VIRGINIA:

At a regular meeting of the Board of Supervisors of the County of Northampton, Virginia, held in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, on the 10th day of July, 2012, at 4:00 p.m.

Present:

Oliver H. Bennett, Chairman
Willie C. Randall, Vice Chairman
Richard L. Hubbard
Larry LeMond
Laurence J. Trala

The meeting was called to order by the Chairman.

Closed Session

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board enter Closed Session in accordance with Section 2.2-3711 of the Code of Virginia of 1950, as amended:

(A) Paragraph 1: Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of any public body.

Appointments to Boards/Commissions

(B) Paragraph 3: Discussion or consideration of the condition, acquisition, or use of real property for public purpose, or of the disposition of publicly held property.

(C) Paragraph 5: Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

(D) Paragraph 7: Consultation with legal counsel and briefings by staff members, consultants, or attorneys pertaining to actual or probable litigation, and consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by counsel.

All members were present and voted "yes." The motion was unanimously passed.

After Closed Session, the Chairman reconvened the meeting and said that the Board had entered the closed session for those purposes as set out in paragraphs 1, 3 5 and 7 of Section 2.1-3711 of the Code of Virginia of 1950, as amended. Upon being polled individually, each Board member confirmed that these were the only matters of discussion during the closed session.

The Chairman read the following statement:

It is the intent that all persons attending meetings of this Board, regardless of disability, shall have the opportunity to participate. Any person present that requires any special assistance or accommodations, please let the Board know in order that arrangements can be made.

Board and Agency Presentations:

(1) Mr. Dave Annis updated the Board on current projects being undertaken by the Accomack-Northampton Planning District Commission, the Accomack-Northampton Regional Housing Authority, and the Eastern Shore of Virginia Housing Alliance.

Consent Agenda:

(2) Minutes of the meetings of June 5, 12 and 25, 2012.

(3) Consider accepting the Abstracts of Votes Cast in the June 12, 2012 Republican Party Primary and spreading same upon the minutes of this meeting.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the foregoing Consent Agenda be approved as presented. All members were present and voted "yes." The motion was unanimously passed.

County Officials' Reports:

(4) Mrs. Leslie Lewis, Director of Finance, indicated that there were no Budget Amendment and Appropriation Requests this month but noted that the quarterly financial

statements will be issued following closeout of the 2012 fiscal year.

(5) There was no departmental update from the Planning & Zoning office.

Due to the earliness of the hour, the Board considered the Action Items at this time.

Action Items:

(11) Consider accepting bids as received as a result of the May 16, 2012 Delinquent Tax Auction Event, with the exception of the bid received for the Annie G. Stevens parcel. An upset bid was later received and it is recommended that the Board accept that.

Motion was made by Mr. Trala, seconded by Mr. Randall, that the Board accept certain bids received from the May 16, 2012 delinquent tax auction event as outlined in Mr. Elliott's letter dated May 23, 2012, with the exception of the $1900 bid received on the Annie G. Stevens parcel; with regard to this parcel, the Board agreed to accept the upset bid of $6,000.00. All members were present and voted "yes." The motion was unanimously passed.

While not on the agenda, the Board then recognized Dr. Walter Clemons, Superintendent of Northampton County Public Schools, who provided a brief overview of the upcoming school year including the introduction of a new "Jr. ROTC" program.

Mr. Hubbard shared with Dr. Clemons rumors he had heard indicating that two of the new principals did not reside within the County as well as Dr. Clemons himself. Dr. Clemons responded that the School Division cannot require residency of its administration staff and that he was more concerned with the quality of someone's work rather than where they live. "If they are doing the job, it's irrelevant to me where they live," stated the Superintendent.

In response to a question from Chairman Bennett, Dr. Clemons said that he will be having discussions with the principals with regard to proactive initiatives with the parents in the community to insure that their children are prepared for school, such as adhering to the dress code and having the necessary supplies.

Mr. Hubbard questioned Dr. Clemons as to results of the most recent standardized testing events. Dr. Clemons replied that he continued to have areas of concern at Kiptopeke Elementary School (math) and the high school (graduate completed index).

At 6:00 p.m., the Board recessed for supper.

At 7:00 p.m., the Chairman reconvened the meeting.

The invocation was offered by Rev. Kelvin Jones.

The Pledge of Allegiance was given.

(6) Ms. Katie Nunez, County Administrator, presented the following work session agenda schedule for the Board's information:

(i) 7/23/12: Work session (topic to be announced)
(ii) 8/27/12: Work session (topic to be announced)
(iii) 9/24/12: Work session (topic to be announced)

The County Administrator's bi-monthly report was presented as follows:

TO: Board of Supervisors
FROM: Katie H. Nunez, County Administrator
DATE: July 5, 2012
RE: Bi-Monthly Update

I. PROJECTS:

A. ESVA Public Services Authority Update:
The PSA met on June 19, 2012 to continue discussions about providing a smaller, commercially focused wastewater solution in the southern area of the county. In addition, there was discussion about the proposed renewal of the Shore Memorial Hospital discharge permit and whether input should be submitted from the county to the state on this issue. It was agreed to inform the Board of this issue and let them determine if an input should be filed. The next meeting of the PSA is Tuesday, July 17, 2012.

B. Cape Charles Harbor Dredging Project:
A meeting was held on June 26, 2012 with representatives of the Army Corps of Engineers, Cape Charles officials and representatives of Bayshore Concrete to tour the harbor and surrounding businesses, to better understand the need for dredging to a deeper depth and to begin work on the economic impact analysis. While my schedule had a conflict that did not allow me to attend

this meeting, I have been in touch with the ACOE Project Manager and will be supplying her information relative to the economic impact analysis study.

C. Request from Electoral Board:
Enclosed is a request from the Electoral Board seeking to re-locate the District 4 polling location from the former Middle School back to the Eastville Fire Hall. During the redistricting process and public hearings, one of the comments that was expressed was the fact that the original polling location for District 4 (the Eastville Fire Hall) would not be centrally located within the district and the Board should determine a new location, such as the former Middle School, would is more centrally located and accessible to the District 4 voters. The Board agreed to consider this change and held a public hearing and petitioned the Department of Justice to move the District 4 polling place to the former Middle School. This location was used for the first time this calendar year for the elections held to date. When staff envisioned locating a polling place at this location, we felt that conversion of the old home economics space to a community room would be appropriate and that that space would be assigned as the polling location. However, since we had not progressed on repairs or improvements to any spaces in the building as we completed certain studies to ascertain the extent of the issues of the building to develop a comprehensive solution, the polling location was placed in the cafeteria which was the easiest and quickest solution at that time. We concur that the cafeteria location is not appropriate for a variety of reasons – space is too large, difficult to control temperature based upon a one day usage event, not ideally set-up for a polling location. Now that we are moving forward with a plan of action for the former Middle School property, we believe that the space previously identified for the polling location will meet the Electoral Board's needs while also addressing the public comments that resulted from the redistricting process. I would request the Board to defer consideration of the Electoral Board's request and allow us to make the improvements to the former Middle School as we recently detailed and see if we can provide them space to meet their needs as a polling location.

