MONTGOMERY COUNTY PLANNING COMMISSION
August 13, 2008 @ 7:00 P.M.
Board Room, Government Center
Regular Meeting

A G E N D A

CALL TO ORDER:

DETERMINATION OF A QUORUM:

PUBLIC ADDRESS:

APPROVAL OF AGENDA:

APPROVAL OF CONSENT AGENDA:

PUBLIC HEARING:

1. A request by **Sandra Gail Jordan, (Agent: Cellere for CST)** for a Special Use Permit on approximately 29.5 acres in an Agriculture (A-1) zoning district to allow a 199' telecommunication tower. The property is located east of Alleghany Spring Road, accessed by a private driveway located at 477 Alleghany Spring Road, and is identified as Tax Parcel No(s). 083- A 27D, 27 (Acct No. 026123), in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.
2. A request by **Gordon and Nancy Johnson** to add approximately 84.34 acres to existing Agricultural & Forestal District 2. The property is located on Catawba Road (3400 block) and is identified as Tax Parcel No. 20-A-6 (Acct No. 009762) in the Mt. Tabor Magisterial District (District A). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

WORKSESSION:

- Implementing the Village Plans- Diane Zahm (report delivered to Commission in June)

OLD BUSINESS:

- Phillips Major Subdivision- Final Plat Approval

NEW BUSINESS:

- Radio Knob Subdivision- Preliminary Plat Approval
- Cloverlea Phase II- Preliminary Plat Approval

LIAISON REPORTS:

- Board of Supervisors- John Muffo
- Agriculture & Forestal District- Bob Miller
- Blacksburg Planning Commission – Walt Haynes
- Christiansburg Planning Commission – Bryan Rice
- Economic Development Committee- David Moore

- Public Service Authority – Malvin Wells
- Parks & Recreation- Steve Howard
- Radford Planning Commission- Steve Cochran
- School Board- Bill Seitz
- Transportation Safety Committee- Malvin Wells
- Planning Director's Report- Steve Sandy

MEETING ADJOURNED:

UPCOMING MEETINGS:

September 10, 2008	Planning Commission Public Hearing (7:00 pm)
September 17, 2008	Planning Commission Site Visit (Time to be determined)
	Planning Commission Regular Meeting (7:00 pm)

MONTGOMERY COUNTY PLANNING COMMISSION
August 13, 2008
SITE VISIT AGENDA

2:15 PM Depart Government Center

2:25 PM 174 Friendship Road

A request by **Charles Lewis Wheeling, (Agent: Ntelos)** for a Special Use Permit on approximately 24.19 acres in an Agriculture (A1) zoning district to allow a 130' telecommunication tower. The property is located at 174 Friendship Road, and is identified as Tax Parcel No(s). 82-A-158 (Acct # 028687), in the Shawsville Magisterial District (District C1). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

2:50 PM 906 Den Hill Road

A request by **Lawrence S. & Lura C. Estes, (Agent: Verizon Wireless)** for a Special Use Permit on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 125' telecommunication tower. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct # 006179), in the Mount Tabor Magisterial District (District B1). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

and

A request by **Lawrence S. & Lura C. Estes, (Agent: New Cingular Wireless, d/b/a AT&T)** for a Special Use Permit on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 120' telecommunication tower. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct # 006179), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

3:30 PM East Side of Cascades Road

A request by **Ellett Valley Development, (Agent: Gay & Neel)** for a Special Use Permit on approximately 11.62 acres in a Community Business (CB) zoning district to allow 14 single family dwelling units. The property is located on the east side of Cascades Road, 500 feet southwest of the Mid Pine Rd/Cascades Rd intersection, and is identified as Tax Parcel No(s). 55-A-B2, 55-12-531 (Acct #'s 033633, 010645), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

4:00 PM North West Intersection of Clay Street and Cherry Lane

Radio Knob Subdivision (9 lots) Preliminary Plat approval

4:35 PM 1483 Matamoros Lane

A request by **Sarah M. Wall, Life Estate, (Agent: Ntelos)** for a Special Use Permit on approximately 64 acres in an Agriculture (A1) zoning district to allow a 130' telecommunication tower. The property is located at 1483 Matamoros Lane, and is identified as Tax Parcel No(s). 52-A-100 (Acct # 020270), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

5:20 PM 2971 Peppers Ferry Road

A request by **Thomas A. & Penny L. Taylor and Charles A. & Margaret Taylor** to rezone approximately 2.3 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, to allow residential single family dwelling. The maximum allowed density in the proposed zoning district is nine (9) dwelling units per acre. The parcel(s) are located at 2971 Peppers Ferry Road, and are identified as Tax Parcel No(s). 064-A-141, 141E (Acct #'s 019068, 029370) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

and

A request by **Charles A. & Margaret Taylor**, for a Special Use Permit on approximately 0.827 acres in a Residential (R3) zoning district to allow a Class A (doublewide) Manufactured Home. The property is located at 2971 Peppers Ferry Road, and is identified as Tax Parcel No(s). 064-A-141 (Acct #'s 019068) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan.

6:00 PM Dinner @ Pizza Inn

MONTGOMERY COUNTY PLANNING COMMISSION
CONSENT AGENDA
August 13, 2008

A. APPROVAL OF MINUTES

- April 9, 2008
- April 23, 2008

ISSUE/PURPOSE:
The above listed minutes are before the Planning Commission for approval.

B. SCHEDULE PUBLIC HEARINGS

1. A request by Charles Lewis Wheeling, (Agent: Ntelos) for a special use permit on approximately 24.19 acres in an Agriculture (A1) zoning district to allow a 130' telecommunication tower. The property is located at 174 Friendship Road, and is identified as Tax Parcel No(s). 82-A-158 (Acct No. 028687), in the Shawsville Magisterial District (District C1). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

2. A request by Lawrence S. Estes, (Agent: Verizon Wireless) for a special use permit on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 125' telecommunication tower. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct No. 006179), in the Mount Tabor Magisterial District (District B1). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

3. A request by Lawrence S. Estes, (Agent:AT&T) for a special use permit on approximately 44.923 acres in an Agriculture (A1) zoning district to allow a 120' telecommunication tower. The property is located at 906 Den Hill Road, and is identified as Tax Parcel No(s). 68-A-145 (Acct No. 006179), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

4. A request by Ellett Valley Development, (Agent: Gay & Neel) for a special use permit on approximately 11.62 acres in a Community Business (CB) zoning district to allow 14 single family dwelling units. The property is located on the East Side of Cascades Road 500 feet southwest of the Mid Pine Rd/Cascades Rd intersection, and is identified as Tax Parcel No(s). 55-A-B2, 55-12-531 (Acct No. 033633, 010645), in the Mount Tabor Magisterial District (District B). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

5. A request by Sarah M. Wall, Life Estate, (Agent: Ntelos) for a special use permit on approximately 64 acres in an Agriculture (A1) zoning district to allow a 130' telecommunication tower. The property is located at 1483 Matamoros Lane, and is identified as Tax Parcel No(s). 52-A-100 (Acct No. 020270), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

6. A request by Thomas A. & Penny L. Taylor and Charles A. & Margaret Taylor to rezone approximately 2.3 acres from Agriculture (A-1) to Residential (R-3), with possible proffered conditions, to allow residential single family dwelling. The maximum allowed density in the proposed zoning district is nine (9) dwelling units per acre. The parcel(s) are located at 2971 Peppers Ferry Road, and are identified as Tax Parcel No(s). 064-A-141, 141E (Acct #'s 019068, 029370) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

   and

   A request by Charles Taylor, for a special use permit on approximately 1.479 acres in a Residential (R3) zoning district to allow a Class A (doublewide) Manufactured Home. The property is located at 2971 Peppers Ferry Road, and is identified as Tax Parcel No(s). 064-A-141 (Acct #'s 019068) in the Riner Magisterial District (District B). The property currently lies in an area designated as Rural in the Comprehensive Plan.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 9, 2008 IN THE MULTI ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Steve Cochran, Member
Frank Lau, Member
Steve Howard, Member
David Moore, Member
Bryan Rice, Member
Malvin Wells, Member
Steven Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Amy Doss, Development Planner
Meghan Dorsett, Comprehensive Planner
Brea Hopkins, Zoning Technician

Absent: John Muffo, Board of Supervisors Liaison

PUBLIC ADDRESS:

None

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Rice and unanimously carried the agenda was approved as presented.

PUBLIC HEARING:

A request by Knollwood Development, LLC (Agent: Balzer & Associates) for a Comprehensive Plan map amendment to change the policy map designation from Rural to Urban Expansion for a parcel located on the east side of the 500 Block of Cinnabar Road and adjacent to the north side of the Norfolk Southern railroad. The property is further identified as Tax Parcel No. 67-A-160F, (Acct No. 026412), in the Shawsville Magisterial District.

Mr. Miller introduced the request.

Ms. Dorsett reviewed the conditions to amend the comprehensive plan.

Ms. Dorsett reviewed the maps of the property. The property is currently zoned Multi-Family Residential (RM-1), therefore the property should be designated as Urban Expansion. It has been verified the water and sewer can be extended to the property. The Town of Christiansburg will provide services. The by-right development would allow for a much larger density than the current comprehensive plan designation.

Mr. Miller opened the public hearing.

Mr. Steve Semones, Balzer & Associates, stated the developer does not want to develop the property to the current by-right density. The desire is to do a much lower density subdivision. The property would be accessed from Cinnabar. If the comprehensive plan designation is changed a down zoning would most likely be requested and the density would be reduced.

Mr. Rice asked if the developer could do the proposed development under the current zoning and comprehensive plan designations.

Ms. Dorsett stated a rezoning would be required; therefore, it is necessary to amend the comprehensive plan.

Mr. Miller closed the public hearing

Mr. Howard stated this appeared to be an oversight when the comprehensive plan was initially adopted. The change in designation seems reasonable.

Mr. Rice stated the conditions of the property have also changed. Water and sewer is now available to the site.

Mr. Haynes stated it was difficult to foresee the development that was going to occur along this area. This change would make the property usable.

On a motion by Mr. Haynes, second by Mr. Howard, and carried by a 9-0 vote the planning commission recommended approval of a Comprehensive Plan map amendment to change the policy map designation from Rural to Urban Expansion for a parcel located on the east side of the 500 Block of Cinnabar Road and adjacent to the north side of the Norfolk Southern railroad. The property is further identified as Tax Parcel No. 67-A-160F, (Acct No. 026412), in the Shawsville Magisterial District.

A request by Linda S. Caldwell, et al. (Agent: Albright & Bonguard, PLC) for an amendment Village Plan map to change the designation from Village Medium Density Residential to Village Mixed Use for parcel(s) located on the north and south side of the 3500 & the eastern half of the 3600 block of Peppers Ferry Road and the 4000 block of Bradford lane inclusive. The properties are further identified as Tax Parcel Nos. 64-A-82; 64-1-7A; 64-1-7B; 64-A-91; 63-1-4A; 64-A-83;64-A-84; 64-A-89; 64-A-90; 64-A-99; 64-A-100; 64-A-100; 64-A-80; 64-A-81; 064-1-5B, (Acct Nos. 010121, 017123, 021593, 015578, 009039, 010122, 021691, 011645, 000229, 011138, 011139, 011136, 011137, 010109), in the Prices Fork & Riner Magisterial Districts.

Mr. Miller introduced the request.

Ms. Dorsett reviewed the maps of the property. Ms. Caldwell owns the property that is currently used as a car lot. It was necessary to have neighbor participation to allow the connection to an existing designation so several property owners have applied for a comprehensive plan amendment. The desire is to be included as a mixed use area within the village. The proposal to change to mixed use allows for commercial, industrial and residential uses. Due to the state requirement that more land be designated for commercial development this amendment meets the conditions for consideration. The majority of the properties included in the request are zoned Agriculture (A-1).

Mr. Miller opened the public hearing.

Mr. Victor Bonguard, Attorney representing Ms. Caldwell and other members of their community, stated 3 of 4 criteria are being met to approve the comprehensive plan amendment. The hardship for Ms. Caldwell exists because the property has been on the market as a residence; however, has not sold because of the proximity of the right of way. This request would allow additional uses for the property that would comply with the surrounding area. The existing use of a car lot is grandfathered.

There being no further comments, Mr. Miller closed the public hearing.

Mr. Rice noted that the properties included in the request do not lend to residential development.

On a motion by Mr. Seitz, second by Mr. Haynes, and carried by a 9-0 vote the planning commission recommended approval of an amendment to the Belview Village Plan map to change the designation from Village Medium Density Residential to Village Mixed Use for parcel(s) located on the north and south side of the 3500 & the eastern half of the 3600 block of Peppers Ferry Road and the 4000 block of Bradford lane inclusive. The properties are further identified as Tax Parcel Nos. 64-A-82; 64-1-7A; 64-1-7B; 64-A-91; 63-1-4A; 64-A-83;64-A-84; 64-A-89; 64-A-90; 64-A-99; 64-A-100; 64-A-100; 64-A-80; 64-A-81; 064-1-5B, (Acct Nos. 010121, 017123, 021593, 015578, 009039, 010122, 021691, 011645, 000229, 011138, 011139, 011136, 011137, 010109), in the Prices Fork & Riner Magisterial Districts.

OLD BUSINESS:

An Ordinance requested by Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews & Henegar, Inc.) rezoning approximately 18.1325 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow maximum density of 12 single family detached lots. The property is located at 1806 Keisters Branch Rd (Rt.718), identified as Tax Parcel No(s). 51-A-51, (Acct. # 018027), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Cochran, second by Mr. Howard the request was removed from the table for discussion.

Ms. Jenkins stated the item was tabled to allow the applicant to address concerns regarding the buffering of the boundary and limiting the number of lots. Additional proffers have been received. She reviewed the proffers and proposed concept plan. The additional information submitted should address the concerns raised at the previous meeting.

Ms. Lynn Reed, Mathews & Henegar, stated Mr. Martin was very acceptable to the requested proffers and limitations.

Mr. Howard noted that it appeared all concerns have been addressed through the proffers submitted.

On a motion by Mr. Howard, seconded by Mr. Moore and carried by a 9-0 vote the planning commission recommended approval of the request by Rhondy L. Martin and Margene Ward Martin 1997 Trust (Agent: Mathews & Henegar, Inc.) to rezone approximately 18.1325 acres from Agriculture (A-1) to Rural Residential (RR), with the following proffered conditions:

1. Total number of lots permitted on the 18.1325 acre tract will not exceed six (6).

2. A thirty (30) ft. natural vegetated buffer will be retained around the perimeter of the property using the existing trees, unless it interferes with easements, drain fields, driveways or sight distances.

An Ordinance requested by Reese Family Limited Partnership rezoning approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR), with proffered conditions, to permit a maximum allowed density of 67 single family detached units. The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Wells, second by Mr. Howard and carried unanimously the planning commission removed the request from the table for discussion.

Ms. Doss stated the request to rezone 224 acres to Rural Residential (RR) was tabled to allow the applicant time to consider the dedication of the open space trail system on the concept plan and a realignment of lots to eliminate the bisection by the AEP power line. She reviewed the proffers that remained unchanged and the plans that had been submitted since the last meeting. She indicated some residents in the area had submitted concerns regarding water, traffic etc. Mr. Mellon, a local well driller, has stated that the well depths should be approximately the same as previously drilled wells in the Ridges.

Mr. Rice noted that the locations of the trails have not been proffered. The trails should be in a common area to prevent people from walking through property owned by others.

Ms. Doss stated the proffers would require that the development be in conformance with the plan submitted. It may not be exact but it would have to be similar.

Mr. Seitz asked if the subdivision would be approved by the Planning Commission.

Mr. Sandy stated it would be approved by the Planning Commission and Board of Supervisors; however, another public hearing would not be held.

Mr. Lau stated a change in zoning should not be made until water availability is confirmed. The comprehensive plan states water should be provided prior to approving a development this size. There is limited ground water and every lot will be served by wells.

Mr. Rice asked if wells have failed in the area.

Ms. Doss stated an adjoining property owner has indicated there were issues with water but that has not been verified.

Mr. Wells noted the area is without fire hydrants. The closest hydrant is 1.5 miles away. Any structure fire would require a tanker truck and/or streams if necessary.

Mr. Seitz asked why a buffer area was not included in the proffered conditions.

Mr. Nicki Mills, Abbot Engineering, stated the tree specifications would limit tree cuttings; therefore, more vegetation space will be preserved then by providing a buffer.

Mr. Mills also discussed Arthur Mellon's letter and noted Mellon had drilled most wells located in the Ridges. The health department would have data if there are failing wells in the subdivision. These wells could fail due to the type of aquifer, drought, etc. and may not be indicative of the area water supply.

Ms. Peggy Smith, adjoining owner, stated her well yields 4 gallons per minute with a small reserve. The well regularly runs out of water. Another neighbor has 1 gallon per minute with a 700 foot deep well. Some of the lots within the subdivision are less than 2 acres. This means there has to be a shared ground water supply. She noted that she had attended a recent PSA meeting regarding the availability of public water in the area. The water stops approximately 2 miles from the subdivision. Mr. Brabham has indicated an interest in extending water across the interstate which could help serve the dwellings in the Ridges.

Mr. Seitz noted that water is a serious issue and causes additional fire concerns.

Mr. Wells discussed the process of getting water to a fire in this area. Tankers are sufficient; however, fire hydrants are always preferable. The trucks can access the development effectively and efficiently.

Mr. Rice noted that the only place fire hydrants are available are areas served by public water. This limits 90% of the county from development. When there are small lots a buffer is necessary. On a 2-4 acre lot it is less important to have a buffer, especially if it is wooded. There is a common area with trails as required by comp plan.

Mr. Wells noted he would like to have seen data on the wells in the subdivision.

Mr. Haynes stated he could not support the request because of the water and septic concerns. These are challenging sites already.

On a motion by Mr. Rice, seconded by Mr. Cochran and unanimously carried the planning commission tabled the rezoning request to allow information regarding the wells and water supply within the area to be obtained. The commission specifically requested information regarding the number of wells that had failed within the Ridges Subdivision, minimum requirements for wells, average water usage of a typical dwelling, existing well depths, and water sustainability.

Hogan's Retreat Major Subdivision - Final Plat Review

Mr. Sandy stated the Hogan's Retreat plat was submitted for final review. The property is located off of Dry Valley Road and was rezoned to Rural Residential (RR) in September 2006. He reviewed the plat as submitted. All conditions of the preliminary plat have been met with the exception that the county attorney has not reviewed and approved the riparian buffer/open space statement. The restrictions stated do not restrict the riparian buffer areas located outside the wetland areas, only those within the wetland areas. The restrictions should address the entire riparian area.

Mr. John Neel, Gay & Neel, noted the house on the property would be left standing. The purchaser of the lot would determine if it remains. In regards to the riparian buffer there is a note that addresses the buffer on the plat. Because the buffer was delineated prior to the wetland designation some areas of the buffer are outside the wetlands and vice versa. The wetlands area has to be monitored and information submitted to the DEQ for 5 years.

On a motion by Mr. Wells, seconded Mr. Howard and carried by a 9-0 vote the Planning Commission recommended approval of the final plat for Hogan's Retreat Major Subdivision.

Kensington, Phase II Major Subdivision - Final Plat Review

Mr. Sandy stated that the final plat for this subdivision has been deemed incomplete and will require resubmission prior to review by the planning commission.

NEW BUSINESS:

Cold Mountain Major Subdivision - Preliminary Plat Review

Mr. Sandy noted that Cold Mountain Subdivision had been previously approved by the planning commission. The plat submitted is for an extension of the road to serve additional lots. The plat shows several lots with frontage along the

proposed extension and a revision of lot 3. There are some outstanding revisions on this plat so a preliminary plat approval could be given, but not a final plat approval. He reviewed the following conditions of the plat:

1. The Virginia Department of Transportation (VDOT) shall review and approve the road construction and drainage plans for the roads.
2. Vacation and/or relocation of existing dedicated right of way of Cold Mountain Road and dedicated easements shall be vacated according to requirements of Section 15.2-2272 of Code of Virginia.
3. The Virginia Department of Health shall review and approve private septic systems to be located each of the lots that they serve
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. If there are storm water detention facilities, then the County Attorney shall review and approve the Homeowner's Association Bylaws for maintenance and liability.
6. All remaining items on the attached Subdivision Application Report shall be addressed.

Mr. John Neel stated the right of way will be left as is and additional right of way would be dedicated on the plat. The lots were developed after the right of way was in place. VDOT approved the extension and the County Engineer has approved the erosion and sediment control plan. The only thing left to address is approval from the Health Department. The owner is planning on placing his house on the remaining 70 acres.

<u>On a motion by Mr. Rice , seconded by Mr. Howard and unanimously carried the planning commission approved the Cold Mountain Major Subdivision Preliminary Plat subject to the following conditions:</u>

1. The Virginia Department of Transportation (VDOT) shall review and approve the road construction and drainage plans for the roads.
2. Vacation and/or relocation of existing dedicated right of way of Cold Mountain Road and dedicated easements shall be vacated according to requirements of Section 15.2-2272 of Code of Virginia.
3. The Virginia Department of Health shall review and approve private septic systems to be located each of the lots that they serve
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. If there are storm water detention facilities, then the County Attorney shall review and approve the Homeowner's Association Bylaws for maintenance and liability.
6. All remaining items on the attached Subdivision Application Report shall be addressed.

<u>HS Tejas Subdivision - Review of Private Road</u>

Mr. Sandy stated the planning commission had previously discussed the Tejas property and the proposed use of a private access easement. The Board of Supervisors suggested an alternative route be provided. The engineer has looked at developing an additional access and pull over areas. The developers are still requesting private roads to serve the development.

