



County of Rockbridge

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ROCKBRIDGE COUNTY NOTICE OF PUBLIC HEARINGS

Notice is hereby given per Section 15.2-2204 of the Code of Virginia and Section 802.03, 04 and 05 of the County of Rockbridge Land Development Regulations a public hearing will be held by the Rockbridge County Planning Commission on Wednesday, March 13, 2019, at or around 7:00 p.m. in the Meeting Room in the County Administrative Offices, 150 South Main Street, Lexington, Virginia 24450, followed by public hearings by the Board of Supervisors on Monday, March 25, 2019, at 6:00 p.m. at the same location to consider the following applications

1. K.M. Hotels, 1260 Radford Street, Christiansburg Virginia, applying to conditionally rezone .17 acres from General Industrial District (I-1) to General Business District (B-1) to develop a hotel project per Section 605.02-7 of the Land Development Regulations. Property owned by Charles W. Barger & Son is located along the west side of Rocklawn Lane approximately 500 feet south of its intersection with East Midland Trail in the Buffalo Magisterial District and further identified as Tax Map 75-A-40.
2. Quarry Development, 620 Galloping Path, Natural Bridge, Virginia, applying to amend Proffer # 10 associated with the conditional rezoning of The Ponds subdivision which was to install an 8' chain link fence with strands of barbed wire on top along the upper edge of the quarry for safety purposes. The proposal is to build a 6' chain link fence. Property is located along the south side of Old Buena Vista Road approximately .63 miles east of its intersection with Lincoln Road in the South River Magisterial District and further identified as Tax Map 62-32-A.
3. Rockbridge County, 150 South Main Street, Lexington, Virginia, amending the Land Development Regulations, Section 302, Definitions: Special Events, Livestock Confinement Systems and Small Cell Facilities; Section 710, Livestock Confinement Systems and Section 711, Wireless Telecommunications Facilities. The purpose of these amendments is to align the language in the Land Development Regulations with current State and Federal Law.

Information on these applications is available in the Rockbridge County Office of Community Development, 150 South Main Street, Lexington, Virginia.

By: Sam Crickenberger
Director of Community Development

2 consecutive weeks
February 27, 2019

302.00 SPECIFIC DEFINITIONS

When used in this Ordinance the following words and phrases shall have the meaning given in this Section:

- 302.01 Abandonment. An antenna support structure is deemed abandoned when it ceases to be utilized for providing wireless service for a consecutive period of twelve (12) months.
- 302.03 Above Ground Level (AGL). The distance measured from ground level at the base of a structure to an object or point on the structure such as antennas, lightning rods or other appurtenances.
- 302.04 Accessory Use or Structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.
- 302.00 Administrative Review-Eligible Project. A telecommunications project that provides for:
1. The installation or construction of a new structure that is not more than 50 feet above ground level, provided that the structure with attached wireless facilities is (i) not more than 10 feet above the tallest existing utility pole located within 500 feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than 35 percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) designed to support small cell facilities; or
 2. The co-location on any existing structure of a wireless facility that is not a small cell facility.
- 302.12 Alternative tower structure. Shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- 302.15 Antenna. Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communications.
- 302.16 Antenna Support Structure. Any structure designed for the primary purpose of supporting one (1) or more antennas including, but not limited to, self-supporting lattice towers, guyed towers and monopoles.
- 302.22 Balloon Test. A technique utilizing a balloon to demonstrate the height of a proposed antenna support structure.

- 302.42 Co-location. The shared use of an antenna support structure by two (2) or more wireless service providers or other entities that operate antennas.
- 302.73 Existing Facility. A telecommunications facility that exists or is under construction.
- 302.74 Fall Zone. An area within a radius equal to the height of the antenna support structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.
- 302.78 Federal Aviation Administration (FAA). An agency of the federal government which regulates all activities affecting air navigation.
- 302.79 Federal Communications Commission (FCC). An agency of the federal government which regulates all intrastate, interstate and international wire, wireless, satellite and cable communications.
- 302.103 Height. When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- 302.138 Main Use. The primary purpose for which land or a building is used.
- 302.142 Mini/Micro Cell. An antenna support structure not exceeding eighty (80) feet in height.
- 302.143 Mitigation. The reduction or elimination of visual impacts through either concealment, camouflage and/or disguise.
- 302.165 Radio Frequency Engineer. An individual or firm with expertise in radio frequency propagation and engineering and maintaining a license to practice electrical engineering by the Commonwealth of Virginia.
- 302.173 Ridgeline/Ridge Top. A natural landform as defined in the Comprehensive Plan.
- 302.177 Secondary Support Structure. Any structure designed primarily for other purposes that can be utilized to support antennas including, but not limited to, buildings, power transmission towers, church steeples, light poles, water storage tanks, smoke stacks and silos.
- 302.178 Setback. The minimum distance by which any building structure must be separated from the front lot line.
- 302.179 Setback Line. A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure may be located