The Board concurred with the County Administrator's recommendation.

D. Stormwater Regulations:
The state has completed the review and adoption of the regulatory changes associated with the adopted stormwater management law passed two years ago as well as the recently passed "integration bill" and has begun a rollout program to the localities to explain the requirements, timelines and necessary steps to bring local stormwater ordinances into compliance with the new law and regulations. The state will be providing certain tools for our use, such as a model ordinance, checklists and proposed forms. The timeline considers that all localities must have updated and revised their ordinances no later than

June 30, 2014. This item will be added to the calendar and the work plan for the Planning Commission.

E. Refinancing of 2002/2005/2006 & 2007 Bonds:
My office has been actively working on the associated paperwork relative to the refinancing of the 2002/2005/2006 & 2007 bonds. We are set to close on August 2, 2012. Following the closing, I will provide an updated financial statement showing the final savings achieved through the re-financing.

F. Bayview Water & Sewer System:
On Wednesday, June 27, 2012, we closed on the Bayview Water & Sewer system properties. Notification is being provided to all of the users of the system of the change of ownership, scheduling of billing from the County, who to contact in the case of an emergency, and other related information regarding the system and the County's responsibilities for said system. The first issuance of billing will occur beginning of August for service provided during the month of July 2012.

G. OpSail/Tall Ships 2012:
Enclosed in your packets is the final report from the OpSail/Tall Ships 2012 event, as required under our contract with ESVA FestEvents. I have informed them that the Board is seeking a meeting to discuss more particularly the economic impact of this event and to determine how we should proceed in the future with funding for any further Tall Ships events. Since we will not receive the tax figures for the month of June until approximately September/October 2012 (sales tax, transient occupancy tax, and meals tax), we are looking to place this item on your agenda for a full discussion and presentation at your October meeting.

H. Emergency Management Preparedness:
On Tuesday, June 26, 2012, I conducted training for county staff on the updated Emergency Management Plan which you adopted in December 2011, reviewed the staffing plans if we have to activate our emergency operations center, and received staff input into the final plan. The Board will be receiving an overview of our plan and their role if we should be impacted by a weather event or other emergency situation that dictates the activation of the emergency operations center; said overview will be part of your July work session agenda.

I. Board of Supervisors' 5-Year Strategic Plan:
I have been working on the Board's 5-year strategic plan and will be providing that to you in draft format on Tuesday for your review. We will place this on the July work session for discussion and review.

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Citizen Information Period:

Mr. Robert Anderson, a resident of the Vaucluse Subdivision, referenced a request for a speed study on Church Neck Road as well as the re-installation of 25-mph signs near the entrance to the subdivision; said request being received from Mr. John Read, President of the Vaucluse Homeowners' Association and which was included in the Board's agenda packet. Mr. Anderson said that he believed the request was not about safety issues but was a plea for golf carts on the roadways there. He distributed copies of the Virginia Code referencing low-speed vehicle laws.

Mr. G. F. Hogg, Jr., read the following comments:

Comments by Granville Hogg
3125 Bluff Court
Cape Charles,

At the June 25, 2012, Northampton County Board of Supervisors meeting, Supervisor Hubbard requested the Board to get "Citizen INPUT" before proceeding further with the TRASH COLLECTION and STUMPTOWN SITES. The PROPOSED Trash Collection site is to serve Supervisor Hubbard's district.
Some in attendance were of the impression that $97,000.00 had been spent on the property when Ms Nunez clearly stated money was in escrow.
As the conversation continued Board members indicated they would go through the Planning review process but between the restaurants is where the Trash Collection Station is going to be.

This decision, **However Correct it may be**, has been made without public input from the citizens it is to serve or any review by the Planning Commission.

There was more conversation on spending USDA funds (STIP). There has been talk of renovating the Middle School for EMS, and getting into the business of renting office space to government agencies, etc. as well as using funds for sewer for Commercial Development near the Cape Charles Light. As an observer I attend many meetings, it is not clear how many times the money is being allocated and for which projects. Can the board clarify Whether the priority is a housing, sewer, or building renovation?

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Public Hearing:

Chairman Bennett called to order the following public hearing:

(7) AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, “AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF”

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"

BE IT ORDAINED by the Board of Supervisors of Northampton County, that AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF be amended as follows:

1. That Section 2. Adoption of state law be amended to read as follows:

Section 2. Adoption of state law . . . Pursuant to the authority of Chapter 13, Title 46.2 of the Code of Virginia, 1950, as amended, all of the provisions and requirements of the laws of the Commonwealth of Virginia contained in Title 46.2 and in Article 9 (§16.1-278 et seq.) of Chapter 11 of Title 16.1 and in Article 2 (§18.2-266 et seq.) of Chapter 7 of Title 18.2 of the Code of Virginia, as amended, and in force on July 1, 2012, except those provisions and requirements the violation of which constitutes a felony, and except those provisions and regulations which by their very nature can have no application to or within Northampton County (the "County"), are hereby adopted and incorporated herein by reference and made applicable within the County. References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this ordinance as fully as though set forth at length herein, and it shall be unlawful for any person, within the County to violate or fail, neglect or refuse to comply with, any provision of Title 46.2 or of Article 9, Chapter 11, Title 16.1, or of Article 2, Chapter 7, Title 18.2 of the Code of Virginia, 1950, as amended, and effective on July 1, 2012, which are adopted hereby; provided, that the penalties imposed for the violation of any provision or requirement hereby adopted shall be the same as the penalty imposed for a similar offense under Title 46.2 and under Article 9, Chapter 11, Title 16.1, or of Article 2, Chapter 7, Title 18.2 of the Code of Virginia, 1950, as amended, and effective on July 1, 2012. Amendments to such state law hereafter adopted shall be incorporated herein on their respective effective dates unless specifically rejected by the governing body of this County.

2. That all remaining portions and provisions of AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF are reenacted and reaffirmed hereby.

