

**County of Appomattox
Department of Community Development
Staff Report**

To: Board of Supervisors
From: Johnnie Roark
Director of Community Development
Date: January 21, 2020
RE: Conditional Use Permit Application CUP190811-U S Cellular (applicant),
Emmette Drinkard (owner), Emilee Lauer (agent)

SYNOPSIS

US Cellular is requesting a conditional use permit to locate a 164' Wireless Communication Facility (WCF, cell tower) on property located off Piney Mountain Road in the Oakville community.

Specifics

Applicant: Emilee Lauer (agent), US Cellular
Property Owner: Emmette Drinkard
Current Use: Vacant/Wooded
Proposed Use: add Wireless Communication Facility (Height= 164')
Surrounding Uses: Sporadic Residential, Agricultural, Woodlands
Parcel Size: Approximately 73.7 acres (lease area of 100' X 100')
Zoning: A-1, Agricultural
Surrounding Zoning: A-1, Agricultural
Tax Map Number(s): 38 (4) E

BACKGROUND AND ANALYSIS

This property is located approximately 0.40 miles down Piney Mountain Road from the intersection of Oakville Road (Route 26). The applicant is proposing to build a 164' tall cell tower that will hold the cellular array. The leased area will be 100' X 100', with a 50' X 50' fenced area that will house the monopole and support equipment. The tower will provide a much needed boost to cellular and data service in this part of the county (see propagation maps). Route 26 (Oakville Road) has been identified as an area where additional cell towers are needed to fill in service gaps. This is one step towards filling that gap. This tower is part of a long-range plan by service providers to fill in gaps between Route 460 and Route 60. Earlier this year, a tower was approved off of Oak Ridge Road, just north of this site. Some of you will remember, approximately five years ago, several towers were constructed along Route 60 from Amherst to Richmond as part of the rural build-out program. In 2016, a tower was constructed in the Vera area as part of this Route 460/60 infill. Additional towers are planned for the western and southern portions of the county. This tower will be below the minimum required to be lighted.

As part of the information provided, you will find propagation maps that illustrate the need for this new structure. A balloon test has been conducted. Along Piney Mountain Road, the tower

will not be visible, except in the immediate vicinity (approximately 0.25 miles from the site). The site location on the property is approximately 960 feet south of the road. The site is wooded, however, several houses are nearby, the closest being approximately 600 feet away. Most dwellings are 700 to 1000 feet away. The site will be accessed by a 30' wide easement running from Piney Mountain Road. A small turnaround/parking area will be located just outside of the compound gate.

PROJECT IMPACTS

A balloon test has been conducted and you will find photo simulations in the packet. The tower compound will not be visible from Piney Mountain Road. The monopole design will reduce the profile of the tower and the non-reflective galvanized finish will help decrease the tower's visibility against the sky line. Due to the topography in the area, the tower will not be visible, except in the immediate area (within a quarter mile). From Route 26, the tower may be visible, but difficult to see.

TRANSPORTATION

Piney Mountain Road (Route 608) is a rural two-lane surface treated roadway. The Average Annual Daily Traffic (AADT) is 290 per the most recent VDOT traffic count (2018).

The proposed use will have little to no impact on the amount of traffic on this road once construction is complete.

ENVIRONMENTAL

The site will be subject to the County's Land Disturbance ordinance, Chapter 19.3 Erosion and Sediment Control. This ordinance will regulate the effective control of soil erosion and sedimentation deposits to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources **during construction activities**. The site will not be required to obtain a Virginia Stormwater Management Permit (VSMP) through the Virginia Department of Environmental Quality (VDEQ).

ZONING

In the Appomattox County Code, Section 19.6-2 states the purpose of the Zoning Ordinance: "The General Assembly of the Commonwealth of Virginia empowers the County to enact a zoning ordinance, and to provide for its administration, enforcement, and amendment; and the Board of Supervisors of Appomattox County deems it necessary, for the purpose of promoting the health, safety, convenience, and general welfare of the County to enact such an ordinance; and the Board of Supervisors of Appomattox County appointed a Planning Commission to recommend the boundaries of the districts and appropriate regulations to be enforced therein; and the zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for Appomattox County, and for the purpose of promoting the health, safety, and general welfare of the public and of further accomplishing the objectives and purposes of §15.2-2200, §15.2-2280 and

§15.2-2283 of the Code of Virginia (1950), as amended. To these ends, this ordinance is designed to

1. Provide for adequate light, air, convenience of access, safety from fire, flood, impounding structure failure, crime and other dangers;
2. Reduce or prevent congestion in the public streets;
3. Facilitate the creation of a convenient, attractive, and harmonious community;
4. Expedite the provision of adequate police and fire protection, disaster, evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, and other public requirements;
5. Protect against destruction of or encroachment upon historic areas; and
6. Protect against one or more of the following: overcrowding of land, undue densities of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, impounding structure failure, panic or other dangers;
7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
8. Provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
9. Encourage and accommodate affordable housing suitable for meeting the current and future housing needs of the County;
10. Protect surface water and groundwater resources;
11. Provide safety from crime;

The Code further states that the governing body of any county may by ordinance classify territory under its jurisdiction or any substantial portion thereof into districts of such number, shape, and size as it may deem best suited to carry out the purposes of such article, and in each district it may regulate, restrict, permit, prohibit, and determine the following:

12. The use of land, buildings, structures and other premises for agricultural, business, industrial, floodplain, and other specific uses;
13. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;
14. The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open space to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;
15. The excavation or mining of soil or other natural resources.”

The parcel are currently zoned A-1, Agricultural Zoning District. The proposed use, Wireless Communication Facility is a conditional use within the zoning district. A conditional use is a use that would not be permitted generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, or prosperity.

Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such uses are made in this ordinance. The Board of Supervisors reserves the right to grant conditional use permits.

Wireless Communication Facility is defined by the Appomattox County Zoning Ordinance as "A facility generally designed to provide or facilitate a link in a wireless communications system serving a specific area or region, typically consisting of any or all of the following: antenna arrays, microwave dishes, tower or monopole structures, equipment structures."

§19.6-92 Wireless Communications Facilities contains additional standards for the location of towers. Specifically, the following factors should be considered when reviewing a conditional use permit for a new tower:

- (1) Height of the proposed tower;
- (2) Proximity of the tower to residential structures and residential district boundaries;
- (3) Nature of the uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (7) Proposed ingress and egress;
- (8) Co-location policy;
- (9) Language of the lease agreement dealing with co-location;
- (10) Consistency with the comprehensive plan and the purposes to be served by Zoning;
- (11) Availability of suitable existing towers and other structures;
- (12) Need for tower because of gaps in wireless service to the proposed coverage area.

The surrounding land is all zoned A-1, Agricultural Zoning District. Most adjoining parcels are larger agricultural lots with sporadic housing. Along Piney Mountain Road are several homes at or near the 1000 foot buffer mark. The area is relatively undeveloped and rural in nature.

LAND USE

The Drinkard property (73.7 acres) has not generated any land use permits, therefore we are not aware of any previous land use activity on this parcel. The parcel was purchased by the Drinkard's in 1988. It was part of several large parcels created around the same period of time.

The surrounding land uses are mostly undeveloped woodland and agriculture, with some smaller parcels along Piney Mountain Road being utilized for single-family dwellings.

COMPREHENSIVE PLAN

Authority for local government planning in Virginia is contained in Title 15, Section 15.2-2223 through 15.2-2232 of the Code of Virginia. The current plan was prepared in accordance with these provisions. By state law, the plan shall be general in nature and is advisory in nature only. It does not possess the force of law, unlike the Zoning Ordinance and the Subdivision Ordinance.

The plan shall designate the approximate location, character, and extent of each feature shown and may indicate where existing lands or facilities are proposed to be extended, removed, relocated, vacated, narrowed, abandoned, or changed in use. The Comprehensive Plan does not supersede the existing zoning or associated regulations for any particular parcel within the county. The Code of Virginia only mandates that a community have a comprehensive plan. It does not mandate that the plan be implemented nor does the Code of Virginia mandate consistency between the plan and the implementation tools (Zoning and Subdivision Ordinances). The current Comprehensive Plan was updated in 2016 with a planning horizon of 2040. The plan is required to be reviewed every five (5) years.

