

Grayson County Board of Supervisors
and Grayson County Planning Commission
Joint Public Hearing
November 17, 2022

Members of the Board of Supervisors attending: Michael S. Hash, John S. Fant, Kenneth R. Belton, and Tracy A. Anderson.

Staff Attending: Mitchell L. Smith and Linda C. Osborne

Members of the Planning Commission attending: Brian Walls, Lisa Hash, Philip Vaughan, Robert Felicito, Dan Boyer, Gary Ballard, and Robert Noblett.

Staff Attending: Jada C. Black

IN RE: CALL TO ORDER

Brian Walls, Chairman, called the meeting of the Grayson County Planning Commission to order.

Michael S. Hash, Chairman, called the meeting of the Grayson County Board of Supervisors to order.

IN RE: CONSENT AGENDA

Mr. Boyer made the motion to approve the agenda of the Planning Commission; duly seconded by Mr. Felicito. Motion carried 8-0.

Prior to the approval of the Board of Supervisors agenda, Supervisor Fant made the following statement: "Greg Hedrick, Director of Construction Projects and Field Services for Gigabeam, contacted me on about 12 October about possibly locating a tower on Pine mountain on the southern portion of our farm. Reference to that contact was made during the Gigabeam presentation during the 13 October BoS meeting. I told Greg I believed our family would be willing to help. Prior to 12 October, there had been no communication about locating a tower on our land. On 3 November, I went up to the top of the mountain with Greg to look at the site they propose to put a fixed based wireless tower. This tower, part of Phase I (non-fiber area), would provide fixed wireless internet to citizens on Briar Patch Mountain, Summerfield Community, Carsonville Community, and Pine Mountain. There is a second proposed tower on Rick McLean's land south of Pine Mountain off Peach Bottom. Both these towers require a special use permit, hence this meeting. According to Greg, typical compensation to a landowner for agreeing to locate a tower on their land is free internet service. However, if the tower is approved, my family intends to donate that service to the Summerfield Community Club so citizens in that area of the county, who may not have be able to see the new tower or afford the service, will be able to have a more convenient location for internet access. No agreement for site lease or right of way has been signed. I spoke with Steve Durbin just to make sure I have

thought through the legal and ethical issues given my county position. I am concerned about this joint session with the Planning Commission for the special use permit as it is short circuiting the process, especially given my family's possible involvement. Regardless, I feel the county administration has operated above board and in the best interest of the county and the project. While there are legitimate reasons for proceeding with the current approval process, as it will help keep the project moving forward as we enter into winter, I feel the joint meeting is inappropriate. Therefore, I recuse myself from the approval process for this tower." Supervisor Fant then removed himself from the meeting room. Supervisor Anderson made the motion to approve the agenda; duly seconded by Supervisor Belton. Motion carried 3-0.

IN RE: JOINT PUBLIC HEARING – SPECIAL USE PERMIT- #1 – GIGABEAM NETWORKS – PALMER W & SIDNEY S. FANT, PROPERTY OWNERS

Mr. Boyer made the motion to open the public hearing; duly seconded by Mrs. Hash. Motion carried 8-0.

Supervisor Anderson made the motion to open the joint public hearing with the Planning Commission; duly seconded by Supervisor Belton. Motion carried 3-0.

Mrs. Jada Black gave the following staff report:

REQUEST

Application No. 20220182 is a request for a Special Use Permit pursuant to Article 4 Section 4-6.2.i of the Grayson County Zoning Ordinance to authorize the construction and operation of a communications tower for wireless internet in an unserved area of Grayson County located on one parcel containing approximately 46 acres of land located off of Park Place Drive and further identified as Tax Map No. 37-A-17. The proposed communication tower will be located on Tax Map number 37-A-17. The property is zoned Rural Farm (RF) and is not designated in the Enterprise Zone or Opportunity Zone, and no Historical Structures were identified within the proximity of the subject parcel.

DESCRIPTION

- **Property Owner:** Palmer W. and Sidney S. Fant
- **Location:** Peach Bottom Road
- **Area:** Approximately 46 acres +/-
- **Frontage:** Peach Bottom Road
Parcel access via right of way through tax parcel
37-A-12 and 37-A-14
- **Utilities:** Solar panels are proposed for energizing the tower. Permission and access granted to add electrical service to the site should it become needed.

- Topography: Relatively rolling and slopping approximately 3550 feet in elevation.
- Zoning Classification: Rural Farm
- Existing Development: Vacant land, mostly forested
- Surrounding Development:
 - North: Primarily agricultural operations and forestry
 - East: Subject parcel adjoins vacant parcels, and the Pine Mountain Estate Subdivision is zoned Rural Residential. This subdivision includes fourteen parcels with a total of 119.210 acres and currently hosts two single-family dwellings and two under construction.
 - South: Primarily agricultural and forestry
 - West: Primarily forestry
- Proposed Development: 140' 45G Communications Tower for wireless internet in unserved areas in Elk Creek District

LOCATION, SITE PLAN, AND ROAD ACCESS

1. The subject parcel is 46 acres and is located in the Elk Creek District, bound by primarily vacant forested and agricultural farmland. The nearest direct route from Peach Bottom Road through two parcels owned by the Fant Family.
2. The property is designated Rural Farm. Research indicates the area has no historical references through the Virginia Historical Society and is not designated within the Enterprise Zone.
3. Adjacent properties surrounding the subject parcels are all designated as Rural Farm. Further southeast Pine Mountain Estate Subdivision is zoned Rural Residential.
4. Engineered design plans for the proposed tower and additional reference material include the following details: **Reference No. 1**
 - Construction Details
 - Micro Site Lease Agreement of approximately .3 acres with a term to be determined between lessor and lessee.
 - Color- Hot-Dipped Galvanized Steel Construction
 - Excavation Area is minimal pier footings as required for tower construction. Minimal tree removal will be required for tower location.
 - Tower Specs- 45G self-supporting ladder tower, overall height 140' Vegetation on site will screen any local impact view. Tower constructed less than the requirements and will meet FAA approval. Construction will meet FCC, Building Code Requirments, and other applicable Federal and State standards.
 - Nearest residents property line is 1775 feet away from the wireless tower.

- Nearest adjacent property line (Bealer) is 150 ft.
- Fencing- Giga Beam has requested a variance for the fencing, a formal letter of request can be located in the reference pages attached.

OTHER APPLICABLE REQUIREMENTS

- Giga Beam Networks SUP Application **Reference Page No. 2**
- Co-location policy – the proposed tower will allow co-location of government access for emergency services free of charge. **Reference No. 3**
- **VARIANCE REQUEST- Fencing and Setbacks Reference No. 4**
- Comprehensive Plan consistency – *Section 8-1 Support and encourage the development of advanced communication infrastructure, broadband, wireless internet, and cell coverage/towers (5-11)*
- Photo simulation pictures provided **Reference No. 5**
- No hazard to air traffic determination **Reference No. 6**
 - FAA requirements for lighting do not apply per §17.7 Antenna structure requiring notification to the FAA.

RECOMMENDATION

For the purpose of public necessity, convenience, general welfare, public safety, and health or good zoning practice. Staff recommends to the Planning Commission approval for a Special Use Permit for a Communications Tower on parcel tax map number 37-A-17 in the Rural Farm Zone, Elk Creek District. The site will be developed as specified in the submitted plans and application and in accordance with Article 3-15 of the Zoning Ordinance and the Uniform Statewide Building Code.

