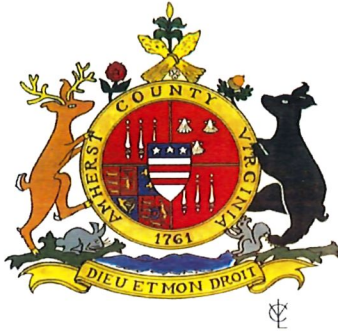


Board of Supervisors

John A. Marks, Jr., Chairman
District 5
David W. Pugh, Jr., Vice-Chair
District 4
Claudia D. Tucker, Supervisor
District 2
L. J. Ayers III, Supervisor
District 3
Kenneth M. Campbell, Supervisor
District 1



County Administrator
Dean C. Rodgers

County Attorney
Ellen Bowyer

AMHERST COUNTY BOARD OF SUPERVISORS

MINUTES

November 15, 2016
Administration Building - 153 Washington Street - School Board Room
Amherst, Virginia 24521
Meeting - 7:00 p.m.

- I. Call to Order**
- II. Invocation and Pledge of Allegiance**
- III. Approval of Agenda**
- IV. Citizen Comment**
- V. Public Hearings**

A. Ordinance 2016-0014, amending §§ 302, 919.02, and 919.06 of Appendix A to the Amherst County Code to identify as an accessory structure any wireless broadband facilities having towers or support structures sixty (60) or fewer feet in height in the A-1 Agricultural Residential District, and forty (40) or fewer feet in height in all other districts in which accessory structures are permitted, and to exempt them from most requirements applicable to personal wireless service facilities.

B. Special Exception Request, No. 2016-11, request by Shekinah Farm, LLC for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to increase the scale of an existing home occupation. The request is for expansion of a retreat center that is dedicated to community and personal well-being. The parcel is located at 1551 Wares Gap Road and is further identified as tax map number 78-A-13.

C. Conditional Zoning Request, No. 2016-12, request by Michele Poindexter to modify proffers in the B-2 General Commercial District. In 2007, SET, Inc. requested the rezoning of a parcel from M-1 Industrial to B-2 General Commercial District to allow for a daycare business. The parcel is located at 120 Dillard Road and is further identified as tax map number 147-A-212. The request was approved with four (4) voluntary proffers. The daycare center is no longer using the facility and the applicant opened a multipurpose center, but is requesting to remove proffer number one (1) and proffer number two (2) as written below:

- 1) Hours of Operation — M-F 6:30A.M. — 6:00 P.M. / Weekends will be used for church services.
- 2) Fenced in playground for children. The fence will be 4' in height and will be a chain link fence.
- 3) All existing and proposed lighting located on the property will be directed downward or otherwise shielded so as not to glare onto or be visible from adjacent properties, all lighting should be glare shielded.
- 4) Existing trees on property shall be preserved and not removed; unless natural death or decay, trees can be removed at owners discretion.

D. Special Exception Request, No. 2016-13, request by Marvin Coblentz for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is build a cabinet shop and open a kennel. The applicant also requests to allow for the construction of a sign. The parcel is located on Warrick Barn Road and Blue Ledge Loop and is further identified as tax map number 40-A-49.

VI. Consent Agenda

A. Minutes - October 18, 2016

B. Finance

1. FY17 Appropriation of Revenue - 1) Sheriff's Office; 2) Animal Shelter

C. County Attorney - Schools Infrastructure Project - Financing Documents

D. County Attorney - Firearms Rider to Lease with the Department of Health

VII. New Business

A. Schools - Appropriation of Additional Revenue

B. Schools - School Construction Projects Appropriation

C. Recreation & Parks - Rucker's Landing at Riveredge Park

D. Public Works - Options for Solid Waste Disposal

E. Board Discussion - December meeting dates; 2017 meeting schedule

VIII. Departmental Reports

A. Building, Safety & Inspections - October Report

B. County Administrator - Projects Status Report

IX. Citizen Comments

X. Matters from Members of the Board of Supervisors

XI. Closed Session

- A. Pursuant to §2.2-3711 (A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

XII. Recess

XIII. Closed Session

- A. Pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of Board appointees.

