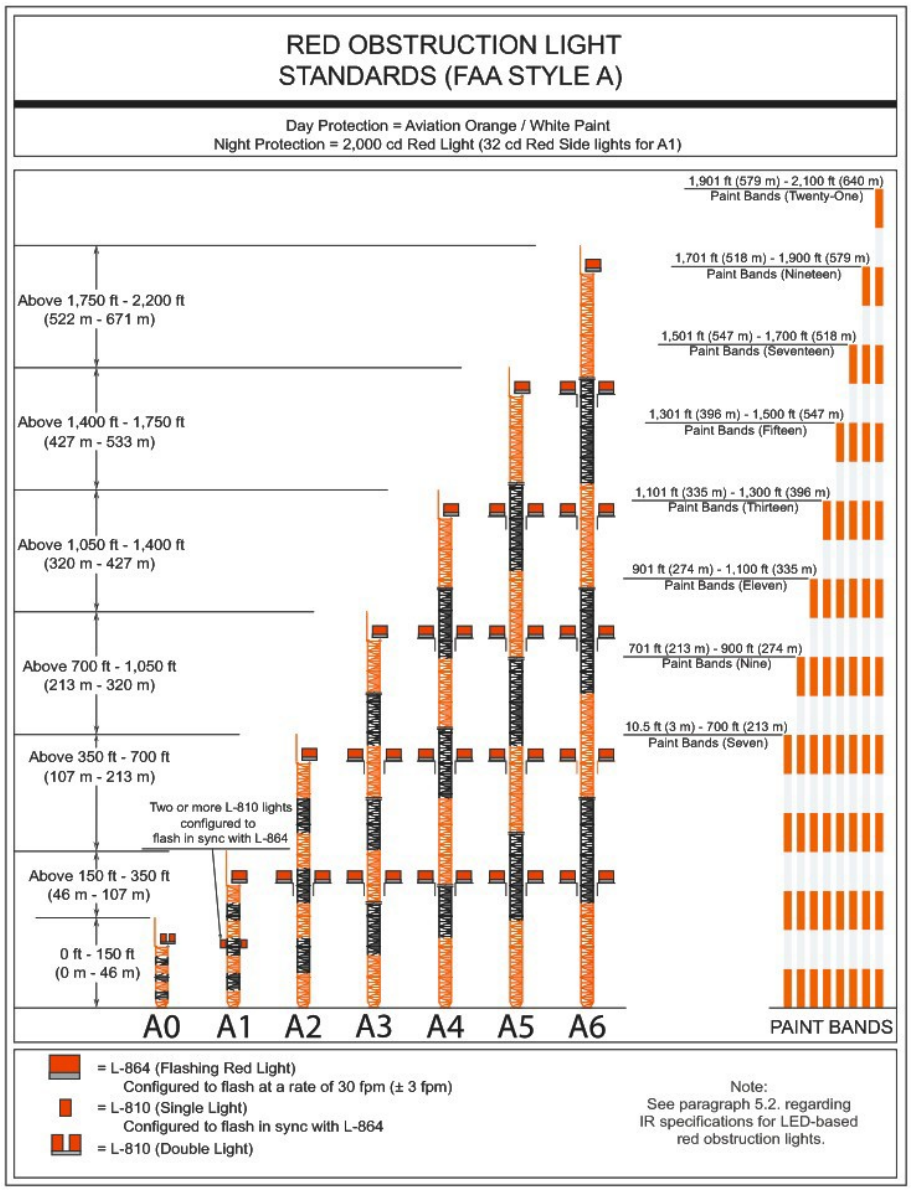



**Figure A-6. Red Obstruction Light Standards (FAA Style A)**

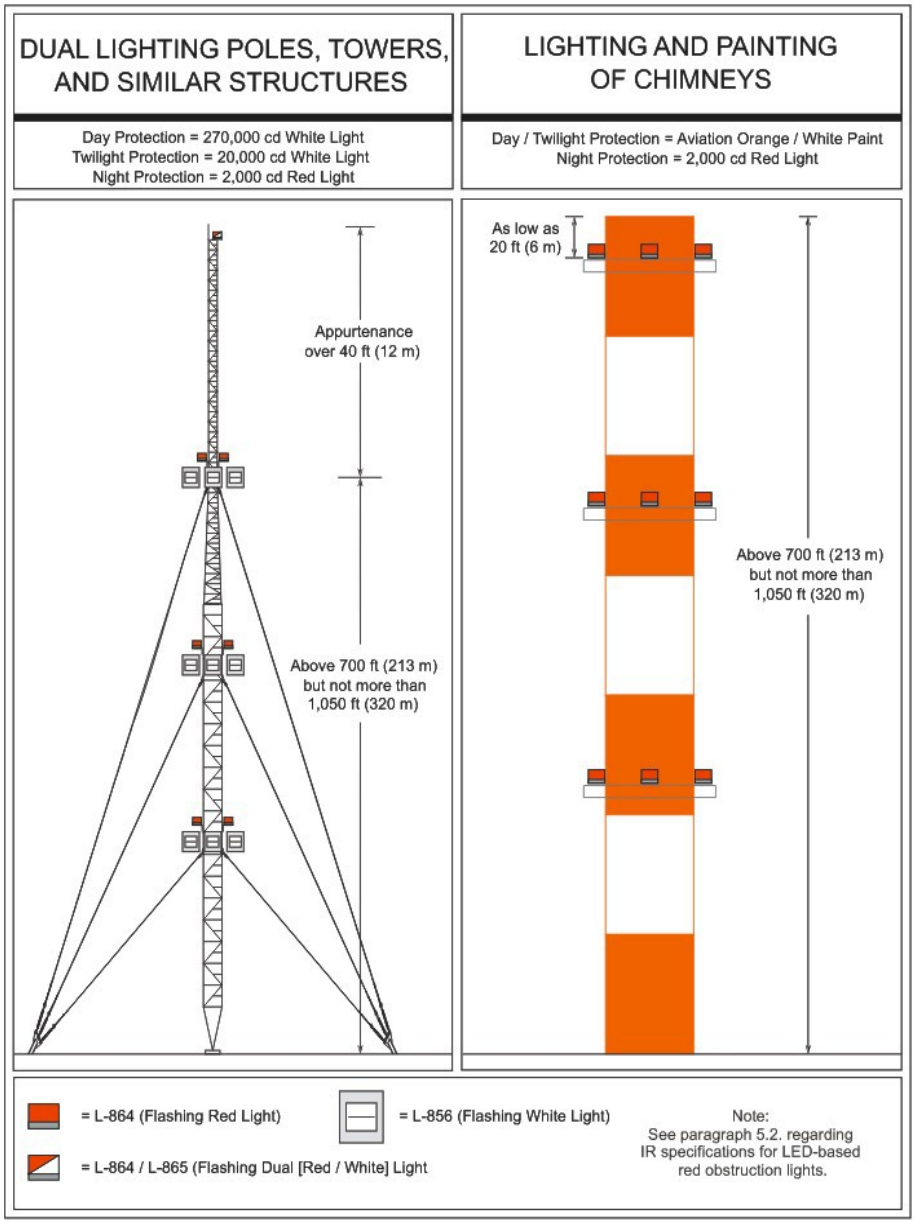



**Figure A-7. Dual Lighting of Poles, Towers, and Similar Structures/Lighting and Painting of Chimneys**

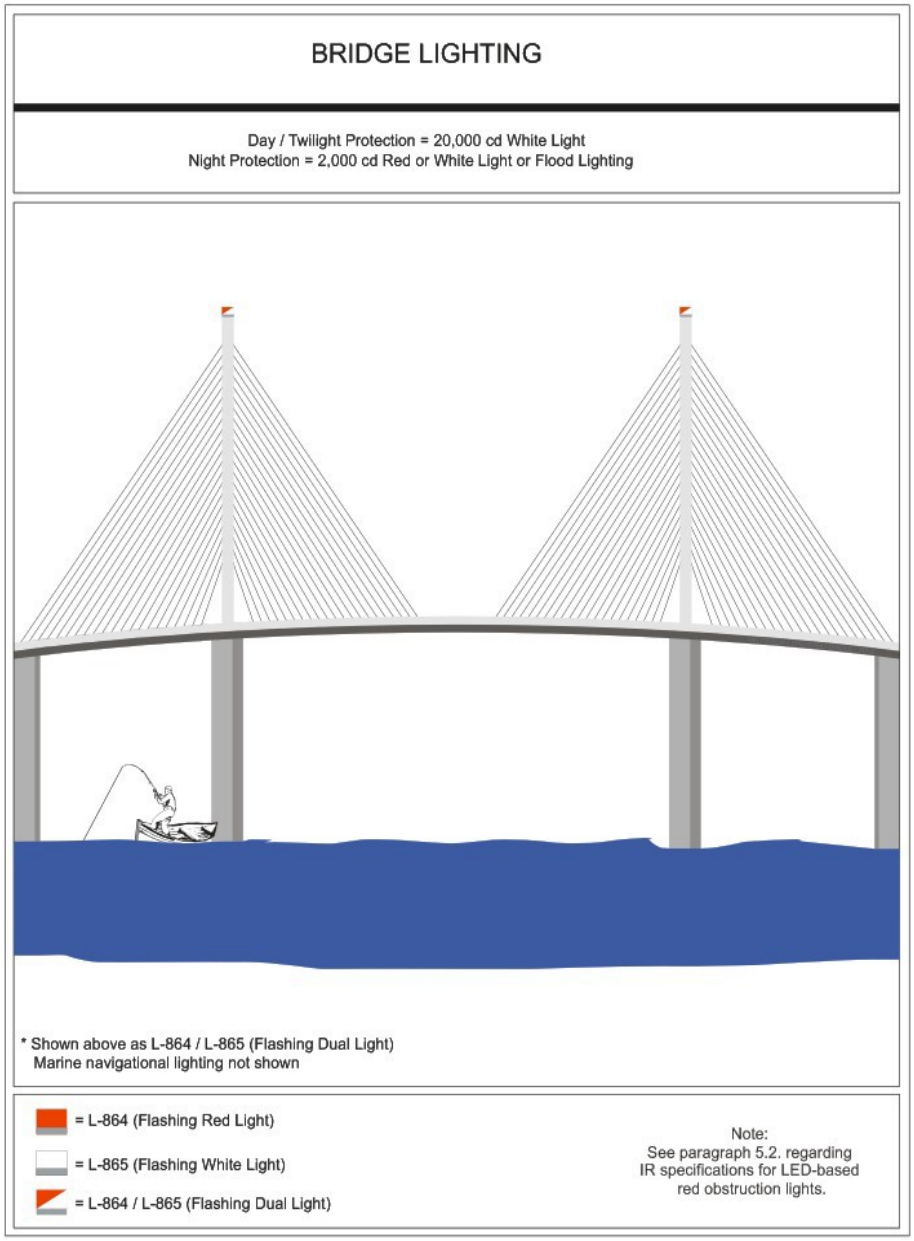



**Figure A-8. Bridge Lighting**

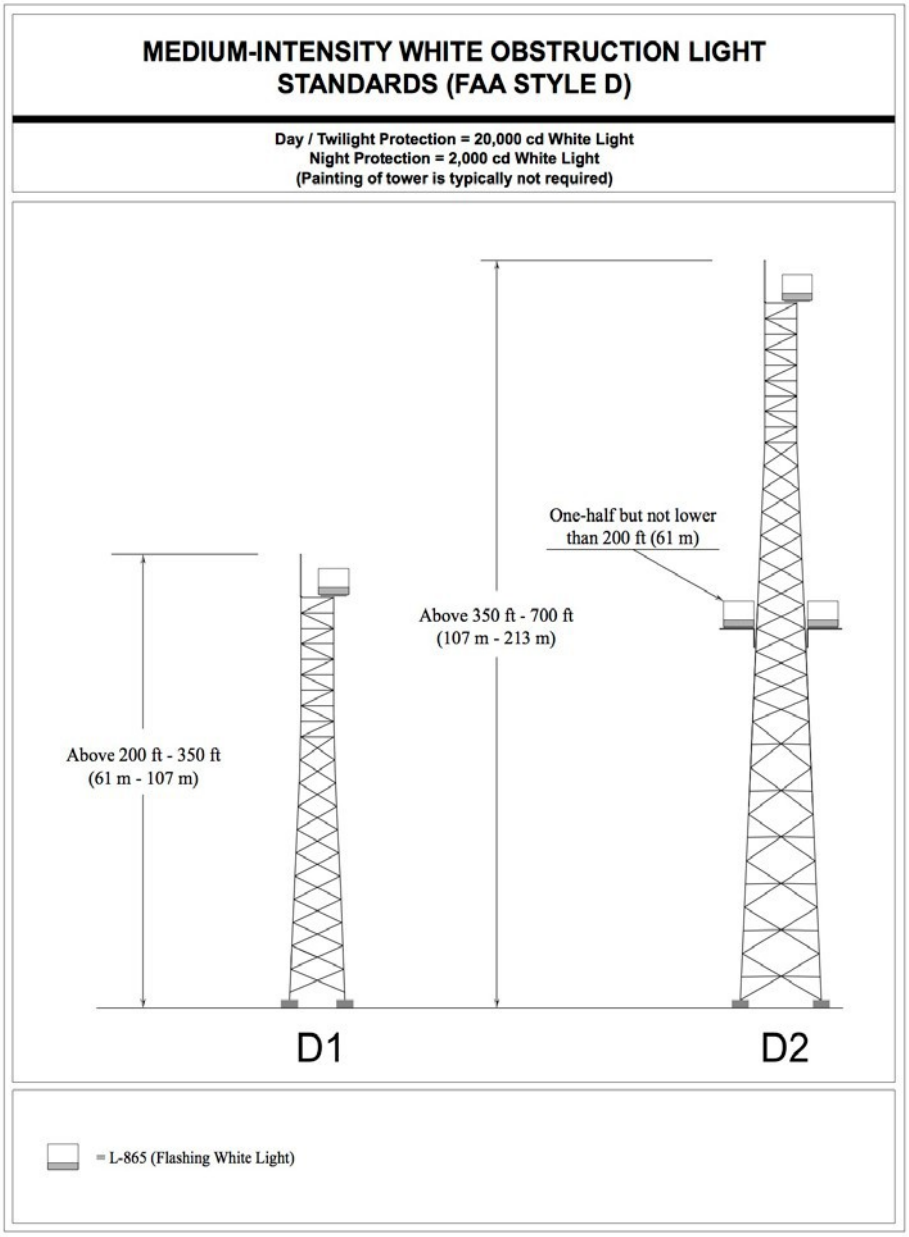



**Figure A-9. Medium-Intensity White Obstruction Light Standards (FAA Style D)**

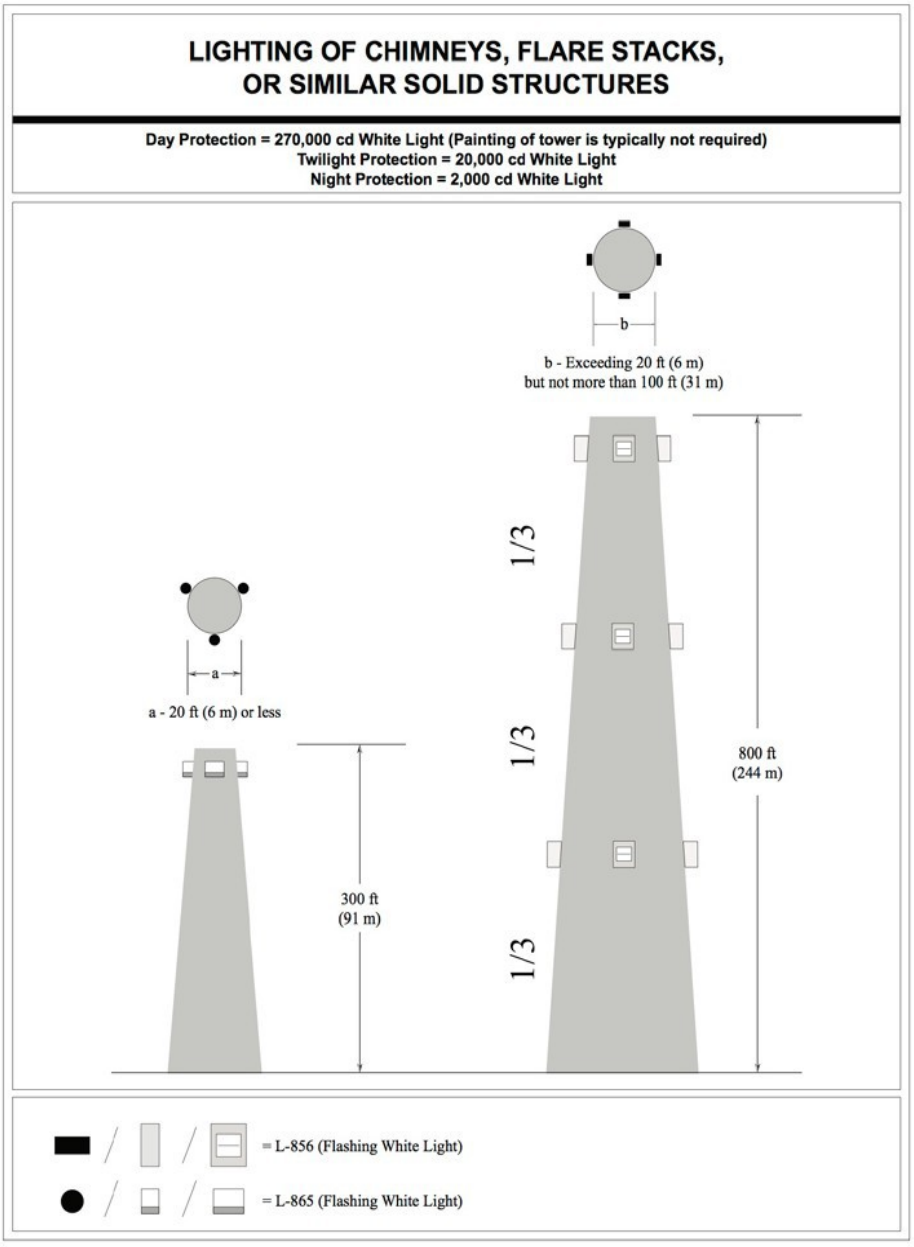



**Figure A-10. Lighting of Chimneys, Flare Stacks, or Similar Solid Structures**

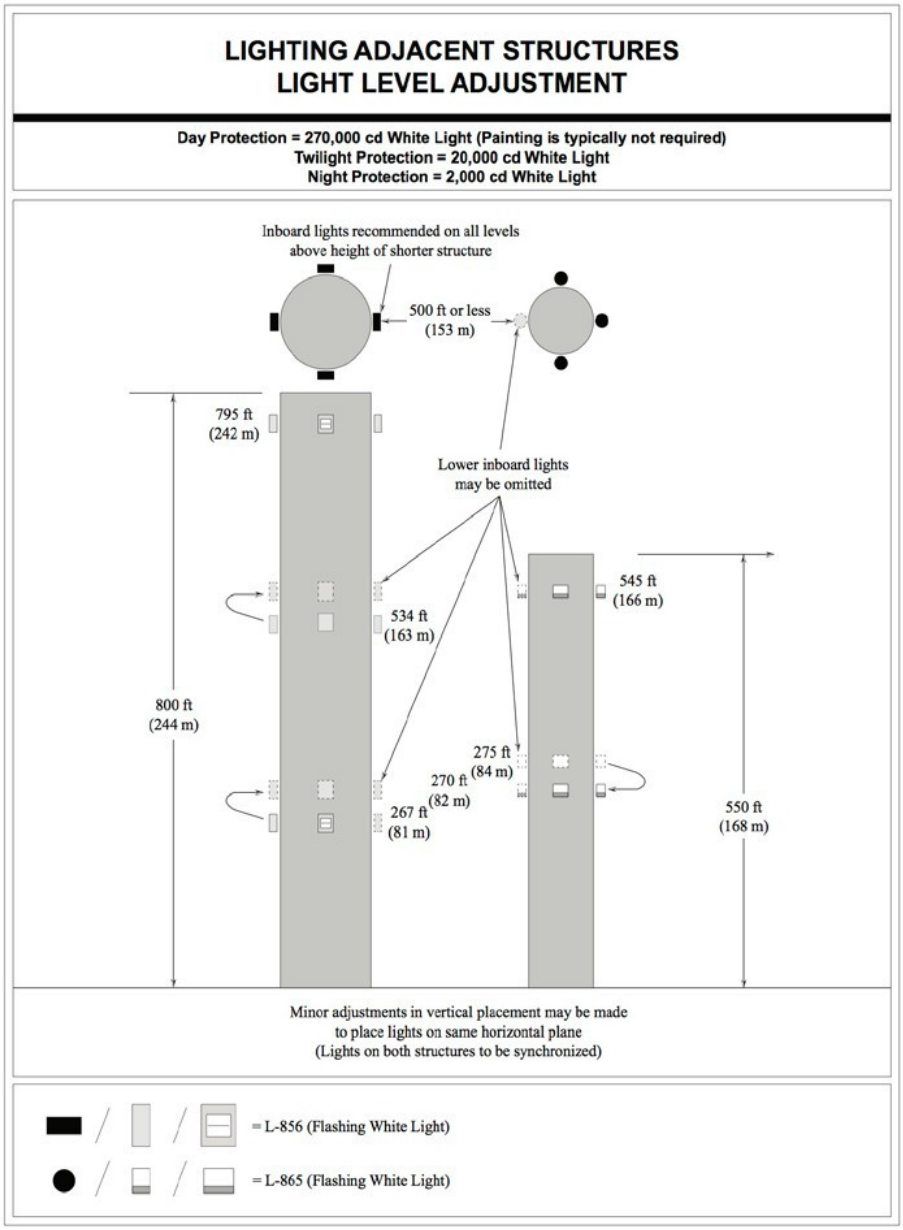