References:

TOWER HEIGHT	P/N
40' TOWER	450000048
50' TOWER	450000050
60' TOWER	450000058
70' TOWER	450000078
80' TOWER	450000100
90' TOWER	450000100
100' TOWER	450000100
110' TOWER	450000110
120' TOWER	450000130
130' TOWER	450000130
140' TOWER	450000140
150' TOWER	450000150
160' TOWER	450000160
170' TOWER	450000170

GENERAL NOTES:

1. TOWER DESIGN IS IN ACCORDANCE WITH SECTION 3-15 OF THE ZONING ORDINANCE AND THE UNIFORM STATEWIDE BUILDING CODE.
2. TOWER SHALL BE PROTECTED FROM LIGHTNING BY PROPERLY INSTALLED LIGHTNING RODS AND DOWN LEADS.
3. TOWER SHALL BE PROTECTED FROM LIGHTNING BY PROPERLY INSTALLED LIGHTNING RODS AND DOWN LEADS.
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18. TOWER SHALL BE PROTECTED FROM LIGHTNING BY PROPERLY INSTALLED LIGHTNING RODS AND DOWN LEADS.

FOUNDATION AND ANCHOR TOLERANCES ALL FOUNDATIONS

1. CONCRETE DIMENSIONS - PLUS OR MINUS 1" (25mm).
2. DEPTH OF FOUNDATION - PLUS 3" (76mm) OR MINUS 0".
3. DRILLED FOUNDATIONS OUT OF PLUMB - 1.0 DEGREE.
4. REINFORCING STEEL PLACEMENT - PER A.C.I. 301.
5. PROJECTION OF EMBEDMENTS - PLUS OR MINUS 1/8" (3mm).
6. VERTICAL EMBEDMENTS OUT OF PLUMB - 0.5 DEGREE.

ANCHOR BOLTS

7. MAXIMUM DISTANCE FROM CENTERLINE OF ANCHOR BOLTS TO CENTERLINE OF FOUNDATION - 1/24 OF PIER DIAMETER UP TO A MAXIMUM OF 2" (51mm).
8. ANCHOR BOLT SPACING - 1/16" (2mm).
9. ANCHOR BOLT CIRCLE ORIENTATION - 0.5 DEGREE.
10. ANCHOR BOLT CIRCLE DIAMETER - PLUS OR MINUS 1/16" (2mm).

SELF-SUPPORTING TOWERS

11. FACE SPREAD DIMENSION CENTER TO CENTER OF ANCHOR BOLT CIRCLES - PLUS OR MINUS 1/16" (2mm) OR 1/16" (2mm) PER 20 FT. (6m) OF FACE SPREAD.
12. MAXIMUM DIFFERENCE BETWEEN ANY TWO FOUNDATION ELEVATIONS - 1/2" (13mm).

GLYED TOWERS

13. GUY RADIUS - PLUS OR MINUS 5% OF DISTANCE SPECIFIED.
14. ANCHOR ELEVATION - PLUS OR MINUS 5% OF GUY RADIUS.
15. ANCHOR ALIGNMENT (PERPENDICULAR TO GUY RADIUS) - 1.0 DEGREE.
16. ANCHOR ROD SLOPE - PLUS OR MINUS 1.0 DEGREE.
17. ANCHOR ROD ALIGNMENT WITH GUY RADIUS PLUS OR MINUS 1.0 DEGREE.
18. ANCHOR HEAD OUT OF PLUMB - 1.0 DEGREE.
19. GUY INITIAL TENSION - PLUS OR MINUS 10% OF TENSION SPECIFIED.

NOTE: TOLERANCES IN NOTES 13 AND 14 CAN NOT OCCUR SIMULTANEOUSLY.

WARNING!!!

AFTER ANCHOR BOLTS ARE INSTALLED IN CONCRETE HAS TAKEN ITS INITIAL SET, ANCHOR BOLTS MUST NOT BE MOVED, BENT OR REALIGNED IN ANY MANNER. A NUT LOCKING DEVICE MUST BE INSTALLED ON ALL ANCHOR BOLTS.

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CONCRETE TOWER BASE SCHEDULE FOR ANS/ITA-222-G PRESUMPTIVE CLAY SOIL

CB NO.	TOWER BASE REACTION (KIBS)	DIMENSIONS						BEARING PLATE	CONC. (CU. YDS. NO. PIER)	VERTICAL BARS (NO. & SIZE)	HORIZ. BARS (NO. & SIZE)
		A	B	C	D	E	F				
1G	12,000	2'-0"	2'-0"	0	4'-0"	0	0	BPS	0.80	8 NO. 7	NONE
2G	17,000	3'-0"	3'-0"	0	4'-0"	0	0	BPS	1.20	10 NO. 7	NONE
3G	23,000	3'-0"	3'-0"	0	4'-0"	0	0	BPS	1.60	12 NO. 7	NONE
4G	30,000	4'-0"	4'-0"	0	4'-0"	0	0	BPS	2.18	12 NO. 8	NONE
5G	38,000	2'-0"	4'-0"	1'-0"	4'-0"	3'-3"	1'-3"	BPS	1.10	8 NO. 6	5 NO. 5
6G	48,000	2'-0"	4'-0"	1'-0"	4'-0"	3'-3"	1'-3"	BPS	1.30	8 NO. 6	6 NO. 5
7G	58,000	2'-0"	5'-0"	1'-0"	4'-0"	3'-3"	1'-3"	BP15	1.60	8 NO. 6	6 NO. 5
8G	71,000	2'-0"	5'-0"	1'-0"	4'-0"	3'-3"	1'-3"	BP10	1.80	8 NO. 6	7 NO. 5
9G	84,000	2'-0"	6'-0"	2'-0"	4'-0"	3'-3"	1'-3"	BP10	2.40	8 NO. 6	7 NO. 6
10G	99,000	2'-0"	6'-0"	2'-0"	4'-0"	3'-3"	1'-3"	BP10	2.80	8 NO. 6	8 NO. 5
11G	111,000	2'-0"	7'-0"	2'-0"	5'-0"	3'-3"	1'-3"	BP15	3.90	8 NO. 7	8 NO. 6
12G	127,000	2'-0"	7'-0"	2'-0"	5'-0"	3'-3"	1'-3"	BP15	4.30	8 NO. 7	9 NO. 6
13G	145,000	2'-0"	8'-0"	2'-0"	5'-0"	3'-3"	1'-3"	BP15	4.80	8 NO. 7	9 NO. 6
14G	162,000	3'-0"	8'-0"	2'-0"	5'-0"	3'-3"	2'-0"	BP15	6.30	12 NO. 7	9 NO. 7
15G	182,000	3'-0"	8'-0"	3'-0"	5'-0"	3'-3"	2'-0"	BP15	6.90	12 NO. 7	10 NO. 7

PLAN VIEW

SECTION A-A

VERTICAL BARS EQUALLY SPACED (SEE CHART FOR NO. & SIZE)

ALTERNATE SQUARE PIER
#4 CIRCULAR TIES 3" ON CENTERS W/ 2" LAPS

NOTES:

- SEE TOWER ASSEMBLY DRAWING FOR FOUNDATION LAYOUT AND PART NUMBERS FOR BEARING PLATE & PIER PIN.
- SEE DRAWING NUMBER B90548 FOR STANDARD FOUNDATION NOTES.
- USE MIN. 2" DIA. OR 3" DIA. ROUND PIER WHEN BPCS OR BPCS6 IS USED.
- VERTICAL REINFORCING STEEL SHALL BE REPLACED WITH STRAIGHT BARS WHEN NO PAD IS REQUIRED.
- HORIZ. BARS IN CHART REFER ONLY TO THE BARS IN THE FOUNDATION PIER.