XIV. Adjournment

MINUTES

At a regular meeting of the Amherst County Board of Supervisors held at the Amherst County Administration Building on Tuesday, the 15th day of November, 2016, at 7:00 p.m., the following members were present:

BOARD OF SUPERVISORS:

PRESENT: John A. Marks, Jr. Chairman
David W. Pugh, Jr., Vice-Chair
Claudia D. Tucker, Supervisor
Kenneth M. Campbell, Supervisor

ABSENT: L. J. Ayers, III, Supervisor
(Arrived at 9:30 p.m.)

STAFF PRESENT: County Administrator Dean C. Rodgers; Deputy County Administrator David R. Proffitt; County Attorney Ellen Bowyer and Executive Administrative Assistant Regina Rice

OTHER PRESENT: Planning/Zoning Director Jeremy S. Bryant; Recreation & Parks Director Sara Lu Christian and Public Works Director Teresa M. Nuckols

I. Call to Order

Chairman Marks called the meeting to order at 7:00 p.m.

II. Invocation and Pledge of Allegiance

Chairman Marks led the Invocation and Pledge of Allegiance

III. Approval of Agenda

By motion of Vice-Chair Pugh and with the following vote, the Board approved the Agenda for November 15, 2016.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

IV. Citizen Comment

There were no citizen comments.

V. Public Hearing

A. Ordinance 2016-0014, amending §§ 302, 919.02, and 919.06 of Appendix A to the Amherst County Code to identify as an accessory structure any wireless broadband facilities having towers or support structures sixty (60) or fewer feet in height in the A-1 Agricultural Residential District, and forty (40) or fewer feet in height in all other districts in which accessory structures are permitted, and to exempt them from most requirements applicable to personal wireless service facilities.

Mr. Bryant addressed the Board and presented his report regarding modification of the ordinance governing broadband towers. Mr. Bryant explained the proposed code change would allow for the installation of wireless broadband facilities up to 40 feet high in residential districts and up to 60 feet high in the agricultural district. Mr. Bryant advised the Planning Commission recommended approval of the ordinance on October 20, 2016.

Chairman Marks opened the Public Hearing.

Opponents:

Mr. Clay Campbell of Madison Heights, Virginia addressed the Board and strongly urged the Board not to accept this ordinance as written. Mr. Campbell said that a 40 or 60 foot tower, especially in a residential area, presents an obstruction and intrusion to our citizens. Mr. Campbell explained he was not against broadband in Amherst; however, the ordinance as written will take away the voice of the citizens and asked that the ordinance be amended to make these small towers as special exceptions.

Proponents:

Mr. Clay Stewart of Arrington, Virginia, founder and CEO of AcelaNet LLC, addressed the Board and stated he is in favor of the ordinance. Mr. Stewart advised his company currently serves rural communities in Virginia. Mr. Stewart said it is very important to continue expanding the network to provide internet service to homes and businesses in rural communities located in Central Virginia

Chairman Marks closed the Public Hearing.

Supervisor Tucker stated she promotes access to broadband in Amherst County and believes this ordinance is the best of both worlds. Supervisor Tucker asked the Board to consider the benefit to the citizens and businesses in Amherst County.

By motion of Supervisor Tucker and with the following vote, the Board adopted Ordinance 2016-0014. (See Attachment 1)

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell

NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

B. Special Exception Request, No. 2016-11, request by Shekinah Farm, LLC for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is to increase the scale of an existing home occupation. The request is for expansion of a retreat center that is dedicated to community and personal well-being. The parcel is located at 1551 Wares Gap Road and is further identified as tax map number 78-A-13.

Mr. Bryant addressed the Board and presented his report regarding a request for a special exception to increase the expansion of an existing home for a retreat to be used for a community and personal well-being center.

Chairman Marks opened the Public Hearing.

Opponents: None

Proponents: Mr. Tom Faugh of Monroe, Virginia, addressed the Board and stated he is the owner of Shekinah Farm. Mr. Faugh said he supports this special exception request and thanked the Zoning Department for guiding him through this process.

Chairman Marks closed the Public Hearing.

