

Lunenburg County Planning Commission

Agenda for August 3rd, 2023, at 7:00 p.m.

If anyone desires to speak during Citizen Time or a Public Hearing, please approach the lectern prior to the start of the meeting to provide your name and your address. Please place it under the appropriate section (Citizen Time or corresponding Public Hearing).

1. Call to Order
2. Roll Call of Members
3. Requests for Additions or Modifications to the Agenda*
4. Declaration of Conflict-Of-Interest Statements
5. Approval of Minutes
6. Planning and Economic Development Update
 - a. Director of Planning and Economic Development June Monthly Report
 - b. Director of Planning and Economic Development July Monthly Report
7. Citizen Time*(**Public Speaking Guidelines are to be followed**)
8. Public Hearing* for the following:
 - a. **Lunenburg County Siting of Wireless Telecommunications Facilities** amendments and revisions. A copy of the full text of the ordinance is available for review in the County Administration Office, 11413 Courthouse Road, Lunenburg, VA 23952, and on the Lunenburg County website pursuant to Virginia Code § 15.2-1427.
9. Other Business
 - a. Lunenburg County, Virginia Resolution Regarding Conditional Use Applications for Solar Facilities
 - b. Preliminary Floodplain Mapping Changes
10. Attorney Update—if needed
11. Announcement of the Next Meeting Date
 - a. **September 7th, 2023, at 7:00 p.m. (time may change to 6:00 p.m. depending on the agenda)**
12. Adjournment

3* To the extent necessary to consider items requiring Commission action, the order of the agenda for a regular Commission meeting shall be as followed, unless by majority vote and the Commission shall confine discussions to matters contained on the agenda. The Chairman may allow any agenda items to be called out of sequence.

7*Any member(s) of the public may speak on any item not on the current agenda under the Public speaking guidelines found in item 9**. At the beginning of the comments by a citizen, additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.

8*Any member(s) of the public addressing the Planning Commission shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Commission as a body rather than speak to any member. Unless further time is granted by the Commission, any member of the public shall address the Commission for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. The proponent of any application, petition, or plan that is the subject of the public hearing shall be allowed to address the Commission for a maximum of fifteen (15) minutes.

Declaration of Conflict- Of-Interests

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item# _____, on tonight's meeting agenda: I reside at _____, which is located in the immediate vicinity of the activities considered in the proposed agenda item.

Therefore, I am a member of a residential area that is affected by this item on tonight's agenda. However, I am able to participate in this matter fairly, objectively, and in the public interest.

Lunenburg Planning Commission

Date

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item# _____ on tonight's meeting agenda: I am a family member of an applicant or proponent of this agenda item.

- ☐ I am able to participate in this matter fairly, objectively, and in the public interest; **or**
- ☐ I choose not to participate in any discussion or vote of the indicated agenda item.

Lunenburg Planning Commission

Date

DECLARATION OF PERSONAL INTEREST

Pursuant to Virginia Code Section 2.2-3116, I have the following personal interest in Agenda Item # _____ on tonight's meeting agenda: I have a personal business interest in _____, which may be discussed during this agenda item.

Because of that interest, I will not participate in any discussion or vote of that agenda item.

Lunenburg Planning Commission

Date

Approval of Minutes

MINUTES OF THE LUNENBURG COUNTY PLANNING COMMISSION

June 1st, 2023, AT 6:00 PM

The Lunenburg County Planning Commission held its meeting on June 1st, 2023, at 6:00 p.m. in the 2nd floor courtroom, Lunenburg Courts Bldg., Lunenburg, VA. Commissioners Drummond, Garrett, Jennings, Shell, Tharpe, and Thompson were present. Also, in attendance was Clerk of the Planning Commission, Taylor N. King, and Assistant County Attorney, Drew DiStanislao. Commissioners Pennington and Trent were absent.

The meeting was called to order at 6:01 p.m. by Chairman Tharpe. Mrs. King conducted a roll call of the members. All the members except Commissioners Pennington and Trent were present.

Chairman Tharpe asked if there were any additions or modifications to the agenda. None were brought forth.

Chairman Tharpe called for the Declaration of Conflict-Of-Interests. None were brought forth.

Chairman Tharpe called for a motion for approval of the April 2023 Planning Commission Minutes. Mrs. King requested that a revision of “are” to “area” be made on page 3. Commissioner Drummond made the motion to approve, which was seconded by Commissioner Shell. The minutes were approved unanimously.

Chairman Tharpe advised the Director of Planning and Economic Development’s monthly report for May is in the packet.

Chairman Tharpe called for Citizen Time. No citizens came forward to speak.

Mrs. King read the Public Speaking Guidelines.

Chairman Tharpe called the public hearing **CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”)**: to construct and operate a Community Center which is owned and operated by a not-for-profit organization and not operated for commercial purposes on tax parcel 033A9-03-0-8, on Central Lane off Tomlinson Road, Victoria, VA 23974 (permanent 911 address has not been provided at this time), consisting of 5.08 acres (2 acres will be subdivided from this parcel to be utilized) in an A-1 Agricultural Zone.

Commissioner Shell made the motion to enter into public hearing, which was seconded by Commissioner Thompson and unanimously approved.

Ms. Dagner presented on behalf of CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”). During her presentation, she highlighted the following:

- Food Pantry History
- Food Pantry Operations
- Reason for Relocation
- How they Came About the New Proposed Location
- Primary Clientele

- Serve Food Insecurity
- Localities they Serve

Commissioner Garrett questioned if they will only be utilizing two (2) acres of the parcel or if they will be getting two (2) acres. Mrs. King advised they are being gifted two (2) acres.

Chairman Tharpe called for any citizens wishing to speak for or against the application. The following spoke in support of the application:

1. Pamela Caruso—1510 3rd Street, Victoria, VA 23974
2. Samuel A. Wallace, III—1402 11th Street, Victoria, VA 23974
3. Ronald Wilson—715 Country Road, Saxe, VA 23967
4. Patricia Harper-Tunley—2509 Unity Road, Kenbridge, VA 23944

Commissioner Drummond made the motion to exit public hearing, which was seconded by Commissioner Thompson and unanimously approved.

Mrs. King read the conditions if the application is recommended to the Board of Supervisors for approval. Mrs. King also requested to modify the verbiage about the requirements by VDOT and add the condition that pertains to the removal of trash, garbage, debris, etc. from the property.

Commissioner Shell made the motion to recommend approval with conditions and modifications requested by Mrs. King for CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”) to the Board of Supervisors, which was seconded by Commissioner Thompson. A roll call vote with explanation was conducted with the following votes:

- Commission Thompson: Yah—They have been an asset to the County.
- Commissioner Shell: Yah—They have been a great help to the County.
- Commissioner Drummond: Yah—There is always a need for these services.
- Commissioner Jennings: Yah—They have done well over the years, and I believe they will continue to do well.
- Chairman Tharpe: Yah—They have done well in the past.
- Commissioner Garrett: Yah—They have been a huge asset for the County, and they aid with a huge need that is present in the County. They did well with their Conditional Use Permit Application.

Unanimously recommended to the Board of Supervisors for approval with conditions and modifications requested by Mrs. King by the Commissioners present.

Mrs. King advised that the application would go before the Board of Supervisors at the June Board of Supervisors meeting, which is scheduled for July 13th, 2023, at 6:00 p.m. in the 2nd floor Courtroom of the Lunenburg Courts Building.

Mrs. King advised that the public hearings for CUP 2-22: Laurel Branch Solar and CUP 6-22: Laurel Branch Switchyard have been deferred and a new date has not been determined and/or scheduled.

Chairman Tharpe called for Other Business— Mrs. King polled the Commission as to whether they would be willing to switch to iPads to reduce the cost and time required for the binders. The Commissioners had no objection to this option.

Chairman Tharpe questioned Assistant County Attorney DiStanislao if he had an update. Mr. DiStanislao provided an update on the Cell Tower Ordinance.

Chairman Tharpe made the announcement that the next meeting would be Thursday, July 6th, 2023, at 7:00 p.m.—pending agenda items, which could change the start time of the meeting or determine if there would not be a July meeting. On a motion made by Commissioner Thompson and seconded by Chairman Tharpe, the meeting was adjourned at 6:27 p.m.

James “Buck” Tharpe, Chairman
Lunenburg County Planning Commission

Taylor N. King, Clerk
Lunenburg County Planning Commission

Planning and Economic Development Monthly Report

Director of
Planning and
Economic
Development June
Monthly Report

Planning Commission Meeting—August 3rd, 2023

Director of Planning and Economic Development's Monthly Report

Events in June:

June 1st: *VGA Annual Board Meeting—South Hill*
June 1st: *Wireless Telecommunications Ordinance Committee Meeting*
June 1st: *Planning Commission Meeting*
June 5th: *CRC REDO Working Committee Meeting—Virtual*
June 6th: *DHCD VATI Site Visit*
June 8th: *Board of Supervisors Meeting*
June 9th: *VATI Project Management Team Meeting—Virtual*
June 12th: *BEAD Initial Proposal Volume 1 Input Session—Virtual*
June 12th: *VEDP/LEDO Meeting—Virtual*
June 14th: *2023 Virginia 811 Annual Meeting—Virtual*
June 14th: *EZ Annual Report Training for LZAs*
June 14th: *Oral Oaks Solar Community Meeting—Kenbridge*
June 19th: *Office Closed—Juneteenth Holiday*
June 20th through June 23rd: *Vacation/Working Remotely*
June 21st: *CRC Meeting—Virtual*
June 21st: *RSDC Meeting—Virtual*
June 22nd: *VGA Marketing Committee Meeting—Virtual*
June 26th: *CRC REDO Working Committee Meeting—Virtual*
June 26th: *FEMA Floodplain Mapping Training—Virtual*
June 27th: *IDA Meeting*
June 28th: *Meeting with School System about Recruitment/Tourism Video—Virtual*

Planning Commission

- There was a Planning Commission meeting for the month of June.
 - o CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”) was recommended for approval to the Board of Supervisors with conditions.
 - Public Hearing is scheduled for July 13th, 2023.