CONCRETE ANCHOR BLOCK DATA FOR ANS/ITA-222-G PRESUMPTIVE CLAY SOIL

BLOCK	ANCHOR DIMENSIONS (IN)	HORIZONTAL BARS	VERTICAL BARS	UPSET CAPACITY (KIBS)	LATERAL CAPACITY (KIBS)
AB1	3'-0" x 1'-0" x 3'-0" x 4'-0"	(1) #5 BARS TOTAL (1) #5 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#3 @ 12" O.C. 3.44 PER BLOCK 3.7 TOTAL FOR 3	4,800	2,100
AB2	4'-0" x 1'-0" x 4'-0" x 5'-0"	(1) #5 BARS TOTAL (1) #5 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#3 @ 12" O.C. 3.38 PER BLOCK 3.6 TOTAL FOR 3	12,400	6,400
AB3	6'-0" x 1'-0" x 3'-0" x 6'-0"	(1) #5 BARS TOTAL (1) #5 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#3 @ 12" O.C. 1.6 PER BLOCK 3.0 TOTAL FOR 3	16,700	10,000
AB4	6'-0" x 1'-0" x 4'-0" x 7'-0"	(1) #5 BARS TOTAL (1) #5 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#4 @ 12" O.C. 2.0 PER BLOCK 3.0 TOTAL FOR 3	32,500	15,000
AB5	6'-0" x 2'-0" x 3'-0" x 10'-0"	(1) #7 BARS TOTAL (1) #7 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#4 @ 12" O.C. 2.22 PER BLOCK 3.7 TOTAL FOR 3	43,000	21,000
AB6	6'-0" x 2'-0" x 4'-0" x 10'-0"	(1) #7 BARS TOTAL (1) #7 BARS TOP AND BOTTOM LAYERS (1) ADDITIONAL BAR EACH SIDE	#4 @ 12" O.C. 3.86 PER BLOCK 3.7 TOTAL FOR 3	32,000	26,000

ANCHOR DETAIL

GENERAL NOTES:

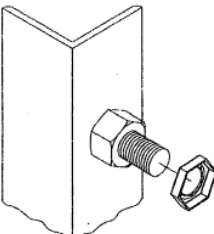
- SEE DRAWING NUMBER B90548 FOR STANDARD FOUNDATION NOTES.
- ALL HORIZONTAL BARS MUST BE CONTINUOUS.
- DOE TO VARIABLES INVOLVED DURING INSTALLATION, IT SHALL BE THE CUSTOMER'S OR INSTALLER'S RESPONSIBILITY TO PROVIDE STRUCTURALLY ADEQUATE SUPPORTS FOR BASE AND ANCHOR CONNECTIONS. IT MAY ALSO BE NECESSARY FOR THE CUSTOMER OR INSTALLER TO SECURE THE SERVICE OF A LOCAL ENGINEER TO DETERMINE THAT INSTALLATION COMPLES WITH LOCAL BUILDING CODES.
- ADDITIONAL CORROSION PROTECTION MAY BE REQUIRED FOR STEEL GUY ANCHORS IN DIRECT CONTACT WITH SOIL.

ASSEMBLY BOLT INSTALLATION


- UNLESS OTHERWISE SPECIFIED, ASSEMBLY BOLTS AND ANCHOR BOLTS ARE TO BE TIGHTENED TO A SNUG TIGHT CONDITION (MEMBERS IN FIRM CONTACT) AND MUST INCLUDE A NUT LOCKING DEVICE. NO MINIMUM BOLT TENSION OR TORQUE VALUES ARE REQUIRED. WHEN LOCK WASHERS ARE PROVIDED AS A NUT LOCKING DEVICE, REPLACE ANY DAMAGED WASHERS DUE TO OVER TIGHTENING.
- WASHERS ARE TO BE INSTALLED OVER SLOTTED HOLES.

PAL NUT INSTALLATION

- PAL NUTS ARE TO BE INSTALLED AFTER NUTS ARE TIGHT AND WITH EDGE UP OUT (SEE PICTURE). PAL NUTS ARE NOT REQUIRED WHEN SELF-LOCKING NUTS OR LOCK WASHERS ARE PROVIDED.



REV.	DESCRIPTION	DATE	BY
1	ISSUE AS SHOWN		




ROHN
4500 W. 100th St.
Minnetonka, MN 55342
TEL: 952-891-1100
WWW.ROHN.COM

BOLT ASSEMBLY INSTALLATION

REV.	DATE	FILE
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DRAWING NO. A770133 SHEET 1 OF 7

REV.	DESCRIPTION	DATE	BY
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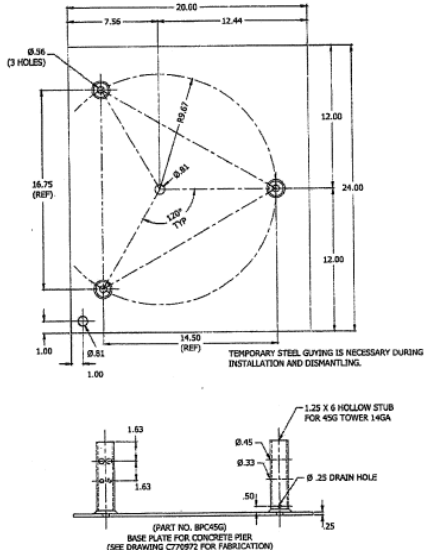


ROHN
4500 W. 100th St.
Minnetonka, MN 55342
TEL: 952-891-1100
WWW.ROHN.COM

**BASE SECTION
45G CONCRETE BASE PLATE (PRT)**

REV.	DATE	FILE
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DRAWING NO. A770133 SHEET 1 OF 7

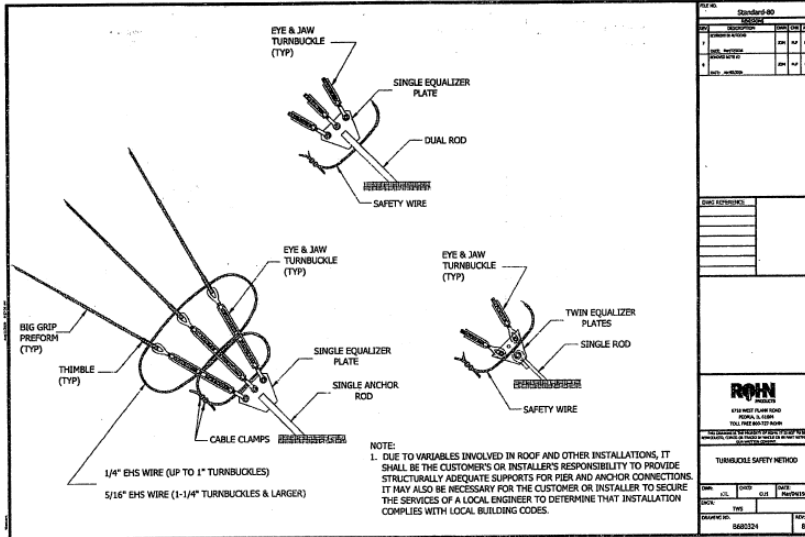


TEMPORARY STEEL GUYING IS NECESSARY DURING INSTALLATION AND DISMANTLING.