**Figure A-11. Lighting Adjacent Structures—Light Level Adjustment**

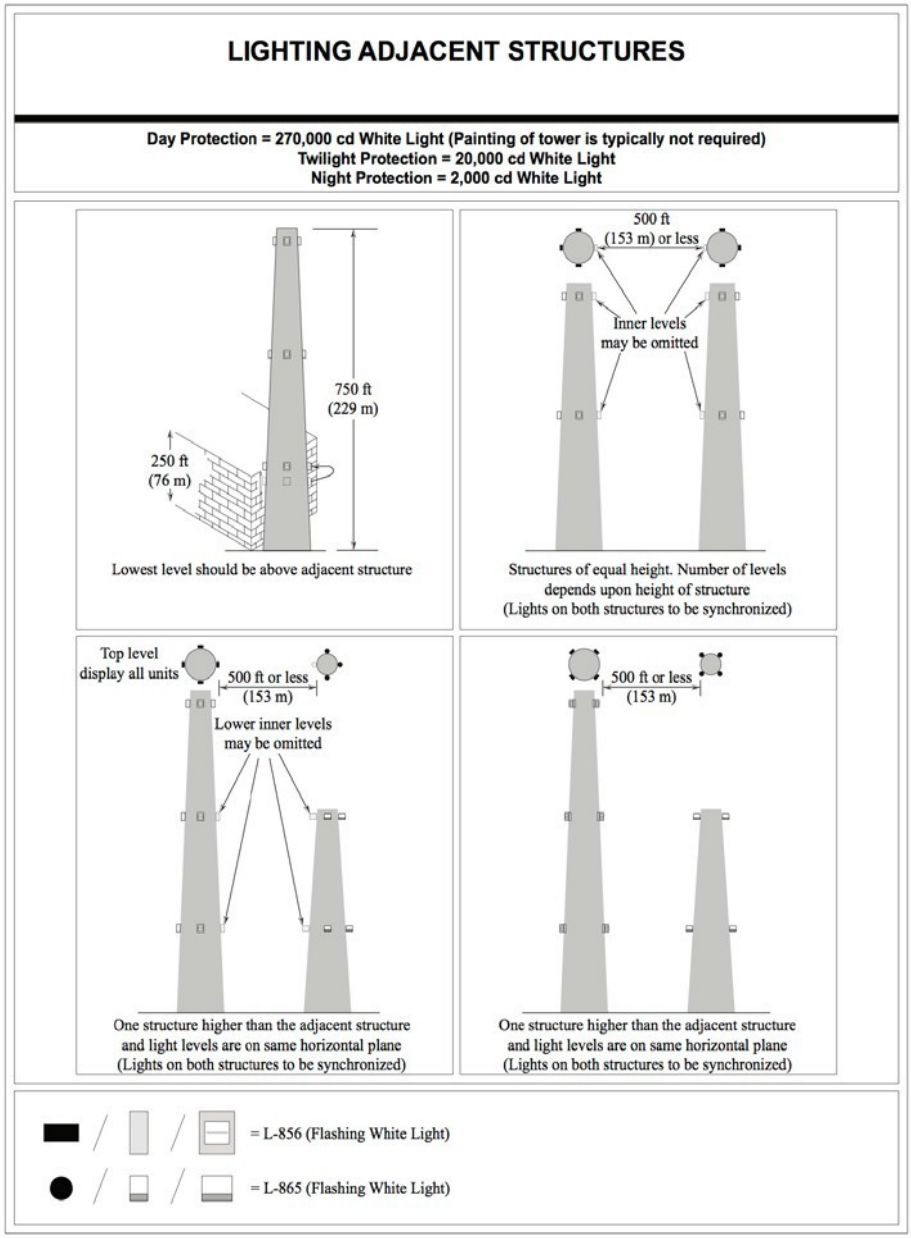



**Figure A-12. Lighting Adjacent Structures**

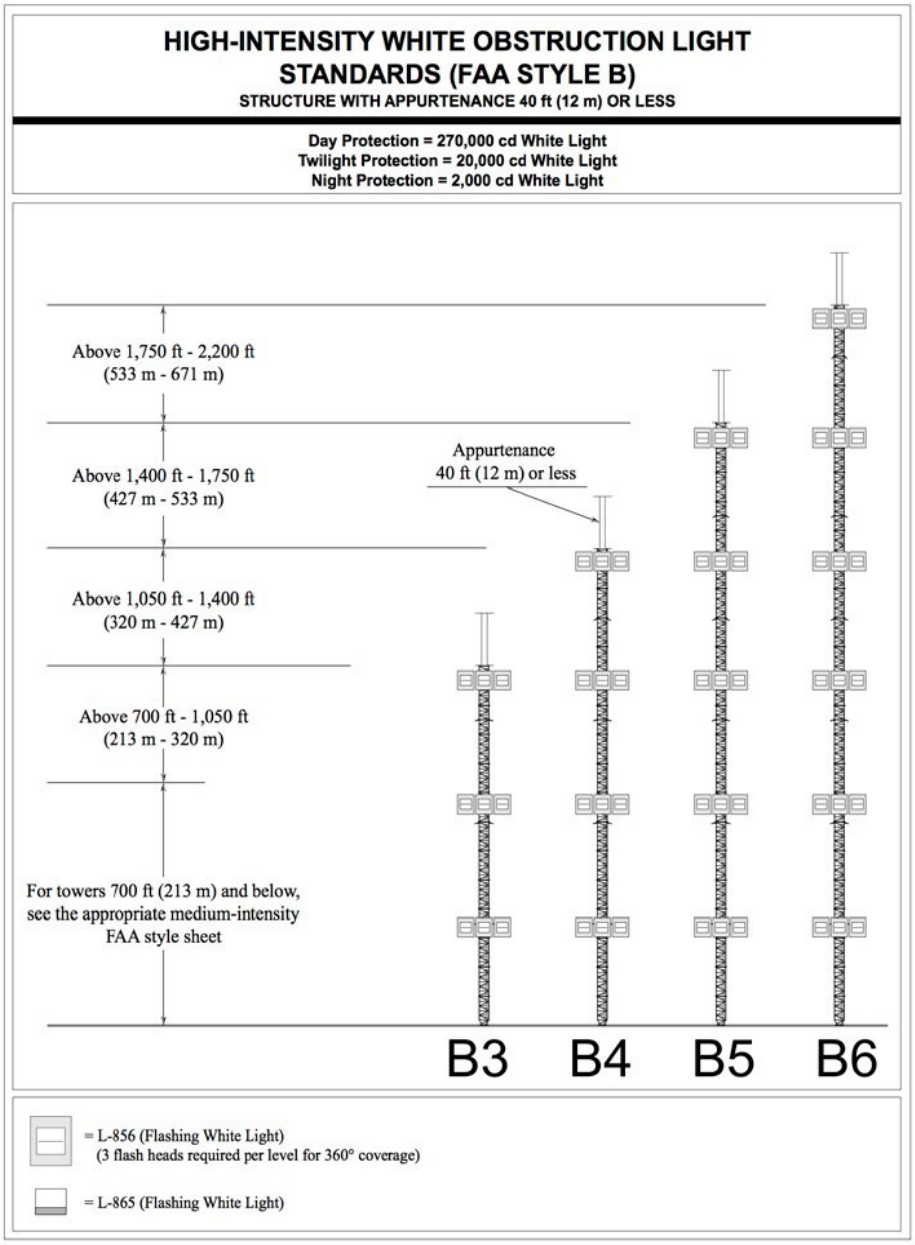



**Figure A-13. High-Intensity White Obstruction Light Standards (FAA Style B)—With Appurtenance 40 Feet or Less**

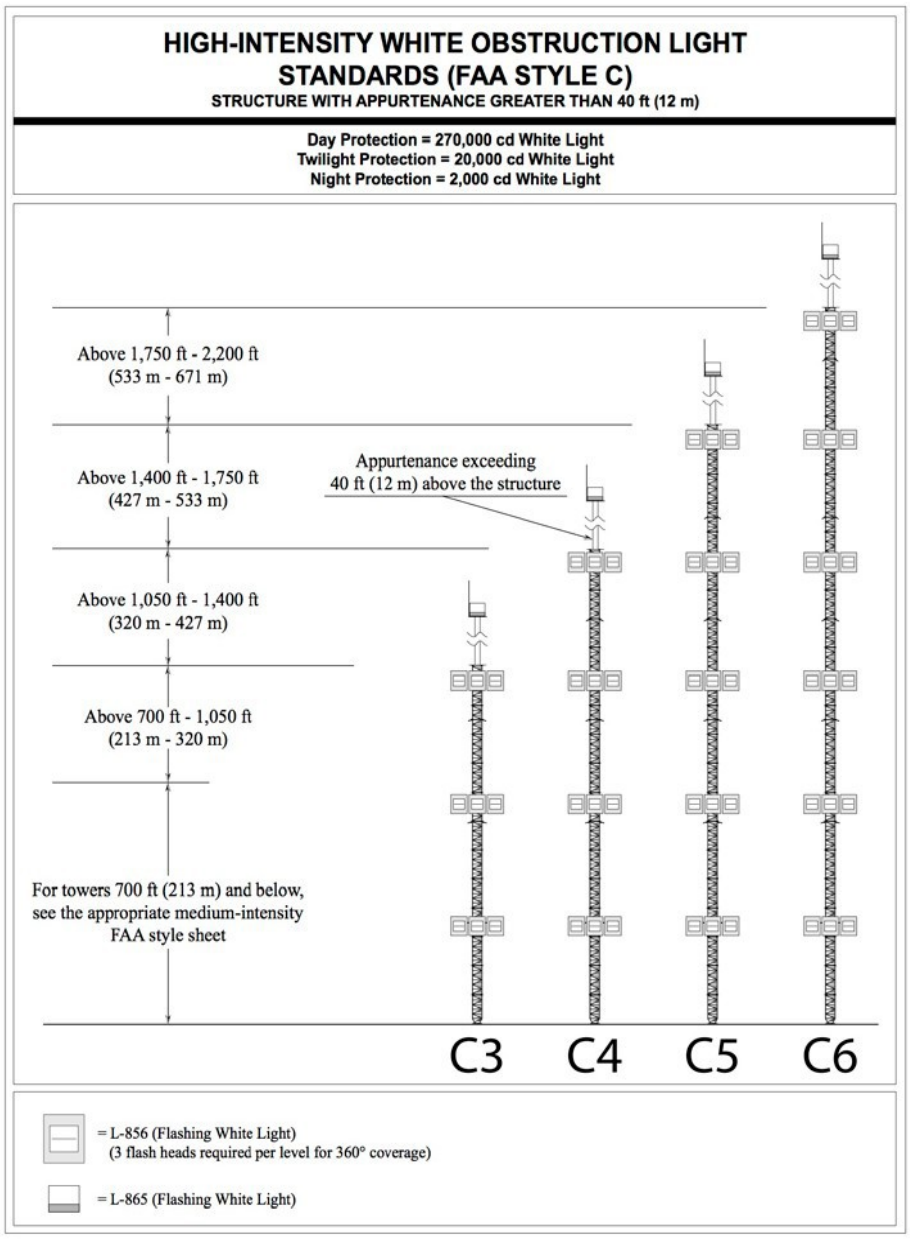



**Figure A-14. High-Intensity White Obstruction Light Standards (FAA Style C)—With Appurtenance Over 40 Feet High**

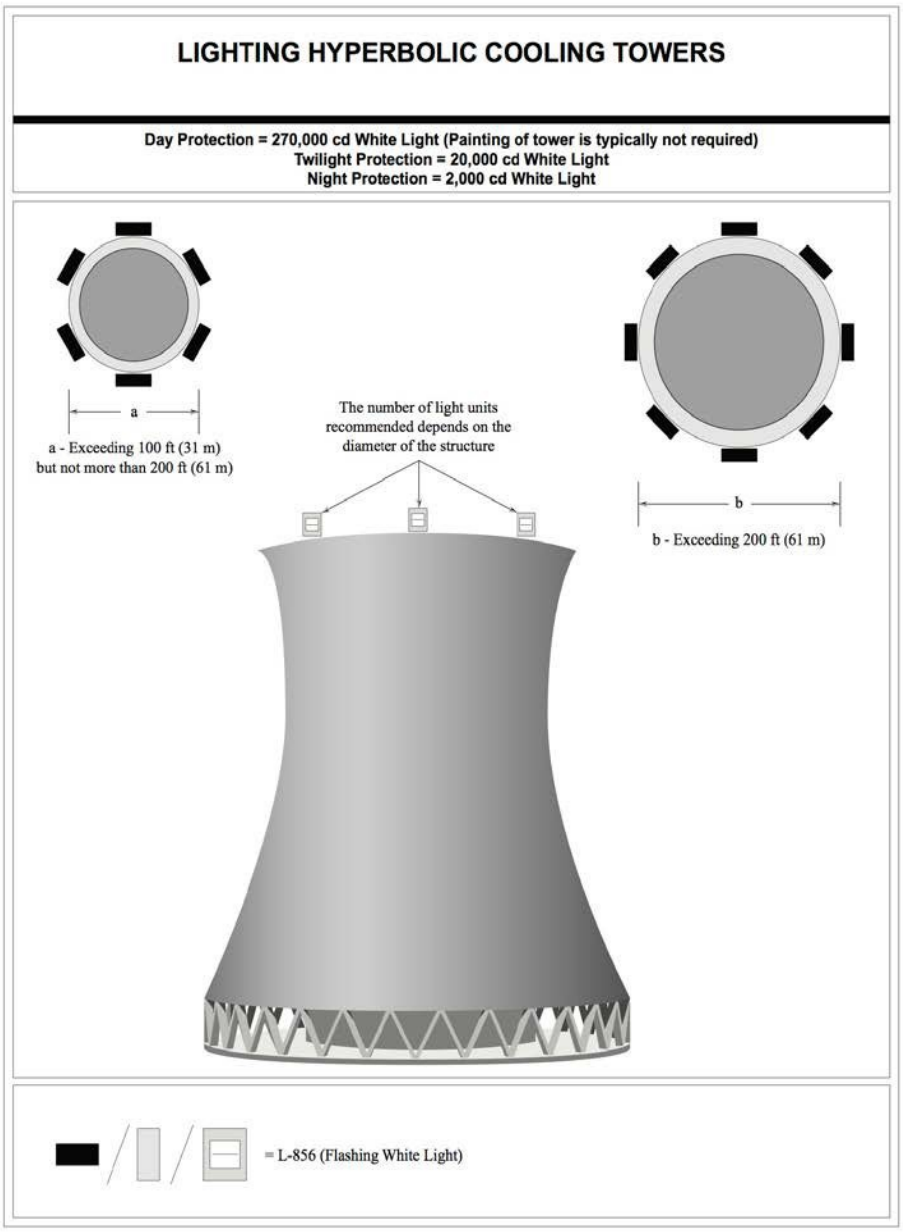



**Figure A-15. Lighting Hyperbolic Cooling Tower**

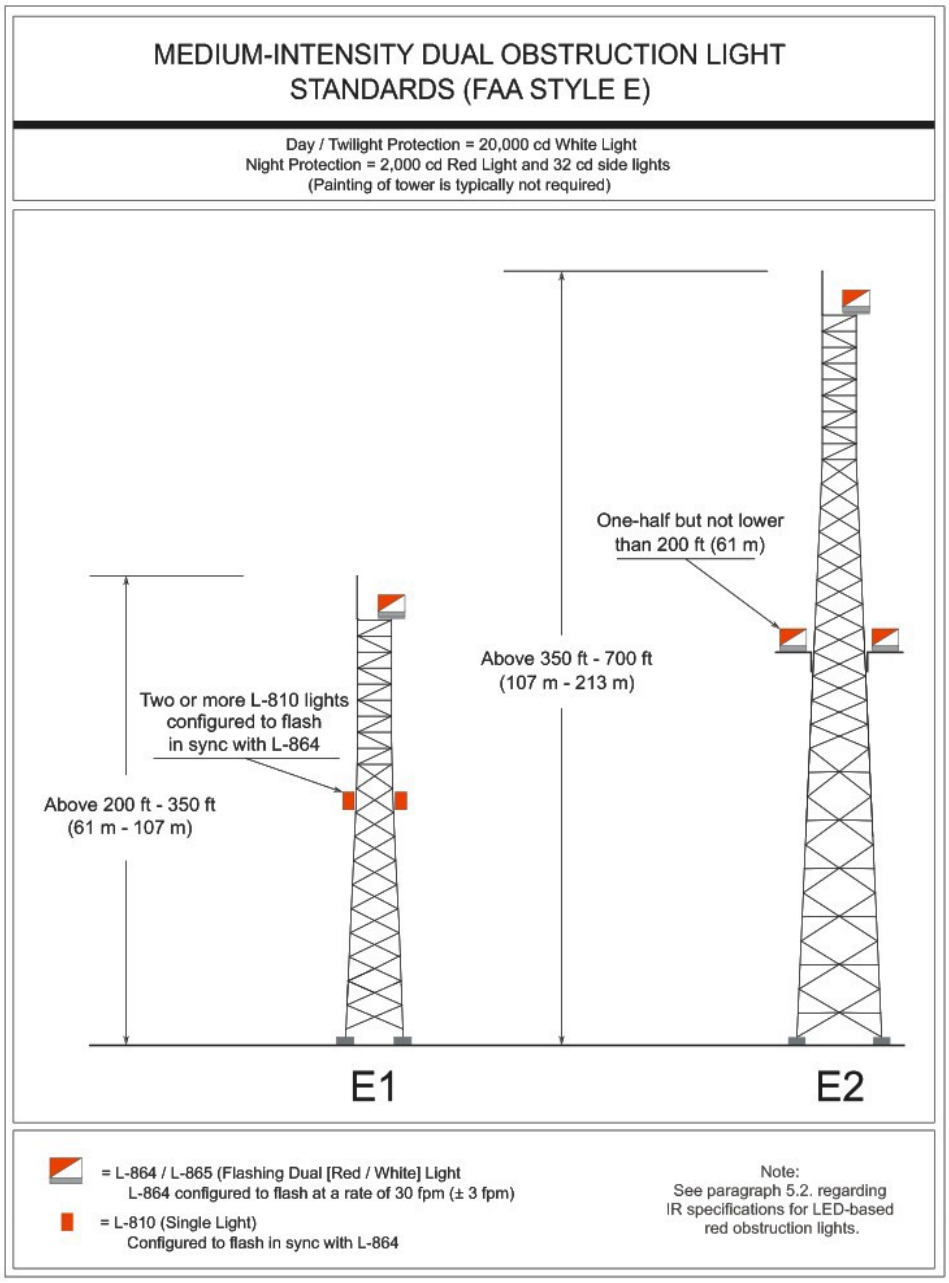