Mr. John Neel, Gay & Neel reviewed the history of the property and the request to utilize private roads for a subdivision. A sketch of the property has been provided. There are no subdivision plans at this time. HS Tejas markets the land and the prospective owner determines the acreage and the location of the property they wish to purchase. There will not be a predetermined number of lots. The Board of Supervisors has requested an emergency access to Gray Fox Lane at Dixie Caverns along with upgrades to the existing road. Improvements have been made to the existing road and to Gray Fox Lane. He reviewed additional restrictions that would be placed on the subdivision including additional setbacks, tree clearing, and placing a limit of 45 lots on Montgomery County portion of property. A note will be placed on the survey plat regarding the private easement.

Mr. Seitz stated there were many concerns at the initial site visit regarding the all weather surface, minimum width of the road, the grade for fire vehicles, safety railings at the steep slopes, etc.

Mr. Neel stated that the minimum width has not been measured. The improved road is very well maintained. The road could be graded to go toward the ditch line as an alternative to the safety railing.

Mr. Haynes stated addressing the curvature, grade etc. would help. It would be hard to require guard rails since many areas of the state road do not have railing installed.

Mr. Lau stated that due to the length of the road areas to turn around or pull offs should be provided.

Mr. Neel stated that a wider area would be provided every 1000 ft. for a pull off area.

Mr. Rice asked if the all weather surface would be asphalt or gravel

Mr. Neel stated it would be gravel because it is more easily maintainable. The property will be more of a retreat property versus people living there year round.

Mr. Ron Pauly, HS Tejas, stated the average lot size of other developments is 20 acres. This property will sell because of the elevations, views, etc.

Mr. Haynes noted he would like to see the site again since the improvements to the road have been made.

Mr. Sandy stated the site visit schedule on April 23rd could be adjusted so that the Planning Commission could re-visit the site.

On a motion by Mr. Seitz, seconded by Mr. Cochran and unanimously carried the planning commission tabled the HS Tejas request for a private road serving a subdivision to allow the opportunity for an additional site visit.

Mr. Sandy reported that Ms. Meghan Dorsett has submitted her resignation effective June 30, 2008.

There being no further business, the meeting was adjourned.

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON APRIL 23, 2008 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mr. Seitz, Secretary, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
William Seitz, Secretary
Frank Lau, Member
Steve Howard, Member
Bryan Rice, Member
Malvin Wells, Member
Steven Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Amy Doss, Development Planner
Meghan Dorsett, Comprehensive Planner
Brea Hopkins, Zoning Technician
John Muffo, Board of Supervisors Liaison

Absent: David Moore, Member
Steve Cochran, Member

PUBLIC ADDRESS:

Mr. Miller opened the public address section.

Mr. David Dunkenberger, 4289 North Fork Road, representing the Reese Family Partnership, stated he had submitted information regarding the water issues and the proposed subdivision.

Arthur Mellon, 4346 Bradshaw Road, stated he was a local well driller and would be available for questions if necessary regarding water issues within the Ridges Subdivision.

There being no further speakers the public address section was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Howard, seconded by Mr. Rice and unanimously carried the agenda was approved as presented.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Wells, seconded by Mr. Howard and unanimously carried the consent agenda was approved as presented.

WORK SESSION:

On a motion by Mr. Howard, seconded by Mr. Wells and carried by unanimous vote the Planning Commission entered into worksession.

Purchase of Development Rights Ordinance/Program Presentation- Kevin Schmidt, VA Department of Agriculture and Consumer Services

Mr. Miller introduced Mr. Schmidt, representative from the VA Department of Agriculture.

Mr. Sandy stated Mr. Schmidt has prepared a presentation regarding a Purchase of Development Rights (PDR) Program and how it can and is being used in other localities. Representatives from Blacksburg, Christiansburg, NRVPDC, and other commissions have been invited to attend.

Mr. Schmidt discussed issues being faced by local governments and ways to address the issues. Currently there are 21 localities with PDR ordinances adopted. Matching funds are available from the state for local programs. Funds are received upon closing of approved easement and must be used within 2 years. Other localities use funding such as

bond issues, undedicated sources, rollbacks for land use assessment program, a certain percentage of taxes, Federal programs, etc.

Mr. Rice asked if the government could remove land from the program if necessary.

Mr. Schmidt stated that if the state is a holder in the property then it may not be possible and if it is removed, it has to be replaced with comparable land in a nearby area.

Mr. Jim Politis stated he owned property in a conservation easement since 1999. This easement protects area. The Board of Supervisors has discussed using the rollback funds so it is not coming direct from the county tax base. Working with area residents to place properties in easements and a PDR program seems to be a desirable program.

Ms. Beth Obenshain, New River Land Trust, passed out article from farming journal regarding PDR programs. She noted she worked with the VA Outdoor Foundation to place farms under conservation easements. About 60 landowners are on a waiting list to have conservation easements; however, there is no anticipated time that these will be dedicated due to lack of staff and funding. If the county could hold the properties it would be beneficial.

On a motion by Mr. Rice, seconded by Mr. Wells and carried by unanimous vote the Planning Commission closed the worksession.

OLD BUSINESS:

An Ordinance requested by Reese Family Limited Partnership rezoning approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR), with proffered conditions, to permit a maximum allowed density of 67 single family detached units. The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

On a motion by Mr. Seitz, seconded by Mr. Howard and unanimously carried the Planning Commission removed the request from the table for discussion.

Mr. Sandy stated well data has been collected from the Health Department which has been compiled by phase for review. Additional information has been submitted by Mr. Reese, well drillers, homeowners, etc. There has been a revision to the proffered conditions; however, staff has not been provided with a copy. The County Attorney has concerns regarding some of the proffers and their enforceability.

Mrs. Doss stated that she met with Gary Coggins at the Health Department on April 15th. The health department only sites wells for safety but not for depth or output. There is not a minimum flow. A driller typically tries for 10-20 gallons per minute and the Health Department likes to see and output of 5 gallons per minute. There have been no applications to replace wells and/or septic systems within the subdivision. She discussed the well data that had been collected from the Health Department.

Mr. Haynes asked how many homes are constructed within the subdivision.

Mr. Reese stated 33-34 wells have been drilled.

Mr. McMahon stated that development needs to be based upon availability of water and septic facilities. At the same time, there are issues regarding aquifer rights, etc. If wells fail, the homeowners look to the government to correct the issue.

Mr. Seitz asked if a deeper well or an additional well would alleviate the issue.

Mrs. Doss stated that deeper is not always better. There are a lot of unknown factors when drilling wells. The water could come from a water vein or an aquifer. There is no way to tell which will be tapped into. The second well may not be any better. She reviewed the original proffers and the revised proffers which have been submitted. She noted that the concept plan had not been proffered; therefore, if the request is approved as submitted the only guarantee would be the number of lots.

Mr. Rice stated the well issue is a market concern. The purchaser knows a well is required. The gallons per minute are based on how much money an owner is willing to spend. Options include drill deeper, go to another site, and install a larger holding tank. Deercroft Subdivision has several lots that are deep with low gallon yields. It should not be the Planning Commissions job to control market concerns.

Mr. Seitz stated he was concerned that there are 29 people opposing the development. The residents are truly asking for public water. It is for the buyer to decide if they want to dig their wells or live on a lot served by public water.

Mr. Lau noted that the Planning Commission should be looking at developing areas that have the resources and infrastructure available. Taxpayers should not have to pay to rectify a problem. The property should be developed by right.

Mr. Haynes noted that about 50% of the current residents have concerns with water. Staff has researched wells and spoke to a local well driller who stated the wells may not have been drilled deep enough. This may be an area that doesn't produce an abundant amount of water. The Commission should plan areas for people to live that gives people peace of mind. A by-right development makes more sense.

Mr. Rice stated it is not always possible to rely on public water services. Recently reports of pharmaceuticals in public water systems have been emerging. It should also be noted that some public water systems are wells.

Mr. Wells stated it may be possible to limit the number of houses over a period of time. For example 67 units over a 5-10 year period may help provide answers to the water issue. If residents are getting good water after 5 years continue with the development.

On a motion by Mr. Rice, seconded by Mr. Howard and carried by a 5-2 (Haynes, Lau opposed; Cochran, Moore absent) vote the Planning Commission recommended approval of the ordinance requested by Reese Family Limited Partnership to rezone approximately 227.65 acres from Agriculture (A-1) to Rural Residential (RR) to permit a maximum allowed density of 67 single family detached units with the following proffered conditions:

1. The total number of dwelling units shall not exceed 67, with a minimum lot size of 1.5 acres.
2. A network of walking trails will be developed on the property. The exact layout of the trails will be finalized with Montgomery County input as the lot layout is finalized.
3. No clearing will be allowed except for a 75 ft. zone around the house, and as required to install drain fields.
4. Homeowners shall be responsible for maintenance of alternative septic systems.

The property adjoins The Ridges phases 2-7 and is located on the west side of Bradshaw Rd. (Rt. 629), north of New Ridge Rd (Rt. 1052), identified as Tax Parcel No(s) 45-A-80, 45-3-5A, and 32-A-55 (Acct. #s 025398, 034187, and 001477) in the Mt. Tabor Magisterial District (District C). The property currently lies in an area designated as Rural in the Comprehensive Plan with an allowable density of 0.75 units per acre.

HS Tejas Subdivision - Review of Private Road

On a motion by Mr. Seitz, seconded by Mr. Wells and unanimously carried the Planning Commission removed the request from the table for discussion.

Mr. Sandy stated some of the commissioners had visited the site. He reviewed the conditions related to approving a subdivision serving a private road. A maintenance plan has not been submitted as of this date, but would be required prior to the Board of Supervisors approval. He further discussed the conditions that had been submitted by the developer. These may be able to be placed on the approval. During the staff visit, there was not any traffic so width was not an issue but could be with the additional lots. There are a couple of other pieces of property along the road that may desire the use of the road as well. The road on the county portion is decent, but could use some pull over areas. Roads that start out private generally are requested to be turned to state after the ownership changes.

Mr. Miller stated he was pleased with the Montgomery County portion of the property.

Mr. McMahon stated that under the exemption approval minimums are given. An access plan should be submitted prior to a recommendation or approval. The Board will not be able to approve anything until this is submitted.

Mr. Sandy stated a plan had been submitted but not anything in relationship to maintenance agreement. There are also not any construction specs or details regarding the grade and turnouts.

Mr. Lau stated that the only reason that the Roanoke side came to this was because we cannot allow this type of development on a single access. The turnouts every 1000 ft. and grading away from drop off should be spelled out in the agreement.

Mr. Wells stated that the fire response could be slow even with Roanoke and Montgomery County units responding. The time it would take to get there could cause safety issues. There is no way a single truck could go up there twice.

Mr. Rice stated the comprehensive plan does not encourage growth on the mountainside. If the developer could guarantee larger tracts it would conform better to the comprehensive plan.

Mr. Seitz noted that safety fencing would need to be installed along the road and the development tends to be very dense for the mountainside.

Mr. Miller stated the road is still a concern when you consider the potential number of dwellings it could be serving.

On a motion by Mr. Seitz, seconded by Mr. Wells and carried by a 6-1 (Haynes opposed, Cochran, Moore absent) the Planning Commission recommended denial of the HS Tejas request to allow private streets due to concerns regarding emergency services response time, road conditions, and development along the mountainside.

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo reported the budget is currently being discussed. The biggest portion of the budget is for the courthouse and jail. County staff and the schools should see a 5% raise in their salary. There will be a meeting regarding the possible Elliston Intermodel sight. The Secretary of Transportation will be meeting with local officials. This is not an open meeting. All region localities will be getting together to discuss the facility. The county will be stating why they oppose the facility. The Railroad has federal exemption; therefore, government approval is not required regardless of where they decide to locate the facility. The state is using significant money (approximately 70% of the funding) to support this private facility without the county's input.

Agriculture & Forestal District

Mr. Miller stated the AFD Committee met twice to discuss the proposed school site and the PDR program.

Blacksburg Planning Commission

Mr. Haynes reported that the signage on the hospital will be larger. The commission also discussed the Blacksburg Lutheran church addition and the proposed Sonic Drive-in.

Christiansburg Planning Commission

Mr. Rice reported that the Christiansburg Planning Commission discussed two (2) Special Use Permits not relating to the County.

Public Service Authority

Mr. Wells stated that he had attended the meeting; however, there were no issues relating to the Planning Commission.

Parks & Recreation

Mr. Howard noted that all vacant seats on the Parks and Recreation Commission had been filled and the department was getting summer projects ready.

School Board

Mr. Seitz reported that he attended 2 sessions where discussion was held regarding potential school sites and possible time frames for school construction.

Transportation Safety Committee

Mr. Wells stated the committee discussed the possible Elliston Intermodel facility.

Planning Director's Report- Steve Sandy

Mr. Sandy stated that staff would continue to work on the PDR program and the TND ordinance.

There being no further business, the meeting was adjourned 9:35.

MEMORANDUM

TO: Planning Commission

FROM: Planning Staff

DATE: August 1, 2008

RE: **Staff Analysis**

1. A request by **Sandra Gail Jordan, (Agent: Cellere for CST)** for a Special Use Permit on approximately 29.5 acres in an Agriculture (A-1) zoning district to allow a 199' telecommunication tower. The property is located east of Alleghany Spring Road (State Route 637), accessed by a private driveway located at 477 Alleghany Spring Road, and identified as Tax Parcel No(s). 83-A 27D, 27 (Acct No. 026123), in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

I. Nature of Request

The applicant is requesting a Special Use Permit (SUP) on approximately 53.893 acres zoned Agriculture (A-1) to allow construction of a 199 ft. wireless telecommunications monopole with panel antennae and associated ground equipment. The proposed new tower would be used by AT&T and be available for possible use by four additional cellular providers.

II. Location

The property is located on the west side of Alleghany Spring Rd. (Rt. 637), and accessed by a private driveway located at 477 Alleghany Spring Road. The parcel is identified as Tax Parcel No(s). 83-A 27D 27 (Acct No. 026123), in the Shawsville Magisterial District (District C). The property is bordered to the north, east and south by medium to large parcels zoned Agriculture (A-1), most of which maintains significant tree growth. It is bordered to the west by Residential (R-3) and Agriculture (A-1) zoning districts. Enclosed is a tax map and aerial photograph of the area.

III. Impacts

The application package contains the applicant's proposal, justification for the Special Use Permit (SUP), and drawings of the proposed use. The proposed use is expected to have limited impact on surrounding properties. Traffic is expected to be limited to one trip per month after construction of the tower is completed. Noise should not be a factor with this request. There will be no lighting mounted on the pole. There will be some clearing required for construction of the tower and access road. Electrical service is available near this site.

Visibility and view shed of the proposed structure is of considerable importance in reviewing this proposal since it is to be located on a ridge south of Roanoke Road (Rt. 460) and west of Alleghany Spring Road (Rt. 637). The monopole is proposed to be 195 ft. in height with a 4 ft. lighting rod to be mounted on top for an overall height of 199 ft. Compliance with the County's policy on telecommunications facilities is important to minimize negative impact this structure may have on surrounding properties and view sheds. See Section IV for analysis of comprehensive plan policies.

IV. Comprehensive Plan

The specific location of the proposed tower is in the northern area of the Jordan property and in an area designated as Resource Stewardship in the Comprehensive Plan.

In 2001, Montgomery County, along with neighboring jurisdictions, adopted the Regional Approach to Telecommunications Towers. In October, 2004, Montgomery County adopted a more detailed approach which applied the 2001 hierarchical framework to the new future land use categories as specified in **UTL 2.2.2 Uniform Approach to Siting of New Towers.**

Based on a preliminary review of the proposal and of the proposed location, the tower would be located in an area that can be characterized as "ridgeline lands" (Location K) under the established guidelines. According to the application, AT&T is proposing a 199 ft. panel mount monopole. While the tower will be visible from Roanoke Road and from the portions Alleghany Spring Road, existing buffering and topography should minimize any potential impact on the majority of the Village of Shawsville. As the proposal stands, it is inconsistent with the overall provisions of the Comprehensive Plan because of the proposed ridgeline location and lack of demonstration of possible collocation opportunities on other structures as specified in UTL 2.2.1.

V. Analysis

This request presents a need to balance the aesthetic desires of citizens with the need for adequate cellular telephone coverage along the Roanoke Road and Alleghany Spring Road corridors, but mainly for residential use in the Village of Shawsville. Based on the information submitted, it is unclear whether there are other viable alternatives for co-location in this area to provide the needed coverage levels for the area.

If the need for a new tower in this area is determined, the Planning Commission and Board of Supervisors must try to mitigate negative impacts for the newly constructed tower to comply with the County's policy on communications towers. There are several ways in which to mitigate the visual impacts of the structure. The ordinance currently requires the structure be non-reflective or painted with a neutral paint to be less visible. Antennae can be mounted inside the pole or "flush mounted" on the pole. Conditions must be placed on the Special Use Permit (SUP) to ensure the least visual impact is achieved. AT&T proposes to construct a galvanized steel monopole tower.

The Commission should consider the height of the structure because the height will also affect visibility. A view shed analysis of the proposed tower location will be performed using the County's LIDAR data and digital imagery. This information will be shown electronically at both public hearings.

The Emergency Services Coordinator has reviewed the SUP application and requested that space be made available for emergency services equipment if needed.

VI. Staff Recommendation

Planning staff has drafted conditions consistent with previous approvals in an attempt to balance the need for wireless service in the area with the policies of the Comprehensive Plan and view sheds in the area.

1. Tower shall not exceed a total overall height of 165 feet inclusive of the proposed lightening rod with a ground elevation of 1545 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 24 inches.
2. Site development shall be in substantial conformance with the plans entitled, "AT&T VA-00-200A Alleghany, ± 477 Alleghany Springs Road", prepared by Wilcox Professional Services, dated June 3, 2008 and received by Montgomery County on June 24, 2008.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches) on the structure. Tower shall be painted brown (Wooden Cabin or similar). All wiring and cables shall be located inside the pole structure.
4. Engineering plans signed and sealed by a licensed engineer in the State of Virginia shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall not be fueled by any liquid fuel source.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of $1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower. Emergency service providers shall provide equipment. Tower owner/agent shall install the antennae at market rate.

Concerns from an adjacent property owner are presented in the enclosed letter dated August 2, 2008. Other adjacent property owners or interested parties may be present at the public hearing to present their view regarding this request.

Enclosures: Lester Letter of Opposition, dated August 2, 2008

Current Zoning Map

Aerial Photo Map

Applications Materials

Addendum to Application, Received August 6, 2008

Photo Simulations

Montgomery County Department of
Planning & Gis Services
755 Roanoke Street, Suite 2 A
Christiansburg, Va. 24073-3177

Aug. 11, 08

Dear Sir:

I'm writing about the letter concerning the request of a special use permit for a 199' telecommunication tower on Sandra Jordan's land.

I'm opposed to having the tower put there because I don't want it near my home or property.

I understand there is a noise problem with a tower around. I was told if you live near a tower you have a 18% more chance of getting cancer. Since Dari Jenkins said she hadn't heard of that, don't you think you need to check things out more? It doesn't bother no one that doesn't live near this problem of a tower near you. There's plenty of mountains etc. up Allegheny Springs where the tower could be put where no homes are at. I hope you will reconsider this matter as we don't want it here.

Aug. 11, 2008

Sincerely,
Nancy L. Jones
Paul C. Jones
3910 Shuder Lane
Shawsville, Va. 24162

RECEIVED
AUG 12 2008
MONTGOMERY COUNTY
PLANNING & GIS SERVICES

August 2, 2008

Dari Jenkins
Montgomery County Department of Planning & GIS Services
755 Roanoke Street, Suite 2A
Christiansburg, VA 24073

Dear Dari:

While I'm reluctant to engage in a debate that seemingly pits neighbor against neighbor, I must express my opposition to Sandy Jordan's request for a Special Use Permit for a proposed telecommunications tower. My property adjoins the Jordan property immediately to the south.

Ironically, were I the one making such a request, I would expect Sandy to be the most vocal opponent among my neighbors. I don't know her well, but I do know her to be a fervent naturalist who shares my interest in preserving the rural qualities of our area. That priority presumably motivated her family to seek Resource Stewardship designation for their property. But given the income involved in renting space for a telecommunications tower, I understand why they would take this seemingly contradictory step.

While my initial reaction to the proposed SUP was negative, I did some research to determine whether my concerns were justified. Following is a brief summary of what I learned and why I and my family are opposed to Sandy's request:

- *There is a likelihood that our property value would decrease because of the tower*. This has been studied at length across the country, with documented reductions in property values of 3 to 10 percent. My best guess is that the tower could reduce the value of my property by $10,000 to $20,000. Obviously, this reason alone is enough to oppose the SUP request. The Jordans' financial gain would likely come at the substantial expense of their neighbors. I don't know that they realize this.

- *There are potential health risks associated with telecommunications towers.* This is a matter of considerable debate, but there is enough evidence to raise some concern. Several studies around the world have found higher incidences of illnesses (including cancer) in the vicinity of cell phone towers. Just this past week, 22 prominent scientists released a "precautionary statement" regarding the use of cell phones, which is a directly related risk. Personally, I'm not significantly concerned about the possibility of the proposed tower harming my family's health. But such health concerns do affect property values, the research has found.

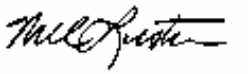
- *The proposed tower would create an unwelcome visual impact to our largely rural setting.* Admittedly, based on the balloon test, the tower would not affect our view much, nor the view of our home from the road. But it would significantly impact the view of our neighbors

on the hill to the west of the Jordans, and somewhat for our neighbors to the south. In that respect, the tower would have a general negative impact on the rural quality of our area.