(PART NO. BRP45G)
BASE PLATE FOR CONCRETE PIER
(SEE DRAWING C770972 FOR FABRICATION)

NOTES:

- DUE TO VARIABLES INVOLVED IN ROOF AND OTHER INSTALLATIONS, IT SHALL BE THE CUSTOMER'S OR INSTALLER'S RESPONSIBILITY TO PROVIDE STRUCTURALLY ADEQUATE SUPPORTS FOR PIER & ANCHOR CONNECTIONS. IT MAY ALSO BE NECESSARY FOR THE CUSTOMER OR INSTALLER TO SECURE THE SERVICE OF A LOCAL ENGINEER TO DETERMINE THAT INSTALLATION COMPLIES WITH LOCAL BUILDING CODES.
- AFTER GALVANIZING CHECK DRAIN HOLES TO SEE THAT THEY ARE NOT PLUGGED.
- FOR USE WITH GUYED AND BRACKETED TOWERS ONLY.



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WIRE SIZE	ANCHOR ROD	TURNBUCKLE	THIMBLE
3/16 EHS	GAR30	5/8TBE&J	5/16THH
	GAC303,305	3/8TBE&E	5/16THH
	GAC3455	1/2TBE&J	5/16THH
	GAC5655	5/8TBE&J	5/16THH
1/4 EHS	GAR30	5/8TBE&J	3/8THH
	GAC303,305	1/2TBE&E	3/8THH
	GAC3455	1/2TBE&J	3/8THH
	GAC5655	5/8TBE&J	3/8THH
5/16 EHS	GAR30	5/8TBE&J	7/16THH
	GAC303,305	5/8TBE&J	7/16THH
	GAC3455	5/8TBE&J	7/16THH
	GAC5655	5/8TBE&J	7/16THH
3/8 EHS	GAR30	5/8TBE&J	1/2THH
	GAC3455	5/8TBE&J	1/2THH
	GAC5655	5/8TBE&J	1/2THH

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Title 47 - Telecommunication
Chapter I - Federal Communications Commission
Subchapter A - General
Part 17 - Construction, Marking, and Lighting of Antenna Structures
Subpart B - Federal Aviation Administration Notification Criteria

Authority: 47 U.S.C. 154, 301, 303, 309.

§ 17.7 Antenna structures requiring notification to the FAA.

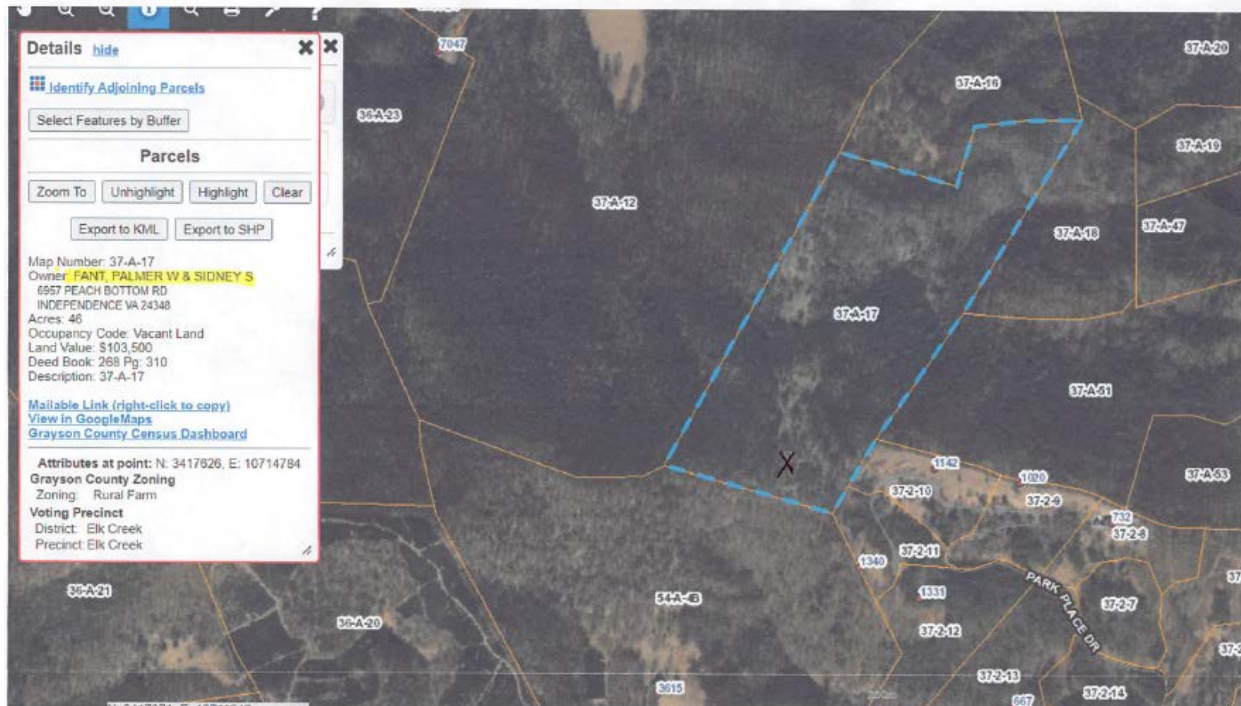
A notification to the FAA is required, except as set forth in paragraph (e) of this section, for any of the following construction or alteration:

- (a) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
- (c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.
- (d) Any construction or alteration on any of the following airports and heliports:
 - (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
 - (2) A military airport under construction, or an airport under construction that will be available for public use;
 - (3) An airport operated by a Federal agency or the United States Department of Defense.
 - (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
- (e) A notification to the FAA is not required for any of the following construction or alteration:
 - (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

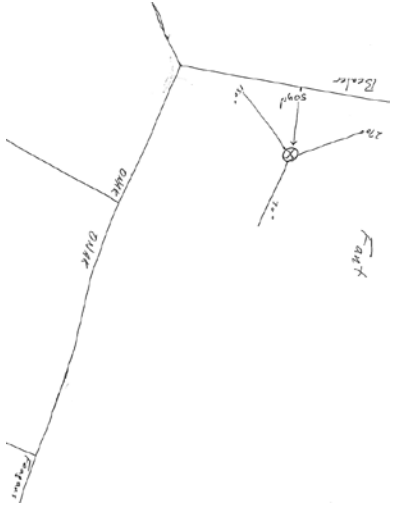
#6

- (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
- (3) Any antenna structure of 6.10 meters (20 feet) or less in height, except one that would increase the height of another antenna structure.

Note to § 17.7: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.



X = tower





1. The Applicant is the: Owner Agent for Owner

Applicant:	GigaBeam Networks	
Last Name, First		
Mailing Address:	PO Box 135 Rich Creek, VA 24147	
Phone Number:	540-726-2317	
Email Address:	accounting@gigabeam.net	
Property Owner: (# Different from Above)	Fant, Palmer W and Sidney S	
Mailing Address:	6957 Peach Bottom Rd, Independence, VA	
Tax Map Number:	37-A-17	Parcel Size in Acreage: 46

2. Describe how the subject property(ies) is currently being used.

Farm / mountain land

3. Describe the proposed project (uses to be changed, added, or expanded as part of the project, including the number of employees and hours of operation)

Construct a 45 G 140' tower for the purpose of providing wireless internet coverage to residents currently uncovered by the projected fiber build. Construction will require 6 people between 40-60 hours.