**Figure A-16. Medium-Intensity Dual Obstruction Light Standards (FAA Style E)**

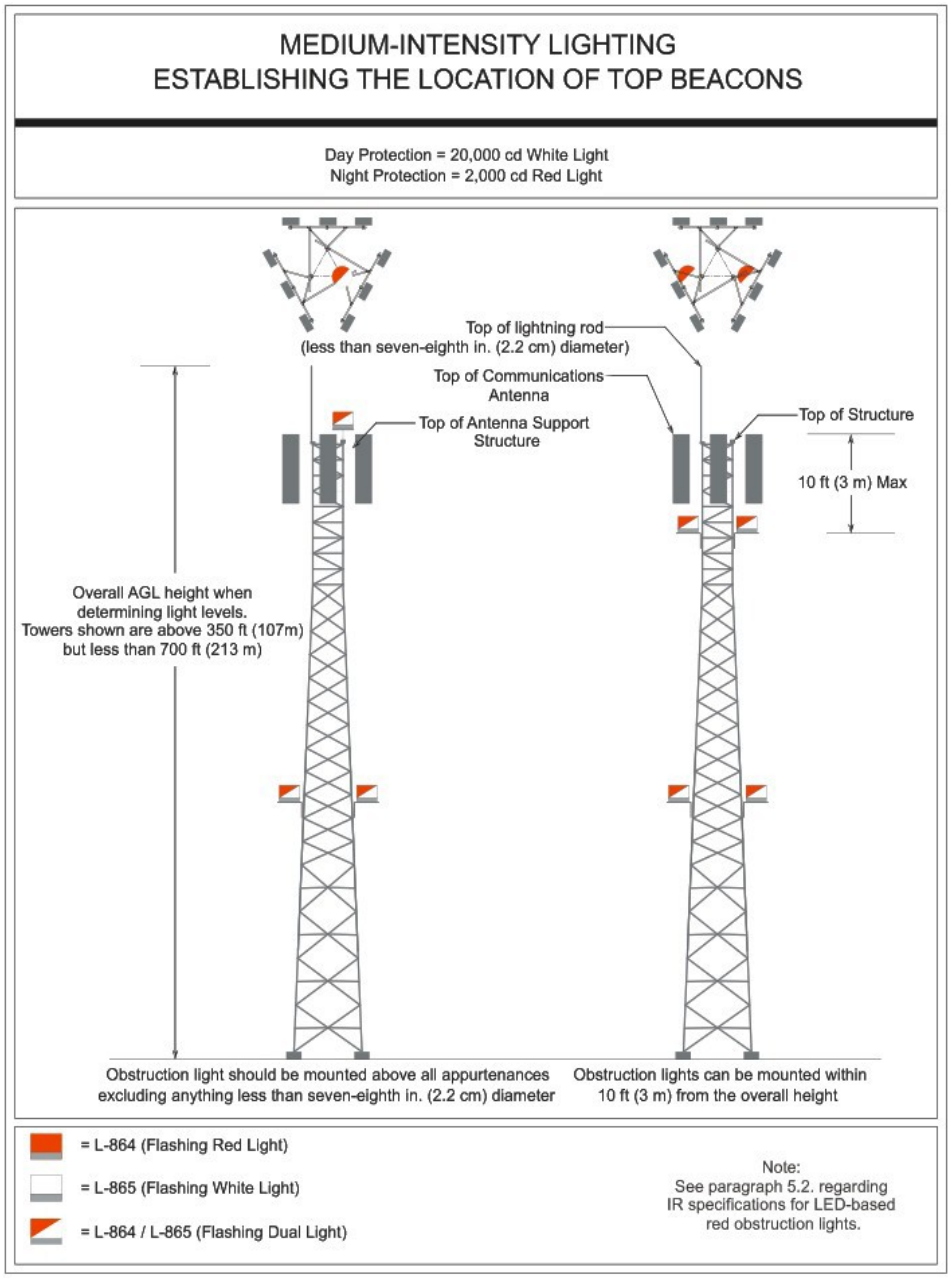



**Figure A-17. Medium-Intensity Lighting—Establishing the Location of Top Beacons**

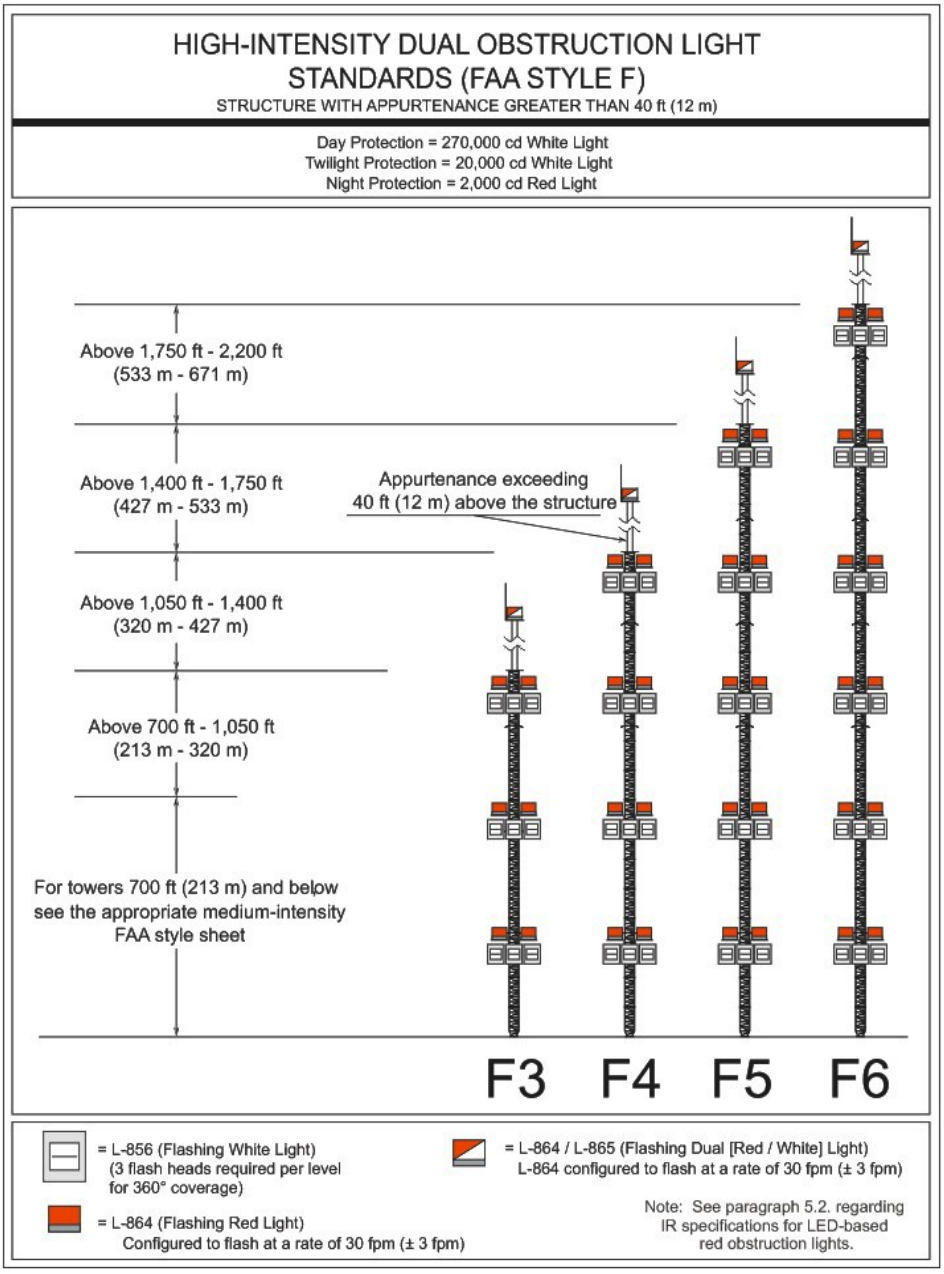



**Figure A-18. High-Intensity Dual Obstruction Light Standards (FAA Style F)—With Appurtenance Over 40 Feet High**

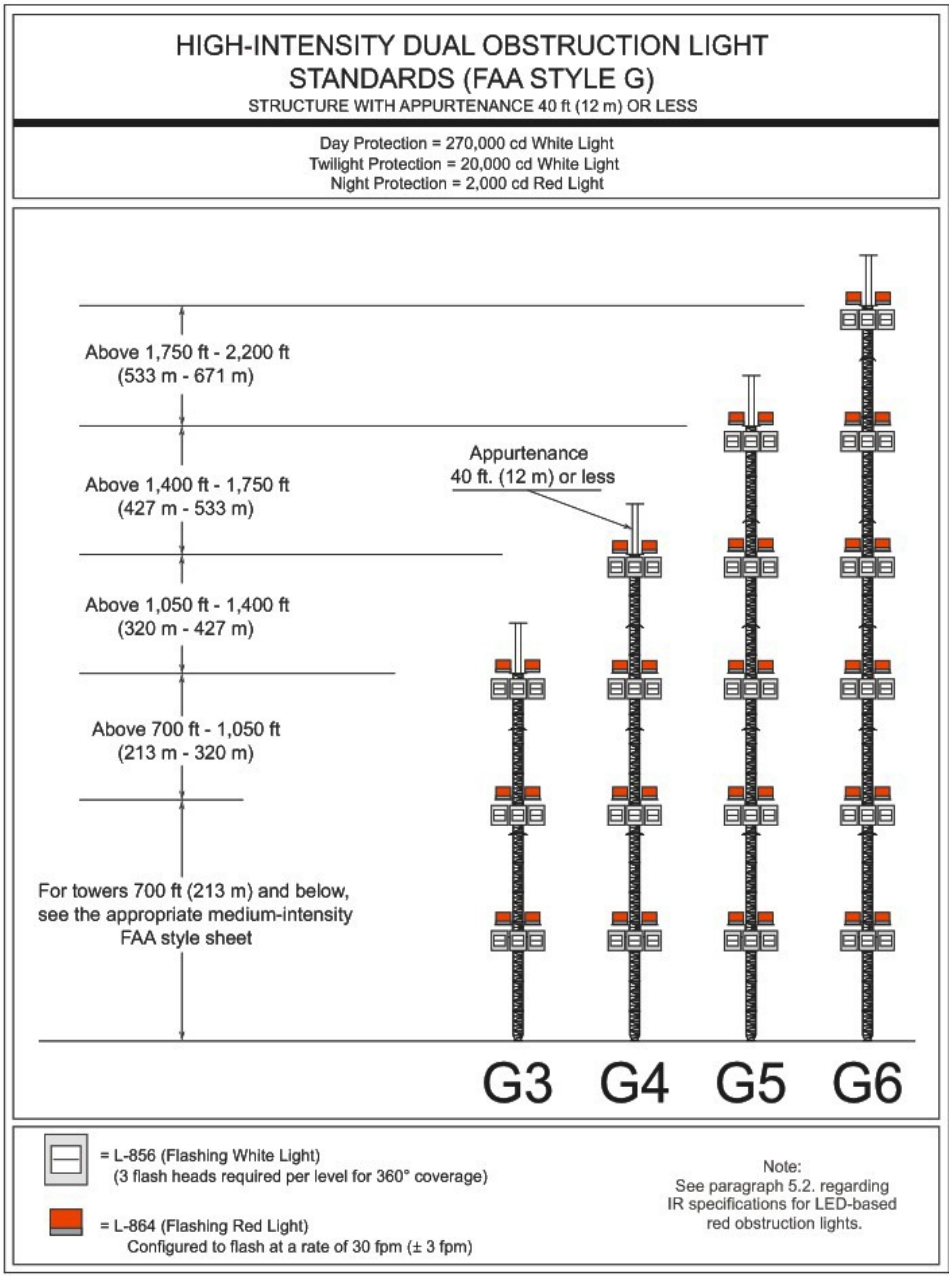



**Figure A-19. High-Intensity Dual Obstruction Light Standards (FAA Style G)—With Appurtenance 40 Feet or Less**

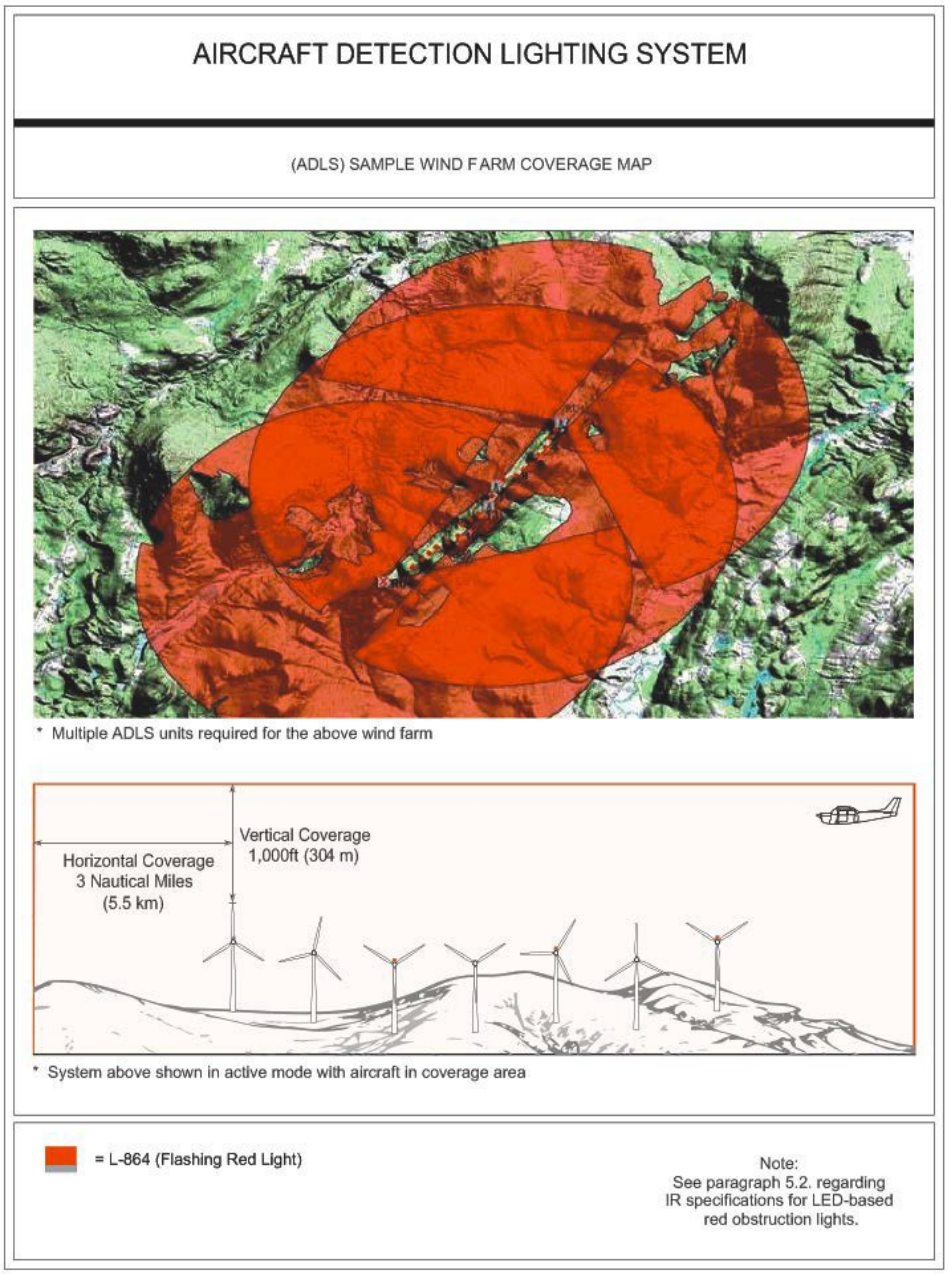