By motion of Supervisor Tucker and with the following vote, the Board approved Special Exception 2016-11 with the conditions recommended by the Planning Commission.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

C. Conditional Zoning Request, No. 2016-12, request by Michele Poindexter to modify proffers in the B-2 General Commercial District. In 2007, SET, Inc. requested the rezoning of a parcel from M-1 Industrial to B-2 General Commercial District to allow for a daycare business. The parcel is located at 120 Dillard Road and is further identified as tax map number 147-A-212. The request was approved with four (4) voluntary proffers. The daycare center is no longer using the facility and the applicant opened a multipurpose center, but is requesting to remove proffer number one (1) and proffer number two (2) as written below:

- ~~1) Hours of Operation — M-F 6:30A.M. — 6:00 P.M. / Weekends will be used for church services.~~
- ~~2) Fenced in playground for children. The fence will be 4' in height and will be a chain link fence.~~
- 3) All existing and proposed lighting located on the property will be directed downward or otherwise shielded so as not to glare onto or be visible from adjacent properties, all lighting should be glare shielded.
- 4) Existing trees on property shall be preserved and not removed; unless natural death or decay, trees can be removed at owners discretion.

Mr. Bryant addressed the Board and presented his report regarding a conditional zoning and modification of existing proffers of a daycare center that is no longer using this facility. Mr. Bryant explained the applicant, Michele Poindexter, has requested removal of proffers number one (1) and number two (2) that address the hours of operation and the fenced playground.

Chairman Marks opened the Public Hearing.

Opponents: None

Proponents: Ms. Michele Poindexter addressed the Board and advised her business will be multipurpose including exercising programs for seniors, activities for children and hosting special events.

Chairman Marks closed the Public Hearing.

By motion of Vice-Chair Pugh and with the following vote, the Board approved the conditional zoning request and accepted the recommendation by the Planning Commission removing proffers number one (1) and number two (2).

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

D. Special Exception Request, No. 2016-13, request by Marvin Coblentz for a special exception in the A-1 Agricultural Residential District. The purpose of the special exception is build a cabinet shop and open a kennel. The applicant also requests to allow for the construction of a sign. The parcel is located on Warrick Barn Road and Blue Ledge Loop and is further identified as tax map number 40-A-49

Mr. Bryant addressed the Board and presented his report regarding a special exception request by Marvin Coblentz to build a cabinet shop, open a kennel and construction of a sign on his property. The parcel is located on Warrick Barn Road and Blue Ledge Loop. Mr. Bryant advised on October 20, 2016 the Planning Commission recommended approval of the special exception request with three conditions: applicant to contact VDOT for an entrance permit; applicant to receive approval of the drainfield by the VDH; and there shall be no more than twenty (20) dogs at the kennel.

Chairman Marks opened the Public Hearing.

Opponents: None

Proponents: Mr. Thomas Brooks, Acres of Virginia, addressed the Board and advised he represents Mr. Coblentz who desires to place a cabinet shop on a parcel of land, approximately 47 acres, located on Blue Ledge Loop in Amherst County.

Mr. Brooks also advised Mr. Coblentz is intending to raise Collie dogs to sell to the general public and also wishes to place a sign on his property to advertise his business.

Mr. Coblentz addressed the Board and advised he will build cabinets in his shop and then deliver to customers.

Chairman Marks closed the Public Hearing.

By motion of Vice-Chair Pugh and with the following vote, the Board approved Special Exception 2016-13 with the conditions recommended by the Planning Commission.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

VI. Consent Agenda

A. Minutes - October 18, 2016

Chairman Marks read into the record two amendments to the October 18, 2016 Minutes and stated those amendments are before the Board as follows: Section V. to correct a typo in the word "discussed"; and to the Closed Session as: "Chairman Marks reported that Supervisor Ayers departed from the Closed Session prior to the discussion of Item B., the disposition of publicly-held real property".

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None

ABSTAIN: None
ABSENT: Mr. Ayers

B. Finance

1. FY17 Appropriation of Revenue - 1) Sheriff's Office; 2) Animal Shelter

C. County Attorney - Schools Infrastructure Project - Financing Documents

D. County Attorney - Firearms Rider to Lease with the Department of Health

By motion of Supervisor Tucker and with the following vote, the Board approved the Consent Agenda.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

VII. New Business

A. Schools - Appropriation of Additional Revenue

Mr. Rodgers stated this is revenue received by the School District that needs to be appropriated into that budget.

By motion of Supervisor Tucker and with the following vote, the Board approved the appropriation of revenue into the FY17 School Operational Budget.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

B. Schools - School Construction Projects Appropriation

Mr. Rodgers stated that the Board had approved the School's current operations budget and placed \$610,034 into the County's school construction fund. The School Board now needs to obtain these funds to use towards those projects.