* * * * *

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that this was the annual ordinance required in order to provide for changes made by the last General Assembly to the traffic regulations.

There being no further speakers, the public hearing was closed.

Motion was made by Mr. Hubbard, seconded by Mr. Randall, that AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED, "AN ORDINANCE PROVIDING FOR THE REGULATION OF TRAFFIC AND MOTOR VEHICLES IN NORTHAMPTON COUNTY AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF", be adopted as presented. All members were present and voted "yes." The motion was unanimously passed.

The Chairman called to order the next public hearing as follows:

(8) Receive the views within the Northampton County School District regarding the appointment of one **District Two** member of the Northampton County School Board. One application has been received from Paul E. Bibbins, Jr., Ph.D.

The Chairman asked if there were any present desiring to speak.

The County Administrator indicated that if there were any other applicants, they should be announced at this time.

There being no further speakers, the public hearing was closed.

It was the consensus of the Board to interview Dr. Bibbins on Monday, July 23, 2012 commencing at 4:00 p.m.

Motion was made by Mr. LeMond, seconded by Mr. Trala, that the following resolution be adopted. All members were present and voted "yes." The motion was unanimously passed. Said resolution as adopted is set forth below:

RESOLUTION

BE IT RESOLVED by the Northampton County Board of Supervisors, this 10th day of July, 2012, that the recessed meeting of the Board, scheduled for Monday, July 23, 2012 at **5:00** p.m., in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, be changed to Monday, July 23, 2012 at **4:00** p.m. in the Board Chambers of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia; and

BE IT RESOLVED that, following this meeting, the date, time and place of the recessed meeting of the Northampton County Board of Supervisors shall revert to the fourth Monday of each month in the Board Chambers, 16404 Courthouse Road, Eastville, Virginia, at 5:00 p.m.

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Tabled Item:

(9) **Zoning Text Amendment 2012-07: Eastern Shore Communications, LLC** has filed to amend the Northampton County Code, Chapter 154 Zoning Code**,** by revising the following section**: §154.109 Wireless Communications Facilities Standards** to accommodate and support wireless broadband service.

Motion was made by Mr. Randall, seconded by Mr. Trala, that this matter be taken off the table. All members were present and voted "yes." The motion was unanimously passed.

Mr. Peter Stith, Long-Range Planner, presented the Planning Commission's recommendation which stated in part:

The Northampton County Planning Commission met in recessed session on June 18, 2012, to continue discussion of the matter described below for which a public hearing had been conducted on June 5, 2012. All commissioners were in attendance on June 18, 2012, and their recommendations are being forwarded to the Board based upon motion by Commissioner Ward with second from Commissioner Wescoat; the motion carried unanimously. The commission's recommendations concerning the proposed text as submitted by the applicant, Eastern Shore Communications, LLC, are presented in the attached strike-through version of the applicants' submittal.

During their review of the subject proposal, the commission noticed other wording in §154.109 of the zoning code which was not part of the proposed amendments as advertised for public hearing but which they believe should be revisited in subsequent action; one of those items is so noted on page one of the attached document. It was noted that there should be a companion text amendment to add the new classes of wireless telecommunications support structures to Appendix A of the zoning code. It was also noted that during their June 5, 2012, public hearing, a comment was received concerning lighting for the structures in consideration of safety concerns for air traffic. The commission agreed that this matter should be revisited at a future time but are forwarding no recommendation about lighting at the present time.

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Northampton County Zoning Text Amendment Proposal

May 16, 2012

§ 154.109 WIRELESS COMMUNICATIONS FACILITIES STANDARDS

(A) *Purpose and Intent:* The purpose of this Section is to establish standards for the siting of wireless telecommunication service facilities. The goals are to:

(1) Promote the general safety, welfare, ~~availability of services,~~ and quality of life for County residents;

(2) Assure availability of wireless ~~telecommunication~~ telecommunication and wireless broadband service to the public;

(3) Discourage the location of ~~Major~~ telecommunication towers greater than 100 feet in height in residential, historic and environmentally-sensitive areas;

(4) ~~Discourage the development of new sites for transmission and receiving stations by~~ Encourage ~~ing~~ co-location on existing ~~major support structures~~ facilities, and on existing buildings and structures for Low Power Local Wireless Broadband Service; and

(5) Minimize adverse impacts, including visual impacts, on areas caused by tower/monopole sites.

Before new wireless communications facilities are constructed, and in order to minimize the need for new towers, it must be demonstrated to the satisfaction of the County that it is not feasible from either engineering or coverage bases to co-locate on existing buildings, structures, and towers. ~~, excluding facilities for providing Local Wireless Broadband Services which shall be provided on the smallest and least obtrusive structures available which meet building codes for such uses.~~ [Note: this requirement is redundant, as it is repeated in paragraph (3) (c) (f) under submission requirements for a special use permit under this section. The Planning Commission recommends that this provision be deleted in a subsequent text amendment process.]

(B) *Definitions.*

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(1) *Antenna Array:* One or more whips, panels, discs, or similar devices under 20 feet height used for the transmission or reception of radio frequency signals, which may include omni directional antenna (whip, satellite dish), directional antenna (panel, microwave dish), and parabolic antenna (disc), but not including satellite earth stations. The antenna array does not include the support structure as defined in this Section.

(2) *Attached Wireless Communications Facility (Attached WCF):* An antenna array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign, or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the antenna array to the existing building or structure.

(3) ***Breakpoint Technology***: The engineering design of a tower, mast or monopole wherein a specified point on the structure is designed to have stresses concentrated so that the point is at ~~lease~~ least five percent more susceptible to failure than any other point along the structure so that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts or any other point on the structure. ~~For example, on a 100 foot tall structure with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the structure to the breakpoint) or the minimum side or rear yard setback requirements for that zoning district, whichever is greater~~.

(4) ***Local Wireless Broadband Service*** *(LWBS)*: Low Power Wireless Radio transmitting in the Industrial Science and Manufacturing (ISM) bands as regulated by the FCC part 15 rules and regulations for wireless equipment, to provide access to the Eastern Shore of Virginia Broadband Authority fiber optic cable system of internet and data transmission services in all areas of the county, originating from area hubs via point-to-point and point-to-multipoint wireless connections to the end users.

(5) ***Low Power Transmission*:** Transmitting under the FCC Part 15 regulation ISM radio bands. The ISM bands are defined by the International Telecommunication Union Regulations (ITU-R) in 5.138, 5.150, and 5.280 of the ITU Radio Regulations. FCC Part 15 controls power outputs and how unlicensed equipment should behave in these radio-bands.