**Figure A-20. Aircraft Detection Lighting System (sample coverage map)**

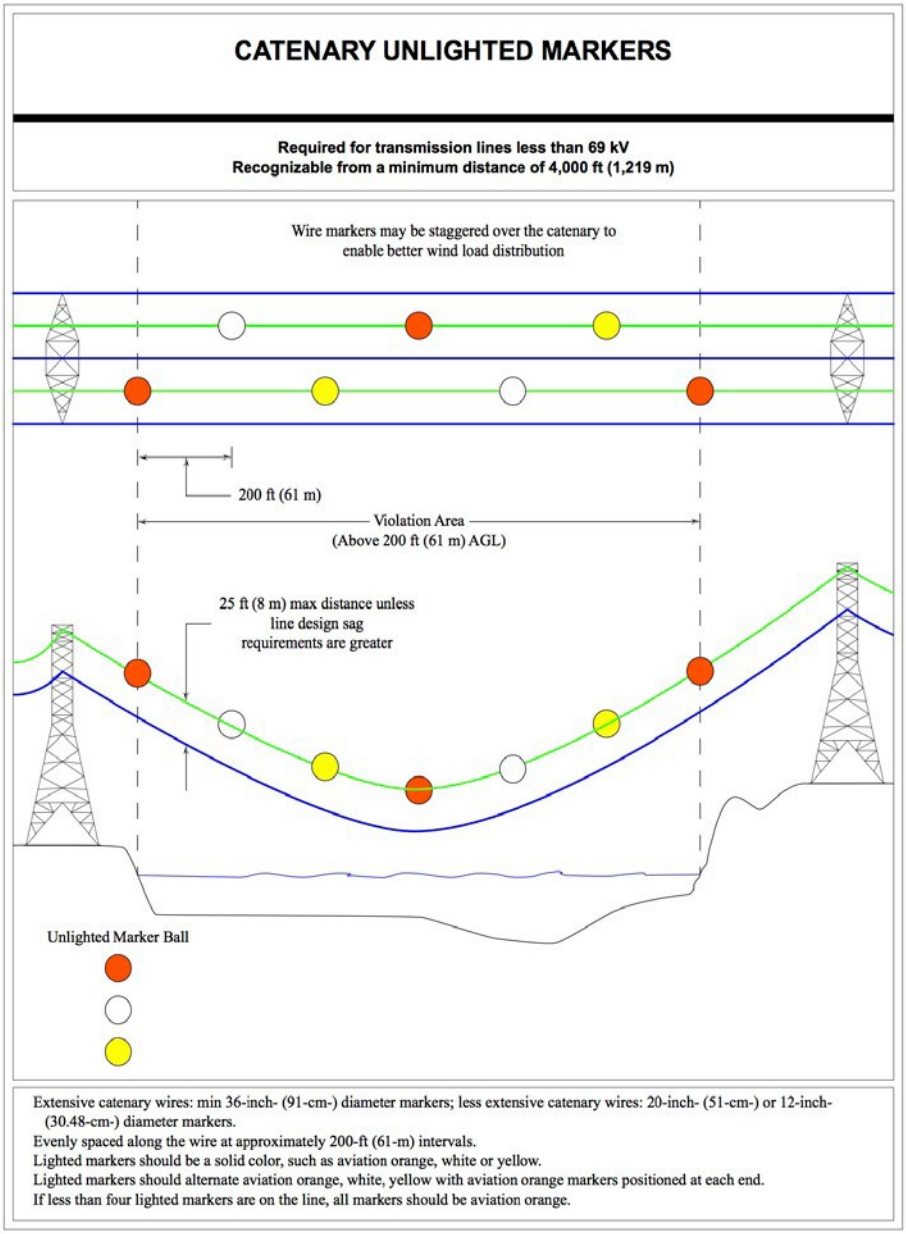



**Figure A-21. Catenary Unlighted Markers (less than 69 kV)**

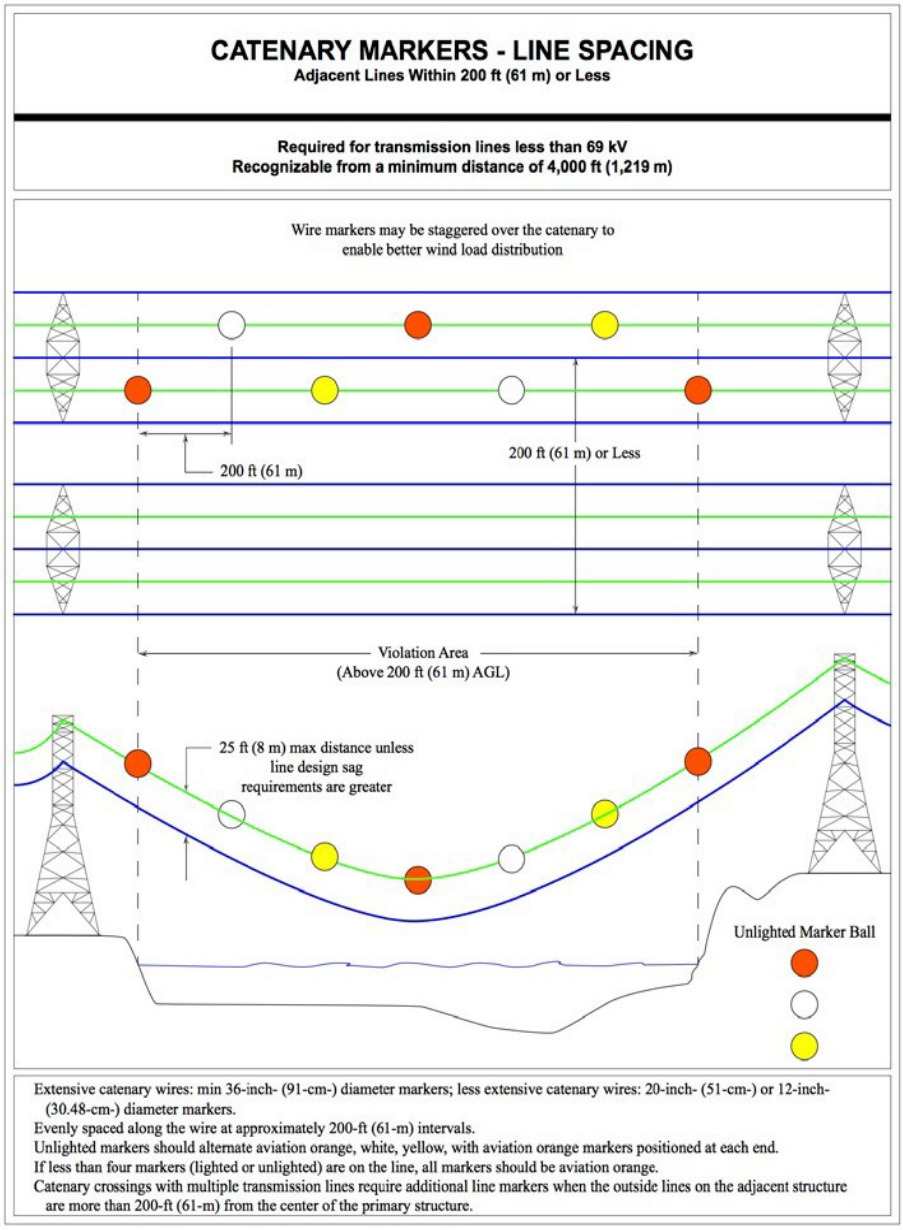



**Figure A-22. Catenary Markers – Line Spacing (Adjacent Lines Within 200 ft. (60.96 m) or Less)**

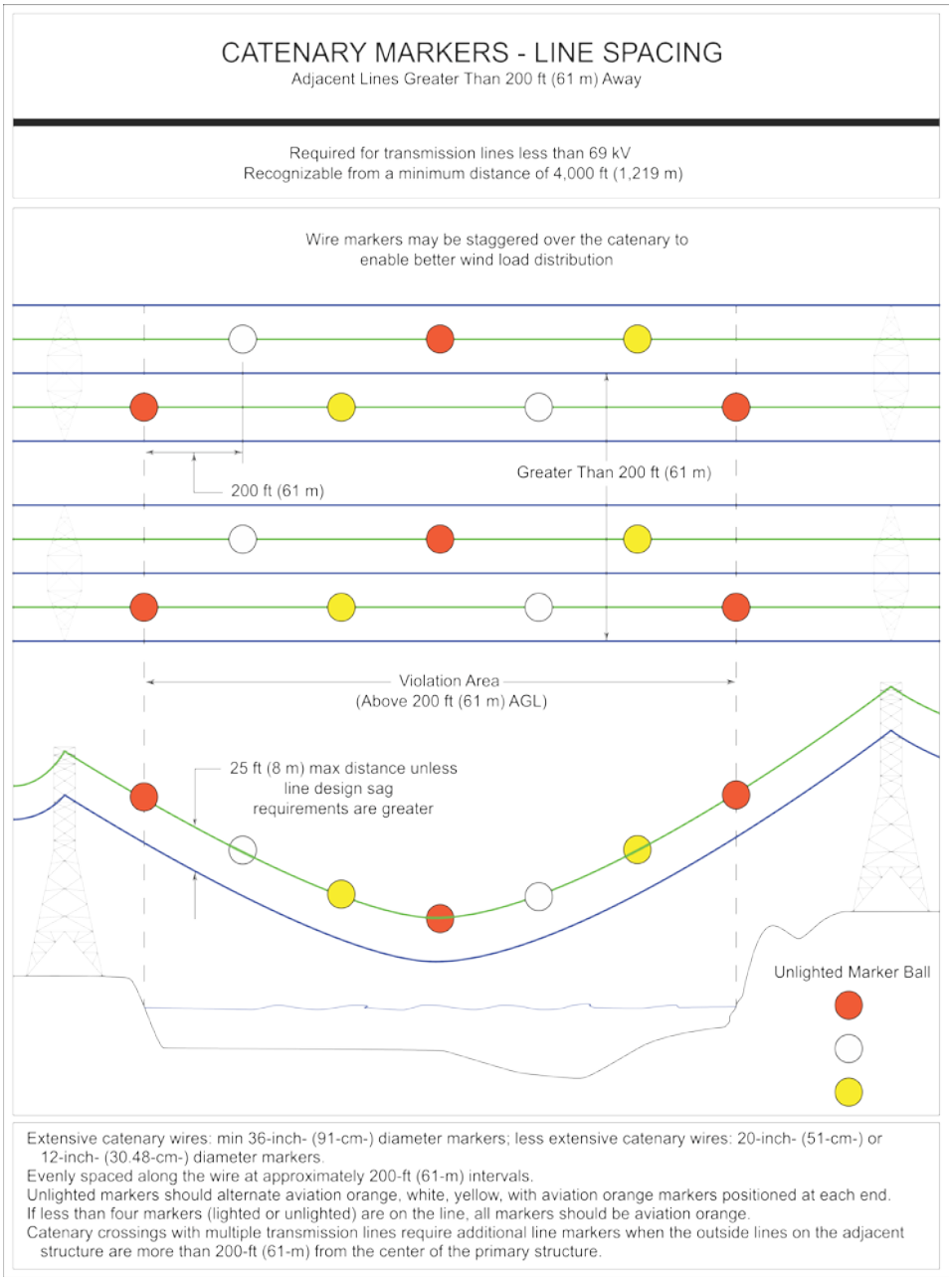



**Figure A-23. Catenary Markers - Line Spacing (Adjacent Lines Greater Than 200 ft. (60.96 m) Away)**

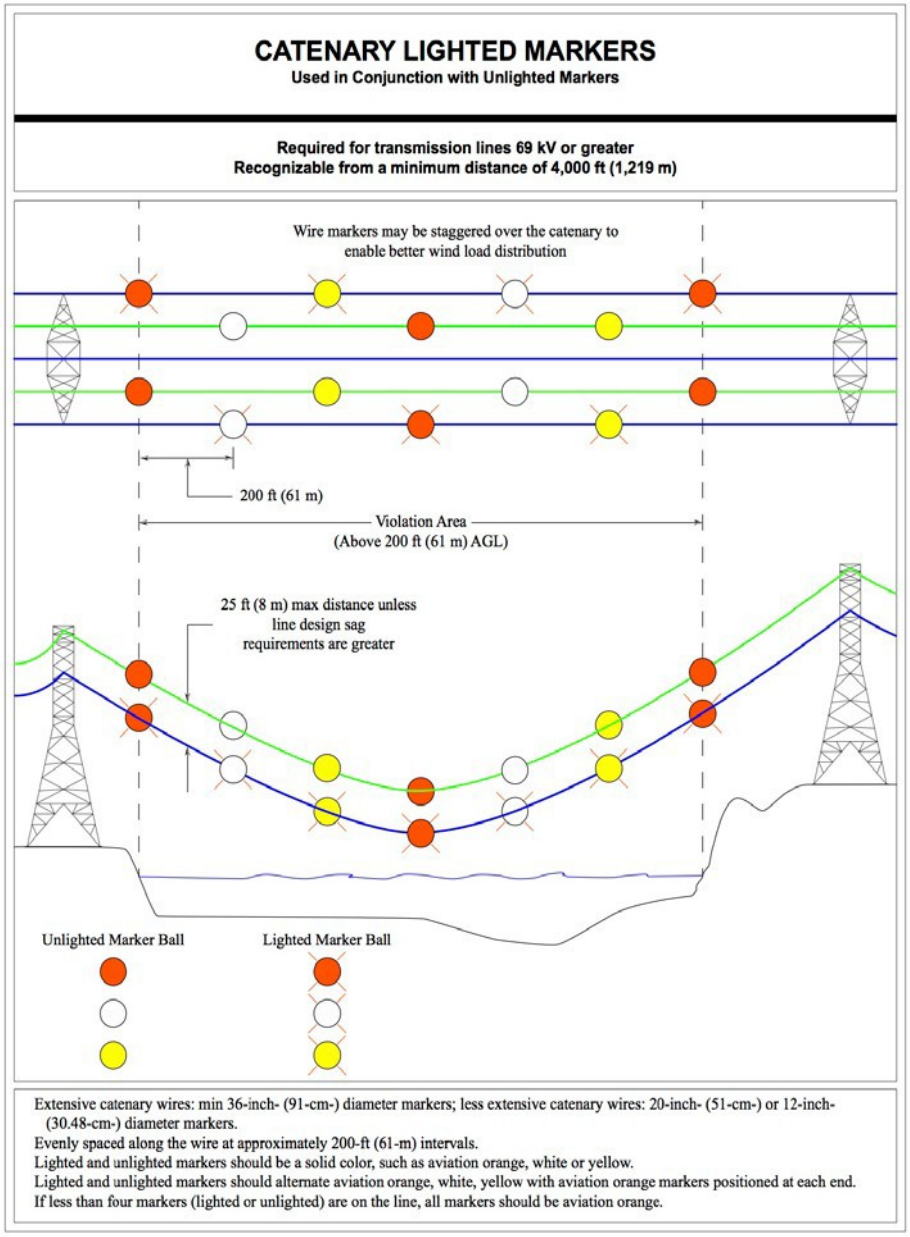



**Figure A-24. Catenary Lighted Markers – Used in Conjunction with Unlighted Markers (69 kV or greater)**

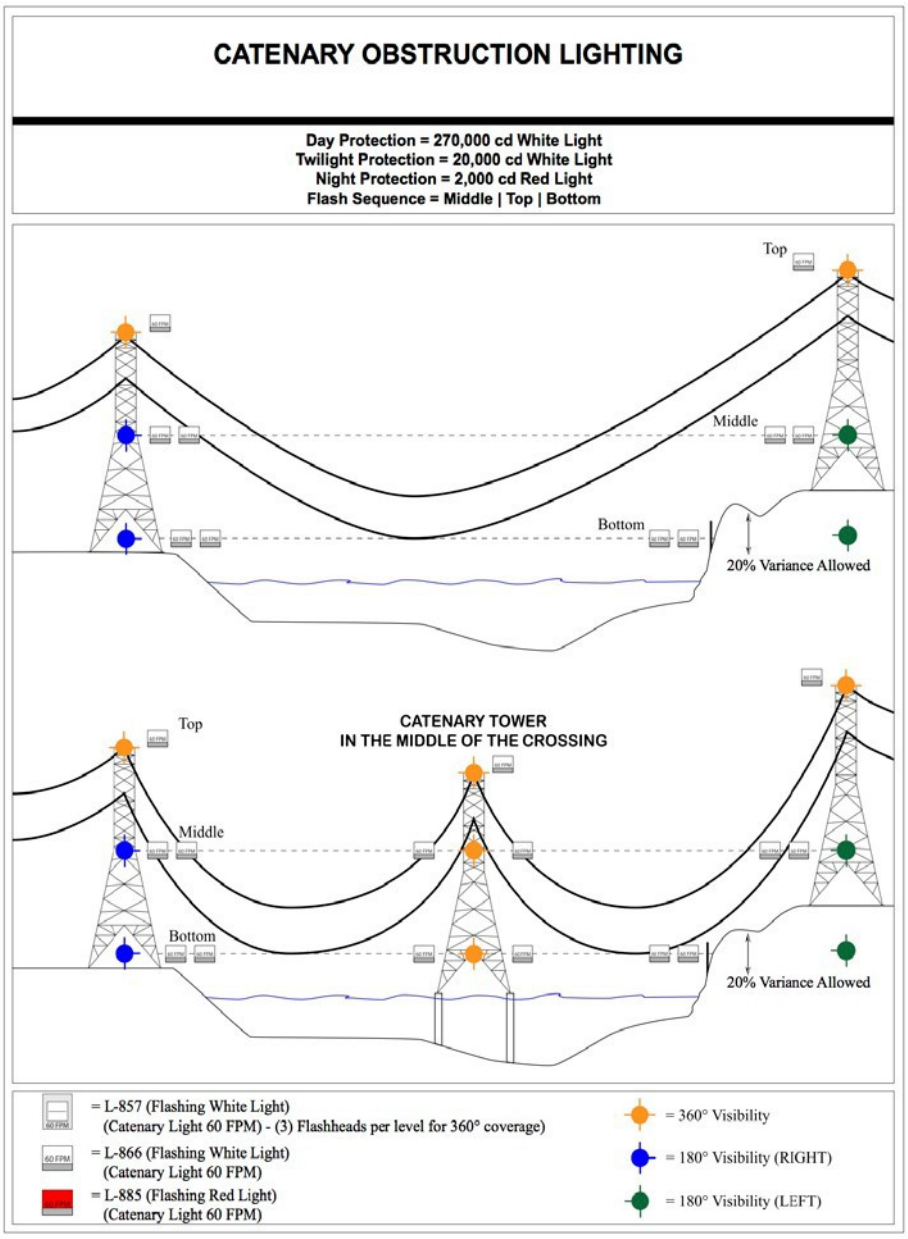