above ground.

- 302.000 Small Cell Facility. A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- 302.193 Stealth Structure. Any structure designed to conceal or disguise wireless telecommunications facilities including, but not limited to, flag poles, silos, tree poles, lookout towers, micro poles, internal antenna and partial screening.
- 302.211 Telecommunication Facility. Any structure used for the purpose of supporting one (1) or more antennas or microwave dishes, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, alternative antenna support structures such as buildings and rooftops, and other existing support structures.
- 302.212 Television and/or Radio Stations. A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which includes transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories required to operate a station.
- 302.215 Tower Developer. Any entity that builds antenna support structures for the sole purpose of leasing space to wireless service providers.
- 302.228 Wireless Facility. All infrastructure and equipment including, but not limited to, antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.
- 302.229 Wireless Service Provider. Any entity operating under a license issued by the FCC to provide wireless telecommunications services.

711.00 WIRELESS TELECOMMUNICATION FACILITIES

The purpose of this Ordinance is to establish requirements for the development of wireless facilities. The goals of this Ordinance are to:

- (1) Accommodate the provision of wireless telecommunication services to County residents, businesses, visitors and travelers;
- (2) Minimize adverse visual effects of wireless facilities through careful siting and design;
- (3) Maximize use of existing structures to accommodate wireless facilities;
- (4) Maintain the character of surrounding land uses and preserve historic, environmental and cultural resources of the County in accordance with the Comprehensive Plan; and,
- (5) Avoid potential harm posed by wireless facilities to persons and property through design, construction, maintenance and removal standards.¹

711.01 Definitions. Refer to [Section 302.00](#) for definitions of terms used throughout this Ordinance.

711.02 Applicability. The requirements set forth in this Ordinance shall govern the siting of antennas, antenna support structures and associated wireless facilities unless specifically excluded herein.

711.02-1 Amateur Radio. The requirements set forth in this Ordinance shall govern amateur radio station operations in accordance with §15.2-2293.1 of the Code of Virginia.

711.02-2 Television Reception Antennas. The requirements set forth in this Ordinance shall not govern television reception antennas that are less than fifty (50) feet AGL and used exclusively for non-commercial purposes.

711.02-3 Satellite Earth Station Antennas. The requirements set forth in this Ordinance shall not govern satellite earth station antennas that are less than six (6) feet in diameter and used exclusively for non-commercial purposes.

711.02-4 Public Safety/Service Radio. County owned or operated wireless facilities are exempt from the requirements of this Ordinance but are expected to adhere to the goals heretofore described.

¹ [September 2014] The above Subsections have been renumbered (1)-(5), formerly (i)-(v), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

711.03 General Guidelines and Requirements. The following requirements shall govern wireless facilities; however, the County may reduce the burden on the applicant of one (1) or more of these criteria if the County concludes that the goals of this Ordinance are better served thereby. In consideration of any request to modify any provisions of this Ordinance, the Planning Commission and Board of Supervisors shall consider the goals set out in [Section 711.00](#) and the provisions of [Sections 711.04](#), [201.00](#) and [501.02](#), as well as good zoning principles and consistency with the Comprehensive Plan.