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(6~~3~~) *Co-location (sometimes "collocation)* Use of a common WCF or common support structure by two (2) or more wireless communications license holders or by one (1) wireless communications license holder for more than one (1) type of communications technology, or, placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an Attached WCF.

(74) *Equipment Facility:* Any accessory structure used to contain ancillary equipment for WCFs, which may include cabinets, small shelters, pedestals, or other similar structures.

(8~~5~~) Support Structure: Any structure designed and constructed specifically to support an antenna array, and may include a monopole, ~~transmission~~ tower, mast, stayed mast and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this and the following definitions~~.~~

(a) *Monopole:* A single self-supporting vertical pole structure that is attached to the ground , tapering from base to top and supporting a fixture designed to hold one (1) or more antennas.

(b) ~~*Transmission*~~ *Non-Monopole Tower:* A vertical lattice structure, guyed or self-supporting, that is attached to the ground and designed ~~used~~ to support antennas. ~~A vertical self supporting structure that is attached to the ground and is designed to support antennas~~

(c) *Mast*: A vertical antenna support mounted on some other structure, which itself may be a tower, building or vehicle.

(c) *Stayed Mast*: A mast supported by stays or guy wires designed to support antennas.

~~d) *Major Support Structure:* Any vertical support structure in excess of 100 feet from the ground to the the highest point, and any other structure which does not meet the allowed use or definition of a minor or neighborhood support structure~~

~~(e) *Minor Support Structure*: Any vertical support structure that is less than 100 feet from the ground to the highest point which is not guyed and which is either a monopole or steel lattice structure and used only for low power transmission of Local Wireless Broadband Service to local residents and businesses.~~

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~~(f) *Neighborhood Support Structure:* any vertical support structure or stayed mast that is less than 50 feet from the ground to the highest point which is and which is either a monopole or steel lattice structure and used only for low power transmission of Local Wireless Broadband Service to local residents and businesses.~~

(6) *Wireless Telecommunications:* Any wireless services as defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

(7) *Wireless Communications Facility (WCF):* Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

(C) *Performance Standards:* The following performance standards shall be applied to all WCFs.

(1) *Antenna Arrays:* Structure-mounted and roof-mounted antennas and related unmanned equipment may be developed subject to the performance standards below.

(a) An Antenna Array is permitted by right to co-locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or building, provided that the installation of the new facility does not increase the height of the existing structure by more than 20 feet, to a maximum of 199 feet, subject to the other standards included herein. Such installations shall not require a special use permit but shall require site plan approval by the County and shall be added to the County inventory of wireless facilities. Any increase in height of an existing structure greater than 20 feet shall require a special use permit; however, under no circumstances shall the total height of a structure exceed 199 feet.

(b) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.

(c) Omni directional antennas shall be of a material or color which matches the exterior of the building or structure.

(d) Directional or panel antennas shall be of a material or color which matches the exterior of the building or structure.

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(e) No commercial advertising shall be allowed on any antenna.

(f) Signals or lights or illumination shall not be permitted on any antenna unless required by the FCC, the Federal Aviation Administration (FAA), or any other state or federal authority.

(2) *Support Structures* ~~*(Transmission Towers and Monopoles)*~~: All ~~(a) Minor Support structures used exclusively for providing Low Power Local Wireless Broadband services to local homes and businesses may be installed by right in the following districts:~~
~~Agriculture/Rural Business (A)~~
~~Hamlet (H)~~
~~Village 1 (V-1)~~
~~Village Neighborhood Business District (VNB)~~
~~Commercial General (C-1)~~
~~Existing Business (EB)~~
~~Existing Industrial (EI)~~

~~(b) Minor Support Structures will require the approval of a Minor Special Use Permit in all other districts and shall be subject to the same supplemental standards as a Major Support Structure~~

(~~e~~-a) ~~Neighborhood~~ Support Structures 50 feet or less than height and used exclusively for providing wireless internet and data services to local homes and businesses may be installed by right in all districts.

(b) Support Structures greater than 50 feet in height may be installed in accordance with the following chart and may require the approval of either a minor (MS) or a major (SUP) special use permit as indicated. "R" means by right.

Zoning District	>50 feet and ≤100 feet	>100 feet and ≤199 feet
A/RB parcels ≥10 ac.	R	SUP
A/RB parcels <10 ac.	MS	SUP
Hamlet	MS	SUP
Village-1	MS	SUP
Village-NB	MS	SUP
C-1	R	SUP

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Conservation	MS	SUP
Existing Business	R	SUP
Existing Industrial	R	SUP

(~~d~~ c) ~~Major~~ Support Structures ~~will require~~ requiring the approval of a special use permit ~~and~~ shall be subject to the following supplemental standards.

(a) Where technically and reasonably feasible, monopoles will be considered preferable to lattice structures.

(b) New Support Structures and equipment facilities shall be subject to the site plan review and approval requirements set forth in Article IV herein. Approval of a site plan is required before a building permit is issued.

(c) Unless otherwise required by the FCC or the FAA, the proposed WCF shall harmonize with development in the vicinity with respect to color, lighting, materials, and architecture. In addition, the facility shall be located within the interior of the property and screened by any existing vegetation to the extent practicable.

(d) New Support Structures shall be designed to accommodate at least three (3) providers, but not so many as to necessitate a very tall, thick tower.

(e) The maximum height of a WCF shall be 199 feet.

(f) Support Structures shall be designed to collapse within the lot lines or lease lines, if leased area does not conform to property lot lines, in case of structural failure.

(g) No signals, lights, or illumination shall be permitted on a tower or monopole, unless required by the FCC, the FAA, or other state or federal authorities.

(h) No commercial advertising or signs shall be allowed on a tower, monopole, or associated structures.

(i) No tower or monopole shall be located within a designated historic district.

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(j) Applicants for a special use permit for any ~~Major~~ WCF greater than 100 feet in height shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding by the FAA that the proposed facility is not a hazard or obstruction to aviation shall be a condition for the issuance of any special use permit.

(k) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

(l) The following setback requirements shall apply to all Support Structures.

1. ~~Transmission Towers and Monopoles~~ ~~Major~~ Support Structures greater than 100 feet in height, with or without breakpoint technology, must be set back from any off-site residential structure no less than 400 feet and set back from any property line a minimum of 150 feet.