**Figure A-25. Catenary Obstruction Lighting**

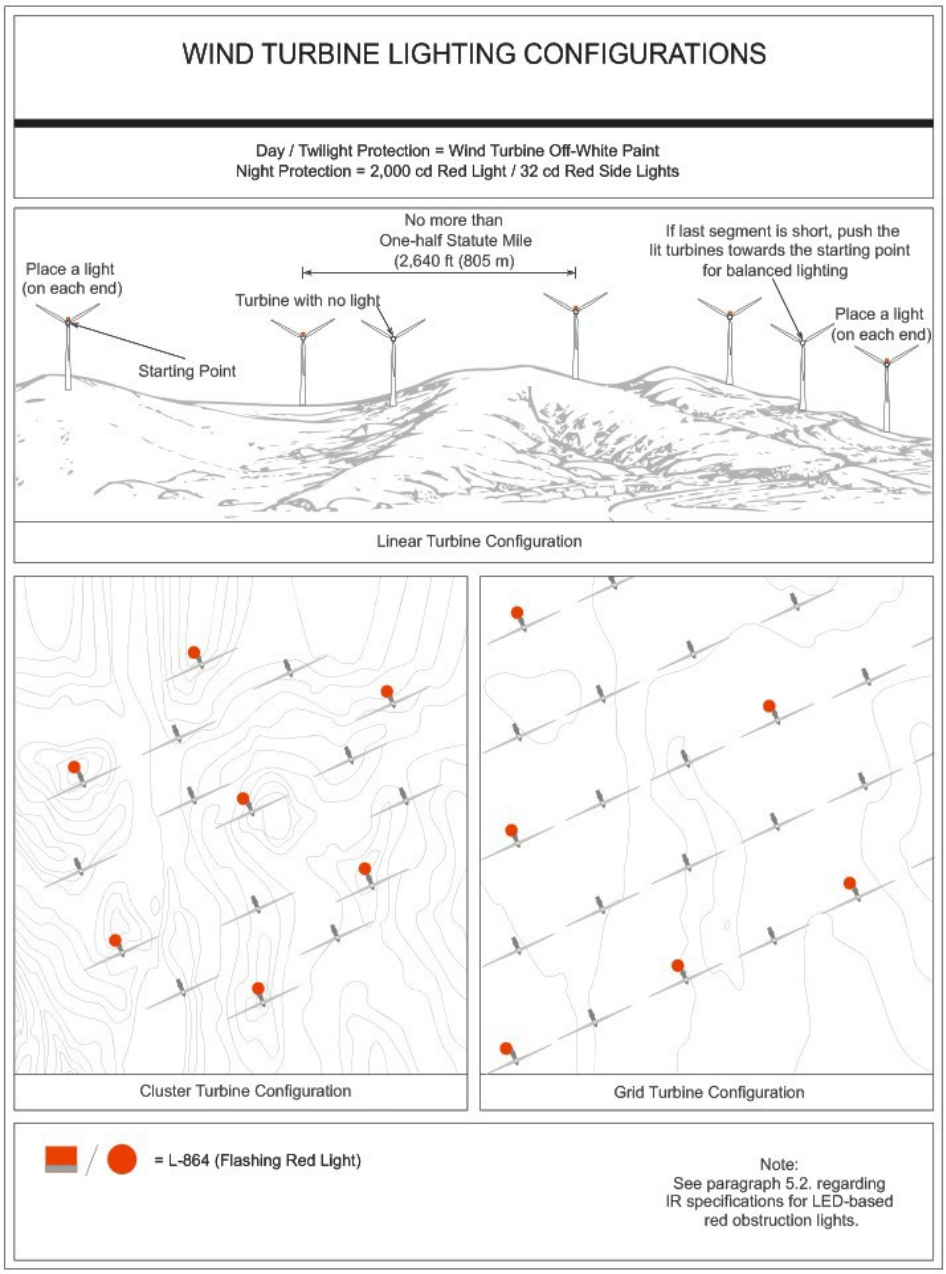



**Figure A-26. Wind Turbine Lighting Configurations**

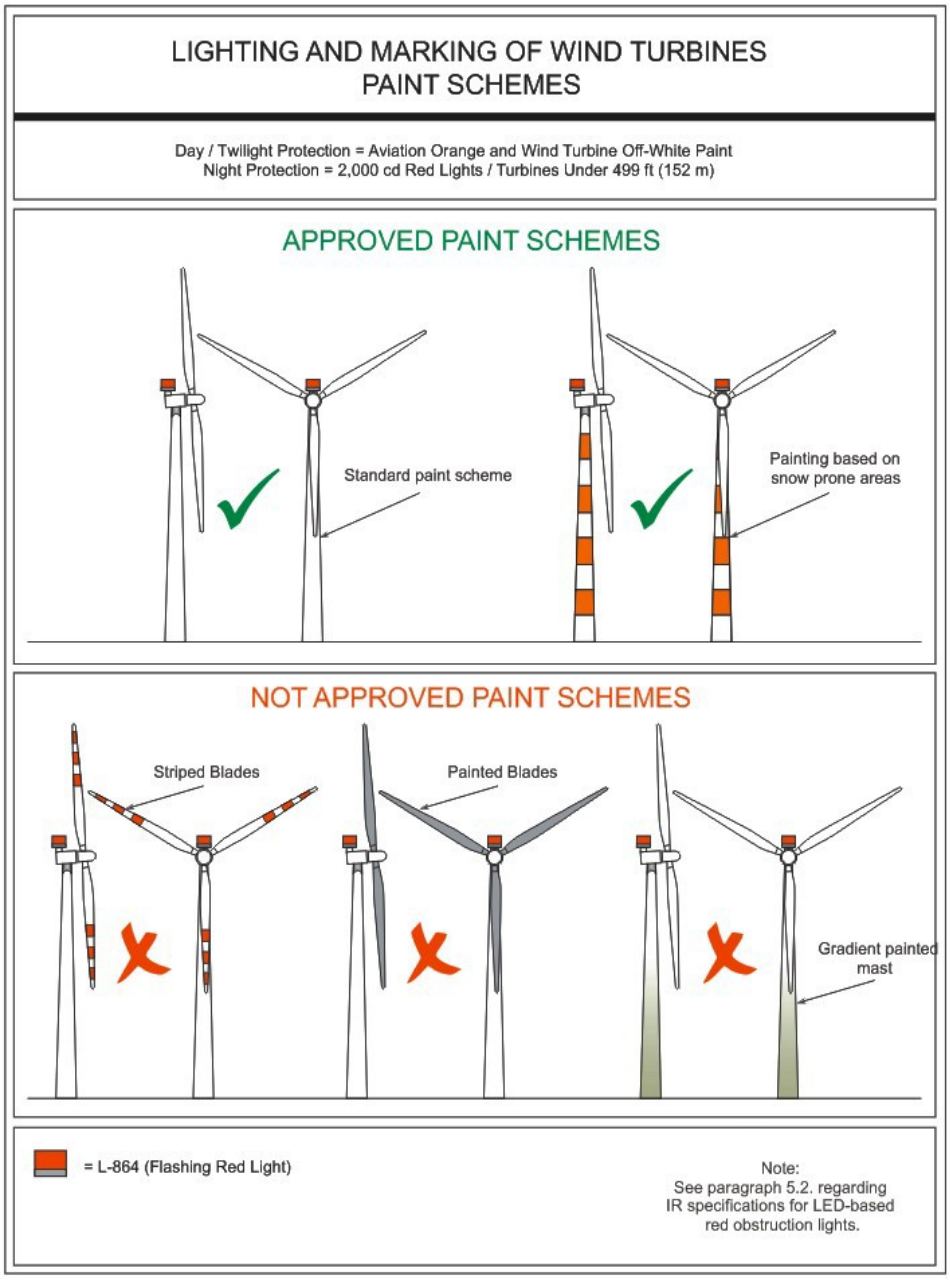



**Figure A-27. Lighting and Marking of Wind Turbines – Paint Schemes**

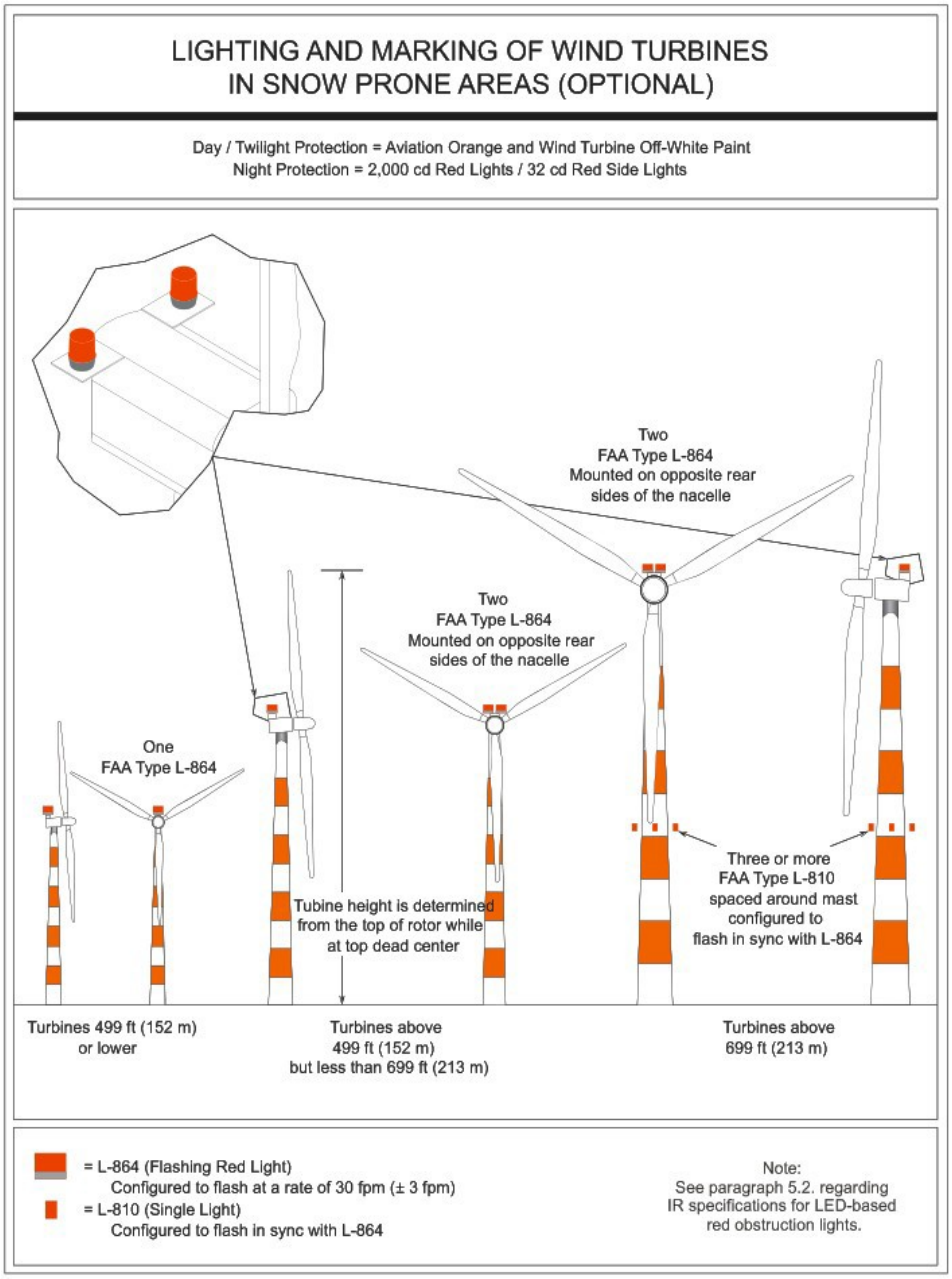



**Figure A-28. Wind Turbine Lighting and Marking in Snow Prone Areas (Optional)**

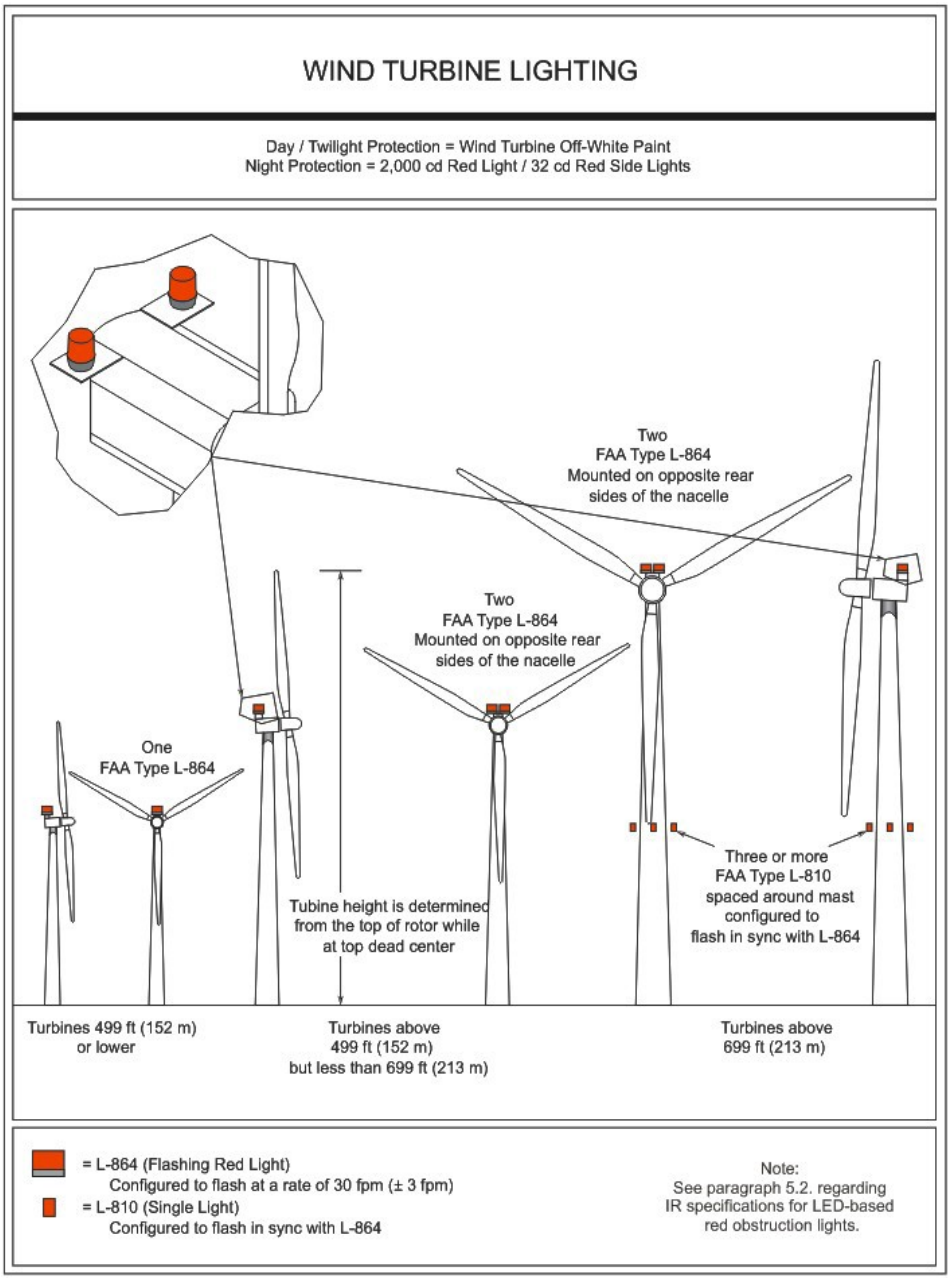



**Figure A-29. Wind Turbine Lighting**

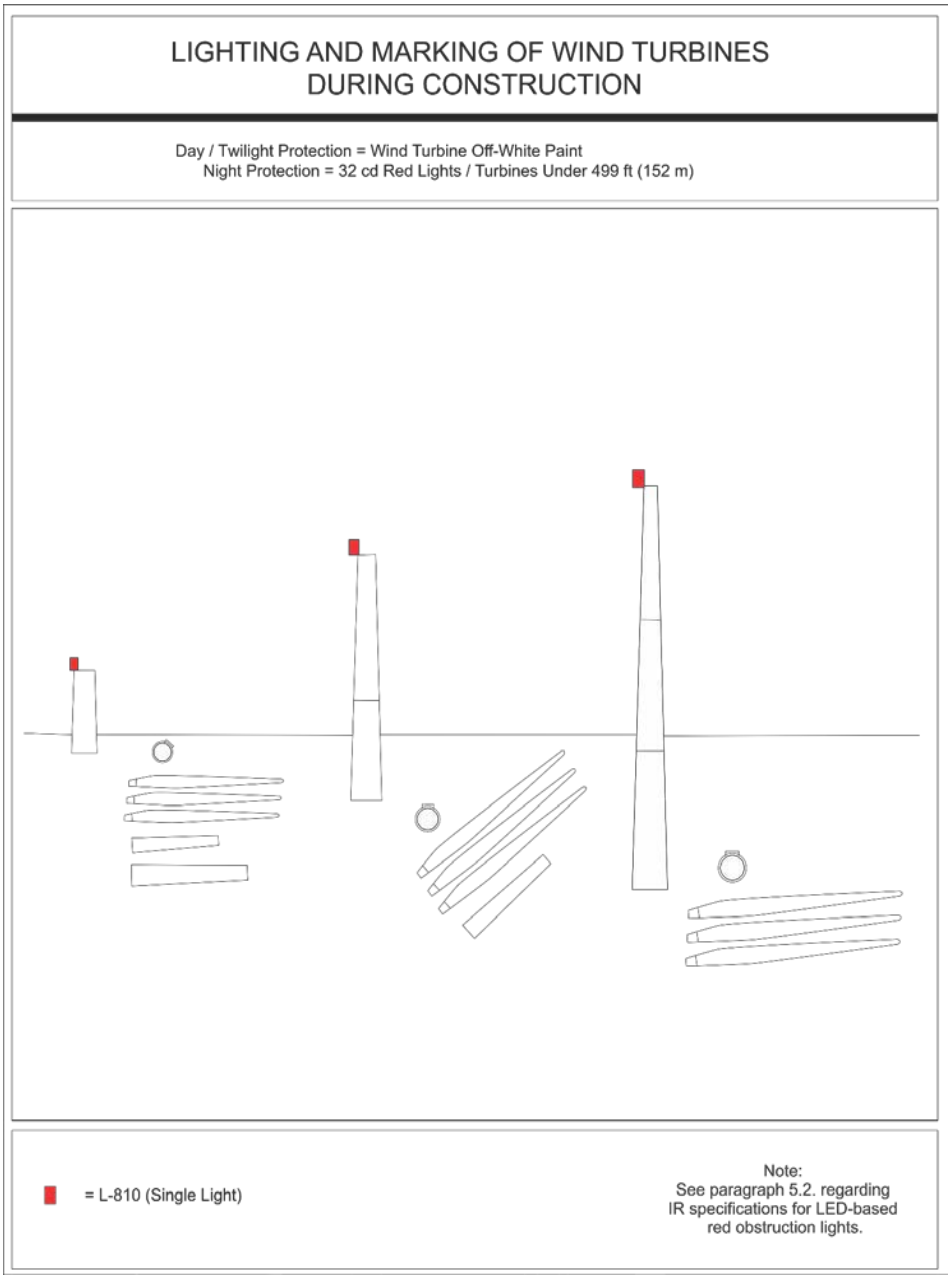



**Figure A-30. Marking and Lighting of Turbines During Construction**

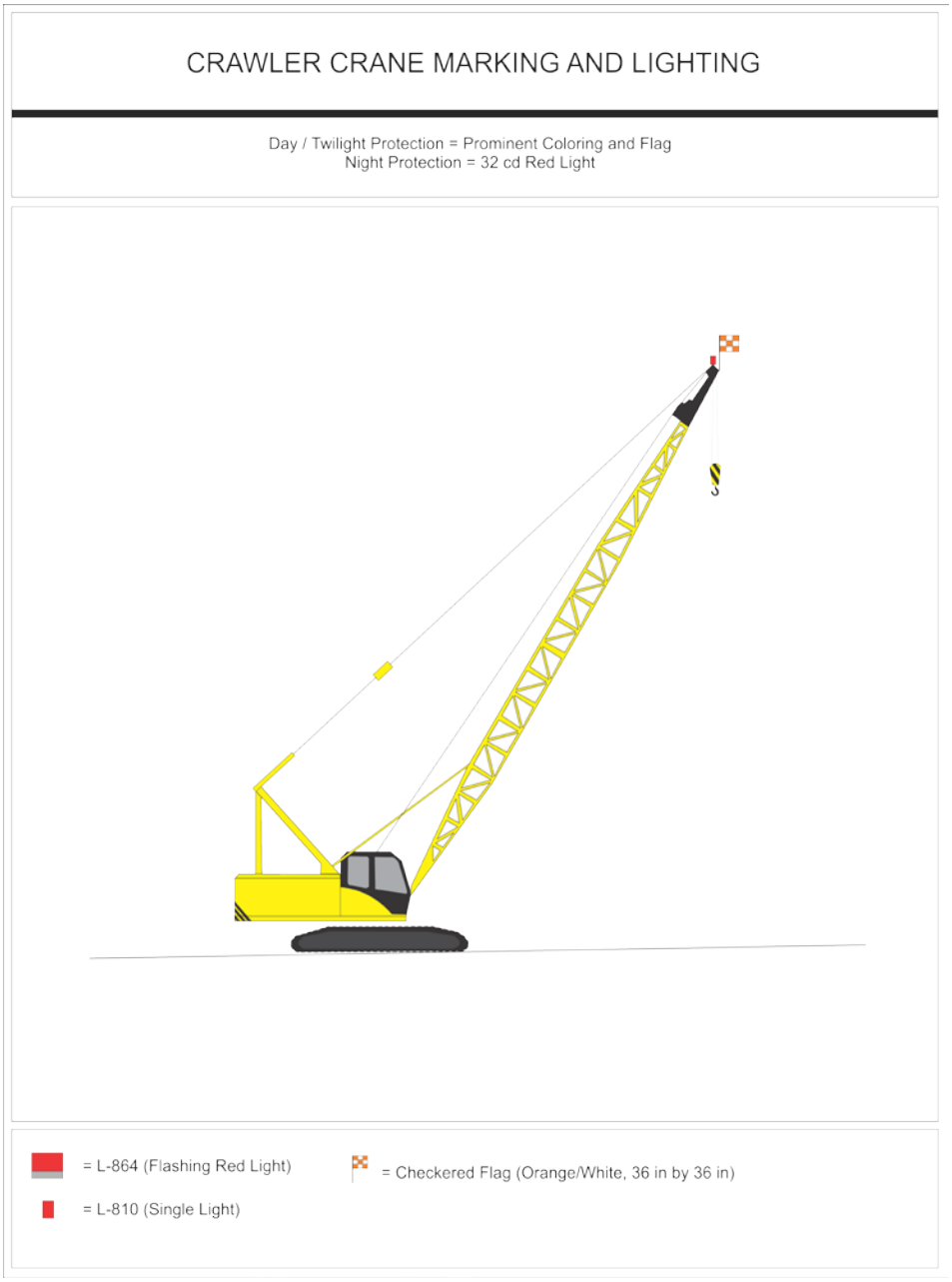