711.03-1 Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses when considering area requirements on a given parcel of land. A different existing use or an existing structure on the same lot shall not preclude the installation of antennas or towers on such lot which antennas or towers shall not be deemed a second main structure or use on the same lot. For purposes of determining whether the installation of antennas or towers complies with district development regulations and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Antennas and towers installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

711.03-2 Use of Existing Structures. The placement of an antenna on a secondary support structure such as a building, water tank, silo, sign, light pole or other free-standing non-residential structure or existing municipal, utility or commercially-owned antenna support structure shall be permitted administratively so long as the following conditions are met:

- (1) Addition of antenna, support or other equipment shall not add more than twenty (20) feet in height to the attached structure;
- (2) Structural analysis shall be performed by a licensed professional engineer in the Commonwealth of Virginia in accordance with the current revision to *ANSI EIA/TIA-222* certifying that the structure is capable of supporting the proposed loading;
- (3) Official FAA study shall be completed with a determination of no hazard to air navigation for any installation which would increase the overall height of the support structure;
- (4) The installation will not require lighting and/or other markings by the FAA;
- (5) Acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions; and,

- (6) Installation of antennas and equipment is designed to blend with the structure and its surroundings.²

The Director of Planning may request that certain design elements and other site plan modifications be incorporated into the design. If the applicant does not agree to suggested changes, the applicant may appeal to the Board of Supervisors. Should the application be disapproved, the applicant would be permitted to re-file the application under the Special Exception Process. Proposals to extend existing structures more than twenty (20) feet are considered new structures under the Ordinance.

711.03-3 **Administrative Review-Eligible Project per 15.2-2316.3 and defined in Section 302 of these Regulations shall be approved administratively. Aesthetics may be considered in the siting and design of these structures.**

711.04 Factors Considered in Granting Permits for New Structures. The County shall consider the following factors to the extent that they achieve the goals of this Ordinance in determining whether to issue a Special Exception Permit:

- (1) Height of the proposed structure.
- (2) Proximity of the proposed structure to residential structures and residential district boundaries.
- (3) Compatibility with surrounding land uses.
- (4) Surrounding topography.
- (5) Surrounding tree coverage and foliage.
- (6) Design of the structure, with special consideration given to design elements that have the effect of mitigating or eliminating visual obtrusiveness.
- (7) RF Coverage.
- (8) Use of existing structures.
- (9) Co-location policy.

² [September 2014] The above Subsections have been renumbered (1)-(6), formerly (a)-(f), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- (10) Consistency with the Comprehensive Plan and the purposes to be served by zoning.³

~~711.05 Inventory of Existing Facilities. The tower developer and each wireless service provider proposing facilities shall provide an inventory of its existing wireless facilities that are located in the County and within five (5) miles of the border thereof, including specific information about the location (latitude and longitude), height, design (monopole, lattice or guyed) and antenna height (AGL). The County may share such information with other applicants applying for approvals or Special Exception Permits under this Ordinance or other entities seeking to locate antennas within the jurisdiction of the County provided, however, that the County is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

711.06 Application. Each applicant shall submit the following information and other supporting drawings, calculations and documentation, signed and sealed by the appropriate licensed professionals:

- (1) Application Form. An application form provided by the County requesting specific technical information regarding the proposal.
- (2) Site Plan. A scaled site plan including vicinity map, description of the lot lines, setbacks, topography, adjacent uses, antenna support structure coordinates, ground elevation contours (minimum five (5) foot intervals), elevation view of proposed structures, existing vegetation, grounding, utilities, access roads, parking, fencing, landscaping, and other information deemed by the governing authority to be necessary to assess compliance with this Ordinance.
- (3) Existing Structures. The location (latitude and longitude), height and owner including contact information for all structures (minimum 80-foot AGL) within a three (3) mile radius of the proposed structure that could potentially support antennas. A justification statement indicating why each potential site was rejected. No new structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that no existing structure can reasonably achieve the applicant's objectives. Evidence submitted to demonstrate that the existing infrastructure is insufficient may consist of any of the following:
 - a. No structures are located within the geographic area capable of meeting the applicant's engineering requirements.
 - b. Existing structures are not of sufficient height to meet the

³ [September 2014] The above Subsections have been renumbered (1)-(10), formerly (a)-(j), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

applicant's engineering requirements.

- c. Existing structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with antennas on the existing structure or antennas on the existing structure would cause interference with the applicant's proposed antennas.
- e. The fees, costs or contractual provisions required by the owner in order to share an existing structure or to adapt an existing structure for sharing are unreasonable; exceeding new structure development costs are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing structures unsuitable.

