



NELSON COUNTY PLANNING COMMISSION

Meeting Agenda: June 22, 2016

General District Courtroom, 3rd Floor, Nelson County Courthouse, Lovingston

– **7:00 – Meeting Convenes / Call to Order**

– **Review of meeting minutes:** May 25, 2016

– **Public Hearing Items:**

1. **Proposed Amendments to Zoning Ordinance Article 10 –
“General Floodplain District (FP)”:**

The Planning Commission will conduct a public hearing to receive public comments on proposed text amendments to Zoning Ordinance, which include proposed modifications to the existing text and proposed additions of new text, for the purpose of achieving compliance and consistency with the minimum requirements contained in Virginia’s model ordinance as well establishing certain higher standards for higher risk uses, structures, and activities.

– **Other Agenda Items:**

- Introduction of Class C Tower Permit Application #2016-08 / SHENTEL
 - 12979 Thomas Nelson Hwy (CV221 “Polly Wright Cove”) / TM Parcel #45-A-40

– **Other Business** (*as determined by Planning Commission members / as applicable*)

– **Adjournment**

– **Next Meeting:** July 27, 2016 | 7:00pm

NELSON COUNTY PLANNING COMMISSION
MEETING MINUTES
May 25, 2016

Present: Chair Philippa Proulx, Commissioners Mike Harman, Linda Russell, Robert Goad and Tommy Bruguiere (Board of Supervisors Liaison)

Absent: Commissioner Mary Kathryn Allen

Staff Present: Tim Padalino, Director of Planning & Zoning and Stormy Hopkins, Secretary

Call to Order: Chair Proulx called the meeting to order at 7:03 P. M. in the General District Courtroom, County Courthouse, Lovington.

Approval of Minutes – April 27, 2016:

Commissioner Harman made the following motion:

I move that the April 27, 2016 minutes be approved; the vote 5-0.

Public Hearing Items:

1. Special Use Permit #2016-01 – Ms. Elizabeth Jackson:

Mr. Padalino noted information regarding the subject property's location, characteristics, and other information. He explained that the subject property is a 2-acre parcel, which is located in Afton (North District) at 1617 Avon Road, and is further identified as Tax Map Parcel #7-A-25, which is split-zoned Residential (R-1) and Agricultural (A-1).

He then noted that the Special Use Permit (SUP) application and fee payment was received on May 3rd, 2016. A Minor Site Plan was not submitted as is required with all other Special Use Permits. The applicant was notified that a request for a waiver for such requirement is necessary (pursuant to Z.O. 13-7-C). On May 20th, the request was received which stated, *"I, Elizabeth Jackson am sending this waiver to let you know that I am only replacing the home that burned down on the 9th of February, nothing is changing, I just want everything on one floor."* He indicated that he evaluated the request (pursuant to Z.O. 13-7-C criteria) and found the waiver to be acceptable, relevant to the criteria listed in numbers four (4) and five (5). He further noted that a dwelling does not require a Minor Site Plan but is a requirement for a SUP.

He further noted that as of February, there were two (2) single-family dwellings on the property. However, those two (2) dwellings were permissible as a legal non-conforming (grandfathered) use. Currently, there is an existing mobile home and the damaged/destroyed foundation of the single-family detached dwelling that remains on the subject property. The applicant proposes to replace the former dwelling with a prefabricated double-wide manufactured home. The proposed structure would be eligible under the continued non-conforming use clause because it is being replaced within twelve months (as specified in Section 11-6-1). County Staff verified with Jaime Miller (Emergency Services Coordinator) that the chimney fire happened on February 9th. The damaged structure was taken down by the Rockfish Valley Volunteer Fire Department as a controlled burn as a training exercise. He also noted that the applicant does have to comply with all the required setbacks.

Mr. Padalino noted that according to Section 5-1-2a, the type of dwelling in the Residential (R-1) district requires permitting through a SUP. There are four (4) criteria (Section 12-3-2) in which must be evaluated when reviewing request for SUP (as described in Staff Report dated May 16, 2016). An adjoining property owner, Mrs. Ruby Graves called the Planning & Zoning office on Friday, May 20th to note that she received her adjoining property owner (APO) letter and does not have an issue or problem with the mobile home. He further noted that

he contact Mr. Tom Eick (Health Department) and provided the application materials for his review and comment. To date he has not received a response from Mr. Eick regarding the existing septic system.

Mr. Padalino concluded by noting it is the Staff's recommendation that the requested SUP would not change the established pattern of development; would not produce a negative impact to the character of the area, or otherwise be unharmonious to adjoining and nearby properties. Overall, the applicant's request to replace the fire-destroyed dwelling with a double-wide manufactured mobile home is acceptable relative to the evaluation criteria contingent upon Health Department approval, and compliance with all the minimum setback requirements. He also noted that he measured the existing foundation for setbacks. It is ninety-feet from the center-line of Avon Road, and the porch is eighty-five feet; both exceed the minimum setback requirements.

The Commissioners had the following questions:

1. *Does the applicant intend to use the existing foundation/footprint for the new mobile-home?* Mrs. Jackson stated that she does intend to use the same footprint on the existing foundation, as well as the existing well and septic.
2. *How far is the foundation to the side yard?* Mr. Padalino indicated that he does not know the exact measurement but does not believe it is anywhere close to the required twenty-five foot (combined) setback.

Chair Proulx opened the public hearing at 7:14PM. No comments were given, the public hearing was closed.

Commissioner Russell made the following motion:

I make a motion that the Planning Commission recommend that the Board of Supervisors approve SUP #2016-01 for Elizabeth Jackson on Avon Road; Tax Map #7-A-25, subject to Health Department approval and the mobile home complies with all setback regulations. Commissioner Harman provided the second; the vote 5-0.

Other Agenda Items:

2. Preliminary Major Site Plan #2016-07 – Evan's Cabins:

Mr. Padalino noted this is a review of a Major Site Plan prepared by Mr. David Collins, LS, PE in connection with a previously approved Special Use Permit #2015-05 (Evan's Cabins). When the SUP application was reviewed last year, it included a Minor Site Plan which was reviewed by the Site Plan Review Committee members for the purposes of providing initial commentary. This included the site layout and configuration; private septic and well; existing and proposed entrances with Beech Grove Road; on-site private roads; limits of disturbance; and other site details such as landscaping, exterior lighting and signage. This Major Site Plan seeks to address in full detail all those issues that were discussed during the previous Minor Site Plan Review. He pointed out that this is a preliminary site plan review. It was prepared and submitted using the optional provision in Z.O. 13-4-HH which reads: *A Preliminary Major Site Plan may be submitted to the Planning Commission for review and comment prior to submittal of the Final Site Plan for review and approval.*

Mr. Padalino noted information regarding the subject property's location, characteristics, and other information. He explained that the subject property is a 4.99-acre parcel zoned Agricultural (A-1), which is located on the south side of Beech Grove Road. The property owners are Mr. Bill and Mrs. Rebecca Evans.

Mr. Padalino noted that the original submittal was received and reviewed at the Site Plan Committee meeting on May 11th. He then provided a detailed summary of the review comments from that meeting (described in the Staff Report dated May 17, 2016 – see attached). Revisions were made and the plan was resubmitted on May 16th. He also noted that access to the site is handled by the Virginia Department of Transportation (VDOT). Mr. Collins has been actively working with them to make the necessary revisions in response to the initial review (as described in response letter included in PC packet).

David Collins: Mr. Collins noted that he is a land surveyor and Civil Engineer in Nelson County. He stated that he “wanted to use a twelve (12) foot section of gravel, partly because of going to Douthat State Park is sort of their model for what this camp will be like.” He noted that the only section of the Z.O. that he could find was labeled a subdivision road; this is not a subdivision and it shows a fifty (50) foot opening. He indicated that they would like to have trees against the roadway (within reason). They are trying to save all the trees they can. They have laid out the cabins and positioned them ~~to face them~~ to make them as seemingly separate as possible. Originally there were plans for six (6) cabins and now there are four (4) cabins with double rooms (same number of rooms with fewer structures). He further noted that, “the road section I’m showing as sixteen (16) feet of gravel. There may need to be a ditch in some cases where we have a pipe/culvert crossing. I want to make it wider so you are not driving over the very end of the pipe.” There will be driveways that are not far apart. He noted that sixteen (16) feet is adequate for passenger vehicles. There may be some larger vehicles (fire truck, dump truck, etc.) but the road will be adequate for those as well. They are trying to keep the roads as narrow as possible to keep the wooden canopy as thick as possible and to limit disturbance to reduce run-off/storm-water management.

The Commissioners had the following questions/concerns/comments:

1. *Is there a gate for the main entrance so no one, except for the owner, can use the ten (10) foot road?* Mr. Collins stated there would be a sign that says “residence” or similar because they do not want cabin occupants to come to the house. There will be a gate that would stop them. If access is needed to make a circular loop, the gate can be opened.
2. *Is there a turnaround before the gate?* Mr. Collins noted that there are two (2) parking spaces before the garage that can be used to pull in, back up and turn around to get out. If there is an emergency vehicle, the gate can be opened.
3. *Is there no entrance on the private side of the gate?* Mr. Collins noted that there is gravel up to the residential side of the garage.
4. *Is the garage private or commercial?* Mr. Collins indicated that it is a private garage but it would be used for a workshop and office. It will be used for private use.
5. *What type of lighting would be used?* Mr. Collins provided copies of the lights for the Commissioners review.
6. *Will there be phones in the cabins?* Mr. Collins indicated that they are still working on the utilities.
7. *Will there be designated pedestrian paths around the cabins?* Mr. Collins indicated there will not be designated paths.
8. *The Z.O. requires the height of the private home on the Site Plan.* Mr. Collins indicated that he would make that note and would do it for all the buildings. The house is intended to be two-stories. The cabins will be one-story. One cabin will be made handicap accessible.

Mr. Collins noted that, “the septic plan for the cabins is a gravity system to a septic tank that will then flow to a pump tank and the pump will push it across the drain swell into a bit higher elevation to gravity flow into the septic field. The house will use a standard gravity system.” The pump will have an alarm system and will have a timer and float system.

The Commissioners indicated that they do not have a problem with the road as it is being proposed.

**3. Proposed Amendments to Zoning Ordinance Article 10 - (General Floodplain District FP):
(referral made at 12/8/2015 BOS meeting; PC review continued from 4/27/2016 PC meeting)**

Mr. Padalino noted this is a continued meeting of the referred amendments regarding Article 10 – (General Floodplain District FP).

Mr. Padalino noted that the Board of Supervisors (BOS) approved the requested 100-day extension. The original deadline date was May 6th and the new deadline date is August 14th. That time allows for tonight’s meeting and two (2) more regularly scheduled meetings. He recommended that the Commissioners direct Staff to advertise for a public hearing on June 22nd. The July meeting could be used to work out any final issues and vote on formal recommendations to the BOS.

Mr. Padalino then noted that since the last meeting he and Mr. Payne (County Attorney) had worked on some of the complicated issues that were in the current Z.O. that are not in the state's model ordinance. They were also able to gain some clarity on some of the issues about what can be prohibited and if so, how to do it thoughtfully and appropriately.

Mr. Padalino then characterized the modifications since the last version of proposed amendments (referencing the draft dated May 16, 2016 – see attached).

- Made the necessary housekeeping/editorial changes such as the capitalization for Special Flood Hazard Areas (SFHA), and Base Flood Elevation was changed throughout the ordinance.
- Separating the terms Special Use Permit (SUP) and Variance. All reference to SUP was taken out and replaced with Variance (referencing Section 10.22).
- All reference to SUP was removed and replaced with zoning permit (Section 10.13).
- All reference to SUP or Variance was removed and replaced with zoning permit (Section 10.14).

He then asked the Commissioners if they had recommendation/questions/concerns for the proposed amendments (as detailed in the draft dated May 16, 2016 – see attached).

1. *In Section 10.16, Item A, number 2, what is an endorsement and is that voted on by the Board of Zoning Appeals (BZA)?* Mr. Padalino noted that was added when SUP was removed, and that it was taken from the model ordinance. It would be reviewed and voted on by the BZA for uses in the Floodway.
2. *While comparing the drafts from March and May (Section 10.22) there is a list of factors for Variances. In the March draft there are two entries that do not appear in the current May draft (referencing 10.14 and 10.15E) for proposed critical facilities or proposed hazardous materials.* Mr. Padalino noted that Section 10.14 would be the prohibition that are the higher standards (critical facilities/hazardous materials), originally read that no “SUP or Variances shall be granted...” which has been replaced with zoning permit. It no longer prohibits the issuances of Variances.
3. *In the Definitions (Section 10.7) – Board of Zoning Appeals: need to remove SUP.*
4. *In Section 10.13, Item C, number 1: March draft had eight (8) copies of the Site Plan and the May draft states plans in triplicate.* Mr. Padalino noted that the plans in triplicate is what is in the model ordinance and the existing Z.O. With the BZA review being removed and replaced with an administrative review, there only needs to be plans in triplicate.
5. *In Section 10.15 – first sentence: special flood hazard areas needs to be capitalized.*
6. *What was Mr. Payne's decision on “transport” (Section 10.15, Item E)?* Mr. Padalino noted that he does not believe he got a final answer.
7. *In Section 10.22, sentence beginning with Variances shall be issues...the word Special needs to be removed.*

Commissioner Harman made the following motion:

I make a motion that the Planning Commission recommend that Staff advertise for public hearing Article 10 – General Floodplain District FP per draft dated May 16, 2016 as amended. Commissioner Goad provided the second; the vote 5-0.

Mr. Padalino provided handouts to the Commissioners regarding guidance from the Virginia Department of Conservation and Recreation (DCR) that was referenced at last months' meeting.

Other Business:

Mr. Padalino noted that an application for a Class C Communication Tower permit has been received from Shentel (formally nTelos). It is for an existing facility location at 12979 Thomas Nelson Highway, which is called Polly Wright Cove.

Mr. Padalino noted that regarding the Rockfish Valley Area Plan (RVAP), an Open House is scheduled to take place on Tuesday, June 28th at the Rockfish Valley Community Center from 6:30-8:30PM. There will be one presentation given twice. There is a public survey that is available to gauge people's interest/concerns/priorities

specific to the Rockfish Valley. Those are available online as well as in paper format. He provided a copy to each of the Commissioners.

Board of Supervisors Report: Mr. Bruguere provided the following details:

1. The 100-day extension was granted to the Planning Commission for the review of the Floodplain Ordinance.

Chair Proulx asked about the proposed M-1 “contractor’s yard” amendment and what was happening with that. Mr. Padalino noted that it is not about Gary Bryant and it would be a “big misconception” to make a decision based on him. The idea behind the amendment process was to consider whether or not to create that existing use in that new district, and if the BOS wanted to do so. Mr. Bruguere noted that the BOS was not making any recommendations until Mr. Bryant had “took care of all his housekeeping things.” The recommendations that the BOS would make would apply to everyone, not just one person. Mr. Padalino added that it would be a County-wide impact.

Adjournment:

Commissioner Harman made a motion to adjourn at 8:36 pm; vote 5-0.

Respectfully submitted,

Stormy V. Hopkins
Secretary, Planning & Zoning

Please publish Thurs. June 9 and Thurs. June 16 in The Nelson County Times:

**LEGAL NOTICE OF PUBLIC HEARING
NELSON COUNTY PLANNING COMMISSION
JUNE 22, 2016**

In accordance with Volume 3A, Title 15.2, Counties, Cities and Towns, of the Code of Virginia, 1950, as amended, and pursuant to §15.2-107, §15.2-2204, §15.2-2285, §15.2-2310, and §15.2-4307, the Nelson County Planning Commission hereby gives notice that a Public Hearing will be held on **Wednesday, June 22nd at 7:00 p.m.** in the **General District Courtroom** on the third floor of the Nelson County Courthouse located at 84 Courthouse Square, Lovingston.

The purpose of such public hearing is to receive public input on proposed text amendments to the Code of the County of Nelson, Virginia, Appendix A – Zoning, Article 10 “General Floodplain District (FP),” which would modify the County’s floodplain management regulations and provisions in accordance with the Code of Federal Regulations and the National Flood Insurance Program. The proposed amendments include additions and modifications to the existing text for the purpose of achieving compliance and consistency with the minimum requirements contained in Virginia’s model ordinance (dated February 2015). A descriptive summary follows:

Throughout the Article the term Planning & Zoning Director is replaced with the term Floodplain Administrator.

In Section 10.7, definitions for the following terms have been added: *appurtenant or accessory structure, critical facilities, functionally dependent use, hydrologic and hydraulic engineering analysis, letter of map change, letter of map amendment, letter of map revision, conditional letter of map revision, lowest adjacent grade, post-FIRM structures, pre-FIRM structures, repetitive loss structure, severe repetitive loss structure, and shallow flooding area.* The definitions of *Board of Zoning Appeals, flood insurance rate map, flood insurance study, floodway, manufactured home, and substantial improvement* have been revised.

In Section 10.13, “special use permit” is deleted and “zoning permit” substituted therefor. This change is also made in subsequent sections of the Article.

In Section 10.14, additional limitations are imposed on Special Flood Hazard Areas (SFHA):

L. No zoning permit shall be granted for any proposed critical facilities as defined by this ordinance within any SFHA. See 10.15-E.

M. No zoning permit shall be granted for the storage of hazardous materials for any time period longer than 30 days within any SFHA. See 10.15-F.

N. No zoning permit shall be granted for the placement of any non-native fill materials (such as fly ash or other waste by-products) within any SFHA. Only locally-borrowed mineral materials may be used as fill within a SFHA, and all such uses must first obtain the necessary permit approval(s) as required by this ordinance.

Section 10.15A and B are amended by increasing the existing twelve (12) inch freeboard requirement to

an eighteen (18) inch freeboard requirement, such that the lowest floor of new structures and substantial improvements to existing structures would have to be located a minimum of one-and-a-half (1.5) feet above the Base Flood Elevation. Subsection E and F are added. Subsection E prohibits critical facilities from being constructed or operated within a SFHA. Such critical facilities are:

1. Structures or facilities that produce, use, store, or transport highly volatile, flammable, explosive, toxic, and/or water-reactive materials.
2. Hospitals, nursing homes, or other housing likely to have occupants who may not be sufficiently capable of avoiding injury or death during a flood.
3. Police stations, fire departments, rescue squads, and/or emergency operations centers and equipment storage facilities which are needed for flood response activities before, during, and after a flood.
4. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

Subsection F prohibits hazardous materials:

1. The storage of Acetone, Ammonia, Benzene, Calcium carbide, Carbon disulfide, Celluloid, Chlorine, Hydrochloric acid, Magnesium, Nitric acid, Oxides of nitrogen, Phosphorus, Potassium, Prussic acid, Sodium, and/or Sulfur is prohibited in a SFHA.
2. The storage of Acetylene gas containers, Storage tanks, Lumber/buoyant items, Gasoline, Charcoal/coal dust, Petroleum products, and/or Natural gas for any time period longer than 30 days is prohibited in a SFHA.

Section 10.17 is revised to state that permitted uses in the floodway may only be non-structural.

Section 10-20D modifies the requirements to report the Base Flood Elevation on subdivision plats, in accordance with the minimum requirements contained in Virginia's model ordinance, by requiring that the Base Flood Elevation be identified and included on a subdivision plat if the plat includes more than eleven (11) lots or more than five (5) acres, whichever is lesser.

Section 10.22 is revised to eliminate the special use permit references thereby achieving consistency with Virginia's model ordinance, clarifying that a variance granted by the Board of Zoning Appeals is the proper procedure for relief from a hardship caused by the Article, and allowing the Board of Zoning Appeals to refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance, at the applicant's expense.

Section 24 is added establishing that the Planning and Zoning Director is the Floodplain Administrator and sets out the extensive administrative duties of the administrator and the process for boundary changes and map revisions.

The full text of the proposed ordinance amendments is available for public inspection in the Department of Planning & Zoning, 80 Front Street, Lovingson, VA, 22949, M-F, 9:00 a.m. to 5:00 p.m. For more information, please call the Dept. of Planning & Zoning, (434) 263-7090, or County Administration, (434) 263-7000, or toll free, (888) 662-9400, selections 4 and 1.

Following the hearing, the Planning Commission may vote to forward the proposed text amendments to the Board of Supervisors with a formal recommendation for adoption or adoption with modifications, or may continue their review of the proposed amendments in response to public input received during the hearing.

BY AUTHORITY OF THE NELSON COUNTY PLANNING COMMISSION



To: Chair and Members, Nelson County Planning Commission
From: Tim Padalino | Planning & Zoning Director
Date: June 14, 2016
Subject: **Public Hearing for Proposed Zoning Ordinance Amendments:
Article 10 (“General Floodplain District FP”)**

Summary of Review Process:

<i>August 11, 2015</i>	Staff presents proposed (draft) amendments to BOS
<i>December 8</i>	BOS votes to refer amendments to PC
<i>January 27, 2016</i>	PC receives referred amendments
<i>February 24</i>	PC continues review
<i>March 23</i>	VA DCR staff attends PC meeting to assist with policy review/amendment process
<i>April 27</i>	PC formally requests 100-day extension to review process
<i>May 6</i>	Original deadline for PC to provide BOS with recommendations (per Code of VA)
<i>May 10</i>	BOS approves 100-day extension
<i>May 25</i>	PC continues review and directs staff to advertise for 6/22 public hearing
<i>June 22</i>	PC to conduct public hearing
<i>July 27</i>	PC to vote on formal recommendations to BOS
<i>August 14</i>	Extended deadline for PC to provide BOS with recommendations

Summary of Proposed Amendments:

The Planning Commission has reviewed the proposed amendments that were referred to them by the Board of Supervisors (BOS) on December 8, 2015; and has reviewed additional materials provided by Mr. Charles Kline, (former) Floodplain Planner for Virginia Department of Conservation and Recreation (VA DCR). The PC review process has also included assistance from Mr. Charley Banks, National Floodplain Insurance Program Coordinator for VA DCR, and also from Mr. Phillip D. Payne, County Attorney for Nelson County.

Based on that review process, the Planning Commission is conducting a public hearing on the most recent version of the proposed text amendments (dated May 26th), which includes the referred amendments (items A – F, below) as well as the PC's proposed modifications to the original text amendments (items 1-3, below).

Overall, the May 26th version of the proposed text amendments would modify the existing Floodplain Ordinance regulations as follows:

(Proposed PC Modifications of Referred Amendments):

(1) Separate “Special Use Permit” and “Variance” Procedures and Requirements:

- The existing Section (10.22) which addresses the issuance of “Special Use Permits” and “Variances” has been modified to closely reflect the state model ordinance. Per PC request, the revised language in 10.22 no longer contains reference to “Special Use Permits.” This section now only addresses the procedures and requirements for “Variances.” Other sections which previously referred to “Special Use Permits and/or Variances” have also been modified to reflect this proposed separation.
- *Affected sections – please see:*
 - 10.14 “General Standards”
 - 10.22 “Variances and Special Use Permits”

(2) Replace the “Special Use Permit” requirement for “all uses, activities, and development” with an administrative “zoning permit” requirement:

- The existing requirement to obtain a SUP for all uses, activities, and development within any floodplain district would be eliminated; instead, a zoning permit would need to be obtained administratively. The proposed use, activity, structure, or other development would still need to comply with the planning and design standards set forth in the ordinance – but the applicant would not need to obtain a SUP from the BZA.
- *Affected sections – please see:*
 - 10.13 “Permit and Application Requirements”

(3) Modify the (proposed) higher standards to be less restrictive:

- The original proposed amendments in 10.14 (“General Standards”) were written so as to completely prohibit the issuance of “Special Use Permits or Variances” for critical facilities, hazardous materials, or waste-by-products as fill material. The new modifications no longer reference “Special Use Permits” [in accordance with the modifications described above in (1) and (2)]. Instead, the new modifications prohibit the issuance of administrative zoning permits for those types of uses, but do not include any such prohibition relating to the issuance of Variances for those uses (if a Variance would be appropriate, as would be determined by the BZA in accordance with the criteria contained in 10.22).
- *Affected sections – please see:*
 - 10.14 “General Standards”

Taken together, the PC's recently proposed modifications would: (1) separate and "untangle" the SUP and Variance procedures and standards, which were not reflective of the model ordinance, and which generated difficulty in administration and interpretation; (2) eliminate the automatic requirement for "all uses, activities, and development within any floodplain district" to be subject to SUP procedures, instead requiring an administrative zoning permit; and (3) prohibit the issuance of administrative zoning permits in connection with certain high-risk uses, activities, structures, and development subject to "higher standards" – but would not explicitly prohibit the issuance of Variances for such uses, activities, or development (if applicable).

(Proposed Text Amendments as Referred by BOS):

A. Increase freeboard from existing 12" requirement to 18" requirement:

- This would require the lowest floor (including basement) of any new construction or substantial improvement to be located a minimum of 1.5 feet above the Base Flood Elevation. This would be an increase from the existing requirement of 1 foot minimum.
- *Affected sections – please see:*
 - 10.15-A "Specific Standards – Residential Construction"
 - 10.15-B "Specific Standards – Non-Residential Construction"

B. Define "critical facilities" and prohibit them in all Special Flood Hazard Areas (SFHA):

- This would prohibit the issuance of administrative zoning permits for the placement of critical facilities – such as emergency services and rescue squads, schools, medical facilities, hazardous materials and fuel storage, and other uses, structures, and improvements – within any SFHA.
- *Affected sections – please see:*
 - 10.7 "Definitions"
 - 10.14-L "General Standards"
 - 10.15-E "Specific Standards – Higher Standards and Critical Facilities"
 - 10.22-M "Variances and Special Use Permits"

C. Restrict "hazardous materials" and fuels in all Special Flood Hazard Areas (SFHA):

- This would prohibit the issuance of administrative zoning permits for the storage of some hazardous materials (such as Ammonia, Hydrochloric acid, and other chemicals or chemical compounds) in any Special Flood Hazard Area that would exceed a period of thirty (30) days; and would prohibit the issuance of administrative zoning permits for the storage of some other hazardous materials (such as lumber, gasoline, petroleum products, natural gas, and other raw materials and fuels) in any SFHA for any amount of time.
- *Affected sections – please see:*
 - 10.14-M "General Standards"
 - 10.15-F "Specific Standards – Higher Standards and Hazardous Materials"
 - 10.22-N "Variances and Special Use Permits"

D. Limit land uses in the Floodway to only non-structural uses:

- This would prohibit any and all structures from being located within the Floodway, but would allow other non-structural uses within the portion of the floodplain designated as Floodway. The Floodway is, “*the designated area of the floodplain required to carry and discharge flood waters*” and is generally the lowest-lying area in the middle of the floodplain which actually conveys surface waters.
- *Affected sections – please see:*
 - 10.17 “Permitted Uses in the Floodway District”

E. Modify the requirements for when the Base Flood Elevation needs to be identified and included on subdivision plats:

- This would change the threshold for when applicants need to identify and include the Base Flood Elevation (BFE) on a plat of division. Currently, this BFE information needs to be included for subdivisions containing more than fifty lots or more than five acres, whichever is lesser. Specifically, the recommended amendments would lower the reporting threshold from “more than fifty lots or more than five acres, whichever is lesser” to “more than eleven (11) lots or more than five acres, whichever is lesser.”
- *Affected sections – please see:*
 - 10.20-D “Standards for Subdivision Proposals”

F. Restrict the placement of fill in all Special Flood Hazard Area (SFHA):

- This would prohibit certain fill materials from being placed within any designated SFHA, and would only allow for locally-borrowed mineral materials to be used as fill within an SFHA (and would still be subject to the proposed requirement that an administrative zoning permit be obtained prior to placing any such fill in a SFHA).
- *Affected sections – please see:*
 - 10.14-N “General Standards”

(*). Editorial revisions intended to bring existing ordinance into compliance with model ordinance:

- There are numerous amendments intended to ensure that the ordinance satisfies all applicable “minimum requirements” as contained in the state model ordinance, including:
 - adding a statement about the authority of the county to have a floodplain management program and floodplain ordinance;
 - adding a section specifying the administration of the floodplain ordinance;
 - creating consistency with the model ordinance by replacing “Planning & Zoning Director” title with “Floodplain Administrator” title throughout the ordinance;
 - revising or introducing definitions as contained in the model ordinance “Glossary;” and
 - ensure that terminology was accurate and consistent throughout the ordinance by capitalizing “Special Flood Hazard Area” and “Base Flood Elevation,” and by using the term “Conditional Letter of Map Revision” to replace outdated terms.