Broadband

- 911 Fiber (County Owned)
 - o Continue to respond to Miss Utility tickets to mark the fiber.
 - o Will be working to get the survey of the fiber route and easements with the Town of Victoria.
- VATI/RDOF
 - o Attended monthly project management meeting.
 - o June monthly report from Kinex (see attached)
 - o Responded to public questions pertaining to when they will receive broadband service.
 - o For citizens that have questions about the status of the project and when work is anticipated to be completed in their area, they can call 434.392.4804 ext. 7 or go to <https://signup.kinextel.net>

Solar

- Red Brick Solar
 - o Participated in monthly project update call with D. DiStanislao and Apex.
 - No major updates from the developer.
 - o Received reimbursement for invoices due on June 26th, 2023, and June 30th, 2023.
- Dogwood Lane Solar

- Received reimbursement for invoices due on June 26th, 2023, and June 30th, 2023.
- Laurel Branch Solar
 - Received reimbursement for invoices due on June 26th, 2023, and June 30th, 2023.
- Laurel Branch Switchyard
 - Received reimbursement for invoices due on June 26th, 2023, and June 30th, 2023.
- Wheelhouse Solar
 - The Conditional Use Permit and Siting Agreement were approved by the Board of Supervisors at the June Board of Supervisors meeting.
 - Awaiting the receipt of the electronic copy of the conditions and Siting Agreement, so the official approval letter and 1st substantial payment invoice can be sent.
 - Received reimbursement for invoices due on June 26th, 2023, and June 30th, 2023.
- Oral Oaks Solar
 - Met with the team prior to the Community Meeting to answer their questions pertaining to the incomplete application notice.
 - Developers understood what was needed to deem the application complete.
 - Received the revised application.
 - The revision will be sent to the Berkley Group for the 2232 review once the reimbursement payment for Invoice #1 is received.
 - The payment for Invoice #2, which was due June 30th, 2023, was received.
 - The payment for Invoice #1, which was due June 26th, 2023, was sent to the Town of Kenbridge rather than the County.
 - All work on the application has been halted until the reimbursement payment is received.
- Solar Ordinance
 - Discussed changes with Assistant County Attorney, Drew DiStanislao.

Wireless Telecommunications Ordinance

- The Wireless Telecommunications Ordinance Committee has a meeting scheduled for Thursday, July 13th, 2023, to discuss a final draft of the ordinance with the intention to proceed with a public hearing at the August Planning Commission Meeting.

Tourism

- “Welcome to Lunenburg” granite monument signs
 - Working to seek landowners that would allow the County to place the sign on their property, so VDOT Rights-of-Way can be avoided.
 - VDOT has advised that the signs would not meet crash standards if they were in the Rights-of-Way.
 - Discussed with Tracy about the maintenance around the signs.
 - Continuing to work on this matter.

Grants

- Virginia Department of Transportation (VDOT) Transportation Alternative Program (TAP)
 - Submitted a VDOT TAP Pre-Application for sidewalk extension from the existing sidewalk at Central High School to the new proposed location for the food pantry.
 - The food pantry has confirmed that they will provide the twenty percent (20%) match required for the grant.
 - Submitted a VDOT TAP Pre-Application for sidewalk extension from the existing sidewalk at Central High School to the Middle School.

- The County and food pantry would each contribute ten percent (10%), totaling the twenty percent (20%) match required for the grant.
- Virginia Brownfields Assistance Fund (C. Garrett—Garrett’s Ground Maintenance)
 - Requested an extension until September 29th, 2023, due to the structural engineer obtaining an injury while on vacation, which resulted in the need for surgery.
 - Still awaiting a response as to whether the extension request has been approved.
 - Met with the structural engineer on June 2nd, 2023, to discuss what he would need and what would need to be completed.
- Aided the local business owners to locate funding sources for an economic development venture.
- Provided T. Gee with carryover amounts for DEQ Brownfields Grant and VTC ARPA Tourism Funds into FY24.

Pending Conditional Use Permit Applications (Pending solar projects are noted above under “Solar” section)

- CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”)
 - Public Hearing at the Board of Supervisors level on July 13th, 2023.
- CUP 3-23: Landview Mobile Home Park/Nelson Jackson
 - Awaiting a response from the incomplete application notice.
- CUP 4-23: Moses Livestock Market
 - Awaiting a response from the incomplete application notice.
- CUP 5-23: Parrish View Farms-Event Venue
 - Awaiting a response from the incomplete application notice.

Other Activities

- Responded to public questions about cell towers and broadband.
- Approved plats
- Met and spoke with citizens to determine if they would need a Conditional Use Permit to operate their business.
- Received complaints about zoning violations—notice of violation was sent and working with legal counsel and many other departments/agencies to address the response from the property owner.
- Working with County Legal Counsel on how to proceed with questions/applications for recertification and modification of existing cell towers.
- J. Tuck and I are working on building permit fees for solar projects as it appears that \$50,000 is not comparable to other localities.
 - This is just the permit fee for our time and does not include third-party consultant or any other costs incurred.
- Obtaining quotes for five (5) iPads for the Planning Commissioners.
 - The County had two (2) extra iPads that were obtained from Emergency Management as they were not being utilized.
 - Commissioner/Supervisor Pennington currently has an iPad for the Board of Supervisors, so I am determining how to provide the Planning Commission packet to him without it going to the entire Board of Supervisors.
- Appointed as Region 2 Chair for Virginia Association of Zoning Officials (VAZO).

UPCOMING dates of interest:

July 4th: *Office Closed—Independence Day*
 July 6th: *VGA Board Meeting—South Hill*
 July 7th: *VX Meeting—La Crosse and Bracey*
 July 12th: *VA 811 Legal Update*
 July 13th: *Board of Supervisors Meeting*

July 14th: *VATI Project Management Team Meeting—Virtual*
July 17th: *CRC Local Input Session—Virtual*
July 19th: *CRC Meeting—Keysville*
July 27th: *VGA Marketing Committee Meeting—Location TBD*

UPCOMING Community Events:

July 29th: *Town of Kenbridge's July Jubilee*
September 15th: *Music in the Park—The Bopcats—Victoria, VA*
October 14th: *Autumn Day—Victoria, VA*
October 14th: *Victoria Fire and Rescue's Truck and Tractor Pull*

Director of
Planning and
Economic
Development July
Monthly Report

Planning Commission Meeting—August 3rd, 2023

Director of Planning and Economic Development's Monthly Report

Events in July:

July 3rd: PTO
July 4th: Office Closed—Observance of 4th of July Holiday
July 5th: Worked from Home—No Childcare
July 6th: VGA Board Meeting—South Hill
July 7th: VX Meeting—La Crosse and Bracey
July 7th: PTO in afternoon for Dr. 's Appt
July 10th: VDOT PWD Hands-On Training
July 11th: Field Meeting with Kinex and VDOT—Rehoboth
July 11th: Team Meeting
July 13th: Wireless Telecommunications Ordinance Committee Meeting
July 13th: Board of Supervisors Meeting
July 14th: VATI Project Management Team Meeting—Virtual
July 17th: Site Visit/Final Walkthrough at Funky Fungi Foods, LLC/Fun Guy Market—Meherrin
July 17th: CRC Local Input Session—Virtual
July 19th: CRC Board Meeting—Keysville
July 21st: PTO—3 hours
July 25th: PTO—Son's Dr. 's Appt
July 25th: Red Brick Solar Project Update Call—Virtual
July 26th: Virginia Enterprise Zone Amendment Training—Virtual
July 26th: VDOT Site Visit for TAP Pre-Applications—Victoria
July 26th: Meeting with CRC—Keysville
July 27th: VGA Marketing Committee Meeting—South Hill
July 29th: Tourism Booth at Town of Kenbridge's July Jubilee—Kenbridge

Planning Commission

- There was not a Planning Commission meeting for the month of July.
- CUP 2-23: Community Resource Services
 - o The application received approval from the Board of Supervisors at the July meeting.
- iPads for Planning Commissioners
 - o Received approval from T. Gee to purchase five (5) 10.2" iPad—Wi-Fi Only—256 GB in Space Gray (9th Generation) for the Commissioners that do not currently have a County iPad (Two [2] iPads previously purchased by the County have already been received and one [1] is being utilized, the second iPad is awaiting arrival of a charger and then it will be distributed. Commissioner Pennington has the iPad that he utilizes for the Board of Supervisors.).
 - o Through the Local and State Government Apple Store, the iPads are being purchased.
 - **I am hoping that we will fully convert to the iPads for the September Planning Commission meeting, pending they arrive on time. (A training session can be held to become comfortable with the utilization of the iPads instead of having a hard copy of the Planning Commission packet.)**
 - o The cases and screen protectors have been ordered through Amazon for the five (5) new iPads for the Planning Commission.
 - o This will be a substantial transition; however, it will be cost effective to reduce the amount of ink and paper utilized to prepare packets as well as reduce the time required to deliver the packets.
 - Those that do not have access to Wi-Fi at their residence, please get with me, so we can discuss how you will be able to access the monthly packets.

Broadband

- 911 Fiber (County Owned)
 - o Continue to respond to Miss Utility tickets to mark the fiber.
 - o Will be working to get the survey of the fiber route and easements with the Town of Victoria.
- VATI/RDOF
 - o Attended monthly project management meeting.
 - o July monthly report from Kinex (see attached)
 - o Responded to public questions pertaining to when they will receive broadband service.
 - o Received concerns about the crews from citizens, which have been presented to Kinex.
 - o Attended a field meeting with VDOT, Kinex, and GAC Enterprises (Kinex Contractor) to address issues with burying fiber in VDOT ROWs.
 - o Received a complaint from a citizen pertaining to VDOT's mowing crews mowing over the flags marking utilities for the fiber project.
 - Concern was passed along to VDOT.
 - o For citizens that have questions about the status of the project and when work is anticipated to be completed in their area, they can call 434.392.4804 ext. 7 or go to <https://signup.kinextel.net>

Solar

- Red Brick Solar
 - o Participated in monthly project update call:
 - Building Inspector, Jamie Tuck, and VDOT South Hill Residency Land Development Engineer, Todd Cage, have been added to the monthly meetings as we are getting closer to the building permit/construction phase.
 - Building Permit application will likely not occur until Q1 of 2024 due to delays with DEQ.
 - Continue to work on easements for access on the old CCC Road (logging road) off Route 40.
 - The preliminary Decommissioning Plan will be submitted to the County approximately Q4 of 2023.
 - Discussed the need for "Wildlife Crossing" signage once construction has started due to the wildlife only having specific locations where they can pass through the project.
- Dogwood Lane Solar
 - o No new update currently.
- Laurel Branch Solar
 - o Continuing to work with the developer.
- Laurel Branch Switchyard
 - o Continuing to work with the developer.
- Wheelhouse Solar
 - o The Official Conditional Use Permit Approval Letter, Conditional Use Permit Conditions Siting Agreement, Resolutions, and first (1st) of three (3) Substantial Cash Payment Invoice for \$500,000.00 was mailed and emailed.
 - The Substantial Cash Payment is due by August 8, 2023 (sixty [60] days of Conditional Use Permit Application approval).
- Oral Oaks Solar
 - o Received the payment for the outstanding invoice.
 - o Application has been referred to the Berkley Group to review and complete the staff report for the 15.2-2232 public hearing.