By motion of Vice-Chair Pugh and with the following vote, the Board appropriated \$610,034 from the school construction account to the School District for the listed construction projects.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

C. Recreation & Parks - Rucker's Landing at Riveredge Park

Sara Lu Christian, Director of Recreation & Parks, addressed the Board and asked that the Board consider the naming of the boat launch at Riveredge Park, "Rucker's Landing". Ms. Christian said that two brothers from Amherst County, Anthony and Benjamin Rucker, invented, patented and built the bateau. The bateau was used in the 1700s as a method of transportation of goods on the James River.

Ms. Christian advised the Rucker family has offered to pay for half the cost of the signage.

Mr. Rodgers clarified that the Recreation & Parks Department will not be seeking additional funding and that the funds are already in the budget.

Chairman Marks had some concern about setting a precedent.

Ms. Christian said that due to the historical significance, naming the boat launch RUCKER'S LANDING would be an asset to the park.

Supervisor Tucker stated she supported the idea.

By motion of Supervisor Tucker and with the following vote, the Board approved the boat ramp at Riveredge Park be identified as RUCKER'S LANDING with one-half of the cost coming from the proponents of this project and one-half from the Recreation and Parks Equipment budget.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

D. Public Works - Options for Solid Waste Disposal

Mr. Rodgers informed the Board that Teresa Nuckols, Director of Public Works was not present due to an illness.

Vice-Chair Pugh said that Supervisor Ayers was also not present and suggested the Board move this issue to another meeting.

Supervisor Tucker agreed.

By motion of Chairman Marks and with the following vote, the Board voted to set aside Item VII. D. Public Works - Options for Solid Waste Disposal and forward it to another meeting.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

E. Board Discussion - December meeting dates; 2017 meeting schedule

It was the Board's consensus to set this matter aside until all Board members were present.

VIII. Departmental Reports

A. Building, Safety & Inspections - October Report

For information only.

B. County Administrator - Projects Status Report

Mr. Rodgers provided the Board with an update on the Train Depot. Mr. Rodgers advised that AEP's electrical wire across Route 29 has been approved by VDOT so we can now proceed with the HVAC, alarm and electrical systems. This work should be completed by the end of the year.

Mr. Rodgers advised the issue now pending is the lease and the County Attorney has opined that we cannot use a sole source for tourism services. Mr. Rodgers advised this will have to be put out for bid and the lowest bidder of tourism services will contract to receive space in the Depot to function.

IX. Citizen Comment

There were no citizen comments.

X. Matters from Members of the Board of Supervisors

Supervisor Campbell advised Mr. Henderson he did show Board members pictures of the dumpster site on Galts Mill Road.

Supervisor Tucker had no matter to discuss.

Vice-Chair Pugh had no matter to discuss.

Chairman Marks had no matter to discuss.

Teresa Nuckols, Director of Public Works arrived at the meeting at 7:45 p.m.

Chairman Marks advised that since Ms. Nuckols has arrived, the Board shall proceed with her presentation regarding options for solid waste disposal.

Ms. Nuckols explained the options regarding the four open container waste collection sites in the County.

The Board discussed several of those options that included having the landfill open extra hours. Staff recommended putting one compactor on a fenced, gravel lot with an attendant shed. Ms. Nuckols advised once the Board identifies its preferred option and timing, staff will solicit bids for exact costs and request an appropriation.

The Board further discussed the issue of considering trash stickers, contracting with the private sector for trash removal, use of curb side collection and solicitation of bids for cleanup of open container sites.

It was the Board's consensus to solicit bids for open container site cleanup.

XI. Closed Session

A. Pursuant to §2.2-3711 (A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to §2.2-3711 (A)(3) of the Code of Virginia, to discuss the disposition of publicly-held real property, where discussion in open session would adversely affect the County's bargaining position or negotiating strategy.

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

Vice-Chair Pugh motioned to come out of closed session and was approved with the following vote:

AYE: Mr. Marks, Mr. Pugh, Mrs. Tucker and Mr. Campbell
NAY: None
ABSTAIN: None
ABSENT: Mr. Ayers

CERTIFICATION OF CLOSED MEETING

Supervisor Campbell moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

Mr. Marks	AYE
Mr. Pugh	AYE

Mrs. Tucker	AYE
Mr. Ayers	ABSENT
Mr. Campbell	AYE

XII. Recess

The record reflects that Supervisor Ayers arrived at 9:30 p.m.