- *Affected sections – please see:*
 - 10.1 “Purpose”
 - 10.6 “Penalties”
 - 10.7 “Definitions”
 - 10.11 “Interpretation of district boundaries”
 - 10.13-A “Permit and Application Requirements – Permit requirement.”
 - 10.13-C “Permit and Application Requirements – Site plans and permits applications.”
 - 10.14 “General Standards”
 - 10.15-C “Specific Standards – Elevated Buildings”
 - 10.16 “Standards for the Floodway District”
 - 10.18 “Standards for the Special Floodplain District”
 - 10.19 “Standards for Approximated Floodplain”
 - 10.24 “Administration”
 - 10.25 “Enactment”

Additional Staff Comments:

An additional issue was identified on May 26th, the day after the previous PC meeting (at which the Commission directed staff to advertise a legal notice ad for a public hearing on the May 26th version of the amendments). That issue is the definition of “Variance.” Specifically, “Variance” is currently defined in the Zoning Ordinance, it is defined differently in the Code of Virginia, and it is defined a third different way in the model floodplain ordinance (in reference to the Code of Federal Regulations).

In connection with the proposed modifications to the referred amendments, the PC needs to determine which definition of Variance should be used. In doing so, it would be permissible to have a definition of “Variance” which applies only to Article 10 (“General Floodplain District FP”), without affecting the definition of “Variance” as found in the remainder of the Zoning Ordinance.

Staff recommends that the Planning Commission consider adopting the definition of “Variance” as contained in the model ordinance, which is as follows:

“Variance means a grant of relief by a community from the terms of a floodplain management regulation.”

Adding the above definition of “Variance” to existing Article 10, Section 7 (“Definitions”) would increase consistency between local and state model ordinance; and it would not alter the review process, evaluation criteria, or other factors associated with Variance requests made pursuant to (proposed) Article 10, Section 22 (“Variances”).

Summary & Conclusion:

Please carefully review this staff report, and the accompanying proposed amendments (showing “track changes” and “comments” dated May 26th), in preparation for the June 22nd public hearing.

Additionally, copies of informational materials provided by DCR can be provided for your reference. Please share with Planning & Zoning staff any request(s) you may have regarding:

- VA DCR recommendations stemming from the “audit” (provided in February PC packet);
- the “Example Floodplain Management Ordinance” (model ordinance) dated Feb. 2015; or
- the “Guidance for Local Floodplain Ordinance in VA” document, which includes information about “Higher Standards” in Section XII; or

Please contact with me any questions you may have regarding the information contained in this staff report, or regarding the issue of floodplain management in general. Thank you for your attention to this important topic and for your participation in this ongoing amendment process.

Additional Information on Floodplain Ordinance Review Process:

This information was provided in previous PC staff reports, but may be a useful reference during this public hearing process.

The Nelson County Zoning Ordinance contains provisions for floodplain management and land use regulations within Article 10, “General Floodplain District FP.”

Purpose of Floodplain Ordinance:

Referred to as the County’s “Floodplain Ordinance,” this set of regulations contained in the Zoning Ordinance is the local (municipal) manifestation of federal floodplain management regulations. In order for properties in any given locality to be eligible for flood insurance policies through the National Flood Insurance Program (NFIP), the local government must adopt, administer, and enforce a Floodplain Management Program [including a Floodplain Ordinance that is compliant with minimum requirements, as specified in the “model ordinance”].

As explained to me on January 12, 2015 by Mr. Charley Banks, NFIP Coordinator for Virginia Department of Conservation & Recreation (DCR): the National Floodplain Insurance Program is a voluntary program, stemming from Chapter 44 of the Code of Federal Regulations, which enables localities to opt-in to the FEMA floodplain management program (in order for property owners to be eligible to obtain federally-subsidized flood insurance). Participation in the NFIP is critical for property owners; hence, most localities (including Nelson County) voluntarily participate in the NFIP.

Mr. Banks also explained that being in the NFIP means that the participating locality must codify floodplain management regulations into their local zoning ordinance (and similar regulations are also placed in the building code and enforced by the building official). He stated that the NFIP – a federal program – was initially set up to be administered and enforced through local zoning ordinances; and that this arrangement of local administration and local authority remains in effect.

Mr. Banks emphasized that for all localities participating in the NFIP, the local government has the authority and the responsibility to enforce their codified floodplain management regulations.

Review of Floodplain Ordinance:

County staff recently reviewed the Floodplain Ordinance with the assistance of Virginia DCR. That review, which included an “audit” of the existing Nelson County Floodplain Ordinance as well as an introduction to “higher standards” information produced by DCR, led to the recommendation of numerous amendments, as summarized in this staff report (see pages 3-5).

More specifically, Mr. Charles Kline, (former) Floodplain Program Planner for DCR, reviewed the existing ordinance and provided recommendations in an email dated June 10th. Mr. Kline’s recommendations can generally be grouped into two categories, as follows:

- recommendations for how the existing ordinance should be amended to properly contain the regular standards (“minimum requirements”) as specified in the “Example Floodplain Management Ordinance” dated February 2015 (a.k.a. “model ordinance”); and
- recommendations for how the existing ordinance could be amended to include some of the higher standards contained in the “Guidance for Local Floodplain Ordinances in VA” document prepared by DCR’s Dam Safety and Floodplain Program in February 2014.

In total, Mr. Kline recommended twelve (12) new standards to be included in the Floodplain Ordinance. After reviewing and discussing all of those recommendations, County staff recommend adopting six (6) of them as explained in this report (see page 3) and as shown in the attached amended ordinance (draft dated March 14, 2016).

Floodplain Ordinance and “Community Rating System” Program:

Please also note the (potential) connection between a locality’s adoption and enactment of higher standards for Floodplain Management, and eligibility for participation in the “Community Rating System.”

Specifically, Mr. Kline noted in his June 10th email that, “Enacting even a few of these higher standards would also make Nelson County a great candidate for participation in the Community Rating System (CRS). CRS is a program for communities that already run a compliant NFIP program and go above and beyond. The more they do for managing their floodplains, the more points they receive. The more points they receive, the more money their citizens can save on

flood insurance premiums. Citizens also receive a line item in their insurance bill showing these savings.” Mr. Kline also provided a hypothetical scenario showing potential savings on flood insurance premiums, depending on how many higher standards Nelson County incorporated into the Floodplain Ordinance.

Although participation in the CRS is a somewhat separate issue and process, the County should carefully consider the potential values and benefits in possible CRS participation (and thus possible cost savings on flood insurance premiums) while considering whether or not to adopt higher floodplain management standards into the Floodplain Ordinance.

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Draft: May 26 2016

ARTICLE 10. GENERAL FLOODPLAIN DISTRICT FP

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF THE COUNTY OF NELSON, VIRGINIA: THE ZONING ORDINANCE OF NELSON COUNTY, VIRGINIA, BY ESTABLISHING FLOODPLAIN DISTRICTS; BY REQUIRING THE ISSUANCE OF PERMITS FOR DEVELOPMENT; AND BY PROVIDING FACTORS AND CONDITIONS FOR VARIANCES TO THE TERMS OF THE ORDINANCES.

BE IT ENACTED AND ORDAINED BY THE COUNTY OF NELSON, VIRGINIA, as follows:

10.1 *Purpose.*

This ordinance is adopted pursuant to the authority granted to localities by Va. Code §15.2 – 2280. The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and necessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage.
- D. Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

10.2 *Applicability.*

These provisions shall apply to all lands within the jurisdiction of Nelson County and identified as being in the 100-year floodplain by the Federal Insurance Administration.

10.3 *Compliance and liability.*

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this ordinance and any other applicable ordinances and regulations, which apply to uses within the jurisdiction of this ordinance.

Comment [CBK1]: Need citation of statutory authority – see Model Ordinance 1.1.

Need section for administration – see Model Ordinance Article 2.

FEMA reviewers will need to see adoption date and date ordinance went into effect as well as signatures of officials certifying this adoption. See Model Ordinance Article VII.

Comment [TMP2]: Statutory authority cited (15.2-2280); Administration is proposed Section 10.24, Enactment clause is proposed Section 10.25.

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- B. The degree of flood protection sought by the provisions of this ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
- C. Records of actions associated with administering this ordinance shall be kept on file and maintained by the Floodplain Administrator.
- D. This ordinance shall not create liability on the part of Nelson County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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10.4 *Abrogation and greater restrictions.*

This ordinance supersedes any ordinance currently in effect in flood prone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this ordinance.

10.5 *Severability.*

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect and for this purpose, the provisions of this ordinance are hereby declared to be severable.

10.6 *Penalties.*

- A. Any person who fails to comply with any of the requirements or provisions of this ordinance or directions of the Floodplain Administrator or any other authorized employee of Nelson County shall be guilty of a misdemeanor and subject to the penalties as provided in Section 15-2 of the Zoning Ordinance.
- B. In addition to the above penalties, all other actions are hereby reserved, including an action of equity for the proper enforcement of this ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance to permit it to continue, and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this ordinance may be declared by the Board of Supervisors to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this ordinance.

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10.7 *Definitions*

Comment [CBK3]: Include definitions from model ordinance glossary

For the purpose of this Article, words and terms are defined as follows:

Appurtenant or accessory structure: Accessory structures not to exceed 200 sq. ft.

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Base flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevations (BFE): The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the community's Flood Insurance Rate Map. For the purposes of this ordinance, the one hundred (100) year flood or 1% annual chance flood.

Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.

Board of Zoning Appeals: The board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this ordinance. and to review and approve Variances (as appropriate) as explicitly specified in this ordinance.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or equipment of any kind.

Critical facilities: Structures, improvements, or uses that, by virtue of their importance to the community and/or their sensitivity to the risks of flooding, are prohibited from being located within any Special Flood Hazard Area. Critical facilities include but are not limited to: emergency services and rescue squads, schools, medical facilities, senior care centers, evacuation centers, hazardous materials or fuel storage, and other similar improvements and uses. See 10.14 and 10.15.

Development: Any man made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Drop-down Fence: A fence design that gives way under the pressure of flood flows to lay flat on the ground, and which can be re-erected after the flood.

Elevated building: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

Encroachment: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Existing construction: For the purposes of determining rates, structures for which the "start of construction" commenced before August 1, 1978. "Existing construction" may also be referred to as "existing structures."
O2010-4

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
O2010-4

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Expansion to an existing manufactured home park or subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). **O2010-4**

Flood or flooding:

- (a) A general or temporary condition of partial or complete inundation of normally dry land areas from:
- (1) the overflow of inland or tidal waters; or
 - (2) the unusual and rapid accumulation or runoff of surface waters from any source; or
 - (3) mudslides (i.e. mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) (1) of this definition.

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Flood-prone area: Any land area susceptible to being inundated by water from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Deleted: Insurance Administrator

Flood Insurance Study (FIS): a report by FEMA that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Deleted: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain:

- (a) A relatively flat or lowland area adjoining a river, stream or watercourse which is subject to partial or complete inundation;
- (b) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

Flood-proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point within the community.

Deleted: The designated area of the floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the

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watershed.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure: Any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) by an approved state program as determined by the Secretary of the Interior; or
 - (2) directly by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis: Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

Letters of Map Change (LOMC): A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), and Conditional Letters of Map Revision.

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated Special Flood Hazard Area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a Special Flood Hazard Area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements

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for such projects with respect to delineation of Special Flood Hazard Areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Lowest adjacent grade: the lowest natural elevation of the ground surface next to the walls of a structure.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days,

Manufactured home park/subdivision: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale. **O2010-4**

New construction: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after August 1, 1978 (the effective date of the initial FIRM) and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Such structure is also referred to as "post-FIRM." **O2010-4**

New manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community. **O2010-4**

Post-FIRM structures: A structure for which construction or substantial improvement occurred after August 1, 1978.

Pre-FIRM structures: A structure for which construction or substantial improvement occurred on or before August 1, 1978.

Recreational vehicle: A vehicle which is:

- (a) built on a single chassis;
- (b) four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Deleted: A structure subject to federal regulations which is transportable in one or more sections, is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis, is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities, and includes the plumbing, heating, air conditioning and electrical system contained in the structure.

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Repetitive Loss Structure: A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Severe repetitive loss structure: A structure that:

(a) is covered under a contract for flood insurance made available under the NFIP; and

(b) has incurred flood related damage –

(i) for which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shallow flooding area: A Special Flood Hazard Area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Special Flood Hazard Area: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Section 10.8.A.1 of this ordinance.
O2010-4

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Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **O2010-4**

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its predamaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have

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incurred repetitive loss or substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "historic structure," provided that the alteration will not preclude the structures continued designation as a "historic structure."
- (3) Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement, as defined above, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

Suspended cable fence: A steel cable or chain suspended across the waterway between two secured posts. From the cable a fence made of galvanized chain, chain mesh, galvanized mesh or prefabricated fencing or netting is attached. The suspended cable remains taut during the flood while the flood gate fence remains flexible and rises with the flow. Some variations of the flood gate fence have foam or plastic floats at the bottom of the fence to aid in flotation on the surface of the flood flow.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

10.8 Establishment of Floodplain Districts

A. Description of districts.

1. *Basis of districts.* The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the Flood Insurance Study (FIS) and the Flood Insurance Rate Maps (FIRM) for Nelson County, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated June 18, 2010 and any subsequent revisions or amendments thereto.

The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown on the Flood Insurance Rate Map which is declared to be a part of this ordinance and which shall be kept on file at the Nelson County Planning and Zoning office.

Deleted: This term includes structures which have incurred "structural damage regardless of the actual repair work performed.

Deleted: Code of Federal Regulations Title 44: Emergency Management and Assistance, Part 60-Criteria For Land Management and Use, Subpart A-Requirements for Land Management Regulations, Sec. 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5)

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2. The Floodway District is delineated, for purposes of this ordinance, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred (100)-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this District are specifically defined in Table 4 of the above-referenced Flood Insurance Study and shown on the accompanying Flood Insurance Rate Map.
3. The Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.
4. The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year floodplain boundary has been approximated. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the governing body.

B. *Overlay concept.*

1. The floodplain districts described above shall be overlays to the existing underlying districts as shown on the Official Zoning Ordinance Map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.
3. In the event any provision concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

10.9 *Official Zoning Map.* The boundaries of the floodplain districts are established as shown on the Flood Insurance Rate Map dated June 18, 2010 which is declared to be a part of this ordinance and which shall be kept on file at the Nelson County Planning and Zoning office.

10.10 *District boundary changes.* The delineation of any of the floodplain districts may be revised by the Board of Supervisors where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of

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Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

10.11 *Interpretation of district boundaries.* Initial interpretations of the boundaries of the floodplain districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

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10.12 *Submitting Technical Data.* A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

10.13 *Permit and Application Requirements.*

A. *Permit requirement* All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (*VA USBC*) and the Nelson County Subdivision Ordinance. Prior to the issuance of any such zoning permit, the Floodplain Administrator shall require all applications to include compliance with all applicable state and federal laws, and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.

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Comment [TMP4]: These revisions include language taken directly from model ordinance dated Feb 2015

Comment [CBK5]: Needs to include permit review to ensure development is 'reasonably safe from flooding'

B. *Alteration or relocation of watercourse.* Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the Virginia State Water Control Board, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. *Site plans and permits applications.* All applications for zoning permit for development in the floodplain district and all building permits issued for the floodplain shall incorporate the information contained in subparagraph 1., 2., 3., 4., and 5., and the Floodplain Administrator may require the applicant to furnish any and all of the following information in subparagraphs 6. through 8. As deemed necessary for determining the suitability of the particular site for the proposed use, the following is required:

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1. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the channel, floodway, and the flood protection elevation.
2. For structures to be elevated, the elevation of the lowest floor (including basement).
3. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed.
4. The elevation of the 100-year flood.
5. Topographic information showing existing and proposed ground elevations.
6. A typical valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
7. Plans (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information.
8. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

10.14 *General Standards*

The following provisions shall apply to all permits:

- A. New construction and substantial improvements shall be according to the VA USBC, and anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State anchoring requirements for resisting wind forces.
- C. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- D. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- E. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

In addition to provisions A. – H. above, in all Special Flood Hazard Areas (SFHA), these additional provisions shall apply:

- I. Prior to any proposed alteration or relocation of any channels or of any watercourse,

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stream, etc., within this jurisdiction a permit shall be obtained from the U. S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and the Federal Insurance Administrator.

- J. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
- K. Fences shall be installed parallel to a waterway. When a fence crosses a waterway, it shall be designed as a drop-down fence or a suspended cable fence.
- L. No zoning permit shall be granted for any proposed critical facilities as defined by this ordinance within any SFHA. See 10.15-E.
- M. No zoning permit shall be granted for the storage of hazardous materials for any time period longer than 30 days within any SFHA. See 10.15-F.
- N. No zoning permit shall be granted for the placement of any non-native fill materials (such as fly ash or other waste by-products) within any SFHA. Only locally-borrowed mineral materials may be used as fill within a SFHA, and all such uses must first obtain the necessary permit approval(s) as required by this ordinance.

Comment [TMP6]: "zoning permit" to replace "Special Use Permit or Variance"

Comment [TMP7]: "zoning permit" to replace "Special Use Permit or Variance"

Comment [TMP8]: "zoning permit" to replace "Special Use Permit or Variance"

10.15 Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevations have been provided in the Flood Insurance Study or generated according to Section 10.18, the following provisions shall apply:

- A. Residential Construction
New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated eighteen (18) inches or more above the Base Flood Elevation.
- B. Non-Residential Construction
New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured/mobile home) shall have the lowest floor, including basement, elevated eighteen (18) inches or more above the Base Flood Elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the Floodplain Administrator.
- C. Elevated Buildings – Space Below the Lowest Floor
Fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:

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Comment [CBK9]: RECOMMENDED
Increase freeboard to at least 18 inches.

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Comment [CBK10]: RECOMMENDED
Increase freeboard to at least 18 inches.

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Comment [CBK11]: Recommend changing to "Space Below the Lowest Floor" to avoid confusion. See Model Ordinance 4.3C

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1. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator);
2. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
3. Include, in Zones A, AO, AE, and A1-30, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - a. Provide a minimum of two openings on different sides of each enclosed area subject to flooding;
 - b. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - c. If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;
 - d. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;
 - e. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions;
 - f. Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

D. Standards for Manufactured Homes and Recreational Vehicles

1. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section 10.13 A. and B. and Section 10.15 A.
2. All recreational vehicles placed on sites must either:
 - a. be on the site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions); or,
 - c. meet all the requirements for manufactured homes in Section 10.13 and Section 10.15 D.

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In addition, the following higher standards which go beyond National Flood Insurance Program minimum requirements shall apply to all Special Flood Hazard Areas, pursuant to 44 CFR 60.1(d):

E. Higher Standards and Critical Facilities.

For some activities and uses, even a slight chance of flooding poses too great a threat to public health, safety, and welfare. Critical facilities, as defined in this ordinance, are examples of such activities and uses which require special regulation. Therefore, critical facilities are prohibited from being constructed or operated within a SFHA. The following list of critical facilities provides examples of uses or improvements which are prohibited in a SFHA:

1. Structures or facilities that produce, use, store, or transport highly volatile, flammable, explosive, toxic, and/or water-reactive materials.
2. Hospitals, nursing homes, or other housing likely to have occupants who may not be sufficiently capable of avoiding injury or death during a flood.
3. Police stations, fire departments, rescue squads, and/or emergency operations centers and equipment storage facilities which are needed for flood response activities before, during, and after a flood.
4. Public and private utility facilities that are vital to maintaining or restoring normal services to flooded areas before, during, and after a flood.

F. Higher Standards and Hazardous Materials.

Some items and products are extremely hazardous and vulnerable to flood conditions, and would pose an unacceptable risk to public health, safety, and welfare during flooding. Therefore, the following hazardous materials are prohibited as follows:

1. The storage of Acetone, Ammonia, Benzene, Calcium carbide, Carbon disulfide, Celluloid, Chlorine, Hydrochloric acid, Magnesium, Nitric acid, Oxides of nitrogen, Phosphorus, Potassium, Prussic acid, Sodium, and/or Sulfur is prohibited in a SFHA.
2. The storage of Acetylene gas containers, Storage tanks, Lumber/buoyant items, Gasoline, Charcoal/coal dust, Petroleum products, and/or Natural gas for any time period longer than 30 days is prohibited in a SFHA.

10.16 *Standards for the Floodway District*

The following provisions shall apply within the Floodway District:

- A. Encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification such as hydrologic and hydraulic analyses (with supporting technical data) is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

Comment [TMP12]: This clause ("or transport") was added to these recommendations by staff and is not explicitly listed in the VA DCR "Guidance for Local Floodplain Ordinances in VA" document.

Comment [TMP13]: This specific hazardous material ("Natural gas") was added to these recommendations by staff and is not explicitly listed in the VA DCR "Guidance for Local Floodplain Ordinances in VA" document.

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Development activities which increase the water surface elevation of the base flood may be allowed, provided that the property owner first applies and obtains the following:

1. Receives an endorsement from the State's Floodplain Program Engineer;
 2. Receives an endorsement from The Nelson County Board of Zoning Appeals for a Conditional Letter of Map Revision (CLOMR); and
 3. Receives the approval of the Federal Emergency Management Agency.
- B. If Section 10.19 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article.
- C. The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.

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10.17 *Permitted Uses in the Floodway District.* The following non-structural uses and activities are permitted, provided they are in compliance with the provisions of the underlying area and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials or equipment:

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- A. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- B. Public and private recreational uses and activities, such as parks, day camps, picnic grounds, golf courses, boat launching and swimming area, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- C. Accessory residential uses, such as yard areas, gardens, play areas, and pervious loading areas;
- D. Accessory industrial and commercial uses, such as yard areas, pervious parking and loading areas, airport landing strips, etc.
- E. Flood warning aids and water measurement devices.

10.18 *Standards for the Special Floodplain District*

The following provisions shall apply within the Special Floodplain District:

Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within Nelson County.

Development activities in Zones A1-30, AE, and AH, on the Nelson County's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one foot may be allowed, provided the property owner first applies, with the Nelson County Board of Zoning Appeal's endorsement, for a Conditional Letter of Map Revision (CLOMR),

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and receives the approval of the Federal Emergency Management Agency.

10.19 Standards for Approximated Floodplain

The following provisions shall apply with the Approximated Floodplain District:

The Approximated Floodplain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the Flood Insurance Study. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available.

Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U. S. Army Corps of Engineers Floodplain Information Reports, U. S. Geological Survey Flood-Prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation. For development proposed in the Approximated Floodplain District the applicant must use technical methods that correctly reflect currently accepted technical concepts, such as point on boundary, high water marks, or hydrologic and hydraulic analyses. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

The Floodplain Administrator reserves the right to require a hydrologic and hydraulic analyses for any development.

When such base flood elevation data is utilized, the lowest floor shall be elevated to one foot above the base flood elevation. During the permitting process, the Floodplain Administrator shall obtain:

1. the elevation of the lowest floor (including the basement) of all new and substantially improved structures; and,
2. the elevation (in relation to mean sea level) to which the structure has been flood-proofed if the structure has been flood-proofed in accordance with the requirements of this article

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10.20 Standards for Subdivision Proposals

- A. All subdivision proposals shall be consistent with the need to minimize flood damage;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
- D. Base Flood Elevation data shall be provided for subdivision proposals and other development proposals (including manufactured home parks and subdivisions) that exceed eleven lots or five acres, whichever is the lesser.

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10.21 Design criteria for utilities and facilities.

- A. *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private

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package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

- B. *Water facilities.* All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.
- C. *Drainage facilities.* All storm facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on site waste disposal sites. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- D. *Utilities.* All utilities, such as gas lines, electrical and telephone systems being placed in flood prone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- E. *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

10.22 Variances

Variances shall be issued by the Board of Zoning Appeals upon:

- A. A showing of good and sufficient cause;
- B. Determination by the Board of Zoning Appeals that failure to grant the variance would result in exceptional hardship to the applicant; and
- C. Determination by the Board of Zoning Appeals that the granting of such Variance will not result in:
 - 1. Unacceptable or prohibited increases in flood heights;
 - 2. Additional threats to public safety;
 - 3. Extraordinary public expense;
 - 4. Nuisances being created;
 - 5. Fraud or victimization of the public; or
 - 6. Conflict with local laws or ordinances.

While the granting of variances generally is limited to a lot size less than one-half acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

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Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

In passing upon applications for Variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood heights or velocities caused by encroachments. No Variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the Base Flood Elevation (BFE).
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and effect of such damage on the individual owners.
- E. The importance of the services provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
- L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this ordinance.

The Board of Zoning Appeals may, at the applicant's expense, refer any application and accompanying documentation pertaining to any request for a Variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

Variances shall be issued only after the Board of Zoning Appeals has determined that a Variance will be the minimum required to provide relief from any hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a Variance, in writing, that the issuance of a Variance to construct a structure below the Base Flood Elevation: (a) increases the risks to life and property; and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all Variance actions, including justification for the issuance of the variances. Any Variance which is issued shall be noted in the

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annual or biennial report submitted to the Federal Insurance Administrator.

10.23 *Existing Structures in Floodplain Districts*

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions but which is not in conformity with these provisions may be continued subject to the following conditions:

- A. Existing structures in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the Base Flood Elevation.
- B. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, located in any floodplain area to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood-proofed to the greatest extent possible.
- C. The modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its location in a floodplain area to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this ordinance and the Virginia Uniform Statewide Building Code.

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10.24 Administration.

- A. Designation of the Floodplain Administrator. The Nelson County Planning & Zoning Director (or authorized designee) shall be designated as the Floodplain Administrator and is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator may:
 1. Do the work themselves. In the absence of a designated Floodplain Administrator, the duties are conducted by the chief executive officer for Nelson County.
 2. Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
 3. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the community of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:
 1. Review applications for permits to determine whether proposed activities will be located in the Special Flood Hazard Area (SFHA).
 2. Interpret floodplain boundaries and provide available Base Flood Elevation and flood hazard information.
 3. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to

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- meet the requirements of these regulations.
4. Review applications to determine whether all necessary permits have been obtained from the Federal, State, or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency floodplain of free-flowing non-tidal waters of the State.
 5. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (such as Virginia Department of Environmental Quality and U.S. Army Corps of Engineers), and have submitted copies of such notifications to FEMA.
 6. Advise applicants for new construction or substantial improvement of structures that are located within an area of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act that Federal flood insurance is not available on such structures; areas subject to this limitation are shown on Flood Insurance Rate Maps as Coastal Barrier Resource System Areas (CBRS) or Otherwise Protected Areas (OPA).
 7. Approve applications and issue zoning permits to develop in Special Flood Hazard Areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
 8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
 9. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
 10. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for Nelson County, within six months after such data and information becomes available if the analyses indicate changes in Base Flood Elevations.
 11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - a. Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - b. Documentation supporting issuance and denial of zoning permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been floodproofed, inspection records, other required design certifications, Variances, and records of enforcement actions taken to correct violations of these regulations.
 12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
 13. Advise the Board of Zoning Appeals regarding the intent of these regulations and, for each application for a Variance, prepare a staff report and recommendation.
 14. Administer the requirements related to proposed work on existing buildings:

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- a. Make determinations as to whether buildings and structures that are located in Special Flood Hazard Areas and that are damaged by any cause have been substantially damaged.
 - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
 15. Undertake, as determined appropriate by the Floodplain Administrator due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in Special Flood Hazard Areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
 16. Notify the Federal Emergency Management Agency when the corporate boundaries of Nelson County have been modified and:
 - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - b. If the FIRM for any annexed area includes Special Flood Hazard Areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
 17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of Variances issued for development in the SFHA.
 18. It is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).
- C. Use and Interpretation of FIRMs. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of Special Flood Hazard Areas, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMs and data:
1. Where field surveyed topography indicates that adjacent ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a

APPENDIX A - ZONING

Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard Area and subject to the requirements of these regulations:

- b. Are above the Base Flood Elevation, the area shall be regulated as a Special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the SFHA.
2. In FEMA-identified special flood hazard areas where Base Flood Elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base Flood Elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over Base Flood Elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased Base Flood Elevations and/or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 3.1.A.3. and used where no Base Flood Elevations and/or floodway areas are provided on the effective FIRM.
 - c. Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary Base Flood Elevations or floodway areas exceed the Base Flood Elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

D. *Jurisdictional Boundary Changes.* The Nelson County Floodplain Ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. Municipalities with existing floodplain ordinances shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes Special Flood Hazard Areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.