2. Guy wires and accessory facilities must be set back a minimum of 25 feet from any property line.

3. ~~Minor~~ Support Structures between 50 feet and 100 feet in height which are allowed by right must be set back from any off site residential structure or property line no less than 110% of the height of the structure, or, ~~(B)~~ ~~110%~~ 200% of the breakpoint distance ~~from~~ for a qualifying breakpoint technology structure.

4. Support structures between 50 feet and 100 feet in height which require a minor special use permit must observe the minimum setbacks for the zoning district in which they are located or 100% of the breakpoint distance for a qualifying breakpoint technology structure. If a structure is proposed to be located on a property situated adjacent to a property with a residence, an additional setback may be considered during the special use permit review process.

~~4~~.5. ~~Neighborhood Support Structures must be set back from any off site residential structure no less than 50 feet and not less than 25 feet from any property line.~~ Support structures 50 feet or less in height must be setback from property lines at least 110% of the height of the structure.

6. If lesser setbacks than those stipulated above are desired, a special exception may be sought utilizing the special use permit process.

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(m) ~~Major Support Structure~~ WCFs greater than 100 feet in height shall be enclosed by security fencing no less than eight (8) feet in height and equipped with an appropriate anti-climbing device. The fence shall have a 24-hour emergency phone number posted. ~~Minor~~ Support structures greater than 50 feet in height shall have anti-climbing shields installed and display industry standard warning signs along with 24 hour emergency phone numbers.

(n) The following requirements shall govern the landscaping surrounding WCFs.

1. ~~Major Support Structure~~ WCFs greater than 100 feet in height shall be landscaped and maintained with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

2. Existing vegetation may be removed only as authorized during the site plan review process to permit construction of the ~~Major Support Structure~~ WCF and installation of vehicular and utility access.

(o) Noise generated by the facility shall be limited to 50 DBA above ambient levels except when a back-up generator is needed.

(3) *Submission Requirements.* Applicants for a special use permit under this section shall submit the following information.

(a) Documentation in written and graphic form regarding the service area to be provided by the proposed WCF. This shall include propagation maps demonstrating that the facility, with co-location capabilities, is no higher in elevation than necessary.

(b) A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator, the Planning Commission, or the Board of Supervisors may require other information to assess compliance with this ordinance. Additionally, the applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid ground, and the background of the site.

(c) An engineering report which includes a statement of justification for the proposed site

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selection. The Zoning Administrator may require a review by a professional licensed engineer of any of the information required above. The costs incurred by Northampton County for such review shall be paid by the applicant.

(d) The applicant must submit a written commitment to the County that they shall allow other wireless carriers to co-locate antennas and other wireless facilities on the proposed facility.

(e) Each applicant for a WCF shall provide to the Department of Planning and Zoning a comprehensive plan of its existing facilities in Northampton County, its anticipated facility needs, and probable future location sites. The Department of Planning and Zoning shall maintain an inventory of wireless facility sites and may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however, that the Department of Planning and Zoning shall not, by sharing information, in any way represent or warrant that such sites are available or suitable.

(4) Applicants shall demonstrate a good-faith effort to co-locate with other service providers. Such demonstration shall include evidence of contact with all other licensed carriers operating in the County and written justification from said carriers and the applicant if colocation is not feasible. In the event that other carriers refuse to respond to the applicant, submittal of certified mail receipts and copies of correspondence shall be considered demonstration of good faith effort. In determining the feasibility of co-location, the following factors will be considered:

(a) No existing towers or structures are located within the geographic areas required to meet applicant's engineering and coverage requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering and coverage requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable objectively.

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(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(D) *Removal of Abandoned* ~~*Major, Minor and Neighborhood Structure*~~ *WCFs.* A bond shall be required to assure removal of an obsolete ~~*Major Structure*~~ WCF greater than 50 feet in height. Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the WCF within 90 days of receipt of notice from Northampton County notifying the owner of such removal equipment requirement. Removal is defined as leveling structures to the ground and legally removing the materials from the site. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored to its original condition after removal is complete.

(E) *Required Yearly Report.* The owner of each such WCF shall submit a report to the Northampton County Department of Planning and Zoning once a year, no later than July 1. The report shall state the current user status of the tower.

(F) *Special Use Permit Review.* Each special use permit approved for a WCF shall be reviewed at least every three years. While no additional fees or public hearing shall be required, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Such cooperation shall include timely responses to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. The owner/operator will also be evaluated for compliance over the period with any other terms and conditions of the special use permit.

(G) *Provisions for* ~~*Local Wireless Broadband Service and*~~ *Amateur Radio Antennas.* Amateur radio antennas ~~and Local Wireless Broadband Service facilities~~ are exempt from the portions of these regulations that pertain to co-location.

As the Board had instructed the record to remain open since the public hearing, the Chairman recognized Mr. Bill Parr, representing the applicant, for additional comments. Mr. Parr distributed comments to the Board representing the applicant's modifications to the Planning Commission's recommendations. This document is set out below:

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Northampton County Zoning Text Amendment Proposal

May 16, 2012

§ 154.109 WIRELESS COMMUNICATIONS FACILITIES STANDARDS

(A) *Purpose and Intent:* The purpose of this Section is to establish standards for the siting of wireless telecommunication service facilities. The goals are to:

(1) Promote the general safety, welfare, ~~availability of services,~~ and quality of life for County residents;

(2) Assure availability of wireless ~~telecommunication~~ telecommunication and wireless broadband service to the public;

(3) Discourage the location of ~~Major~~ telecommunication towers greater than 100 feet in height in residential, historic and environmentally-sensitive areas;

(4) ~~Discourage the development of new sites for transmission and receiving stations by~~ Encourage ~~ing~~ co-location on existing ~~major support structures~~ facilities, and on existing buildings and structures for Low Power Local Wireless Broadband Service; and

(5) Minimize adverse impacts, including visual impacts, on areas caused by tower/monopole sites.

Before new wireless communications facilities are constructed, and in order to minimize the need for new towers, it must be demonstrated to the satisfaction of the County that it is not feasible from either engineering or coverage bases to co-locate on existing buildings, structures, and towers. ~~, excluding facilities for providing Local Wireless Broadband Services which shall be provided on the smallest and least obtrusive structures available which meet building codes for such uses.~~ [Note: this requirement is redundant, as it is repeated in paragraph (3) (c) (f) under submission requirements for a special use permit under this section. The Planning Commission recommends that this provision be deleted in a subsequent text amendment process.]

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(B) *Definitions.*

(1) *Antenna Array:* One or more whips, panels, discs, or similar devices under 20 feet height used for the transmission or reception of radio frequency signals, which may include omni directional antenna (whip, satellite dish), directional antenna (panel, microwave dish), and parabolic antenna (disc), but not including satellite earth stations. The antenna array does not include the support structure as defined in this Section.