(4) Photo-Simulation Color Photographs (8.5" x 11") of the site from relevant viewpoints as determined by the Director of Planning that include a simulated photographic image of the proposed structure. The photograph with the simulated image shall include the foreground, the mid-ground and the background of the site. Before and after photo exhibits should be presented. A minimum of six (6) photo-simulations shall be provided. A map shall be supplied identifying by reference the location of each photograph.

~~(5) Line of Sight. Line of sight drawings (to scale) depicting in profile, a sight line from the three (3) closest residential units on adjacent parcels and the nearest public highway to the lowest visible point on the antenna support structure for all structures in excess of one hundred (100) feet. The profiles shall show all intervening tree masses and buildings. In the event that there are only one (1) or two (2) residential structures, additional points may be designated by the Director of Planning.~~

~~(6) Propagation Coverage Maps. A radio frequency engineer's statement which specifically describes the coverage area objective, the "hand-off" sites, radio technology being used (e.g. cellular, PCS, SMR, ESMR, etc.), frequencies, equipment specifications, methodology, assumptions, constraints and other factors used in the analysis. All maps shall include a legend identifying coverage levels. At a minimum, the following coverage maps shall be presented:~~

- ~~a. Existing network coverage (minimum ten (10) mile radius surrounding the proposed site).~~

- ~~b. Projected coverage from the proposed site.~~
- ~~c. Composite network coverage (existing and proposed sites).~~
- ~~d. Composite network coverage (existing and proposed sites) demonstrating the effect on coverage as the height of the proposed structure is reduced at twenty (20) foot increments, but no less than a height of eight (80) feet AGL.~~

- (7) FAA. An FAA Air Navigation Hazard Determination report with a determination of no hazard to air navigation.
- (8) NEPA. FCC Environmental Compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
- (9) NHPA. Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the State Historic Preservation Office.
- (10) Co-location. An engineering report certifying that the proposed structure is capable of supporting similar users, including the primary user, in accordance with the table below. A copy of the applicant's co-location policy shall be submitted with the engineer's report for structures greater than eighty (80) feet AGL.

Structure Height (AGL)	Minimum Number of Antenna Positions
80 ft. or Less	1
81 ft. to 100 ft.	2
101 ft. to 120 ft.	3
121 ft. or Greater	5

This requirement shall not apply to applications to extend structures.

- (11) Structural Requirements. If feasible, antenna support structures shall be designed to collapse within themselves should structural failure occur. The applicant shall submit written certification and supporting documentation to this effect from a structural engineer licensed to practice in the Commonwealth of Virginia.
- (12) Radio Frequency Emissions. An acknowledgment that the applicant

currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.

- (13) FCC License. A copy of the FCC license under which each wireless service provider is operating.⁴

711.07 Aesthetics. Wireless facilities shall incorporate design elements to minimize the adverse visual impacts on the community.

- (1) Antenna support structures shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Antennas shall be of a neutral, non-reflective color and devoid of logos. Under certain circumstances the County may request that the structure and ancillary equipment be painted in order to conform the structure to the surrounding environment and architecture.
- (2) The design of buildings and related structures used in conjunction with wireless facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the wireless facilities to the natural setting and the built environment.
- (3) No advertising of any type may be placed on the antenna support structure or associated facility unless as part of retrofitting an existing sign structure.⁵

711.08 Speculative Structures. Speculative structures are not permitted. Applications to construct new antenna support structures will not be considered unless evidence is presented of a commitment by at least one (1) wireless service provider agreeing to install his equipment on the proposed structure upon its construction for a minimum period of one (1) year. A legally binding agreement shall be required prior to issuing a Building Permit.

711.09 Ridges. Antenna support structures shall not be permitted on ridge lines and ridge tops as identified in the Land Use Section of the County's Comprehensive Plan. Antenna support structures are permissible down-slope from ridge lines and ridge tops such that the top of the structure does not extend more than ten (10) feet

⁴ [September 2014] The above Subsections have been renumbered (1)-(13), formerly (a)-(m); (c)1-6 renumbered to (3)a-f; and, (f)1-4 renumbered to (6)a-d for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

⁵ [September 2014] The above Subsections have been renumbered (1)-(3), formerly (a)-(c), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

above the ridge line/ridge top. If other features such as trees are present on the ridge line/ridge top, structure height may not extend more than ten (10) feet above the height of the feature(s), as determined by the County.