**Figure A-31. Crawler Crane Marking and Lighting**

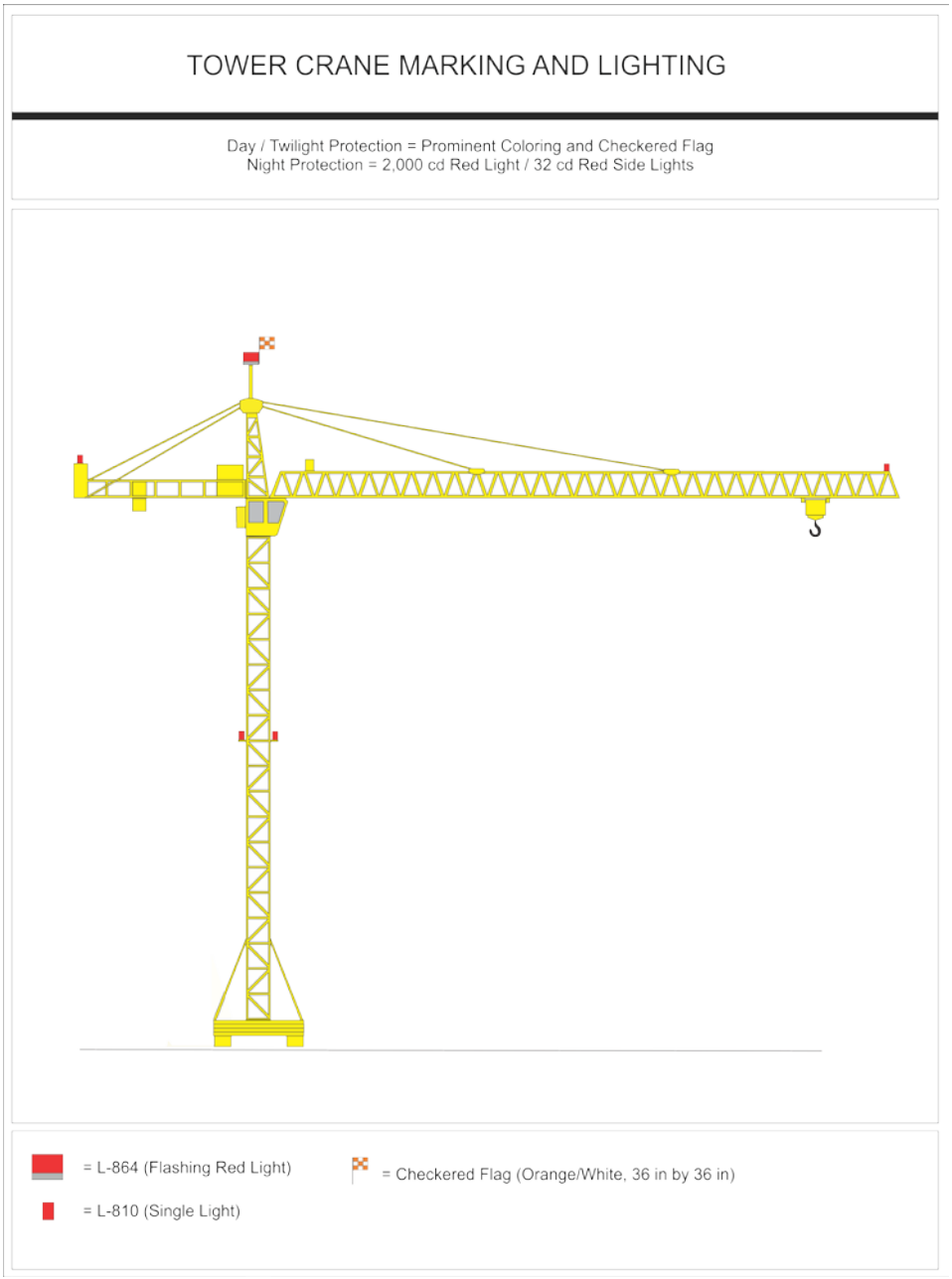



**Figure A-32. Tower Crane Marking and Lighting**

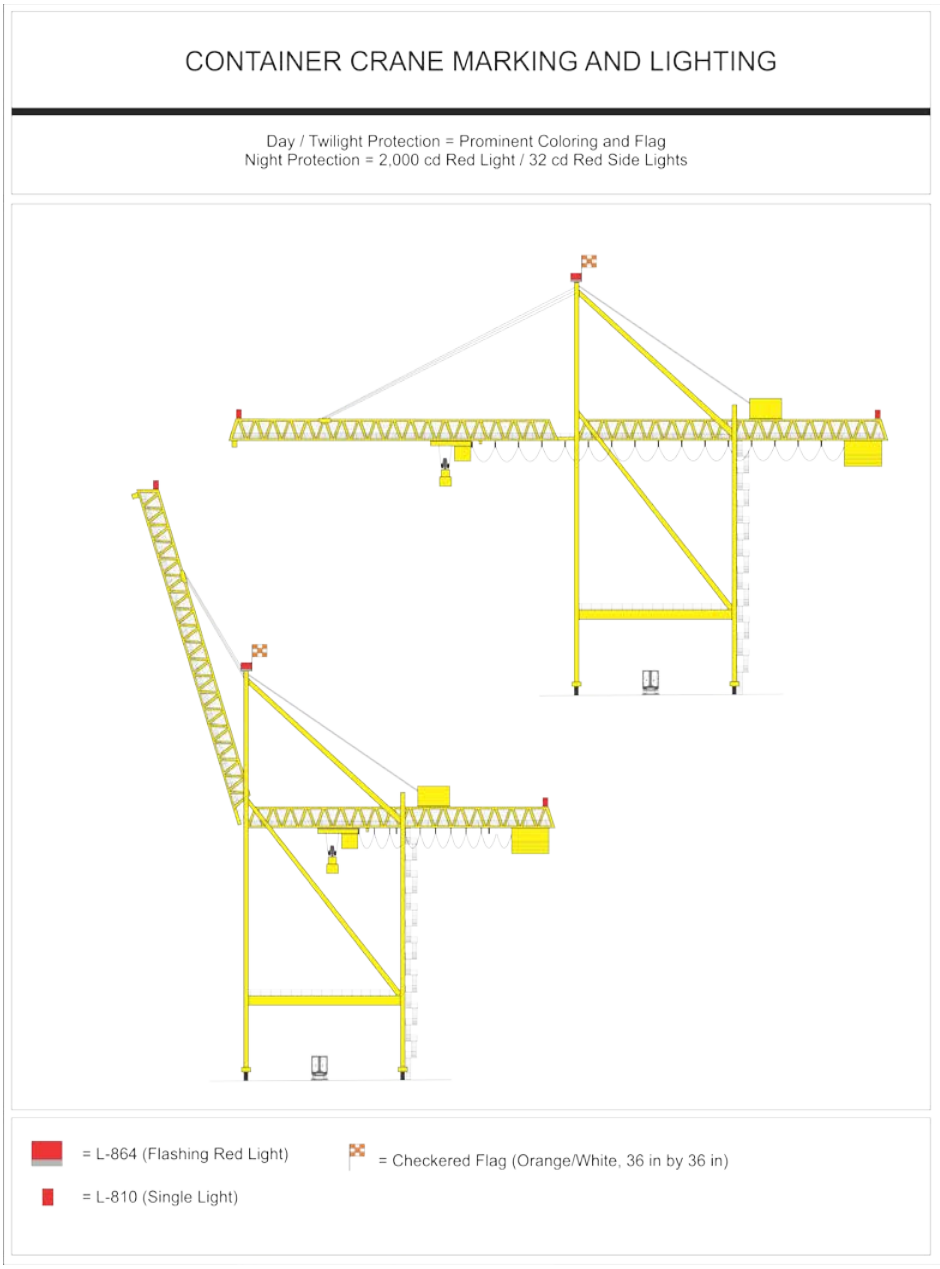



**Figure A-33. Container Crane Marking and Lighting**

# APPENDIX B: MISCELLANEOUS

B-1. **Rationale for Obstruction Light Intensities.**

Sections 91.117, 91.119 and 91.155 of 14 CFR Part 91, *General Operating and Flight Rules*, prescribe aircraft speed restrictions, minimum safe altitudes, and basic visual flight rules (VFR) weather minimums for governing the operation of aircraft, including helicopters, within the United States.