- Currently awaiting the staff report from the Berkley Group.
- Solar Ordinance
 - Discussed changes with Assistant County Attorney, Drew DiStanislao.
- Lunenburg County, Virginia Resolution Regarding Conditional Use Applications for Solar Facilities
 - At the July 13, 2023, Board of Supervisors Meeting, the Board passed a resolution, which placed a “pause” on the acceptance of Solar Facility applications.
 - This is to allow the Solar Facilities Committee and the Planning Commission to conduct a study to address the impact of Solar Facilities on the County, then provide a recommendation to the Board of Supervisors regarding future solar development in the County and whether there is a need to amend the County’s Comprehensive Plan, Zoning Ordinance, and/or Solar Facilities Ordinance.
 - Potential applicants for solar facilities and those inquiring about solar facilities will be provided with a copy of the resolution, so they are aware of the status of new application submittal in the County.
 - This resolution does not affect the solar facility applications, which have previously been received and proceeding through the Conditional Use Permit process.

Wireless Telecommunications Ordinance

- The Wireless Telecommunications Ordinance Committee recommended a draft ordinance that is before the Planning Commission at the August 2023 meeting.
 - If the ordinance is recommended for approval, it is anticipated to be before the Board of Supervisors for a public hearing at the September 2023 meeting.

Tourism

- “Welcome to Lunenburg” granite monument signs
 - Working to seek landowners that would allow the County to place the sign on their property, so VDOT Rights-of-Way can be avoided.
 - Determining if one can be placed on Town of Victoria property at Nottoway Falls.
 - Chairman Slayton is working with a potential prospect in the Keysville area.
 - Continuing to work on this matter.
- Building Identification Signs at the Courthouse Complex
 - All building identification signs at the Courthouse Complex have been rehabbed and installed.
- Directional Signs for Courthouse Complex
 - Two (2) directional signs are in the process of being created to aid the public to locate the facility they are seeking.
- Determining if line items in the spending plan can be revised/removed, so funding can be utilized for a recruitment/tourism video, which would be created in partnership with the School System.

Grants

- Virginia Department of Transportation (VDOT) Transportation Alternative Program (TAP)
 - Attended a Site Visit with a VDOT representative from Richmond and a CRC Staff Member to address questions and concerns with the pre-applications for the proposed projects submitted.
 - Working with Donna Dagner, to determine the funding amount that they would be able to contribute for the project.
 - Spoke with Stacey Newton, Coordinator of Administrative Services for Lunenburg County Public Schools, about the possibility to utilize Safe Routes to School Grant as match for the grant, if it is determined that the sidewalk will connect to Lunenburg Middle School.

- Virginia Brownfields Assistance Fund (C. Garrett—Garrett’s Ground Maintenance)
 - o Received the unofficial notice that the application was granted an extension until December 31, 2023.
 - o Received notice that building stabilization is considered an eligible cost.
 - o Submitted the revised Scope of Work and currently awaiting the approval of the revised Scope of Work and the official notice of extension.
- PetcoLove Animal Welfare Organizations Grant
 - o Met with Ray Elliott, ACO, to discuss the needs of the Lunenburg Animal Shelter and Animal Control Officers.
 - Items identified as a need:
 1. Assistance with animal medical care and spaying/neutering,
 2. Shelter upgrades and items essential to day-to-day operations, and
 3. A second animal control vehicle.
 - o This grant does not specify the maximum amount that can be requested and/or awarded.
 - o As an applicant, it may require the County to partner with Petco Love Lost, which aids in reuniting lost animals to their owners.
 - o Application submitted Monday, July 31, 2023.
- Aided the local business owners to locate funding sources for an economic development venture.
- Aided citizens impacted by the closure of Tyson with possible opportunities.

Pending Conditional Use Permit Applications (Pending solar projects are noted above under “Solar” section)

- CUP 2-23: Community Resource Services/Donna Dagner (“Food Pantry”)
 - o Approved at the July 2023 Board of Supervisors meeting.
- CUP 3-23: Landview Mobile Home Park/Nelson Jackson
 - o Awaiting a response from the incomplete application notice.
- CUP 4-23: Moses Livestock Market
 - o Awaiting a response from the incomplete application notice.
- CUP 5-23: Parrish View Farms-Event Venue
 - o Awaiting a response from the incomplete application notice.

Other Activities

- Responded to public questions about cell towers and broadband.
- Approved plats
- Met and spoke with citizens to determine if they would need a Conditional Use Permit to operate their business.
- Received complaints about zoning violations—notice of violation was sent and working with legal counsel and many other departments/agencies to address the response from the property owner.
- Working with County Legal Counsel on how to proceed with questions/applications for recertification and modification of existing cell towers.
- J. Tuck and I are working on building permit fees for solar projects as it appears that \$50,000 is not comparable to other localities.
 - o This is just the permit fee for our time and does not include third-party consultant or any other costs incurred.
- After being appointed Region 2 Chair for the Virginia Association of Zoning Officials (VAZO), conference registration and lodging is being covered by the organization and will not cost the County for attendance.
- Met with the owner of Stage Coach to address zoning concerns and aid with the potential sale.
- Sent Notice of Violations to businesses operating in the County without a Conditional Use Permit.
 - o Provided them with the information to rectify the violation.

- Met in person with several of the business owners that were notified to assist them with the Conditional Use Permit process.
- Delivered the Enterprise Zone Tax Rebate to Global Refining Group.
- Virtually attended the Local Enterprise Zone Focus Group.
- Virtually attended the VA811 Town Hall Legal Update.
- Virtually attended the VAZO Check-in (continuing education meeting/training).
- Submitted the Annual Enterprise Zone Report.
- Met with CRC Staff to develop the maps required for submission of the Enterprise Zone amendment.

UPCOMING dates of interest:

August 3rd: *Planning Commission Meeting*

August 7th: *CRC REDO Working Committee Meeting*

August 8th: *Centra Health Needs Assessment Team Retreat—Farmville*

August 10th: *Board of Supervisors Meeting*

August 11th: *VATI Project Management Meeting—Virtual*

August 16th: *CRC Board Meeting—Keysville*

August 24th: *VGA Marketing Committee Meeting—South Hill-Location may change if meeting with VEDP can be arranged.*

August 28th: *CRC REDO Working Committee Meeting*

September 20th through 22nd: *VAZO Fall Conference—Virginia Beach*

October 10th through October 11th: *Governor's Summit on Rural Prosperity—Blackstone*

October 18th through October 20th: *Rural Planning Caucus—Pembroke*

UPCOMING Community Events:

August 5th: *Ribbon Cutting for Funky Fungi Foods/Fun Guy Market at 10:30 a.m.—Meherrin*

August 5th: *Grand Opening of Funky Fungi Foods/Fun Guy Market at 11:00 a.m.—Meherrin*

September 15th: *Music in the Park—The Bopcats—Victoria, VA*

October 14th: *Autumn Day—Victoria, VA*

October 14th: *Victoria Fire and Rescue's Truck and Tractor Pull*

Taylor King

From: mfoster@virginiashheartland.org <mfoster@virginiashheartland.org>
Sent: Friday, July 21, 2023 9:09 AM
To: ashmandavid@gmail.com; NOXIE JOHNSON; juleSueur.jw@gmail.com; henshollow@yahoo.com; David Felts; bucktharpe@yahoo.com; Ted Costin; John Roark; Derek Stamey; johnbapties@gmail.com; Karl Carter; jchambers@buckinghamcounty.virginia.gov; info@mairrigation.com; poultry123@yahoo.com; tomschawbach@gmail.com; Gary Walker; dewittgoin2@gmail.com; David Emert; erins96@vt.edu; Doug Stanley; Dan Witt; Taylor Harvie; Taylor King; Lauren Jones; Monica Elder; Tracy Gee
Cc: tfortune@virginiashheartland.org; David Felts; Gary Walker; mike.hankins0060@gmail.com; Brian Stanley; David Emert; Odessa Pride; Stephany Johnson; Jordan Miles; Karl Carter; Dexter Jones; Ted Costin; Katy Tomer; Walter Bailey; Bowen, Stephen; Taylor King
Subject: Secretary Lohr Tyson Foods Update
Importance: High

Good morning,

Please see the following update provided by Secretary Lohr regarding assistance in recruiting a new poultry company to the area. As you can see, while it is not good news so far, they are still working diligently on this issue and have not heard back from all of the companies contacted at this point.

Also, as you can see, he has suggested a Feasibility Study may benefit the cause. The CRC would be happy to assist in applying for a AFID Planning Grant to help fund a Feasibility Study. I am currently working with Bill Scruggs, with the Virginia Department of Agriculture and Consumer Services (VDACS) on how to proceed. We have discussed that this endeavor, due to the urgency of the matter, would be a Fast-Track Study. We are scheduling to meet and discuss the grant, items we need addressed in the Study, match funds and possible funding partners. I will keep you updated on our progress, but wanted to give you the Secretary's update as soon as possible.

Melody Foster
Executive Director
Commonwealth Regional Council
We have moved!! - new location:
200 Heartland Road
Keysville, VA 23947

mfoster@virginiashheartland.org
(434) 392-6104 office
(434) 610-1728 cell

From: mfoster@virginiashheartland.org <mfoster@virginiashheartland.org>
Sent: Thursday, July 20, 2023 4:23 PM
To: Lohr, Matt (GOV) <Matthew.Lohr@governor.virginia.gov>
Cc: Bridges, Michele (VDACS) <Michele.Bridges@vdacs.virginia.gov>; Scruggs, Bill (VDACS) <Bill.Scruggs@vdacs.virginia.gov>; Meyers, Rachel (VDACS) <Rachel.Meyers@vdacs.virginia.gov>; Moore, Emily

[REDACTED] <emoore@vedp.org>; Roth, Carrie (VEC) <Carrie.Roth@vec.virginia.gov>

Subject: Re: Tyson Foods Update

Dear Secretary Lohr,

Thank you for the update. I will report this back to the group that attended the meeting and also discuss the possibility of applying for a AFID Planning Grant for a Feasibility Study. We have assisted in applying for AFID grants in the past and will be available to assist if the group decides to move this option forward. Can you provide me the contact you have with Virginia Farm Bureau Management mentioned below?

While the news so far is not what we wanted to hear, I am glad that you and your staff are diligently working with prospective companies to try and find a solution. Hopefully, one will emerge or we will find another way to help the farmers in our region. I look forward to hearing additional news from you in the near future.

Thank you!