I anticipate that other neighbors will join us in opposing the SUP request (I know Mrs. Graham to our south is opposed). If our opposition succeeds in defeating this proposal, I hope the Jordans will understand. I am certain that were the tables turned, they would stand were we do. I also suspect that they are not aware of the significant financial impact on their neighbors.

My wife and I will be out of town for the Planning Commission meeting on August 13th. But I will be happy to discuss this matter further with you if desired. Thank you.

Sincerely,



Mel and Dena Lester
591 Alleghany Spring Road
Shawsville, VA 24162
(540) 268-4343

Sandra Gail Jordan (AT & T) Request for Special Use Permit

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Tax Parcels
- Subject Property
- Proposed Lease Area

Aerial Photography and Contours Derived by
The Towns of Blacksburg and Christiansburg, Va
Montgomery County, Va
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Montgomery County, Virginia
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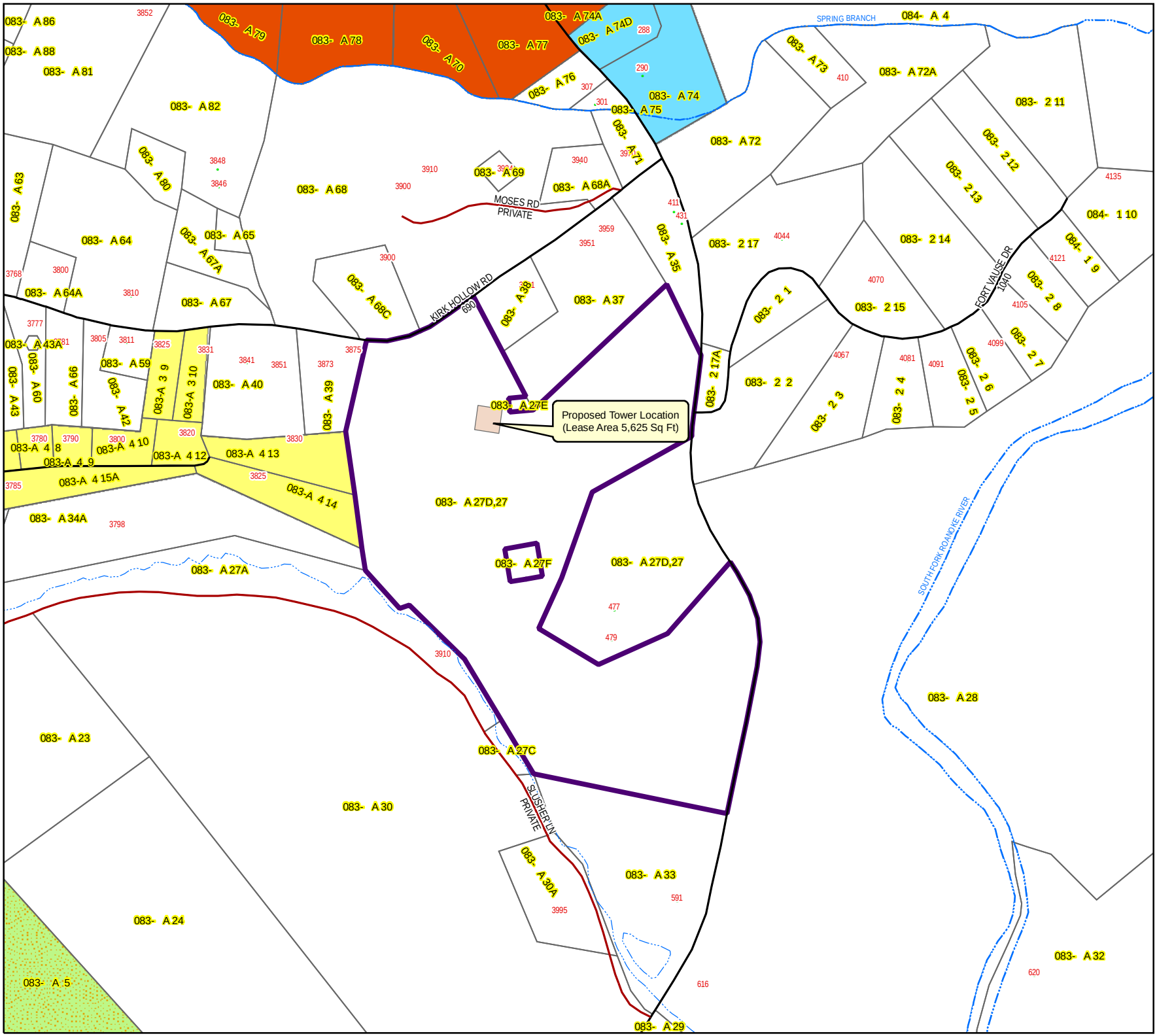
EXACT LOCATION OF FLOOD ZONE TO BE CERTIFIED BY LICENSED SURVEYOR, ENGINEER, OR ARCHITECT.

0 50 100 200 300 400
Feet

Prepared by Montgomery County, Va
Planning & GIS Services, 7/14/08

Sandra Gail Jordan (AT & T) Request for Special Use Permit



Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Tax Parcels
- Subject Property
- Proposed Lease Area

County Zoning

- A1 - Agriculture
- GB - General Business
- R3 - Residential
- RM1 - Multi-Family Residential
- AFD

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0 50 100 200 300 400
Feet

Prepared by Montgomery County, Va
Planning & GIS Services, 7/14/08

IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

WITNESSES:

Kelly Atkinson
Print Name: Kelly Atkinson

Leslie C. Lawson
Print Name: Leslie C. Lawson

"LANDLORD"

By:
Print Name: Sandra Gail Jordan
Its: Owner

Date: 11-30-07

By:
Print Name:

Its:

Date:

WITNESSES:

Marianne Grant
Print Name: MARIANNE GRANT

"TENANT"

Central States Tower Holdings, LLC
a Delaware limited liability company

By:
Print Name: Brian P. Meier
Its: C.O.O.

Date: 11-30-2007

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

Site Name: ALLEGHANY
Site Number: VA-00-200

LANDLORD ACKNOWLEDGMENT

INDIVIDUAL ACKNOWLEDGMENT

STATE OF VIRGINIA)
COUNTY OF MONTGOMERY) ss:
)

BE IT REMEMBERED, that on this 30th day of November, 2007 before me, the subscriber, a person authorized to take oaths in the State of Virginia, personally appeared Sandra Gail Jordan, a single woman who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

Notary Public: _____
My Commission Expires: January 31, 2008

Cheila A. Jones-McHone
NOTARY PUBLIC
ID#285523
MY COMMISSION EXPIRES
1-31-08
COMMONWEALTH OF VIRGINIA

PARTNERSHIP (consisting of corporations) ACKNOWLEDGMENT

STATE OF)
COUNTY OF) ss:
)

I CERTIFY that on NA NA, 2007, NA personally came before me and this/these person(s) acknowledged under oath to my satisfaction, that:

(a) this/these person(s) signed, sealed and delivered the attached document as _____ of _____ a corporation of the State of _____, which is a general partner of the partnership named in this document;

(b) the proper corporate seal of said corporate general partner was affixed; and

(c) this document was signed and delivered by the corporation as its voluntary act and deed as [a] general partner(s) on behalf of said partnership [by virtue of authority from its Board of Directors].

Notary Public: _____
My Commission Expires: _____

Site Name: ALLEGHANY
Site Number: VA-00-200

CORPORATE ACKNOWLEDGMENT

STATE OF)
) ss:
COUNTY OF)

I CERTIFY that on NA NA, 2007, NA personally came before me and acknowledged under oath that he or she:

(a) is the [title] of [name of corporation] the corporation named in the attached instrument,

(b) was authorized to execute this instrument on behalf of the corporation and

(c) executed the instrument as the act of the corporation.

Notary Public: _____
My Commission Expires: _____

TENANT ACKNOWLEDGMENT

STATE OF ILLINOIS)
) ss:
COUNTY OF DuPage)

On the 30th day of November, 2007, before me personally appeared Brian P. Meier, C.O.O. of Central States Tower, LLC, and acknowledged under oath that he is duly authorized to sign on behalf of Central States Tower Holding, LLC , the Tenant named in the attached instrument, and as such was authorized to execute this instrument on behalf of the Limited Liability Company.

Barbara Meindl
Notary Public: BARBARA MEINDL
My Commission Expires: JAN. 22, 2011

OFFICIAL SEAL
BARBARA MEINDL
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 01/22/2011

Site Name: ALLEGHANY
Site Number: VA-00-200

EXHIBIT A

DESCRIPTION OF PROPERTY

to the Memorandum of Lease dated November 30th, 2007, by and between Sandra Gail Jordan, a single woman, as Landlord, and Central States Tower Holdings, LLC, a Delaware limited liability company, as Tenant.

The Property is described and/or depicted as follows:

BEGINNING at a rod set in the westerly line of Virginia State Secondary Route 637 at a corner of the lands of Levon L. Shepherd and Gloria O. Shepherd; thence with the northerly line of Shepherd N. 84° 04' 23" E. 582.61 feet to a rod; thence N. 36° 48' 54" W. 97.32 feet to a rod; thence N. 36° 43' 09" W. 320.07 feet to a rod; thence N. 51° 15' 24" W. 233.48 feet to a post; thence S. 60° 12' 21" W. 34.21 feet to a rod; thence N. 46° 33' 44" W. 155.28 feet to a rod; thence N. 14° 02' 18" W. 434.08 feet to a 14" cherry tree; thence N. 10° 05' 45" E. 252.73 feet to a rod situate in the southeasterly line of Route 690;

thence with a curve to the left having a delta of 34° 09' 12", a radius of 505.57 feet, and an arc length of 301.36 feet to a point; thence continuing with the southeasterly line of Route 690 N. 47° 13' 25" E. 67.55 feet to a rod; thence S. 33° 34' 44" E. 378.76 feet to a rod; thence N. 41° 44' 48" E. 559.23 feet to a post; thence S. 29° 21' 56" E. 207.20 feet to a rod situate in the westerly line of State Route 637; thence S. 00° 05' 31" W. 283.12 feet; thence with a curve to the left having a delta of 38° 01' 56", a radius of 505.00 feet, and an arc length of 335.21 feet to a point; thence S. 37° 56' 25" E. 153.49 feet to a point; thence a curve to the right having a delta of 43° 52' 02", a radius of 300.00 feet, and an arc length of 229.69 feet to a point; thence S. 05° 55' 37" W. 467.80 feet to the place of BEGINNING, containing an area of 29.5083 acres, pursuant to a map of the same prepared by Marks, Timberlake and Associates, dated March 31, 1977, designated as Plan No. P-77-85. Said plat was revised April 1, 1977, and April 27, 1977, and August ___, 1978.

TOGETHER WITH a non-exclusive right of way and easement for the purpose of ingress and egress, which said easement extends from the westerly line of State Route 637 generally along the westerly boundary of the lands of Levon L. Shepherd and Gloria O. Shepherd through the lands of Floyd S. Childress, Jr., said right of way is more particularly described in a deed dated April 28, 1977, from Floyd S. Childress, Jr., et ux, to Marvin V. MacMakin, et ux, which said deed is found of record in Deed Book 383, Page 622, in the Clerk's Office of the Circuit Court of Montgomery County, Virginia.

BEING the same property conveyed to G. Boyce Jordan and Doris H. Jordan, husband and wife, by Marvin V. MacMakin and Geraldine K. MacMakin, husband and wife, by deed dated August 18, 1978, of record in the Clerk's Office of the Circuit Court of Montgomery County, Virginia.

EXHIBIT 2

FAA 1A APPLICATION AND DETERMINATION

Notice of Proposed Construction or Alteration - Off Airport

Project Name: CENTR-000094917-08 **Sponsor:** Central States Tower Holdings, LLC

Details for Case : VA-00-0200A ALLEGHENY

Show Project Summary

Case Status

ASN: 2008-AEA-2456-OE
Status: Accepted
Date Accepted: 05/15/2008
Date Determined:
Letters: None

Construction / Alteration Information

Notice Of: Construction
Duration: Permanent
If Temporary : Months: Days:
Work Schedule - Start:
Work Schedule - End:
State Filing: Not filed with State

Structure Summary

Structure Type: Antenna Tower
Structure Name: VA-00-0200A ALLEGHENY
FCC Number:
Prior ASN: 2008-AEA-2418-OE

Structure Details

Latitude: 37° 9' 49.47" N
Longitude: 80° 15' 21.36" W
Horizontal Datum: NAD83
Site Elevation (SE): 1546 (nearest foot)
Structure Height (AGL): 199 (nearest foot)
Marking/Lighting: None
Other :
Nearest City: Shawsville
Nearest State: Virginia
Description of Location: Wooded parcel
Description of Proposal: Tower only - Reapplying at a taller height at the same location

Common Frequency Bands

Low Freq	High Freq	Freq Unit	ERP	ERP Unit

Specific Frequencies

RECEIVED
JUN 24 2008
MONTGOMERY COUNTY
PLANNING & GIS SERVICES

June 2, 2008

Montgomery County Dept. of Planning and GIS Services
755 Roanoke St.
Suite 2A
Christiansburg, VA 24073-3177
(540) 394-2148

RE: Central States Tower request for a 199' monopole communication tower facility located at +/- 477 Allegheny Springs Rd., VA

Planning Commission and Board of Supervisors;

Cellere is a Traverse City, MI based telecommunication services provider representing Central States Tower of Wheaton, Illinois to provide wireless voice and data services for residential, recreational, commercial and vehicular customers in the area. Central States Tower builds and operates communications towers serving the wireless industry throughout the nation.

Cellere is requesting, on behalf of Central States Tower, approval to build a 199' monopole communication tower facility, including the installation of antennas and an equipment shelter, near Shawsville, VA. The proposed site is located at 477 Allegheny Springs Rd., Shawsville, VA owned by Sandra Jordan. We have obtained a Lease Agreement with Ms. Jordan to utilize a portion of her property for this project.

The proposed location is zoned A1. The adjoining properties to the north, south and east of the site are also zoned A1, and the properties to the West are zoned A1 and R3. Freestanding communication towers are permitted as a special use by the Board of Supervisors per Article II, Sec. 10-21, A-1 Agricultural District, subsection (4)(i).

The tower and equipment shelter at the site will be enclosed by a 75' x 75' x 6' (max.) chain-link fence with 3 strands of barbed wire on the top. There will be a locked gate at the fence so only authorized personnel will be able to access the tower and equipment shelter(s) that will be located within the fenced area. This proposed project will be serviced by existing power and telephone service and will not place any additional demand on the existing infrastructure, public services or facilities. Since the area affected is restricted to a 75' x 75' compound area (.13 ac.) within a larger 29.5 acre parcel, there will be no adverse or significant impact to the natural environment or to the adjoining lands.

The attached Addendum and exhibits specifically address all of the requirements of the ordinance relating to telecommunication towers and facilities.

Enclosed for your review please find:

1. A check in the amount of $2000.00, the application fee for the Special Use Permit.
2. Special Use Permit application
3. Applicant's Responses and/or Evidence of Compliance with the Montgomery County Ordinance (Sec. 10-21. A-1 Agricultural District; Sec. 10-43 Landscaping and Buffering; Sec. 10-46 Performance Standards; Sec. 10-48 Additional Regulations for Special Uses; Sec. 10-54 Special Development Approvals)
4. Exhibits 1 - 8

Should you have any questions or require any additional information please contact me anytime.

Thank you,

David Larsen, Cellere
Agent for Central States Tower
231-313-0689 (C)
231-929-4555 ext. 14 (O)
dlarsen@cellere.us
www.cellere.us

Montgomery County, Virginia: Application to Planning Commission and Board of Supervisors

RECEIVED
JUN 24 2008
MONTGOMERY COUNTY
PLANNING & GIS SERVICES

Application for: (check appropriate boxes)

- [ ] Rezoning
- [x] Special Use Permit
- [ ] Rezoning & Special Use Permit
- [ ] Comprehensive Plan Amendment

Applicant Information:

Owner: Sandra Gail Jordan
Address: 477 Allegheny Springs Rd.
Shawsville, VA 24162
Telephone 1: 540-268-2112
Telephone 2:
Email:

Agent: Cellere, on behalf of CST
Address: 4110 Copper Ridge Dr. Ste. 204
Traverse City, MI 49684
Telephone 3: 231-929-4555
Telephone 4:
Email:

Location of Property: 477 Allegheny Springs Rd. Shawsville, VA 24162

Legal Record of Property: Total Area: 29.5 Acres Magisterial District: Shawsville
Account I.D. 026123 Tax Parcel Number(s): 083-A 27D, 27 (map ID)

Rezoning Details: Current Zoning District: ____ Requested New Zoning District: ____
Desired Use(s): ____

Special Use Permit: Current Zoning District: A1 Total Area: 75'x75' .13 Acres
Desired Use(s): Telecommunication tower with antenna and equipment shelters.

Comprehensive Plan Amendment (Description): ____

I certify that the information supplied on this application and on the attachments provided (maps and other information provided) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of Montgomery County and State of Virginia to enter the above property for the purposes of processing and reviewing the above application.

Owner's Signature ____ Date ____ Agent's Signature ____ Date ____

FOR OFFICE USE ONLY

Date Received: ____ Fee Paid: ____ Reviewed by: ____

- [ ] COMPLETE request. Schedule for ____ Planning Commission Meeting.
- [ ] INCOMPLETE request. Applicant has until ____ to re-submit application to be considered for ____ meeting.

Conditional Zoning Explained:

The owner of the property for which a rezoning amendment is requested may voluntarily proffer, in writing, reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map; provided that:

a) the rezoning itself must give rise for the need for the conditions;
b) such conditions shall have a reasonable relationship to the rezoning; and
c) all such conditions shall be in conformity with the Montgomery County Comprehensive Plan.

(§ 15.2-2298 Code of Virginia, as amended)

Notice of Conditions to be Voluntarily Proffered on the
_____ Rezoning Request

Conditions Proffered by this application (Please use additional sheets as necessary and also have them signed and witnessed):

Signed	**Witnessed**	**Date**

CONCEPT PLAN CHECKLIST

A concept plan is an initial plan which shows the general nature of the land use change or development which is intended. It differs from the final site plan, or, plot plan which is required prior to the issuance of zoning approval and a building permit. Site plans and building permit procedures ensure compliance with state and county development regulations and may require modifications to the original concept plan. A concept plan is required with all rezoning (except A-1 and C-1) and special use permit applications unless waived by the zoning administrator. The applicant may voluntarily submit conditions (proffers) that guide the future use and development of the property (i.e., excluding certain uses, landscaping, low level lighting, exterior building design, etc.). All proffered conditions must be signed by the property owner(s).
Concept plans should be prepared by a professional site planner or engineer. The level of needed detail may vary depending on the nature, size and complexity of the proposed project. The Zoning Administrator may grant data exemptions or require additional information depending on the nature of the project. An example of a concept plan submittal is available from the Planning Department. The following items will be considered with a concept plan submittal:

Existing Site Features:

- [x] a) Name of all landowners, applicant (if different), developer, engineer/ party preparing the plans.
- [x] b) Date, revision date(s), scale and north point of plan.
- [x] c) Lot size in acres and/or square feet, property lines and dimensions and any easements.
- [x] d) Vicinity sketch.
- [x] e) Zoning and existing use of property and all adjoining properties.
- [x] f) All existing buildings, and streets and/or other adjacent improved or unimproved rights-of-way.
- [x] g) All existing physical features such as tree cover, natural watercourses, recorded drainage easements, and 100-year floodplain limits.
- [x] h) Industrial/ commercial and large-scale residential developments must include contour intervals (maximum 20' intervals).

Proposed Site Features:

- [x] i) Location of proposed access areas, loading zones, SWM facilities and streets or other rights-of-way.
- [x] j) Structures: dimensions, use and the general types of exterior materials.
  Outside lighting: general location, height and type, and shielding.
- [x] k) General landscaping plan. Existing trees and shrubs are recommended to be maintained wherever possible.
- [x] l) General location and type of screening (fences, walls, vegetation), signs and trash enclosures.
- [x] m) Please submit proposed proffered conditions with your application.
  Any changes to the proffered conditions that occur during the Planning Commission public hearing must be signed and submitted by the property owner(s) prior to the Board of Supervisor's meeting.
- [ ] n) If project is to be phased, please show proposed phase(s).

I certify that all items required in the checklist above are complete.

Signature of owner/agent Tax Parcel # 083-A-27, 27D

APPLICANT'S RESPONSES and/or EVIDENCE OF COMPLIANCE FOR SPECIAL LAND USE REQUIREMENTS

Montgomery County Zoning Ordinance
Article II. Base District Regulations
Sec. 10-21. A-1 Agricultural District.
(6) Building requirements.
(a) Minimum yards:
1. *Front.* Forty (40) feet (also refer to additional setback requirements pertaining to residential uses near intensive agricultural operations, section 10-41(16)).
2. *Side.* Fifteen (15) feet for each principal structure.
3. *Rear.* Forty (40) feet.
4. *Accessory buildings.* No accessory building may be located closer than ten (10) feet to a side or rear lot line.
Response and/or Evidence: The applicant has met this requirement. All equipment shelters will be located within the 75' x 75' compound area which is at least 75' from the nearest property line. See Exhibit 8.