4. List and describe each proposed structure to be constructed or enlarged as part of this project. Each description must include the use of each structure, heights (ft. or stories), and sizes (sq. ft.) based on outside dimensions.

Construct one 140-foot tower which is a 16 inch triangle with guyed wires extending 112 feet. (see tower diagram attachment) Tower will be powered by electricity from Park Place Drive. Solar panels.

Park place Dr. no longer a viable option.

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

Some trees will be cleared for the tower build. There will be no environmental impact. The tower will provide several houses with internet service.

6. Is the project use consistent with the Comprehensive Plan? Specifically, reference comprehensive plan goals.

Yes, the Grayson County Comp Plan specifically references the support of broadband and wireless internet in Chapter 5-Economy 5-11 strategies state, support efforts, where feasible to encourage the development of advanced communication infrastructure broadband & wireless internet. Expansions of fiber and wireless internet will help impact ^{Page 2 of 5} small business development, especially for small businesses that operate outside of major corridors and towns.

Mrs. Black also noted this is consistent with §8-1 of the Comprehensive Plan to support and encourage development for the advancement of communication infrastructure broadband, wireless internet and cell coverage towers.

Discussion:

- Easements on the property that would interfere with this tower – Mrs. Black noted she’s not aware of any
- Right of way in County ordinance to be in place – Mrs. Black noted the only time a right of way or road frontage is required is for a primary or residential structure
- Load limits - Emergency Services apparatus on tower – Mrs. Black suggested a study be completed to make sure that the extra load can be handled by the tower if it is needed in a specific area – this tower is only designed to support itself – Mr. Clemmons noted that they have built the same towers in Bluefield, and it does have 4 repeater antennas on it for emergency services and could easily place 2 or 3 repeater antennas on this tower
- Verify there are no easements on this property before moving forward – Supervisor Fant joined the meeting to clarify agricultural easements on this specific property and Supervisor Fant thinks this part is part of a conservation easement, because of where it is which is in the forest; when this easement was put in place, they allowed not for development rights (housing) but nothing that we are aware of that would restrict this – there is no agricultural use allowed but are allowed for forestry use – we have not reached out to Virginia Outdoors Foundation who is the ones that would make this decision on this property. Supervisor Fant noted there is a tentative right of way that has been worked out between the Fants and Gigabeam – have a deeded right of way from Peach Bottom up through the Roberts property which is the legal right of way up to that property; however, the right of way that is being looked at, goes through one of the pastures and are good with that – for the purpose of their construction there’s no issues with them accessing the property through the route that’s been looked at – there’s no lease, no right of way, just a tentative gentleman’s agreement on the sight location and the route they would use for that - pending approval of this public hearing, lease would then be signed and right of way worked out – right of way will not be an issue if approved – right of way would be part of the lease. The County has a right to put equipment on any tower in the County – the tower would be a benefit for potential 911/Sheriff’s department to place additional equipment on it – comfortable with what Gigabeam and the County would like to do. Supervisor Fant then excused himself from the meeting.

Mrs. Black noted that staff recommends for the public necessity, convenience and general welfare, public safety, health and good zoning practice, that the Planning Commission approve the Special Use Permit for the tower on tax map 37-A-17 in the rural farm zone of the Elk Creek District be approved.

Brian Grim of Independence spoke and noted that he joins the property of Sidney Fant and this is very needed in his community.

Mr. Boyer made the motion to close the public hearing for the Planning Commission; duly seconded by Mrs. Hash. Motion carried 8-0.

Supervisor Belton made the motion to close the public hearing for the Board of Supervisors; duly seconded by Supervisor Anderson. Motion carried 3-0.

Planning Commission Discussion:

Mr. Walls noted that since there is a easement on that property, needs to be verified if the tower would go against the easement and feels it needs to be a contingency if the Planning Commission approves to not hold up the process. Mr. Boyer made the motion to approve subject to clarification of the easement issue through the Virginia Outdoors Foundation; duly seconded by Mr. Felicito. Roll call vote as follows: Dan Boyer – aye; Brian Walls – aye; Lisa Hash – aye; Philip Vaughan – aye; Robert Noblett – aye; Don Dudley – aye; Gary Ballard – aye; Robert Felicito – aye. Motion carried 8-0. Mr. Walls noted it is approved to forward this motion with the Planning Commission’s approval of the easement being verified to the Board of Supervisors.

Supervisor Hash noted on hearing the recommendation from the Planning Commission he would entertain a motion. Supervisor Belton made the motion to pass on the recommendation of the Planning Commission; duly seconded by Supervisor Anderson.

Board of Supervisors Discussion:

- Mr. Hedrick of Gigabeam noted regarding the other 3 sites, that 1 was not interested; 1 was further north; 1 has HOA issues; 1 was open to it but wanted them to go too far over the side which wouldn’t work – the lay of the land is tricky and those were lower elevations.
- If the tower can’t be seen from a home, utility poles can be set to reach them – towers and the lay of the land was considered well before beginning this project
- No negotiations are happening in the western end just yet – haven’t gotten to the western end yet – will try and utilize the cell towers in that end – service can’t be provided to Whitetop until the has been completed on the fiber – total number of towers in the county will depend on where the dead spots are. Mr. Clemmons of Gigabeam noted the county is broken up into 3 funded projects: 2 Tobacco funded, and 1 VATI grant and the 2 towers being discussed today are in the first Tobacco funded project – this money needs to be spent first because it’s ready to expire; the other Tobacco funded one is Whitetop and that one is being designed now; the VATI is including 20 sites of wireless access but there’s only 2 towers in the plan – 1 is at point lookout which already exists and we’re looking to add 1 other tower and the rest are utility pole sites (approximately 18 of those) which is Elk Creek over to Troutdale. Before the Comcast challenge there was close to 30 sites – 6 towers and 22 or 23 microsites and because of the Comcast challenge, towers had to be scaled back on the eastern side of the county – can’t overlap their service area and to comply with the VATI rules, it’s now roughly 20 sites, 2 towers with 1 being the

point lookout tower and the other is west of that with the rest being poles – not sure how many people will be able to see the tower

- Negotiation with each landowner consists of offering free service – depends on the size of the tower

Supervisor Anderson made a motion to amend the previous motion to table this for further discussion with the full Board since Supervisor Ivey couldn't attend; no second so motion died. Chair noted they would proceed with the original motion. Supervisor Belton noted that this is a time sensitive matter and stands by his motion. Supervisor Anderson noted that he understands there's a sense of urgency and doesn't want to cast his vote in that light, understands the need for broadband in the area and being with a skeleton Board tonight – just the appearance and the negotiations that we don't know – doesn't feel like Supervisor Fant is up to anything, but when it comes to our position and receiving any kind of compensation, it needs to be looked at more closely. Supervisor Hash noted that Supervisor Fant's statement noted there is no personal gain and with the funds from the Tobacco Commission that we are in jeopardy of losing and the money is ready to be used and free to the county – excited about the potential of placing repeaters on the towers for emergency services and police and sees no reason to stall the process – Mr. Clemmons noted that technically the funding has already expired but they were able to request an extension which will expire next summer. Roll call vote as follows: Tracy A. Anderson – nay; Kenneth R. Belton – aye; Michael S. Hash – aye. Motion carried 2-1.