APPENDIX A - ZONING

In accordance with the Code of Federal Regulations, Title 44 Subpart (B) Section 59.22 (a) (9) (v) all NFIP participating communities must notify the Federal Insurance Administration and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.

In order that all Flood Insurance Rate Maps accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority must be included with the notification.

- E. *District Boundary Changes.* The delineation of any of the Floodplain Districts may be revised by Nelson County where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U. S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency. A completed LOMR is a record of this approval.
- F. *Interpretation of District Boundaries.* Initial interpretations of the boundaries of the Floodplain Districts shall be made by the Floodplain Administrator. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the District boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.
- G. *Submitting Model Backed Technical Data.* A community's Base Flood Elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data. The community may submit data via a LOMR. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.
- H. *Letters of Map Revision.* When development in the floodplain will cause or causes a change in the Base Flood Elevation, the applicant, including state agencies, must notify FEMA by applying for a Conditional Letter of Map Revision and then a Letter of Map Revision. Example cases:
- Any development that causes a rise in the Base Flood Elevations within the floodway.
 - Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the Base Flood Elevation.
 - Alteration or relocation of a stream (including but not limited to installing culverts and bridges) 44 Code of Federal Regulations §65.3 and §65.6(a)(12).

APPENDIX A - ZONING

10.25 Enactment.

Enacted and ordained this _____ day of _____, 20____. This ordinance, number _____ of Nelson County, Virginia, shall become effective upon passage.

Signature

Title

Attested



May 12, 2016

Nelson County Planning & Zoning Department
Attn: Tim Padalino
80 Front Street
Lovingson, VA 22949

**RE: SHENTEL Class C Communications Tower Application
CV221 Polly Wright – 12979 Thomas Nelson Highway, Lovingson, VA**

Dear Mr. Padalino;

Virginia PCS Alliance, L.C., formerly NTELOS, ('SHENTEL') requests the consideration of Nelson County for Class C Communication Tower Permit for a personal wireless service facility located on property owned by William L. Bridgewater, described as tax parcel 45-A-40 and zoned A-1. The wireless service facility is located at 127 Davis Creek Lane, Lovingson, VA.

SHENTEL is in the process of enhancing its existing 3G voice and data network by replacing old network equipment with 4G/LTE (Long Term Evolution) equipment that will provide improved call performance, expanded coverage, faster downloads and stronger indoor signals. The current 3G voice and data network utilizes the 1900 MHz spectrum only. The SHENTEL 4G/LTE upgrades will use a tri-band system that will: 1) repurpose old Nextel spectrum (800 MHz spectrum) for increased coverage and better in-building coverage, 2) use Clearwire spectrum (2.5 GHz spectrum) for increased data capacity and 3) continue to use the existing Sprint/SHENTEL spectrum (1900 MHz spectrum). By using this tri-band system, Sprint customers will have LTE enhancement, improved call quality and diverse data capacity. In addition to upgrading our current network of sites, SHENTEL is also adding sites to increase capacity in saturated areas.

SHENTEL is requesting a Class C Communications Tower Permit Application to replace the current wood pole with a steel monopole tower. SHENTEL (formerly CFW and NTELOS) built this wood pole tower and associated wireless equipment in 1999 and subsequently sold the tower to GrainComm I, LLC in 2015, but leased back space from Grain on the tower. The current wood pole tower was approved by Special Use Permit for a wood pole tower 10' above the tree line and associated ground equipment. With this proposal, SHENTEL is proposing to replace the existing 97.5' wood pole tower with a new 130' steel monopole within the ground compound area. The new steel monopole will be painted dark brown (Sherwin Williams – Umbra) and will have flush mounted tower equipment. At the proposed location within the existing ground compound, the new monopole tower will meet the 110% setback for monopoles. Grain will continue to be the owner of the monopole and SHENTEL will lease back space on the tower and ground once the tower is replaced.

SHENTEL has (3) panel antennas located at 93' radiation center (flush mounted) on the wood pole with an equipment platform for base station equipment on the ground. With this proposal, SHENTEL is proposing (3) tri-band panel antennas at the 127' radiation center that will support multiple spectrum capabilities for 4G/LTE services and (6) remote radio head amplifiers at the 123' and 121' radiation

centers on the tower. SHENTEL is proposing to upgrade its base station equipment on the equipment platform on the ground.

Attached are photo simulations of the proposed Class C 130' steel monopole from the north and south vantage points along Rt. 29 (Thomas Nelson Highway). SHENTEL will conduct a balloon test at your request. Also, attached are propagation maps depicting the existing coverage at 97.5' vs. 130' heights. With the increased height, SHENTEL will significantly improve the current drop call area to the south on Rt. 29 (Thomas Nelson Highway) between this site and its site at Lovington (CV150). Increasing the height minimally will solidify coverage and not require SHENTEL to propose an additional site in between CV221 and CV150 along Rt. 29. The additional height will also allow another carrier to collocate on this pole in the future.

A Phase I ESA / NEPA report has been requested. The VDHR response will be sent to you upon its receipt. The proposed site is further than (1) air mile from the Blue Ridge Parkway and Appalachian National Scenic Trail.

The proposed equipment upgrade by SHENTEL is compatible with the existing character of the existing wireless facility and the upgrade will have minimal visual impact on the surrounding area than its current scenario. This proposal will deliver a much improved customer communications experience and will serve the public health and safety needs to the community by providing increased wireless voice capabilities and improved high speed data services to this area of Nelson County.

I look forward to receiving your comments regarding this proposal. Please send any comments and/or approvals to:

SHENTEL
ATTN: Jessie Wilmer
1150 Shenandoah Village Drive
Waynesboro, VA 22980

Please feel free to contact me if you need additional information.

Sincerely,



Jessie Wilmer
SHENTEL
Site Acquisition Specialist
(540) 241-5060
jessica.wilmer@emp.shentel.com



PERMIT APPLICATION:

Nelson County Department of Planning & Zoning

TO THE ZONING ADMINISTRATOR: Class C Comm. Tower # 2016-02^{SWP}
application type application number

1. The undersigned hereby petitions the Planning Commission and/or Board of Supervisors for approval of the following (check appropriate box):

- Rezoning from _____ to _____
- Subdivision – Preliminary
- Subdivision – Final
- Major Site Plan
- Minor Site Plan
- Conditional Rezoning from _____ to _____
- Site Plan – Preliminary (optional)
- Site Plan – Final
- Special Use Permit
- Other: Class C Communication Tower

- Pursuant to Article 20, Section 13 of the Nelson County Zoning Ordinance.
- Pursuant to Section _____, Subsection _____ of the Nelson County Subdivision Ordinance.

Reason(s) for request: Replacement of an existing 97.5' wood pole tower with a 130' steel monopole (flush mounted antennas - painted brown) with associated ground equipment

(Please use reverse or attach additional sheet if more space is needed.)

2. Applicant(s) and Property Owner(s):

(Please provide names of applicants and property owners and indicate applicable title; if applicant is not the property owner, please show relationship, i.e. lessee, contract purchaser, etc.)

Applicant Property Owner Name: Virginia PCS Alliance, L.C. (Shentel)
 Mailing Address: 1150 Shenandoah Village Drive Waynesboro, Va 22980
 Telephone # 540-241-5060 E-mail Address: Jessica.Wilmer@comp.shentel.com
 Relationship (if applicable): Lessee

Applicant Property Owner Name: _____
 Mailing Address: _____
 Telephone # _____ E-mail Address: _____
 Relationship (if applicable): _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) info.)

3. Location and Characteristics of Subject Property:

a. Address of property (specific location, route numbers, street names, voting district, etc.):

12979 Thomas Nelson Highway, Lovingson

b. Official tax map number: 45-A-40

c. Acreage of property: 159.97 ac

d. Present use: Telecom

e. Present zoning classification: A-1

f. Zoning classification of surrounding properties: A-1

4. Names of Adjacent Property Owners: see attached

5. Affidavit: The undersigned applicant(s) and/or property owner(s) certifies that this application and the foregoing answers, statements, and other information herewith submitted are, in all respects, true and correct to the best of their knowledge and belief. Also, the applicant(s) and/or property owner(s) gives permission for members of the Planning Commission, Board of Supervisors, and County Staff to visit and view the subject property.

Signature: Jess L Wilmer Printed Name: Jessica L. Wilmer

Signature: _____ Printed Name: _____

(Please attach additional sheet if more space is needed for applicant(s) / property owner(s) signatures.)

** see attached lease agreement*

6. Additional information: *(Please attach separate sheet for additional details, explanations, etc.)*

7. Please note: In the event of cancellation or postponement at your request after the initial newspaper advertisement for this application, an additional fee will apply for re-advertisement (determined by the actual cost of the ad). This fee will not apply in cases of Planning Commission or Board of Supervisors deferment.

***** TO BE COMPLETED BY PLANNING & ZONING STAFF *****

Completed application and fee (\$2,000.00) received on 5-17-16

Hearing Notice published on _____

Planning Commission action: Date of Meeting / Hearing: _____

Recommendation: _____

Board of Supervisors action: Date of Hearing: _____ Date of Decision: _____

Action: _____

Nelson County Planning & Zoning Department

(Mailing Address) P.O. Box 558, Lovingson, Virginia 22949 | *(Physical Address)* 80 Front Street, Lovingson, Virginia 22949

(Telephone Number) 434 263-7090 or Toll Free 888 662-9400, selections 4 & 1 | *(Fax Number)* 434 263-7086

<http://www.nelsoncounty-va.gov/departments/planning-zoning/>

Adjoining Land Owners - Tax Parcel 45-A-40

Address	Owner	Parcel ID	Sale Date	Sale Price	Map Number	Insert Number	Double Circle	Block	Lot	Sublot
112 Anderson Lane	Tressler Ronald & Louise	45 A 39	10/24/2002	\$67,500	45	N/A	A	N/A	39	N/A
	Bridgwater William L II Trustee	45 A 32	10/19/2014	\$0	45	N/A	A	N/A	32	N/A
12802 Thomas Nelson Hwy	Thompson Cynthia A & Johathan	45 A 51	5/29/2006	\$0	45	N/A	A	N/A	51	N/A
127 Davis Creek Lane	Bridgwater William L II Trustee	45 A 34	10/19/2014	\$0	45	N/A	A	N/A	34	N/A
	Bridgwater William L II Trustee	45 A 35	10/19/2014	\$0	45	N/A	A	N/A	35	N/A
	Tressler Ronald & Louise	45 A 39a	N/A	\$0	45	N/A	A	N/A	39	A
12689 Thomas Nelson Hwy	Pierce William F & Elizabeth A	45 A 41	7/5/2005	\$0	45	N/A	A	N/A	41	N/A
12689 Thomas Nelson Hwy	Pierce William F & Elizabeth A	45 A 41	7/5/2005	\$0	45	N/A	A	N/A	41	N/A
12689 Thomas Nelson Hwy	Pierce William F & Elizabeth A	45 A 41	7/5/2005	\$0	45	N/A	A	N/A	41	N/A
537 Pine Trail	Beiber Jeanine P &	45 A 53	12/20/2006	\$0	45	N/A	A	N/A	53	N/A
	Evans Russell L Jr	45 A 37	12/27/2011	\$0	45	N/A	A	N/A	37	N/A
831 Pine Trail	Oikonomides Panteleimon	45 A 54	8/1/2005	\$157,000	45	N/A	A	N/A	54	N/A
699 Pine Trail	Freitag-kiialdy Heidi C &	45 A 54a	2/27/2014	\$0	45	N/A	A	N/A	54	A
N/A	N/A	45 A 5	N/A	N/A	45	N/A		7	N/A	5
N/A	N/A	45 A 4	N/A	N/A	45	N/A		7	N/A	4

DEPARTMENT
OF PLANNING



PLANNING COMMISSION
BOARD OF ZONING APPEALS

April 15, 1999

CFW Wireless
c/o Kevin Arnold
1150 Shenandoah Village Drive
Waynesboro, VA 22980

Dear Mr. Arnold:

The purpose of this letter is to inform you that on April 13, 1999, the Nelson County Board of Supervisors approved your request for a special use permit to construct an eighty (80) foot wooden pole for a PCS antenna with equipment cabinets located on the west side of Davis Creek Lane, also identified as Tax Map #45 (A), Parcel 40 with the following conditions:

1. The total height of the pole including antenna is not more than ten (10) feet above the tree line.
2. The equipment cabinets are to be painted a dark color to blend in with the natural environment. Color is to be approved by the Planning Director.
3. If the tower is not used for one (1) year, all the equipment including the pole will be removed within ninety (90) days.

If you have any questions on the Board's decision, please feel free to contact me.

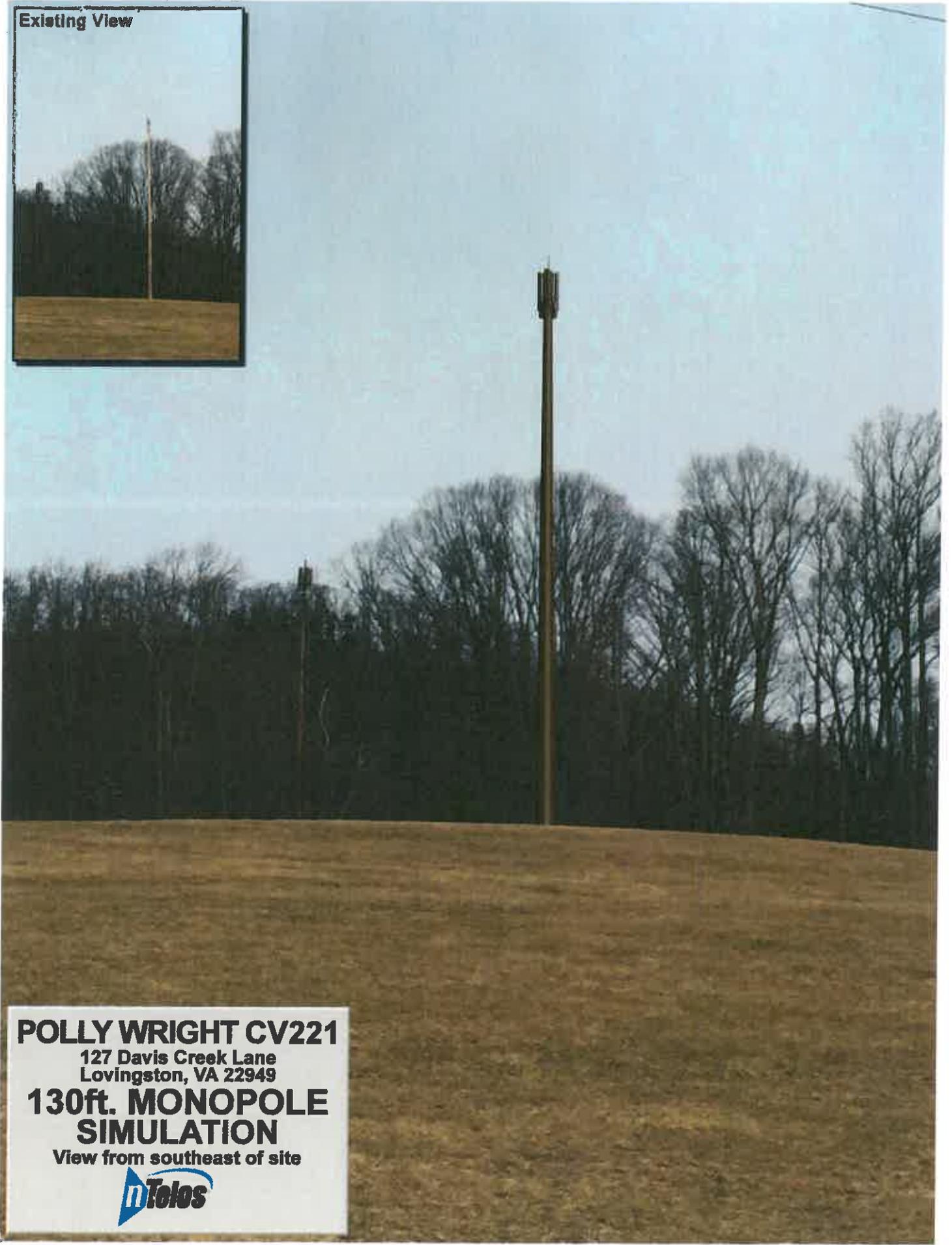
Sincerely,

A handwritten signature in cursive script that reads "Fred M. Boger".

Fred M. Boger
Planning Director

FB/efk

Existing View



POLLY WRIGHT CV221

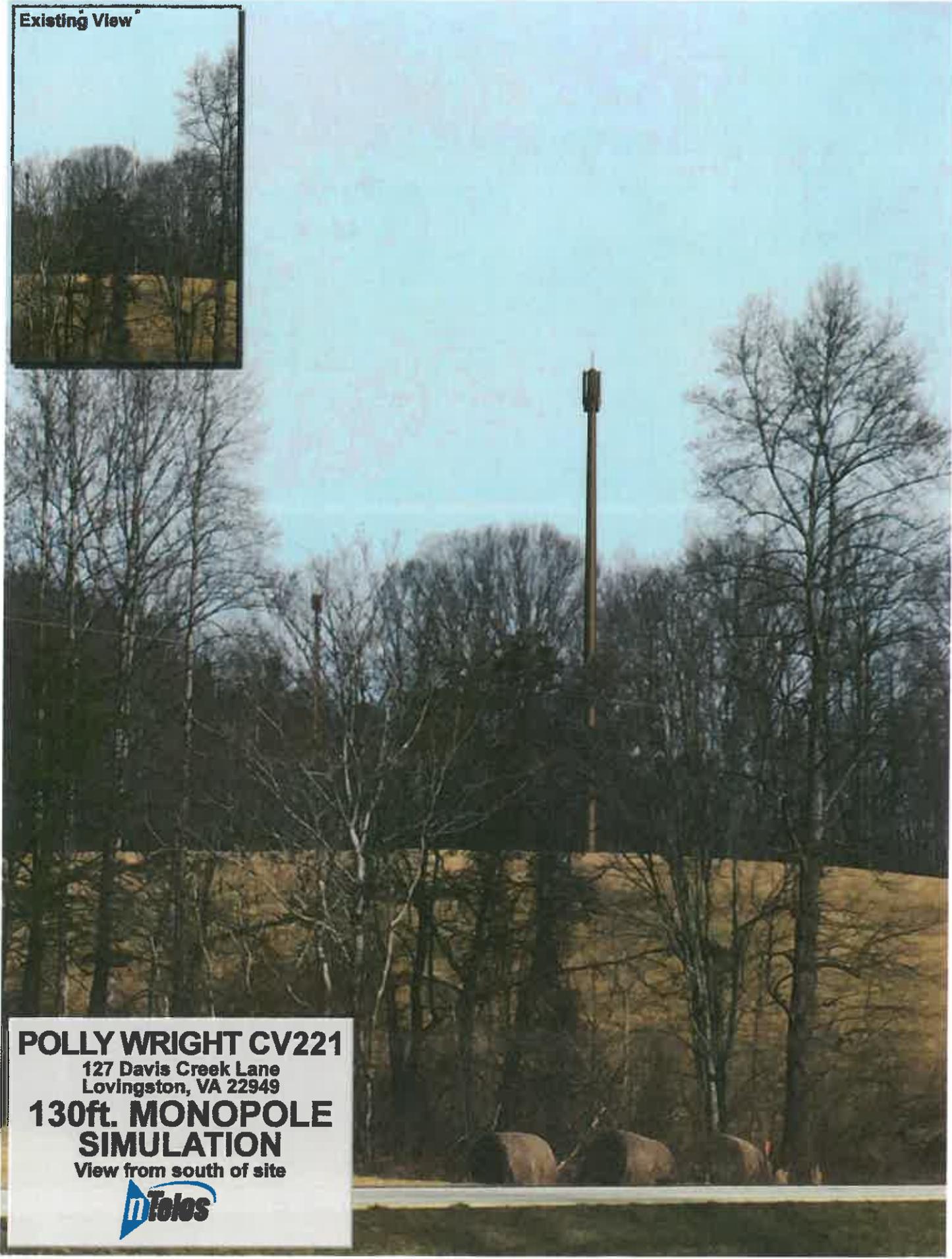
127 Davis Creek Lane
Lovington, VA 22949

**130ft. MONOPOLE
SIMULATION**

View from southeast of site



Existing View



POLLY WRIGHT CV221

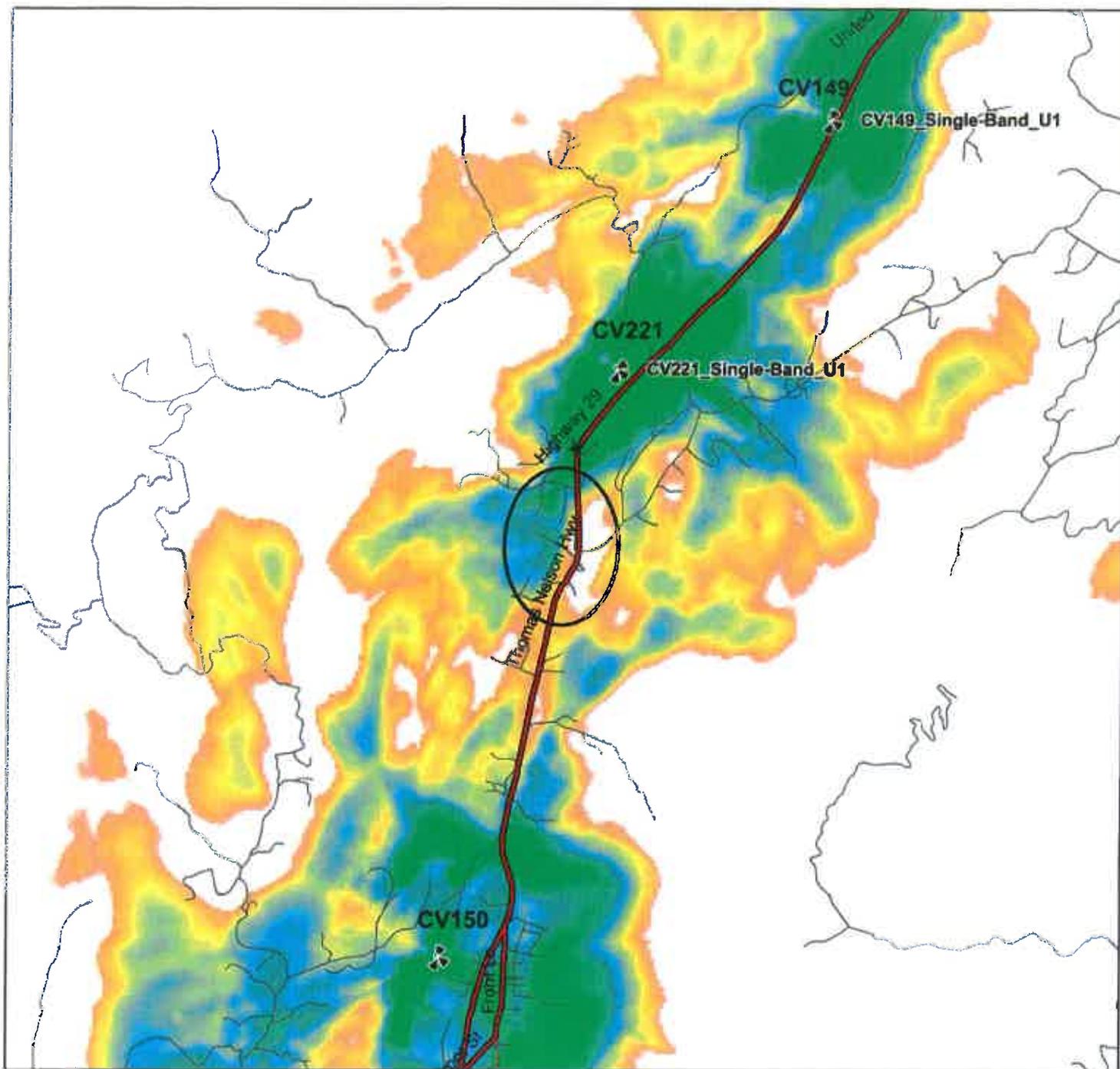
127 Davis Creek Lane
Lovingson, VA 22949