(b) *Maximum building height.* No building or structure, except for exempted structures provided for in section 10-2(5)(b) of this chapter, shall exceed forty (40) feet in height, as defined, except by special use permit and that for every one (1) foot above forty (40) feet, the building or structure shall be set back an additional two (2) feet up to a maximum of one hundred (100) feet.
Response and/or Evidence: The applicant has met this requirement. The proposed structure is located more than 130' from the nearest property line. See Exhibit 8.

Article IV
Section 10-43 Landscaping and Buffering
Response and/or Evidence: The proposed site is located in a wooded area, out of view of nearby homes. If deemed necessary by either the Montgomery County Planning Commission or Board of Supervisors, additional landscaping will be added according to the ordinance guidelines. See Exhibit 4 and 8.

Sec. 10-46. Performance standards.
(1) Purpose. It is the intent of these regulations to prevent land or buildings, including those permitted by right or by special use permit, from being used or occupied in any manner so as to create any dangerous, injurious, or noxious activity such as fire, explosive, radioactive or other hazardous condition; noise or vibration; smoke, dust, odor or other form of air pollution; electrical or other disturbance; glare or heat; liquid or solid refuse or waste condition, conducive or elements, (all referenced to herein as "dangerous or objectionable elements") in a manner or amount as to adversely affect the surrounding area.
(2) Zoning districts regulated. All permitted and special use permit uses, whether such uses are permitted as a principle use or an accessory use, shall operate in conformance with the performance standards set forth in this section.
(3) Applicability.
(a) Existing uses. All uses shall comply with the performance standards set forth in this chapter. However, any use which did not comply with these standards when enacted may be permitted to continue so long as the degree of nonconformity is not increased.
(b) Nonconforming uses. Any use which is a lawful nonconforming use, and which on the effective date of this chapter complies with the applicable performance standards of this section, shall continue to so comply. If, at such time, the operations of such lawful nonconforming use violate the standards specified herein, such operations shall not be varied or changed in such a way as to increase the degree of such violation.
(c) Agricultural uses. The standards contained in this section shall not apply to any lawful agricultural operation.
(4) Air and water. All federal and state regulations in regard to air and water pollution, waste disposal, and the handling of toxic, flammable or radioactive materials must be adhered to.

(5) Odor. No emissions shall be discharged into the atmosphere that cause an odor objectionable to a panel of individuals of ordinary sensibility named by the Montgomery County Board of Supervisors to investigate and judge odors.

(6) Water and sewer. Adequate water and sewer service must be available to the industrial site. When connection is to a public water system, then a letter from the utility to the effect that adequate water quantity and pressure are available shall be submitted to the zoning administrator. When connection is to a public sewer system, then a letter from the utility to the effect that adequate line capacity and treatment plant capacity are available shall be submitted to the zoning administrator. When a private water or sewer system is to be utilized, all federal and state permitting regulations shall be complied with.

(7) Solid waste. Adequate solid waste disposal facilities must be available to industrial sites. When disposal is by a public facility, then a letter from the facility to the effect that the volume and type of solid waste to be generated can be adequately handled shall be submitted to the zoning administrator. When disposal is by a private facility, all federal and state permitting regulations shall be complied with.

(8) Electric power. Adequate electric power must be available to industrial sites. When connection is to be to a public utility, then a letter from the utility stating that adequate power can be provided without causing voltage drops or other difficulties to other users in the area shall be submitted to the zoning administrator.

(9) Light and glare.

(a) General requirements. All sources of glare (direct or reflected artificial light) from any source (other than in connection with operating motor vehicles and/or street lighting) must not cause illumination in excess of 0.25 footcandles above background light levels measured at the boundary of any commercial or industrial use abutting any residential use or at the lot line with any residential district, or, in residential or agricultural districts, at the lot line of any adjacent lot. In addition, in the C-1, A-1, R-R, districts, lights shall be shielded so that the direct glare of the bulb is not visible beyond the property line of the parcel. A lighting plan meeting the above requirements shall be submitted to the zoning administrator for all projects that require a site development plan in accordance with section 10-53(3) of this chapter. The zoning administrator for minor projects can waive this requirement with limited impact on adjacent properties.

(b) Method of measurement. Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the Internal Commission on Illumination.

(10) Vibration.

(11) Stone quarrying, extraction and mining.

(12) Noise. Performance standards for noise shall be as regulated and enforced in Montgomery County Code, chapter 7, article IV.

(13) Reserved.

(14) Enforcement.

(a) Intent concerning determinations involved in administration and enforcement of performance standards. Determinations necessary for administration and enforcement of performance standards set forth in this article range from those which can be made by a reasonable person using normal senses and no equipment to those requiring great technical competence and complex equipment for precise measurement.

(b) Costs of determinations--Responsibility. If a reply is received within the time limit set requesting technical determinations, as provided in this chapter, and if the alleged violations continue, the zoning administrator may engage properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of this chapter. If no violation is found, the costs of the determinations shall be paid by the county without assessment against the properties or persons involved.

(c) Determinations by county personnel. Where determinations can be made by the zoning administrator or other county employee using equipment normally available to the county or obtainable without extra ordinary expense, such determinations shall be so made before notice of violation is issued.

(d) Protection of individuals and the public. Where technical complexity or extraordinary expense makes it unreasonable for the county to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary and capricious administration

and enforcement of performance standard regulations and for protecting the general public from unnecessary costs for administration and enforcement.

(e) Complex determinations. If the zoning administrator finds that determinations of a complex nature are required to make precise measurements regarding potential violations of performance standards set forth herein and, if in the zoning administrator's considered judgment, the zoning administrator believes there is violation of such performance standards, the procedures set out at section 10-52(2) shall be followed.

Response and/or Evidence: The proposed use does not produce any air or water pollution, will not require any water or sewer system, or produce any solid wastes, will be serviced by the existing power at the proposed site, will not be lit unless required by FAA, and does not produce any type of vibration or noise. See Exhibit 2 and 8.

Section 10-48 Additional Regulations for Special Uses

(6) Telecommunications towers, freestanding.

(a) Such towers shall be maintained with a galvanized steel finish or be painted a neutral color.

Response and/or Evidence: The applicant has met this requirement. The proposed tower will be maintained with a galvanized steel finish. See Exhibit 8.

(b) Dish antennas shall be a neutral, nonreflective color.

Response and/or Evidence: Not applicable.

(c) No logos or advertising of any kind shall be permitted on towers, antennas or any accompanying structures or facilities.

Response and/or Evidence: The applicant has met this requirement. There will be no advertising posted anywhere. The only signs will be for tower owner emergency contact information. See Exhibit 8.

(d) A written agreement for permitting future co-locations of telecommunications facilities shall be provided tower owner and maintained to the satisfaction of the zoning administrator.

Response and/or Evidence: The applicant has met this requirement. Please see the collocation application. See Exhibit 3.

(e) A written agreement assuring prompt removal of the tower upon abandonment, at the responsibility and cost of the tower owner or landowner shall be provided and maintained to the satisfaction of the zoning administrator.

Response and/or Evidence: The applicant has met this requirement. Paragraph 13 of the lease agreement with the landowner states, in part, "Within one hundred twenty (120) days of the termination of this Agreement, Tenant will remove all of Tenant's above-ground improvements and Tenant will, to the extent reasonable, restore the Premises to its condition at the commencement of the Agreement, reasonable wear and tear and loss by casualty or other causes beyond Tenant's control excepted."

(f) All towers shall comply with all Federal Aviation Administration (FAA) requirements including those relating to the Virginia Tech Airport.

Response and/or Evidence: The applicant has met this requirement. An FAA application has been submitted and a determination is pending. Applicant will comply with all applicable FAA and Virginia Tech Airport regulations. See Exhibit 2.

Article V
Section 10-54 Special Development Approvals

(g) Issues for Consideration. In considering a Special Use Permit application, the following factors shall be given reasonable consideration. The application shall address all the following in its statement of justification or Special Use Permit plat unless not applicable, in addition to any other standards imposed by this Ordinance:

1. Whether the proposed Special Use Permit is consistent with the Comprehensive Plan.
Response and/or Evidence: The applicant has met this requirement. The proposed use is allowed in this district with an approved Special Use Permit. Additionally, the placement of towers in key locations will expand and improve the cellular coverage in the area, enhance public safety through expanded E911 capabilities, and also provide for wireless internet access in areas with limited or no access, and therefore should be considered as being consistent with the Comprehensive Plan and the New River Valley Telecommunications Plan.

2. Whether the proposed Special Use Permit will adequately provide for safety from fire hazards and have effective measures of fire control.
Response and/or Evidence: The applicant has met this requirement. The proposed use has an alarm system in case of emergencies. See Exhibit 8.

3. The level and impact of any noise emanating from the site, including that generated by the proposed use, in relation to the uses in the immediate area.
Response and/or Evidence: The applicant has met this requirement. The proposed site is in a rural area and does not generate any noise. See Exhibit 4 and 8.

4. The glare or light that may be generated by the proposed use in relation to uses in the immediate area.
Response and/or Evidence: The applicant has met this requirement. There will be a shielded light on the equipment shelter/cabinet used during maintenance. Unless required by the FAA, there will be no lights on the proposed tower. See Exhibit 2 and 8.

5. The proposed location, lighting and type of signs in relation to the proposed use, uses in the area, and the sign requirements of this Ordinance.
Response and/or Evidence: The applicant has met this requirement. There will be a shielded light on the equipment shelter/cabinet used during maintenance. There will be no signs on the proposed structures except for required emergency contact information. See Exhibit 2 and 8.

6. The compatibility of the proposed use with other existing or proposed uses in the neighborhood, and adjacent parcels.
Response and/or Evidence: The applicant has met this requirement. The proposed use is in a rural area surrounded by vegetation, and allowed with a Special use permit in this district, and, therefore, is deemed to be compatible with other existing or proposed uses in the area. See Exhibit 5 and 8, and Article II, Sec. 10-21(4)(i)(oo).

7. The location and area footprint with dimensions (all drawn to scale), nature and height of existing or proposed buildings, structures, walls, and fences on the site and in the neighborhood.
Response and/or Evidence: The applicant has met this requirement. Please see the construction drawings for the location of any structures at the proposed site. See Exhibit 8.

8. The nature and extent of existing or proposed landscaping, screening and buffering on the site and in the neighborhood.
Response and/or Evidence: The applicant has met this requirement. The proposed site is located in a wooded area and is screened from view. Additional landscaping can be added if deemed necessary.
See Exhibit 4 and 8.

9. The timing and phasing of the proposed development and the duration of the proposed use.
Response and/or Evidence: The applicant has met this requirement. Construction should be completed within 12 months of an approved Special Use Permit.

10. Whether the proposed Special Use Permit will result in the preservation or destruction, loss or damage of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.
Response and/or Evidence: The applicant has met this requirement. The proposed use will not result in the destruction or loss of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance. All applicable permits and/or approvals will be obtained from the appropriate agencies. See Exhibit 8.

11. Whether the proposed Special Use Permit at the specified location will contribute to or promote the welfare or convenience of the public.
Response and/or Evidence: The applicant has met this requirement. The proposed use will promote the welfare and convenience of the public by expanding and improving cellular coverage in the area as well as enhancing public safety through expanded E911 capabilities. See Exhibit ___.

12. The traffic expected to be generated by the proposed use, the adequacy of access roads and the vehicular and pedestrian circulation elements (on and off-site) of the proposed use, all in relation to the public's interest in pedestrian and vehicular safety and efficient traffic movement.
Response and/or Evidence: Not Applicable. Other than a periodic maintenance visit, there will be no vehicular or pedestrian access near the site.

13.Whether, in the case of existing structures proposed to be converted to uses requiring a Special Use Permit, the structures meet all code requirements of Montgomery County.
Response and/or Evidence: Not Applicable.

14. Whether the proposed Special Use Permit will be served adequately by essential public facilities and services.
Response and/or Evidence: The applicant has met this requirement. The proposed use will be adequately served by the existing utilities. See Exhibit 8.

15. The effect of the proposed Special Use Permit on groundwater supply.
Response and/or Evidence: The applicant has met this requirement. The proposed use will not effect ground water supply.

16. The effect of the proposed Special Use Permit on the structural capacity of the soils.
Response and/or Evidence: The applicant has met this requirement. The tower foundation will be designed to support the proposed structure based on existing soils. A Geotech Report has been included. See Exhibit 7.

17. Whether the proposed use will facilitate orderly and safe road development and transportation.
Response and/or Evidence: Not Applicable. The proposed access will not be for public use.

18. The effect of the proposed Special Use Permit on environmentally sensitive land or natural features, wildlife habitat and vegetation, water quality and air quality.
Response and/or Evidence: The applicant has met this requirement. The proposed use will have little to no effect on natural features or wildlife habitat and vegetation, and will not affect any environmentally sensitive land, or water or air quality. All applicable permits and approvals will be obtained.

19. Whether the proposed Special Use Permit use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.
Response and/or Evidence: The applicant has met this requirement. The proposed use will provide greater internet access possibilities for all businesses, as well as for the rural areas, which is consistent with the Comprehensive Plan and the New River Valley Telecommunications Plan.

20. Whether the proposed Special Use Permit considers the needs of agriculture, industry, and businesses in future growth.
Response and/or Evidence: The applicant has met this requirement. As population and business growth increases, the use and need for cellular communication also increases. The proposed use will also provide greater internet access opportunities for all businesses, as well as for the rural areas.

21. The effect of the proposed Special Use Permit use in enhancing affordable shelter opportunities for residents of the County.
Response and/or Evidence: Not Applicable.

22. The location, character, and size of any outdoor storage.
Response and/or Evidence: Not Applicable. There will be no outdoor storage at the proposed location.

23. The proposed use of open space.
Response and/or Evidence: The applicant has met this requirement. The proposed use will occupy 0.13 acre. See Exhibit 8.

24. The location of any major floodplain and steep slopes.
Response and/or Evidence: The applicant has met this requirement. The necessary soil and erosion permits will be/have been obtained.

25. The location and use of any existing non-conforming uses and structures.
Response and/or Evidence: Not Applicable. There are no non-conforming uses or structures.

26. The location and type of any fuel and fuel storage.
Response and/or Evidence: Not Applicable. There will be no fuel or fuel storage.

27. The location and use of any anticipated accessory uses and structures.
Response and/or Evidence: The applicant has met this requirement. All accessory uses or structures and additional collocations will be contained within the 75'x75' compound area. The collocation site plans of others will be submitted as they are added. See Exhibit 8.

28. The area of each use; if appropriate.
Response and/or Evidence: The applicant has met this requirement. The proposed use will occupy 0.13 acres. See Exhibit 8.

29. The proposed days/hours of operation.
Response and/or Evidence: The applicant has met this requirement. The proposed use will be unmanned and operate 24/7.

30. The location and screening of parking and loading spaces and/or areas.
Response and/or Evidence: Not Applicable. There will be no parking or loading areas.

31. The location and nature of any proposed security features and provisions.
Response and/or Evidence: The applicant has met this requirement. The compound area will be a gated and locked 6-foot high fenced area with 3 strands of barbed wire on top. See Exhibit 8.

32. The number of employees.
Response and/or Evidence: Not Applicable. The proposed uses will be an unmanned facility.

33. The location of any existing and/or proposed adequate on and off-site infrastructure.
Response and/or Evidence: Not Applicable.

34. Any anticipated odors which may be generated by the uses on site.
Response and/or Evidence: Not Applicable. The proposed use does not generate odors.

35. Whether the proposed Special Use Permit uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.
Response and/or Evidence: The applicant has met this requirement. The area of construction will be accessed off an existing private drive and construction traffic should not significantly impact the existing neighborhood or schools. See Exhibit 8.

Index to Exhibits

EXH. 1	Memorandum of Lease Agreement
EXH. 2	FAA 1A Application and Determination
EXH. 3	Collocation Policy
EXH. 4	Aerial Map
EXH. 5	Zoning Map
EXH. 6	Existing Tower Map
EXH. 7	Geotech Report
EXH. 8	Construction Drawings

EXHIBIT 1

MEMORANDUM OF LEASE AGREEMENT

MEMORANDUM OF LEASE

Return to:
C/O Central States Tower Holdings, LLC
323 S. Hale Street, Suite 100
Wheaton, IL 60187
(630) 221-8500 Main Number
Attn: Property Manager

Prepared By:
David Larsen
Cellere
4110 Copper Ridge Drive Ste. 204
Traverse City, MI 49684
(231) 929-4555

Re: Cell Site #VA-00-200; Cell Site Name: ALLEGHANY

State: Virginia
County: Montgomery

This Memorandum of Lease is entered into on this 30th day of November, 2007, by and between Sandra Gail Jordan, a single woman, having a mailing address of 477 Alleghany Spring Rd./P.O. Box 176, Shawsville, VA 24162 (hereinafter referred to as "**Landlord**") and Central States Tower Holdings, LLC, a Delaware limited liability company, having a mailing address of 323 S. Hale Street, Suite 100, Wheaton, IL 60187 (hereinafter referred to as "**Tenant**").

1. Landlord and Tenant entered into a certain Option and Lease Agreement ("**Agreement**") on the 30th day of November, 2007, for the purpose of installing, operating and maintaining a communications facility and other improvements. All of the foregoing are set forth in the Agreement.

2. The initial lease term will be five (5) years ("Initial Term") commencing on the effective date of written notification by Tenant to Landlord of Tenant's exercise of the Option, with five (5) successive five (5) year options to renew.

3. A portion of the Property being leased to Tenant contained and described in **Exhibit A** annexed hereto.

4. This Memorandum of Lease is not intended to amend or modify, and shall not be deemed or construed as amending or modifying, any of the terms, conditions or provisions of the Agreement, all of which are hereby ratified and affirmed. In the event of a conflict between the provisions of this Memorandum of Lease and the provisions of the Agreement, the provisions of the Agreement shall control. The Agreement shall be binding upon and inure to the benefit of the parties and their respective heirs, successors, and assigns, subject to the provisions of the Agreement.

Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2008-AEA-2456-OE
Prior Study No.
2008-AEA-2418-OE

Issued Date: 06/09/2008

Brian Meier
Central States Tower Holdings, LLC
323 South Hale Street Suite 100
Wheaton, IL 60187

** DETERMINATION OF NO HAZARD TO AIR NAVIGATION **

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Tower VA-00-0200A ALLEGHENY
Location:	Shawsville, VA
Latitude:	37-09-49.47N NAD 83
Longitude:	80-15-21.36W
Heights:	199 feet above ground level (AGL) 1745 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

While the structure does not constitute a hazard to air navigation, it would be located within or near a military training area and/or route.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 838-1994. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2008-AEA-2456-OE.

Signature Control No: 575849-102184614
Linda Steele
Technician

(DNE)

Attachment(s)
Additional Information

Additional information for ASN 2008-AEA-2456-OE

It should be noted that no transmitted frequencies were submitted or approved for this tower at this time.

A separate study is required for any transmitting frequency(ies) on this antenna tower.

EXHIBIT 3
COLLOCATION POLICY

Co-Location Department Process

APPLICATION / PRELIMINARY REVIEW PROCESS

- Complete a **Co-location Application** ("Application") form.
- Submit Application and **Application Fee** to Central States Tower ("CST") at 323 S Hale Street, Suite 100 Wheaton, IL or via our website at centralstatestower.com [all paperwork available there in soft copy form]. Co-location application, structural analysis and final inspection fee is $2,000, unless otherwise specified in a master agreement. All applications will require a structural analysis to be performed by a CST vendor. The Fee will be required prior to ordering the analysis.
- Confirmation of receipt of application by CST will be sent to you via electronic mail.
- A *Site Documentation Package* (entitlements) will be forwarded to you upon preliminary approval of the application.

PRELIMINARY SITE DESIGN WALK

Contact CST to schedule a *Preliminary Site Design Walk* upon receipt of *the Site Documentation Package.*

The purpose of this walk is to discuss site layout, reaffirm height approvals, answer any questions, and set construction expectations to carry through the rest of the process through to the installation.

SITE DEVELOPMENT DOCUMENTATION REVIEW PREPARATION FOR LEASE EXECUTION

Review the preliminary site design, make all requested changes and submit the following *Site Development Documentation* items for review and approval by CST.

- ☐ **Lease Exhibits** (Minimum Requirements Include: **Detailed Site Plan and Elevation Drawings**)
  -Should reflect comments provided at the Preliminary Site Design Walk.

The results of the review of these materials will be sent to your point of contact provided in the collocation application.

The following will be provided upon approval of all *Site Development Documentation:*

- **Notice to Proceed**
- **Site Access Form**

Co-Location Department Process

LEASE EXECUTION

Upon mutual agreement of terms, executable copies will be forwarded to the applicants' point of contact for signature. Please specify the number of originals you require for your records.

To expedite the lease execution process by CST, provide the following items to CST prior to execution of the sublease:

- ❑ Copy of separate ground lease, if not subleasing space inside CST's compound.
- ❑ Corporate resolution (or equivalent) authorizing signatory.
- ❑ Application fee, if not already paid, listing CST site number on check.

All items are to be submitted directly to your point of contact. Original sublease(s) will be returned to the applicant upon full execution.

PRE-CONSTRUCTION SITE DESIGN

Upon approval of applicants *Site Development Documentation*, contact the CST Project Manager (as indicated) to schedule a site design call. (allowing for the same notice and flexibility as require for the Preliminary Site Design Walk). The following is required PRIOR to the site design call:

- ❑ Final Construction Drawings (11x17)
- ❑ CST Approval of the Contractor(s) to be used for construction.

The purpose of this call is to provide CST expectations for installation practices, order, and responsibilities during and after construction and answer all related questions or concerns. Please know the expected date of issuance of any required permits and expected dates to commence construction. No construction shall commence prior to issuance of an NTP.