IN RE: JOINT PUBLIC HEARING – SPECIAL USE PERMIT- #2 – GIGABEAM NETWORKS – RICHARD MCCLEAN, PROPERTY OWNER

Supervisor Fant rejoined the joint meeting.

Mrs. Jada Black gave the following staff report:

REQUEST

Application No. 20220183 is a request for a Special Use Permit pursuant to Article 4 Section 4-6.2.i of the Grayson County Zoning Ordinance to authorize the construction and operation of a communications tower for wireless internet in an unserved area of Grayson County located on one parcel containing approximately 57.995 acres of land located off of Woodbridge Lane and further identified as Tax Map No. 54-A-6. The proposed communication tower will be located on Tax Map number 54-A-6. The property is zoned Rural Farm (RF) and is not designated in the Enterprise Zone or Opportunity Zone, and no Historical Structures were identified within the proximity of the subject parcel.

DESCRIPTION

- **Property Owner:** Ricard McLean
- **Location:** Woodbridge Lane, Independence
- **Area:** Approximately 57.995 acres +/-

- **Frontage:** Woodbridge Lane, Independence
Right-of-way lease agreement through tax parcel 53-A-89 and 54-A-8 owned by Edgar J. Hensdell, Jr. Agreement signed 11/8/2022.
- **Utilities:** Solar panels will be installed to energize the tower. Permission and access granted to add electrical service to the site.
- **Topography:** Relatively rolling and slopping approximately 2,967 feet in elevation.
- **Zoning Classification:** Rural Farm
- **Existing Development:** Mostly forested, with two residential dwellings on the property
- **Surrounding Development:**
 - North: Primarily agricultural operations and several single-family dwellings across Peach Bottom Road
 - East: Subject parcel adjoins vacant parcels, single-family dwelling along Forest Ridge Road.
 - South: Primarily agricultural and forestry
 - West: Primarily forestry and agricultural that adjoins Greenhouse Road
- **Proposed Development:** 140' 45G Communications Tower for wireless internet in unserved areas in Elk Creek District

LOCATION, SITE PLAN, AND ROAD ACCESS

1. The subject parcel is 57.995 acres and is located in the Elk Creek District, bound by primarily vacant forested and agricultural farmland. The nearest direct route from Peach Bottom Road to Woodbridge Lane.
2. The property is designated Rural Farm. Research indicates the area has no historical references through the Virginia Historical Society and is not designated within the Enterprise Zone.
3. Adjacent properties surrounding the subject parcels are all designated as Rural Farm.
4. Engineered plan for the proposed tower and other reference material include the following details: **Reference No. 1**
 - Construction Details
 - Building Official Coorespondence
 - Miro Site Lease Agreement with a term of 10 years options to renew for a period of 10 years, but can can be cancelled after initial term with written 90-day notice.
 - Color- Hot-Dipped Galvanized Steel Construction
 - Excavation Area is minimal pier footings as required for tower construction. Minimal tree removal will be required for tower location.

- Tower Specs- 45G self-supporting ladder tower, overall height 140' communications tower
Vegetation on site will screen any local impact view. Tower constructed will be less than the requirements to meet FAA approval. Construction will meet FCC, Building Code Requirements, and other applicable Federal and State standards.
- Nearest residents property line is approximately feet from the communications tower
- Setbacks to residential structure 1560 ft.
- Fencing- Giga Beam has requested a variance for the fencing, a formal letter of request can be located in the reference pages attached.

OTHER APPLICABLE REQUIREMENTS

- Giga Beam Networks SUP Application **Reference No. 2**
- Co-location policy – the proposed tower will allow co-location of government access for emergency services free of charge.
Reference No. 3
VARIANCE REQUEST Fencing and Setbacks Reference No. 4
- Comprehensive Plan consistency – *Section 8-1 Support and encourage the development of advanced communication infrastructure, broadband, wireless internet, and cell coverage/towers (5-11)*
- Photo simulation pictures provided **Reference No. 5**
- No hazard to air traffic determination **Reference No. 6**
 - FAA requirements for lighting do not apply per §17.7 Antenna structure requiring notification to the FAA.

RECOMMENDATION

For the purpose of public necessity, convenience, general welfare, public safety, and health or good zoning practice. Staff recommends to the Planning Commission approval for a Special Use Permit for a Communications Tower on parcel tax map number 54-A-6 in the Rural Farm Zone, Elk Creek District. The site will be developed as specified in the submitted plans and application and in accordance with Article 3-15 of the Zoning Ordinance and the Uniform Statewide Building Code.

1. The Applicant is the: Owner Agent for Owner

Applicant: Last Name, First	Giga Beam Networks
Mailing Address:	PO Box 135 Rich Creek, VA 24147
Phone Number:	540-726-2317
Email Address:	accounting@gigabeam.net
Property Owner: (if Different from Above)	Richard "Rick" McLean
Mailing Address:	77 Woodbridge Lane, Independence, VA
Phone Number:	

Email Address:	n/a	
Tax Map Number:	54-A-6	Parcel Size in Acreage: 57.995

2. Describe how the subject property(ies) is currently being used.

Farm / Mountain Land

3. Describe the proposed project (uses to be changed, added, or expanded as part of the project, including the number of employees and hours of operation)

Construct a 45G 140' tower for the purpose of providing wireless internet coverage to residents currently uncovered by the projected fiber build. Construction will require 6 people between 40-60 hours.

4. List and describe each proposed structure to be constructed or enlarged as part of this project. Each description must include the use of each structure, heights (ft. or stories), and sizes (sq. ft.) based on outside dimensions.

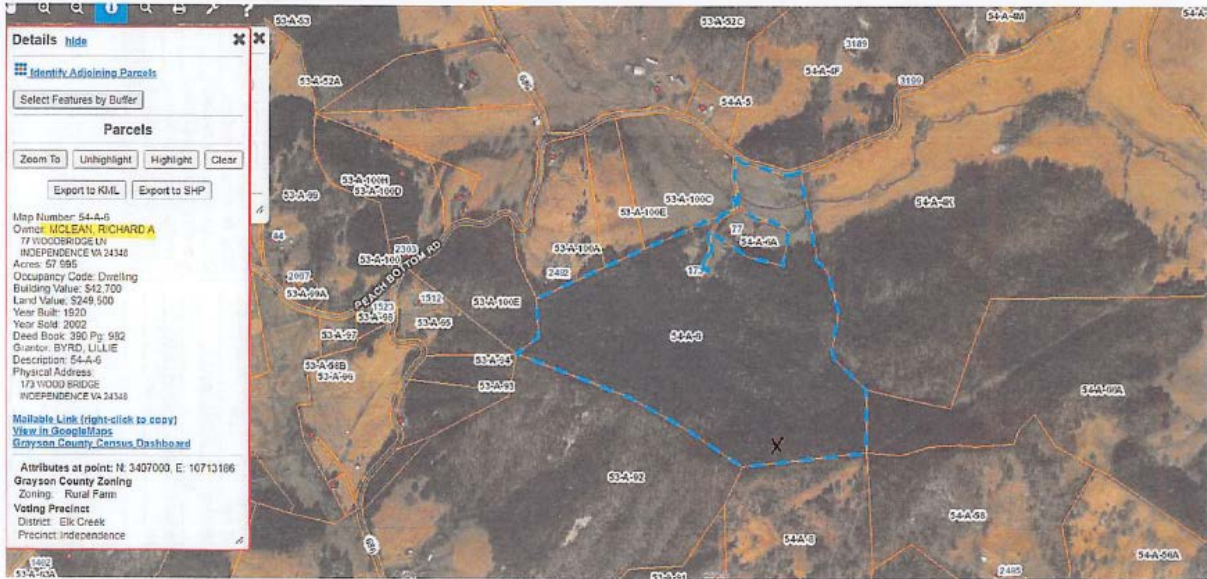
Construct one 140 foot tower which is a 16 inch triangle with guyed wires extending 112 feet. (See tower diagram attachment). Solar panels will be on the ground to provide power.