- 711.10 Height. The maximum allowable height for an antenna support structure is the maximum height at which obstruction lighting and/or other markings would not be required as determined by the FAA.
- 711.11 Balloon Test. A balloon test shall be performed prior to the Planning Commission public hearing for any proposed structure in excess of one hundred (100) feet. The balloon shall be a minimum five (5) feet in diameter and be of a highly visible color. The balloon shall be flown during daylight hours over a continuous twenty-four (24) hour period. The applicant is responsible for securing all FAA approvals prior to this demonstration. The Director of Planning shall coordinate the date, time and notification.
- 711.12 Public Information Meetings. Applicants proposing new antenna support structure that require a Special Exception Permit are encouraged, but are not required to hold a public informational meeting to discuss their development plans and address community concerns prior to application submission. A public hearing will be held on these applications following submittal.
- 711.13 Federal Requirements. All antenna support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate structures and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the facility owner's expense.
- 711.14 Building Codes. To ensure the structural integrity of towers, the owner of an antenna support structure shall ensure that it is maintained in compliance with standards contained in applicable Federal, State and local Codes. Failure to comply with this requirement shall constitute grounds for the removal of the tower or antenna at the facility owner's expense.
- ~~711.15 Public Notice. The applicants for all new antenna support structures shall notify adjoining property owners of the pending application in accordance with the requirements set forth in §15.2-2204 of the Code of Virginia (1950), as amended. An affidavit shall be submitted attesting to compliance with this requirement. An "Intent to Construct" sign shall be posted by the applicant at the point of public access to the site consequent to submitting an application to the County. Adjoining property owners and any attendees at the public informational meeting held per Section 711.12 shall be notified by the applicant of any decision to issue~~

~~a Construction Permit approved through the administrative process prior to issuance of the permit.~~

- 711.16 Setbacks. Setbacks shall be measured from the base of the structure. Setback requirements shall not preclude the construction of habitable structures on adjacent parcels following the construction of the structure.
- (1) Antenna support structure must be set back a distance equal to two hundred percent (200%) of the height of the structure from any off-site residential structure and in no case less than four hundred (400) feet. **In addition, it must be setback at a minimum the height of the tower from the property line.**
 - (2) ~~Antenna support structure,~~ **The compound area,** guys and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.⁶
- 711.17 Security. Antenna support structures shall be equipped with an appropriate anti-climbing device and be enclosed by security fencing as deemed appropriate.
- 711.18 Signage. A sign shall be required displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved structure. An identical sign shall be posted at the point of access from the public highway if the facility is greater than five hundred (500) feet from the road. Additional signs advising of electromagnetic energy emissions shall be posted in accordance with FCC regulations.
- 711.19 Landscaping. The following shall govern the landscaping requirements:
- (1) Wireless facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property unless modified by the plan approving authority. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. The applicant shall propose plant species indigenous to the region. Plant material shall be at least six (6) feet in height at time of planting.
 - (2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or eliminated altogether.
 - (3) Existing mature tree growth and natural land forms on the site shall be

⁶ [September 2014] The above Subsections have been renumbered (1)-(2), formerly (a)-(b), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

preserved to the maximum extent possible. In some cases, such as structures sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

- (4) The wireless facility owner is responsible for maintaining all plant material in a healthy condition. Dead plants shall be removed and replaced in-kind.⁷

711.20 Removal of Abandoned Antennas and Towers. Any antenna or support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or support structure shall remove same within ninety (90) days of receipt of notice from the County notifying the owner/operator of such removal requirement. Removal includes the removal of the abandoned facilities including the structure, footers, fencing, and support buildings. Foundations shall be removed to a depth of two (2) feet below ground level or covered to an equivalent depth with fill material. With the exception of underground fuel storage tanks, below-ground facilities may remain. Buildings may remain with the property owner's written approval. 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 structure.

If the abandoned facilities are not removed as herein required, the County may seek court enforcement of such removal or the County may remove the facilities at the expense of the owner or operator. ~~Prior to issuance of a Building Permit, a surety in an amount equal to twenty five percent (25%) of the cost of the structure must be posted by the owner of the structure to cover the cost of its removal.~~

~~711.21 Review Fees. Any costs associated with review of any of the above required information by an independent, licensed engineer shall be billed to the applicant by the County. Required fees are established on a separate schedule. Additional review costs that may be incurred by action of the applicant shall be borne by such applicant.~~

⁷ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.