(2) *Attached Wireless Communications Facility (Attached WCF):* An antenna array that is attached or affixed to an existing building or structure (including but not limited to a utility pole, sign, or water tower), along with any transmission cables and accompanying pole or device that attaches or affixes the antenna array to the existing building or structure.

(3) ***Breakpoint Technology***: The engineering design of a tower, mast or monopole wherein a specified point on the structure is designed to have stresses concentrated so that the point is at ~~lease~~ least five percent more susceptible to failure than any other point along the structure so that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts or any other point on the structure. ~~For example, on a 100 foot tall structure with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the structure to the breakpoint) or the minimum side or rear yard setback requirements for that zoning district, whichever is greater~~.

(3a) Breakpoint Length: The distance from the designed breaking point to the top of the structure

(4) ***Local Wireless Broadband Service*** *(LWBS)*: Low Power Wireless Radio transmitting in the Industrial Science and Manufacturing (ISM) bands as regulated by the FCC part 15 rules and regulations for wireless equipment, to provide access to the Eastern Shore of Virginia Broadband Authority fiber optic cable system of internet and data transmission services in all areas of the county, originating from area hubs via point-to-point and point-to-multipoint wireless connections to the end users.

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(5) ***Low Power Transmission*:** Transmitting under the FCC Part 15 regulation ISM radio bands. The ISM bands are defined by the International Telecommunication Union Regulations (ITU-R) in 5.138, 5.150, and 5.280 of the ITU Radio Regulations. FCC Part 15 controls power outputs and how unlicensed equipment should behave in these radio-bands.

(6~~3~~) *Co-location (sometimes "collocation)* Use of a common WCF or common support structure by two (2) or more wireless communications license holders or by one (1) wireless communications license holder for more than one (1) type of communications technology, or, placement of a WCF on a structure owned or operated by a utility or other public entity, or placement of an Attached WCF.

(7~~4~~) *Equipment Facility:* Any accessory structure used to contain ancillary equipment for WCFs, which may include cabinets, small shelters, pedestals, or other similar structures.

(8~~5~~) Support Structure: Any structure designed and constructed specifically to support an antenna array, and may include a monopole, ~~transmission~~ tower, mast, stayed mast and other similar structures. Any device used to attach an Attached WCF to an existing building or structure shall be excluded from this and the following definitions~~.~~

(a) *Monopole:* A single self-supporting vertical pole structure that is attached to the ground , tapering from base to top and supporting a fixture designed to hold one (1) or more antennas.

(b) ~~*Transmission*~~ *Non-Monopole Tower:* A vertical lattice structure, guyed or self-supporting, that is attached to the ground and designed ~~used~~ to support antennas. ~~A vertical self supporting structure that is attached to the ground and is designed to support antennas~~

(c) *Mast*: A vertical antenna support mounted on some other structure, which itself may be a tower, building or vehicle.

(c) *Stayed Mast*: A mast supported by stays or guy wires designed to support antennas.

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~~d) *Major Support Structure*: Any vertical support structure in excess of 100 feet from the ground to the the highest point, and any other structure which does not meet the allowed use or definition of a minor or neighborhood support structure~~

~~(e) *Minor Support Structure*: Any vertical support structure that is less than 100 feet from the ground to the highest point which is not guyed and which is either a monopole or steel lattice structure and used only for low power transmission of Local Wireless Broadband Service to local residents and businesses.~~

~~(f) *Neighborhood Support Structure*: any vertical support structure or stayed mast that is less than 50 feet from the ground to the highest point which is and which is either a monopole or steel lattice structure and used only for low power transmission of Local Wireless Broadband Service to local residents and businesses.~~

(6) *Wireless Telecommunications:* Any wireless services as defined in the Federal Telecommunications Act of 1996 which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and other similar services that currently exist or that may in the future be developed.

(7) *Wireless Communications Facility (WCF):* Any unstaffed facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, transmission cables, equipment facilities, and a Support Structure.

(C) *Performance Standards:* The following performance standards shall be applied to all WCFs.

(1) *Antenna Arrays:* Structure-mounted and roof-mounted antennas and related unmanned equipment may be developed subject to the performance standards below.

(a) An Antenna Array is permitted by right to co-locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower, water tower, or building, provided that the installation of the new facility does not increase the height of the existing structure by more than 20 feet, to a maximum of 199 feet, subject to the other standards included herein. Such installations shall not require a special use permit but shall require site plan

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approval by the County and shall be added to the County inventory of wireless facilities. Any increase in height of an existing structure greater than 20 feet shall require a special use permit; however, under no circumstances shall the total height of a structure exceed 199 feet.

(b) Satellite and microwave dishes attached to towers and monopoles shall not exceed six (6) feet in diameter.

(c) Omni directional antennas shall be of a material or color which matches the exterior of the building or structure.

(d) Directional or panel antennas shall be of a material or color which matches the exterior of the building or structure.

(e) No commercial advertising shall be allowed on any antenna.

(f) Signals or lights or illumination shall not be permitted on any antenna unless required by the FCC, the Federal Aviation Administration (FAA), or any other state or federal authority.

(2) *Support Structures* ~~*(Transmission Towers and Monopoles)*~~*:* ~~All (a) Minor Support structures used exclusively for providing Low Power Local Wireless Broadband services to local homes and businesses may be installed by right in the following districts:~~
~~Agriculture/Rural Business (A)~~
~~Hamlet (H)~~
~~Village 1 (V-1)~~
~~Village Neighborhood Business District (VNB)~~
~~Commercial General (C-1)~~
~~Existing Business (EB)~~
~~Existing Industrial (EI)~~

~~(b) Minor Support Structures will require the approval of a Minor Special Use Permit in all other districts and shall be subject to the same supplemental standards as a Major Support Structure~~

(~~c~~ a) ~~Neighborhood~~ Support Structures 50 feet or less ~~than~~ IN height and used exclusively for providing wireless internet and data services to local homes and businesses may be installed by right in all districts.

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(b) Support Structures greater than 50 feet in height may be installed in accordance with the following chart and may require the approval of either a minor (MS) or a major (SUP) special use permit as indicated. "R" means by right.