Melody Foster
Executive Director
Commonwealth Regional Council
We have moved!! - new location:
200 Heartland Road
Keysville, VA 23947

mfooster@virginiashheartland.org
(434) 392-6104 office
(434) 610-1728 cell

From: Lohr, Matt (GOV) <Matthew.Lohr@governor.virginia.gov>

Sent: Thursday, July 20, 2023 2:56 PM

To: mfooster@virginiashheartland.org <mfooster@virginiashheartland.org>

Cc: Bridges, Michele (VDACS) <Michele.Bridges@vdacs.virginia.gov>; Scruggs, Bill (VDACS) <Bill.Scruggs@vdacs.virginia.gov>; Meyers, Rachel (VDACS) <Rachel.Meyers@vdacs.virginia.gov>; Moore, Emily <emoore@vedp.org>; Roth, Carrie (VEC) <Carrie.Roth@vec.virginia.gov>

Subject: Re: Tyson Foods Update

Hi Melody. Looks like I didn't have the correct email address the first time. Hope this one comes through. Matt

Matthew Lohr

Secretary of Agriculture and Forestry

Matthew.Lohr@governor.virginia.gov
804-692-2511

From: Lohr, Matt (GOV) <Matthew.Lohr@governor.virginia.gov>

Sent: Thursday, July 20, 2023 2:26 PM

To: mfooster@virginiaheartland.org <mfooster@virginiaheartland.org>

Cc: Bridges, Michele (VDACS) <Michele.Bridges@vdacs.virginia.gov>; Scruggs, Bill (VDACS)

<Bill.Scruggs@vdacs.virginia.gov>; Meyers, Rachel (VDACS) <Rachel.Meyers@vdacs.virginia.gov>; Moore, Emily
<emoore@vedp.org>; Roth, Carrie (VEC) <Carrie.Roth@vec.virginia.gov>

Subject: Tyson Foods Update

Hi Melody. It has been a while since our team has reached out to you, but I wanted to let you know that we have been busy trying to recruit a poultry company to the area. I'm happy to visit by phone as well, but I wanted to share the efforts that have been made so far. I wish we had better news for you and your localities. To date, most of our focus has been on reaching out to poultry companies in Virginia and in the southeast and northeast regions of the US. The first contacts were largely to follow-up with the contacts that the Central Virginia Poultry Group had put together. Then we made additional contacts with 14 poultry companies that Rachel Meyers, our new Agriculture and Forestry Development Manager knew of from her previous professional role in the private sector.

All together we have conducted outreach to 25 companies. I have included a list of the companies below.

Perdue Farms

Case Foods

Pilgrim's

Wayne Sanderson Farms

Costco

Peco Foods

Gentry Poultry

Allen Harim Foods

Koch Foods

Amick Foods

George's

Mountaire Farms

Mar Jac

Tip Top Poultry

Fieldale Farms Corp

Case Farms

Gold Creek Foods

Simmons Foods

OK Foods

Miller Amish Country Poultry

Foster Farms

Harrison Poultry

Darling Ingredients (Valley Proteins)

Holly Poultry

Jamaica Broiler Group (Wincorp International) (International Poultry Breeders)

Empire Kosher

Findings and Results

At this point we have not identified an integrator that is in a position to move forward with an expansion of operations into the Heartland region that would include major capital investment for a new processing plant, and additional investment for feed manufacturing and a hatchery. Overall, I would say that all the companies we have received responses from have shown a fair amount of interest and several have taken the proposal to upper management in their respective companies. But they have indicated that poultry (broiler) expansion does not fit with their near-term plans.

The companies have cited a number of factors for their inability to move forward at this time. These include internal issues related to recent mergers of operations with other poultry companies, loss of markets and/or market share and internal capital constraints. But the over-riding factors are external related to the state of the economy overall, and the increases in capital cost due to rising interest rates and inflation. We have not heard back from all the companies but for the 14 that have responded this was a basic assessment on the current situation. We are continuing to follow-up and are awaiting additional information.

AFID Planning Grant for Poultry Feasibility Study for the Region

There has been some discussion on developing a feasibility study to provide both more technical information on poultry industry infrastructure requirements and needs, and provide us with a framework for a more targeted recruitment strategy going forward. Some have also suggested a need to identify "niche" poultry businesses that might be in a better expansion position, and to develop strategies to better target such companies. In discussing such a feasibility study with Virginia Farm Bureau management and other interested parties, I have learned that such a feasibility study might cost around \$100,000 if we are wanting more detailed information to help guide our efforts. The AFID Planning grant program may be an option to assist in this.

Based upon the AFID Planning Grant information provided below, as a multi-jurisdictional region if the Heartland region applied for a grant for \$35,000 and matching this with \$35,000 that would leave a gap of around \$30,000. It is possible other outside groups like Virginia Farm Bureau may be a partner in this as well.

AFID PLANNING GRANT PROGRAM

Program designed to encourage localities to incorporate the agriculture and forestry industries into their overall economic development and job creation strategies.

- Grants up to \$20,000 per locality or \$35,000 for multi-jurisdictional applications
- Dollar-for-dollar local match required; in-kind, non-profit contributions, Federal and private grants can be used
- Applications are accepted on a rolling basis.

AFID PLANNING GRANT PROGRAM GUIDELINES

Last but not least, here is the link to [VAFAIRS](#) and their [services](#) which includes feasibility studies. Bill or Michele would be happy to make an introduction to that team if you choose to pursue moving forward with a study.

I know this is a lot and we are happy to discuss in detail. If these hyperlinks don't work please let us know and we can make sure we get you to the right sites. As always, our team is ready to continue to assist in any way. We just wanted to share with you where we are with our efforts. Thanks so much. Matt

Matthew J. Lohr
Secretary of Agriculture and Forestry
Office of Governor Glenn Youngkin

1111 E. Broad Street
Richmond, VA 23219
804-692-2522

Matthew.Lohr@governor.virginia.gov



HONOR YOUR HERO

Would you like to honor your hero? Do you have a military veteran, EMS, police officer or fire fighter that you would like to honor or remember? Please complete the form below and bring it to Martin Monument Company located at 12001 Lunenburg County Rd., Keysville, Va. 23947. Your 6X12 memorial paver will be professionally engraved and installed at the Kenbridge Town Hall Memorial Garden alongside the Peggy Hurt Memorial stone, erected by donations from family and friends. Peggy Hurt was a Lunenburg native who perished in the attack on the Pentagon on 9/11. We would like to honor her and also your hero by letting all know that....

"WE WILL NEVER FORGET"

Your Name _____ Phone # _____

Mailing Address _____

Email Address _____

*Paver Info--16 Characters per line, 48 characters max- NO emblems, logos, etc.

Your Hero's Name _____

Line 2 Message _____

Line 3 Message _____

Cost per paver - \$75.00 + tax Paid _____ Check#/Credit Card _____ Date _____

Taylor King

From:

Sent:

Friday, July 28, 2023 10:10 AM

To:

Cc:

Subject:

🔊 Congratulations to Melody on her big award! 🔊

Attachments:

Good morning everyone,

Please join me in congratulating Melody Foster, our Executive Director of the Commonwealth Regional Council, on earning the prestigious Gordon N. Dixon Award, "intended to recognize an executive director ... who has provided leadership and made outstanding contributions to promoting the concept of regionalism in the Commonwealth of Virginia."

Attached are photos and the nomination form we submitted. Many thanks to the counties that helped in this process, but also to Doug Stanley of Prince Edward County who helped with the nomination.

Melody, we appreciate and are so thankful for you and what you have done for the region, our communities, the council, and the lives improved because of your work. Congratulations!

TJM

--

Thomas Jordan Miles III

District Four Supervisor (Maysville)



Citizen Time

Statement on Public Speaking for Planning Commission Meetings

Any member of the public addressing the Planning Commission shall approach the lectern, give his or her name and address in an audible tone of voice for the record, and address the Commission as a body rather than speak to any member. Unless further time is granted by the Commission, any member of the public shall address the Commission for a maximum of five (5) minutes, regardless of the number of issues he or she desires to discuss. The proponent of any application, petition, or plan that is the subject of a public hearing shall be allowed to address the Commission for a maximum of fifteen (15) minutes.

Citizen time

Any member of the public may speak on any item not on the current agenda under the above guidelines

Request for additional time to speak

At the beginning of the comments by a citizen additional time may be requested by the speaker. The Chairman shall decide on the amount of time to be provided.

Written comments

Written comments are most helpful in reviewing issues under consideration. Citizen input is valuable and appreciated. The Commission encourages citizens to submit their comments in writing or any information pertaining to the issues at hand. There is not a limit on written comments; clarity and succinctness is encouraged.

Public Hearing

LUNENBURG COUNTY -PUBLIC NOTICE

The Lunenburg County Planning Commission will hold a public hearing on Thursday, **August 3, 2023**, beginning at **7:00 PM** in the 2nd floor Courtroom; Lunenburg Courts Building, Lunenburg, VA 23952 for public input on the following:

Lunenburg County Siting of Wireless Telecommunications Facilities amendments and revisions. A copy of the full text of the ordinance is available for review in the County Administration Office, 11413 Courthouse Road, Lunenburg, VA 23952, and on the Lunenburg County website pursuant to Virginia Code § 15.2-1427.

It is the intention of the Lunenburg County Planning Commission to comply with the Americans with Disabilities Act. Should you need special Accommodations, please contact the County Administration office at 434.696.2142 prior to the meeting date.

The full ordinance is available for review at:

https://www.lunenburgva.gov/government/planning_commission/pending_conditional_use_permit_applications.php (select the “2023 Pending Ordinances” folder). Written comments will be appreciated, in lieu of oral presentations. Please send comments to taylor@lunenburgva.gov or Lunenburg County, Department of Planning and Economic Development, 11413 Courthouse Road, Lunenburg, VA 23952.

Lunenburg County
Siting of Wireless
Telecommunications
Facilities

TELECOMMUNICATIONS ORDINANCE DRAFT

Sec. 22-81. – Purpose, Legislative Intent, and Policy Goals.