XIII. Closed Session

A. Pursuant to § 2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of Board appointees.

Supervisor Campbell moved that the Amherst County Board of Supervisors convene in closed session pursuant to §2.2-3711 (A)(1) of the Code of Virginia, to discuss the performance of Board appointees.

AYE:	Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY:	None
ABSTAIN:	None
ABSENT:	None

Supervisor Campbell motioned to come out of closed session and was approved with the following vote:

AYE:	Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY:	None
ABSTAIN:	None
ABSENT:	None

CERTIFICATION OF CLOSED MEETING


Supervisor Campbell moved that the Amherst County Board of Supervisors certify by a recorded vote that, to the best of each Board member's knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.

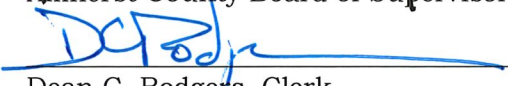
Mr. Marks	AYE
Mr. Pugh	AYE
Mrs. Tucker	AYE
Mr. Ayers	AYE
Mr. Campbell	AYE

XIV. Adjournment

By motion of Supervisor Ayers and with the following vote, the Board moved to adjourn.

AYE:	Mr. Marks, Mr. Pugh, Mrs. Tucker, Mr. Ayers and Mr. Campbell
NAY:	None
ABSTAIN:	None
ABSENT:	None



John A. Marks, Jr., Chairman
Amherst County Board of Supervisors


Dean C. Rodgers, Clerk



**Amherst County Board of Supervisors
County Ordinance No. 2016-0014**

AN ORDINANCE, NO. 2016-0014

Amending §§ 302, 919.02, and 919.06 of Appendix A to the Amherst County Code to identify as an accessory structure any wireless broadband facilities having towers or support structures sixty (60) or fewer feet in height in the A-1 Agricultural Residential District, and forty (40) or fewer feet in height in all other districts in which accessory structures are permitted, and to exempt them from most requirements applicable to personal wireless service facilities.

Approved as to form and legality by the County Attorney

**PUBLIC HEARING: Planning Commission, October 20, 2016
FIRST READING: Board of Supervisors, November 1, 2016
PUBLIC HEARING: Board of Supervisors, November 15, 2016**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 302, 919.02, and 919.06 of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:

302. - Specific definitions.

Accessory building, use or structure. A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Examples of accessory uses are private garages, storage sheds, playhouses, swimming pools, detached decks, amateur radio towers per Section 919.02(B), wireless broadband facilities having towers or support structures sixty (60) or fewer feet in height in the A-1 Agricultural Residential District, and forty (40) or fewer feet in height in all other districts in which accessory structures are permitted, and in the A-1 zoning district only, living quarters of persons employed on the premises.

The term "accessory building, use or structure" shall not include fences, dog pens, satellite dish antennas, clotheslines, heat pumps, or other similar structures.

919.02. Exemptions; special requirements for amateur radio towers and wireless broadband facilities permitted as accessory structures.

- A. The following facilities shall comply with applicable federal, state, and county requirements but are exempt from the provisions of Section 919:
1. Satellite dish antenna stations that are one (1) meter or less in diameter in all residential zoning districts and two (2) meters or less in all other zoning districts.