Upon completion of the Pre-Construction Site Design Call, CST will provide you with the following:

- **Pre-Construction Site Design Abstract**
- **Construction Review Transmittal for the Final CD review.**

Review the Pre-Construction Site Design Abstract and **disseminate to the contractor doing the installation**. Contact CST with any questions.

COMMENCEMENT

The sublease must be commenced prior to issuance of a **Notice to Proceed** (NTP). To commence, forward the following directly to CST:

- ❑ Commencement letter.
- ❑ Certificate of Insurance (site-specific – must include full site address and CST site ID) listing CST as Additional Insured consistent with the sublease (one certificate per site).
- ❑ First rent payment shall be sent directly to: CST Holdings, LLC 323 S. Hale Street, Suite 100, Wheaton, IL 60187.

Co-Location Department Process

NOTICE TO PROCEED

- Upon satisfactory completion of the above requirements, a NTP will be issued. The NTP must be signed by a CST employee. Issuance of the NTP will constitute final approval to begin construction.

POST CONSTRUCTION SITE WALK
POST INSTALLATION PROCEDURE

Upon completion of construction:

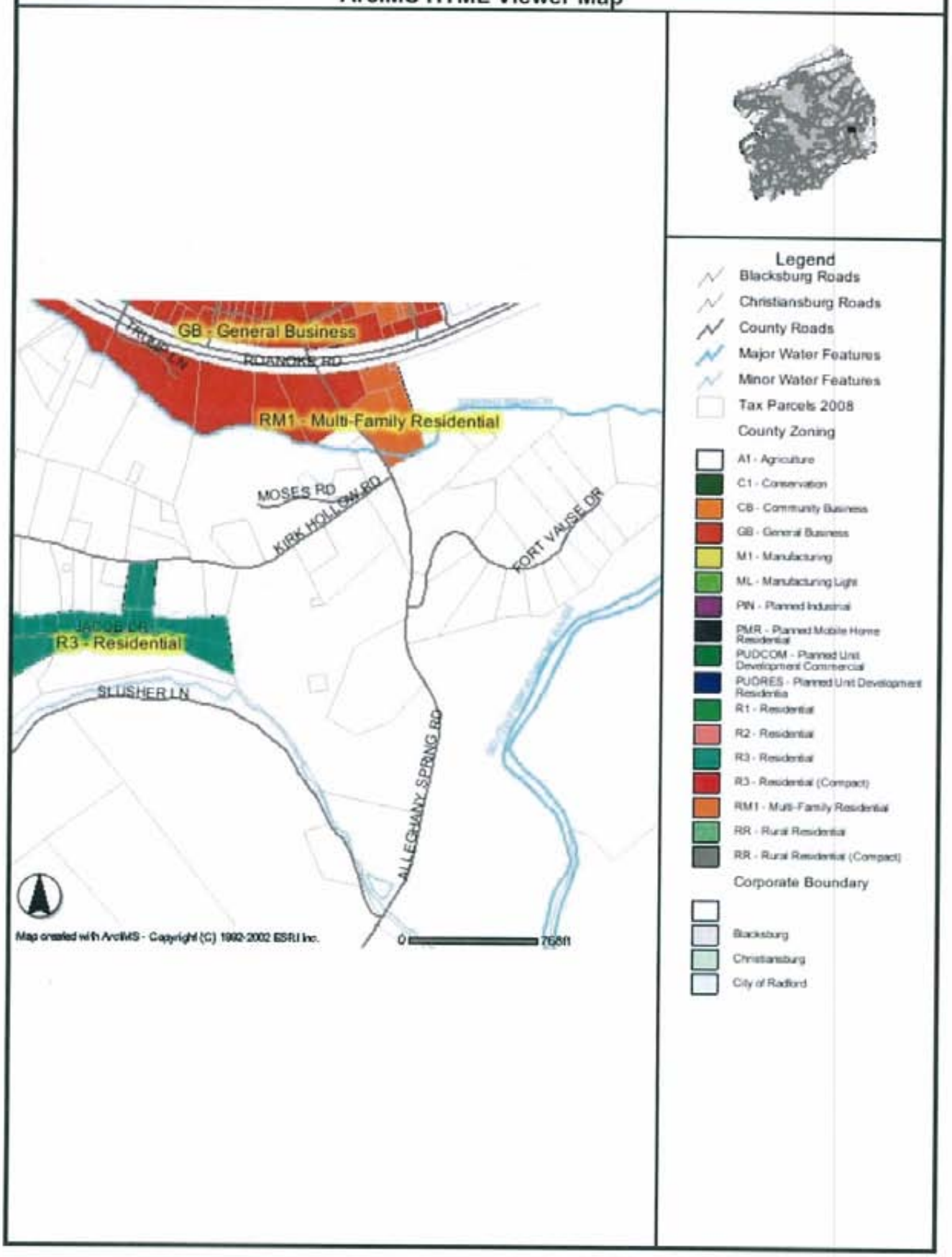
1) A call to the CST Project Manager is **REQUIRED** to indicate construction is complete and to schedule a Post Construction Site Walk.
2) Two (2) sets of as-built drawings **ARE REQUIRED AND MUST** be sent to CST. The drawings may be redlined (if necessary) by Project Manager and must be re-submitted before the installation will be accepted.
3) CST **MUST** receive copies of all signed final government permits, where Post Installation Inspection/Post Installation sign off required by the jurisdiction **MUST** be sent to CST.
4) Photos (digital or otherwise) of the installation shall be provided to CST.

Post Construction, CST will prepare a **Punchlist of any outstanding items that must be addressed immediately.** The carrier is fully responsible for completing all Punchlist items and Post Installation Requirements #1-4 above **before the installation is deemed accepted by CST.**

The timeline for completion of any required changes will be documented. Failure to submit/complete these items will result in additional rent to bring the site into compliance.

0 100M 0 100yd

ArcIMS HTML Viewer Map



IDENTIFIED TOWERS WITHIN 3 MILES OF VA-00-0200A ALLEGHENY SITE

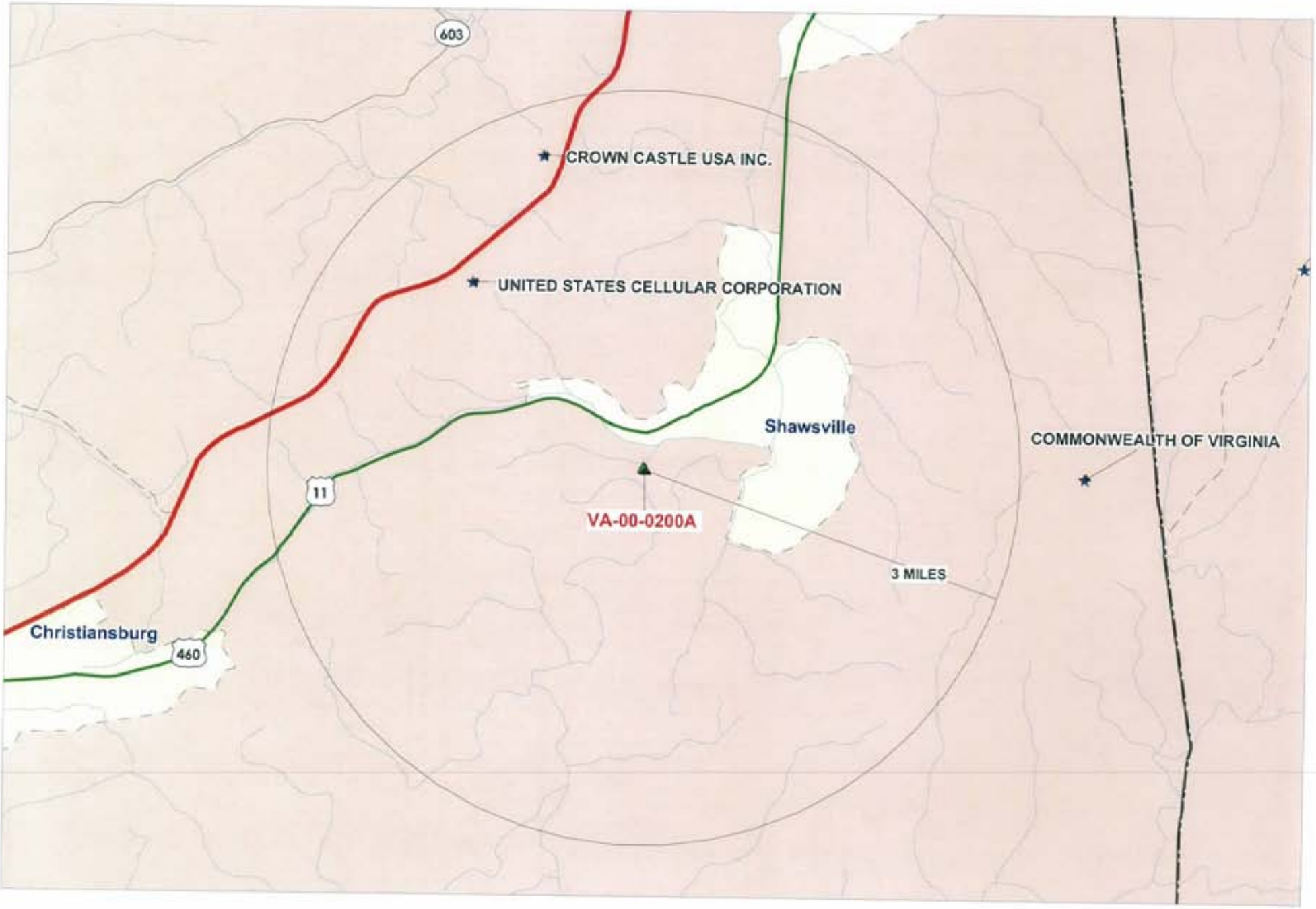


EXHIBIT 7

GEOTECH REPORT

SOIL BORING & ROCK CORING INVESTIGATION REPORT

CENTRAL STATES TOWER SITE NO. VA-00-200A – ALLEGHENY
Shawsville, Montgomery County, Virginia

Prepared for:
CST Holdings, LLC
323 South Hale Street, Suite 100
Wheaton, Illinois 60187

Wilcox Professional Services, LLC Project No. 25036.00004.19

May 20, 2008

May 20, 2008

Mr. Brian Meier
CST Holdings, LLC
323 South Hale Street, Suite 100
Wheaton, Illinois 60187

Re: Soil Boring & Rock Coring Investigation
Central States Tower Site No. VA-00-200A – Allegheny
+/- 477 Alleghany Springs
Shawsville, Montgomery County, Virginia
Wilcox Project No. 25036.00004.19

Dear Mr. Meier:

We have completed the Soil Boring & Rock Coring Investigation for the proposed Central States Tower, Inc. monopole in Shawsville, Montgomery County, Virginia. This report presents the results of our soil boring/rock coring investigation and estimated soil and rock parameters to be used as a guideline in the design of the tower foundations.

We appreciate the opportunity to assist you and the design team on this project. If there are any questions, please do not hesitate to contact me at 231-775-7755.

Thank you very much for your use of our services.

Respectfully,

WILCOX PROFESSIONAL SERVICES, LLC

Art Krueger, P.E.
Project Manager

1 pc: encl.

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Central States Tower No. VA-00-200A - Allegheny
Wilcox Project No. 25036.00004.19

EXECUTIVE SUMMARY

The driller reported approximately 8 inches of topsoil at the boring locations. Below the topsoil, sandy clay was encountered to depths ranging from approximately 6 to 13½ feet. Below this depth, weathered limestone was encountered in Borings 2 and 3 to depths ranging from 7½ to 10 feet below the existing ground surface. The driller reported auger refusal on apparent limestone bedrock at the locations of Borings 2 and 3 at depths of 7½ feet and 10 feet, respectively. At the location of Boring 1, performed at the tower center, silty clays with alternating limestone layers and occasional boulders was encountered between approximate depths of 13½ feet to 23½ feet. Each of the borings was reported as dry both during drilling and upon completion of the borings.

We understand Central States Tower is planning the construction of a 195-foot monopole at the site. At the time of our investigation, no information was available to us as to the monopole manufacturer or monopole loads. These loads vary considerably depending on the monopole characteristics and the number of carriers. We estimate the monopoles and antennas may weigh approximately 40 to 45 kips, may impose a design overturning moment of approximately 3,500 to 4,000 foot-kips, and a horizontal shear load of approximately 40 to 45 kips on the foundation at the monopole base plate level. The present soil boring/rock coring investigation was performed to estimate appropriate soil and rock parameters in order to assist the design team in the design of the monopole foundation.

In consideration of the relatively shallow depth of the bedrock at the site and the high cost of rock coring through the hard limestone bedrock, we recommend the use of a mat-type foundation for support of the proposed monopole following proper site grading. We estimate the mat foundation may be on the order of 35 to 40 feet square feet in plan area and be constructed at a depth of approximately 6 to 8 feet below the existing ground surface. Based on these conditions, we recommend the mat be designed for a presumptive maximum net allowable soil pressure of 7,500 pounds per square foot (psf) on the undisturbed hard sandy to silty clays or underlying weathered limestone bedrock. The mat foundation excavation must be properly sloped or shored in accordance with local, state, and federal trench safety requirements. We anticipate the use of a jack-hammer or similar rock excavation equipment may be necessary to level the base of the mat foundation on the bedrock surface.

Alternatively, the monopole can also be supported on a drilled pier type foundation. We recommend a single straight-shaft drilled pier for support of the proposed monopole. Based on estimated loads, we estimate an approximately 6½ to 7-foot diameter shaft may be required to provide the necessary resistance to overturning and reduce lateral deflection to an acceptable value. However, to reduce the risk of having to perform rock coring into the apparent hard limestone bedrock encountered below an approximate depth of 23½ feet at the location of Boring 1, we recommend the use of an appropriately sized larger diameter drilled pier shaft to provide the resistance to overturning moment above the 23½-foot depth. The drilled pier design is generally controlled by overturning moment, thus the bearing pressure imposed on the drilled pier bottom is less than the recommended net allowable soil end bearing pressure of 15 kips per square foot (ksf).

Central States Tower No. VA-00-200A - Allegheny
Wilcox Project No. 25036.00004.19

EXECUTIVE SUMMARY, PAGE 2 OF 2

The following average values of undrained shear strength, angle of internal friction, and total unit weights (weights per unit volume) were evaluated by Applied Geotechnical Services, Inc. from the soils and bedrock encountered in Boring 1 and may be used with judgment in the evaluation of the monopole drilled pier foundation for resisting overturning moments and lateral loads.

Depth (ft)	Φ (degrees)	Cohesion (psf)	Effective Unit Weight (pcf)	Allow. Skin Friction (psf)	Allow. End-Bearing (ksf)	Static Horizontal Modulus (pci)	Cyclic Horizontal Modulus (pci)	Strain @ 50% of Max. Stress
0 to 23½	0	4,500	135	1,095*	15**	1,875	750	0.004

- * Allowable Skin Friction to be used below the 5-foot depth.
- **Allowable End Bearing soil pressure to be used below the 20-foot depth.

The allowable skin friction and end-bearing values include a factor of safety of 2.5 and 3, respectively.

We recommend the use of a temporary full-length steel casing during drilled pier foundation construction for safety. We anticipate it will be possible to place the drilled pier concrete by "free-fall" methods.

Several feet of cut and fill is anticipated to achieve finished grades within the proposed tower area. We recommend the subgrade soils be scarified and properly benched prior to placement of engineered fill to reduce the risk of a slip plane forming along the native soil-engineered fill surface.

Do not consider this summary separate from the entire text of this report, with all the conclusions and qualifications mentioned herein. Details of our analysis and recommendations are discussed in the following sections and in the appendix of this report.

REPORT PREPARED BY:
Applied Geotechnical Services, Inc.

Jefferey T. Anagnostou, P.E., C.P.G.
Project Consultant

REPORT REVIEWED BY:
Wilcox Professional Services, LLC:

Art Krueger, P.E.
Project Manager

1. INTRODUCTION

We have completed the Soil Boring & Rock Coring Investigation for the proposed Central States Tower Site No. VA-00-200A - Allegheny tower to be located in Shawsville, Montgomery County, Virginia. Cellere, Inc. retained **Wilcox Professional Services, LLC** to perform this investigation. Subsequently, Wilcox has retained Applied Geotechnical Services, Inc. for laboratory testing and assistance with preparing the engineering report. This report presents the results of the soil boring/rock coring investigation and our estimated soil and rock parameters to be used in the design of the monopole foundation.

1.1 Project Description

We understand Central States Tower is planning to construct a 195-foot monopole at the subject site. At the time this investigation was completed, no information was available as to the monopole manufacturer or monopole loads. These loads vary considerably depending on the pole characteristics and the number of carriers. We estimate the monopole and antennas may weigh approximately 40 to 45 kips, may impose a design overturning moment of approximately 3,500 to 4,000 foot-kips, and a horizontal shear load of approximately 40 to 45 kips on the foundation at the monopole base plate level.

We estimate the monopole base plate elevation may be at approximately Elevation 1545 feet.

1.2 Scope of Services

Our scope of services for this project is as follows.

A) Performing one soil boring at the center of the tower to auger refusal on bedrock, followed by NQ rock coring to a depth of 10 feet into the bedrock and performing soil borings extending to auger refusal on bedrock at a distance of approximately 30 feet uphill and 30 feet downhill of the tower center;

B) Performing appropriate laboratory testing including visual engineering classification, natural moisture content, unconfined compressive strength estimates on representative cohesive samples, performing resistivity, pH, chloride, and sulfide testing of a composite soil sample obtained between approximate depths of 1 to 10 feet; and

C) Preparing an engineering report providing our recommendations for the tower foundation design and construction. The written report includes recommendations regarding the allowable soil bearing capacity, and construction considerations related to foundation construction.

In consideration of the preferred use of a mat foundation the center of tower boring (Boring 1) was terminated at a depth of 23½ feet below the ground surface after the driller contacted us while encountering difficulties in drilling through the alternating silty clay and limestone layers.

The field drilling operations were performed by Blue Ridge Drilling, Inc. of Blacksburg, Virginia with coordination by Wilcox Professional Services, LLC. The laboratory testing and engineering report preparation were performed under the direction and supervision of a registered professional engineer according to generally accepted standards and procedures in the practice of geotechnical engineering. If changes occur in the design,

location, or concept of the project, the conclusions and recommendations contained in this report are not valid unless Wilcox Professional Services, LLC reviews the changes. Wilcox Professional Services, LLC will then confirm our recommendations or make changes in writing. Our conclusions and recommendations are based on the soil boring/rock coring performed by Blue Ridge Drilling, Inc. and project information provided by Cellere, Inc.

Slope stability analyses for the proposed tower were beyond the scope of the present geotechnical investigation. We recommend an evaluation of the factor of safety of the proposed mat foundation with respect to sliding block failure mechanisms be performed by the tower foundation designer prior to construction.

2. FIELD AND LABORATORY PROGRAM

2.1 Field Program

Cellere, Inc. selected the depth and location of the borings in consultation with Wilcox Professional Services, Inc. As shown on the Schematic Soil/Rock Core Boring Location Plan, three soil/rock borings were performed for the project. Boring 1 was performed at the proposed monopole location. The approximate ground surface elevation at the boring locations were estimated based on the ground surface elevation contour lines shown on the Survey Plan prepared by Balzer & Associates, Inc. dated May 14, 2008 and are presented in Table 1.

Table 1: Approximate Ground Surface Elevation at Soil/Rock Core Boring Locations

Boring	Approximate Ground Surface Elevation (ft)
B-1 (Monopole location)	1545+/-
B-2 (30 feet east of B-1)	1548+/-
B-3 (30 feet west of B-1)	1542+/-

A CME 45 track-mounted rotary drilling rig was used to perform the soil borings. Continuous-flight, 3¼-inch I.D. hollow-stem augers were used to advance the borehole. Standard split-spoon samplers were used to obtain the soil samples by the Standard Penetration Test (SPT) method in general conformance with ASTM Standard D1586. The number of blows required to drive the sampler 12 inches, after an initial seating of 6 inches, with a 140-pound hammer falling 30 inches is termed the Standard Penetration Resistance, N-value. A graphical representation of the N-values is given on the boring log.

During the field operations, the drill crew maintained a log of the subsurface conditions, including changes in stratigraphy and observed groundwater levels. After completion of the drilling operations, the borehole was backfilled with auger cuttings.

2.2 Laboratory Testing

The soil samples were placed in sealed containers in the field and brought to the laboratory for testing and classification. A geotechnical engineer classified the samples in general conformance with the Unified Soil Classification System.

Laboratory testing included determining natural moisture content and estimating the unconfined compressive strength of the split-spoon samples with a calibrated hand penetrometer. With a hand penetrometer, the unconfined compressive strength of a soil sample is estimated by measuring the resistance of the soil sample to the penetration of a small, calibrated spring-loaded cylinder. The penetrometer can measure a maximum unconfined compressive strength of 4½ tons per square foot (tsf).

The results of the laboratory tests are indicated on the boring logs at the depths the samples were obtained. In cases where the unconfined compressive strength is in excess of 4½ tsf, the results are plotted slightly beyond the 4½ tsf line with a "+" sign to indicate the actual calibrated hand penetrometer unconfined compressive strength estimate was greater than 4½ tsf. Similarly, in cases where the unconfined compressive strength is less than ¼ tsf, the results are plotted to the left of the ¼ tsf line.

We will hold the soil samples for 60 days from the date of this report. If you would like the

samples, please contact us within this time frame.