**130ft. MONOPOLE
SIMULATION**

View from south of site



CV221 97' existing coverage prediction



Good In-building coverage $\geq -76\text{dbm}$



Poor In-vehicle coverage $\geq -106\text{dbm}$



Poor In-building coverage $\geq -86\text{dbm}$

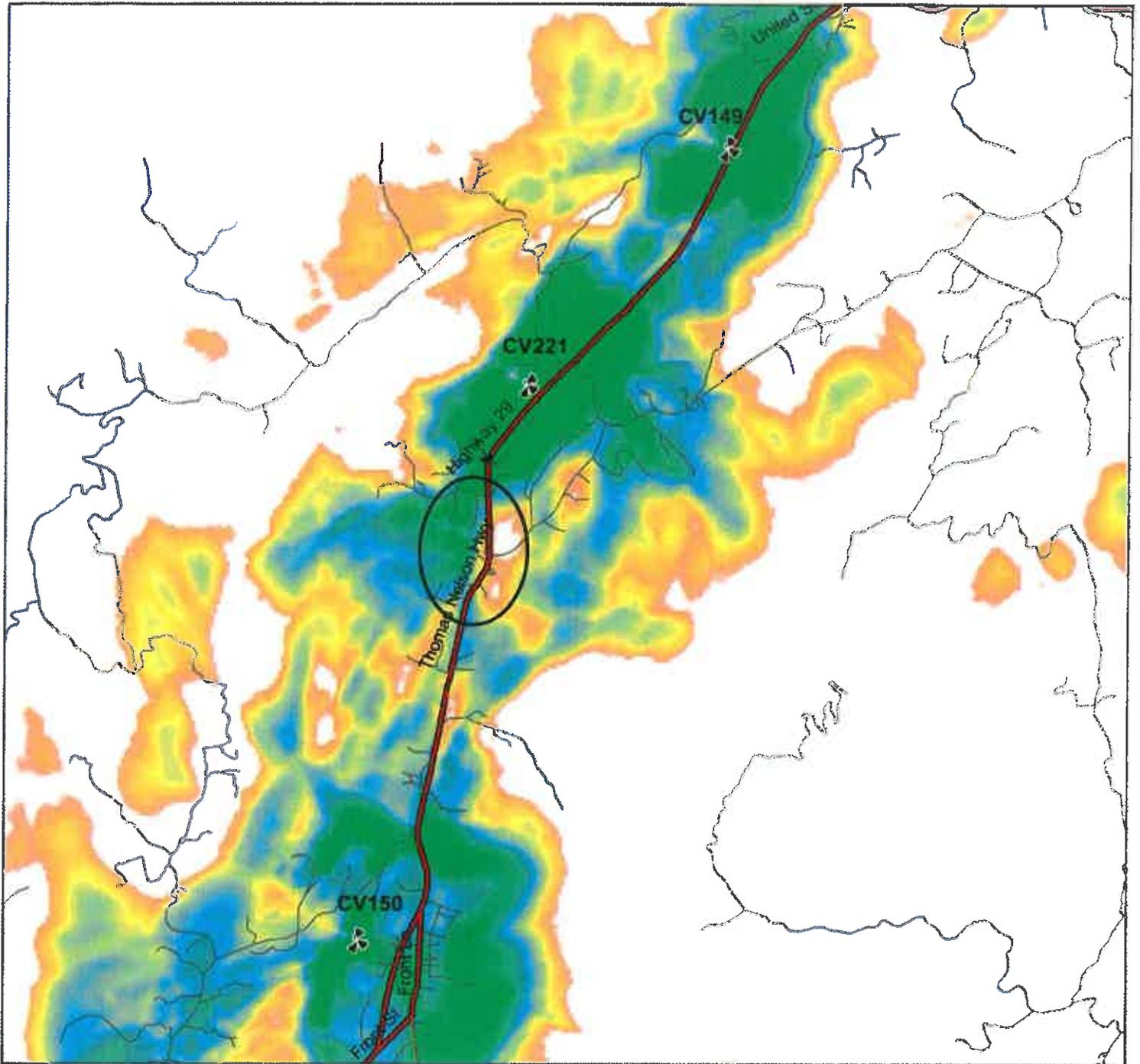


No coverage



Good In-vehicle coverage $\geq -96\text{dbm}$

CV221 127' proposed coverage prediction



 Good In-building coverage $\geq -76\text{dbm}$

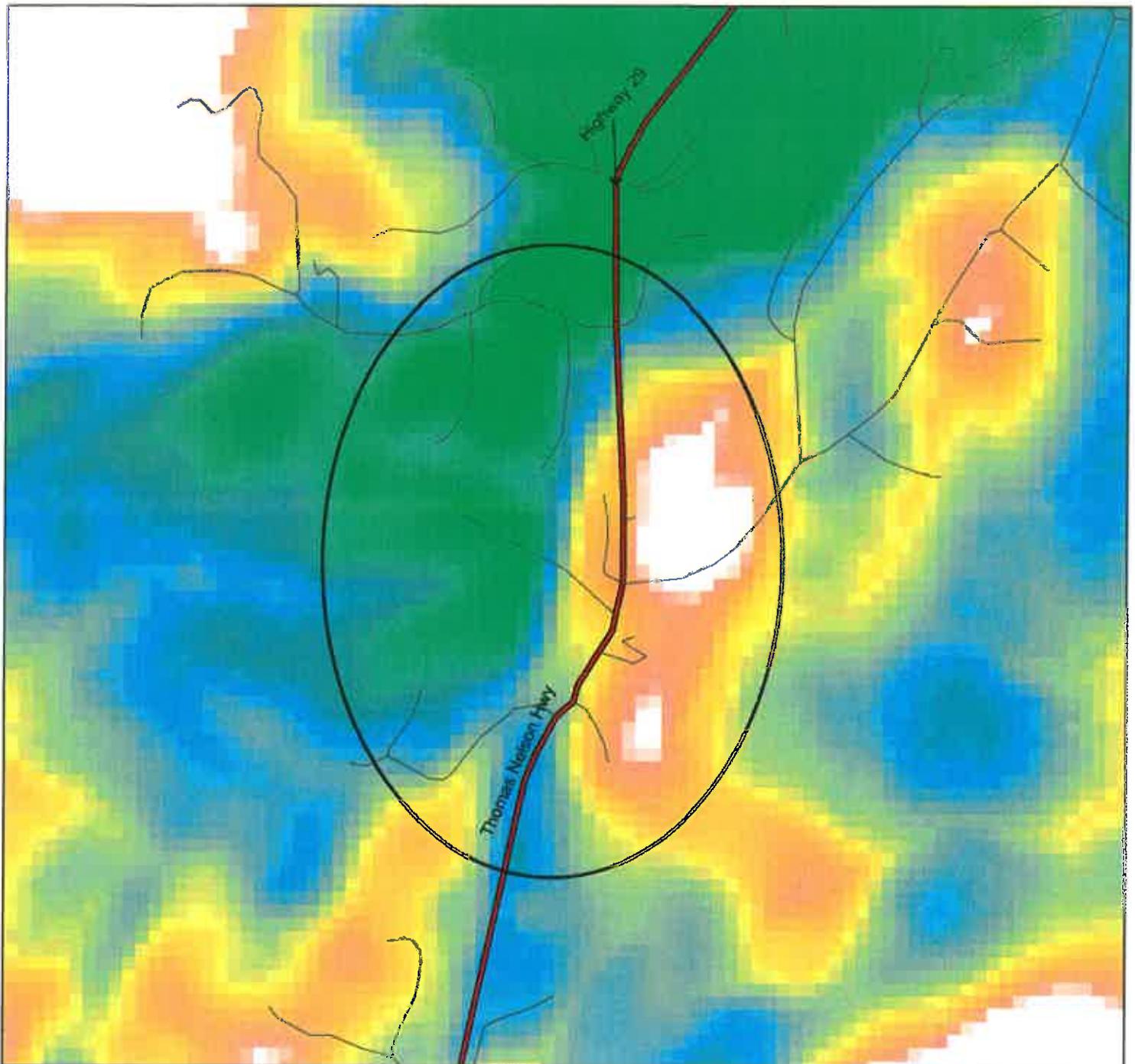
 Poor In-building coverage $\geq -86\text{dbm}$

 Good In-vehicle coverage $\geq -96\text{dbm}$

 Poor In-vehicle coverage $\geq -106\text{dbm}$

 No coverage

CV221 127' proposed coverage prediction



Good In-building coverage $\geq -76\text{dbm}$



Poor In-vehicle coverage $\geq -106\text{dbm}$



Poor In-building coverage $\geq -86\text{dbm}$



No coverage



Good In-vehicle coverage $\geq -96\text{dbm}$

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovingston, VA 22949

Site Lease Agreement

This Site Lease Agreement ("SLA") is made and entered into effective as of February 17, 2015 between **GRAINCOMM I, LLC**, a Delaware limited liability company ("Lessor") and **VIRGINIA PCS ALLIANCE, L.C.**, a Virginia limited liability company ("Lessee") pursuant and subject to that certain Master Lease Agreement ("Agreement") dated as of February 17, 2015 by and between Lessor, Lessee and certain Affiliates of Lessee. Unless otherwise defined herein, all capitalized terms used but not defined herein have the meanings ascribed to them in the Agreement. The terms of the Agreement (as may be amended) are hereby incorporated herein by reference and made a part of this SLA. Lessor and Lessee agree that except as specifically set forth herein, the terms and conditions of the Agreement shall govern the relationship of the parties with respect to the Site covered in this SLA. In the event of a conflict or inconsistency between the terms of the Agreement and this SLA, the terms of this SLA shall govern and control.

1. The Tower Property is subject to a Ground Lease and is described as follows:

Lessor Site ID:	2046-VA-002501
Lessor Lease Number:	SSL-T1761-2046002501
Lessee Site ID:	CV221
Lessee Site Name:	Polly Wright
Lessee Site Address:	127 Davis Creek Lane, Lovingston, VA 22949
Lessor Site Legal Description:	As set forth on Attachment 1 , which the parties acknowledge will be updated with a metes and bound description at a later date.
Site Latitude:	37-50-4.9
Site Longitude:	78-50-06
SLA Commencement Date:	February 17, 2015

2. Lessor leases/subleases to Lessee a portion of the Tower Property as follows, subject to the terms of such Ground Lease, if applicable, including the following components, and Lessee has the right to install, maintain and operate, the Equipment described below at the Site (as the same may be upgraded, modified or replaced as provided in the Agreement) (the "Premises"):

Premises Description:		Lessee Tower Space: As set forth on <u>Attachment 2</u> . Lessee Ground Space: As set forth on <u>Attachment 2</u> . Plus the Lessee Related Rights.
Equipment description:		See <u>Attachment 3</u> for description of Equipment within Lessee Tower Space, Lessee Ground Space and Lessee Related Rights.
Reserved Equipment:		The number and types of Reserved Equipment set forth in Paragraph 5.02 of the Agreement to the extent that such Reserved Equipment exceeds the Equipment shown on <u>Attachment 3</u> .
Authorized Frequencies		The Authorized Frequencies shown on <u>Attachment 4</u> .

3. The initial Monthly Rent due and payable by Lessee to Lessor for the Premises shall be as follows: [REDACTED] payable monthly in advance, or [REDACTED] payable annually in advance at Lessee's option. The annual Rent shall increase at a rate of three percent (3%) per year.
4. Subject to the terms of the Ground Lease for the Site (if any), the Term of this SLA will commence on the SLA Commencement Date noted above and be automatically renewed or terminated as set forth in the Agreement.
5. Any notice or demand required to be given in the Agreement will, in addition to the parties identified in Section 14.09 of the Agreement, be made to the parties identified on **Attachment 5**, if any such parties are so identified.
6. The Site is subject to a Ground Lease, which, with all amendments and addenda thereto, is attached hereto as **Attachment 6** and made a part hereof.
7. In the event that the Ground Lease at the Site finally expires (without additional renewal options) prior to the end of the SLA term as set forth in Section 3.02 of the MLA, then this SLA shall expire as of such time.

8. Modifications to Initial SLA Term set forth in Section 3.02(a) of the Agreement:

None

9. Modifications to other terms set forth in Agreement:

None

10. [Reserved]

11. This SLA may be executed in as many counterparts as may be required by the parties. It shall not be necessary that the signature on behalf of all parties hereto appear on each counterpart hereof, and it shall be sufficient that the signature on behalf of all parties hereto appears on one or more such counterparts. All counterparts shall collectively constitute a single SLA.

[Signatures appear on following page]

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessor Site Name: Polly Wright
Lessor Site Address: 127 Davis Creek Lane, Lovingsston, VA 22949

SIGNATURE PAGE TO SITE LEASE AGREEMENT

IN WITNESS WHEREOF, Lessor and Lessee have executed this SLA as of the date set forth below.

Lessor:

GrainComm I, LLC
a Delaware limited liability company

By: 
Name: John Cacomanolis
Title: General Counsel and Secretary
Date: February 17, 2015

Lessee:

VIRGINIA PCS ALLIANCE, L.C.
a Virginia limited liability company

By: _____
Name: Brian J. O'Neil
Title: Executive Vice President, General Counsel and Secretary
Date: February 17, 2015

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessor Site Name: Polly Wright
Lessor Site Address: 127 Davis Creek Lane, Lovingsston, VA 22949

SIGNATURE PAGE TO SITE LEASE AGREEMENT

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Lessor:

GrainComm I, LLC
a Delaware limited liability company

By: _____
Name: John Cacomanolis
Title: General Counsel and Secretary
Date: February 17, 2015

Lessee:

VIRGINIA PCS ALLIANCE, L.C.
a Virginia limited liability company

By: Brian J. O'Neil
Name: Brian J. O'Neil
Title: Executive Vice President, General Counsel and Secretary
Date: February 17, 2015

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovingson, VA 22949

Attachment 1 to the SLA

Legal Description of Site

[See Attached Legal Description - Exhibit A and Survey if available]

<u>Tower Type:</u>	<u>Tower Height:</u>
Wood	97
<u>Lessor Site Dimensions:</u>	
20' x 20'	

A Survey may be attached hereto. Lessee agrees and acknowledges that Lessor may at Lessor's sole cost and expense have an updated metes and bounds survey prepared of the Tower Property and, after providing a copy of such updated survey to Lessee, that the legal descriptions as shown on the updated survey shall thereafter become the legal description of the Tower Property.

EXHIBIT "A"
Legal Description

An interest in land, said interest being over a portion of the following described parent parcel:

All that certain tract or parcel of land containing 159.97 acres, more or less, together with all buildings and improvements thereon and appurtenances thereunto belonging, lying in the Lovingston District of Nelson County, Virginia, on both sides of U.S. Route 29, south of its intersection with State Route 623, being the residue of a tract of land acquired by Ruth Elizabeth Bridgewater by deed recorded in Deed Book 61, Page 596, described as the 178 acre "Wheeler" place lying on U.S. Route 29 and Muddy Creek, adjoining lands now or formerly owned by L. J. Sheffield, S. G. Wright, Myrtle Boyce and others after deducting the following off-conveyances: 1-1/2 acres to S. G. Wright at Deed Book 28, Page 234; 1/7 acre to Myrtle Boyce at Deed Book 60, Page 3; 5.32 acres to James Bridgewater at Deed Book 101, Page 1; 4.16 acres to Commonwealth of Virginia at Deed Book 102, Page 397; a 50-foot right of way to Commonwealth of Virginia at Deed Book 103, Page 27; 4.83 acres to James Bridgewater at Deed Book 107, Page 641; 3.7 acres to James Bridgewater at Deed Book 108, Page 152. Reference is made to a certain Boundary Line Agreement dated March 29, 2006, between James C. Bridgewater, et ux, and R. Lee Evans, Jr..., et ux, of record in said Clerk's Office as Instrument No. 060001894 which establishes the common boundary line between the Bridgewater property and Evans property, with a plat of said division line being recorded in Plat Cabinet 4, Slide 776.

AND BEING a portion of the same property conveyed to Ruth Elizabeth Bridgewater from J. H. Wood, a widower by Deed dated February 12, 1935 and recorded February 13, 1935 in Deed Book 61, Page 596; The said Ruth Elizabeth Bridgewater departed this earth on or about December 08, 1987 devising said property to Malcolm Eugene Bridgewater and James Carter Bridgewater, each as to an undivided one-half interest, as evidenced by her Last Will and Testament recorded in Will Book 14, Page 104; AND FURTHER CONVEYED to James C. Bridgewater from Malcolm E. Bridgewater and Evelina F. Bridgewater by Deed of Partition dated March 18, 2003 and recorded March 27, 2003 in Instrument No. 030001597; AND FURTHER CONVEYED to William L. Bridgewater II, Trustee of the Carter Trust and William L. Bridgewater II, Trustee of the Children's Trust from William L. Bridgewater II, Trustee and Executor of the James C. Bridgewater, (aka James Carter Bridgewater Sr.), Estate under the Will of said decedent by Deed of Distribution dated September 03, 2014 and recorded October 20, 2014 in Instrument No. 140002492.

Tax Parcel No. 45-A-40

EXHIBIT "A" Cont.

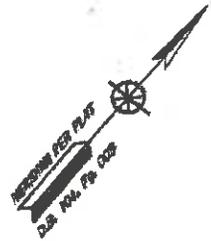
Said interest being over land more particularly described by the following description:

Insert metes and bounds description of area

TOWER SITE DATA

COURSE	BEARING	DISTANCE
L-1	S 60°45'10"E	18.88'
L-2	S 87°48'30"W	20.18'
L-3	N 60°45'10"W	20.18'
L-4	N 20°48'48"E	20.08'

403 SQUARE FEET
 ELEV. AT SITE = 728'[±]
 (ASSUMED FROM LOVINGSTON QUA. SHEET)
 CHALUMBY FENCE POST ON CORNERS
 EXISTING POLE HEIGHT = 8'
 TREE HEIGHT WITHIN 25' OF SITE = 9'
 * : INDICATES POLE

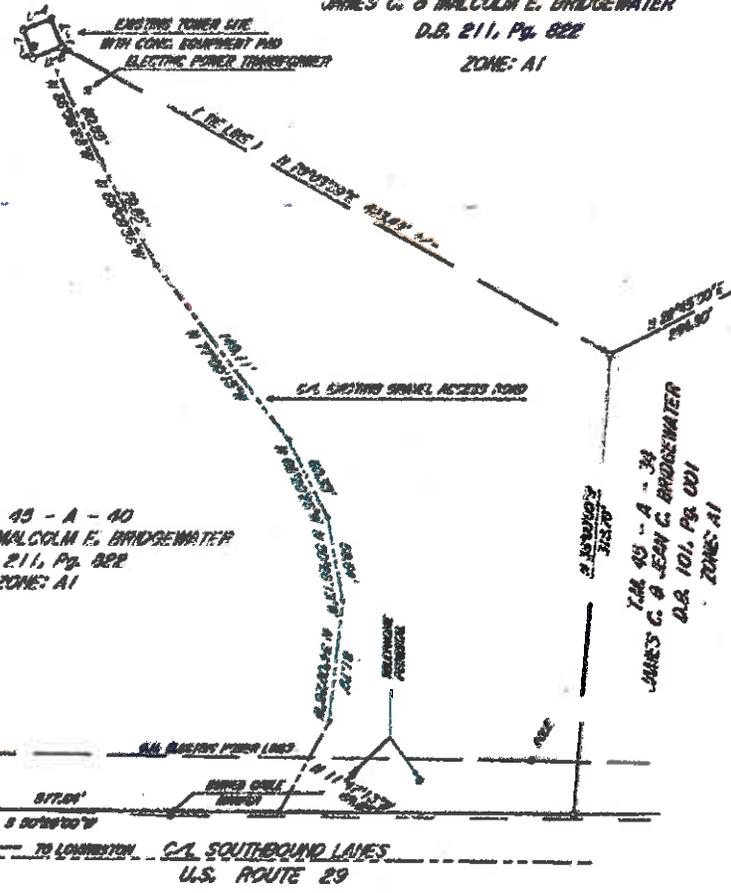


T.M. 45 - A - 40
 JAMES C. & MALCOLM E. BRIDGEWATER
 D.B. 211, Pg. 822
 ZONE: A1

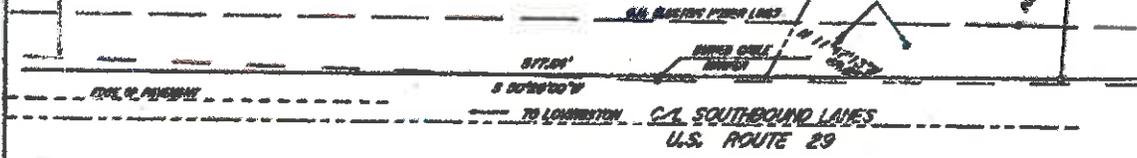
T.M. 45 - A - 40
 JAMES C. & MALCOLM E. BRIDGEWATER
 D.B. 211, Pg. 822
 ZONE: A1

T.M. 45 - A - 40
 JAMES C. & MALCOLM E. BRIDGEWATER
 D.B. 211, Pg. 822
 ZONE: A1

T.M. 45 - A - 34
 JAMES C. & JEDY C. BRIDGEWATER
 D.B. 101, Pg. 001
 ZONE: A1



APPROXIMATE LOCATION OF CHALUMBY FENCE POST CORNERS



EXISTING TOWER SITE
 VIRGINIA P.C.S. ALLIANCE
 D.B.A. NTELOS
 SITE NO. CV - 221
 ON PROPERTY OF
 JAMES C. & MALCOLM E. BRIDGEWATER
 LOVINGSTON DISTRICT, NELSON CO., VA.
 SCALE: 1" = 30' DEC. 12, 2000
 J.W. HARRIS, L.S. - STUARTS DRAFT, VA



Attachment 2 to the SLA

Description of Lessee Tower Space, Lessee Ground Space and Lessee Related Rights

Lessee Tower Space:

The Lessee Tower Space is as set forth on the depiction attached.

Lessor may at Lessor's sole cost and expense have a tower map prepared and, after providing a copy of the such tower map to Lessee, such description and depiction of the space on the tower utilized by Lessee as of the date hereof shall be attached hereto and shall be the controlling description and depiction of the Lessee Tower Space. In the event of any discrepancy between the drawings attached hereto for the Lessee Tower Space and the descriptions and limitations thereto as set forth in the main body of the Agreement, the descriptions and limitations as set forth in the main body of the Agreement shall control.

Lessee Ground Space:

The Lessee Ground Space comprises an area as follows:

Agreed Size of nTelos Compound:

10'x12' pad as current.

If a depiction of the Lessee Ground Space is attached hereto, then such depiction shall be the initial depiction of the Lessee Ground Space. In such event, Lessor may at Lessor's sole cost and expense have a metes and bounds survey prepared of the Lessee Ground Space and, after providing a copy of such survey to Lessee, that the legal descriptions as shown on the survey shall thereafter become the legal description of the Lessee Ground Space and the depiction attached hereto shall be updated.

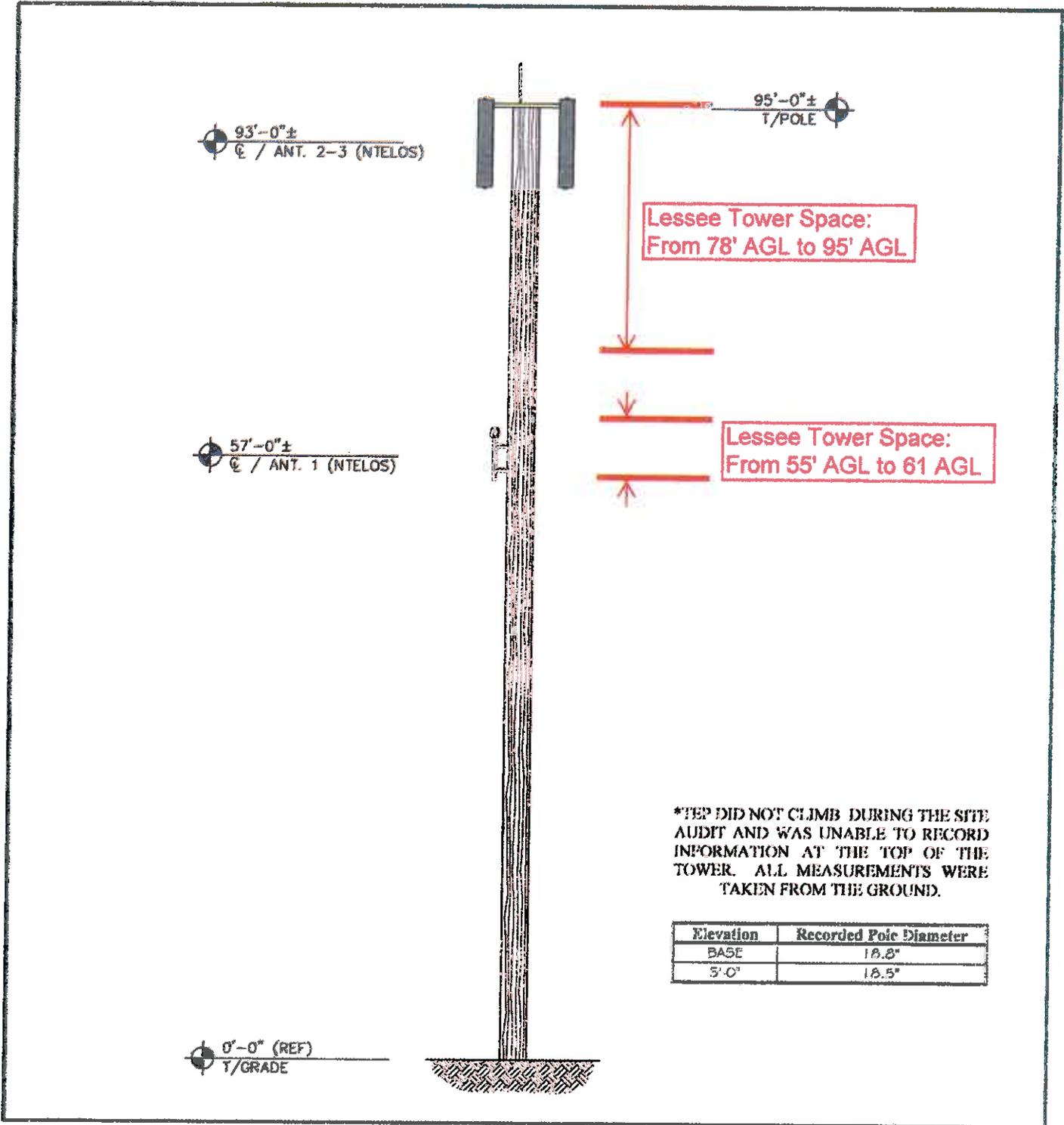
If a depiction of the Lessee Ground Space is not attached hereto, then the Lessee Ground Space area as described above shall be located at a mutually agreed location on the Site. As soon as reasonably practicable, the parties shall reasonably cooperate to complete such a depiction and attach it hereto. Thereafter, Lessor may at Lessor's sole cost and expense have a metes and bounds survey prepared of the Lessee Ground Space and, after providing a copy of such survey to Lessee, that the legal descriptions as shown on the survey shall thereafter become the legal description of the Lessee Ground Space and the depiction attached hereto shall be updated.



TOWER MAPPING

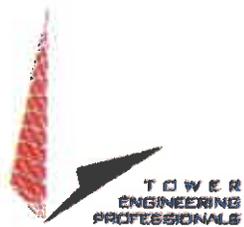
Site Name POLLY WRIGHT
 TEP # 59261 28318
 Client # CV221
 Date 02-11-2015
 Page 3 of 11

POLE ELEVATION



*TEP DID NOT CLIMB DURING THE SITE AUDIT AND WAS UNABLE TO RECORD INFORMATION AT THE TOP OF THE TOWER. ALL MEASUREMENTS WERE TAKEN FROM THE GROUND.