2. A government-owned personal wireless service facility erected for the purposes of providing telecommunication services for public health and safety upon the declaration of a state of emergency by the federal government, the Commonwealth, or the county.
 3. A temporary, commercial tower or support structure erected (i) upon the declaration of a state of emergency by the federal government, the Commonwealth, or the county, or (ii) upon a determination of public necessity by the county. Such exemption may extend to a period of up to three (3) months after termination of the state of emergency or public necessity.
 4. A temporary, commercial tower or support structure, erected for the purposes of providing coverage of a special event such as news coverage or sporting event. Such facility shall be subject to approval by the county zoning administrator. Such exemption may extend to a period of up to one (1) week after termination of the special event.
 5. Replacement of one (1) or more elements of an antenna array where there is no other change to the element or to the antenna array as a whole, provided that the facility owner informs the zoning administrator in writing of the element replacement within thirty (30) calendar days of such replacement.
- B. Amateur radio and receive-only antennas. The sole provisions of Section 919 applicable to any tower, or the installation of any antenna array, that is (1) owned and operated by a federally licensed amateur radio station operator or (2) used exclusively for receive-only antenna arrays for amateur radio station operation are the requirements relating to setbacks contained in subsection 919.04(B); provided, however, that any non-amateur arrays, structures, or devices co-located on amateur towers are subject to the all applicable provisions of Section 919.
- C. Wireless broadband facilities permitted as accessory structures. The maximum height of a wireless broadband facility permitted as an accessory structure shall be sixty (60) or fewer feet in the A-1 Agricultural Residential District, and forty (40) or fewer feet in all other districts in which accessory structures are permitted. The sole provisions of Section 919 applicable to any such accessory structure are (i) the application and fee requirements contained in subdivision 919.06.A.1, (ii) the requirements relating to setbacks contained in subsection 919.04(B), and (iii) the timeframes in subsection 919.08(E); provided, however, that any arrays, structures, or devices collocated on such accessory structure that are not exclusively used for the wireless transmission or reception of broadband data services are subject to all applicable provisions of Section 919.

919.06 Application

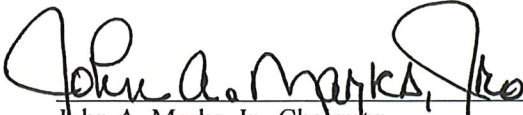
- A. Applications for a zoning permit for a personal wireless service facility shall contain the following:
1. A completed application for a zoning permit and application fee of two hundred fifty dollars (\$250.00) except that the application fee for an attached antenna, collocation, or combined antenna for a wireless broadband facility permitted as an accessory structure shall be fifteen dollars (\$15.00).
 2. A written statement by qualified professional identifying the service gaps or service expansions that the proposed facility will address, including maps and calculations demonstrating the need for the proposed facility.
 3. A scaled plan and a scaled elevation view and other supporting drawings, calculations and other documentation, signed and sealed by qualified professionals, showing the location and dimensions of all improvements, including information regarding topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and

adjacent uses.

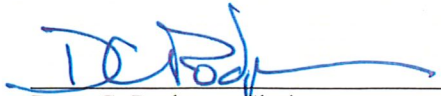
4. An inventory of the applicant's existing personal wireless service facilities sited in the county and within one (1) mile of the border thereof, including specific information about the location, height, existing use, and available capacity of each tower and wireless communication antenna array.
 5. A copy of the applicant's co-location policy.
 6. A description of how the applicant will comply with FAA requirements or a statement certifying that such requirements will not apply.
 7. A written description of how the applicant will enter and exit the site containing the personal wireless service facility for construction and maintenance purposes. The authority for such ingress and egress shall be confirmed by a written agreement if the applicant must cross property owned by another.
 8. A copy of any lease of the site containing the personal wireless service facility, or other indicia of site control satisfactory to the zoning administrator.
 9. A written statement describing the potential visual and aesthetic impacts of the proposed personal wireless service facility.
 10. A map showing the geographic service area.
 11. Proof that any identified agent has appropriate authorization to act upon the principal's behalf.
 12. Certification of compliance with any applicable federal and state historic preservation and environmental requirements.
 13. Proof of insurance.
 14. Such other information as the zoning administrator may deem necessary.
- B. The planning department may share the inventory information described in subdivision 4 of this subsection with other providers seeking to locate personal wireless service facility within the county; provided, however, that the county planning department shall not represent or warrant that such sites are available or suitable.
- C. The zoning administrator shall provide applications proposing facilities to be sited within the Blue Ridge Parkway Viewshed to the Blue Ridge Parkway Land Planner and request comments within thirty (30) days.
- D. The county may require a pre-application conference for any personal wireless service facility.
- E. Consistent with the provisions of subsection 919.02(A)(5), a zoning permit is not required where the applicant replaces one (1) or more elements of an antenna array but makes no other change to the element or to the antenna array as a whole, provided that the facility owner informs the zoning administrator in writing of the element replacement within thirty (30) calendar days of such replacement.

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

Adopted this 15th day of November, 2016.


John A. Marks, Jr., Chairman
Amherst County Board of Supervisors

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions 0

ADOPTED

11 / 15 / 16