Part of the Comprehensive Plan is the Growth Management section, which contains the Future Land Use Map (FLUM). The FLUM is a visual depiction of the preferred development pattern and is used to guide land use decisions. The FLUM designates this area as part of the Commercial Rural Preservation Area. These areas encompass land(s) with special natural characteristics that make their preservation in open space particularly important to the county's environmental health. These areas include active and passive farmland, stream or river areas, steep slopes, trails, forestland or other passive recreational areas.

Other goals in the 2016 Comprehensive Plan that may be relevant to this petition are:

Economic Development Goal: Attain an environmentally sound, diversified, and stable economy which improves the quality of life and lessens the tax burden of county residents and businesses.

Economic Development Objective 7: Enhance digital communications services throughout the county.

Growth Management Goal: Maintain and protect the rural and historical nature of the County while simultaneously encouraging controlled development in specified areas.

PLANNING CONSIDERATIONS

The Appomattox County Zoning Ordinance lists the following standards by which a conditional use should be evaluated.

- 1. Will be harmonious with and in accordance with the general objectives or with any specific objective of Appomattox Comprehensive Plan and/or this chapter.**
This use is a conditional use in the A-1, Agricultural Zoning District. The use furthers the general goals and objectives of the Comprehensive Plan.
- 2. Will be designed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity; and that such use will not change the essential character of the same area.**
The proposed use is being designed to mitigate any impact to the greatest extent. There are several homes near the 400 foot setback boundary but they are several hundred feet beyond this point. They may be impacted visually, but the location and the amount of tree cover should minimize any visual impact. However, the site does meet setback guidelines and the lower portion of the tower and compound will be obscured due to the existence of natural vegetation. The mature woods between the site compound and Piney Mountain Road will greatly reduce the visual impact in the immediate area.

3. **Will not be hazardous or disturbing to existing or future neighborhood uses.**
The proposed use will not be hazardous to the existing neighborhood. The use will greatly improve cellular/data availability in this portion of the county.
4. **Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.**
The impact on public facilities is negligible.
5. **Will not create excessive additional requirements at public costs for public facilities and services; and will not be detrimental to the economic welfare of the community.**
Use will not negatively impact public facilities or services. Use provides added benefit by possibly enhancing emergency services communication in the area. §19.6-92.9 (C) of the Zoning Ordinance requires the holder of the CUP to provide the County with co-location opportunities as a community benefit for radio and emergency services.
6. **Will have vehicular approaches to the property which shall be so designed so as not to create any interference with traffic on surrounding public streets or roads.**
Minimal traffic will be associated with this use.
7. **Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.**
The proposed use will not negatively impact natural, scenic or historic features based on the balloon test. The National Park is located approximately 5 miles from the proposed site and will not be impacted.

RECOMMENDED CONDITIONS

1. The wireless communication facility will be constructed in general conformance with the concept plan submitted with the application dated November 12, 2019 (concept plan dated November 8, 2019).
2. Tower height, including antennae, lightning rod and other appurtenances is limited to a maximum height of 164 feet from average grade.
3. A fifteen (15) foot buffer of existing pine trees/vegetation shall remain around the perimeter of the fenced compound area to block the view of the compound from Piney Mountain Road. Leyland Cypress or native pine trees shall be used to compliment/fill-in any areas deemed necessary upon final inspection of the Zoning Administrator. Said inspection shall occur prior to the issuance of a Certificate of Occupancy. Any new plantings shall be a minimum of six (6) feet tall at the time of the planting.

PLANNING COMMISSION ACTION

The Planning Commission held its regular meeting on December 12, 2019 where it conducted a public hearing for this petition. No one spoke either in favor or against the petition.

Following the public hearing, the Planning Commission voted unanimously (5-0, Conner & Mills absent) to recommend approval of the petition with the staff recommended conditions.

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BOARD OF SUPERVISORS ACTION

Staff has prepared a resolution with the recommendation of the Planning Commission for your review and consideration.

Zoning Application Submittal Package
USCOC of Virginia RSA #3, Inc. (US Cellular)

November 8th, 2019

Site Name: Oakville

Site Number: 765362

Point of Contact: Emilee Lauer – Old Dominion Professional Services

Phone: 540-580-5139

Email: emilee@odps-inc.com

Appomattox County

Department of Community Development
153A Morton Lane
P.O. Box 863
Appomattox, VA 24522
(434) 352-8183~Fax (434) 352-4214
www.appomattoxcountyva.gov



Development Application

- Conditional Use Permit
- Rezoning
- Conditional Rezoning
- Rezoning with concurrent Conditional Use Permit

General Information:

Conditional uses are uses, which are generally compatible with the other land uses in the zoning district, but require individual review for their intensity, location, design, and configuration. Conditions may be imposed by the Board of Supervisors in order to ensure the appropriateness of the use and to mitigate concerns that may otherwise make the use incompatible in the zoning district.

Conditional Use Permits may be approved upon a finding by the Board of Supervisors that the use will not be detrimental to the character and development of the adjacent land and will be in harmony with the purpose and intent of the Zoning Ordinance.

Rezoning, or the amendment to the zoning classification of a parcel, must be justified in need and effect on the property, surrounding property, and public services. The appropriateness of the change as it is set forth at the beginning of the zoning district classification shall be considered, as well as, the general planning program of the county and whether the rezoning will further the purposes of the zoning ordinance and the general welfare of the community.

Each application for Conditional Use and/or Rezoning is forwarded to the Planning Commission for consideration. The Planning Commission will hold a public hearing on the petition. The applicant or a representative is required to attend the public hearing. After the public hearing, the Planning Commission will make a recommendation and forward this recommendation to the Board of Supervisors.

The Board of Supervisors will hold a public hearing on the petition. The applicant or a representative is required to attend the public hearing. After the public hearing, the Board of Supervisors may approve or deny the petition. If the petition is a conditional use, the Board may impose conditions, which in its opinion will mitigate the impacts of the requested conditional use. If the petition is a rezoning, the applicant may voluntarily proffer conditions, which may mitigate the impacts of the rezoning petition. If proffers are voluntarily submitted this is known as a Conditional Rezoning.

General examples of some conditions that may be established are as follows:

- 1). Abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- 2). Provide for adequate parking, ingress and egress to public streets and roads.
- 3). Provide adjoining property with buffers or screening to mitigate visual or noise impacts.
- 4). Establish enhanced setbacks or require street/road improvements to mitigate traffic congestion related to this development.

Any previously approved conditional use permit may be revised by the Board of Supervisors following the same process of public hearings and recommendations.

Application Procedure:

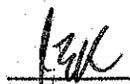
1. **Consultation with Planning Staff:** You are required to meet with County staff to discuss the feasibility of your request prior to submission.
2. **Completion of Application:** Fill out, sign and date the application form. If the applicant is not the property owner, attach a notarized letter of consent from the property owner authorizing the applicant to act as the owner's agent for the application.
3. **Boundary Survey:** The applicant must provide a copy of a boundary survey of the land for which the conditional use or rezoning is proposed.
4. **Adjacent Property Owners:** The applicant must provide the names and addresses for all adjacent property owners, including those immediately across the street(s) from the property. This list is used for the notification to the adjacent owners for the public hearing.
5. **Concept Plan:** A concept plan (minimum 8.5" X 11") is required in accordance with §19.6-45 of the Appomattox County Zoning Ordinance. The petitioner may prepare the Concept Plan or have a professional engineer, architect, or surveyor assist them. The plan shall meet the minimum standard, as described by the checklist on page 4 of this application.
6. **Impact Statements:** If necessary, the applicant is responsible for submitting impact statements with the application. Impact studies may address traffic volumes, public utility capacities, noise, dust, smoke emissions or any other relevant matter that may arise during the initial consultation with planning staff. A Traffic Impact Analysis (TIA) is required should the site meet the VDOT requirements for TIA's under 24 VAC 30-155.
7. **Planning Commission:** The Planning Commission will hold a public hearing and review the application in order to make a recommendation to the Board of Supervisors.

8. **Board of Supervisors:** The Board of Supervisors will hold a public hearing and review the application in order to make a decision on the request. In the case of a conditional use permit, the Board may attach any conditions necessary to insure that the proposal meets the specific and general standards for the proposed use.
9. **Application Fee:** Conditional Use Permit= \$200.00 Rezoning= \$300.00 Rezoning with concurrent Conditional Use Permit = \$500.00 Please make checks payable to Appomattox County Treasurer.