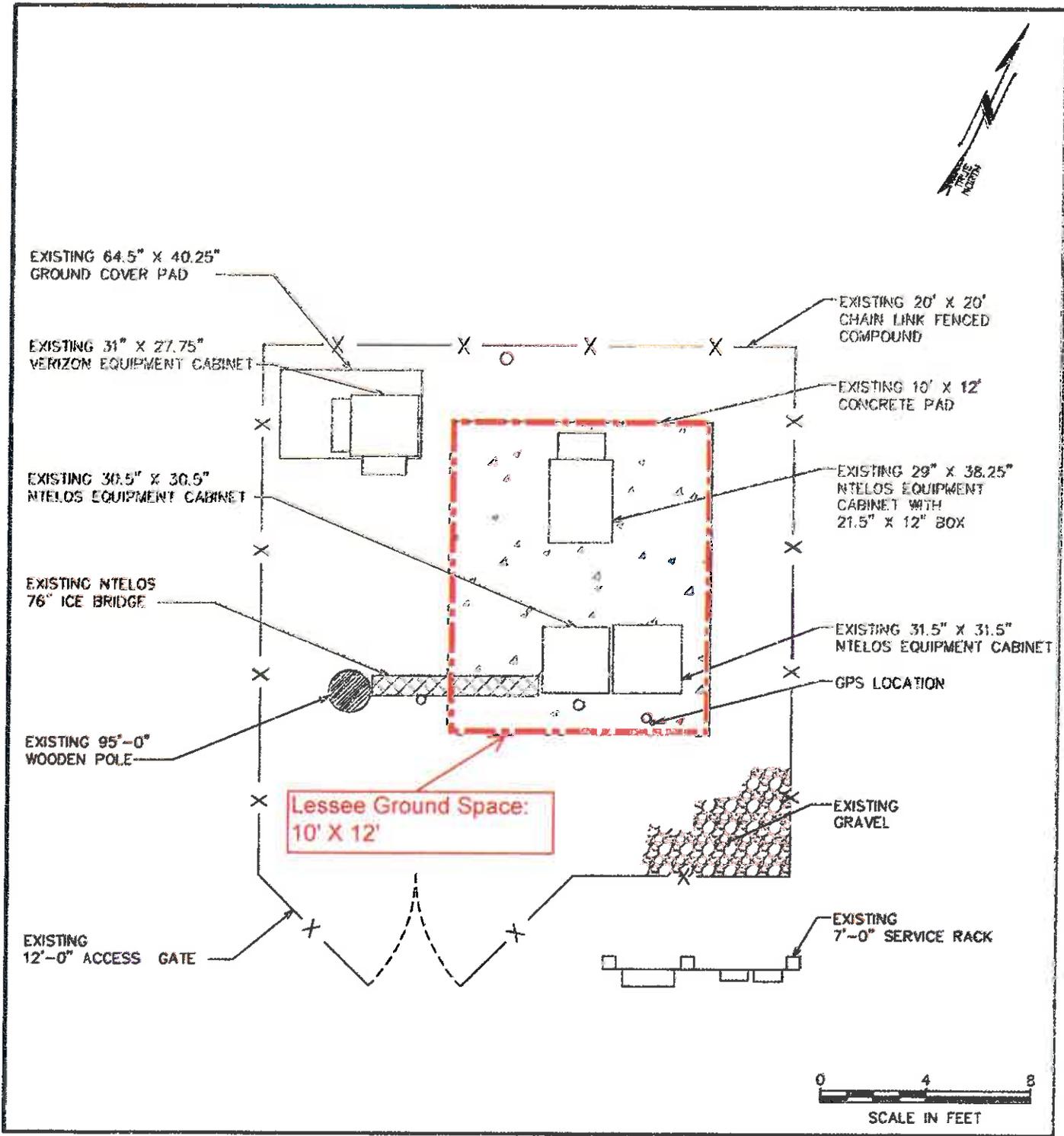
Elevation	Recorded Pole Diameter
BASE	18.8"
3'-0"	18.5"



TOWER MAPPING

Site Name POLLY WRIGHT
 TEP # 59261 28318
 Client # CV221
 Date 02-11-2015
 Page 7 of 11

COMPOUND DETAIL



Lessor Site ID: 2046-VA-002501
 Lessor Lease Number: SSL-T1761-2046002501
 Lessee Site ID: CV221
 Lessee Site Name: Polly Wright
 Lessee Site Address: 127 Davis Creek Lane, Lovingson, VA 22949

Attachment 3 - Existing Equipment

Existing 4x40 RRH:	Existing Sector 1 Antenna: 7221.14 Qty.: 1	Existing Sector 1 Coax: 7/8" Qty.: 1	Existing Sector 2 Antenna: 7221.14 Qty.: 1
Existing Sector 2 Coax: 7/8" Qty.: 1	Existing Sector 3 Antenna: Qty.:	Existing Sector 3 Coax: Qty.:	Existing Sector 4 Antenna: Qty.:
Existing Sector 4 Coax: Qty.:	Existing DC Power Cable: Qty.:	Existing Fiber Cable: Qty.:	Existing Raycap Box: Qty.:
Existing Microwave 1 Radio: Qty.:	Existing Microwave 1 Antenna: Qty.:	Existing Microwave 1 Mount: Qty.:	Existing Microwave 1 Ice Shield: Qty.:
Existing Microwave 1 Line: Qty.:	Existing Microwave 2 Radio: Qty.:	Existing Microwave 2 Antenna: Qty.:	Existing Microwave 2 Mount: Qty.:
Existing Microwave 2 Line: Qty.:			

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovingson, VA 22949

Attachment 4 to the SLA

A Description of the Authorized Frequencies

Authorized Frequencies:

PCS: UL: 1900.00-1910.00/ DL: 1980.00-1990.00

PCS: UL: 1850.00-1860.00/ DL: 1930.00-1940.00

PCS:

PCS-G: UL: 1910.00-1915.00/ DL: 1990.00-1995.00

SMR 800: UL: 816.5-824.0/ DL: 861.5-869.0

AWS: UL: 1710.00-1720.00/ DL: 2110.00 - 2120.00

BRS/EBS: UL/DL: 2496.00-2502.00

BRS/EBS: UL/DL: 2602.00-2614.00

BRS/EBS: UL/DL: 2618.00-2690.00

MICROWAVE:

CONCATENATED FREQUENCY LIST: UL: 1900.00-1910.00/ DL: 1980.00-1990.00, UL:
1910.00-1915.00/ DL: 1990.00-1995.00, UL: 816.5-824.0/ DL: 861.5-869.0, UL: 1850.00-
1860.00/ DL: 1930.00-1940.00, UL: 1710.00-1720.00/ DL: 2110.00 - 2120.00, UL/DL: 2496.00-
2502.00, UL/DL: 2602.00-2614.00, UL/DL: 2618.00-2690.00

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovingson, VA 22949

Attachment 5 to the SLA

Additional Contact List

If to Lessor:

For Legal/General matters

GrainComm I, LLC
100 North Washington Blvd. Suite 201
Sarasota, FL 34236
Attention: General Counsel
Tel: 941.373.1244
Fax: 941.379.1236

For Operational matters:

GrainComm I, LLC
100 North Washington Blvd. Suite 201
Sarasota, FL 34236
J.R. Carroll
Construction Manager
Tel: (941) 379-1223
jr@GCGI.com

For Financial matters:

GrainComm I, LLC
100 North Washington Blvd. Suite 201
Sarasota, FL 34236
Alice Coston
Accounting Manager
Tel: (941) 379-1262
acoston@gcgi.com

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovingson, VA 22949

Attachment 5 to the SLA(Continued)

Additional Contact List

If to Lessee:

For Legal Matters:

NTELOS Inc.
1154 Shenandoah Village Drive
Waynesboro, Virginia 22980
Attn: Legal Department/General Counsel

For Leasing Matters:

NTELOS
1150 Shenandoah Village Drive
Waynesboro, Virginia 22980
Attn: Senior Lease Administrator
Tel: (540) 941-4220 x3072

For Operational Matters:

NTELOS
1150 Shenandoah Village Drive
Waynesboro, Virginia 22980
Attn: Vice President - Engineering
Tel: (540) 946-1890

Lessor Site ID: 2046-VA-002501
Lessor Lease Number: SSL-T1761-2046002501
Lessee Site ID: CV221
Lessee Site Name: Polly Wright
Lessee Site Address: 127 Davis Creek Lane, Lovington, VA 22949

Attachment 6 to the SLA

Copy of Ground Lease

(Attached)

VIRGINIA PCS LEASE AGREEMENT

THIS LEASE AGREEMENT DATED THIS 22nd day of July, 1998 is by and between James C. & Malcolm E. Bridgewater (the "Owner") and Virginia PCS Alliance, LLC a Virginia Company. (VA PCS), comprised of CFW Communications, R & B Communications, AEP Communications, LLC, Glee-Craig Communications, Inc., Buggs Island Telephone Cooperative, Hardy Net, Inc., New Hope Switchboard Association, North River Telephone Communications, LLC, Highland Telephone Cooperative, MGW Communications Inc. and Peoples Mutual Telephone Company.

The Parties Agree as follows:

I. LEASED PREMISES. The owner of the real property generally described as 159.97 acres, and more particularly described on Exhibit A attached hereto (the "Property") hereby leases and grants the right to occupy and use to VA PCS certain space within the Property depicted in Exhibit B attached hereto (the "Premises") for the purposes of installing, operating, maintaining, repairing and replacing telecommunications equipment including but not limited to 2 and up to 6 antennas, equipment cabinets and all associated wires, cables, conduits and pipes. Owner will grant a nonexclusive easement running from the leased premises, for the duration of this lease, for the purpose of ingress and egress and for the installation of any utilities required to serve the leased premises or its improvements.

II. TERM. The initial term of the lease shall be five (5) years ("Initial Term"), commencing the date VA PCS begins construction on the Premises ("Commencement Date"), and shall automatically be renewed, without need of further documentation, for three (3) additional five-year terms ("Renewal Terms") unless VA PCS provides the owner notice of its intention not to renew 90 days prior to the expiration of the Initial or then Renewal Term.

III. RENT. Rent in the amount of [REDACTED] shall be due and payable in annual installments on the Commencement Date or any Anniversary Date thereafter. If any installment of rent is not paid within forty-five days after its due date, then VA PCS will pay a late charge equal to five percent (5%) of the annual payment. For each renewal term, VA PCS will pay the then current annual rent plus 1.5%.

IV. IMPROVEMENTS. (a) At VA PCS' expense and with minimal disruption to the owner, VA PCS shall install, operate and maintain the Equipment on the Premises. In connection therewith, VA PCS shall complete all the work necessary to prepare, maintain and alter the Premises for operation of the Equipment. The design plans and construction of the site will be completed by VA PCS Alliance or its' agents, CFW Wireless. Final approval and acceptance of the design and construction shall be by James C. Bridgewater. Space required for the placement of a telephone pole & Equipment will be 4'-20" X 20'. Interconnection of facilities (tele and electric) will be coordinated and performed by VA PCS. (b) At the termination of the lease, VA PCS shall have the right to remove any and all equipment and/or improvements (except, regarding the leased premises to its original condition, normal wear and tear excepted) with consent of the Owner. Any equipment or improvements not removed shall become the property of the owner.

V. MAINTENANCE, ACCESS. (a) VA PCS shall be responsible for the maintenance of the Equipment and all improvements placed upon the leased premises by VA PCS; (b) Maintenance of the road to the leased premises will be the responsibility of VA PCS; (c) Lessor shall provide to VA PCS, VA PCS' employees, agents, independent contractors and subcontractors access over the Property to the Premises 24 hours a day, seven days a week, at no charge to VA PCS.

VI. UTILITY LINES. VA PCS has the right to use, upgrade the owner's present utilities and/or install new utilities on the Premises or bring utilities to the Premises at VA PCS' expense. VA PCS will install a separate meter for billing purposes. The owner shall have the right to utilize such lines that are installed on the premises provided it pays for any utility charge incurred as a result of that use. On the termination of

this lease, all interest of VA PCS, if any, in the utility lines shall terminate and VA PCS will not remove any line unless requested by the owner.

VII. TAXES. The owner shall be responsible for all real estate taxes on the Property. VA PCS shall be responsible for any and all real estate taxes or assessments that may be levied against the Premises as a result of the construction or existence of VA PCS' Equipment and Improvements. In the event that such real estate tax or assessment is not billed directly to VA PCS, VA PCS shall reimburse the owner for the actual cost of the increase in real property taxes which are shown by the owner to be directly caused by the construction or existence of VA PCS' Equipment.

VIII. INSURANCE. VA PCS shall procure and maintain a public liability policy, with General Aggregate limits of \$3,000,000 during the policy term, \$1,000,000 for any one accident, \$1,000,000 for property damage or to any one person per accident. A certificate of insurance naming the Owner as additional insured shall be furnished to the Owner upon written request.

IX. SUBLEASE AND/OR ASSIGNMENT. (a) This agreement may be assigned. (b) This agreement is binding on successors and assigns of each party.

X. INTERFERENCE. VA PCS shall install and operate the Equipment in a manner which shall not cause technical interference to the Owner nor other lessees with tenancies and rights to install telecommunications equipment pre-dating the execution date of this Lease. Beginning on the execution date of this Lease, the owner shall not allow any other use of the Property that will cause interference with VA PCS' use. In the event that interference exists between competing signals, the parties shall cooperate and exercise their best efforts to eliminate such interference. Under normal circumstances, the responsibility for eliminating such interference shall be with the party who was the last on the air to transmit a new or changed signal.

XI. DEFAULT AND TERMINATION. This Lease may be terminated as follows: (a) Upon one year written notice without penalty if, due to changed circumstances, VA PCS determines that the Premises are no longer suitable for their intended purpose; (b) If VA PCS defaults in payment of its rent for more than 15 days after written notice of such default has been mailed by the owner, VA PCS' rights under this lease shall terminate; (c) If there shall be any other default by either party in the performance of any covenant or condition contained herein or hereinafter agreed to by the parties in writing as an amendment to this lease for more than 15 days after written notice of such default has been mailed by the other party the non defaulting party may cure such default on behalf of the other party in which case the defaulting party shall reimburse the other party for all sums paid to such cure, together with interest at the rate of 12% per annum and reasonable attorney's fees if they are incurred; (d) Nothing contained in the foregoing section shall be construed to deprive either party of additional legal or equitable remedies to which they are otherwise entitled; (e) In the event of default or breach of this agreement, the party responsible for the default or breach shall be responsible for the reasonable attorney's fees and expenses of the other party in enforcing their rights under this agreement.

XII. NOTICES. Any notice required or permitted to be given to a party in a provision of this lease shall be deemed given if mailed by certified or registered mail, postage prepaid, addressed as in exhibit C. Notice shall also be deemed properly given if sent by overnight courier service with proof of proper delivery.

XIII. MISCELLANEOUS. (a) The owner warrants that it owns the leased premises, and that there exists no covenant or restriction that would prohibit VA PCS from the use of the leased premises for a communications site; (b) This lease is contingent upon VA PCS being able to acquire all local, State and Federal permits; and licenses necessary for the use contemplated by this lease. Additionally, this lease is made expressly subject to continuing approval from the FCC, or any governmental agency that regulates VA PCS' business at the leased premises. If such approval is denied or withdrawn during the term of this lease for any reason except VA PCS' violation of any applicable law or governmental rule or regulation;

then all rights and obligations of the parties hereto shall cease; and the Lease Agreement shall terminate, as of the date of such denial or withdrawal. VA PCS agrees to exercise its best efforts to maintain such approval at all times. (c) This lease constitutes the entire agreement of the parties and may be amended only by written instruments executed by the parties hereto and their successors and/or assigns; (d) This lease may be recorded in the appropriate clerk's office with the cost of recording to be borne by the party submitting the same for recordation. Both parties will cooperate in the execution of any memorandum of lease to facilitate such recordation. (e) This lease shall be interpreted according to the laws of the Commonwealth of Virginia.

Exhibits A, B and C are attached to and made a part of this Agreement.

SIGNATURE PAGE

Owner: James C. & Malcolm E. Bridgewater

Virginia PCS Alliance, LLC., a Virginia

SSN/Fed. Tax ID# : 230-34-4767/229-32-3670 Company.

Signature: James C. Bridgewater By: [Signature]

Signature: Malcolm E. Bridgewater Its: VP/COO

Title: Owners

Address: 410 CFW Intels

Address: 127 Davis Creek,
Livingston, VA 22949

PO Box 1328
Waynesboro, VA 22980

Date: May 3, 99

Date: 1-27-99

Certificate of Acknowledgment:

City/County of Nelson

Commonwealth of Virginia

The foregoing instrument was
acknowledged before me this 27th day of

January, 1999

by

James C. Bridgewater
(name of person seeking acknowledgment)
Malcolm E. Bridgewater
Alice J. Harlow

Notary Public

My Commission expires: 11.30.02

Certificate of Acknowledgment

City/County of Waynesboro

Commonwealth of Virginia

The foregoing instrument was
acknowledged before me this 3rd day of

May, 1999

by

Walter M. Zirkce
(name of person seeking acknowledgment)

Julia A. Taylor
Notary Public

My commission expires: 8/31/2001

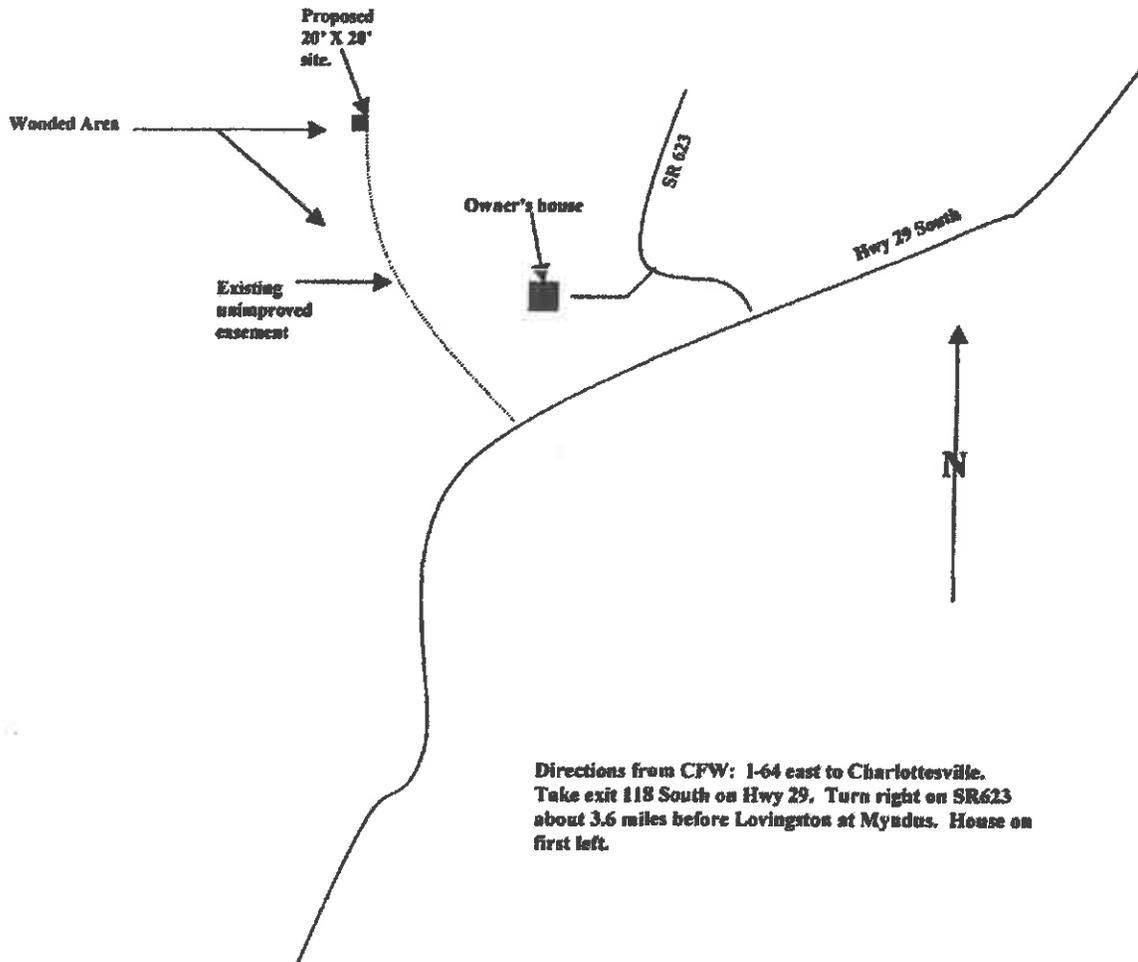
EXHIBIT A

PROPERTY

1. The street address of the Property is: _____

2. The Assessor's Parcel Number is: 45-A-40
3. The Property is recorded in the land records of Nelson County.

EXHIBIT B PROPERTY



Directions from CFW: I-64 east to Charlottesville.
Take exit 118 South on Hwy 29. Turn right on SR623
about 3.6 miles before Lovington at Myndus. House on
first left.

Lat: 37 48 42
Long: 78 51 44.5
AMSL: 840'
AGL: 80'
POC: James C. Bridgwater
(804) 263-5273

(THIS DRAWING WILL BE REPLACED BY AN AS-BUILT DRAWING)

EXHIBIT C

NOTICE

All notices shall be addressed as follows:

OWNER: James Bridgewater
127 Davis Creek Lane
Lovingstone, Virginia 22949

LESSEE: Virginia PCS Alliance, LLC
Attn: CFW Wireless
Tom Whitaker, Director - Network Operations
P.O. Box 1328
1150 Shenandoah Village Drive
Waynesboro, VA 22980

060001570

000029

MEMORANDUM OF LEASE AGREEMENT

THIS INSTRUMENT PREPARED BY: CFW Wireless

NAME: Kevin Arnold

ADDRESS: 1150 Shenandoah Village Drive, Waynesboro, Virginia 22980

TAX MAP NO. 45-A-40 COUNTY OF NELSON

MEMORANDUM OF LEASE AGREEMENT

THIS MEMORANDUM evidences that a lease was made and entered into by written Lease Agreement between JAMES C. & MALCOLM E. BRIDGEWATER ("Lessor") and Virginia PCS Alliance LLC, a Virginia Company, (VA PCS), comprised of CFW Communications, R&B Communications, Buggs Island Telephone Cooperative, Hardy Communications, Inc., New Hope Telephone Cooperative, North River Telephone Cooperative, North River Telephone Cooperative, Pembroke Telephone Cooperative and Peoples Mutual Telephone Cooperative ("Lessee"), executed by Lessor and Lessee as of May 3, 1999 ("the Execution Date") the terms and conditions of which are incorporated herein by reference.

Such Agreement provides in part that Lessor leases to Lessee a certain site generally described as Tax Map 45-A-40 (159.97 acres) in Nelson County, Virginia and more particularly described in Attachment "A" attached hereto, together with nonexclusive easements for rights of access thereto and electric and telephone utilities, for the duration of the term as defined in the lease agreement.

IN WITNESS WHEREOF, the parties have executed this memorandum or caused it to be executed by their duly authorized representatives as of the day and year setforth below.

Senior Lease Administrator
MELOS - Attn: Beverly Lavender Johnson
1150 Shenandoah Village Drive
Waynesboro VA 22980

DELIVERED TO:

000030

LESSOR

James C. & Malcolm E. Bridgewater

By:

James C. Bridgewater
Malcolm E. Bridgewater

Title:

Owners

Date:

1-27-99

Address:

127 DAVIS CREEK LN

City, State Zip:

LOUNGSTON, VA 22949

Notarization of Lessors Signature

County of Nelson
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 27th day of January, 1999 by:

- James C. Bridgewater (Individual)
Malcolm E. Bridgewater as _____
- _____ of _____ a _____, on behalf of the corporation. (Corporation)
- _____ general partner on behalf of _____ partnership (Partnership)
- _____, as _____ Member _____ Manager on behalf of a _____ limited liability company (Limited Liability Company)
- _____, as trustee on behalf of _____ a _____ (Trust)

He/She is either personally known to me or has produced _____ as identification.

William J. Harlow (SEAL)
Notary Public
My Commission Expires 11-30-02



000031

LESSEE

Virginia PCS Alliance, LLC

By: [Signature]

Name: Walter M. Zirkle

Title: Chief Operating Officer

Date: May 3, 1999

Address: P.O. Box 1328

City, State Zip: Waynesboro, VA 22980

Notarization of Lessee Signature

City of Waynesboro
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 3rd day
of MAY, 1999 by WALTER M. ZIRKLE, as VP/COO
of Virginia PCS Alliance, LLC, a Virginia Company. He/She is either personally known
to me or has produced _____ as identification.

Julia A. Taylor (SEAL)
Notary Public
My Commission expires 8/31/2001



000032

EXHIBIT A

Owners Name: James C. & Malcolm E. Bridgewater

Property Address: Tax Map # 45-A-40 (159.97 acres) in Nelson County

Tax Parcel Number: 45-A-40

Deed Book: 014 Page Number: 104

Statement of Term: Commencing May 1, 1999 and terminating, if not cancelled earlier, on April 30, 2009.

Rights of Extension or Renewal, if any:

- A. Automatically renewed without need of further documentation for three additional five year terms unless VA PCS provides the owner notice of its intention not to renew 90 days prior to the expiration of the Initial or then Renewal Term
- B. the owner notice of its intention not to renew 90 days prior to the expiration of the Initial or then Renewal Term
- C. _____

Property Description: CFW Wireless has leased a 20' X 20' area of this land with easement for utilities, ingress, and egress for a communications site.

INSTRUMENT #060001970
RECORDED IN THE CLERK'S OFFICE OF
NELSON CO
APRIL 28, 2006 AT 11:26AM
JUDY B. SNYTHERS, CLERK

RECORDED BY: CGW

CGW

Site ID: 2046-VA-002501
County: Nelson County / Virginia
Tax Parcel ID: being a portion of 45-A-40

AMENDMENT 1 TO TOWER LEASE AGREEMENT

25th This AMENDMENT 1 TO TOWER LEASE AGREEMENT (the "Agreement") is made this day of June, 2015, by WILLIAM L. BRIDGWATER II, TRUSTEE OF THE CARTER TRUST, and WILLIAM L. BRIDGWATER II, TRUSTEE OF THE CHILDREN'S TRUST, such testamentary trusts being established under the Will of JAMES C. BRIDGEWATER, of record in the Clerk's Office of the Circuit Court of Nelson County, Virginia, as Instrument Number 130000138-00 (collectively, the "Landlord"), as Landlord, whose mailing address is 2820 Stagebridge Road, Lovingsston, Virginia 22949; and GRAINCOMM I, LLC, a Delaware limited liability company ("Tenant"), as Tenant, whose mailing address is 100 N. Washington Blvd., #200, Sarasota, FL 34236, assignee of VIRGINIA PCS ALLIANCE, L.C., a Virginia limited liability company (also known of record as VIRGINIA PCS ALLIANCE, LLC).

RECITALS

WHEREAS, Landlord and Tenant are the current parties under that certain Virginia PCS Lease Agreement, dated January 27, 1999, originally between James C. Bridgewater and Malcom E. Bridgewater, as landlord, and Virginia PCS Alliance, L.C., as tenant ("Prior Tenant"), as assigned by Prior Tenant to Tenant pursuant to a certain Assignment and Assumption of Ground Lease dated February 17, 2015 (as assigned, the "Lease"); and

WHEREAS, such Lease pertains to land and improvements thereon, the location of which is more particularly described in the Lease; and

WHEREAS, Landlord and Tenant desire to, among other things, ratify and confirm Tenant's interest in the Lease, to amend the renewal terms of the Lease, to lease additional property to Tenant, and to amend the legal description of the Premises (as defined in the Lease) to incorporate the additional property leased to Tenant under this Agreement.

OPERATIVE PROVISIONS

NOW, THEREFORE, for and in consideration of the sum of [REDACTED], the mutual covenants contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Landlord and Tenant hereby agree as follows:

1. The Recitals hereinabove are true and correct and are incorporated herein by this reference.
2. Landlord hereby acknowledges, ratifies, and confirms Tenant's interest in and to the Lease.

3. Each of Landlord and Tenant hereby certifies to the other that the Lease is in full force and effect, and that as of the date hereof, there are no current defaults or breaches under the Lease by the other party. Further, Tenant and Landlord are not aware of any events which have occurred which, with the passage of time or service of notice, or both, would constitute a default under the Lease. Each of Tenant and Landlord further hereby certifies to the other that it has full right to execute and deliver this instrument.

4. The terms and provisions of the Lease are hereby restated and incorporated herein by this reference, amended only as more particularly described hereafter.

5. The Lease is hereby amended to reflect that in addition to the three (3) renewal terms provided for in the Lease, the term of the Lease shall automatically be renewed, without need for further documentation, for five (5) additional five (5) year terms, for a total of eight (8) successive renewal terms, unless Tenant provides Landlord notice of its intent not to renew ninety (90) days prior to the expiration of the then current term.

6. The legal description of the Premises currently contained in Exhibit "B" to the Lease is hereby deleted in its entirety and the new legal description contained to include only such in Exhibit "A," attached hereto and incorporated herein by this reference, is hereby substituted therefor, together with the non-exclusive easements for ingress, egress, and overhead and underground utilities over, under and across the easement(s) described in the attached Exhibit "A" (for all purposes herein, the real property and easements described in the attached Exhibit "A" shall hereafter collectively be deemed to be the "Premises").

7. Landlord hereby leases to Tenant any portion of the Premises not previously leased to Tenant under the Lease, under the same terms and conditions as the premises originally leased to Tenant under the Lease (as affected by this Agreement).

8. To the extent not previously granted in the Lease, Landlord also hereby grants and conveys to Tenant, its customers, tenants, subtenants, lessees, sublessees, licensees, contractors, subcontractors, employees, agents, invitees, successors, successors in interest and assigns, non-exclusive easements and rights of way on, over, across, under and through the portions of the Landlord's property which are more particularly identified and described on Exhibit "A" attached hereto (the "Access and Utility Easement Property") for vehicular and pedestrian ingress and egress, together with non-exclusive rights to operate and maintain overhead and underground electric, water, gas, sewer, telephone, fiber optic, and other utility facilities and fixtures consistent with Tenant's utilization of the Premises without disruption by others of the use thereof, and the rights to reconstruct, improve, alter, inspect, construct, install, lease, license, relocate, maintain, repair, add to, enlarge, change and remove such facilities, over, under, across and through the Access and Utility Easement Property, for the benefit of and access to the Premises. Tenant's access to the Access and Utility Property pursuant to this paragraph is intended to provide Tenant and its customers, invitees, agents, employees, contractors, subcontractors, lessees, tenants, subtenants, licensees, successors, successors in interest, assigns, and sublessees, full, complete, uninterrupted and unconditional access to and from the Premises, seven (7) days a week, twenty-four (24) hours a day, for ingress and egress to and from the Premises, as well as the installation, location, and maintenance of overhead and/or underground utility connections, including electric, telephone, fiber optic, gas, water, sewer, and any other utility connection.

9. The survey shown on Exhibit "B," attached hereto and incorporated herein by this reference, accurately depicts, among other things, the Premises (for all purposes herein, the Exhibit "B" survey shall now be considered the "Survey" of the Premises) and replaces and supersedes any other survey of the Premises currently attached to the Lease.

10. To the extent that any public or private utility is currently providing a service to or utilizing the Premises without an easement, the Lease further provides for and Landlord hereby grants non-exclusive easement(s) to such public or private utilities on, over, under, across and through the portions of Landlord's property which are being utilized by such public or private utility, for the benefit of the Premises.

11. As consideration for this Agreement, effective as of the first day of the month following execution of this Agreement by both parties, the monthly rent shall be increased to [REDACTED]

12. Except as modified herein, all of the terms, covenants and conditions of the Lease are hereby ratified and confirmed, and shall be and remain in full force and effect. Defined terms used herein without definition shall have the meaning given to them in the Lease. This Agreement may be executed in counterparts, each of which shall constitute an original instrument. To the extent there is any discrepancy between the Lease and this Agreement, this Agreement shall control.

[Remainder of Page Intentionally Left Blank.]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date first above written.