- 302.07 Agriculture. The tilling of the soil, the raising of crops, horticulture, and forestry, including the keeping of animals and fowl, and, including any agricultural industry or business, such as fruit-packing plants, dairies or similar use, not including abattoir.
- 302.13 Animal Confinement. The keeping of animals within an enclosed building or an enclosed area of less than two (2) acres, on a year-round basis.
- 302.122 Livestock. Animals kept or raised for sale, use, or pleasure.
- 302.123 Livestock Confinement Facility, Existing. A livestock confinement facility which is occupied or has been occupied by commercial livestock for any period of time within the five (5) years prior to the one in which zoning approval is sought.
- 302.124 Livestock Confinement Systems. A livestock confinement facility shall mean the feeding and confining of more than three thousand (3,000) turkeys, nineteen thousand (19,000) broilers **or layers**, seventy (70) dairy cattle, eight-five (85) fat cattle, one hundred ten (110) horses, more than two hundred eighty (280) swine, three hundred (300) sheep; accessory building, uses and structures, including feed bins, waste storage and treatment facilities, incinerator, disposal pits or cold storage chests used for the collection of dead animals.
- 302.125 Livestock Facility Operator. The owner or tenant of the livestock confinement facility and/or the land on which the facility is located.

710.00 LIVESTOCK CONFINEMENT SYSTEMS

It is the intent of this Section to provide for the security of Rockbridge County's agricultural districts by encouraging the orderly and responsible growth of livestock confinement systems.

Agricultural operations shall not constitute a nuisance by reason of changed conditions on adjacent or nearby properties as per "Virginia Right to Farm Legislation," §§3.2-300 through §§3.2-302 (formerly §§3.1-22.28 and 3.1-22.29), Code of Virginia (1950), as amended.

710.01 Acreage Requirements:

- 710.01-1 The minimum parcel size on which an initial livestock confinement facility building may be placed shall be fifteen (15) acres.
- 710.01-2 For each livestock confinement building, after the first, or portion thereof, five (5) additional acres shall be required, provided that all requirements of this Section are met.
- ~~710.01-3 Parcels with livestock confinement facilities which do not have sufficient acreage as required above, may be improved or enlarged by special exceptions.~~

710.02 Site Plan Requirements. The landowner must have a site evaluation performed by a State certified engineer, a State certified geologist, and/or other appropriate personnel to determine the appropriate location of proposed buildings, waste storage and treatment facilities, and appropriate setbacks. Plans shall be submitted to the Zoning Administrator for review. The Zoning Administrator may request assistance from other resources, as necessary, for proper review.

Items to be discussed in this report include, but are not limited to: distance from wells, springs, sinkholes, creeks, streams, rivers, and other geological formations which may pollute the groundwater.

710.03 Setback Requirements. The following setback requirements shall apply to livestock confinement facilities, and includes waste storage sites:

710.03-1 ~~From highways or roadways: one hundred fifty (150) feet. From property lines: three hundred (300) feet.~~

From property lines: three hundred (300) feet. If the parcel has frontage on a public highway(s) or other public roadway(s) the front setback(s) shall be one hundred and fifty (150) feet from the edge of the road right-of-way(s).

710.03-2 **In addition to 710.03-1, from existing dwellings: six hundred (600) feet.. From and public buildings (i.e. churches, graveyards, etc). six hundred (600) feet, and From property zoned residential or business: one thousand (1,000) feet. Livestock confinement facility property owner's dwellings and family cemeteries are exempted from this setback.**

710.03-3 From incorporation lines of cities and towns: one thousand (1,000) feet.