APPLICATION CHECKLIST

N/A Complete

- Consultation with Staff
- Project Information and Contacts
- Project Description
- Project Justification
- List of Adjoining Property Owners
- Impact Statements (if necessary)
- Owner's Authorization Letter (if necessary)
- Boundary Survey
- Concept Plan
- Certification and Statement of Understanding signature(s)

FOR OFFICIAL USE ONLY			
RECEIVED		CHECKED FOR COMPLETENESS	
<u>11/12/19</u> Date	 Initials	<u>11/14/19</u> Date	 Initials
		<input checked="" type="checkbox"/> Application fee paid <input checked="" type="checkbox"/> Application found to be complete <input checked="" type="checkbox"/> Application found to be incomplete	

Checklist for Concept Plan

In accordance with §19.6-45 of the Appomattox County Code, a Concept Plan is required for new development in every zoning district, including uses reviewed by the Planning Commission for conditional use or rezoning. A Concept Plan is a Site Development Plan drawn to slightly lesser detail that does not address impacts such as erosion and sediment control, landscaping or stormwater management. The petitioner may prepare the Concept Plan. However, the petitioner may opt to have the Concept Plan prepared by a professional engineer, architect, or land surveyor registered by the Commonwealth of Virginia, depending on the complexity of the project, or if the petitioner cannot provide a level of detail needed for the Planning Commission to adequately evaluate the project.

N/A Complete

- Date of drawing
- North Arrow
- Scale
- Legend of all symbols used
- Location/vicinity map showing the general location
- Boundary lines of the property covered by the application
- Name and Address of property owner, applicant and person preparing the drawing
- Tax Map Identification Number
- Tax Map Identification Number and name(s) of adjoining property owners
- Current and proposed land use
- Current zoning district of parcel and adjoining parcels
- Names, Route Numbers, location of streets adjacent to or within the development
- Access point(s), driveways, crossovers, etc.
- Parking accommodations, including number of spaces and Handicapped spaces, loading spaces, or aisles
- Building(s) location, setbacks, height of building(s) for proposed and/or existing building(s)
- Location of proposed signs, utilities, lighting
- Buffer yards, screening, or fencing

 9SL Applicant/Agent/Professional Initial(s) to acknowledge checklist items are provided.

PROJECT INFORMATION

Note: If the applicant is not the property owner, then an owner's authority letter must be submitted with the application.

<u>Oakville - 765362</u>	<u>A-1</u>
PROJECT NAME	ZONING
<u>Piney Mountain Road</u>	DISTRICT
ADDRESS, IF AVAILABLE, OR STREET LOCATION	<u>73.7</u>
	TOTAL SITE
<u>38 4 E</u>	ACRES
TAX MAP IDENTIFICATION NUMBER	

APPLICANT/AGENT				<input checked="" type="checkbox"/> Agent
<u>US Cellular (Agent: Emilee Lauer)</u>				<input checked="" type="checkbox"/> Primary Contact
NAME	<u>3806 Thirlane Rd</u>	<u>Roanoke</u>	<u>VA</u>	<u>24019</u>
ADDRESS	CITY	STATE	ZIP	
<u>540-580-5139</u>	<u>emilee@odps-inc.com</u>			
PHONE	EMAIL			

OWNER (IF DIFFERENT)				<input type="checkbox"/> Same As Applicant
<u>Emmette Drinkard</u>				
NAME	<u>176 Fairfax Circle</u>	<u>Madison Heights</u>	<u>VA</u>	<u>24572</u>
ADDRESS	CITY	STATE	ZIP	
<u>434-660-9648</u>				
PHONE	EMAIL			

PROFESSIONAL (ENGINEER, SURVEYOR, ETC.)				<input checked="" type="checkbox"/> Primary Contact
<u>Jeremy Wooster</u>				<u>Tower Engineering Professionals</u>
NAME	<u>326 Tryon Rd</u>	<u>Raleigh</u>	<u>NC</u>	<u>27603</u>
ADDRESS	CITY	STATE	ZIP	
<u>919-808-9454</u>	<u>jkwooster@tepgroup.net</u>			
PHONE	EMAIL			

PROJECT DESCRIPTION

CURRENT ZONING DISTRICT: A-1

IF REZONING, PROPOSED ZONING DISTRICT: N/A

CURRENT LAND USE: Undeveloped Parcel

PROPOSED LAND USE: Wireless Communications Facility

PLEASE DESCRIBE THE PROJECT IN DETAIL:

US Cellular is proposing to build a new wireless facility. Tower to be a 160' Monopole with a 4' lightning rod totaling 164'. To be housed in a 50' x 50' lease area with a 30' access and utility easement including a turn around area. Tower will allow for three additional carriers to colocate. Lease area has existing vegetation to provide a natural landscape.

PROFFERS: (IF CONDITIONAL REZONING)

The applicant may proffer, in writing, reasonable conditions in addition to the requested zoning district regulations. All proffered conditions must be in writing, signed, and presented prior to the start of the Board of Supervisor's public hearing.

Are proffers being proposed? YES NO

(If yes, please submit proffer statement to staff.)

JUSTIFICATION

The Planning Commission and Board of Supervisors will study the request to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Attach additional information, if necessary.

Please explain how the request furthers the purpose of the Zoning Ordinance and the zoning district classification for which the project is proposed. You may find a copy of the Appomattox County Zoning Ordinance at www.appomattoxcountyva.gov, navigate to the Community Development Page.

See Next Page

Please explain how the project conforms to the general guidelines and policies contained in the Appomattox County Comprehensive Plan. You may find a copy of the plan at www.appomattoxcountyva.gov, navigate to the Community Development page.

See Next Page

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as, impact(s) on the public services and facilities, including water, sewer, roads, schools, parks/recreation, and fire/rescue.

See Next Page

Justification

1. This request follows along with all requirements as listed in the Appomattox County Zoning Ordinance. The proposed site will lie on an A-1 zoned property, located in Zoning District 2. Per the ordinance this proposed tower will be required to obtain a conditional use permit. Design of site has followed along with the ordinance to ensure it meets all requirements and benefits the residents of the County.
2. Proposed monopole was designed and planned right along with the County Ordinance Tower is designed to be least visibly intrusive and blend in with its natural surroundings. We were careful to avoid any areas near the historical areas of the County. Due to the increased use of data, calls, and texts towers are becoming overloaded, causing new towers to be built. This tower will also allow for space for colocation by three other carriers. FAA and FCC fillings are not required due to height of tower, in which it will also not be required to have any artificial lighting. Existing trees and vegetation on the property provide a natural screening, completely hiding the proposed compound. No ground equipment will be visible from any roads or residents. All setbacks were met ensuring tower will be setback over the required 110% from all property lines, and 400' from all neighboring dwellings. Proposed 50' x 50' compound will be completely enclosed by an eight-foot-tall security fence.
3. There will be no negative impacts to anyone or anything in the surrounding areas. All federal and local requirements were met for the proposed site. US Cellular follows all necessary guidelines when building new sites. The new tower will help provide better coverage to the public for their daily lives along with helping in any unfortunate emergencies. All other items including water, sewer, roads, schools, parks, and fire/rescue will have no negative impacts from the proposed tower. Road access to proposed tower is designed properly and will be ran through VDOT for an entrance permit.

RIGHT OF ENTRY AND TESTING

This Right of Entry and Testing Agreement ("Agreement") is made as of the 20th day of June, 2019, between USCOC of Virginia RSA #3, Inc., a Virginia corporation ("Applicant") and Emmette Drinkard, ("Owner").