LANDLORD:

William L. Bridgewater (SEAL)
William L. Bridgewater II, as Trustee of the Carter Trust, a testamentary trust created under the Will of James C. Bridgewater of record in the Clerk's Office of the Circuit Court of Nelson County, Virginia, as Instrument Number 130000138-00

LANDLORD:

William L. Bridgewater (SEAL)
William L. Bridgewater II, as Trustee of the Children's Trust, a testamentary trust created under the Will of James C. Bridgewater of record in the Clerk's Office of the Circuit Court of Nelson County, Virginia, as Instrument Number 130000138-00

TENANT:

GrainComm I, LLC,
a Delaware limited liability company

By: [Signature]
Name: Yvette Cooley
Its: Asst. Secretary

EXHIBIT "A"
PREMISES - Legal Description

Leasehold (tower area)

ALL THAT CERTAIN PORTION OF LAND BEING A PART OF NELSON COUNTY TAX PARCEL 45-A-40, MORE PARTICULARLY DESCRIBED AS:
COMMENCING FROM AN IRON PIN, HAVING COORDINATES N 37° 48' 43.83" W 78° 51' 21.98", THENCE S 78° 02' 40" W A DISTANCE OF 913.42 FEET TO THE POINT OF BEGINNING; THENCE, N 25° 42' 12" E FOR A DISTANCE OF 53.33 FEET TO A POINT; THENCE, S 64° 17' 48" E FOR A DISTANCE OF 30.00 FEET TO A POINT; THENCE, S 25° 42' 12" W FOR A DISTANCE OF 53.33 FEET TO A POINT; THENCE, N 64° 17' 48" W FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1600 SQFT -AND- 0.04 ACRES.

Together with non-exclusive easements for access and utilities over the following Access and Utility Easement Property

ALL THAT CERTAIN PORTION OF LAND BEING A PART OF NELSON COUNTY TAX PARCEL 45-A-40, MORE PARTICULARLY DESCRIBED AS:
COMMENCING FROM AN IRON PIN, HAVING COORDINATES N 37° 48' 43.83" W 78° 51' 21.98", THENCE S 78° 02' 40" W A DISTANCE OF 518.42 FEET TO THE POINT OF BEGINNING; THENCE, S 64° 17' 48" E FOR A DISTANCE OF 20.26 FEET TO A POINT; THENCE, S 17° 00' 53" W FOR A DISTANCE OF 8.29 FEET TO A POINT; THENCE, S 77° 25' 27" E FOR A DISTANCE OF 111.11 FEET TO A POINT; THENCE, N 87° 07' 09" E FOR A DISTANCE OF 87.93 FEET TO A POINT; THENCE, S 77° 09' 25" E FOR A DISTANCE OF 101.10 FEET TO A POINT; THENCE, S 52° 57' 05" E FOR A DISTANCE OF 221.79 FEET TO A POINT; THENCE, S 28° 55' 57" E FOR A DISTANCE OF 68.88 FEET TO A POINT ON THE NORTHWESTERN RIGHT OF WAY OF THOMAS NELSON HIGHWAY; THENCE ALONG SAID RIGHT OF WAY, S 43° 23' 22" W FOR A DISTANCE OF 20.88 FEET TO A POINT; THENCE DEPARTING SAID RIGHT OF WAY, N 28° 55' 57" W FOR A DISTANCE OF 70.80 FEET TO A POINT; THENCE, N 52° 57' 05" W FOR A DISTANCE OF 213.42 FEET TO A POINT; THENCE, N 77° 09' 25" W FOR A DISTANCE OF 94.08 FEET TO A POINT; THENCE, S 87° 07' 09" W FOR A DISTANCE OF 87.88 FEET TO A POINT; THENCE, N 77° 25' 27" W FOR A DISTANCE OF 135.19 FEET TO A POINT; THENCE, N 16° 33' 12" E FOR A DISTANCE OF 32.95 FEET TO THE POINT OF BEGINNING, CONTAINING 12333 SQFT -AND- 0.28 ACRES.

EXHIBIT "B"
SURVEY

[Attach survey.]

AS-BUILT SURVEY

GRAIN

STATE: 2046-VA--000001
 ADDRESS: 127 DAVIS CREEK LANE
 LYNCHBURG, VA 23949
 NYSID: 000001

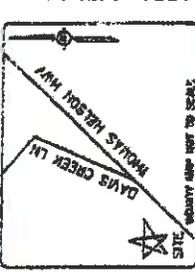
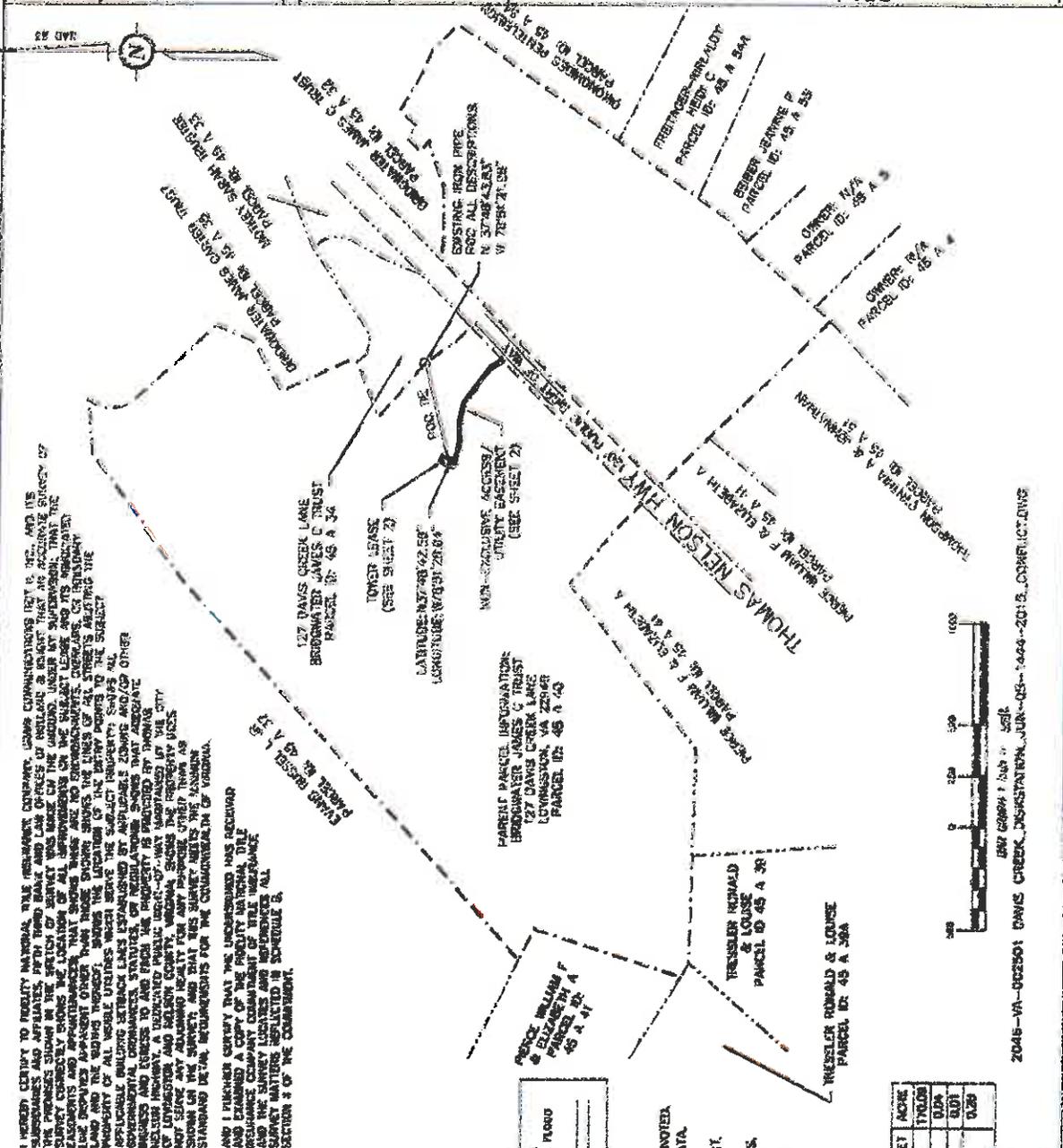
GEOLINE SURVEYING, INC.
 127 DAVIS CREEK LANE
 LYNCHBURG, VA 23949
 NYSID: 000001

GEOMATICS
 Professional Land Surveying
 127 DAVIS CREEK LANE
 LYNCHBURG, VA 23949
 NYSID: 000001

SURVEYOR'S NOTES

1. BASIS OF BEARING: VA GRID SOUTH ZONE NAD83
2. NO SUBSPACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES UTILITIES ARE SHOWN TO BE AS NOTED AND ARE FOR OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL MOBILE TOWER EQUIPMENT AND ANTENNAS ARE CONTAINED WITHIN THE DESCRIBED AREA.

COMMONWEALTH OF VIRGINIA
 LAND SURVEYOR
 JONATHAN HARRITY
 DATE: 2/19/2019
 License No. 4773



LEGEND

- : SET 5/8" BEAR
- : FOUND 1/2" BEAR AS NOTED
- () : RECORD DESCRIPTION DATA
- P.O.B. : POINT OF BEGINNING
- P.O.C. : POINT OF COMMENCEMENT
- - - : FENCE AS NOTED
- : TOWER HEAD UTILITY LINES
- : WOOD HEAD UTILITY LINES
- : ELECTRIC TRANSFORMER
- : TELCO PEDESTAL
- : WATCH METER
- : CABLE TELEVISION
- NA : NOT AVAILABLE

AREA

AREA	SQUARE FEET	ACRE
TOWER PARCEL	748125	17.08
TOWER LEASE	1870	0.04
TOWER COMPASS	402	0.01
NON-EXCLUSIVE ACCESS	12333	0.28
UTILITY EASEMENT		

THIS PARCEL OF LAND LIES WITHIN FLOOD HAZARD AREA AS SHOWN ON PARCEL MAP. EFFECTIVE DATE: 6/21/2018.

2046-VA--000001 DAVIS CREEK INDUSTRIAL, JUN--05--1444--2018, CORRECT.DWG
 SHEET 1 OF 3

AS-BUILT SURVEY

GRAIN

OFFICE: 2246-VA-DECAT
ADDRESS: 127 SOUTH CREST LAKE
Lynchburg, VA 24046
WILSON COUNTY
WILSON 9728 CREST LAKE POOL TRACT

GEOLINE SURVEYING, INC.

Professional Land Surveyors
10000 FREDERICKSBURG ROAD
Lynchburg, VA 24046
434-224-2242



Professional Land Surveyors
10000 FREDERICKSBURG ROAD
Lynchburg, VA 24046
434-224-2242

SURVEYOR'S NOTES

1. BASIS OF BEING:
 - VA GRD. SUDN ZONE HABSA
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES UNLESS SHOWN HEREON ARE LIMITED TO AND ARE HER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITH IN THE DESCRIBED AREA.



LEGAL DESCRIPTION: PARENT PARCEL (AS PROVIDED)
AN INTEREST IN LAND SAID INTEREST BEING OVER A PORTION OF
THE FOLLOWING DESCRIBED PARENT PARCEL:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 159.97
ACRES, MORE OR LESS, TOGETHER WITH ALL BUILDINGS AND
IMPROVEMENTS THEREON AND APPURTENANCES HERETO
BEINGING LYING IN THE COURSE OF THE SOUTH OF ITS
VIRGINIA, ON BOTH SIDES OF THE ROAD, BEING THE RESIDUE OF A
TRACT OF LAND ACQUIRED BY W. L. BRIDGEWATER, JR. AND
DEED RECORDED IN DEED BOOK 87, PAGE 504, DESCRIBED AS THE
178 ACRE WHEELER-PLATE LANE ON U.S. ROUTE 101 AND ADJACENT
CERTAIN, ADJOINING LANDS NOW OR FORMERLY OWNED BY
SHEPHERD, S. C. WRIGHT, MYRTLE BOYCE AND OTHERS, AFTER
RETRACTING THE FOLLOWING CO-CONVEYANCES: 1-1/2 ACRES TO S.
Q. FRONT AT DEED BOOK 28, PAGE 218, 1-7/8 ACRES TO S.
BRIDGEWATER AT DEED BOOK 101, PAGE 31, 5.37 ACRES TO JAMES
C. BRIDGEWATER AT DEED BOOK 102, PAGE 387; A
CO-OWNERSHIP OF VIRGINIA AT DEED BOOK 102, PAGE 387; A
30-FOOT RIGHT OF WAY TO COMMONWEALTH OF VIRGINIA AT DEED
BOOK 104, PAGE 27; 4.83 ACRES TO JAMES BRIDGEWATER AT DEED
BOOK 107, PAGE 249; 3.7 ACRES TO JAMES BRIDGEWATER AT DEED
BOOK 108, PAGE 152. REFERENCE IS MADE TO A CERTAIN BOUNDARY
LINE AGREEMENT DATED MARCH 29, 2006, BETWEEN JAMES C.
BRIDGEWATER, ET AL. AND R. LEE EVANS, JR., ET AL., OF RECORD
IN SAID CLERK'S OFFICE AS INSTRUMENT NO. 09-0001838, WHICH
ESTABLISHES THE COMMON BOUNDARY LINE BETWEEN THE
SAID DIVISION LINE BEING RECORDED IN PLAT CABINET 4, SLIDE 776,
SAY BEING A PORTION OF THE SAME PROPERTY CONVEYED TO RUTH
ELIZABETH BRIDGEWATER FROM W. L. BRIDGEWATER, JR. BY DEED
DATED FEBRUARY 12, 1985, AND RECORDED FEBRUARY 13, 1985 IN
DEED BOOK 61, PAGE 548; THE SAID BOUNDARY LINE BEING
DEPARTED THIS EARTH ON OR ABOUT DECEMBER 08, 1980, DEVISING
SAID PROPERTY TO MALCOLM EUGENE BRIDGEWATER AND JAMES
CARTER BRIDGEWATER, EACH AS TO AN UNDIVIDED ONE-HALF
INTEREST, AS EVIDENCED BY HER LAST WILL AND TESTAMENT
RECORDED IN WILL BOOK 14, PAGE 104; AND SUDNER CONVEYED TO
JAMES C. BRIDGEWATER FROM MALCOLM E. BRIDGEWATER AND
EVELINA C. BRIDGEWATER BY DEED OF PARTITION DATED MARCH 18,
2006 AND RECORDED MARCH 27, 2006 IN INSTRUMENT NO.
09-0001807; AND FURTHER CONVEYED TO WILLIAM L. BRIDGEWATER,
TRUSTEE OF THE CARTER TRUST AND WILLIAM L. BRIDGEWATER,
TRUSTEE OF THE CHILDREN'S TRUST FROM WILLIAM L. BRIDGEWATER,
TRUSTEE AND EXECUTOR OF THE JAMES C. BRIDGEWATER, (AKA
JAMES CARTER BRIDGEWATER SR.) ESTATE UNDER THE WILL OF SAID
DECEASED BY DEED OF DISTRIBUTION DATED SEPTEMBER 03, 2014
AND RECORDED OCTOBER 20, 2014 IN INSTRUMENT NO. 14-0001842.

LEGAL DESCRIPTION: PARENT PARCEL (AS PROVIDED)

SCHEDULE B SECTION E

- 1-B. STANDARD ENCUMBRANCES
9. EASEMENT IN FAVOR OF COMMONWEALTH OF VIRGINIA, SET FORTH IN INSTRUMENT RECORDED ON 05/29/1984 IN DEED BOOK 102, PAGE 387, AFFECTS PARENT PARCEL, DOES NOT AFFECT LEASE OR ACCESS/UTILITY EASEMENT.
10. EASEMENT IN FAVOR OF COMMONWEALTH OF VIRGINIA, SET FORTH IN INSTRUMENT RECORDED IN DEED BOOK 103, PAGE 27, AFFECTS PARENT PARCEL, DOES NOT AFFECT LEASE OR ACCESS/UTILITY EASEMENT.
11. TERMS AND CONDITIONS OF MEMORANDUM OF LEASE AGREEMENT BY AND BETWEEN JAMES C. & MALCOLM E. BRIDGEWATER, AND VIRGINIA PCS ALLIANCE, LLC, A VIRGINIA COMPANY, RECORDED ON 04/28/2006 IN INSTRUMENT NO. 06-0001576, AFFECTS PAYMENT, LEASE, AND ACCESS/UTILITY EASEMENT, IMPROVEMENTS SHOWN ON SURVEY
12. BOUNDARY LINE AGREEMENT FROM JAMES C. BRIDGEWATER AND JEAR C. BRIDGEWATER TO R. LEE EVANS, JR. AND DORIS P. EVANS, DATED 03/29/2006 AND RECORDED 03/23/2006 IN INSTRUMENT NO. 06-0001834, AFFECTS PARENT PARCEL, DOES NOT AFFECT LEASE OR ACCESS/UTILITY EASEMENT.
13. PLAT SHOWING DIVISION LINE BETWEEN PROPERTY OF RUSSELL L. EVANS AND JAMES C. BRIDGEWATER RECORDED IN PLAT BOOK 4, SLIDE 776, AFFECTS PARENT PARCEL, DOES NOT AFFECT LEASE OR ACCESS/UTILITY EASEMENT.
14. TERMS AND CONDITIONS OF MEMORANDUM OF LEASE, DATED 08/29/2009 BY AND BETWEEN JAMES C. BRIDGEWATER AND WFC, NORMA J. BRIDGEWATER, AND NEW CIRCULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND NEW RECORDED ON 07/26/2009 IN INSTRUMENT NO. 09-0001433, UNABLE TO PLOT.
15. UNDERGROUND EASEMENT AGREEMENT IN FAVOR OF CENTRAL VIRGINIA ELECTRIC COOPERATIVE, A VIRGINIA CORPORATION, SET FORTH IN INSTRUMENT RECORDED ON 05/13/2009 IN INSTRUMENT NO. 09-0001433, UNABLE TO PLOT.
16. TERMS AND CONDITIONS OF MEMORANDUM OF FIRST AMENDMENT TO OPTION AND LEASE AGREEMENT DATED 09/11/2014 BY AND BETWEEN WILLIAM L. BRIDGEWATER, II, AS EXECUTOR OF THE ESTATE OF JAMES CARTER BRIDGEWATER, SR., A/K/A JAMES CARTER BRIDGEWATER, SR., WILLIAM L. BRIDGEWATER, II, AS TRUSTEE OF THE CARTER TRUST ESTABLISHED UNDER THE WILL OF JAMES CARTER BRIDGEWATER, SR., A/K/A JAMES CARTER BRIDGEWATER, SR., A/K/A JAMES CARTER BRIDGEWATER, SR., AND WILLIAM L. BRIDGEWATER, II, AS TRUSTEE OF THE CHILDREN'S TRUST ESTABLISHED UNDER THE WILL OF JAMES CARTER BRIDGEWATER, SR., A/K/A JAMES CARTER BRIDGEWATER, SR., AND CROWN COMMUNICATION LLC, A DELAWARE LIMITED LIABILITY COMPANY, SUCCESSOR BY MERGER TO CROWN COMMUNICATION INC., A DELAWARE CORPORATION, RECORDED ON 04/22/2014 IN INSTRUMENT NO. 14-0001812, UNABLE TO PLOT.



**POLLY WRIGHT
CV221
GRAIN#2046-VA-002501**

127 DAVIS CREEK LN
LOVINGSTON, VA 22949

**TOWER & EQUIPMENT REPLACEMENT
ON EXISTING SITE**



1150 SHENANDOAH VILLAGE DR.
WAYNESBORO, VA 22980

SITE NAME: POLLY WRIGHT

SITE NUMBER: CV221

SITE ADDRESS:
127 DAVIS CREEK LN
LOVINGSTON, VA 22949

AREA:
LEASE AREA =120 SQ. FT.

PROPERTY OWNER:

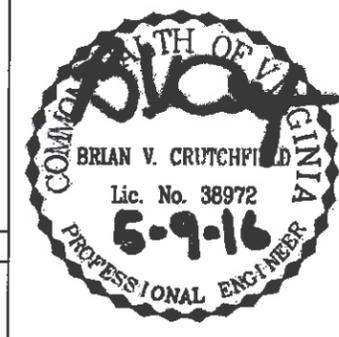
WILLIAM L. BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

LONGITUDE: W78° 51' 27.97"

NO.	REVISION/ISSUE	DATE
1	ZONING DRAWINGS	4/29/16
2	FCD'S	5/9/16



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TEL 434.327.1683
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37452

TG PROJECT # 37452

TITLE SHEET SHEET T-1

PROPERTY OWNER: _____

NTELOS RF ENGINEER: _____

NTELOS CONSTRUCTION MANAGER: _____

NTELOS OPERATIONS MANAGER: _____

SITE ACQUISITION MANAGER: _____

SIGNATURE (REQUIRED BY DEPARTMENTS) DATE

SIGNATURE BLOCK

SITE NAME
POLLY WRIGHT

SITE NUMBER
CV221

SITE ADDRESS
127 DAVIS CREEK LN
LOVINGSTON, VA 22949

PROPERTY OWNER
WILLIAM L. BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

TOWER OWNER
GRAINCOMM LLC
100 N. WASHINGTON BLVD SUITE 201
SARASOTA, FL 34236

SITE DATA
NAD 83 LATITUDE - N37° 48' 42.70"
NAD 83 LONGITUDE - W78° 51' 27.97"
ELEVATION - 754.30' (NAVD 88)

LEASE AREA
400 SF (GRAIN) - 120 SF (NTELOS)

JURISDICTION
NELSON COUNTY

CONTACTS

nTELOS (CONSTRUCTION)
BEN PIERCE
(804) 218-5474 - PHONE
(540) 943-0705 - FAX

nTELOS (LEASING)
DEBBIE BALSER
(540) 941-4220 EXT. 3071- PHONE
(540) 941-4106 - FAX

SHEET	TITLE
T-1	TITLE SHEET
C-1	OVERALL SITE PLAN
C-2	EXISTING SITE PLAN
C-3	SITE LAYOUT PLAN
C-4	TREE SURVEY
C-5	TOWER ELEVATION
C-6	ANTENNA CABLE ROUTING
C-7	EQUIPMENT PLATFORM PLAN
D-1	POWER & TELEPHONE SINGLE LINE DIAGRAM
D-2	MISCELLANEOUS DETAILS
D-3	MISCELLANEOUS DETAILS
D-4	GENERAL NOTES

SHEET INDEX

POLICE/FIRE/RESCUE
911

ELECTRIC POWER
CVEC
CONTACT: CUSTOMER SERVICE
PHONE#: 800-367-2832

TELEPHONE
CENTURYLINK
CONTACT: CUSTOMER SERVICE
PHONE#: 877-837-5738

nTELOS NOC
(540) 566-9568 - PHONE

EMERGENCY AND UTILITY CONTACTS

CURRENT DIVISION (PLANNER) DATE



AREA MAP



VICINITY MAP

SITE DIRECTIONS
FROM CHARLOTTESVILLE, VA TAKE I-64W. TAKE EXIT 118A TO MERGE ONTO US-29 TOWARD LYNCHBURG. CONTINUE 25 MILES THEN TURN RIGHT ONTO STATE RTE 623. SITE WILL BE ON YOUR LEFT.

TOWER REPLACEMENT AND EQUIPMENT SWAP OUT ON EXISTING TOWER SITE

PROJECT DESCRIPTION

DIRECTIONS TO SITE

PROJECT INFORMATION

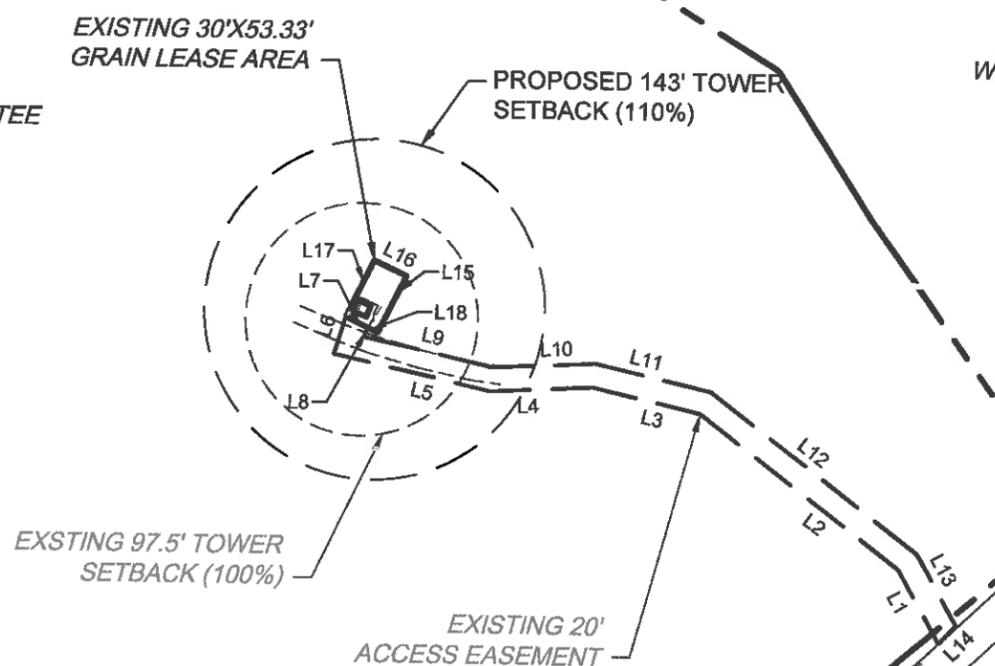
SIGNATURE PANEL

NORTH MERIDIAN REFERENCED TO VA
STATE PLANE COORDINATE SYSTEM
SOUTH ZONE (NAD83)



ACCESS ESMT AND LEASE AREA LINE TABLE

LINE	LENGTH	BEARING
L1	70.80	N29°55'57"W
L2	213.42	N52°57'05"W
L3	94.05	N77°09'25"W
L4	87.88	S87°07'09"W
L5	135.19	N77°25'27"W
L6	32.95	N16°33'12"E
L7	20.26	S64°17'48"E
L8	8.29	S17°00'53"W
L9	111.11	S77°25'27"E
L10	87.93	N87°07'09"E
L11	101.10	S77°09'25"E
L12	221.79	S52°57'05"E
L13	68.88	S29°55'57"E
L14	20.88	S43°23'22"W
L15	53.33	S25°42'12"W
L16	30.00	S84°17'48"E
L17	53.33	N25°42'12"E
L18	30.00	N64°17'48"W



N/F
WILLIAM L BRIDGEWATER TRUSTEE
PARCEL: 45 A 35

N/F
WILLIAM L BRIDGEWATER TRUSTEE
PARCEL: 45 A 34

N/F
WILLIAM L BRIDGEWATER TRUSTEE
PARCEL: 45 A 40



1150 SHENANDOAH VILLAGE DR.
WAYNESBORO, VA 22980

SITE NAME: POLLY WRIGHT

SITE NUMBER: CV221

SITE ADDRESS:
127 DAVIS CREEK LN
LOVINGSTON, VA 22949

AREA:
LEASE AREA =120 SQ. FT.