2.3 Laboratory Soil Box Resistivity Test Results

Estimated earth resistivity values of the subsoil below the proposed development area were obtained by performing laboratory resistivity testing using the Miller Soil Box Resistivity instrument. The testing was performed on selected composite split-spoon samples from Soil/Rock Core Boring B-1. The composite samples were prepared by thoroughly mixing prior to placement in the soil box instrument. The following estimated earth resistivity values are presented based on the Miller Soil Box Resistivity test results and may be used with judgment in the design of the lightning protection grounding system:

Table 1. Miller Soil Box Resistivity Results

Boring Numbers	Sample Numbers	Represented Depth Below Ground Surface (ft)	Resistivity (Ohm-feet)
B-1	S1 – S3	1 to 7.5	65

3. SITE AND SUBSURFACE CONDITIONS

3.1 Site Conditions

The subject site is located at +/- 477 Alleghany Springs in Shawsville, Montgomery County, Virginia. Based on our review of the Site Candidate Package provided by Cellere, Inc., the site is situated within a vacant, wooded area near the crest of a wooded hillside. Within the tower compound area, the ground surface sloped downward towards the west on an approximate slope of 6 units horizontal to 1 unit vertical along the north lease line.

3.2 Soil and Rock Conditions

The driller reported approximately 8 inches of topsoil at the boring locations. Below the topsoil, sandy clay was encountered to depths ranging from approximately 6 to 13½ feet. Below this depth, weathered limestone was encountered in Borings 2 and 3 to depths ranging from 7½ to 10 feet below the existing ground surface. The driller reported auger refusal on apparent limestone bedrock at the locations of Borings 2 and 3 at depths of 7½ feet and 10 feet, respectively. At the location of Boring 1, performed at the tower center, silty clays with alternating limestone layers and occasional boulders was encountered between approximate depths of 13½ feet to 23½ feet.

The sandy to silty clays were typically very stiff to hard with calibrated hand penetrometer unconfined compressive strengths generally ranging from 3 to in excess of 4½ tsf and natural moisture contents of approximately 8 to 35 percent.

The stratification depths shown on the soil/rock core boring log represent the soil and rock

conditions at the boring location. Variations may occur at locations away from the boring. Additionally, the stratigraphic lines represent the approximate boundary between soil types; the transition may be more gradual than what is shown. We have prepared the boring log on the basis of laboratory classification and testing as well as field log of the explored soils and bedrock.

The soil boring logs are presented in the appendix. The soil and rock profile described above is a generalized description of the conditions encountered at the boring location. Please consult the individual boring logs for more specific information.

3.3 Groundwater Level Observations

The driller looked for indications of groundwater during and after the performance of the soil borings. Groundwater seepage was not encountered during drilling and each of the borings was reported as dry upon completion. Based on this information, we estimate the groundwater level may be located below the explored depth of the borings.

Expect the prevailing groundwater level to vary due to changes in precipitation, evaporation, surface run-off, and other factors. The groundwater levels discussed herein and shown on the boring logs represent the conditions at the time of the measurements.

4. RESULTS & RECOMMENDATIONS

4.1 Mat Foundation Recommendations

In consideration of the relatively shallow depth of the bedrock at the site and the high cost of rock coring through the hard limestone bedrock, we recommend the use of a mat-type foundation for support of the proposed monopole following proper site grading. We estimate the mat foundation may be on the order of 35 to 40 feet square feet in plan area and be constructed at a depth of approximately 6 to 8 feet below the existing ground surface. Based on these conditions, we recommend the mat be designed for a presumptive maximum net allowable soil pressure of 7,500 pounds per square foot (psf) on the undisturbed hard sandy to silty clays or underlying weathered limestone bedrock. The mat foundation excavation must be properly sloped or shored in accordance with local, state, and federal trench safety requirements.

The mat foundation excavation can be backfilled with on-site excavated material free of topsoil and other deleterious materials. All backfill should be constructed as engineered fill. We anticipate the on-site material will generally be sandy to silty clays. Compaction equipment suitable for compacting cohesive materials should be used. Place the engineered fill in the mat foundation excavation in level lifts not exceeding 9 inches in loose thickness, and compact to a minimum of 95 percent of the maximum laboratory dry density as determined in accordance with ASTM Standard D-1557 (Modified Proctor). All engineered fill should be placed and compacted at or near the optimum moisture content. The moisture/density relations for the material to be used for engineered fill should be confirmed by a qualified geotechnical engineer prior to placement in the field.

Based on our experience with similar soils, we estimate 125 pounds per cubic foot (pcf) in-

place moist density may result from the above compaction requirements.

We anticipate several feet of cut and fill will be required to achieve finished grades within the tower compound area. To reduce the risk of a potential slip plane developing between the engineered fill and underlying subgrade soils, we recommend the subgrade surface be properly benched prior to placement of the engineered fill.

We anticipate the use of a jack-hammer or similar rock excavation equipment may be necessary to level the base of the mat foundation on the bedrock surface.

4.2 Drilled Pier Foundation Recommendations

Alternatively, the monopole can also be supported on a drilled pier type foundation. We recommend a single straight-shaft drilled pier for support of the proposed monopole. Based on estimated loads, we estimate an approximately 6½ to 7-foot diameter shaft may be required to provide the necessary resistance to overturning and reduce lateral deflection to an acceptable value. However, to reduce the risk of having to perform rock coring into the apparent hard limestone bedrock encountered below an approximate depth of 23½ feet at the location of Boring 1, we recommend the use of an appropriately sized larger diameter drilled pier shaft to provide the resistance to overturning moment above the 23½-foot depth. The drilled pier design is generally controlled by overturning moment, thus the bearing pressure imposed on the drilled pier bottom is less than the recommended net allowable soil end bearing pressure of 15 kips per square foot (ksf).

The following average values of undrained shear strength, angle of internal friction, and total unit weights (weights per unit volume) were evaluated by Applied Geotechnical Services, Inc. from the soils and bedrock encountered in Boring 1 and may be used with

judgment in the evaluation of the monopole drilled pier foundation for resisting overturning moments and lateral loads.

Depth (ft)	Φ (degrees)	Cohesion (psf)	Effective Unit Weight (pcf)	Allow. Skin Friction (psf)	Allow. End-Bearing (ksf)	Static Horizontal Modulus (pci)	Cyclic Horizontal Modulus (pci)	Strain @ 50% of Max. Stress
0 to 23½	0	4,500	135	1,095*	15**	1,875	750	0.004

- * Allowable Skin Friction to be used below the 5-foot depth.
- **Allowable End Bearing soil pressure to be used below the 20-foot depth.

The allowable skin friction and end-bearing values include a factor of safety of 2.5 and 3, respectively.

We recommend the use of a temporary full-length steel casing during drilled pier foundation construction for safety. We anticipate that a core barrel will be required to drill through the alternating limestone layers below an approximate depth of 13½ feet. We also anticipate that it will be possible to place the drilled pier concrete by "free-fall" methods.

Once the monopole loads are known, Wilcox Professional Services, LLC should be notified so we can re-evaluate our design recommendations in the light of the actual loads.

We recommend all foundation construction be performed under the supervision of a qualified geotechnical engineer. The appropriate type and number of field tests and observations should be performed to verify the foundation bearing material is suitable.

4.3 General Comments

The purpose of this report is to aid in the monopole foundation design. If changes occur in the design, location, or concept of the project, the recommendations contained in this report are not valid. The changes must be reviewed by **WILCOX PROFESSIONAL SERVICES, LLC** with the recommendations of this report modified or affirmed in writing by **WILCOX PROFESSIONAL SERVICES, LLC**.

We base the estimated soil and rock parameters presented in this report upon the data from the soil boring performed adjacent to the existing tower compound. This report does not reflect variations that may occur between the actual boring location and the actual structure location. The nature and extent of any such variations may not become clear until the time of construction. If significant variations then become evident, it may be necessary for us to re-evaluate our report recommendations.

We recommend **WILCOX PROFESSIONAL SERVICES, LLC** be given the opportunity to review the final design plans and specifications as they relate to the recommendations presented in this report. The review is necessary to verify that the report conclusions and recommendations have been interpreted according to our intent and are properly incorporated into the design. Further, the review will verify that subsequent changes to the project have not affected our recommendations. Without this review, we cannot be held responsible for misinterpretation of our data, analysis, and/or our recommendations or how these are incorporated in the final design.

We also recommend a qualified geotechnical engineer supervise all geotechnical related work, including foundation construction, subgrade preparation, and engineered fill placement. The geotechnical engineer should perform the appropriate testing to confirm

the geotechnical conditions given in the report are found during construction. The contract specifications should include the following:

> "The contractor will, upon becoming aware of subsurface or latent physical conditions differing from those disclosed by the original soil investigation work, promptly notify the owner verbally to permit verification of the conditions, and in writing, as to the nature of the differing conditions. No claim by the contractor for any conditions differing from those anticipated in the plans and specifications and disclosed by the soil studies will be allowed unless the contractor has so notified the owner, verbally and in writing, as required above, of such differing subsurface conditions."

APPENDIX

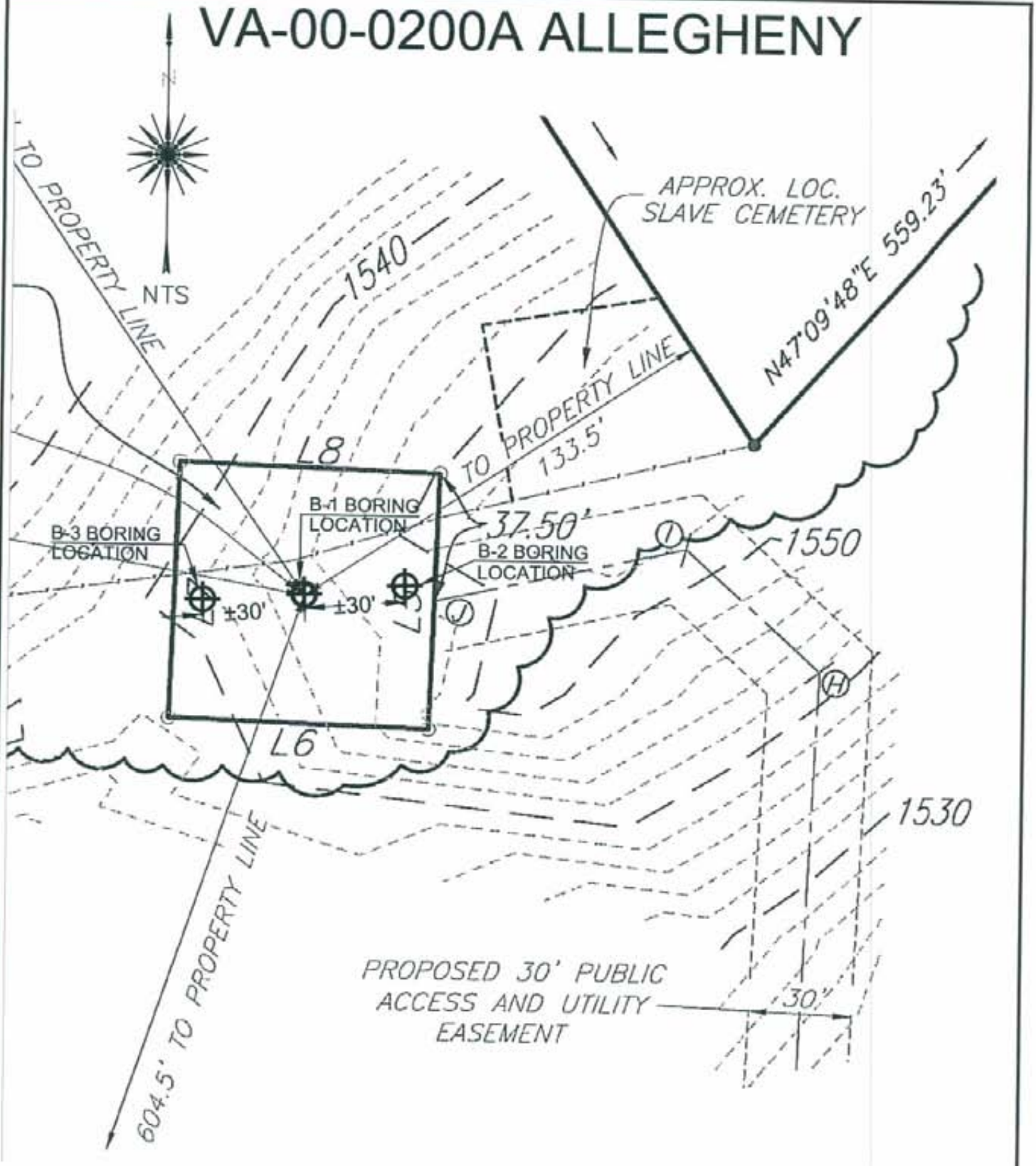
1. SCHEMATIC SOIL\ROCK CORE LOCATION PLAN

2. GENERAL NOTES

3. SOIL/ROCK CORE BORING LOGS (B-1 - B-3)

4. UNIFIED SOIL CLASSIFICATION SYSTEM

VA-00-0200A ALLEGHENY



SURVEYOR: BALZER & ASSOCIATES, INC.

VA-00-0200A ALLEGHENY SCHEMATIC SOIL BORING LOCATION PLAN	DATE 5-20-08 DRN AJK CHD AJK	Wilcox Professional Services			
CLIENT: CELLERE / CENTRAL STATE TOWERS	SCALE N/A	F.B. PG.	SHEET 1 OF 1	WILCOX JOB NO. 25036.00004.19	

GENERAL NOTES

Drilling & Sampling Symbols

SS – Split Spoon ($1^3/_8$" I.D., 2" O.D., except where noted
ST – Shelby Tube (3" O.D., except where noted)
PA – Power Auger
PS – Piston Sample (3" diameter)
WB – Wash Boring
WS – Wash Sample
HA – Hand Auger Boring
BS – Bag Sample
RC – Rock Core with diamond bit, NX size, except where noted
RB – Roller Bit
N/A – Not applicable or available

Standard Penetration Test "N" Value – Blows per foot after an initial 6-inch seating of a 140-pound hammer falling 30 inches on a 2-inch O.D. split spoon, except where noted.

Water Level Measurement Notation

First— When noted during drilling or sampling process.
Completion— After all drilling tools are removed from borehole.
HR— Number of hours after completion.
N/R— Not recorded.
Dry— No measurable water level found in borehole.

Particle Sizes

Boulders– Greater than 6" (152 mm)
Cobbles – 3" to 6" (76 to 152 mm)
Gravel – *Coarse*: ¼ to 3" (19 to 76 mm)
Fine: No.4 to ¾" (4.75 to 19 mm)
Sand – *Coarse*: No.10 to No.4 (2 to 4.75 mm)
Medium: No.40 to No.10 (.425 to 2 mm)
Fine: No.200 to No.40 (.074 mm to .425mm)
Silt – Minus No.200 (.005 mm to .074 mm)
Clay – Less than .005 mm

Water levels indicated on the boring logs are the levels measured in the boring at the time indicated. The accurate determination of groundwater levels may not be possible with short term observations, especially in impervious soils. The level shown may fluctuate throughout the year with variations in precipitation, evaporation, runoff, and other hydrogeologic features.

CLASSIFICATION

Cohesionless Soil

Relative Density	"N" Value (Blows/ft)
Very Loose	0 to 4
Loose	5 to 9
Medium Dense	10 to 29
Dense	30 to 49
Very Dense	50 to 79
Extremely Dense	Over 80

Soil Constituents

"Trace"	Less than 10%
"Trace to Some"	10% to 19%
"Some"	20% to 34%
"And"	35% to 50%

Cohesive Soil

Unconfined Compressive Strength (tons per ft^2)	Consistency
Less than 0.25	Very Soft
0.25 to 0.49	Soft
0.49 to 0.99	Medium
1.00 to 1.99	Stiff
2.00 to 3.99	Very Stiff
Greater than 4.00	Hard

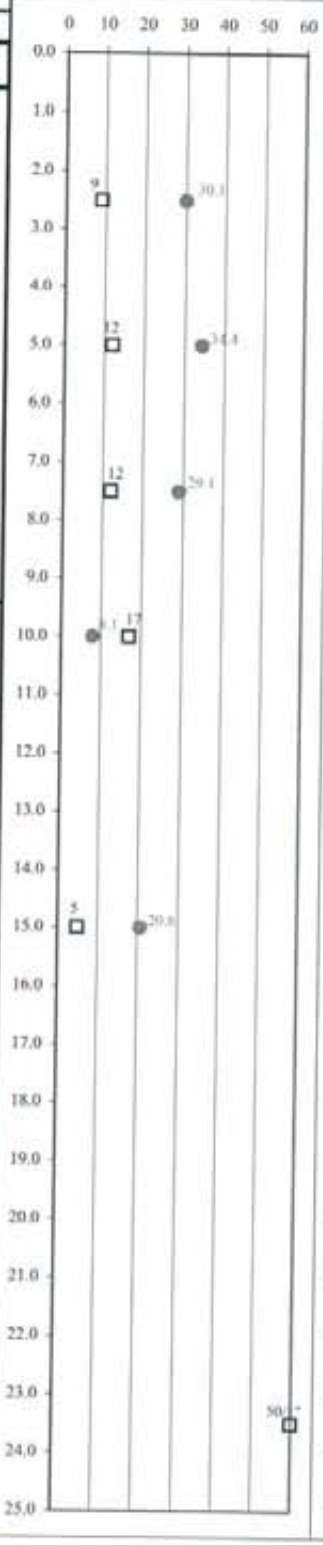
If clay content is sufficient so that clay dominates soil properties, then clay becomes the primary noun with other major soil constituent as modifier, i.e. silty clay. Other minor soil constituents may be added according to estimates of soil constituents present, i.e. silty clay, trace to some sand, trace gravel.

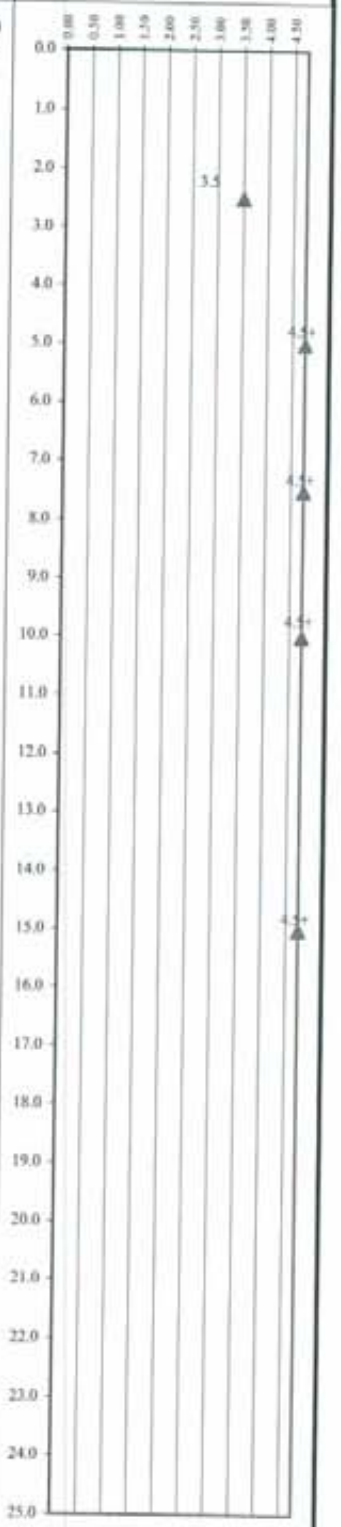
AGS, Inc.
37637 Five Mile Road #224, Livonia, MI 48154
Tel/Fax: (734) 293-5077

Project: CST Site No. VA-00-0200A - Alleghany
Client: Cellere, Inc.
Location: Shawsville, Montgomery County, Virginia
Project #: 08-1024 **Boring Log #: B-1**

AGS, Inc.
37637 Five Mile Road, #224
Livonia, MI 48154
Ph/Fax: (734) 293-5077

Sample No./Type	Recovery (in.)	Depth (ft.)	Description of Material
		0	Ground Surface Elevation = 1545' +/-
			Driller Reported Approximately 8" of Topsoil
SS-1	18	1–3	SANDY CLAY - occasional silt seams - very stiff to hard - organish brown - (CH)
SS-2	18	4–5	
SS-3	16	6–8	
SS-4	16	9–10	
		11–13	SILTY CLAY - trace gravel - occasional silty fine sand layers - hard - light brown (CL)
SS-5	16	14–23	Driller Reported Hard Silty Clay with Alternating Limestone Layers and Occasional Boulders
SS-6	1	24	Driller Reported Auger Refusal @ 23.5'
		25	End of Boring (ft.): 23.5





Water Level Observations:
While Drilling: Dry
At Completion: Dry
Cave-In At:

Boring Started: 4/24/08
Boring Completed: 4/24/08
Rig: CME 45
Driller: Blue Ridge Drilling, Inc

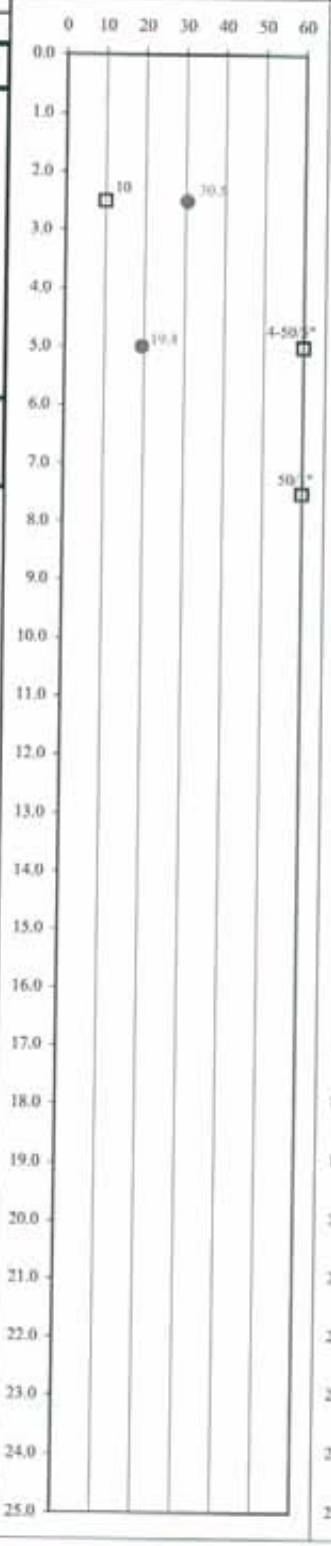
Remarks:

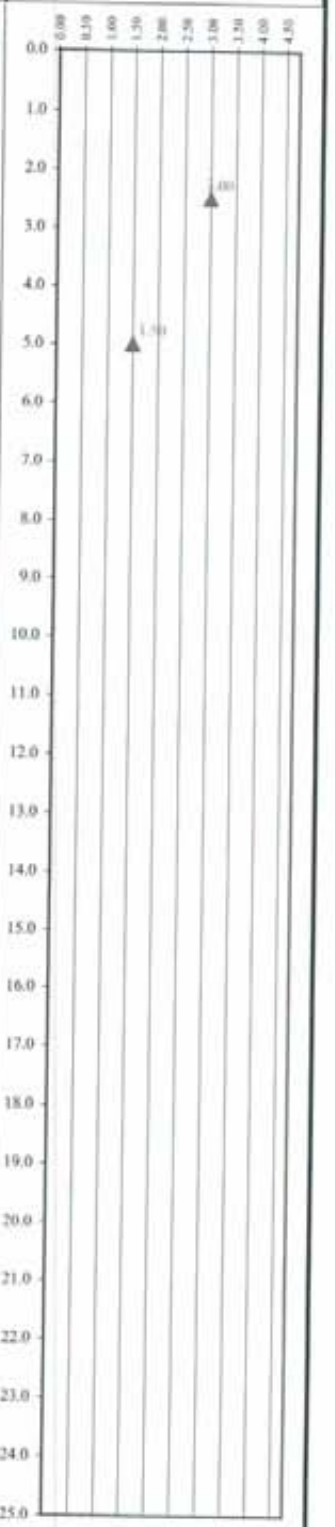
Approved:
Drawn By: JTA

Project: CST Site No. VA-00-0200A - Alleghany
Client: Cellere, Inc.
Location: Shawsville, Montgomery County, Virginia
Project #: 08-1024 **Boring Log #: B-2**

AGS, Inc.
37637 Five Mile Road, #224
Livonia, MI 48154
Ph/Fax: (734) 293-5077

Sample No./Type	Recovery (in.)	Depth (ft.)	Description of Material
		0	Ground Surface Elevation = 1548' +/-
			Driller Reported Approximately 8" of Topsoil
SS-1	18	1–2	SANDY CLAY - occasional silt seams - very stiff to stiff - orangish brown (CH)
SS-2	18	3–5	
SS-3	1	6–7	Driller Reported Weathered Limestone
		8	Driller Reported Auger Refusal @ 7.5'
		End of Boring (ft.): 7.5	





Water Level Observations:
While Drilling: Dry
At Completion: Dry
Cave-In At:

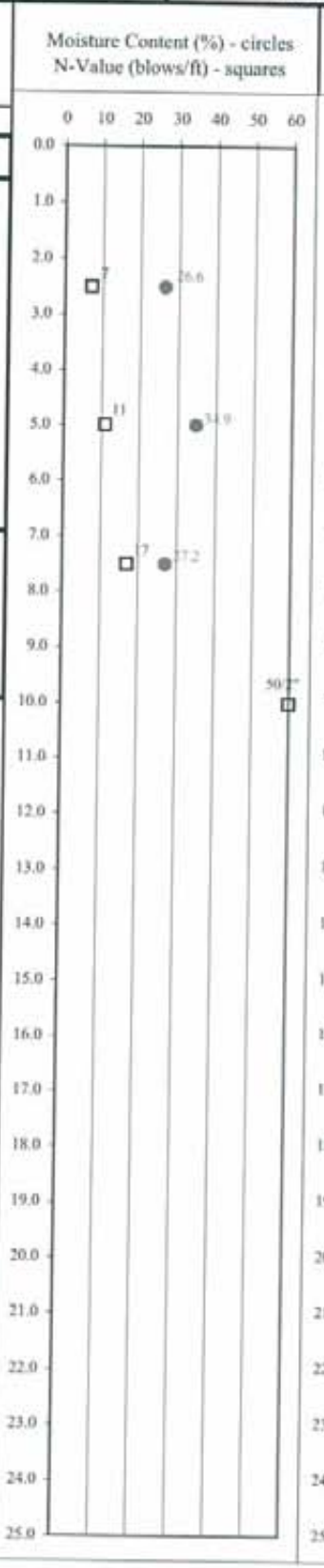
Boring Started: 4/24/08
Boring Completed: 4/24/08
Rig: CME 45
Driller: Blue Ridge Drilling, Inc

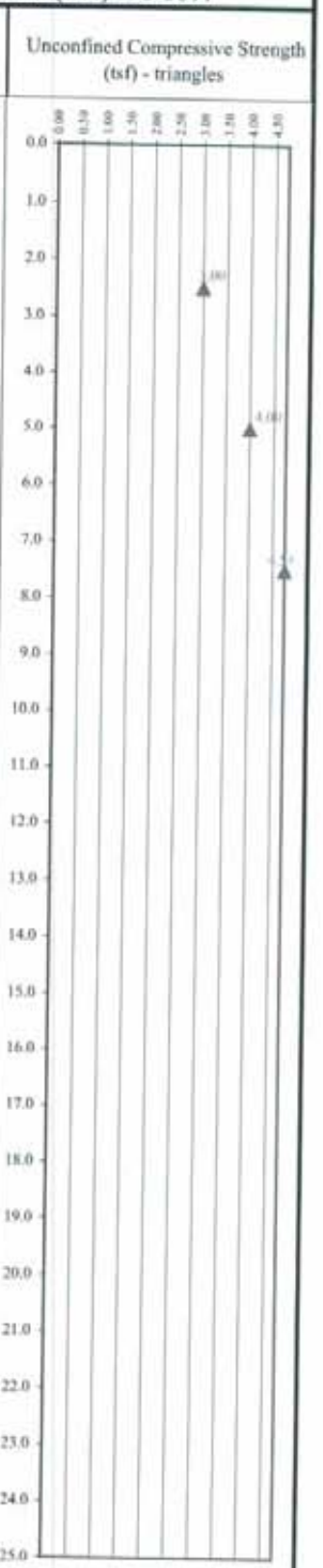
Remarks:

Approved:
Drawn By: JTA

Project: CST Site No. VA-00-0200A - Alleghany	**AGS, Inc.**
Client: Cellere, Inc.	**37637 Five Mile Road, #224**
Location: Shawsville, Montgomery County, Virginia	**Livonia, MI 48154**
Project #: 08-1024 **Boring Log #: B-3**	**Ph/Fax: (734) 293-5077**

Sample No./Type	Recovery (in.)	Depth (ft.)	Description of Material
		0	Ground Surface Elevation = 1542' +/-
			Driller Reported Approximately 8" of Topsoil
SS-1	16	1–2	SANDY CLAY - very stiff to hard - orangish brown (CH)
SS-2	18	3–4	
SS-3	16	5–7	
SS-4	2	8–9	Driller Reported Weathered Limestone
		10	Driller Reported Auger Refusal @ 10'
		11–25	
			End of Boring (ft.): 10



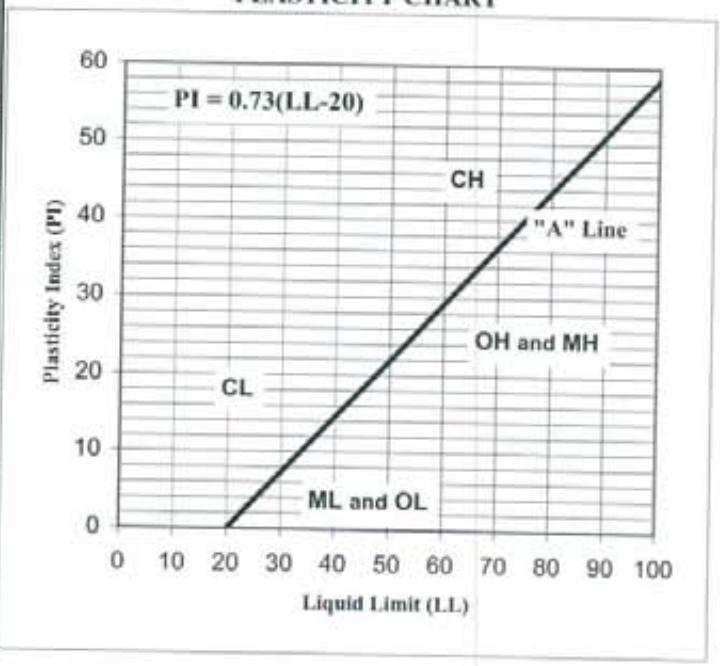


Water Level Observations: **While Drilling:** Dry **At Completion:** Dry **Cave-In At:**	**Boring Started:** 4/24/08 **Boring Completed:** 4/24/08 **Rig:** CME 45 **Driller:** Blue Ridge Drilling, Inc	**Remarks:**
		Approved: **Drawn By:** JTA

Unified Soil Classification

Major Divisons			Symbol	Typical Names	Laboratory Classification Criteria		
Coarse Grained Soils (More than half of material > No. 200 sieve)	Gravels (More than half of coarse fraction is larger than No. 4 sieve)	Clean Gravels (little or no fines)	GW	Well graded gravels, gravel-sand mixtures, little or no fines	Depending on percentage of fines (fraction smaller than No. 200 sieve), coarse grained soils are classified as follows: Less than 5%.....GW, GP, SW, SP; More than 12%.....GM, GC, SM, SC; 5 to 12%.....Borderline case requiring dual symbols	$C_u = D_{60}/D_{10}$ greater than 4; $C_c = (D_{30})^2 / (D_{10} \times D_{30})$ between 1 and 3	
			GP	Poorly graded gravels, gravel-sand mixtures, little or no fines		Not meeting all gradation requirements for GW	
		Gravels with appreciable amount of fines	GM d / u	Silty gravels, gravel-sand-silt mixtures		Atterberg Limits below "A" line or PI less than 4	Above "A" line with PI between 4 and 7 are borderline cases requiring dual symbols
			GC	Clayey gravels, gravel-sand-clay mixtures		Atterberg Limits above "A" line with PI greater than 7	
	Sands (More than half of coarse fraction is smaller than No. 4 sieve)	Clean Sands (little or no fines)	SW	Well graded sands, gravelly sands, little or no fines		$C_u = D_{60}/D_{10}$ greater than 6; $C_c = (D_{30})^2 / (D_{10} \times D_{30})$ between 1 and 3	
			SP	Poorly graded sands, little or no fines		Not meeting all gradation requirements for SW	
		Sands with appreciable amount of fines	SM d / u	Silty sands, sand-silt mixtures		Atterberg Limits below "A" line or PI less than 4	Liquid Limits plotting between 10 and 30 with PI between 4 and 7 is a borderline case requiring dual symbols (CL-ML)
			SC	Clayey sands, sand-clay mixtures		Atterberg Limits above "A" line with PI greater than 7	
Fine Grained Soils (more than half of material < No. 200 sieve)	Silts and Clays (Liquid Limit < 50)		ML	Inorganic silts, very fine sands, rock flour, silty or clayey fine sands or clayey silts with slight plasticity			
			CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, and lean clays			
			OL	Organic silts and silty clays of low plasticity			
	Silts and Clays (Liquid Limit > 50)		MH	Inorganic silts, micaceous or diamaceous fine sandy or silty soils, elastic silts			
			CH	Inorganic clays of high plasticity, fat clays			
			OH	Organic clays of medium to high plasticity, organic silts			
	Highly Organic Soils		Pt	Peat and other highly organic soils			

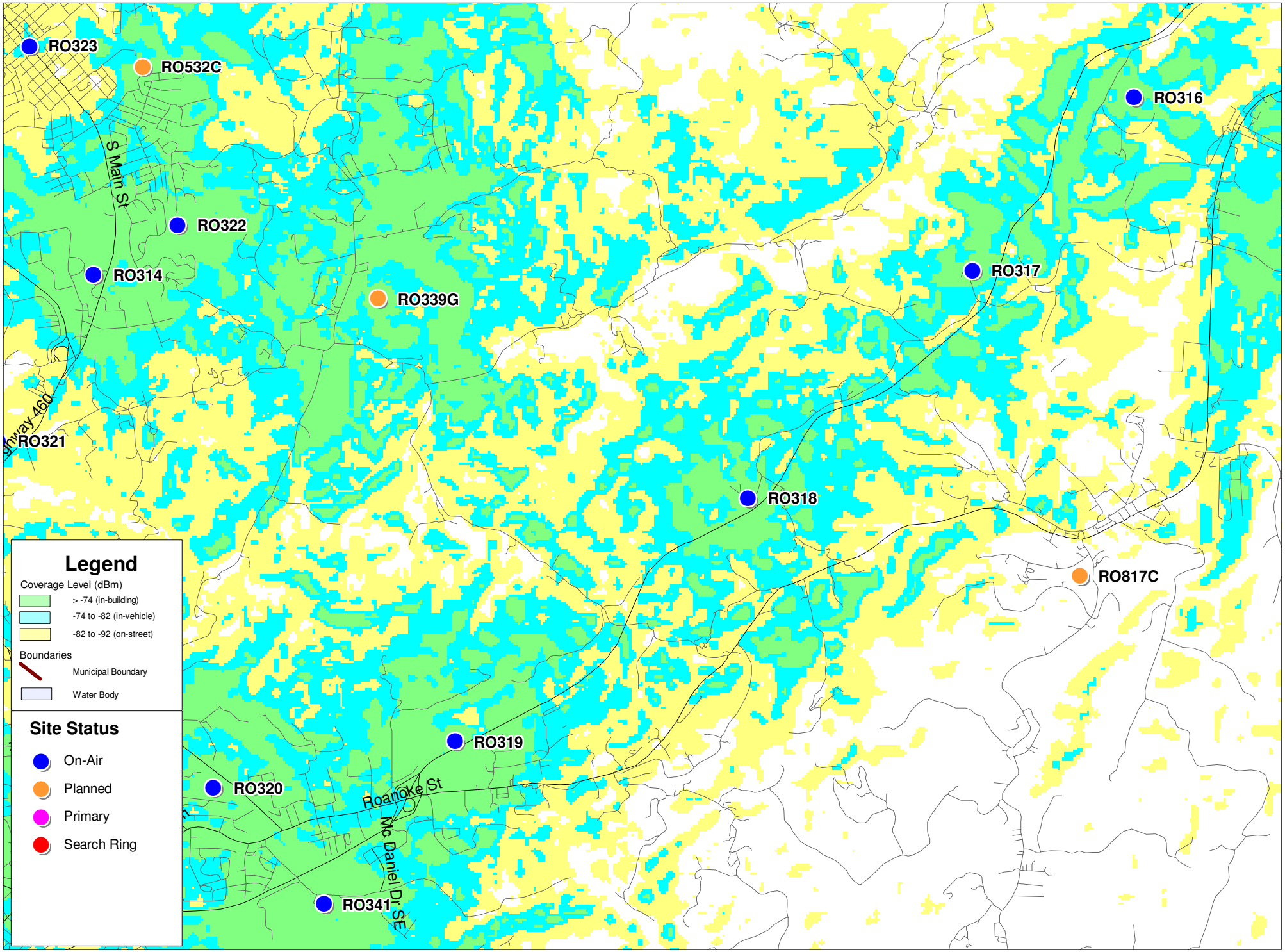
PLASTICITY CHART



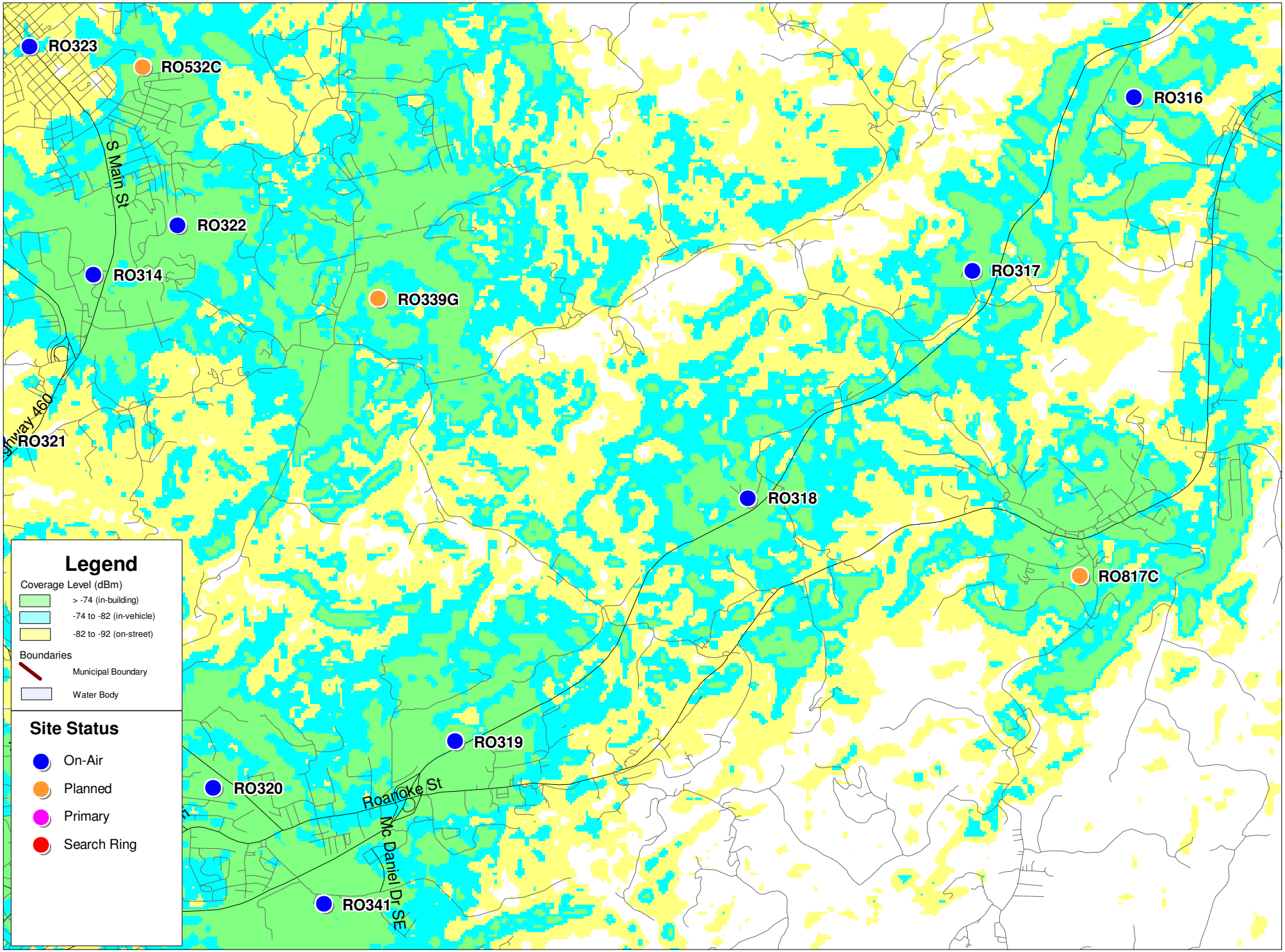
AGS, Inc.
37637 Five Mile Road #224
Livonia, MI 48154
Tel/Fax: (734) 293-5077