- (a) Title 15.2, Chapter 22, Article 7.2 affirmed the County's authority concerning the placement, construction, and modification of wireless telecommunications facilities. The Board of Supervisors of the County finds that wireless telecommunications facilities may cause a unique impact to the health, safety, public welfare, and environment of the County and its inhabitants. The County also recognizes that facilitating the development of wireless service technology can be an economic development asset to the County and of significant benefit to the County and its residents. In order to ensure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the County's land use policies, the County is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this article is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety, and welfare of the County.
- (b) The goals of this article are to:
1. Establish review procedures to ensure that applications for telecommunications facilities are reviewed and acted upon within a reasonable period of time;
 2. To encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community;
 3. To strongly encourage the joint use of new and existing tower sites, and use of existing utility transmission rights-of-way;
 4. To encourage towers located in areas where the adverse impact on the community is minimal;
 5. To encourage users of towers and antennas to locate, design, and configure them in a way that minimizes their adverse visual impact, and makes them compatible with surround land uses, to the extent possible;
 6. To provide adequate sites for the provision of wireless communication services with minimal negative impact on the County's resources;
 7. To encourage public/private partnerships, where possible, that promote the County's communications needs, especially fire and emergency rescue services.
 8. To facilitate the provision of adequate voice, text, and internet wireless services to citizens, business, and visitors of the County.

Sec. 22-82. – Title.

This article may be known and cited as the “Wireless Telecommunications Facilities Ordinance of Lunenburg County” or the “Telecommunications Facilities Ordinance.”

Sec. 22-83. – Severability.

- (a) If any word, phrase, sentence, part, section, or other portion of this article or any application thereof to any person or circumstance is declared void, unconstitutional, or

invalid for any reason, then such word, phrase, sentence, part, subsection, or other portion or the proscribed application thereof, shall be severable, and the remaining provisions of this article, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

- (b) Any Conditional Use Permit under this article shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination of the Board of Supervisors.

Sec. 22-84. Definitions.

For purposes of this article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

"Administrative review-eligible project" means a project that provides for:

- (a) The installation or construction of a new structure that is not more than fifty (50) feet above ground level, provided that the structure with attached wireless facilities is (i) not more than ten (10) feet above the tallest existing utility pole located within five-hundred (500) feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than thirty-five percent (35%) of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or
- (b) The co-location on any existing structure of a wireless facility that is not a small cell facility.

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Application" means the form approved by the Board, together with all necessary and appropriate documentation that an applicant submits in order to receive a Conditional Use Permit for wireless telecommunications facilities.

"Applicant" means any person submitting an application to the County for a Conditional Use Permit for wireless telecommunications facilities.

"Board" means the Board of Supervisors of the County.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Conditional Use Permit" means the official document or permit by which an applicant is allowed to construct and use wireless telecommunications facilities as granted or issued by the County.

"Completed Application" means an application that contains all information and/or data necessary to enable the Board to evaluate the merits of the application, and to make an informed decision with respect to the effect and impact of wireless telecommunications facilities on the County in the context of the permitted land use for the particular location requested.

"Compound" means the area within the Project area where the Telecommunications facility is located, including the security fencing.

"County" means Lunenburg County, Virginia.

"Department" means the Virginia Department of Transportation.

"EPA" means the state and/or Federal Environmental Protection Agency or its duly assigned successor agency.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"FAA" means the Federal Aviation Administration, or its duly designated and authorized successor agency.

"FCC" means the Federal Communications Commission, or its duly designated and authorized successor agency.

"Height" When referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, not longer than eleven (11) inches.

"New structure" means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.

"NIER" means non-ionizing electromagnetic radiation.

"Project" means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless services provider or wireless infrastructure provider on an existing structure to which the provisions of § 15.2-2316.4 apply.

"Project area" means the total area of land leased or owned by the applicant where the Wireless facility is or will be located and shall include all area inside and outside of the security fencing.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Standard process project" means any project other than an administrative review-eligible project.

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

(i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(A) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to the passage of the Spectrum Act.

(ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(iv) It entails any excavation or deployment outside of the current site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;

(v) It would defeat the concealment elements of the eligible support structure; or

(vi) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § (i) through (iv), herein.

“Tower” Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" or “Wireless Telecommunications Facility” or “Telecommunications Facility” means equipment at a fixed location, such as a Wireless support structure, Tower, or other structure, that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

Sec 22-85. Applicability.

This article shall apply to the development activities including installation, construction, or modification of all telecommunication facilities that exceed, as installed, fifty (50) feet in height, but excluding those used exclusively for the County's fire, police, and other dispatch telecommunications.

Sec. 22-86. Existing Structures and Towers.

The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, utility tower, or tower, water tower, or other free-standing structure is permitted without a Conditional Use Permit so long as the addition of the antenna does not result in a substantial change, as is defined in 47 C.F.R. §1.6100, which increases the height of the tower by more than ten percent (10%) or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater, and does not require additional lighting pursuant to FAA or other applicable requirements. Additional structures equipment needed in connection with the antenna may be placed so long as it is placed within the existing structure or property. Building permits are required.

Sec. 22-87. Conditional Use Permit Application and Other Requirements

- (a) All applicants for a Conditional Use Permit for wireless telecommunications facilities or any modification of such facility shall comply with the requirements set forth in this section. The Board is the officially designated agency or body of the community to whom applications for a Conditional Use Permit for wireless telecommunications facilities must be made, and that is authorized to review, analyze, evaluate, and make decisions with respect to granting or not granting, or revoking Conditional Use Permits for wireless telecommunications facilities. The Board may at its discretion delegate or designate other official agencies of the County to accept, review, analyze, evaluate, and make recommendations to the Board with respect to the granting or not granting, or revoking Conditional Use Permits for wireless telecommunications facilities.
- (b) An application for a Conditional Use Permit for wireless telecommunications facilities shall be signed on behalf of the applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting

to the truth and completeness of the information. The landowner, if different than the applicant, shall also sign the application. At the discretion of the Board, any false or misleading statement in the application may subject the applicant to denial of the application without further consideration or opportunity for correction.

- (c) Applications not meeting the requirements stated herein or which are otherwise incomplete, may be rejected by the Board pursuant to Va. Code §15.2-2316.4:1(c)(1).
- (d) *Application Requirements:* Each applicant requesting a Conditional Use Permit must submit the following:
 - 1. Unless waived by the Board, there shall be a pre-application meeting. The purpose will be to address issues which will help to expedite the review and permitting process.
 - 2. Completion of the Telecommunication Facility Application and submittal of an application fee pursuant to the fee schedule set by the County, and as may be amended from time to time, or the maximum amount allowed pursuant to Virginia Code §15.2-2316.4:1, as may be amended. The form and fee schedule are provided by the Zoning Administrator in accordance with Lunenburg County Zoning Ordinance Sec. 3-16. The County may retain qualified third parties to review portions of a permit application that are outside the County's area of expertise and do not adequate state and federal review. Any out-of-pocket costs incurred by the County for such review by a qualified third-party shall be paid by the applicant. The third-party reviewers and their estimated costs will be submitted to the applicant for approval before the costs are incurred. The County may, in the alternative, accept such review by qualified third-party selected, retained, and paid by the applicant. Fees for other costs incurred by the County will be paid by the applicant in accordance with fee schedules as published in the Lunenburg County Code.
 - 3. Name, address, and phone number of the person preparing the report.
 - 4. Name, address, and phone number of the property owner, operator, and Applicant, to include legal form of the applicant.
 - 5. Postal address and tax map parcel number of the property.
 - 6. Zoning district or designation in which the property is situated.
 - 7. Size of the project area stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines.
 - 8. Location of nearest residential structure.
 - 9. Location of nearest habitable structure.
 - 10. Location, size, and height of all structures on the property which is the subject of the application.
 - 11. Location, size, and height of all proposed and existing antennae and all appurtenant structures.
 - 12. Type, locations and dimensions of all proposed and existing landscaping, and fencing.
 - 13. A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and documentation, signed and sealed by a state licensed professional engineer, showing the location and dimensions of the Project area and of all improvements, including information concerning topography, zoning, vegetation buffers, existing

vegetation in the Project area, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses and adjacent buildings.

14. A certification from a licensed professional engineer experienced with the design and operation of towers and antennas that the emissions from the facility will not exceed the Federal Communication Commission maximum permissible exposure standard.
15. The applicant's statement agreeing to allow co-location on the proposed tower, and co-location of a second tower on the site, where appropriate, and that the lease agreement will not prohibit or discourage co-location, or, if so, the reasons therefor.
16. Applicant must provide at least two (2) actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image must illustrate how the facility will look from adjacent roadways, nearby residential areas, or public buildings such as a school, church etc. County staff reserve the right to select the location for the photographic images and require additional images.

(e) *Design.* These requirements govern telecommunication facilities:

1. Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color, to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
2. At a facility site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and surrounding structures.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.
4. Towers cannot be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority.
5. No advertising may be placed on the telecommunication facility unless as part of retrofitting an existing sign structure.
6. To permit co-location, a tower should be designed and constructed to permit extensions to a maximum height of one-hundred and ninety-nine (199) feet, except as otherwise provided in an approved Conditional Use Permit.
7. Towers must be designed to collapse, in case of structural failure, within the lot lines, and the fall zone must be located entirely on the property the tower is located on.
8. Except where the provisions of an approved Conditional Use Permit or other government regulation restricts the tower height, or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four (4) users, including the primary user, must be submitted. If the tower height is restricted, or a stealth design is used and the tower cannot accommodate four (4) facilities, then a report must be submitted that describes the design limitations for co-location.
9. At a wireless facility, an access road, turnaround space, and parking shall be

provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and vegetation-cutting. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

(f) *Additional Application Requirements.*

1. All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all Federal Communications Commission regulatory emission standards.
2. The applicant shall conduct a “balloon test” prior to the public hearing in which the applicant shall raise a balloon of a color or material that provides maximum visibility and no less than three (3) feet in diameter at the maximum height of the proposed facility and within fifty (50) horizontal feet of the center of the proposed wireless support structure or tower.
 - i. The applicant shall inform in writing the Zoning Administrator, abutting property owners, and elected or appointed County officials of the district in which the proposed wireless facility is located of the date and times of the test at least fourteen (14) days in advance.
 - ii. The applicant shall request in writing permission from the abutting property owners to access their property during the balloon test to take pictures of the balloon and to evaluate the visual impact of the proposed wireless facility on their property.
 - iii. The date, time, and location of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date. The advertisement shall also include an alternate inclement weather date for the balloon test.
 - iv. Signage shall be posted on the property to identify the location of the property where the balloon is to be launched a minimum of seventy-two (72) hours prior to the balloon test. If unsuitable weather conditions prevail on the date of the balloon test, then cancellation of the test shall be clearly noted on the signage.
 - v. The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen.
 - vi. The applicant shall record the weather during the balloon test. If the wind during the balloon test is above twenty (20) miles per hour, then the test shall be postponed to the alternate inclement weather date provided in the advertisement.
3. The County has the right of first refusal to any available co-location, not including the anchor spot or prime equipment location intended to be used by the applicant; however, the County will be responsible for placing and maintaining its own equipment.
4. The wireless telecommunications facility shall comply with all state, federal, and local regulations.
5. The Applicant is further subject to the Application requirements set forth in Sec.