PROPERTY OWNER:
WILLIAM L BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

LONGITUDE: W78° 51' 27.97"

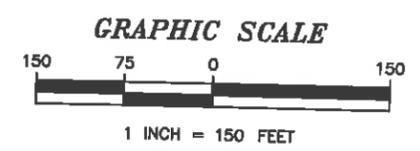
NO.	REVISION/ISSUE	DATE
1	ZONING DRAWINGS	4/29/16
2	FCD'S	5/9/16



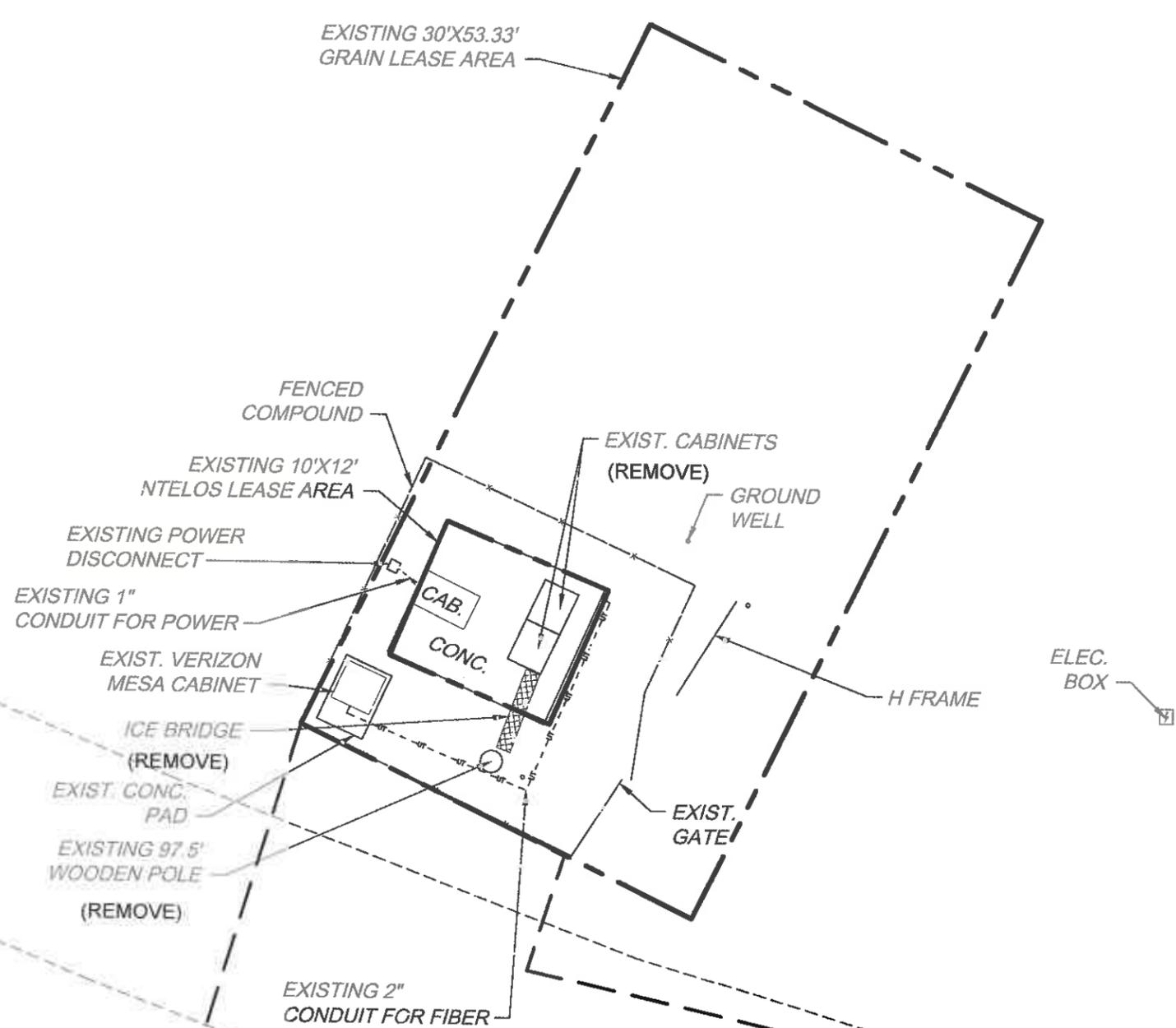
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OVERALL SITE PLAN SHEET
C-1



NORTH MERIDIAN REFERENCED TO VA
STATE PLANE COORDINATE SYSTEM
SOUTH ZONE (NAD83)



GRAPHIC SCALE

1 INCH = 10 FEET

LEGEND

- PROPERTY LINE
- TRACT LINE
- LEASE LINE
- ROW LINE
- X-X- EXISTING FENCE LINE
- XX-XX- PROPOSED FENCE LINE
- G-G-G- GAS LINE
- E-E-E- OVERHEAD POWER
- T-T-T- OVERHEAD TELEPHONE
- UE-UE- UNDERGROUND POWER
- UT-UT- UNDERGROUND TELCO.
- E&T-E&T- OVERHEAD POWER/TELEPHONE
- ⊙ 5/8" REBAR W/CAP SET
- FOUND MONUMENTATION
- CALCULATED POINT
- ⊙ EXISTING UTILITY POLE
- ⊙ PROPOSED UTILITY POLE



1150 SHENANDOAH VILLAGE DR.
WAYNESBORO, VA 22980

SITE NAME: POLLY WRIGHT

SITE NUMBER: CV221

SITE ADDRESS:
127 DAVIS CREEK LN
LOVINGSTON, VA 22949

AREA:
LEASE AREA =120 SQ. FT.

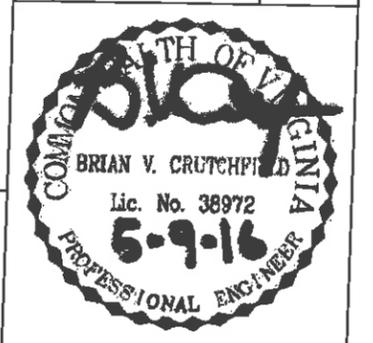
PROPERTY OWNER:
WILLIAM L. BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

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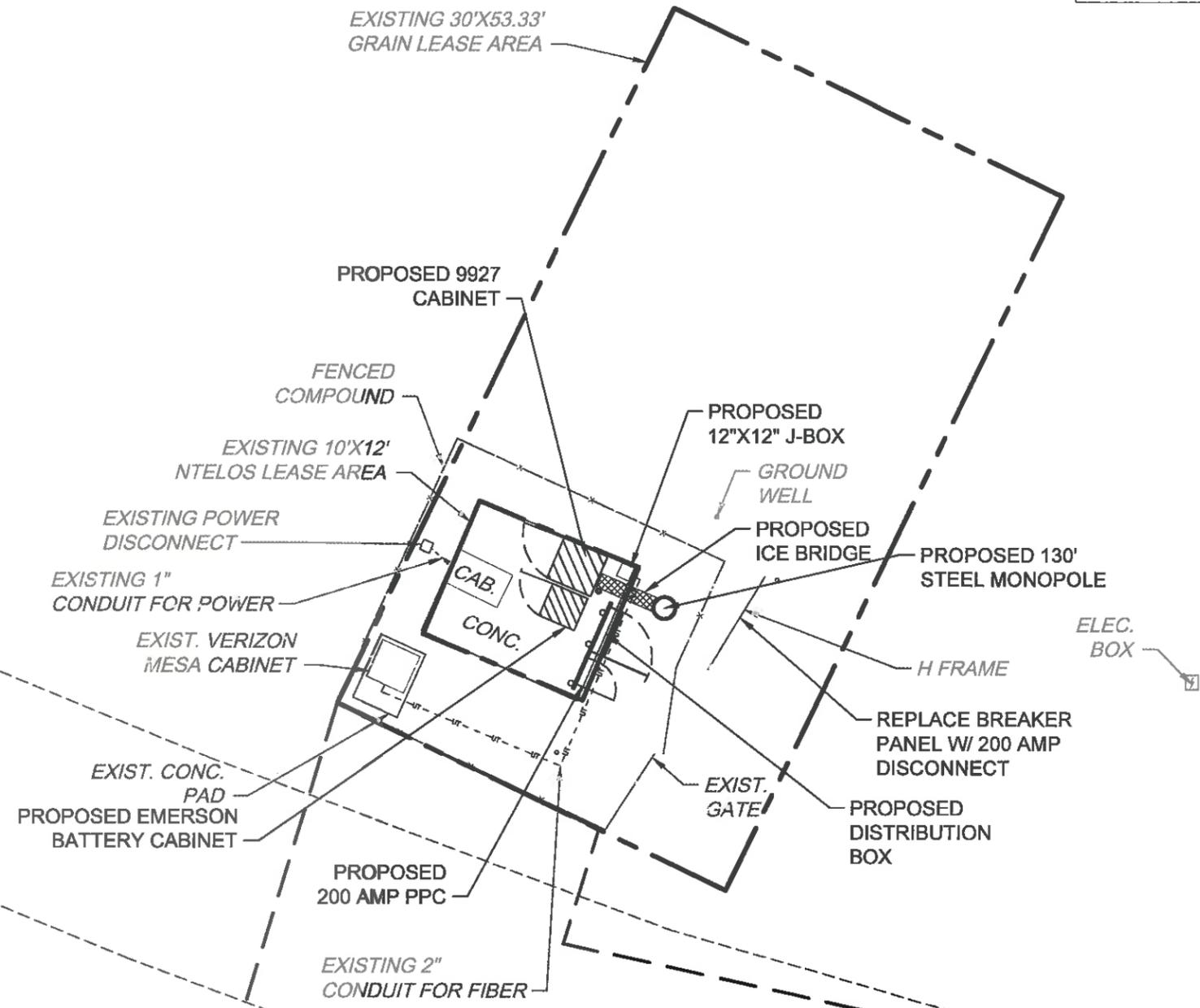
Site Development | Residential | Infrastructure | Technology
37452

TG PROJECT # 37452

EXISTING SITE PLAN SHEET
C-2

NOTE: BEFORE CONSTRUCTION,
ALL UTILITY LINES WILL BE
LOCATED AND MARKED

NORTH MERIDIAN REFERENCED TO VA
STATE PLANE COORDINATE SYSTEM
SOUTH ZONE (NAD83)



GRAPHIC SCALE

1 INCH = 10 FEET

LEGEND

---	PROPERTY LINE
- - - -	TRACT LINE
---	LEASE LINE
---	ROW LINE
-x-x-	EXISTING FENCE LINE
-xx-xx-	PROPOSED FENCE LINE
-G-G-G-	GAS LINE
-E-E-E-	OVERHEAD POWER
-T-T-T-	OVERHEAD TELEPHONE
-UE-UE-	UNDERGROUND POWER
-UT-UT-	UNDERGROUND TELCO.
-E&T-E&T-	OVERHEAD POWER/TELEPHONE
⊙	5/8" REBAR W/CAP SET
⊠	FOUND MONUMENTATION
⊙	CALCULATED POINT
⊙	EXISTING UTILITY POLE
⊙	PROPOSED UTILITY POLE



1150 SHENANDOAH VILLAGE DR.
WAYNESBORO, VA 22980

SITE NAME: POLLY WRIGHT

SITE NUMBER: CV221

SITE ADDRESS:
127 DAVIS CREEK LN
LOVINGSTON, VA 22949

AREA:
LEASE AREA =120 SQ. FT.

PROPERTY OWNER:
WILLIAM L. BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

LONGITUDE: W78° 51' 27.97"

NO.	REVISION/ISSUE	DATE
1	ZONING DRAWINGS	4/29/16
2	FCD'S	5/9/16



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TG PROJECT # 37452

SITE LAYOUT PLAN SHEET
C-3

NORTH MERIDIAN REFERENCED TO VA STATE PLANE COORDINATE SYSTEM SOUTH ZONE (NAD83)



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TREE LEGEND

No.	Size/Type	Ground Elev. (AMSL)	Top Tree Elev. (AMSL)	Tree Height (AGL)
38	48" Oak	751.6	835.4	83.9
40	56" Oak	748.7	855.3	106.6
42	10" Hickory	753.0	811.9	58.9
44	16" Oak	752.4	841.0	88.6
46	16" Oak	752.4	832.4	80.0
48	30" Oak	754.6	857.1	102.5

AMSL - DENOTES "ABOVE MEAN SEA LEVEL"
AGL - DENOTES "ABOVE GROUND LEVEL"

EXISTING TOWER - WOODEN POLE	
LATITUDE:	37° 48' 42.61"
LONGITUDE:	78° 51' 28.08"
GROUND ELEVATION:	754.30' AMSL
TOP OF TOWER:	97.5' AGL
TOP OF ANT:	96.0' AGL

PROPOSED TOWER - STEEL MONOPOLE	
LATITUDE:	37° 48' 42.70"
LONGITUDE:	78° 51' 27.97"
GROUND ELEVATION:	754.30' AMSL
TOP OF TOWER:	130' AGL
TOP OF LIGHTNING ROD:	132' AGL

NOTE: TREES INDICATED ON TREE LEGEND DENOTES SIGNIFICANT TREES. OTHER SMALLER/SHORTER TREES WERE NOT SURVEYED.



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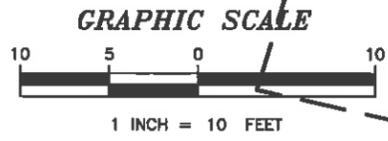
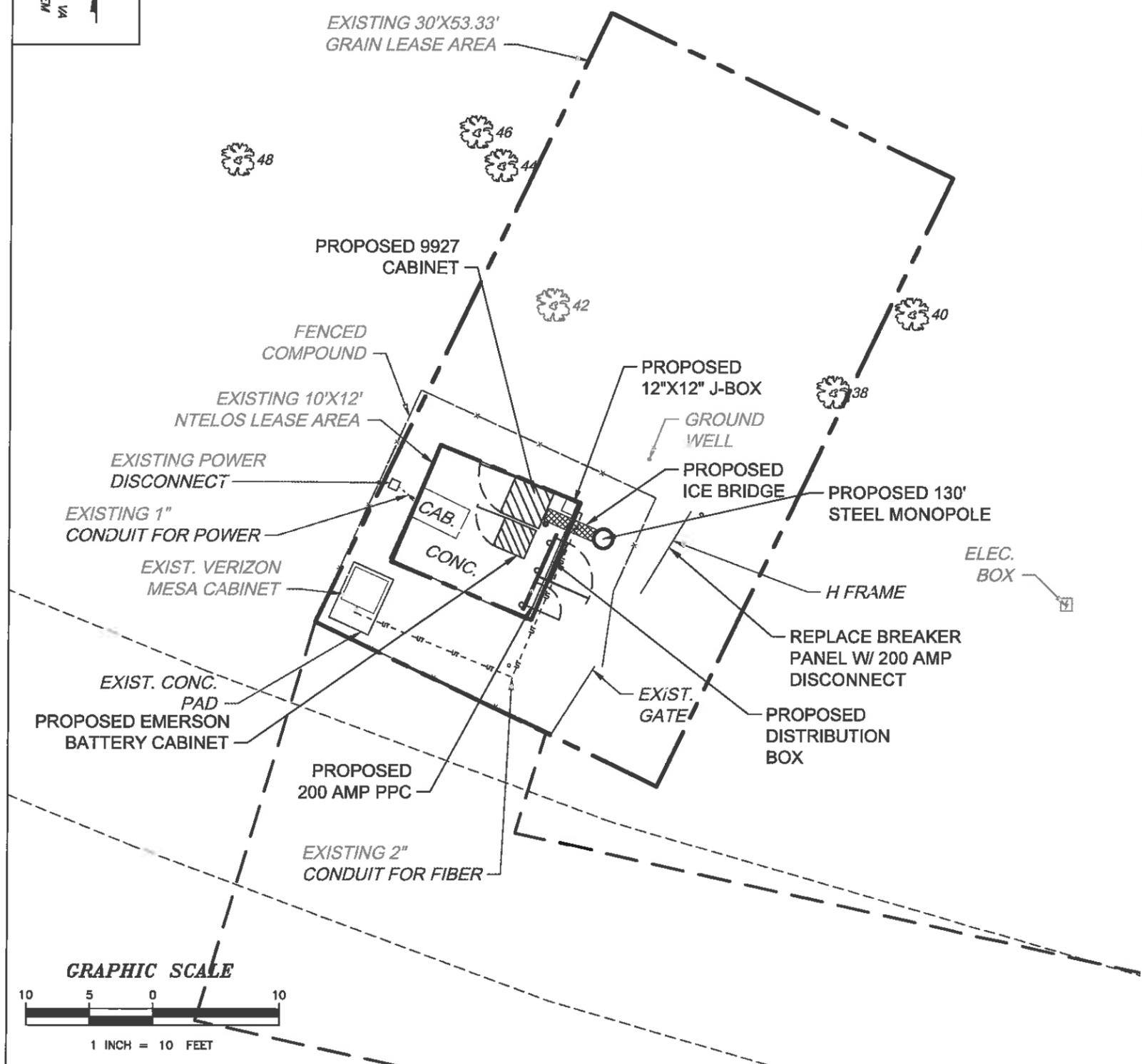
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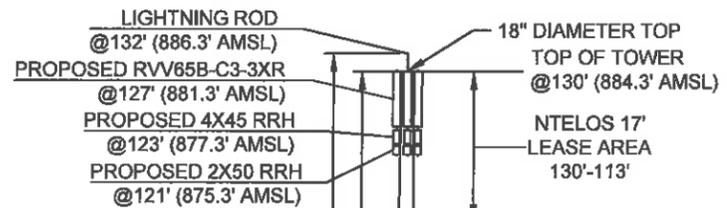
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TREE SURVEY SHEET
C-4

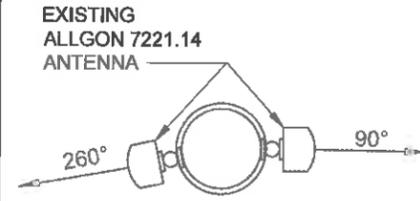
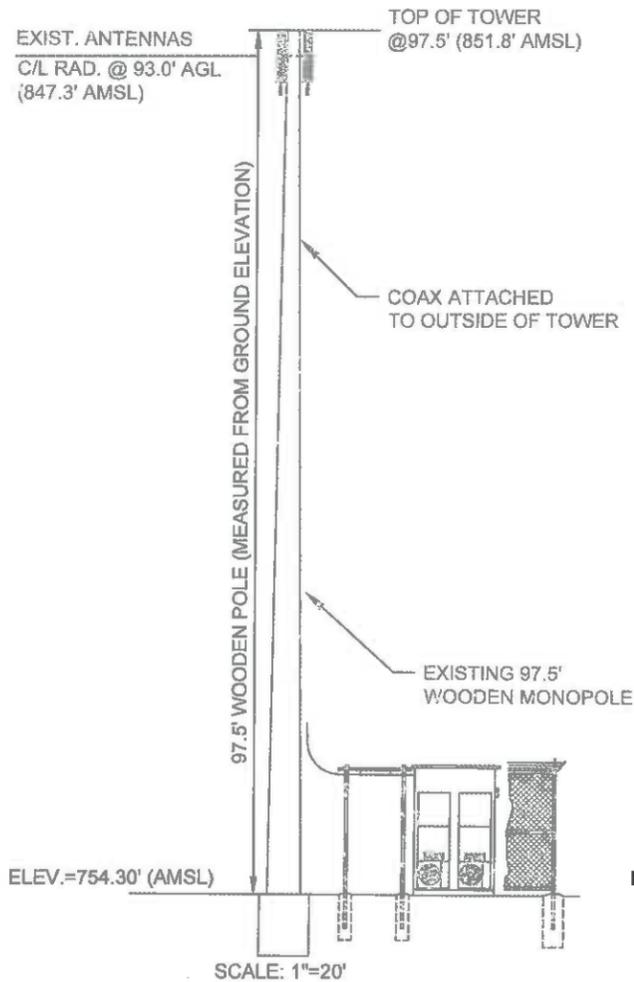


NOTE:
CONTRACTOR TO VERIFY ANTENNA
INFORMATION 48 HOURS PRIOR
TO INSTALLATION.

PROPOSED STEEL MONPOLE



EXISTING WOODEN POLE



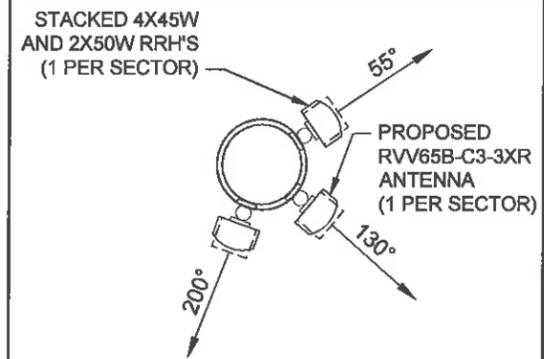
EXISTING ANTENNA LAYOUT
NO SCALE

EXISTING EQUIPMENT (93.0'):

- (2) 7/8" COAX LINES
- (2) ALLGON 7221.14 ANTENNA

REMOVE EQUIPMENT (93.0'):

- (2) ALLGON 7221.14 ANTENNA
- (2) 7/8" COAX LINES



PROPOSED ANTENNA LAYOUT
NO SCALE

PROPOSED EQUIPMENT (127'):

- (2) HYBRID CABLE - AFOP-NTHYB-R1 10 AWG
- (3) RVV65B-C3-3XR (1) PER SECTOR
- (4) LWRM SITE PRO COLLAR MOUNT

PROPOSED EQUIPMENT (123'):

- (3) 4x45 RRH. (1) PER SECTOR

PROPOSED EQUIPMENT (121'):

- (3) 2x50 RRH. (1) PER SECTOR

TO BE REMOVED	PROPOSED	PROPOSED	PROPOSED
<p>AREA = 792.88 IN² EXISTING ALLGON 7221.14 ANTENNA DIMENSIONS SCALE: 1"=4'</p>	<p>AREA = 866.32 IN² PROPOSED RVV65B-C3-3XR ANTENNA DIMENSIONS SCALE: 1"=4'</p>	<p>AREA = 278.39 IN² PROPOSED ALU 4x45 RRH DIMENSIONS SCALE: 1"=4'</p>	<p>AREA = 204.1 IN² PROPOSED 2x50 RRH DIMENSIONS SCALE: 1"=4'</p>

- NOTES:**
- THE ONLY ON-SITE LIGHTING PROPOSED IS MOUNTED ON THE PROPOSED CABINETS. THE LIGHTING IS INTENDED FOR TEMPORARY MAINTENANCE USE ONLY.
 - POLE, ANTENNAS, CONCRETE PADS, CABINETS, AND ALL APPURTENANCES TO BE PAINTED SHERWIN WILLIAMS - UMBRA - SW4008 (INDUSTRIAL AND MARINE COATING).
 - DISTANCE BETWEEN THE FACE OF THE POLE TO THE BACK OF THE ANTENNAS SHOULD NOT EXCEED 12".



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AREA: LEASE AREA =120 SQ. FT.

PROPERTY OWNER:
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2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

LONGITUDE: W78° 51' 27.97"

NO.	REVISION/ISSUE	DATE
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2	FCD'S	5/9/16



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TG PROJECT # 37452

TOWER ELEVATION SHEET
C-5



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AREA:
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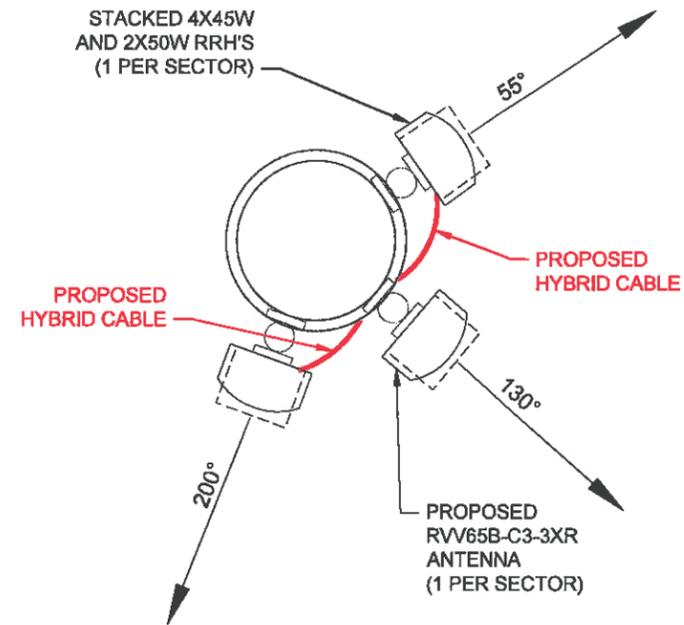
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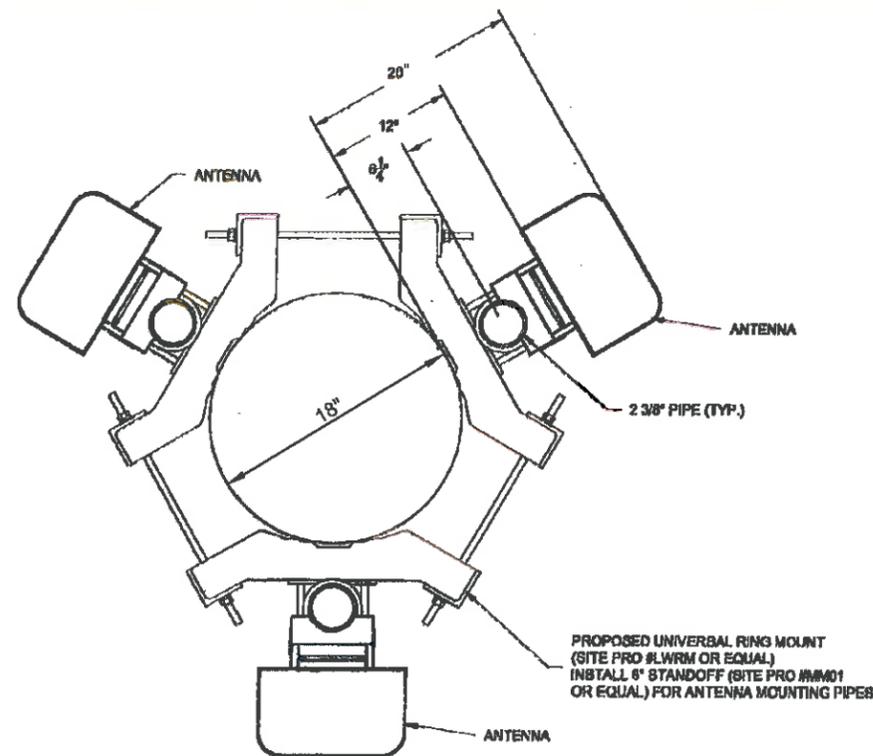
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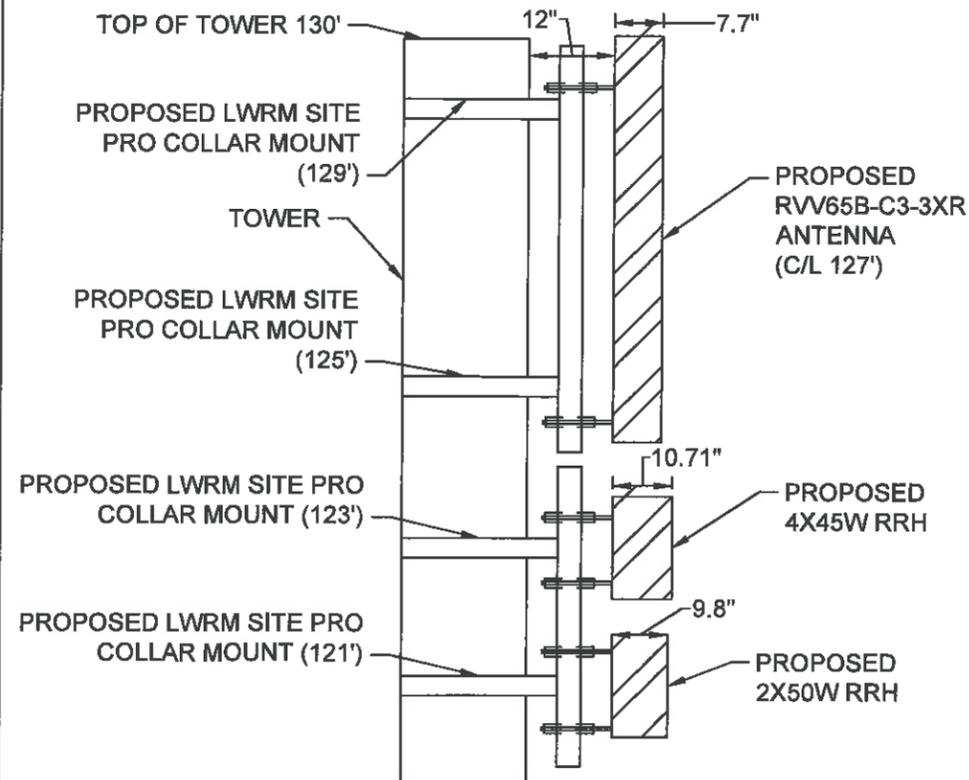
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PROPOSED ANTENNA ROUTING
NO SCALE