THAT WHEREAS, Owner has a fee interest in certain property located at Piney Mountain Road located in the City of Appomattox, County of Appomattox, Commonwealth of Virginia; and

WHEREAS, Applicant is considering leasing a portion of the Property from Owner and desires to conduct certain due diligence on the Property and Owner is willing to grant permission to Applicant to enter onto the Property as stated herein in order for Applicant to determine the viability and feasibility of the Property for Applicant's proposed purposes.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Owner grants to Applicant, its contractors, agents, employees and assigns a right of entry and license to enter upon the Property in order to conduct certain due diligence of the Property, including but not limited to surveying, site assessments, soil tests, microwave frequency tests, ground water sampling and analysis or any other tests that Applicant may reasonably deem appropriate in order to evaluate the Property for the potential location of a telecommunications tower and ancillary equipment or use. Applicant will choose the locations of the sampling points and will take reasonable precautions to minimize the impact of the work on the Property. Applicant shall be responsible for any and all costs related to Applicant's activity at the Property, including installation, operation, and removal of equipment on the Property. Any entry or activity on the Tower by Applicant shall be coordinated in advance with Owner and shall be subject to Owner's approval.
2. Applicant agrees to comply with all local, state and federal laws, rules and ordinances applicable to its due diligence activities, and further agrees to exercise due care in the performance of all activities on the Property. Applicant will be responsible for determining the location of all underground utilities prior to the commencement of any sub-surface testing.
3. Applicant will restore the Property substantially the same condition that existed prior to Applicants entry on the Property, reasonable wear and tear excepted.

4. To the extent permitted by law, Applicant agrees to defend, indemnify and save harmless Owner from and against all claims, losses, costs, expenses, or damages from a third party, arising from:
 - (i) The negligence, willful misconduct or strict liability of Applicant, or its agents, employees, or contractors; or
 - (ii) Any material breach by Applicant of any provision of this Agreement.

This indemnity and hold harmless agreement will include indemnity against all reasonable costs, expenses, and liabilities incurred in or in connection with any such claim, and the defense thereof. Notwithstanding the foregoing, Applicant will have no liability to Owner to the extent any claims, losses, costs, expenses, or damages arise out of or result from any act, omission, or negligence of Owner, or of Owner's agents, employees or contractors.

5. Applicant will not be liable to Owner or any third party on account of any pre-existing defect or condition on or with respect to the Site, whether or not such defect or condition is disclosed by Applicant's inspection
6. The term of this Agreement shall be for a period of four (4) months from the date hereof or until the parties enter a Deed of Lease including all the Property, whichever is earlier, provided, however, that Owner may terminate this Agreement in the event Applicant breaches any term of this Agreement.
7. This Agreement constitutes the entire understanding between the parties with respect to the activities contemplated by this Agreement. All prior agreements or understandings, whether oral or written, are superseded. Owner acknowledges that this Agreement does not constitute an offer to lease the property and that the decision of the viability of the Property for Applicant's purposes shall be at the Applicant's sole discretion.
8. Owner covenants and warrants to Applicant that Owner presently owns the fee simple interest in and to the Property; that Owner is duly authorized and empowered to enter into this Agreement; and that the person executing this Lease on behalf of Owner warrants himself to be duly authorized to bind the Owner hereto.
9. This Agreement is governed by the laws of the State in which the Property is located.

[END OF AGREEMENT – SIGNATURE PAGE TO FOLLOW]

Site Name: Appomattox DT

Site Number: 765358

IN WITNESS WHEREOF, the parties hereto bind themselves to this Agreement as of the date of full execution.

APPLICANT: USCOC of Virginia RSA #3,
Inc.

OWNER(S): Emmette Drinkard

By: Scarborough, Jon Digitally signed by Scarborough, Jon
DN: cn=Scarborough, Jon
Date: 2019.06.20 06:42:45 -04'00'

By: Emmette Drinkard

Printed: Jon Scarborough

Printed: EMMETTE DRINKARD

Title: Project Manager

Title: Owner

Date: _____

Date: 06-14-19

OWNER'S AUTHORITY LETTER

STATE OF VIRGINIA

CITY/COUNTY OF Appomattox

This 3rd day of November, 2019

I, Emmette Drinkard, the owner of

38 A 100A, Piney Mountain Road
(Describe land by Parcel Identification Number, address, etc.)

make, constitute, and appoint Emilee Lauer (ODPS, Inc.) my true and lawful agent and in my name, place, and stead giving unto said person full power and authority to do and perform all acts and make all representation necessary, without any limitations whatsoever, to make application for said rezoning/conditional use permit.

(circle one)

The right, powers, and authority of said agent herein granted shall commence

and be in full force and effect on 11/1/19, and shall
(date)

remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested, is received by the Appomattox County Department of Community Development stating that the terms of this power have been revoked or modified.

Emmette B. Drinkard
Owner

COMMONWEALTH OF VIRGINIA:

City
County of Lynchburg

Subscribed and sworn to before me this 3rd day of November 2019, in my County and State aforesaid, by the aforementioned Principal.

Ramy L. Johnson #205021
Notary Public

My Commission Expires: 10-31-23

LIST OF ADJOINING PROPERTY OWNERS

The applicant is required to provide a list of owners as shown on the current real estate tax assessment books of all abutting properties and properties immediately across the street or road from the property to be rezoned or issued a Conditional Use Permit. This information can be found at the Commissioner of Revenue's office or by utilizing the County's GIS website. If necessary, use additional pages.

<u>38 4 E1</u>	<u>Joseph + Mary Caruso</u>	
Tax Map Number	Name	
<u>434 Piney Mountain Rd</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

<u>38 4 D</u>	<u>William + Marietta Irby</u>	
Tax Map Number	Name	
<u>336 Piney Mountain Rd</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

<u>38 4 D2</u>	<u>Tony + Debra Short</u>	
Tax Map Number	Name	
<u>418 Piney Mountain Rd</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

ADJOINING PROPERTY OWNERS CONTINUED

<u>38 A 89</u>	<u>Circle C Farms LLC</u>	
Tax Map Number	Name	
<u>181 Dean Johns Pl</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

<u>39 A 33</u>	<u>Cash Shane Scott</u>	
Tax Map Number	Name	
<u>569 Dean Johns Pl</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

<u>38 A 98 + 38 A 99</u>	<u>Stephen + Devonne Godsey</u>	
Tax Map Number	Name	
<u>P.O. Box 1031</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

ADJOINING PROPERTY OWNERS CONTINUED

<u>38 A 100B</u>	<u>Marvin & Melissa Marks</u>	
Tax Map Number	Name	
<u>618 Piney Mountain Rd</u>		
Mailing Address (Street, Post Office Box)		
<u>Appomattox</u>	<u>VA</u>	<u>24522</u>
City	State	Zip

<u>38 A 100A</u>	<u>Kathryn Beeson</u>	
Tax Map Number	Name	
<u>3205 Armory Ct</u>		
Mailing Address (Street, Post Office Box)		
<u>Fairfax</u>	<u>VA</u>	<u>22030</u>
City	State	Zip