Sec 22-88. Setbacks and Landscaping Requirements.

(a) *Setbacks.* The following setbacks shall be required for wireless telecommunications facilities:

1. The minimum setback to the property lines of properties zoned industrial, commercial or to any property owned by the same owner as the subject property is one-hundred and ten percent (110%) of the tower's designed break point (fall zone) measured from the center of the base of the tower.
2. The minimum setback to property lines of properties zoned residential, or agricultural shall generally be one-hundred and ten percent (110%) of total tower height or five hundred (500) feet to off-site dwellings not owned by the owner of the subject property, measured from the center of the base of the tower, whichever is greater.
 - i. A tower may be located closer to those property lines based on mitigating its impacts by a reduced height, alternative designs such as monopole, camouflaging the tower or other methods.
 - ii. A tower may not be located closer than one-hundred and ten percent (110%) of the tower's designated break point (fall zone) to property lines or five hundred (500) feet to dwellings not owned by the owner of the subject property, measured from the center of the base of the tower, whichever is greater.

(b) *Landscaping.* Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively mitigates the visual impact of the Telecommunications facility.

1. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide and shall run around the entire perimeter of the Compound.
2. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a Conditional Use Permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three (3) feet tall, at the time of planting, and that are expected to grow to a height of eight (8) feet within three (3) years.
3. Landscaping intended for screening shall consist of coniferous and broadleaf evergreen trees, shrubs, plants, forbs, and wildflowers native to the County. If a sufficient quantity of native plants cannot be procured, non-invasive plants may be used. A list of appropriate plant materials shall be available at the County Administration Office.
4. The Planning Commission or Board may require increased setbacks and additional or taller vegetative buffering in situations where the topography affects the visual impact of the Telecommunications facility.
5. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing woodlands. The woodlands shall be permanently protected for use as a buffer.
6. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased, or as necessary for development or to promote healthy

growth, and such existing trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed, new plantings shall be required for the buffer.

7. The buffer shall be maintained for the life of the facility such that the trees, plants, vegetation, shrubs, or other plant materials sufficiently mitigate the visual impact of the Telecommunications facility and do not become overgrown or unsightly. Any vegetation inside the fencing of the Compound shall be routinely maintained to prevent overgrowth.
 8. The Planning Commission or Board may require green vinyl inserts to be placed within the fencing for visual screening of high visibility telecommunications facilities in addition to the required vegetative buffer.
 9. No outdoor storage yards shall be allowed in the project area.
- (c) *Fencing*. Telecommunications facilities shall be enclosed by security fencing not less than six (6) feet high and equipped with an appropriate anti-climbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer. The fencing shall be maintained for the life of the telecommunications facility. The area located within the security fencing shall not be used for the storage of any excess equipment or hazardous materials, including but not limited to substances or chemicals that pose a health hazard, a physical hazard, or harm to the environment, that are not reasonably correlated to the immediate use or operation of the telecommunications facility.
- (d) *Signage*. Telecommunications facilities shall contain a sign no larger than four (4) square feet to provide adequate notification to persons in the immediate area of the telecommunications facility. The sign shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be located on the fencing at or near the gate or at such location where it can be easily seen by individuals in the immediate vicinity of the telecommunications facility. Except as provided herein, or as otherwise required by state or federal requirements, all signage shall comply the County Sign Ordinance, as adopted and, from time to time amended.

Sec. 22-89. Co-location on Any Existing Structure of a Wireless Facility.

Co-location, colocation modifications, antenna element replacements of different size, weight or frequency utilization or combining antenna shall adhere to the following requirements:

- (a) A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the Conditional Use Permit (if applicable) or constitute a Substantial Change to the existing structure. Should the co-location or combined antenna or antenna array constitute a Substantial Change to the existing structure, a new Conditional Use Permit shall be required.
- (b) The new equipment cabinet shall be subject to the setbacks of the underlying zoning district. If the colocation or combined antenna is located on a non-conforming building or facility, then the existing permitted non-conforming setback(s) shall prevail; and

- (c) Equipment cabinets shall be located within the existing equipment compound. If the existing equipment compound is not sized adequately to accommodate the new proposed ground equipment, then a revised site plan of the original telecommunications facilities site shall be submitted addressing the overall ground space for said telecommunications facilities. The Zoning Administrator shall have the authority to waive the requirement to obtain a new Conditional Use Permit for a revised site plan after consultation with the Board and County legal counsel.
- (d) Whenever a proposed placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, including placement on or within an existing transmission/utility tower, or tower, water tank, or other freestanding structure or existing tower or pole shall fall within the scope of Code of Virginia, Section 15.2-2316.4:1 and Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, as from time to time amended. ("Section 6409) such placement shall be permitted without the need for a Conditional Use Permit as long as the proposed placement complies with Section 6409 and the FCC rules and policies or implementing Section 6409.
- (e) Each telecommunications service provider that locates or otherwise places wireless communications equipment on the facility, auxiliary structures, or the host structure, or on the property shall obtain building and zoning permits from the County prior to attaching the equipment to the structure or erecting any accessory structures within or adjacent to the existing structure. The fees for the permits shall be in accordance with the fees set forth in Section 15.2-2316.4:1 of the Code of Virginia, as may be amended. For administrative review eligible-projects the fees shall be based on the fee schedule established by the County and shall not exceed actual direct costs to process the application, including permits and inspection, for all standard process projects.
- (f) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

Sec. 22-90. Procedure for Wireless Telecommunications Facilities.

In addition to materials required for a Conditional Use Permit application under Sec. 22-87, upon an application being deemed complete, applications for Wireless Telecommunications Facilities shall, unless otherwise provided herein, include:

- (a) **Community Meeting.** An in-person public meeting shall be scheduled at least two (2) weeks after the submission of the application and shall be held prior to the determination that the project is in "*Substantial Accord*" with Comprehensive Plan to give the Community an opportunity to hear from the applicant and ask questions regarding the proposed wireless telecommunications facility. The Zoning Administrator shall have the authority to require a subsequent in-person public meeting if the Applicant resubmits or revises its initial application resulting in material changes to the proposed Project contained in the initial application.
 - 1. The applicant shall coordinate with the Zoning Administrator prior to the determination of a date for the community meeting.

2. The applicant shall inform the Zoning Administrator and adjacent property owners in writing of the date, time and location of the meeting at least seven (7) but no more than fourteen (14) days in advance.
 3. The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant at least seven (7) but no more than fourteen (14) days in advance of the meeting date.
 4. The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.
 5. The meeting shall give members of the public the opportunity to review application materials, ask questions to the applicant and provide feedback.
 6. The applicant shall provide to the Zoning Administrator a summary of any input received from members of the public at the meeting.
- (b) **Comprehensive Plan (2232) Review.** A Comprehensive Plan review shall be based on the Conditional Use Permit Application Form and Supplemental information required to be submitted with the Application. The Code of Virginia §15.2-2232 requires a review of the public utility facility proposals by the Planning Commission to determine if their general or approximate location, character, and extent are in "*Substantial Accord*" with the Comprehensive Plan or part thereof.
1. The Planning Commission must consider, at a public meeting, whether the project is in "*Substantial Accord*" with the Comprehensive Plan.
 2. If the Planning Commission does not approve the 2232 review, the applicant may appeal the decision to the Board of Supervisors within ten (10) days after the decision of the Planning Commission. The appeal shall be by written petition to the Board of Supervisors setting forth the reasons for the appeal. A majority vote of the Board of Supervisors shall overrule the Planning Commission.
- (c) **Consideration by the Planning Commission.** Planning Commission must consider the Conditional Use Permit application at a public hearing. The Planning Commission has three (3) options:
1. Recommend approval of the application to the Board of Supervisors with written reasons for its decisions.
 2. Recommend denial of the application to the Board of Supervisors with written reasons for its decisions.
 3. Defer the application for further discussion.
- (d) **Consideration by the Board of Supervisors.** The Board must consider the Conditional Use Permit application at a public hearing. The Board has three (3) options:
1. Approve the application with written reasons for its decision.
 2. Deny the application with written reasons for its decision.
 3. Defer the application for further discussion and consideration.

Sec. 22-91. Factors to be Considered by the Planning Commission and Board.

- (a) The approving body, in exercise of the County's zoning regulatory authority, may consider an application for approval and determine: whether a tower is in harmony with the area; the effects and general compatibility of a tower with adjacent properties; or the aesthetic effects of the tower as well as mitigating factors concerning aesthetics.

- (b) The approving bodies, in exercise of the County's zoning regulatory authority, may disapprove an application on the grounds that the tower's aesthetic effects are unacceptable, or may condition approval on changes in tower heights, design, style, buffers, or other features of the tower or its surrounding area. Such changes need not result in performance identical to that of the original application.
- (c) Factors relevant to aesthetic effects are: the protection of the view in sensitive or particularly scenic areas, and areas containing unique natural features, scenic roadways or historical areas; the concentration of towers in the proposed area; and, whether the height, design, placement or other characteristics or the proposed tower could be modified to have a less intrusive visual impact.
- (d) The approving bodies, in accord with Code of Virginia, Section 15.2-2316.4:2, may disapprove an application based on the availability of existing wireless support structures within a reasonable distance that could be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant.

Sec. 22-92. Time Frame for Application Review and Consideration.

- (a) Unless some other time frame is mutually agreed upon, an application for a tower shall be deemed complete or incomplete by the County and/or its third-party consultants within ten (10) days of receipt of the application. The applicant shall provide a valid electronic mail address. The County shall notify the applicant by electronic mail whether the application is incomplete or specify any missing information; otherwise, the application shall be deemed complete, or as otherwise provided by the Code of Virginia.
- (b) Unless some other time frame is mutually agreed upon, an application for a tower shall be reviewed by the County and a written decision shall be issued within one-hundred and fifty (150) days of a completed submission, or as otherwise provided by the Code of Virginia.
- (c) Unless some other time frame is mutually agreed upon, an application for co-location shall be reviewed by the County and a written decision shall be issued within ninety (90) days of a completed submission, or as otherwise provided by the Code of Virginia.
- (d) A complete application for a project shall be deemed approved if the locality fails to approve or disapprove the application within the applicable period specified or mutually agreed upon.
- (e) If the County disapproves an application it must provide the applicant with a written statement of the reasons or disapproval. If the locality is aware of any modifications to the project as described in the application that if made would permit the locality to approve the proposed project, the locality shall indemnify them in the written statement provided. The written statement must contain substantial recorded evidence and be publicly released within thirty (30) days of the decision, or as otherwise provided in the Code of Virginia.