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

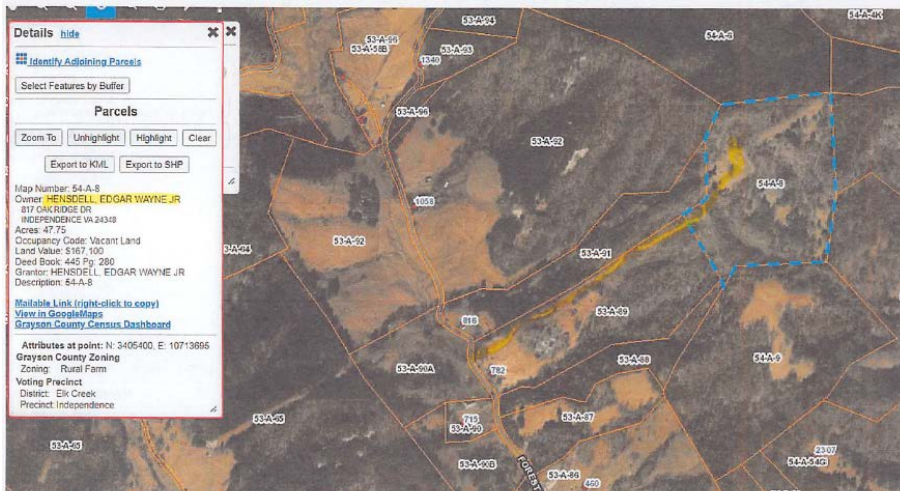
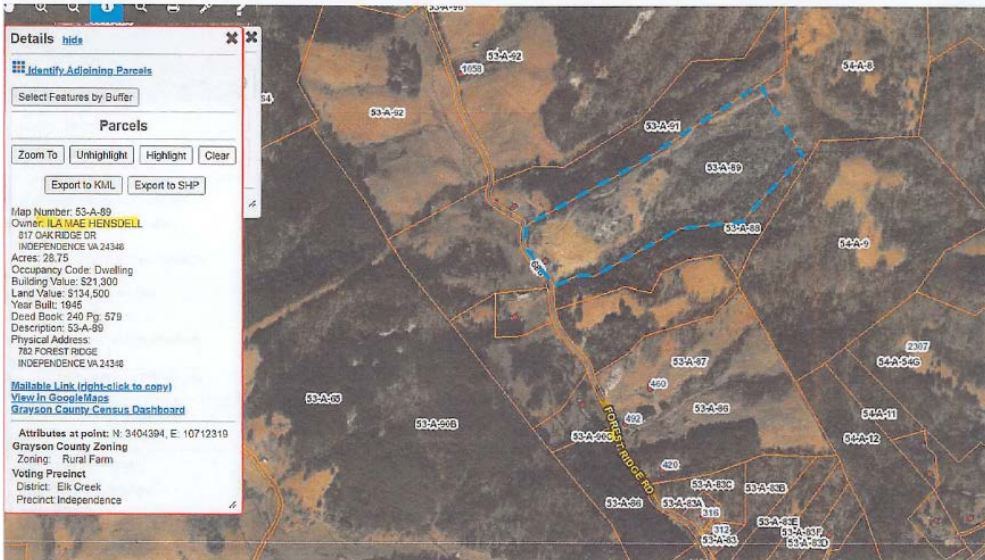
Some trees will be cleared for the tower build. There will be no environmental impact. The tower will provide several houses with internet service.

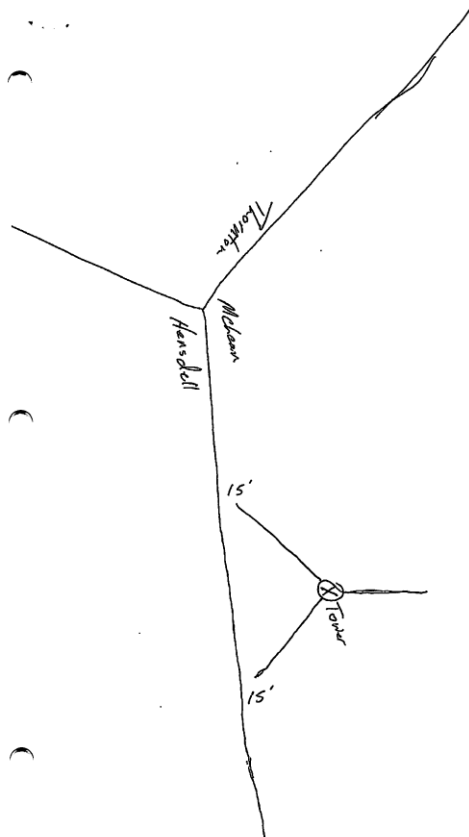
6. Is the project use consistent with the Comprehensive Plan? Specifically, reference comprehensive plan goals.

Yes, the Grayson County Comp Plan specifically references the support of broadband & wireless internet in Chpt. 5-Economy 5-11 Strategies reference support efforts, where feasible to encourage the development of advanced communication infrastructure broadband & wireless internet. Expansions of fiber and wireless internet will help impact small business development, especially for small businesses that operate outside of major corridors and towns.



X = Tower





Title 47 - Telecommunication
Chapter I - Federal Communications Commission
Subchapter A - General
Part 17 - Construction, Marking, and Lighting of Antenna Structures
Subpart B - Federal Aviation Administration Notification Criteria

Authority: 47 U.S.C. 154, 301, 303, 309.

§ 17.7 Antenna structures requiring notification to the FAA.

A notification to the FAA is required, except as set forth in paragraph (e) of this section, for any of the following construction or alteration:

- (a) Any construction or alteration of more than 60.96 meters (200 feet) in height above ground level at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 0.98 kilometers (3,200 feet) in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.