RVV65B-C3-3XR
ANTENNA
77.944E-N0946ZRID



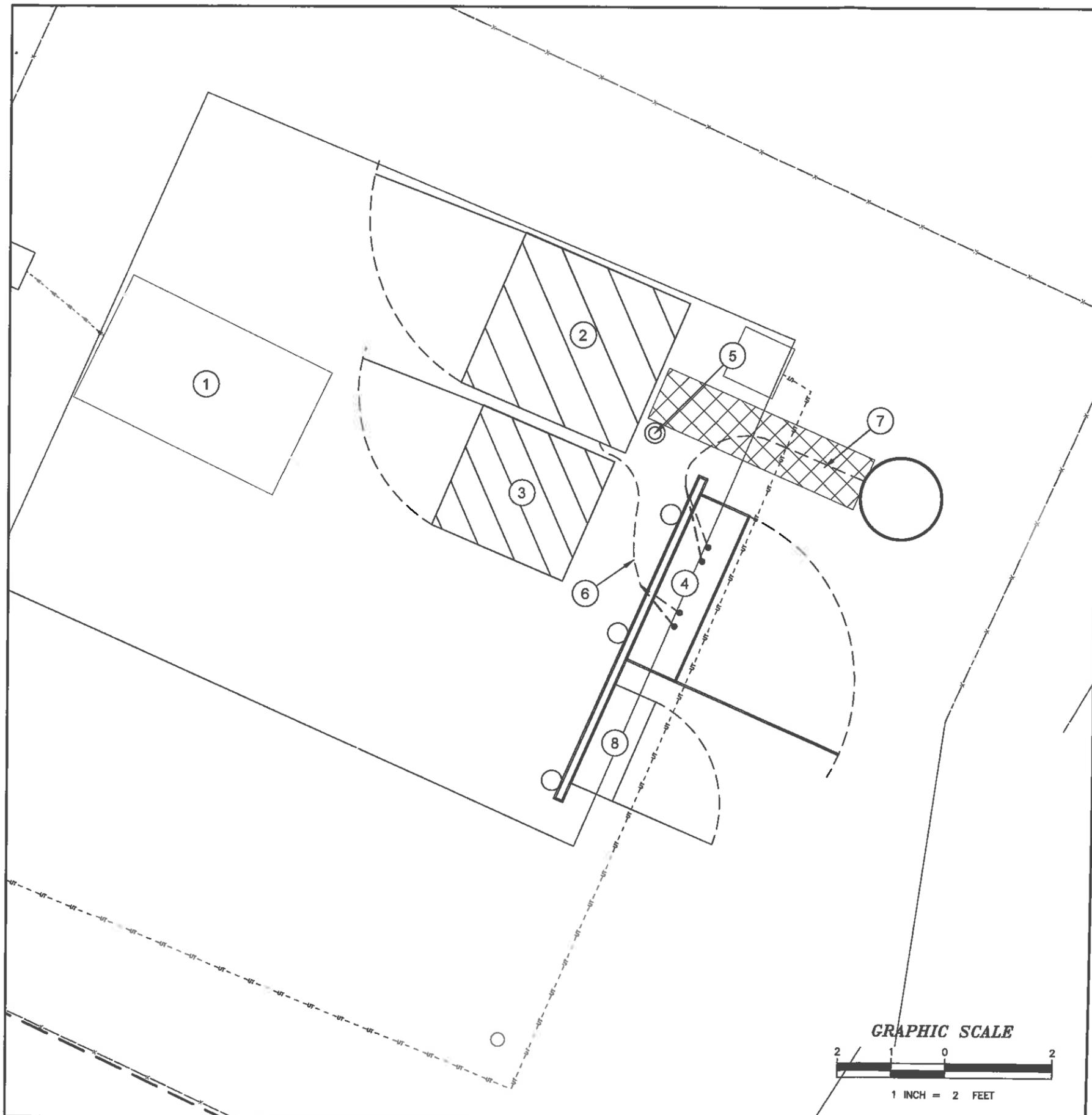
PROPOSED ANTENNA AND RRH STANDOFF
NO SCALE



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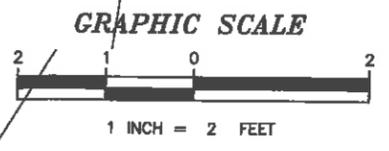
ANTENNA CABLE ROUTING SHEET
C-6



NORTH MERIDIAN REFERENCED TO VA
 STATE PLANE COORDINATE SYSTEM
 SOUTH ZONE (NAD83)

SITE IS LOCATED WITHIN THE NRQZ AND REQUIRES COORDINATION WITH THE NRAO. ALTHOUGH NOT EXPECTED, CHANGES TO THE SITE'S CONFIGURATION MAY BE REQUIRED. EXISTING BASE STATION WILL BE REMOVED AND THE SITE WILL RECEIVE A 9927 AND BATTERY CABINET. AISG PORT 1 SHOULD BE USED FOR RET CONTROL FROM 4X40 OR 4X45. IN DC POWER CABLES, USE CONDUCTOR WITH BLACK INSULATION FOR "RETURN". IN A -48VDC SYSTEM, USE CONDUCTOR WITH RED INSULATION FOR -48VDC. FOR 6-PORT MULTI-BAND ANTENNAS, CONNECT 800 MHZ 2X50 RRH PORT 1 TO ANTENNA PORT 1, 2X50 PORT 2 TO ANTENNA PORT 2, PCS 4X45 PORT 1 TO ANTENNA PORT 3, 4X45 PORT 2 TO ANTENNA PORT 4, 4X45 PORT 3 TO ANTENNA PORT 5, AND 4X45 PORT 4 TO ANTENNA PORT 6.

- ① (E) NTELOS RF CABINET
- ② (N) NTELOS 9927 EQUIPMENT CABINET
- ③ (N) NTELOS BATTERY CABINET
- ④ (N) NTELOS DISTRIBUTION BOX
- ⑤ (N) NTELOS GPS ANTENNA
- ⑥ (N) NTELOS (2) 1-1/2" FLEXLIGHT CONDUITS
- ⑦ (N) NTELOS (2) 10 AWG HYBRID CABLES
- ⑧ (N) NTELOS 200 AMP PPC



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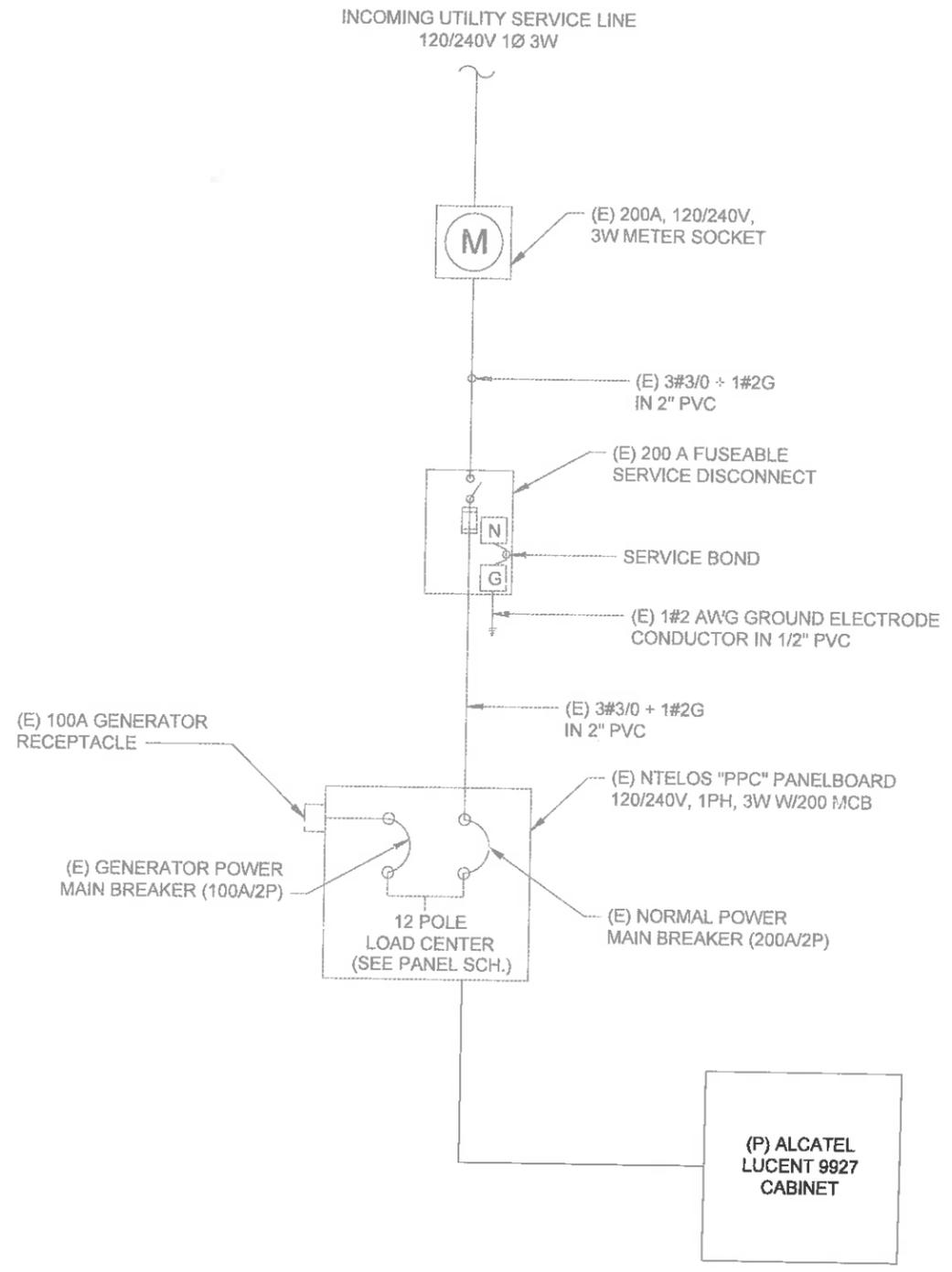
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EQUIPMENT PLATFORM PLAN	SHEET C-7
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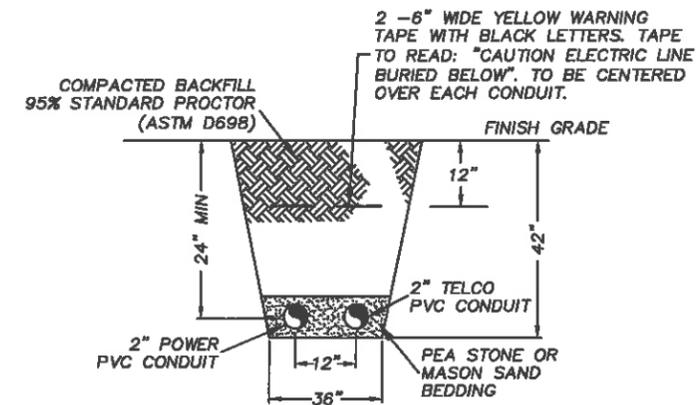
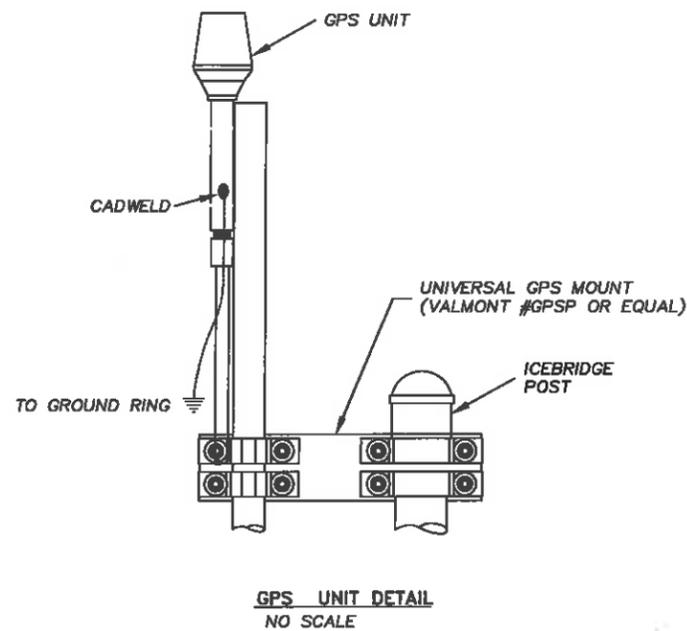
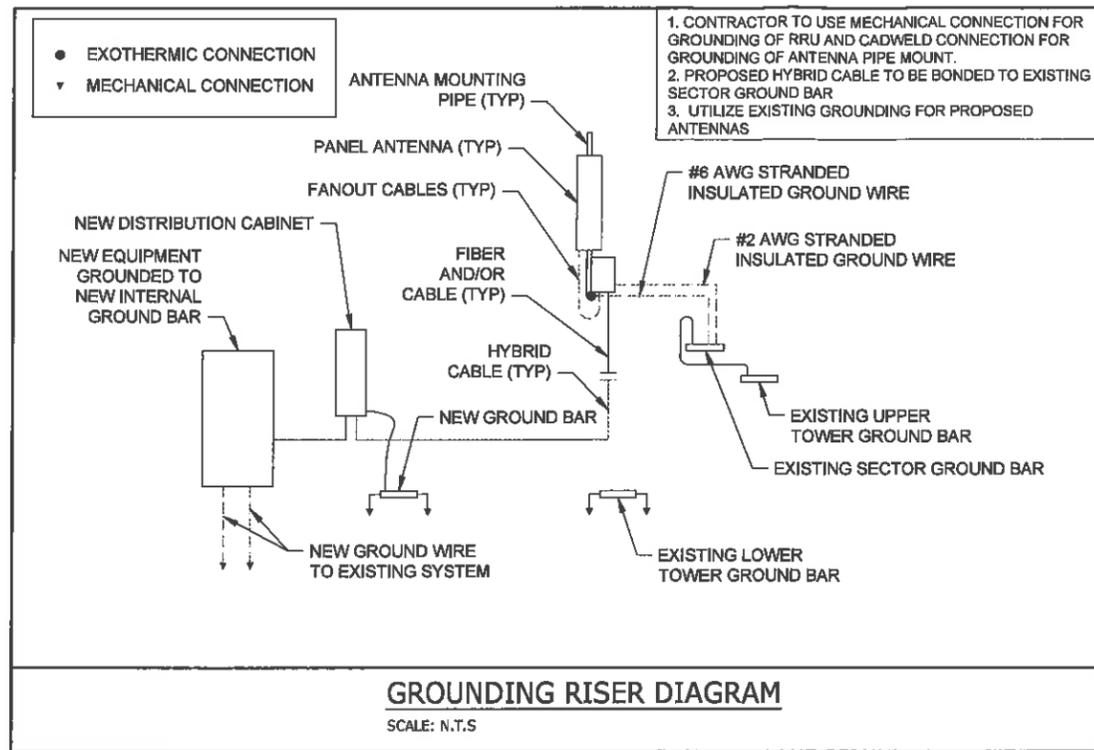


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POWER & TELEPHONE SINGLE LINE DIAGRAM	SHEET D-1
--	--------------



TRENCHING DETAIL FOR CONDUIT ROUTING
NOT TO SCALE

NOTE:

1. CONDUITS ARE TO BE STUBBED UP TO NEAREST UTILITY POLE WITHIN 2" OF THE POLE, UNLESS OTHERWISE NOTED.
2. ALL DISTURBED AREAS NOT COVERED BY STONE ARE TO BE SEEDED AND MULCHED.
3. CONTRACTOR WILL BE RESPONSIBLE FOR REMOVAL OF UNSUITABLE MATERIAL WHICH WILL NOT COMPACT PROPERLY.



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MISCELLANEOUS DETAILS SHEET D-2



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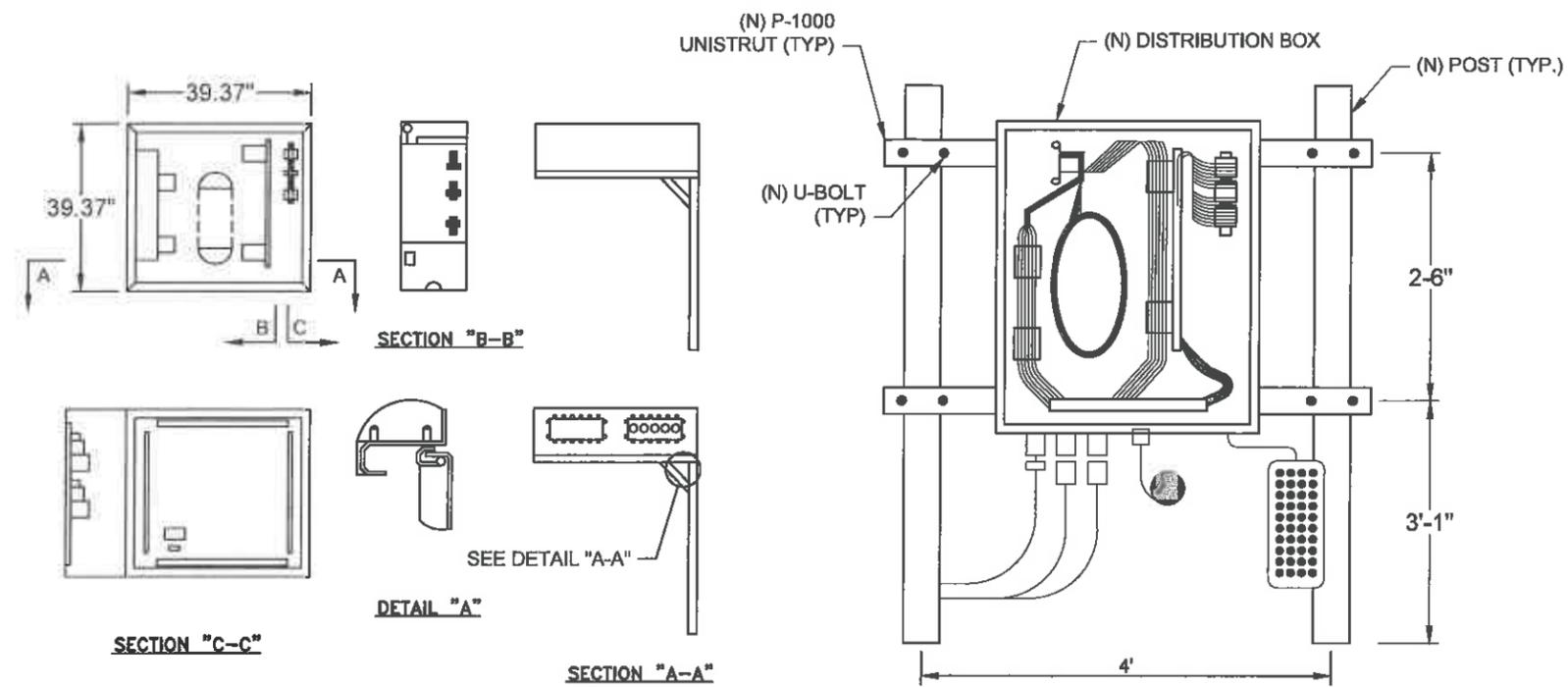


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MISCELLANEOUS
DETAILS

SHEET
D-3



DISTRIBUTION BOX PLAN VIEW
NO SCALE

DISTRIBUTION BOX ELEVATION VIEW
NO SCALE

1. THE CONTRACTOR SHALL SECURE ALL NECESSARY PERMITS FOR THIS PROJECT FROM ALL APPLICABLE GOVERNMENT AGENCIES.

2. ANY PERMITS WHICH MUST BE OBTAINED SHALL BE THE CONTRACTOR'S RESPONSIBILITY AND AT HIS EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ABIDING BY ALL CONDITIONS AND REQUIREMENTS OF THE PERMITS.

3. CONTRACTOR SHALL NOTIFY THE COUNTY ENGINEER 24 HOURS PRIOR TO THE BEGINNING OF CONSTRUCTION.

4. LOCATION OF EXISTING SEWER, WATER OR GAS LINES, CONDUITS OR OTHER STRUCTURES ACROSS, UNDERNEATH, OR OTHERWISE ALONG THE LINE OF EXISTING WORK ARE NOT NECESSARILY SHOWN ON THE PLANS, AND IF SHOWN ARE ONLY APPROXIMATELY CORRECT. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES (INCLUDING TEST PITS BY HAND IF NECESSARY) IN AREAS OF CONSTRUCTION PRIOR TO STARTING WORK. CONTACT ENGINEER IMMEDIATELY IF LOCATION OR ELEVATION IS DIFFERENT FROM THAT SHOWN ON PLANS. IF THERE APPEARS TO BE A CONFLICT, OR UPON THE DISCOVERY OF ANY UTILITY NOT SHOWN ON THE PLANS. FOR ASSISTANCE CALL "MISS UTILITY".

5. EXISTING PAVEMENT AND OTHER SURFACES DISTURBED BY THE CONTRACTOR (WHICH ARE NOT TO BE REMOVED) SHALL BE REPAIRED TO LIKE-NEW CONDITION. AT THE CONTRACTOR'S EXPENSE.

6. THE CONTRACTOR IS REQUIRED TO MAINTAIN ALL DITCHES, PIPES, AND OTHER DRAINAGE STRUCTURES FREE FROM OBSTRUCTION UNTIL WORK IS ACCEPTED BY THE OWNER. THE CONTRACTOR IS RESPONSIBLE FOR ANY DAMAGES CAUSED BY FAILURE TO MAINTAIN DRAINAGE STRUCTURES IN OPERABLE CONDITION.

7. THE CONTRACTOR SHALL COORDINATE WITH NTELOS THE REQUIREMENTS FOR AND LIMITS OF OVERHEAD AND/OR UNDERGROUND ELECTRICAL SERVICE.

8. ALL MATERIALS AND WORKMANSHIP SHALL BE WARRANTED FOR ONE (1) FULL YEAR FROM THE DATE OF ACCEPTANCE.

9. THE CONTRACTOR SHALL HAVE A SET OF APPROVED PLANS AVAILABLE AT THE SITE AT ALL TIMES WHEN WORK IS BEING PERFORMED. A DESIGNATED RESPONSIBLE EMPLOYEE SHALL BE AVAILABLE FOR CONTACT BY COUNTY INSPECTORS. CONTRACTOR SHALL BE ON SITE FOR ALL INSPECTIONS.

10. ALL WORK PRESENTED ON THESE DRAWINGS MUST BE COMPLETED BY THE CONTRACTOR UNLESS NOTED OTHERWISE. THE CONTRACTOR MUST HAVE CONSIDERABLE EXPERIENCE IN PERFORMANCE OF WORK SIMILAR TO THAT DESCRIBED HEREIN. BY ACCEPTANCE OF THIS ASSIGNMENT, THE CONTRACTOR IS ATTESTING THAT HE DOES HAVE SUFFICIENT EXPERIENCE AND ABILITY, THAT HE IS KNOWLEDGEABLE OF THE WORK TO BE PERFORMED AND THAT HE IS PROPERLY LICENSED AND PROPERLY REGISTERED TO DO THIS WORK IN THE STATE IN WHICH IT IS TO BE PERFORMED. UNLESS SHOWN OR NOTED OTHERWISE ON THE CONTRACT DRAWINGS, OR IN THE SPECIFICATIONS, THE FOLLOWING NOTES SHALL APPLY TO THE MATERIALS LISTED HEREIN, AND TO THE PROCEDURES TO BE USED ON THIS PROJECT.

11. ALL HARDWARE ASSEMBLY MANUFACTURER'S INSTRUCTIONS SHALL BE FOLLOWED EXACTLY AND SHALL SUPERCEDE ANY CONFLICTING NOTES ENCLOSED HEREIN.

12. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURE AND SEQUENCE TO INSURE THE SAFETY OF THE STRUCTURE AND ITS COMPONENT PARTS DURING ERECTION AND/OR FIELD MODIFICATIONS. THIS INCLUDES, BUT IS NOT LIMITED TO, THE ADDITION OF WHATEVER TEMPORARY BRACING, GUYS OR TIE DOWNS THAT MAY BE NECESSARY. SUCH MATERIAL SHALL BE REMOVED AND SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER THE COMPLETION OF THE PROJECT.

13. ALL DIMENSIONS, ELEVATIONS, AND EXISTING CONDITIONS SHOWN ON THE DRAWINGS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING ANY MATERIAL ORDERING, FABRICATION OR CONSTRUCTION WORK ON THIS PROJECT. ANY DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND THE OWNERS ENGINEER. THE DISCREPANCIES MUST BE RESOLVED BEFORE THE CONTRACTOR IS TO PROCEED WITH THE WORK. THE CONTRACT DOCUMENTS DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY THE OWNER AND/OR THE ENGINEER SHALL NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE CONSTRUCTION PROCEDURES.

14. ALL MATERIALS AND EQUIPMENT FURNISHED SHALL BE NEW AND OF GOOD WORKING QUALITY, FREE FROM FAULTS AND DEFECTS AND IN CONFORMANCE WITH THE CONTRACT DOCUMENTS. ANY AND ALL SUBSTITUTIONS MUST BE PROPERLY APPROVED AND AUTHORIZED IN WRITING BY THE OWNER AND THE ENGINEER PRIOR TO INSTALLATION. THE CONTRACTOR SHALL FURNISH SATISFACTORY EVIDENCE AS TO THE KIND AND QUALITY OF THE MATERIALS AND EQUIPMENT BEING SUBSTITUTED.

15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING, AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR INSURING THAT THIS PROJECT AND RELATED WORK COMPLIES WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL SAFETY CODES AND REGULATIONS GOVERNING THIS WORK.

16. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE LATEST EDITION OF THE LOCAL BUILDING CODE.

17. ACCESS TO THE EXISTING WORK SITE MAY BE RESTRICTED. THE CONTRACTOR SHALL COORDINATE INTENDED CONSTRUCTION ACTIVITY, INCLUDING WORK SCHEDULE AND MATERIALS ACCESS, WITH THE RESIDENT LEASING AGENT FOR APPROVAL.

18. ALL WORK SHALL BE ACCOMPLISHED IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL CODES OR ORDINANCES. THE MOST STRINGENT CODE WILL APPLY IN THE CASE OF DISCREPANCIES OR DIFFERENCES IN THE CODE REQUIREMENTS.

19. ANY DAMAGE TO ADJACENT PROPERTIES WILL BE CORRECTED AT THE CONTRACTORS EXPENSE.

20. CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES WITHIN CONSTRUCTION LIMITS PRIOR TO CONSTRUCTION.

21. THE ELECTRICAL AND RF STANDARDS AND SPECIFICATIONS SHOWN ON THESE PLANS HAVE BEEN PROVIDED BY THE CLIENT. RPM ENGINEERS HAS NOT PREPARED AN ANALYSIS OF THE STANDARDS AND SPECIFICATIONS. THEY HAVE BEEN PROVIDED FOR CONVENIENCE.

22. RECORD DRAWINGS: MAINTAIN A RECORD OF ALL CHANGES, SUBSTITUTIONS BETWEEN WORK AS SPECIFIED AND INSTALLED. RECORD CHANGES ON A CLEAN SET OF CONTRACT DRAWINGS WHICH SHALL BE TURNED OVER TO THE CONSTRUCTION MANAGER UPON COMPLETION OF PROJECT.

23. COORDINATE THE CONSTRUCTION STAGING AREA WITH THE PROPERTY OWNER AND THE PROPERTY MANAGER WELL IN ADVANCE OF THE CONSTRUCTION START DATE.

24. CONTRACTOR IS TO FIELD VERIFY ALL EXISTING CONDITIONS AND PLAN DIMENSIONS, AND NOTIFY THE ARCHITECT AND ENGINEER IMMEDIATELY OF ANY DISCREPANCIES.

25. THE CONTRACTOR SHALL REMOVE ALL TRASH AND DEBRIS FROM THE WORK SITE ON A DAILY BASIS.



1150 SHENANDOAH VILLAGE DR.
WAYNESBORO, VA 22980

SITE NAME: POLLY WRIGHT

SITE NUMBER: CV221

SITE ADDRESS: 127 DAVIS CREEK LN
LOVINGSTON, VA 22949

AREA: LEASE AREA =120 SQ. FT.

PROPERTY OWNER:
WILLIAM L. BRIDGEWATER
2820 STAGEBRIDGE ROAD
LOVINGSTON, VA 22949

COUNTY: NELSON COUNTY

LATITUDE: N37° 48' 42.70"

LONGITUDE: W78° 51' 27.97"

NO.	REVISION/ISSUE	DATE
1	ZONING DRAWINGS	4/29/16
2	FCD'S	5/9/16



TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.
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THIS DRAWING PREPARED AT THE
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GENERAL NOTES

SHEET

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