Tax Map Number	Name	
Mailing Address (Street, Post Office Box)		
City	State	Zip



U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

EXISTING VIEW FROM LOCATION 1

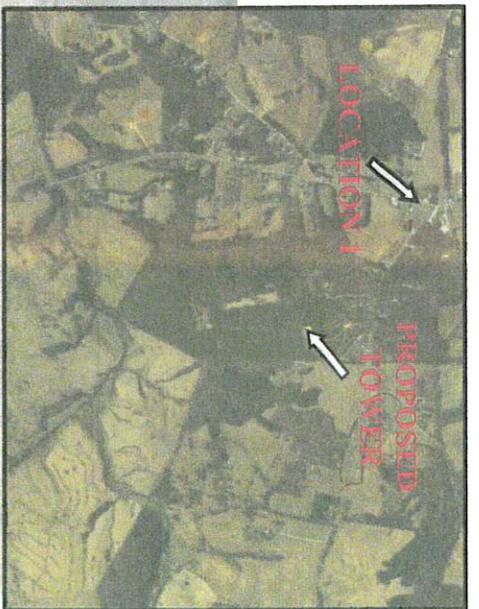


PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

PROPOSED VIEW FROM LOCATION 1

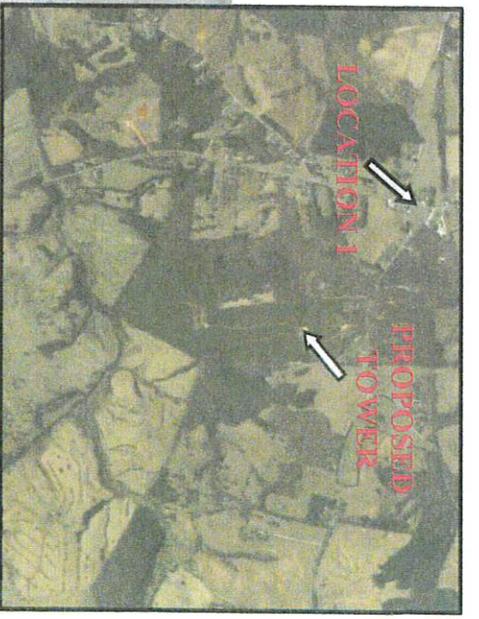


PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

EXISTING VIEW FROM LOCATION 2

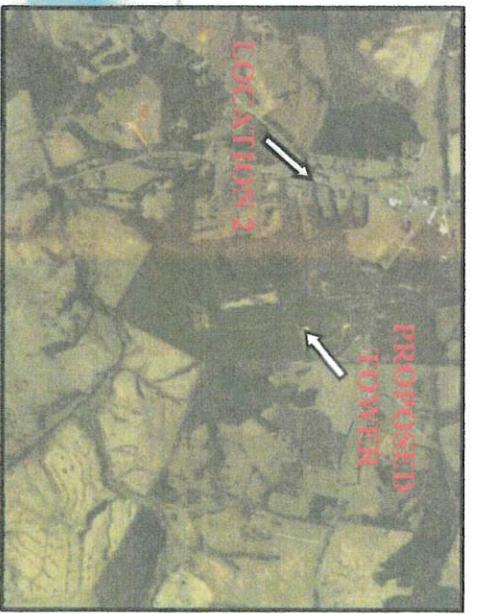


PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

PROPOSED VIEW FROM LOCATION 2

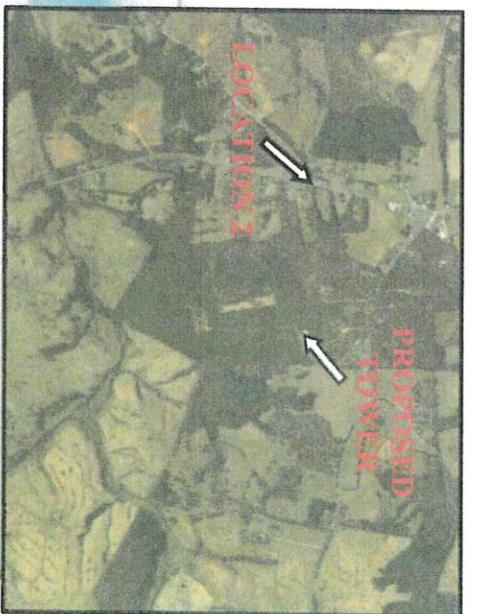


PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

EXISTING VIEW FROM LOCATION 3



PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





U.S. Cellular

Proposed Monopole
Piney Mountain Rd
Oakville, VA 24522
(Appomattox County)

**PROPOSED VIEW FROM LOCATION 3
(TOWER NOT VISIBLE)**

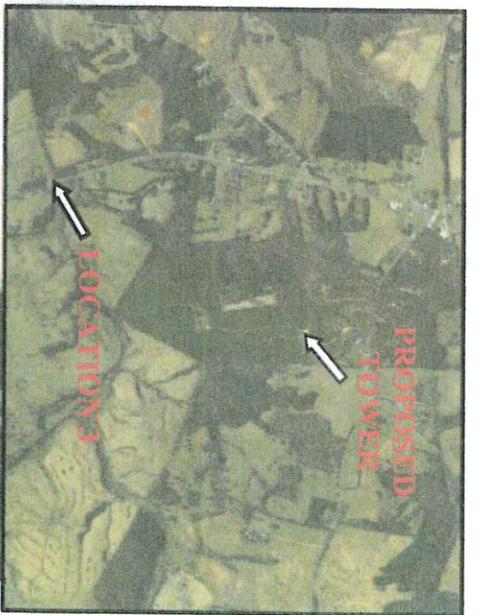
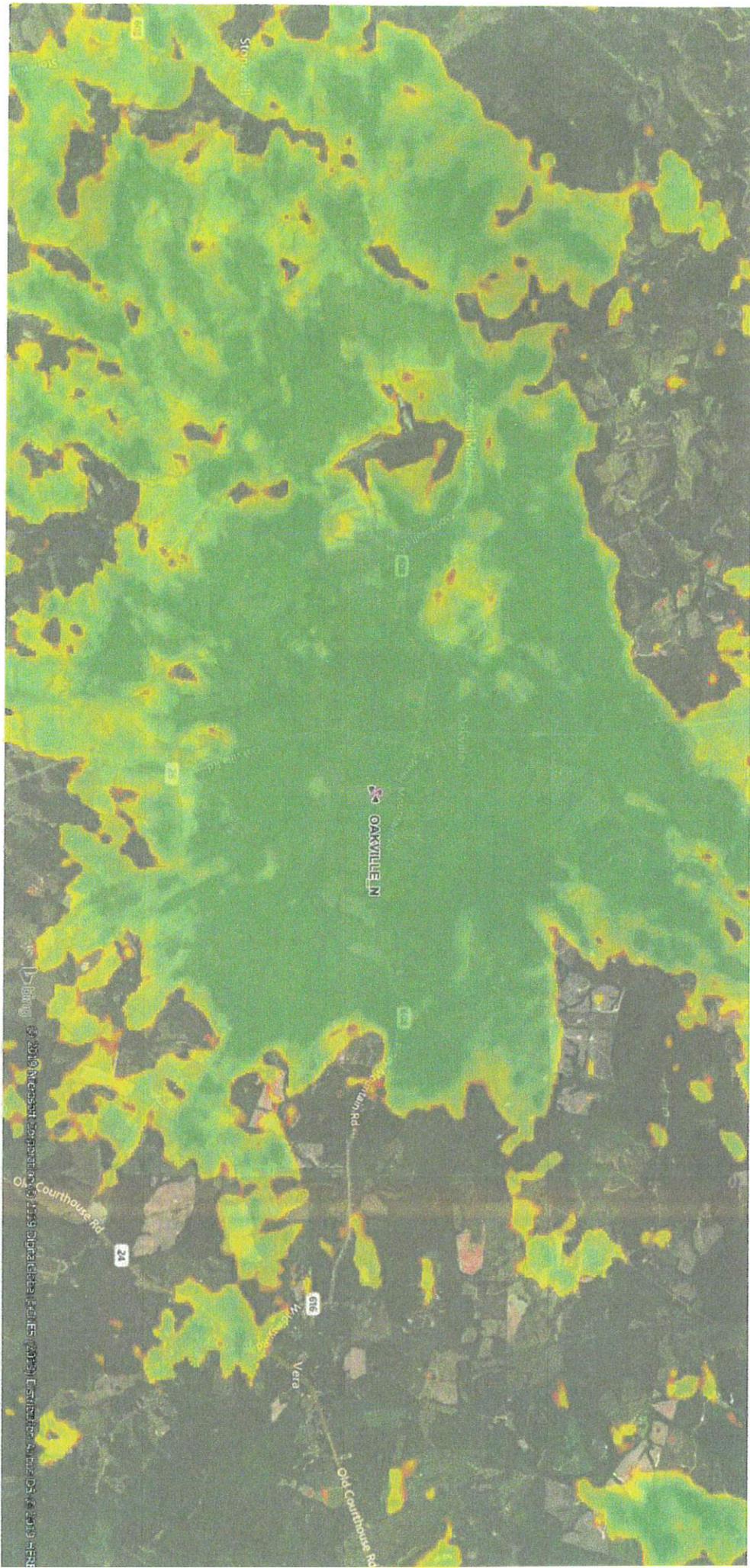


PHOTO RENDERING BY TOWER ENGINEERING PROFESSIONALS, INC.