Zoning District	>50 feet and ≤100 feet	>100 feet and ≤199 feet
A/RB parcels ≥~~10~~ 5 ac.	R	SUP
A/RB parcels <~~10~~ 5 ac.	MS	SUP
Hamlet	MS	SUP
Village-1	MS	SUP
Village-NB	MS	SUP
C-1	R	SUP
Conservation	MS	SUP
Existing Business	R	SUP
Existing Industrial	R	SUP

(~~d~~ c) ~~Major~~ Support Structures ~~will require~~ requiring the approval of a special use permit ~~and~~ shall be subject to the following supplemental standards.

(a) Where technically and reasonably feasible, monopoles will be considered preferable to lattice structures.

(b) New Support Structures and equipment facilities shall be subject to the site plan review and approval requirements set forth in Article IV herein. Approval of a site plan is required before a building permit is issued.

(c) Unless otherwise required by the FCC or the FAA, support structures over 100 feet in height ~~the proposed WCF~~ shall harmonize with development in the vicinity with respect to color,

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lighting, materials, and architecture. In addition, the facility shall be located within the interior of the property and screened by any existing vegetation to the extent practicable.

(d) New Support Structures in excess of 150 feet in height shall be designed to accommodate at least three (3) providers, but not so many as to necessitate a very tall, thick tower.

(e) The maximum height of a WCF shall be 199 feet.

(f) Support Structures shall be designed to ~~collapse~~ Fall over within the lot lines or lease lines, if leased area does not conform to property lot lines, in case of structural failure.

(g) No signals, lights, or illumination shall be permitted on a tower or monopole, unless required by the FCC, the FAA, or other state or federal authorities.

(h) No commercial advertising or signs shall be allowed on a tower, monopole, or associated structures.

(i) No tower or monopole shall be located within a designated historic district.

(j) Applicants for a special use permit for any ~~Major~~ WCF greater than 100 feet in height shall demonstrate that they have complied with applicable regulations of the FCC and the FAA. A finding by the FAA that the proposed facility is not a hazard or obstruction to aviation shall be a condition for the issuance of any special use permit.

(k) To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

(l) The following setback requirements shall apply to all Support Structures.

1. ~~Transmission Towers and Monopoles~~ ~~Major~~ Support Structures greater than 100 feet in height, with or without breakpoint technology, must be set back from any off-site residential structure no less than 400 feet and set back from any property line a minimum of 150 feet.

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2. Guy wires and accessory facilities must be set back a minimum of 25 feet from any property line.

3. ~~Minor~~ Support Structures between 50 feet and 100 feet in height which are allowed by right must be set back from any off site residential structure or property line no less than 110% of the height of the structure, or, ~~(B)~~ ~~110%~~ ~~200%~~ 110% of the breakpoint length ~~distance from~~ for a qualifying breakpoint technology structure.

4. Support structures between 50 feet and 100 feet in height which require a minor special use permit must observe the minimum setbacks for the zoning district in which they are located or 100% of the breakpoint distance for a qualifying breakpoint technology structure. If a structure is proposed to be located on a property situated adjacent to a property with a residence, an additional setback may be considered during the special use permit review process.

~~4~~.5. ~~Neighborhood Support Structures must be set back from any off site residential structure no less than 50 feet and not less than 25 feet from any property line.~~ Support structures 50 feet or less in height must be setback from property lines at least 110% of the height of the structure.

6. If lesser setbacks than those stipulated above are desired, a special exception may be sought utilizing the Minor special use permit process, including a reduction of the setback to zero when adjoining property owners do not object~~.~~

7. In instances where all adjoining property owners give written approval for the installation of a support structure under 100 feet in height, the setback may be reduced to zero without a special use permit.

(m) ~~Major Support Structure~~ WCFs greater than 100 feet in height shall be enclosed by security fencing no less than eight (8) feet in height and equipped with an appropriate anti-climbing device. The fence shall have a 24-hour emergency phone number posted. ~~Minor~~ Support structures greater than 50 feet in height shall have anti-climbing shields installed and display industry standard warning signs along with 24 hour emergency phone numbers.

(n) The following requirements shall govern the landscaping surrounding WCFs.

1. ~~Major Support Structure~~ WCFs greater than 100 feet in height shall be

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landscaped and maintained with a buffer of plant materials that effectively screen the view of the support buildings from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the facilities.

2. Existing vegetation may be removed only as authorized during the site plan review process to permit construction of the ~~Major Support Structure~~ WCF and installation of vehicular and utility access.

(o) Noise generated by the facility shall be limited to 50 DBA above ambient levels except when a back-up generator is needed.

(3) *Submission Requirements.* Applicants for a special use permit under this section shall submit the following information.

(a) Documentation in written and graphic form regarding the service area to be provided by the proposed WCF. This shall include propagation maps demonstrating that the facility, with co-location capabilities, is no higher in elevation than necessary.

(b) A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses. The Zoning Administrator, the Planning Commission, or the Board of Supervisors may require other information to assess compliance with this ordinance. Additionally, the applicant shall provide actual photographs of the site that include a simulated photographic image of the proposed tower. The photograph with the simulated image shall include the foreground, the mid ground, and the background of the site.

(c) An engineering report which includes a statement of justification for the proposed site selection. The Zoning Administrator may require a review by a professional licensed engineer of any of the information required above. The costs incurred by Northampton County for such review shall be paid by the applicant.

(d) The applicant must submit a written commitment to the County that they shall allow other wireless carriers to co-locate antennas and other wireless facilities on the proposed facility.

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(e) Each applicant for a WCF shall provide to the Department of Planning and Zoning a comprehensive plan of its existing facilities in Northampton County, its anticipated facility needs, and probable future location sites. The Department of Planning and Zoning shall maintain an inventory of wireless facility sites and may share such information with other applicants applying for approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the locality, provided, however, that the Department of Planning and Zoning shall not, by sharing information, in any way represent or warrant that such sites are available or suitable.

(4) Applicants shall demonstrate a good-faith effort to co-locate with other service providers. Such demonstration shall include evidence of contact with all other licensed carriers operating in the County and written justification from said carriers and the applicant if colocation is not feasible. In the event that other carriers refuse to respond to the applicant, submittal of certified mail receipts and copies of correspondence shall be considered demonstration of good faith effort. In determining the feasibility of co-location, the following factors will be considered:

(a) No existing towers or structures are located within the geographic areas required to meet applicant's engineering and coverage requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering and coverage requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennas and related equipment.

(d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(e) The fees, costs, or contractual provision required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are patently unreasonable objectively.