Sec. 22-93. Reporting Requirements.

- (a) Annual Reporting
 - 1. For each wireless telecommunications facility, except wireless telecommunications facilities deemed to be an eligible facility in existence prior to the original enactment of this article, the property owner on which a facility is located shall be responsible for ensuring a report is submitted to the Zoning

Administrator once a year, no later than June 30, starting, at minimum, the following:

- i. Name, address, telephone numbers, and email addresses of the property owner and, if applicable, the owner of the support structure.
- ii. The support structure's (including alternative support structures) location (latitude and longitude), street address, heights; and structure type.
- iii. The current user status of the facility including the name and contact information of each active tenant/wireless service provider leasing space from the site. If vacant/collocation space is available, the report shall indicate such information and explain the facility's available accommodations.
- iv. An explanation or listing of each tenant's/wireless equipment identifying at least the type, and number of all antennae, equipment cabinets, and any other supporting equipment. The location of such equipment shall also be described or illustrated.

(b) Change of Ownership

1. The applicant shall notify the County in writing within thirty (30) days of the sale or the change in ownership or operator of the owner of the tower.
2. The applicant shall require the new tower owner or operator to certify in writing that it agrees to abide by the conditions and requirements set forth by the County in the approved Conditional Use Permit within thirty (30) days of the sale or change in ownership.

Sec. 22-94. Interference with Public Safety Communications.

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties area complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each owner of an antenna, antenna array or application for a collocation shall agree in a written statement to the following:

- (a) Compliance with "Good Engineering Practices" as defined by the FCC in its rules and regulations.
- (b) Compliance with FCC regulations regarding susceptibility to radio frequency (RF) interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI).
- (c) In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference (RFI) with the County's public safety telecommunications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference.
- (d) Whenever the County has encountered radio frequency interference (RFI) with its public safety telecommunications equipment, and it believes that such interference has been or is being caused by one (1) or more antenna arrays, the following steps shall be taken:

1. The County shall provide notification to all wireless service providers operating in the County of possible interference with the public safety telecommunications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the County and among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Best Practices Guide," released by the FCC in February 2001, including the "Good Engineering Practices" as may be amended or revised by the FCC from time to time.
2. If any equipment owner fails to cooperate with the County in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the County public safety telecommunication equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference (RFI), for reimbursing the County for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the County to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Best Practices Guide" within twenty-four (24) hours of County's notification.

Sec. 22-95. Small Cell Facility.

- (a) A wireless facility is considered a small cell facility if it meets the following criteria:
 1. Each of the facility's antennas are located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of antennas that have exposed elements, the antennas and all of the facility's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet.
 2. All other wireless equipment associated with the facility have a cumulative volume of no more than twenty-eight (28) cubic feet, or a higher limit as if permitted by the Federal Communications Commission.
 3. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunication demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- (b) Small cell facilities are permitted by right in all zoning districts subject to the following standards:
 1. The small cell facility is installed by a wireless services provider on an existing structure.
 2. The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to co-locate the small cell facility on the existing structure and to co-locate the associated transmission equipment on or proximate to the existing structure.
 3. A building permit is approved.
- (c) Wireless facilities which do not meet the criteria to be deemed a small cell facility are subject to the regulations for telecommunication facilities.
- (d) A wireless services provider or wireless infrastructure provider may submit up to thirty-

five (35) permit requests for small cell facilities on a single application. Permit application fees are stated in the County fee schedule adopted as an appendix to this code.

- (e) Permit applications for small cell facilities will be reviewed and approved as follows:
1. Permit applications for the installation of small cell facilities will be approved or disapproved within sixty (60) days of receipt of the complete application. The sixty (60) day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional thirty (30) days.
 2. Within ten (10) days of receipt of an application and a valid electronic mail address for the applicant, the applicant will be sent an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification will specify the missing information which needs to be included in a resubmission in order to complete the application.
 3. Any disapproval of the application will be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:
 - i. Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
 - ii. Public safety or other critical public service needs.
 - iii. If the installation is to be located on or in publicly owned or publicly controlled property, aesthetic impact, or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property. If the installation is to be located on a privately owned structure and the applicant does not provide an agreement from the owner of the structure.

Sec. 22-96. Recertification of a Conditional Use Permit for Wireless Telecommunications Facilities.

- (a) At any time between twelve (12) and six (6) months prior to the five (5) year anniversary date after the effective date of the Conditional Use Permit and all subsequent fifth anniversaries of the effective date of the original Conditional Use Permit for wireless telecommunications facilities shall submit a signed written request to the Board for recertification. In the written request for recertification, the holder of such Conditional Use Permit for such wireless telecommunication facilities shall submit a signed written request to the Board for recertification. In the written request for recertification, the holder of such Conditional Use Permit shall note the following;
1. The name of the holder of the Conditional Use Permit for the wireless telecommunications facilities.
 2. If applicable, the number or title of the Conditional Use Permit.
 3. The date of the original granting of the Conditional Use Permit.
 4. Whether the wireless telecommunications facilities have been moved, re-located, rebuilt, or otherwise modified since the issuance of the Conditional Use Permit, and if so, in what manner.
 5. If the wireless telecommunications facilities have been moved, re-located,

rebuilt, or otherwise modified, then whether the Board approved such action, and under what terms and conditions, and whether those terms and conditions were complied with.

6. Any requests for waivers or relief of any kind whatsoever from the requirements of this article and any requirements for a Conditional Use Permit.
 7. That the wireless telecommunications facilities are in compliance with the Conditional Use Permit and compliance with all applicable codes, ordinances, rules, and regulations.
 8. Recertification that the telecommunication tower and attachments both are designed and constructed (“as built”) and continue to meet all local, County, commonwealth, and federal structural requirements for loads, including wind and ice loads. Such recertification shall be by a qualified Virginia licensed professional engineer, the cost of which shall be borne by the applicant.
- (b) If, after such review, the Board determines that the permitted wireless telecommunications facilities are in compliance with the Conditional Use Permit and all applicable statutes, laws, local ordinances, codes, rules, and regulations, then the Board shall issue a recertification Conditional Use Permit for the wireless telecommunications facilities, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, laws, local ordinances, codes, rules, and regulations. If, after such review, the Board determines that the permitted wireless telecommunications facilities are not in compliance with the Conditional Use Permit and all applicable statutes, laws, ordinances, codes, rules, and regulations, then the Board may refuse to issue a recertification Conditional Use Permit for the wireless telecommunications facilities, and in such event, such wireless telecommunications facilities shall not be used after the date the applicant receives written notice of such decision by the board. Any such decision shall be in writing and supported by substantial evidence contained in a written record.
- (c) If the applicant has submitted all of the information requested by the Board and required by this article, and if the Board does not complete its review, as noted in subsection (b) of this section, prior to the five (5) year-anniversary date of the Conditional Use Permit, or subsequent fifth anniversaries, then the applicant for the permitted wireless telecommunications facilities shall receive an extension of the special use permit for up to six (6) months, in order for the Board to complete its review.
- (d) If the holder of a Conditional Use Permit for wireless telecommunications facilities does not submit a request for recertification of such Conditional Use Permit within the timeframe noted in subsection (a) of this section, then such Conditional Use Permit and any authorizations granted thereunder shall cease to exist on the date of the fifth anniversary of the original granting of the Conditional Use Permit or subsequent fifth anniversaries, unless the holder of the Conditional Use Permit adequately demonstrates to the Board that extenuating circumstances prevented a timely recertification request. If the Board agrees that there were legitimately extenuating circumstances, then the holder of the Conditional Use Permit may submit a late recertification request or application for new Conditional Use Permit.

Sec. 22-97. Removal.

Any tower that is not in active use for a continuous period of twenty-four (24) months shall be considered abandoned, and the owner of any such tower, the landowners of the property on which a tower is located upon or their successors or assigns shall remove the tower within ninety (90) days of receipt of notice from the County. Removal includes the removal of the tower, all tower and fence footers, underground cables, and support buildings. The Zoning Administrator may permit the fence footers, underground cables, and support buildings to remain with the property owner's approval so long as they continue to be screened as required. When a tower is deemed to be abandoned, an owner wishing to extend the time for removal shall submit an application stating the reason for such extension. The Zoning Administrator may extend the time for removal or reactivation up to sixty (60) additional days upon a showing of good cause. If the antenna support structure or antenna is not removed within the specified time, the County may contract for removal. Thereafter, the County may cause removal of the antenna support. All costs thereof shall be charged to the landowner and become a lien on the property on which the tower is located.

Sec. 22-98. Expiration of Conditional Use Permit.

An approved Conditional Use Permit for wireless telecommunications facilities shall become null and void if no application for a building permit to construct the authorized improvements has been submitted within twelve (12) months of the date of approval by the Board in accordance with Sec. 8-7 of the County's Zoning Ordinance.

Sec. 22-98. Authority

This article is adopted pursuant to the authority granted by the Code of Virginia, Title 15.2, Chapter 22, Art. 7.2.

Public Comments
Received

Other Business

Lunenburg County,
Virginia Resolution
Regarding
Conditional Use
Applications for
Solar Facilities

**LUNENBURG COUNTY, VIRGINIA
RESOLUTION REGARDING CONDITIONAL USE APPLICATIONS
FOR SOLAR FACILITIES**

WHEREAS, the Lunenburg County Board of Supervisors (“Board”) enacted an Ordinance for Solar Energy Facilities in Lunenburg County, Virginia on September 9, 2021 (the “Solar Facilities Ordinance”); and

WHEREAS, Lunenburg County (“County”) has received a substantial number of applications for Conditional Use Permits (“CUP”) for Solar Facilities in the County and has issued CUPs for Solar Facilities since the Solar Facilities Ordinance’s enactment; and

WHEREAS, due to the substantial number of Solar Facilities applications received, the time and expense of reviewing and working on the Solar Facilities applications, and the substantial impact for which previously permitted CUPs for Solar Facilities may have on the County, the Board desires for the County Planning Commission and the Solar Committee to conduct a study on the impact of Solar Facilities in the County (“Study”); and

WHEREAS, the Board requests the County Planning Commission and the Solar Committee to provide recommendations regarding future solar development in the County and whether there is a need to amend the County’s Comprehensive Plan, Zoning Ordinance, and/or Solar Facilities Ordinance; and

WHEREAS, upon receipt of the County Planning Commission and the Solar Committee’s recommendations, the Board will consider those recommendations and may elect to accept the recommendations of the County Planning Commission and the Solar Committee and amend the County’s Comprehensive Plan, Zoning Ordinance, and/or Solar Facilities Ordinance; and

WHEREAS, the Board desires for the County not to accept CUP applications for Solar Facilities for the duration of the Study and the duration for the Board to consider the County Planning Commission and Solar Committee’s recommendations and act upon said recommendations as the Board deems appropriate (“Revisionary Period”); and

WHEREAS, the Board desires that a copy of this resolution be provided to any applicant that contacts the County regarding a new CUP application for a Solar Facility for the duration of the Study and Revisionary Period.