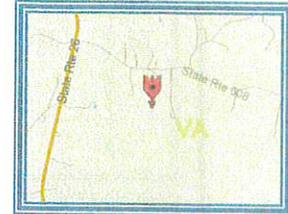
OPINION LETTER

July 19, 2019

FAA and FCC notification not required

Kathy Mayhew
US Cellular Corporation
3806 Thirlane Road, NW
Lynchburg, VA 24019

RE: **765362 - Oakville, VA Airspace Analysis**
Latitude (NAD-83): 37° 25' 37.05" N
Longitude (NAD-83): 78° 50' 57.36" W
Ground Elevation: 738.0 ft AMSL
Tower tip height: 164.0 ft AGL
Overall height: 902.0 ft AMSL



Dear Ms. Mayhew,

Our airspace analysis results for the 765362 - Oakville, VA site are as follows:

1. **Per AIRSPACE, filing an FAA Form 7460-1 is not required for the proposed height of 164.0 ft AGL (902.0 ft AMSL). The maximum allowable height for not filing an FAA Form 7460-1 is 200 ft.**
2. **FCC's TOWAIR Determination indicates that this Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided. The maximum allowable height is for not filing for an ASR is 200 ft AGL.**
3. The FAA Form 7460-1 for 765362 - Oakville, VA at 164.0 ft AGL was not filed as of July 22, 2019.
4. The proposed site is 13.12 nm East from the nearest public landing facility – W24: Falwell. At an overall height of 902.0 ft AMSL, it does not exceed FAR 77.9 (a) or FAR 77.9 (b) Notice Criteria for W24 airport. The W24 airport has both Circling and Straight-In Instrument approach procedures. It does not exceed any glide slopes of W24 airport. W24: Falwell is an airport type landing facility associated with the city of Lynchburg, VA.
5. The proposed site is not within any of the instrument approach procedures of W24 airport.
6. The nearest private landing facility is 10VA: Nashs, which is an airport type landing facility not eligible for study under FAR Part 77 sub-Part C. It is 3.00 nm SE from the proposed site.
7. The proposed 164.0 ft AGL tower would not adversely affect low altitude en route airways and/ or VFR routes in the area.
8. No records were found for AM stations within 10 km of the proposed site location. As noted per the FCC AM Tower Locator and per FCC regulation 13-115, Section 1.30002, the structure will not require a "Proof of Performance" measurement study before and after construction.
9. Marking and lighting are not required for the proposed height of 164.0 ft AGL.
10. All Wireless Applications Corp. analyses are based on the latest AIRSPACE, FAA Notice Criteria Tool and FCC TOWAIR programs.

If you have any questions, please do not hesitate to call.

Thank you.

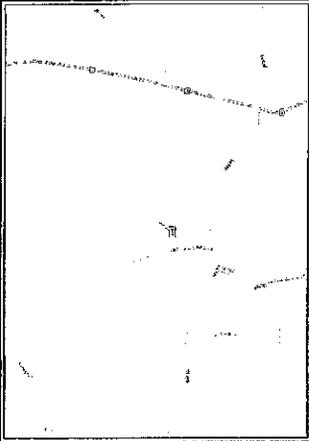
Ronald W. Lageson, Jr.
425-643-5000 (office)
425-649-5675 (fax)



STATE LOCATION



SITE LOCATION



DRIVING DIRECTIONS

FROM US95 (791 COURT ST. APPROXIMATELY VA 24422) TRAVEL ON COURT ST TOWARD CONFEDERATE BLVD FOR 361 FT. TURN LEFT ONTO CONFEDERATE BLVD. CONFEDERATE BLVD BECOMES OAKVILLE RD US 95 FOR 0.4 MI. TURN RIGHT ONTO ROAD TO SITE. THE SITE WILL BE ON YOUR RIGHT. IMMEDIATELY FOLLOWING PINEY MOUNTAIN RD ON LEFT.

PROJECT TEAM

PROJECT CONTACT:
 U.S. CELLULAR CORPORATION
 3606 THIRLANE ROAD NW
 ROANOKE, VA 24019
 CONTACT: JIM SCARBOROUGH
 PHONE: (840) 561-2270

TOWER OWNER:
 U.S. CELLULAR CORPORATION
 3606 THIRLANE ROAD NW
 ROANOKE, VA 24019
 CONTACT: JIM SCARBOROUGH
 PHONE: (840) 561-2270

CIVIL ENGINEER:
 TOWER ENGINEERING PROFESSIONALS, INC.
 326 W. MAIN ST.
 RALEIGH, NC 27603-3530
 CONTACT: GRAHAM M. ANDRES, P.E.
 PHONE: (919) 661-6351

ELECTRICAL ENGINEER:
 TOWER ENGINEERING PROFESSIONALS, INC.
 326 W. MAIN ST.
 RALEIGH, NC 27603-3530
 CONTACT: GRAHAM M. ANDRES, P.E.
 PHONE: (919) 661-6351

**PROPOSED 160-FT MONOPOLE
 (164-FT OVERALL HEIGHT)
 OAKVILLE
 SITE NUMBER:
 7653362
 SITE ADDRESS (B911 TO BE DETERMINED):
 PINEY MOUNTAIN ROAD
 OAKVILLE, VA 24522
 (APPOMATTOX COUNTY)**

INDEX OF SHEETS

NO.	SHEET/TITLE	REV.
T-1	TITLE SHEET	2
C-1	SITE PLAN	2
C-2	COMPOUND DETAIL	2
C-3	TOWER ELEVATION	2
C-4ABC	CABINET DETAILS	2
C-5	FENCE BRIDGE DETAILS	2
C-6	FENCE DETAILS	1
C-7	SIGNAGE DETAILS	2
C-8AD	SOIL & EROSION CONTROL PLAN, SILT FENCE, & CULVERT DETAILS	2
C-9	GROUND ELEVATIONS	2
C-10	ANTENNA MOUNTING DETAILS	2
C-11	GROUND MOUNTING DETAILS - SEPARATIONS	2
C-12	MICROWAVE MOUNTING DETAILS	2
C-13	PIPE PLUMBING - RACK PLAN	2
C-14AB	LABELING STANDARDS I & II	2
E-1	EQUIPMENT CANS/BOX ELEVATION/DETAIL	1
E-2	ONE LINE AND POWER SERVICE RACK SCHEMATIC	2
E-3	POWER TIE/CO PLAN	2
E-4	EQUIPMENT RACK SERVICE RACK DETAILS	2
E-4.5	GROUNDING & EQUIPMENT GROUNDING PLANS	2
N-1	PROJECT NOTES	1

PROJECT INFORMATION

LATITUDE: N 37° 25' 37.051" *
LONGITUDE: W 78° 50' 57.286" *
GROUND ELEVATION: 738.7 ± (AMSL) *
 * SURVEYING & MAPPING PROVIDED BY BLUE RIDGE SURVEYING & MAPPING, INC. DATED JULY 18, 2019.

TOWER TYPE: 160 MONOPOLE (164 OVERALL)
LOADING TYPE: 474R
ACCESS ISSUES: N/A
GATE COMBO: 8722

STRUCTURAL NOTE

STRUCTURAL STATUS:
 • MOUNT SA - N/A
 • TOWER SA - N/A

SCOPE OF WORK

TOWER SCOPE:
 (1) DESIGN, CONSTRUCTION, AND INSTALLATION OF APPROVED EQUIPMENT.
 (2) DESIGN, CONSTRUCTION, AND INSTALLATION OF APPROVED EQUIPMENT.
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 (100) DESIGN, CONSTRUCTION, AND INSTALLATION OF APPROVED EQUIPMENT.

PLANS PREPARED FOR:

U.S. Cellular
 USCCO OF VIRGINIA RSA #3, INC.
 3606 THIRLANE ROAD NW
 ROANOKE, VA 24019

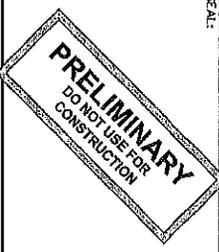
PROJECT INFORMATION:

OAKVILLE
SITE #: 7653362
 PINEY MOUNTAIN ROAD
 OAKVILLE, VA 24522
 (APPOMATTOX COUNTY)

PLANS PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
 326 W. MAIN ST.
 RALEIGH, NC 27603-3530
 OFFICE: (919) 661-6351
 WWW.TEPGROUP.NET

SCALE:



SHEET TITLE:

TITLE SHEET

SHEET NUMBER: T-1
REVISION: 2
 DRAWN BY: GSW
 CHECKED BY: GJB
 DATE: 10-15-19
 ISSUED FOR: PRELIMINARY



Know what's below. Call before you dig.