710.03-4 From water sources such as rivers, creeks streams, springs, sinkholes, wells and other geological formations which may pollute the groundwater: six hundred (600) feet, **one hundred (100) feet if enclosed and under roof.** Landowners well or spring used for the facility: one hundred (100) feet. ~~The setbacks relating to water quality may be reduced by evidence based on a landowner's site plan evaluation by a State certified engineer, State certified geologist and/or other appropriate personnel.~~

~~710.03-5 New dwellings, on adjacent properties, must be setback three hundred (300) feet from property lines adjacent to livestock confinement facilities.~~

710.03-6 All livestock confinement facilities, including waste storage and treatment facilities, shall not be located within the **100 year** Floodplain District, as delineated in the Flood Insurance Study, the Flood Insurance Rate Map (prepared by the Federal Emergency Management Agency, dated ~~January 3, 1979,~~ **April 6, 2000** Community Panel number 510205-0050A through 510205-225A, as amended) ~~and/or the Rockbridge County Zoning Map.~~

710.04 Nutrient Management Plan: All livestock confinement facilities shall have a nutrient plan meeting the requirements of the Department of Conservation and Recreation

~~710.04 1 After August 4, 1992, no livestock confinement facility, producing nitrogen and P2 O5 of fifteen thousand (15,000) lbs. or more, in manure, shall be issued a Zoning Permit until a site plan, nutrient management plan, and erosion and sediment control plan for the proposed facility has been accepted and approved by the County. Each facility already in operation prior to August 4, 1992 shall have a nutrient management plan filed with the County on or before October 1, 1993, or at such time as additional facilities are placed on the property, whichever shall come first.~~

~~After October 1, 1993, no facility shall operate without such a nutrient management plan. Implementation of the Nutrient Management Plan shall begin immediately following completion of construction of the facility.~~

~~Existing facilities will begin implementation of the Nutrient Management Plan immediately upon approval of the plan.~~

~~710.04 2 The Nutrient Management Plan shall provide for the safe disposal of one hundred percent (100%) of the animal waste produced by the facility. Disposal or use shall be accomplished by means of land application at agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate organizations. Alternative methods of disposal may be used as approved by the Natural Bridge Soil and Water Conservation District.~~

~~The Nutrient Management Plan shall take into consideration, among other things, the presence of rivers, streams, public and private wells, springs and sinkhole, slope and geological formations that indicate a high susceptibility to groundwater pollution. Each nutrient management plan shall be approved by the Natural Bridge Soil and Water Conservation District.~~

~~710.04 3 If off-site disposal is part of the Nutrient management plan, any private individuals within the County receiving twenty (20) tons or more waste shall be required to provide a nutrient management plan. Any broker for the waste shall provide a list of names of clients within the County who received the waste.~~

~~710.04 4 If needed, the Nutrient Management Plan shall provide for a site, with or without a permanent structure, for the storage of animal waste located on the same parcel as the facility.~~

~~If, however, a grower whose operations was in operation prior to August 4, 1992 is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the~~

~~grower's engineer and the Natural Bridge Soil and Conservation District, may permit the storage to be located on adjacent property owned by the grower; or if the grower has a valid agreement for off site disposal, as provided for above, the Zoning Administrator may permit the storage site to be located on a parcel specified in the agreement for off site disposal. A professional engineer registered in the Commonwealth of Virginia, or a representative of the Natural Bridge Soil and Water Conservation District shall certify that the site:~~

~~(1) — Is located on an impervious base.~~

~~(2) — Is out of all drainage ways.~~

~~(3) — Is protected from leaching into the ground water~~

~~(4) — Has sufficient storage capacity, as per the Nutrient Management Plan, for storage of the waste produced by the facility.¹~~

~~710.04 5 — The Nutrient Management Plan shall be reviewed every five (5) years by an agent of the Natural Bridge Soil and Water Conservation District.~~

~~710.04 6 — Any livestock confinement facility Zoning Permit approved by the County prior to the adoption of this Section shall remain valid, as issued, on condition that all requirements set forth in [Section 710.04](#) and conditions as per the Zoning Permit are met and construction is completed within twelve (12) months from the date of issue.~~

710.05 Specific to Range Turkey Operations. Any range turkey operations consisting of three thousand (3,000) or more birds shall submit a site plan in accordance with [Section 710.02](#). Range turkey operations shall be required to have, and implement, a Nutrient Management Plan and an Erosion and Sediment Control Plan.

710.06 Disposal of Dead Animals. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.

¹ [September 2014] The above Subsections have been renumbered (1)-(4), formerly (a)-(d), for numbering consistency in the Land Development Regulations and any references to these Subsections throughout these Regulations and/or the Rockbridge County Code have been referenced accordingly.