B-2. **Distance Versus Intensities.**

Table B-1 indicates at what distance the various candela intensities are visible under one and three statute mile meteorological visibilities:

**Table B-1. Distance and Intensity**

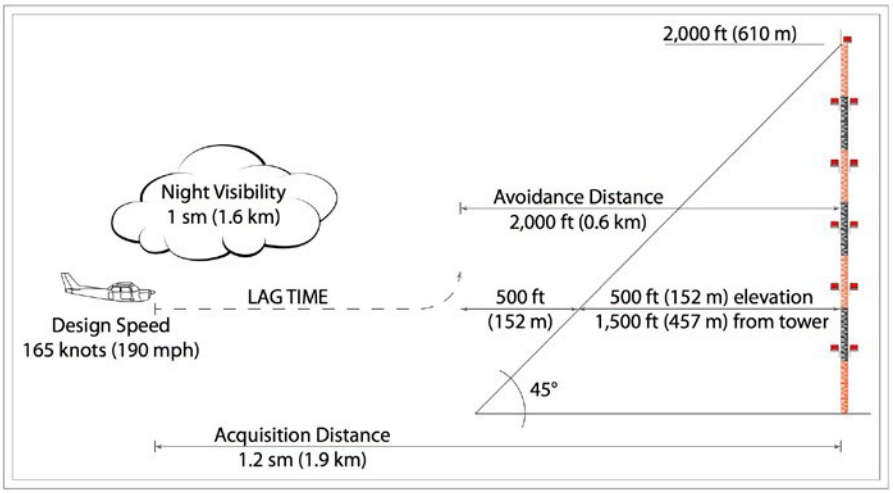
| Time Period | Meteorological Visibility Statute Miles | Distance Statute Miles | Intensity Candelas |
|---|---|---|---|
| Night | | 2.9 (4.67 km) | 1,500 (±25%) |
| | 3 (4.83 km) | 3.1 (4.99 km) | 2,000 (±25%) |
| | | 1.4 (2.25 km) | 32 |
| Day | | 1.5 (2.41 km) | 200,000 |
| | 1 (1.61 km) | 1.4 (2.25 km) | 100,000 |
| | | 1.0 (1.61 km) | 20,000 (±25%) |
| Day | | 3.0 (4.83 km) | 200,000 |
| | 3 (4.83 km) | 2.7 (4.35 km) | 100,000 |
| | | 1.8 (2.90 km) | 20,000 (±25%) |
| Twilight | 1 (1.61 km) | 1.0 (1.61 km) to 1.5 (2.41 km) | 20,000 (±25%) |
| Twilight | 3 (4.83 km) | 1.8 (2.90 km) to 4.2 (6.76 km) | 20,000 (±25%) |

**Note:** Distance calculated for north sky illuminance

B-3. **Conclusion.**

Aircraft pilots travelling at 165 knots (189.88 miles per hour (mph)/305.58 kilometers per hour (kph)) or less should be able to see obstruction lights in sufficient time to avoid the structure by at least 2,000 feet (609.60 m) horizontally under all conditions of operation, provided the pilot is operating in accordance with 14 CFR Part 91. Pilots operating 250 knots (287.70 mph/463.00 kph) aircraft should be able to see the obstruction lights unless the weather deteriorates to 1 SM (1.61 km) visibility at night, during which time period 2,000 candelas enables the light to be seen at 1.2 SM (1.93 km). To provide an acquisition distance of 1.5 SM (2.41 km), a higher intensity of 20,000 candelas would be required. This light, with 3 SM visibility at night, could generate a residential annoyance factor. In addition, aircraft at these speeds can normally be expected to operate under instrument flight rules (IFR) at night when the visibility is 1 SM (1.61 km).

Figure B-1. Illustration of Acquisition Distance Calculation




**Note:** The 2,000-foot avoidance distance comes from the guy wires of a 2,000-foot structure. The guy wires at a 45-degree angle would be at a distance of 1,500 feet from the structure at a 500-foot elevation. Since the aircraft is to be 500 feet clear of obstacles (the guy wire), the distance of avoidance from the structure is 1,500 + 500 = 2,000 feet (see Figure B-1).

B-4. **Definitions**.

B-4.1 Flight Visibility.

The average forward horizontal distance, from the cockpit of an aircraft in flight, at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

Reference: *Airman's Information Manual Pilot/Controller Glossary*.

B-4.2 Meteorological Visibility.

A term that denotes the greatest distance, expressed in statute miles, that selected objects (visibility markers) or lights of moderate intensity (25 candelas) can be seen and identified under specified conditions of observation.

B-4.2 Lighting System Configuration.

1. Configuration A. Red Obstruction Lighting System.
2. Configuration B. High-Intensity White Obstruction Lights for structures with appurtenance 40 feet or less.
3. Configuration C. High-Intensity White Obstruction Lights for structures with appurtenance greater than 40 feet.
4. Configuration D. Medium-Intensity White Obstruction Lights.
5. Configuration E. Medium-Intensity Dual White and Red Obstruction Lights.
6. Configuration F. High-Intensity Dual Obstruction Lights for structures with appurtenance greater than 40 feet.
7. Configuration G. High-Intensity Dual Obstruction Lights for structures with appurtenance 40 feet or less.

**Example:** "Configuration B 3" denotes a high-intensity lighting system with three levels of light.

## APPENDIX C: ACRONYMS

| Abbreviation | Meaning |
|---|---|
| AC | Advisory Circular |
| ADLS | Aircraft Detection Lighting System |
| AGL | Above Ground Level |
| AMSL | Above Mean Sean Level |
| CFR | Code of Federal Regulations |
| CM | Centimeter |
| DSP | Defense Standardization Program |
| F | Flashing Lights |
| FAA | Federal Aviation Administration |
| FCC | Federal Communications Commission |
| FPM | Flashes Per Minute |
| IFR | Instrument Flight Rules |
| IR | IFR Military Training Route |
| KHZ | Kilohertz |
| KM | Kilometers |
| KPH | Kilometre Per Hour |
| KV | Kilovolts |
| LED | Light Emitting Diode |
| LUX | Lumen Per Square Meter |
| M | Meter |
| MET | Meteorological Evaluation Tower |
| MHZ | Megahertz |
| MPH | Miles Per Hour |
| NAS | National Airspace System |
| NAVAIDS | Navigational Aids |
| NM | Nautical Mile |
| NOTAM | Notice to Airmen |
| NVG | Night Vision Goggles |
| OEG | Obstruction Evaluation Group |
| SM | Statue Mile |
| URL | Uniform Resource Locator |
| UV | Ultra Violet |
| US | United States |
| VFR | Visual Flight Rules |

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Short Term Rentals Presentation of Recommendations |
| **Type:** | No Action (Information Only), Power Point Presentation |
| **Agenda Title:** | Short Term Rentals Presentation of Recommendations |
| **Recommendation:** | Staff recommends the Board of Supervisors initiate an amendment to the County Code, the details of which are in the summary below. |
| **Summary:** | Short-term rentals (STRs) were a topic of a presentation to the Board at their March 9, 2021 meeting. The Board requested staff return with a recommendation on whether a code amendment was appropriate and what items should be considered. This item was revisited with a subsequent presentation at the April 27, 2021 meeting, at which the Board requested a recommendation on the specifics of a potential code amendment to better regulate STRs.<br><br>Staff's minimum recommendation is that the Board adopt an STR registry and consider whether or not to levy an annual and/or initial fee for each operator to be on the registry. The fee could be within the County Code, or adopted as part of the fee schedule. Because the registry is effectively a mechanism to aid in the assessment and collection of transient occupancy taxes, Staff anticipates this amendment being to Chapter 21, Article VI (Transient Occupancy Tax) of the County Code.<br><br>There are 2 basic categories of STRs: owner-occupied and non-owner-occupied. Non-owner-occupied STRs tend to have greater impacts to the surrounding neighborhoods and communities than do owner-occupied STRs. The presence of the owner tends to limit these impacts. Several localities address these with |

different standards in their codes. Should the Board wish to also pursue adoption of differing standards for these 2 categories, below are some supplemental Staff recommendations:

- Require issuance of a residential use permit for non-owner-occupied STRs.
- Require the operator to submit an affidavit which affirms the following:
    1. They will post a placard in the STR that states that maximum building occupancy established on the Certificate of Occupancy for the structure.
    2. The septic system (if applicable) is presently able to and will continue to adequately support the planned occupancy.
    3. Smoke detectors and carbon monoxide detectors are installed and in operation, and fire extinguishers are readily available.
    4. Off-street parking for the STR is provided on a gravel or paved surface.

Should the Board wish to pursue adoption of any additional standards, Staff anticipates an amendment to Article 5 (General Development Standards) of the Zoning Ordinance.

**Staff Contacts:** Josh Frederick, Zoning Administrator

**Additional Background/Other Considerations:** A presentation containing recommendations is attached.

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| STR_recommendations_8-10-2021.pdf | Short-term Rentals Recommendations Presentation | Agreement |

# Short-term Rentals Code Amendment Staff Recommendations

Board of Supervisors

August 10, 2021

Presented By:  Josh Frederick, Zoning Administrator

# Chronology

- 3/9/2021 – Presentation to Board; Overview of concerns stemming from short-term rentals (STRs) and potential ordinance considerations
- 4/27/2021 – Presentation to Board; Restatement of concerns and some high-level regulatory recommendations
- 8/10/2021 – Presentation to Board about a staff recommended code amendments

# Concerns Related to STRs

Lack of clear definition in the Zoning Ordinance; ambiguity

Complaints about negative impacts of STRs; chronic nuisances

Building Code violations for occupancy limits

Fire Code issues; lack of fire safety measures

Loss of Transient Occupancy Tax; limited ability to track

Inadequate and overburdened utilities; septic issues

# Minimum Staff Recommendation

- Amend County Code, either Chapter 23 (Zoning) and/or Chapter 21 (Taxation)
- Adopt the STR registry requirement as permitted by VA Code § 15.2-983:

"…**any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually.** The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry."

# Supplemental Staff Recommendations

- Amend Zoning Ordinance Article 5, Division 3 (Accessory Uses)
- Different standards for owner-occupied and non-owner-occupied STRs:

**Owner-occupied:**

- Allowed by-right as an accessory use
- No permit requirement
- Owner may not exceed max. occupancy
- Owner must provide adequate parking

**Non-owner-occupied:**

- Allowed by-right as an accessory use
- Owner must obtain a use permit
- Owner must provide an affidavit which affirms:
  - Max occupancy placard posted
  - Adequate septic system
  - Fire safety measures in place
  - Adequate parking provided

COUNTY OF SPOTSYLVANIA · VIRGINIA
PATIOR UT POTIAR

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

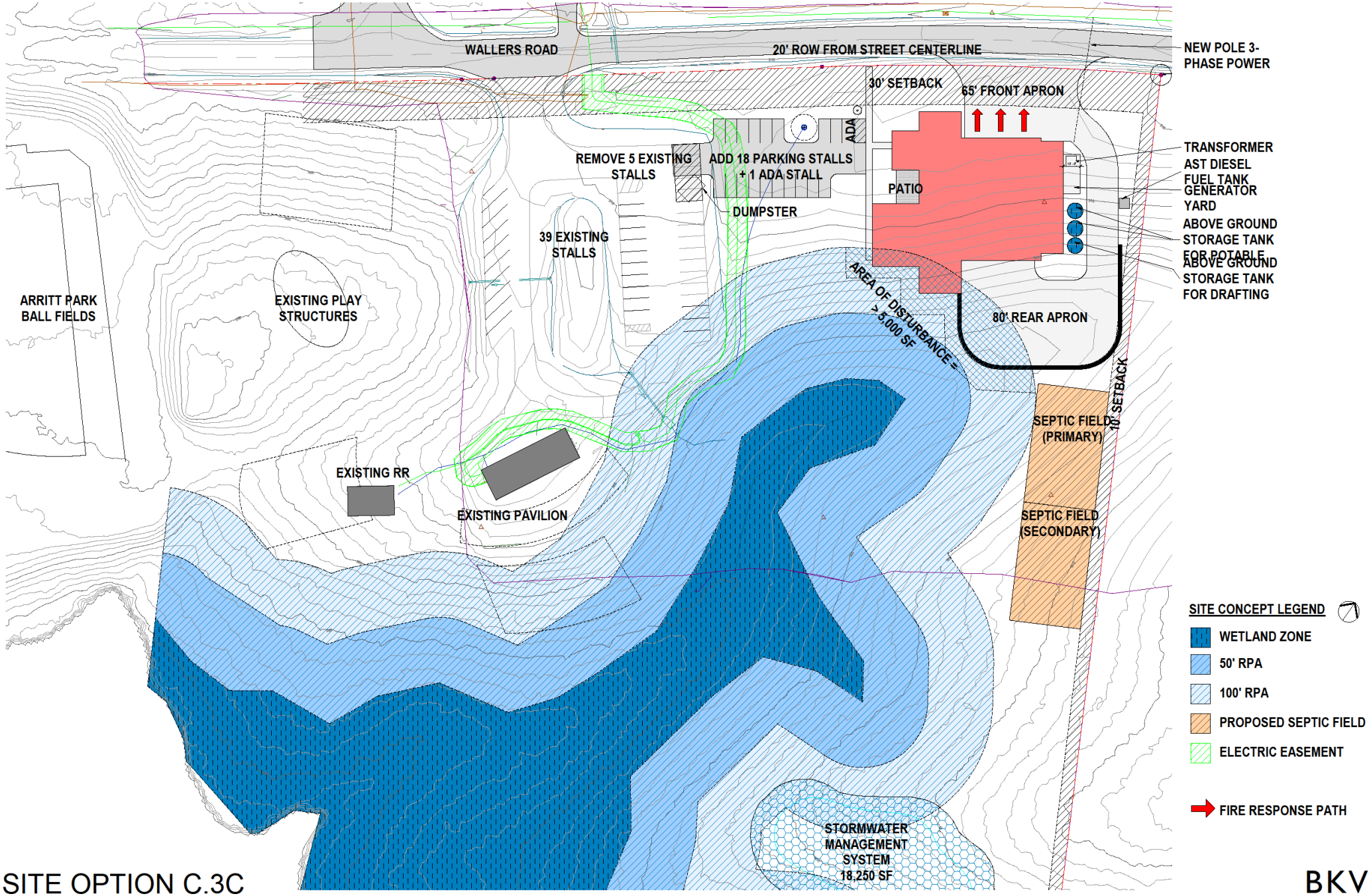
| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Fire Station Company 3 Replacement Update |
| **Type:** | No Action (Information Only), Power Point Presentation |
| **Agenda Title:** | Fire Station Company 3 Replacement Update |
| **Recommendation:** | Staff recommends moving forward with Fire Station Company 3 layout option 3C.3. This option has the least impact to the existing character of Arritt Park and carries less site development costs. |
| **Summary:** | Staff will be providing a brief update on the replacement of Fire Station Company 3 which is to be co-located with the existing Arritt Park Facility. |
| **Financial Impact:** | N/A |
| **Staff Contacts:** | Ben Loveday, Assistant County Administrator - Community Operations<br>Bonnie Jewell, Assistant County Administrator - Finance & Services/Chief Financial Officer<br>Jay Cullinan, Fire Chief |
| **Additional Background/Other Considerations:** | A committee consisting of representatives of FREM, Capital Projects Staff, and the Architect worked through various options for the colocation of Company 3 at Arritt Park. The final selected option is 3C.3 which will have the least impact on the park character and carries less development costs based on conceptual estimates. |
| **Consequence of Denial/Inaction:** | No action required. |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Company_3_Presentation_210810.pptx | Company 3 Presentation | Presentation |