NOTES:

1. PROPOSED CABLES TO BE RUN AS PER SPECIFICATIONS OF PASSING STRUCTURAL ANALYSIS. IF PROPOSED CABLES TO BE RUN INSIDE TOWER USING HOISTING GRIPS (AS DIRECTED BY TOWER MANUFACTURER).
2. TOWER ELEVATION SHOWN FOR REFERENCE ONLY. VERIFY ACTUAL TOWER DESIGN & LOADING PASSING STRUCTURAL ANALYSIS PRIOR TO CONSTRUCTION.
3. CONTRACTOR TO VERIFY PROPOSED LOADING WITH PASSING STRUCTURAL ANALYSIS PRIOR TO CONSTRUCTION. CONTACT USOC IN THE EVENT OF ANY DISCREPANCIES.

EUPEN HYBRID CABLE LENGTH

PROPOSED RAYCAP QUANTITY AT GROUND LEVEL:	2
ICE BRIDGE LENGTH:	18'-FT
RAYCAP CENTERLINE + 20'-FT BUFFER:	175'-FT
TOTAL ESTIMATED LENGTH OF HYBRID CABLE:	193'-FT
TOTAL EST. LENGTH OF HYBRID CABLE (ROUNDED UP):	200'-FT

JUMPER INFO

FIBER/POWER JUMPER LENGTH FROM RAYCAP TO RRU			
BAND 5	BAND 2/4	BAND 71/12	
ALPHA SECTOR:	5-M (16.4FT)	5-M (16.4FT)	5-M (16.4FT)
BETA SECTOR:	5-M (16.4FT)	5-M (16.4FT)	5-M (16.4FT)
GAMMA SECTOR:	5-M (16.4FT)	5-M (16.4FT)	5-M (16.4FT)

1/2" JUMPER FROM RRU TO ANTENNA

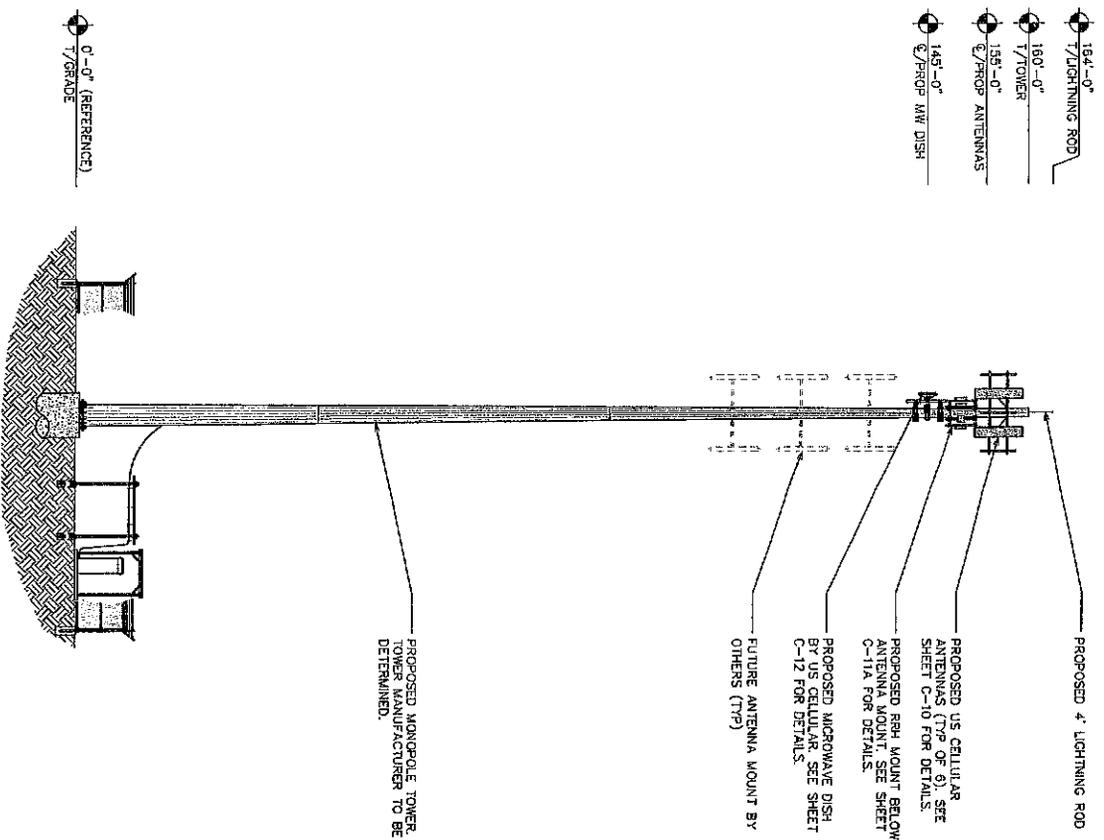
BAND 5	BAND 2/4	BAND 71/12
ALPHA SECTOR:	25'-FT	25'-FT
BETA SECTOR:	25'-FT	25'-FT
GAMMA SECTOR:	25'-FT	25'-FT

RET JUMPER INFO

RRU TO ANTENNA			
BAND 5	BAND 71/12		
ALPHA SECTOR:	10-M (32.8FT)	10-M (32.8FT)	
BETA SECTOR:	10-M (32.8FT)	10-M (32.8FT)	
GAMMA SECTOR:	10-M (32.8FT)	10-M (32.8FT)	

TOWER ELEVATION

SCALE: 1" = 20'



PLANS PREPARED FOR:
U.S. Cellular
 USOC OF VIRGINIA BEA #3, INC.
 3905 THIRLANE ROAD NW
 ROANOKE, VA 24019

PROJECT INFORMATION:
OAKVILLE
 SITE #: 765362
 PINEY MOUNTAIN ROAD
 OAKVILLE, VA 24522
 (APPROXIMATE COUNTY)

PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
 326 TRYON ROAD
 RALEIGH, NC 27603-3530
 OFFICE (919) 861-6361
 www.towereng.com