- (c) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed an obstruction standard of the FAA.
- (d) Any construction or alteration on any of the following airports and heliports:
 - (1) A public use airport listed in the Airport/Facility Directory, Alaska Supplement, or Pacific Chart Supplement of the U.S. Government Flight Information Publications;
 - (2) A military airport under construction, or an airport under construction that will be available for public use;
 - (3) An airport operated by a Federal agency or the United States Department of Defense.
 - (4) An airport or heliport with at least one FAA-approved instrument approach procedure.
- (e) A notification to the FAA is not required for any of the following construction or alteration:
 - (1) Any object that will be shielded by existing structures of a permanent and substantial nature or by natural terrain or topographic features of equal or greater height, and will be located in the congested area of a city, town, or settlement where the shielded structure will not adversely affect safety in air navigation;

47 CFR 17.7(e)(1) (enhanced display)

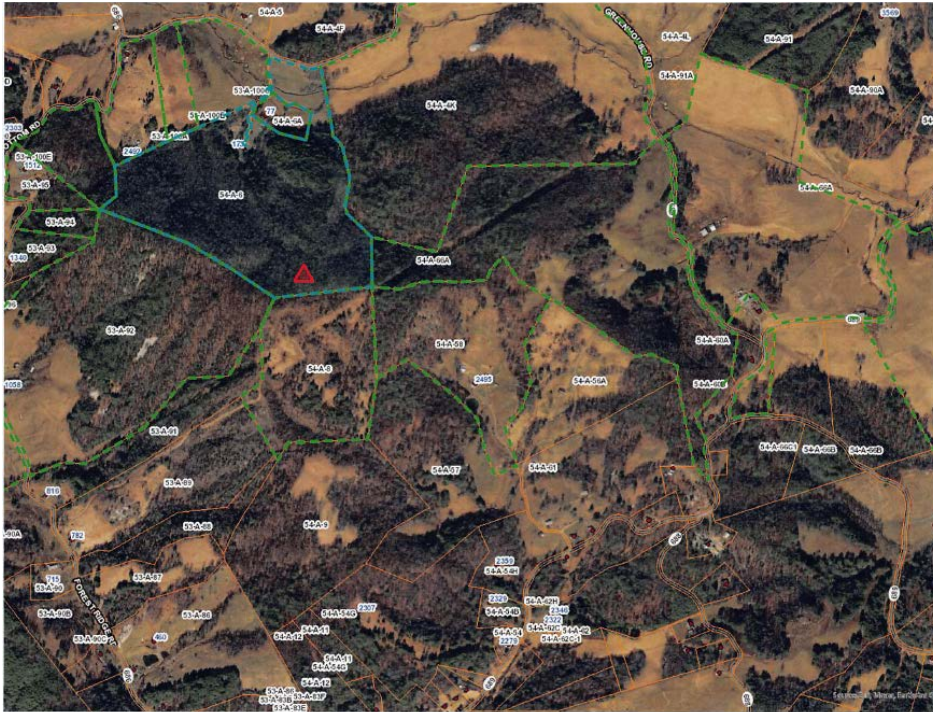
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- (2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device meeting FAA-approved siting criteria or an appropriate military service siting criteria on military airports, the location and height of which are fixed by its functional purpose;
- (3) Any antenna structure of 6.10 meters (20 feet) or less in height, except one that would increase the height of another antenna structure.

Note to § 17.7: Consideration to aeronautical facilities not in existence at the time of the filing of the application for radio facilities will be given only when proposed airport construction or improvement plans are on file with the Federal Aviation Administration as of the filing date of the application for such radio facilities.

Photo Simulations





Mrs. Black noted there is a lease agreement with an option to renew for 10 years and can be cancelled by a written request within a 90-day notice. Mrs. Black also noted this is consistent with §8-1 of the Comprehensive Plan to support and encourage development for the advancement of communication infrastructure broadband, wireless internet and cell coverage towers. Discussion took place regarding fencing and setbacks (reference 4).

Discussion:

- Mr. Walls asked Gigabeam if they have ever had any issues with anyone climbing the towers and Mr. Hedrick replied no, they have not and Mr. Clemmons noted that most

towers are not that accessible but if one was, they would fence it to protect not only their property but also to keep people out.

- Mrs. Black noted there are no easements on this property.
- Gigabeam does carry insurance.
- There is a deeded right of way (width of actual road) lease agreement completed by Gigabeam and Mr. Hensdell, Jr into this tower – parcel 53-A-89 and 54-A-8 to access the wireless transition site, 24 hours/day, 365 days

Mrs. Black noted that staff recommends for the public necessity, convenience and general welfare, public safety, health and good zoning practice, that the Planning Commission approve the Special Use Permit for the tower on tax map 54-a-6 in the rural farm zone of the Elk Creek District be approved.

Mr. Boyer made the motion for the Planning Commission to open the public hearing; duly seconded by Mr. Felicito. Motion carried 8-0.

Supervisor Anderson made the motion for the Board of Supervisors to open the public hearing; duly seconded by Supervisor Fant. Motion carried 4-0.

Mr. Walls noted there is no one signed up for this public hearing. Motion to close the public hearing for the Planning Commission by Mr. Boyer; duly seconded by Mrs. Hash. Motion carried 8-0.

Supervisor Fant made the motion for the Board of Supervisors to come out of the public hearing; duly seconded by Supervisor Anderson. Motion carried 4-0.

Mr. Boyer, of the Planning Commission, made the motion to approve the Special Use Permit as presented, duly seconded by Mr. Vaughan. Roll call vote as follows: Dan Boyer – aye; Brian Walls – aye; Lisa Hash – aye; Philip Vaughan – aye; Robert Noblett – aye; Don Dudley – aye; Gary Ballard – aye; Robert Felicito – aye. Motion carried 8-0.

Supervisor Hash, of the Board of Supervisors, noted the Planning Commission has recommended moving forward with the Special Use application. Supervisor Fant made the motion to approve; duly seconded by Supervisor Belton. Roll call vote as follows: Tracy A. Anderson – aye; John S. Fant – aye; Kenneth R. Belton; Michael S. Hash – aye. Motion carried 4-0.

Planning Commission – Old Business

There will be a workshop on December 12, 2022 at 6pm in the boardroom to work on the final components of the Comprehensive Plan Matrix.

Planning Commission – New Business

The Planning Commission and the Board of Supervisors will hold a joint work session with the Berkley Group to review the wind and solar recommendations on December 20, 2022 at 6pm.

Mr. Noblett noted that due to some health issues, he will not be in attendance for either of the meetings mentioned above.

Mrs. Hash made the motion to adjourn the Planning Commission; duly seconded by Mr. Boyer. Motion carried.

Board of Supervisors – Closed Session

Supervisor Hash noted the Board would take a break until 7:30 pm and then would come back to the Closed Session. Supervisor Fant made the motion to go into closed session; duly seconded by Supervisor Anderson. Motion carried 4-0. Supervisor Ivey joined the closed session by phone.

Whereas, the Grayson County Board of Supervisors has convened a closed session on the 17th day of November 2022, pursuant to an affirmative recorded vote and in accordance with provision of the Virginia Freedom of Information Act; and

Whereas §2.2-3711 of the Code of Virginia requires a certification by this Board of Supervisors that such closed session was conducted in conformity with Virginia law.

Now, Therefore Be It Resolved that the Board of Supervisors hereby certifies that, to the best of each member's knowledge, (I) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies, and (II) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board of Supervisors with recorded confirmation from members as follows: Michael S. Hash – I so certify; John S. Fant – I so certify; R. Brantley Ivey – I so certify; Tracy A. Anderson – I so certify.

Supervisor Anderson made the motion to come out of closed session; duly seconded by Supervisor Belton. Motion carried 5-0.

Supervisor Belton made the motion to adjourn; duly seconded by Supervisor Anderson. Motion carried.

IN RE: ADJOURN

made the motion to adjourn; duly seconded by