NOW THEREFORE, The Lunenburg County Board of Supervisors does hereby declare that the County will not accept CUP applications for Solar Facilities until the Study and Revisionary Period have concluded. The Board further directs the County staff to provide a copy of this resolution to any applicant that contacts the County regarding a new CUP application for a Solar Facility.

I, Tracy M. Gee, do hereby certify that the foregoing writing is a true correct copy of a Resolution duly adopted by the Board of Supervisors of Lunenburg County, Virginia, by a vote of 5 to 0, as recorded below, at a regular meeting held on July 13, 2023.
with 2 abstaining

Tracy M. Gee
Clerk, Board of County Supervisors

	AYE	NAY	Abstain		AYE	NAY	Abstain
Dr. Bacon	<u>✓</u>	<u> </u>	<u>✓</u>	Mr. Pennington	<u>✓</u>	<u> </u>	<u> </u>
Mr. Edmonds	<u>✓</u>	<u> </u>	<u> </u>	Mr. Slayton	<u> </u>	<u> </u>	<u>✓</u>
Mr. Hankins	<u>✓</u>	<u> </u>	<u> </u>	Mr. Zava	<u>✓</u>	<u> </u>	<u> </u>
Mr. Hoover	<u>✓</u>	<u> </u>	<u> </u>				

Preliminary
Floodplain
Mapping Changes

Preliminary Floodplain Mapping **Changes**

Accessing Preliminary Change Maps:

- <https://arcg.is/0GuW8n0>
- <https://msc.fema.gov/fmcv>
 - Search Lunenburg County, VA, USA in the upper lefthand corner
- PDFs—
<https://hazards.fema.gov/femaportal/prelimdownload/>
 - Dropbox 1—Virginia
 - Dropbox 2—Lunenburg County
 - Select “Get Preliminary FEMA Map Products

Subsequent Documents

- Additionally, please review the attached documents on how to view the preliminary changes.

(A brief overview will be provided via PowerPoint at the meeting.)

Where Can I Find My Flood Maps?

The FEMA Map Service Center (MSC) is the official public source for flood hazard information: <https://msc.fema.gov/portal/home>

FEMA Flood Map Service Center

Looking for a Flood Map? 

Enter an address, a place, or longitude/latitude coordinates:

Enter an address, a place, or longitude/latitude coordinates

Search

Looking for more than just a current flood map?

Visit **Search All Products** to access the full range of flood risk products for community:

Enter an address
for location search

Search Results for LUNENBURG COUNTY ALL JURISDICTIONS

Click **Subscribe** to receive email notifications when products are updated. If you are a person with a disability, are blind, or have low vision, and need assistance, please contact a **map specialist**.

Please Note: Searching All Products by county displays all products for all communities within the county. You can refine your search results by specifying your specific jurisdiction location using the drop-down menus above.

 Effective Products (16) 
 Preliminary Products (29) 

Please note: Preliminary data are for review and guidance purposes only. By viewing preliminary data and maps, the user acknowledges that the information provided is preliminary and subject to change. Preliminary data, including new or revised FIRMs, FIS reports, and FIRM Databases, are not final and are presented on the MSC as the best information available at this time. Additionally, preliminary data cannot be used to state flood insurance policies or enforce the Federal mandatory purchase requirement. FEMA will remove preliminary data once effective data are available.

 Preliminary FIRM Panels (27) 
 Preliminary FIS Reports (1) 
 Preliminary FIRM Database (1)
 Pending Products (0)
 Historic Products (11) 
 Flood Risk Products (0)



FEMA

National Flood Hazard Layer

Visit <https://www.fema.gov/national-flood-hazard-layer-nfhl> for multiple options to view and download NFHL data.

Accessing the National Flood Hazard Layer

Map Service Center
Access localized National Flood Hazard Layer data by searching FEMA's Map Service Center.

Map Service Center

NFHL ArcGIS Viewer
Or you may view, download, and print graphical digital effective flood hazard data in an ArcGIS map.

NFHL Viewer

In the **NFHL Viewer**, you can use the address search or map navigation to locate an area of interest and the NFHL Print tool to download and print a full flood hazard data map. If you or FEMA is a subscriber, you can also utilize a series of advanced GIS web services. If you are not a subscriber, you can also utilize a series of advanced GIS web services. If you are not a subscriber, you can also utilize a series of advanced GIS web services.

You can also use the address search on the **NFHL Viewer** to locate an area of interest and the NFHL Print tool to download and print a full flood hazard data map. If you or FEMA is a subscriber, you can also utilize a series of advanced GIS web services. If you are not a subscriber, you can also utilize a series of advanced GIS web services.

FEMA also offers a download of a KMZ (Google mapping file) of the data, which overlays the data in Google Earth. For more information on using the data in Google Earth, see [Using the National Flood Hazard Layer Web Map Service \(NFHL\) in Google Earth](#).

Draft National Flood Hazard Layer

The **Draft National Flood Hazard Layer** is for early awareness of possible changes to regulatory flood map information. Until the data becomes effective and is applied in the National Flood Hazard Layer, the data cannot be used to issue flood insurance policies or enforce the federal mandatory purchase requirement.

Preliminary Flood Hazard Data

Preliminary flood hazard data provides the public an early look at their home or community's projected risk to flood hazards. Preliminary data may include new or revised flood insurance rate maps (FIRM), Flood Insurance Study (FIS) reports, and Flood Damage Prevention (FDP) studies. [View your community's preliminary flood hazard data.](#)

Pending Flood Hazard Data

Pending flood hazard data provides the public an early look at their home or community's projected risk to flood hazards. Pending data may include new or revised flood insurance rate maps (FIRM), Flood Insurance Study (FIS) reports, and Flood Damage Prevention (FDP) studies. [View your community's pending flood hazard data.](#)



How Did the Floodplain Map Change?

- FEMA R3 Changes Since Last FIRM (CSLF) Viewer:

<https://arcg.is/0GuW8n0>

- Change in Floodplain Extents:

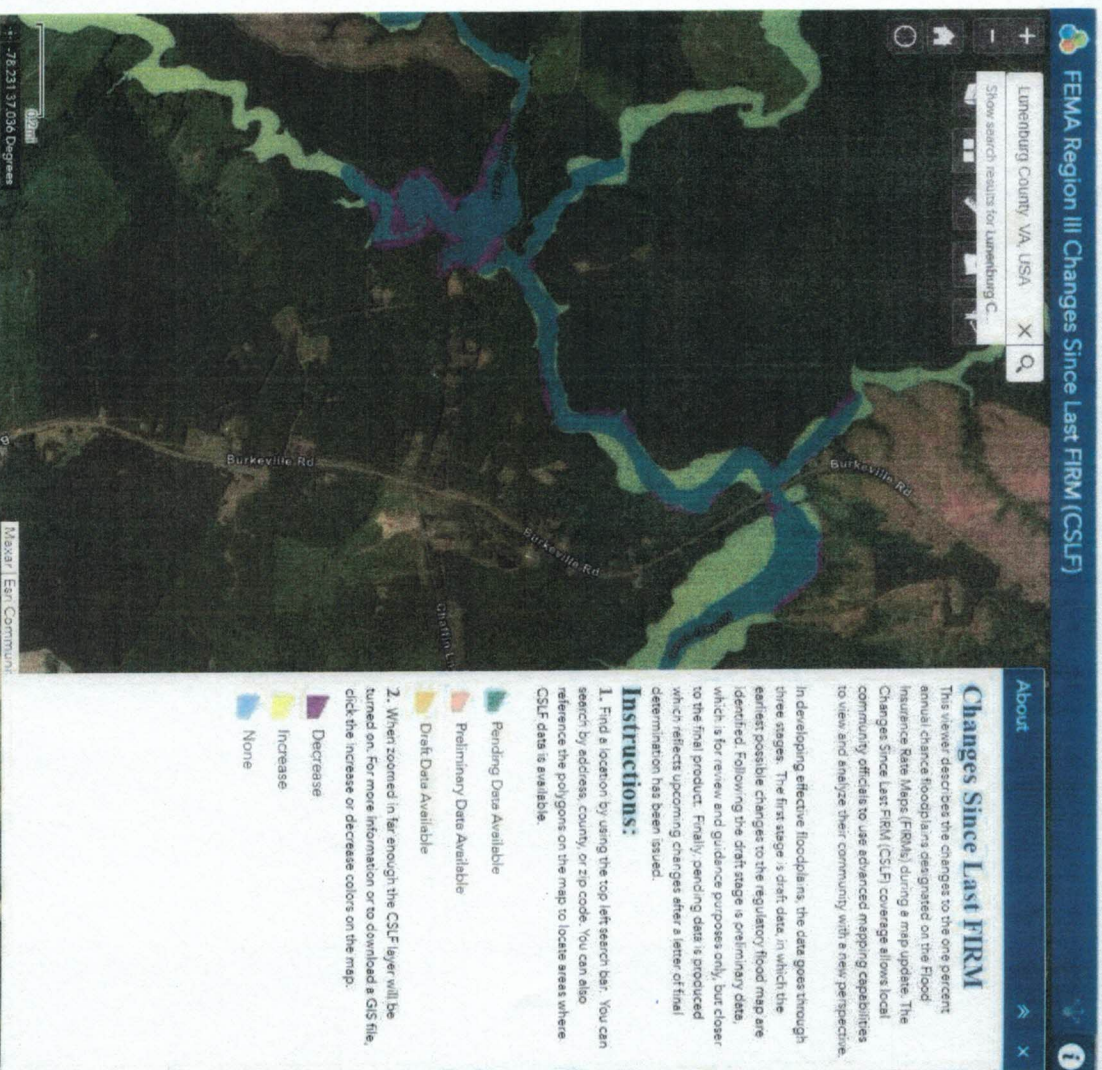
- *Purple* – Decrease
- *Blue* – Still Floodplain
- *Yellow* – Increase

- FEMA Flood Map Changes Viewer:

<https://msc.fema.gov/fmcy>



FEMA



County Attorney Update

Next Meeting

The next meeting is
scheduled for

Thursday,

September 7th, 2023,

at 7:00 p.m. If there

is a change in time,
you will be contacted
to determine if the
time change will suit
your schedule.