SEAL:
PRELIMINARY
 DO NOT USE FOR CONSTRUCTION

2	11-08-19	PRELIMINARY
1	10-15-19	PRELIMINARY
0	09-20-19	PRELIMINARY
REV	DATE	ISSUED FOR:
DRAWN BY: GJM		CHECKED BY: GJB

SHEET TITLE:
TOWER ELEVATION
 SHEET NUMBER: **C-3** REVISION: **2**
 TEP #: 230436

CUP1908011



November 21, 2019

pointLayer

- Override 1

polylineLayer

- Override 1

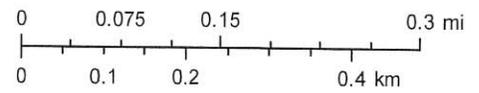
▭ Parcels

- Structure

Structure Label

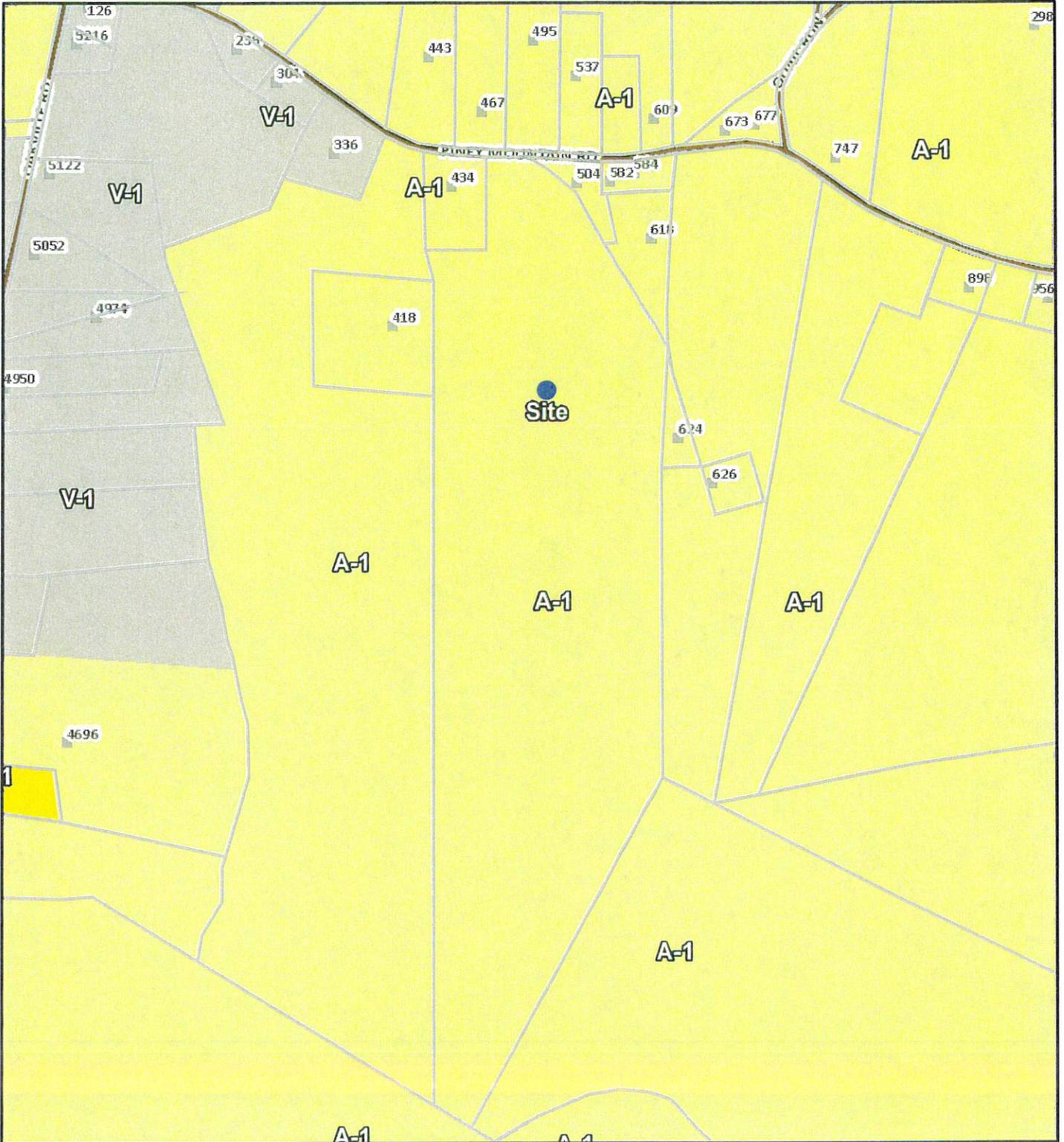
- Centerlines
- ▭ Town Boundary
- ▭ County Boundary

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Virginia Geographic Information Network (VGIN)

Zoning_CUP1908011



December 3, 2019

1:9,028

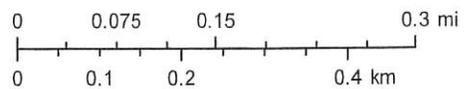
pointLayer

- Override 1
- Parcels
- Structure
- Structure Label
- Centerlines

Zoning

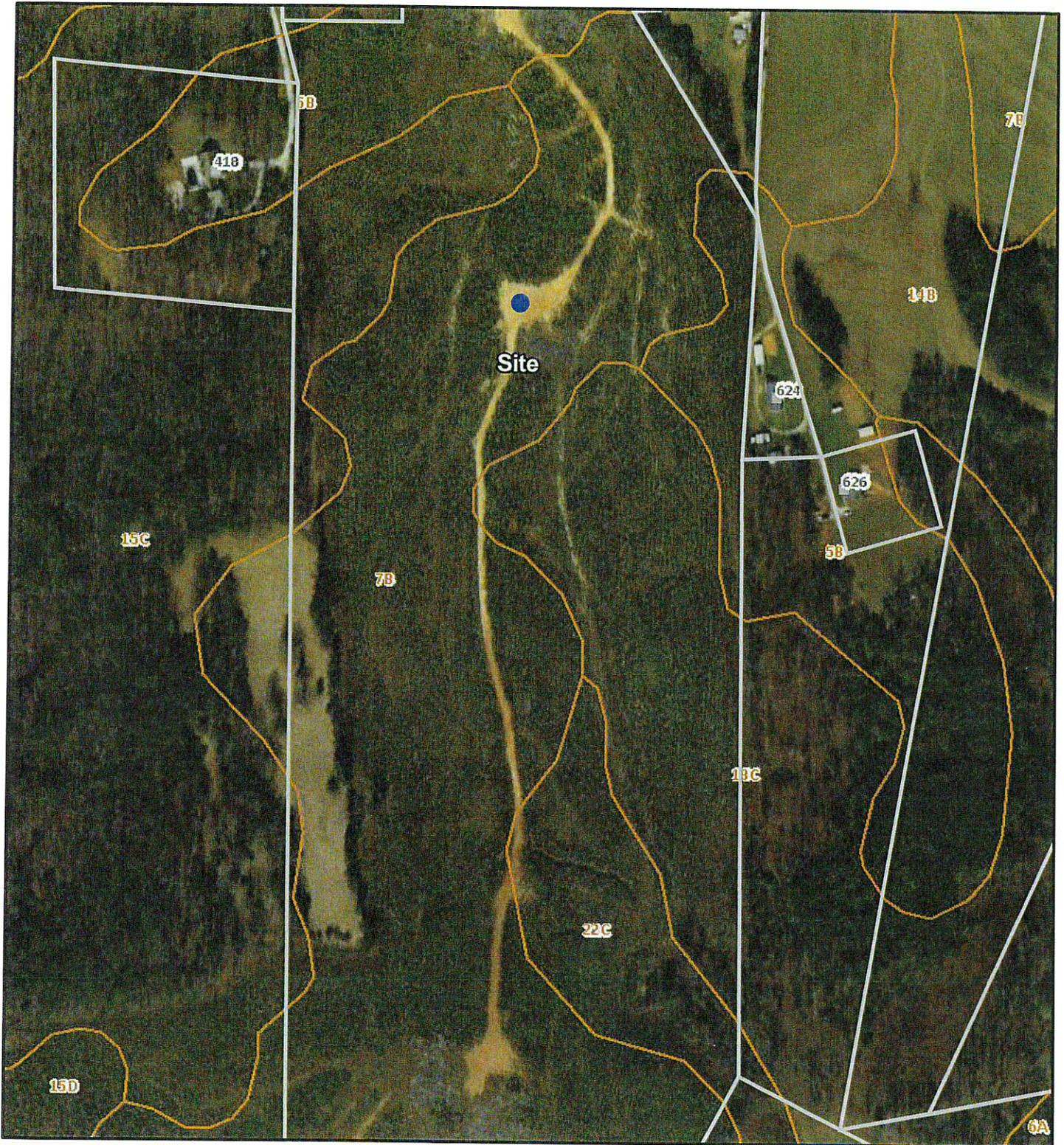
- A-1
- B-1
- B-2
- CZ
- H-1
- M-1
- M-IP
- MHP-1
- No Zoning
- P-1
- R-1
- R-2
- R-3

- V-1
- Town Boundary
- County Boundary



Virginia Geographic Information Network (VGIN)

Soils_CUP1908011



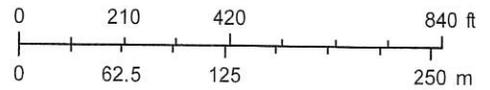
December 3, 2019

1:4,514

pointLayer

- Override 1
- ▭ Parcels
- ▭ Structure
- Structure Label

- Centerlines
- ▭ Soils
- ▭ Town Boundary
- ▭ County Boundary



Virginia Geographic Information Network (VGIN)

Contours_CUP1908011

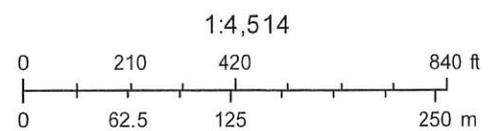


December 3, 2019

pointLayer

-  Override 1
-  Parcels
-  Structure
- Structure Label

-  Centerlines
-  Contours
-  Town Boundary
-  County Boundary





PUBLIC NOTICE
NOTICE TO THE PUBLIC
THAT THE PROPERTY DESCRIBED
HEREIN IS THE PROPERTY OF
THE CITY OF [City Name]
AND IS BEING OFFERED FOR
SALE BY PUBLIC AUCTION
ON [Date] AT [Time] AT
[Location]



PUBLIC NOTICE
NOTICE TO THE PUBLIC
REGARDING THE
REMOVAL OF
CROSSBARS FROM
UTILITY POLES
ALONG THE
STREET