# FIRE & RESCUE COMPANY 3

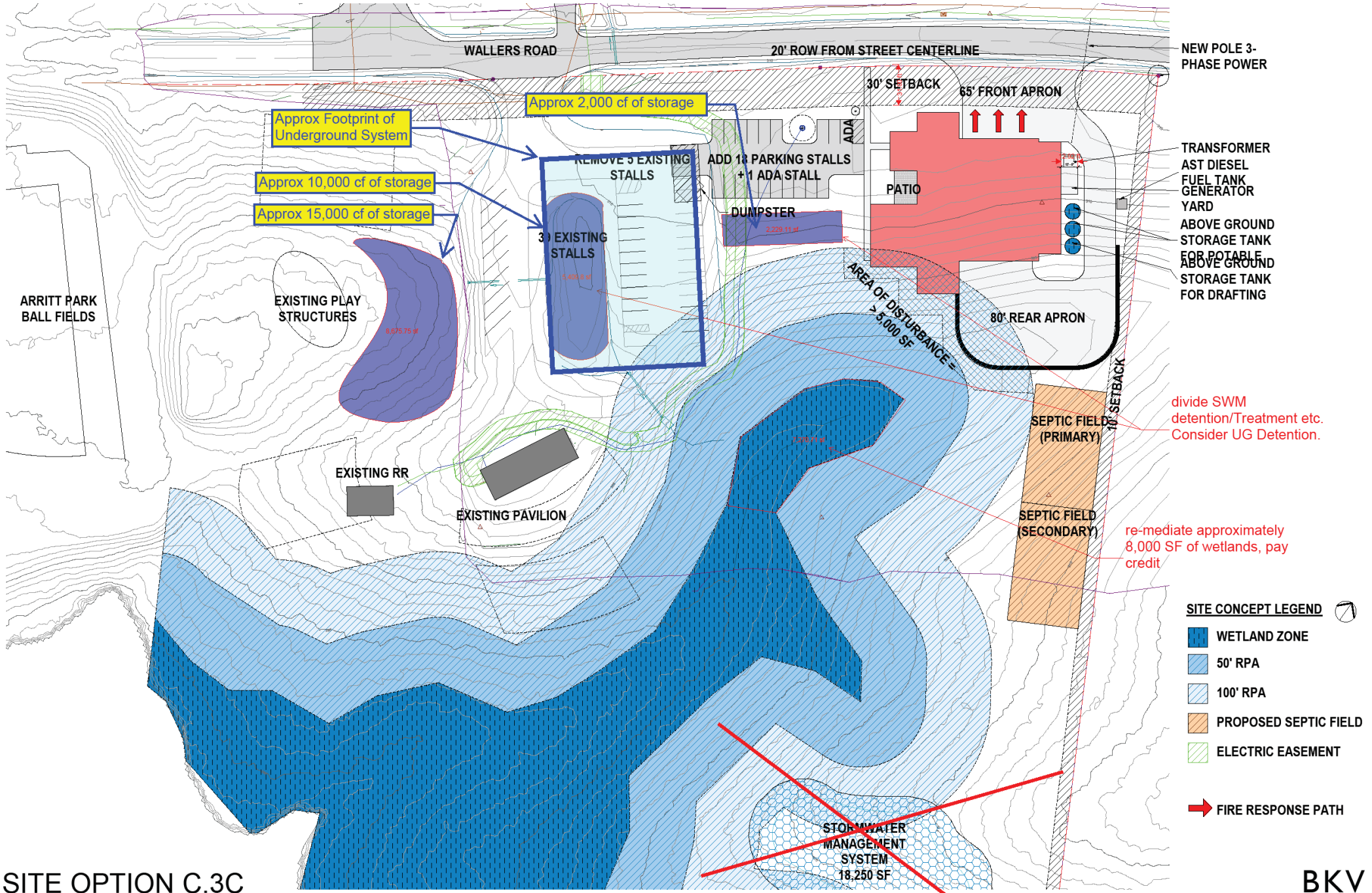
Conceptual site layout and cost evaluation




# SITE OPTION C.3C

06-21-2021

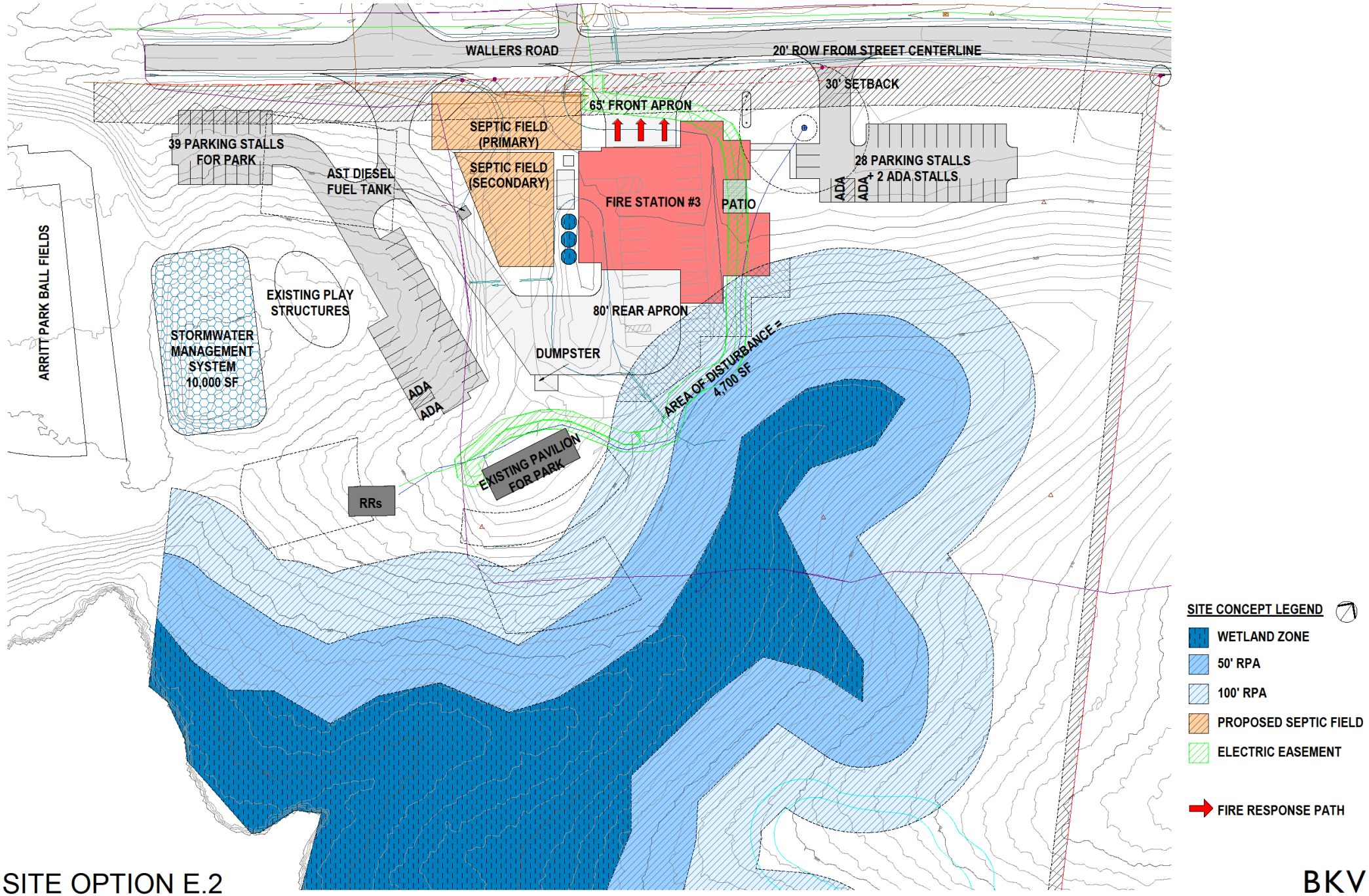
BKV GROUP




# SITE OPTION C.3C

06-21-2021

BKV GROUP




# SITE OPTION E.2

06-21-2021

BKV GROUP

# SITE DEVELOPMENT COST AND STRATEGY

## Site option C3C

- Maximize distance between park facilities and fire station
- Retaining wall vs. wetland mitigation
- Stormwater challenges

## Site Option E2

- Relocates existing parking lot – additional earthwork and paving
- Replace water service to existing facilities
- Relocate play structure

# CONCEPTUAL COST ESTIMATE

## Site option C3C

- $634,620 Earthwork
- $575,100 Exterior improvement
- $860,950 Utilities
- $550,103 Markup (profit, bonds, escalation)
- $58,000 wetland design, permitting, mitigation
- $2,678,773 Total site cost

## Site Option E2

- $627,068 Earthwork
- $765,975 Exterior improvements
- $924,458 Utilities
- $615,678 Markup (profit, bonds, escalation)
- $2,933,179 Total site cost

# EXTERIOR FEATURES AND MATERIAL TYPES

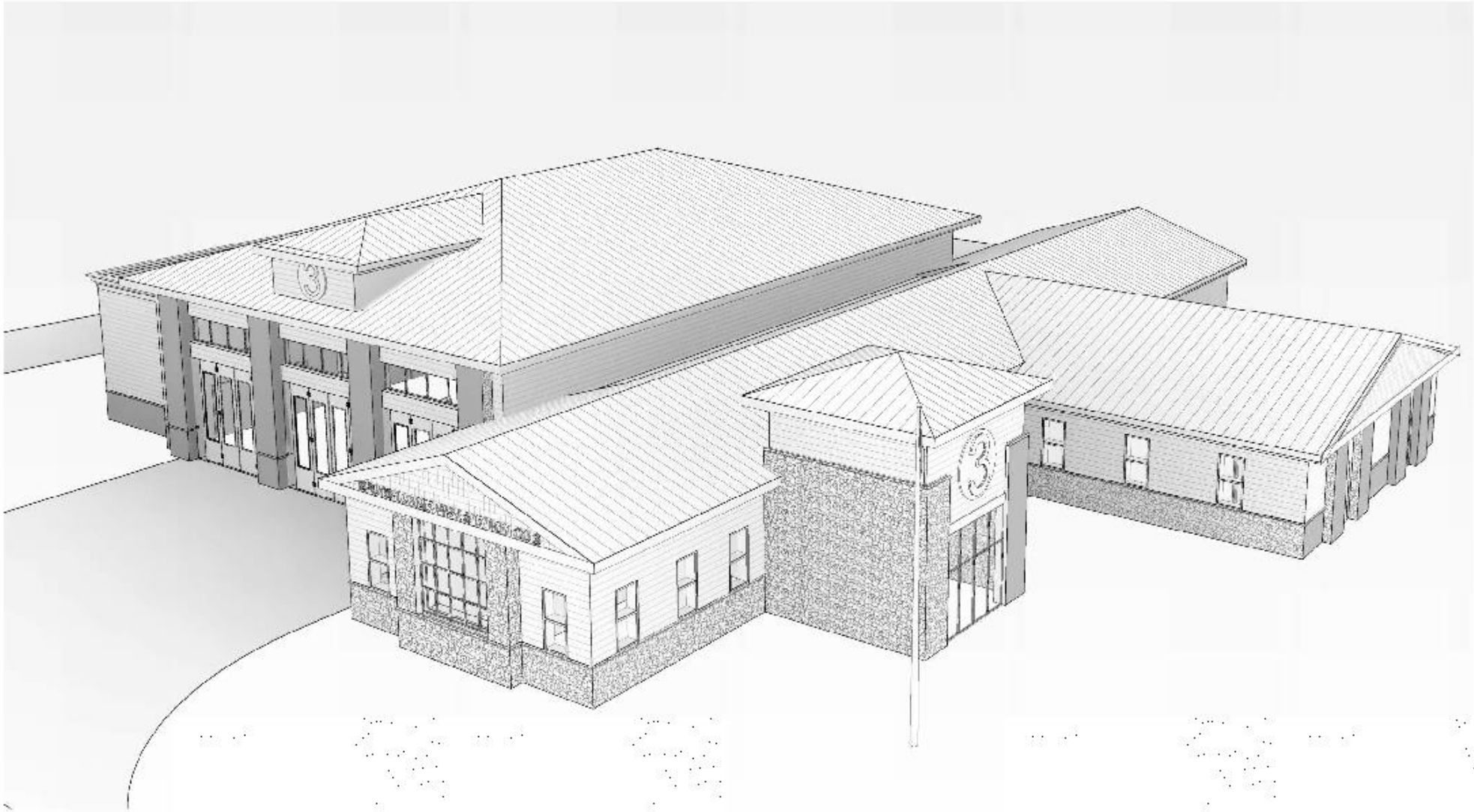
- Residential scaled scheme.
- Sloped metal hip roof over apparatus bay.
- Gable roof over bunkroom, provides continuous ridgeline which hides a roof area for mechanical equipment.
- Potential combination of brick façade and lap siding.
- Tower entrance is an alternate option

MASSING CONCEPT 3 - VIEW 1

BKV GROUP

MASSING CONCEPT 3 - VIEW 2

BKV GROUP



MASSING CONCEPT 3 - VIEW 3

BKV GROUP

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Informational Matters |

| | |
|---|---|
| **Agenda Title:** | Informational Matters |
| **Recommendation:** | n/a |
| **Summary:** | Information only. |
| **Financial Impact:** | n/a |
| **Staff Contacts:** | Ed Petrovitch, County Administrator |
| **Additional Background/Other Considerations:** | Information is attached. |
| **Consequence of Denial/Inaction:** | n/a |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| Vacancy_List.docx | Vacancy List | Backup Material |
| Contingency_2022.pdf | Contingency Fund | Backup Material |

**COUNTY BOARDS AND COMMISSIONS**
**CURRENT OR UPCOMING VACANCIES**
**Through October 2021**

***Appointments by Voting District:***

**Battlefield**

- Board of Building Code Appeals
- Citizens Transportation Advisory Committee (CTAC)
- Historic Preservation Commission
- Transportation Committee

**Berkeley**

- CBRC-Alternate
- Citizens Transportation Advisory Committee (CTAC)

**Chancellor**

- Transportation Committee-Expires September 25, 2021

**Courtland**

- Minority Affairs Committee
- Citizens Transportation Advisory Committee (CTAC)

**Lee Hill**

- Transportation Committee
- CBRC
- Citizens Transportation Advisory Committee (CTAC)

**Livingston**

- Citizens Transportation Advisory Committee (CTAC)
- CBRC-Alternate

Revised 08/02/2021

**Salem**

- Board of Building Code Appeals
- CBRC-Alternate
- Parks and Recreation Commission
- Citizens Transportation Advisory Committee (CTAC)

***Non-District Appointments:***

- Agricultural/ Forestal District Review Committee- 4 Farmer or Forester and 2 Landowner Appointments
- Fort A.P. Hill Joint Land Use Study- 1 Vacancy (appointment for phase 2-recommendations)
- Minority Affairs Committee-NAACP affiliated member
- YMCA Board of Directors- 1 Vacancy
- Board of Equalization- All Expire December 31, 2020 (Assessment Office will contact in 2021 regarding recommendations for reappointment)
- Transportation Committee- 1 Vacancy-At large
- CPMT- Parent Rep- 1 Vacancy
- Rappahannock Area Youth Services & Group Home Commission- 1 Vacancy- Spotsylvania Representative (the next representative will be from Stafford-we will be contacted regarding recommendation)
- Healthy generations Agency on Aging Board of Directors- 1 Vacancy- At Large

**Please note, as a reminder, the Board has not decided whether or not they want participate in the Government & Military Affairs Council

# FY 2022 BUDGETED CONTINGENCY ACCOUNT
# STATUS REPORT

**TOTAL BUDGETED CONTINGENCY** **$393,750**

**CONTINGENCY USES**

| DATE | PURPOSE | AMOUNT |
|---|---|---|
| 7/1/2021 | Local cost for an additional Assistant Commonwealth's Attorney position. | 45,178 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

TOTAL USED $45,178.00

**UNRESTRICTED CONTINGENCY REMAINING** **$348,572**

**Spotsylvania County**
**Board of Supervisors Agenda**
**Executive Summary**

| | |
|---|---|
| **Meeting Date:** | August 10, 2021 |
| **Title:** | Closed Meeting |

| | |
|---|---|
| **Type:** | Action, Closed Meeting, Public Hearing |
| **Agenda Title:** | Closed Meeting |
| **Recommendation:** | Adopt the Closed Meeting Resolution prior to adjourning into Closed Meeting. |
| **Legal Counsel:** | Karl R. Holsten, County Attorney |

**ATTACHMENTS:**

| File Name | Description | Type |
|---|---|---|
| REVISED_Closed_Meeting_Resolution_-_2.2-3711(A)(3)(5)(8)_8.10.2021.pdf | Closed Meeting Resolution | Resolution |
| Return_to_Open_Meeting_Resolution_8.10.2021.pdf | Return to Open Meeting Resolution | Resolution |

***DRAFT***

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021, on a motion by _____, seconded by _____, and passed _____, the Board adopted the following resolution:

**RESOLUTION NO. 2021 –**

**To Adjourn into a Closed Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; specifically, discussion of real property in the Lee Hill District; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into Closed Meeting for discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community, specifically, a real estate development company and a recreational and entertainment business; and

WHEREAS, the Spotsylvania County Board of Supervisors desires to adjourn into a Closed Meeting for consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel, specifically, a planning and zoning matter; and

WHEREAS, pursuant to Va. Code Ann. § 2.2-3711(A)(3), (5), and (8), such discussions may occur in Closed Meeting.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors does hereby authorize discussion of the aforestated matters.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors

DRAFT

At a meeting of the Spotsylvania County Board of Supervisors held on August 10, 2021, on a motion by _____, seconded by_____, and passed _____, the Board adopted the following resolution:

**RESOLUTION NO. 2021 -**

**Return to Open Meeting**

WHEREAS, the Spotsylvania County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712(D) of the Code of Virginia requires a certification by this Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED that the Spotsylvania County Board of Supervisors hereby returns to open meeting and certifies, by roll call vote, that to the best of each member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion to convene into Closed Meeting were heard, discussed or considered in the Closed Meeting.

(SEAL) A COPY TESTE: _____

Aimee Mann
Deputy Clerk to the Board of Supervisors