(f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

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(D) *Removal of Abandoned* ~~*Major, Minor and Neighborhood Structure*~~ *WCFs.* A bond shall be required to assure removal of an obsolete ~~*Major Structure*~~ WCF greater than 50 feet in height. Any antenna or tower that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of each such antenna or tower shall remove the WCF within 90 days of receipt of notice from Northampton County notifying the owner of such removal equipment requirement. Removal is defined as leveling structures to the ground and legally removing the materials from the site. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The site shall be restored to its original condition after removal is complete.

(E) *Required Yearly Report.* The owner of each such WCF shall submit a report to the Northampton County Department of Planning and Zoning once a year, no later than July 1. The report shall state the current user status of the tower.

(F) *Special Use Permit Review.* Each special use permit approved for a WCF shall be reviewed at least every three years. While no additional fees or public hearing shall be required, the applicant shall demonstrate to the satisfaction of the Zoning Administrator that a good-faith effort has been made to cooperate with other providers to establish co-location at the tower site. Such cooperation shall include timely responses to co-location inquiries from other providers and sharing of technical information to evaluate the feasibility of establishing co-location. The owner/operator will also be evaluated for compliance over the period with any other terms and conditions of the special use permit.

(G) *Provisions for* ~~*Local Wireless Broadband Service and*~~ *Amateur Radio Antennas.* Amateur radio antennas ~~and Local Wireless Broadband Service facilities~~ are exempt from the portions of these regulations that pertain to co-location.

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There being no further comments, the Chairman closed the public hearing.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board approve the subject petition as recommended by the Planning Commission, including those recommendations provided by the applicant on July 10, 2012. All members were present and voted "yes." The motion was unanimously passed.

(10) **Zoning Text Amendment 2012-06:** The Northampton County Planning Commission intends to amend the Northampton County Code, Chapter 154 Zoning Code, **§154.127 Low Impact Commercial Uses Section (A)** *Home occupation* to read: An occupation in ~~a~~ **an owner-or-renter-occupied** dwelling unit (or dwelling accessory structure) provided that…; amend **(A) (6)** to read: The business owner shall have no more than one full-time employee or ~~two equivalent part-time employees~~ **or one full-time equivalent**.*;* amend **(A) (7)** to read: Home occupations shall be divided into ~~two~~ **three** categories:(a) Home Office, (b) Home Business **and (c) Micro-Business.;** and to add **(c) A Micro-business shall be an owner- or renter-occupied home or farm based business requiring a Zoning Clearance and meet the following criteria:**

1. A Micro-business shall have no employees, other than the owner/operator;

2. A Micro-business shall have no identifying signage;

3. A Micro-business shall have no outside storage or additional vehicle traffic beyond that generally found for a household or on a farm;

4. There shall be no retail sales on the premises, and any products must be delivered off-site;

5. The micro-business shall utilize no specialized machinery or equipment beyond that generally found in a household or on a farm.

The staff recommendation as requested by the Board had not been received to date; therefore, it was the consensus of the Board to leave this matter on the table.

Action Items:

(11) Consider accepting bids as received as a result of the May 16, 2012 Delinquent Tax Auction Event, with the exception of the bid received for the Annie G. Stevens parcel. An upset bid was later received and it is recommended that the Board accept that.

This item was acted upon earlier in the meeting.

Matters Presented by the Board Including Committee Reports & Appointments

(12) Consider certain requests to VDOT

The Board had received two requests relating to Church Neck Road and the Vaucluse Subdivision:

(1) The first request from the Vaucluse Homeowners's Association President John Read, was requesting a speed study on Church Neck Road and the re-installation of 25-mph signage previously in place near the entrance to the Subdivision. Mr. Randall noted that VDOT had already provided a speed study about a year ago in which they concluded that 55 mph was the speed for that road; it is unlikely that VDOT would alter its decision. Mr. Hubbard indicted that he had informed Mr. Read that perhaps VDOT would reconsider the lower speed limit if evidence of the earlier signage could be provided.

(2) The second item was from Church Neck Road resident Robert Anderson, who had addressed the Board earlier in the evening.

The Board took no action with regard to this matter.

A third request, relative to a speed study for State Route 600 (Seaside Road) near Nassawadox was provided to the Board. There was also a concern with site visibility due to vegetation.

Motion was made by Mr. Randall, seconded by Mr. Trala, that the Board request speed studies to be conducted on (1) Kiptopeke Drive (SR 704), from Lankford Highway to the gated entrance to the Kiptopeke State Park; and (2) in the vicinity of 7272 Seaside Road (SR 600), near Nassawadox, Virginia (with this item, there is also a concern about site clearance due to vegetation.) All members were present and voted "yes." The motion was unanimously passed.

Mr. Hubbard stated that he would like to have a study conducted by staff in regard to the

impact if “forestry” was eliminated as a use value in agricultural-forestal districts. This would have to be a phased-in approach as agricultural-forestal districts are created by ordinance and come before the Board for review every ten years. The Board concurred with the request.

Motion was made by Mr. Randall, seconded by Mr. LeMond, that staff be directed to conduct an analysis and review of all County ordinances that may contain more restrictive provisions than are required by state standards. All members were present and voted “yes.” The motion was unanimously passed.

Following a discussion relative to the Exmore firing range, Mr. Randall stated that he believes the Board should look closely at the special events criteria as contained in the County’s zoning ordinance. Currently, the Zoning Administrator has the authority to issue one-day, special events permits for certain functions. He believed that there was a double-standard in that the Board of Supervisors must issue fireworks permits but that the Zoning Administrator can issue firing range (pistol tournament) permits as special events. It was the consensus of the Board to request that staff review and let the Board determine the events that should be acted upon by the Board and those that should be delegated to staff.

Chairman Bennett recognized Mr. Randall for his appointment by the Governor to the Virginia State University Board of Visitors.

In response to a question from the Chairman, Mr. LeMond provided the Board with a quote for a 3-bay building (designed as a railroad diesel shop), as a comparison to the proposed EMS garage facility. He stated that the Board needs to look very hard at the projected cost for this building.

Mr. Hubbard suggested talking to the School Board with regard to use of the modular classrooms situated at the School Board office in Machipongo for EMS usage.

Recess:

Motion was made by Mr. Randall, seconded by Mr. LeMond, that the meeting be recessed until 4:00 p.m., Monday, July 23, 2012 in the Board Room of the County Administration Building, 16404 Courthouse Road, Eastville, Virginia, to conduct the regular work session as well as interview the prospective School Board member. All members were present and voted "yes." The motion was unanimously passed.

The meeting was recessed.

_____CHAIRMAN

_____ COUNTY ADMINISTRATOR