EXHIBIT 8
CONSTRUCTION DRAWINGS

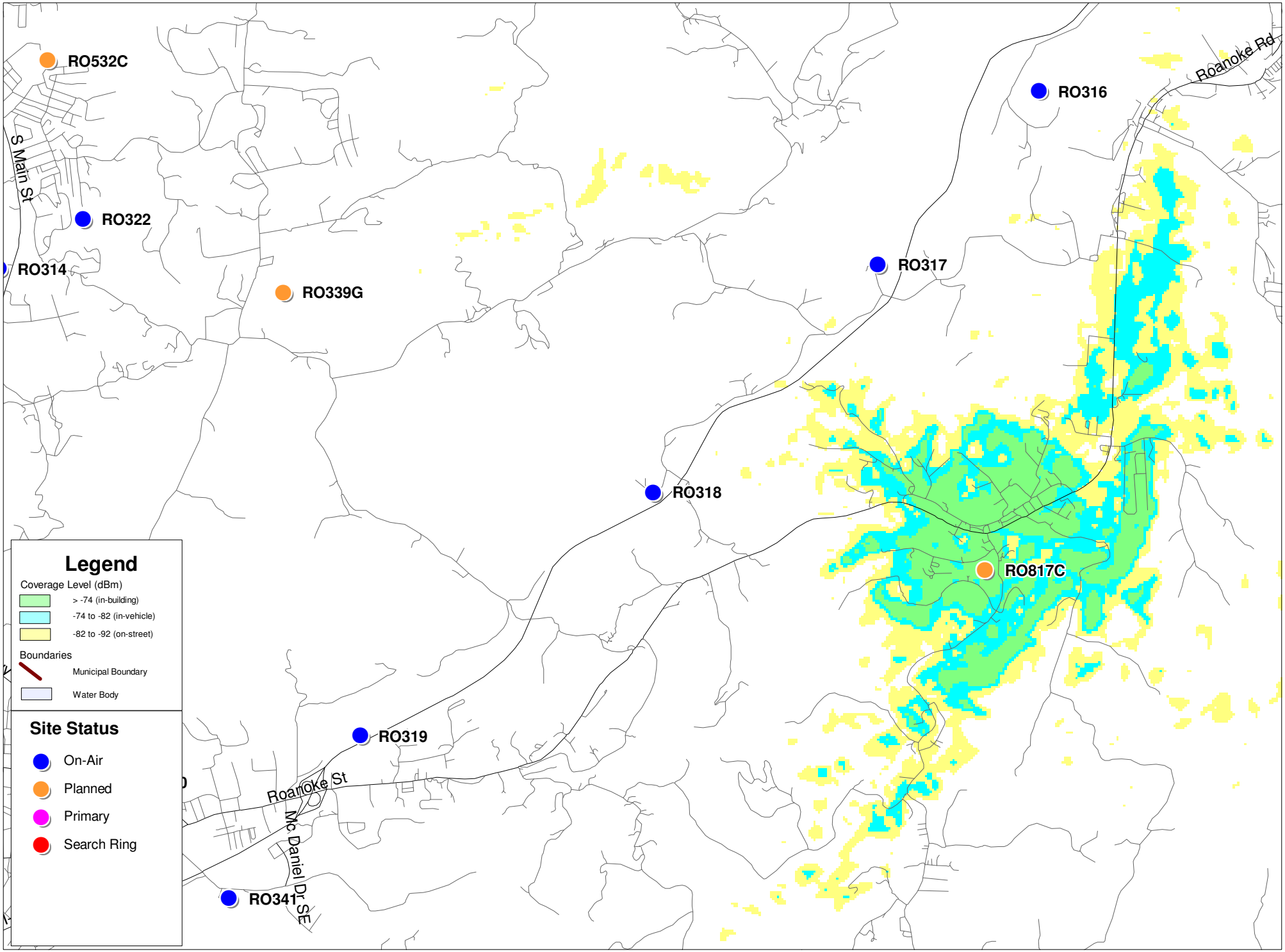
AT&T Current On-Air Sites, Proposed Sites while RO817C is Off, Coverage



AT&T Current On-Air Sites, Proposed Sites and RO817C @ 195 ft, Coverage



AT&T Proposed Site Coverage, RO817C @ 195ft



199ft. Balloon Test
at&t
CST
VA-00-200A ALLEGHANY
477Alleghany Springs Rd., Shawville, VA 24162
199ft. Monopole Simulation
View from Kirk Hollow Road
approx. 1,900ft. west-northwest of site
GOULD DIGITAL IMAGING

at&t CST

VA-00-200A ALLEGHANY

477Alleghany Springs Rd., Shawville, VA 24162

199ft. Monopole Simulation

View from Roanoke Road
approx. 1,550ft. north-northwest of site

GOULD DIGITAL IMAGING

199ft. Balloon Test
at&t
CST
VA-00-200A ALLEGHANY
477Alleghany Springs Rd., Shawville, VA 24162
199ft. Monopole Simulation
View from subject property approximately 900ft. southeast of site
GOULD DIGITAL IMAGING

199ft. Balloon Test
at&t
CST
VA-00-200A ALLEGHANY
477Alleghany Springs Rd., Shawville, VA 24162
199ft. Monopole Simulation
View from Valero Gas Station
approximately 2,700ft. northeast of site

199ft. Balloon Test
at&t
CST
VA-00-200A ALLEGHANY
477Alleghany Springs Rd., Shawville, VA 24162
199ft. Monopole Simulation
View from 245-247 New Town Road
approx. 2,750ft. north-northeast of site
GOULD DIGITAL IMAGING

199ft. Balloon Test
at&t
CST
VA-00-200A ALLEGHANY
477Alleghany Springs Rd., Shawville, VA 24162
199ft. Monopole Simulation
View from Briggs Road and Jacob Drive approximately 2,160ft. west of site
GOULD DIGITAL IMAGING

MONTGOMERY COUNTY DEPARTMENT
OF PLANNING & GIS SERVICES

PLANNING
GIS & MAPPING

755 ROANOKE STREET, SUITE 2A, CHRISTIANSBURG, VIRGINIA 24073-3177

MEMORANDUM

TO: Planning Commission

FROM: Planning Department

DATE: August 6, 2008

RE: **Johnson Addition to Agricultural & Forestal District 2 (Catawba Road)**

General Purpose – Agricultural & Forestal Districts (AFD's) are rural areas reserved for the production of agricultural products and timber as important economic and environmental resources. They are established according to state guidelines at the initiative of individual landowners and the approval of the Board of Supervisors. Participating landowners relinquish development rights in return for increased protection and real estate tax benefits. Nonparticipating landowners assume increased real estate taxes in order to reduce developmental pressures on significant agricultural and forestal lands. All residents benefit from good stewardship of the land and from the reduced demand to extend urban public services into rural areas on the County.

Background – AFD-2 is located principally along Catawba Road running from its intersection with Mossy Springs Road to the Roanoke County line, a distance of approximately 6 miles. It was originally established in 1980 and has been renewed for successive 8-year terms in 1987, 1995 and 2003. There are presently 24 landowners and 5,644+ acres in AFD-2. Additional landowners may request to be added to an existing AFD on a yearly basis. In accordance with Section 15.2-4309, such requests are reviewed by the AFD Advisory Committee, the Planning Commission and the Board of Supervisors. Public hearings must be held on the request by the Planning Commission and the Board of Supervisors.

Landowners – Gordon and Nancy Johnson

AFD Advisory Committee Field Trip & Meeting – July 2, 2008 (Minutes attached)

PC Public Hearing – To be held August 13, 2008

Draft Resolution – The Gordon and Nancy Johnson request to add 84+ acres to existing Agricultural & Forestal District – 2 (Catawba Road) to recommended to the Board of Supervisors for approval. Property is identified as tax map parcel 20-A-6 (Acct No. 009762) in the Mt. Tabor Magisterial District.

Attachment: AFD Advisory Committee minutes of July 2, 2008

Gordon G. & Nancy M. Johnson
Request to be Added to
AFD-2

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Tax Parcels
- AFD2-Catawba District
- Subject Property

Aerial Photography 2007

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Montgomery County, Va
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Commonwealth of Virginia

Montgomery County, Virginia
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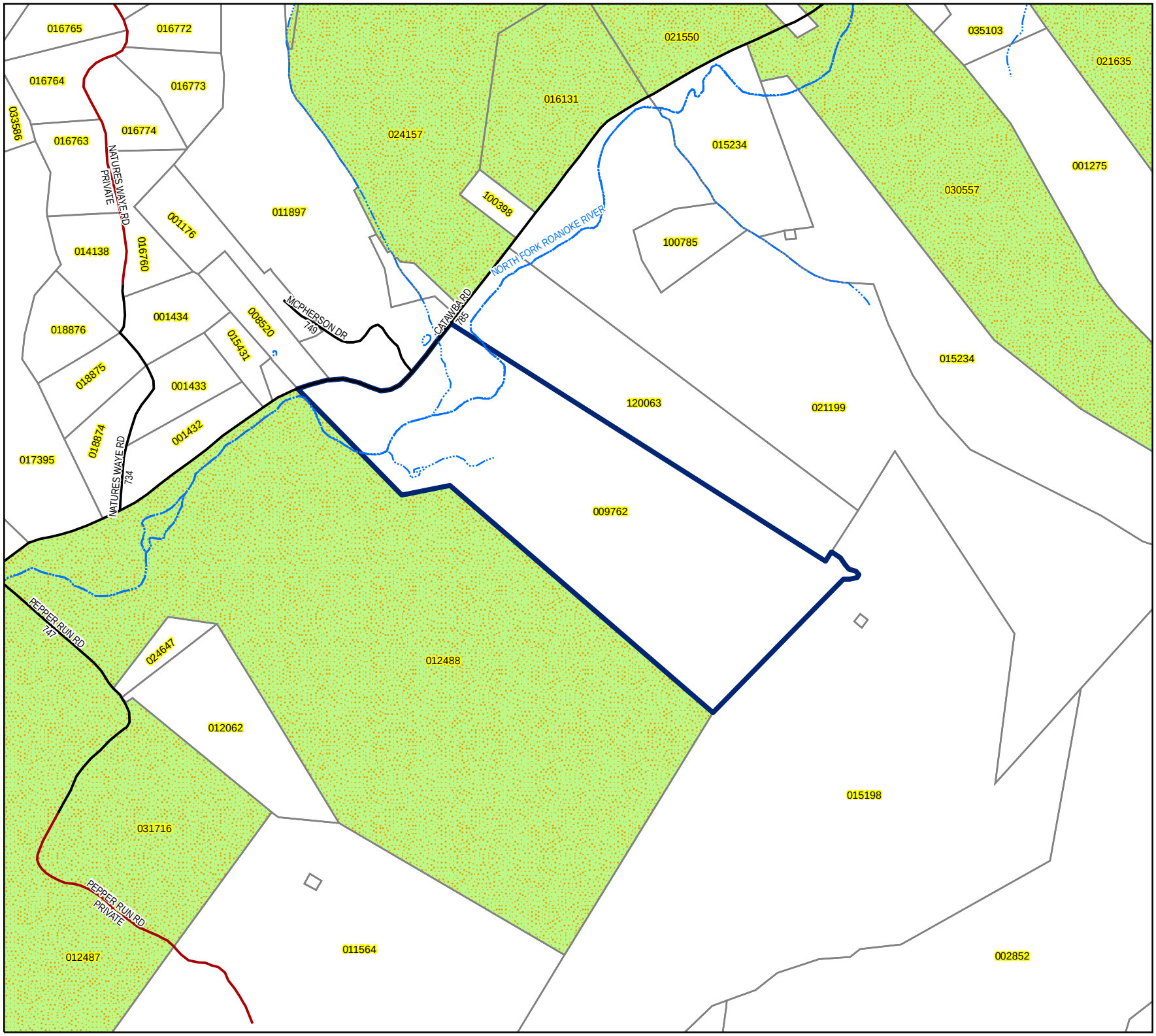
IN NO EVENT SHALL MONTGOMERY COUNTY BE LIABLE FOR ANY DAMGES THAT MIGHT ARISE FROM THE USE OF THE INFORMATION SHOWN.

EXACT LOCATION OF FLOOD ZONE TO BE CERTIFIED BY LICENSED SURVEYOR, ENGINEER, OR ARCHITECT.

0 125 250 500 750 1,000
Feet

Prepared by Montgomery County, Va
Planning & GIS Services, 3/20/08



Gordon G. & Nancy M. Johnson
Request to be Added to
AFD-2

Legend

- State Roads
- Interstate Highway
- Private Roads (Named)
- Planned Highway
- Hydrology
- Tax Parcels
- AFD2-Catawba District
- Subject Property

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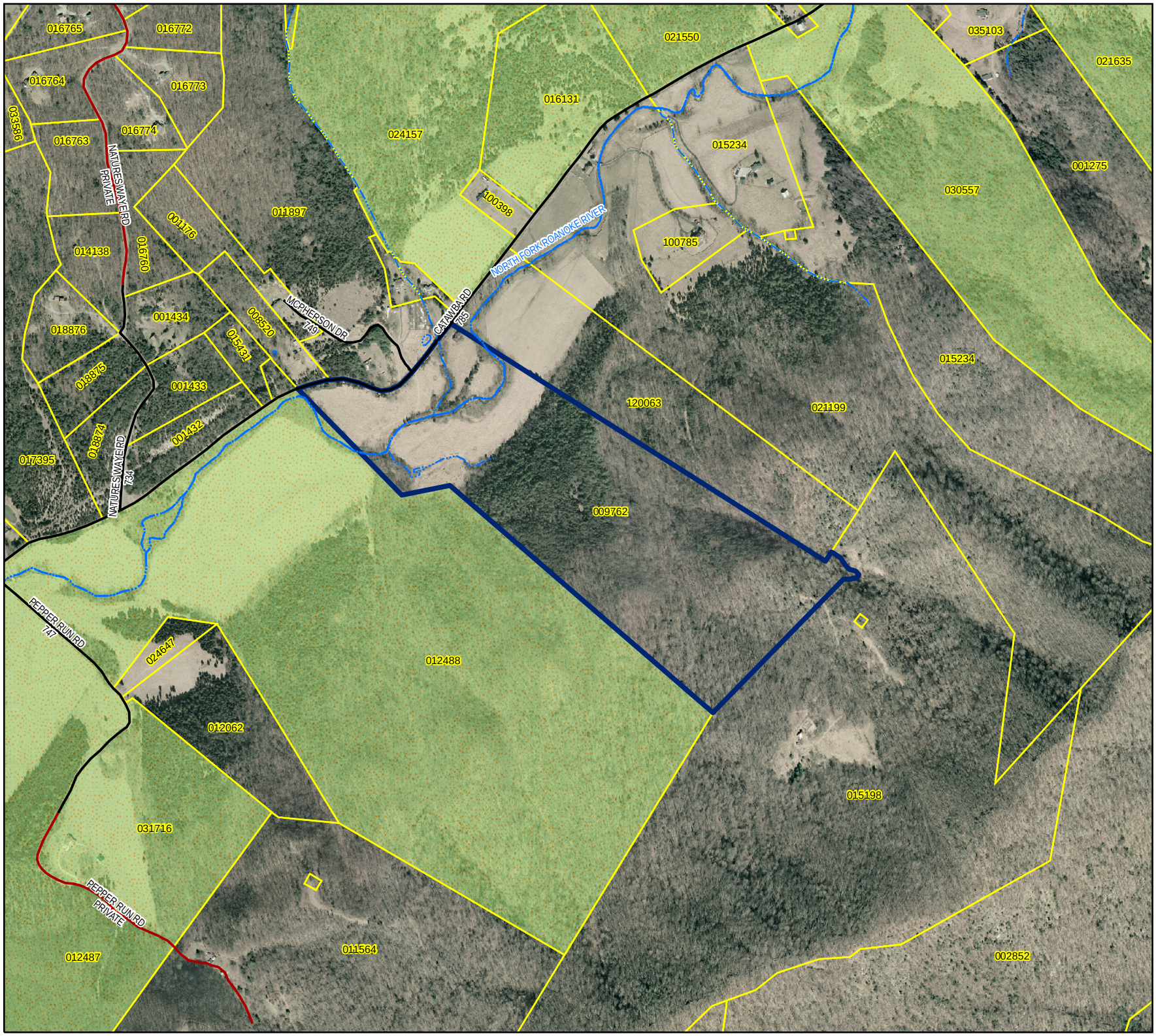
0 125 250 500 750 1,000
Feet

Prepared by Montgomery County, Va
Planning & GIS Services, 3/20/08



MEMORANDUM

TO: Planning Commission

FROM: Planning Department

DATE: August 6, 2008

RE: **Preliminary Plat Approval for Cloverlea Subdivision Phase II**

Background – Cloverlea Subdivision is located off of Riner Road (Rte. 8) at the intersection with Fairview Church Road (Rte. 669) in Riner area. It was rezoned to Residential (R-1) in July 2003 with six (6) proffered conditions. (See attached Ordinance 2003-12.) Phase 1 of the subdivision was approved and recorded in 2004. This phase of the subdivision consists of forty-one (41) lots served by public roads to be maintained by the Virginia Department of Transportation and public water and sewer provided by the Montgomery County Public Service Authority (PSA).

Developer – Fralin & Waldron, Inc.
Consultant – Gay and Neel, Inc.
PC Site Visit – None

Draft Resolution – Preliminary Plat Approval for Cloverlea Subdivision Phase II (Gay & Neel, Inc., Job No. 1162.8 dated July 25, 2008, last revised July 30, 2008) is made subject to the following seven (7) conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the proposed streets and any associated drainage plans.
2. The Montgomery County PSA shall review and approve all public water and sewer construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
3. The Emergency Services Coordinator shall review and provide comment on proposed alley to address any public safety needs or concerns.
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. The County Attorney shall review and approve the private covenants and deed restrictions and storm water maintenance facilities.
6. The County GIS Analyst shall approve new street name(s) and addresses.
7. All remaining items on the attached Subdivision Application Report dated August 6, 2008 shall be addressed.

After all the above conditions are met, the Planning Commission will review and act on the Final Plat of Subdivision.

Attachments: Preliminary Plat dated July 25, 2008, last revised July 30, 2008
Subdivision Application Report dated August 6, 2008
Board of Supervisors Ordinance 2003-12

MEMORANDUM

TO: Planning Commission

FROM: Planning Department

DATE: August 7, 2008

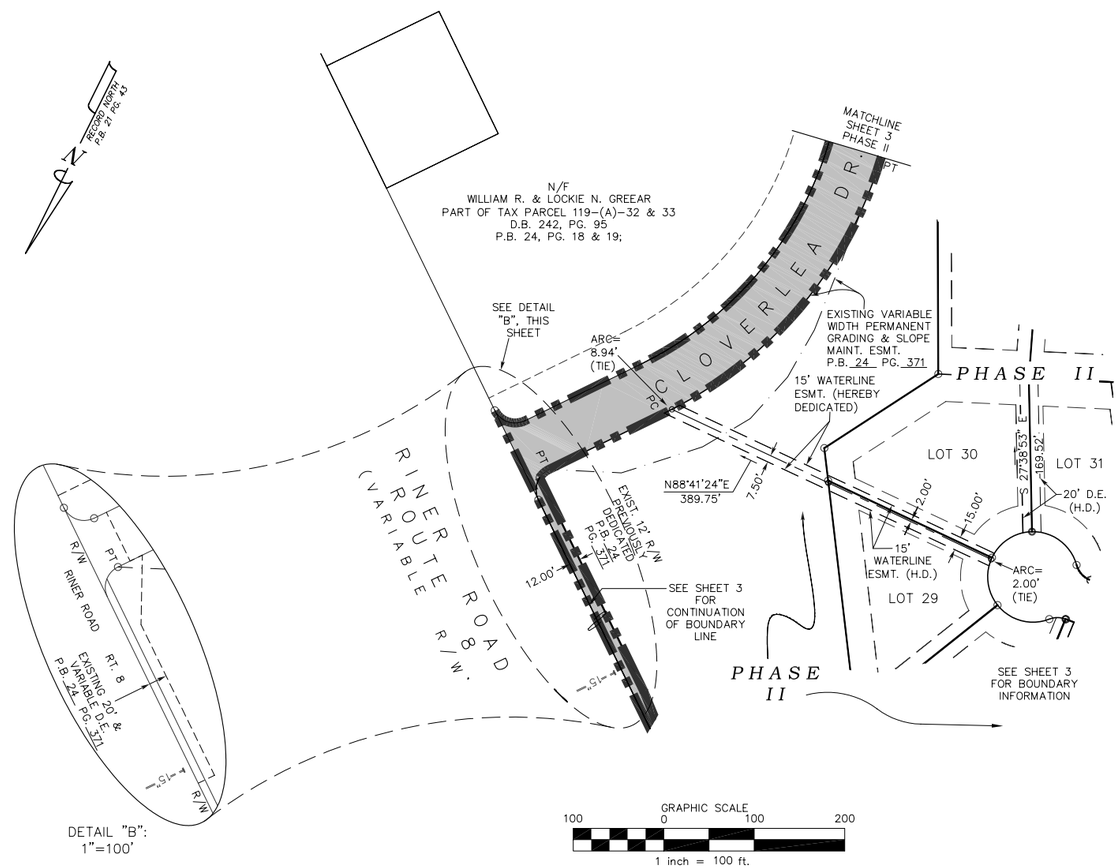
RE: **Final Plat Approval for Howard Wakely Phillips and Robert Sean Phillips**

Background – Subdivision is located off of Rock Road at the end of Cold Mountain Subdivision. All lots in the subdivision are to be served by individual wells and septic systems.

The Preliminary Plat was approved by the Planning Commission at their meeting of April 9, 2008 with six (6) conditions. All conditions have been met to date except for final VDH approval. The Board of Supervisors is holding a public hearing on the vacation of right of way and easements at their meeting on August 25, 2008. Once the VDH approval is received and the Board approves vacation of right of way the final plat can be approved.

Developer – Howard Wakely Phillips and Robert Sean Phillips
Consultant – Gay and Neel, Inc.

Draft Resolution – The Plat of Major Subdivision and Boundary Line Adjustment (Gay & Neel, Inc. Job No. 0290.8 dated January 10, 2008) is recommended for final approval to the Board of Supervisors.



THIS PLAT IS FOR PHASE II
INFORMATION ONLY

GAY AND NEEL, INC.
CIVIL ENGINEERING
LAND PLANNING
SURVEYING
328 Mountain Avenue, SW
Roanoke, Virginia 24016
Phone: (540) 345-1110 Fax: (540) 345-5560
Email: info@gayandneel.com

Plat of Subdivision of CloverLea, Phase II

Property off Fralin & Waldron, Inc.
Situated off U.S. Route 8
Riner Magisterial District
Montgomery County, Virginia

COMMONWEALTH OF VIRGINIA
TIMOTHY S. NASH
Lic. No. 1881
LAND SURVEYOR

REVISED:
07/30/08

DESIGNED/CALC.:	*KJD*
CHECKED:	*TSN*
DRAWN:	*KJD,PLJ*
SCALE:	*1" = 100'*
DATE:	*07/25/08*

JOB NO. *1162.8*

SHEET *5* OF *5*

P.B._____ PG._____

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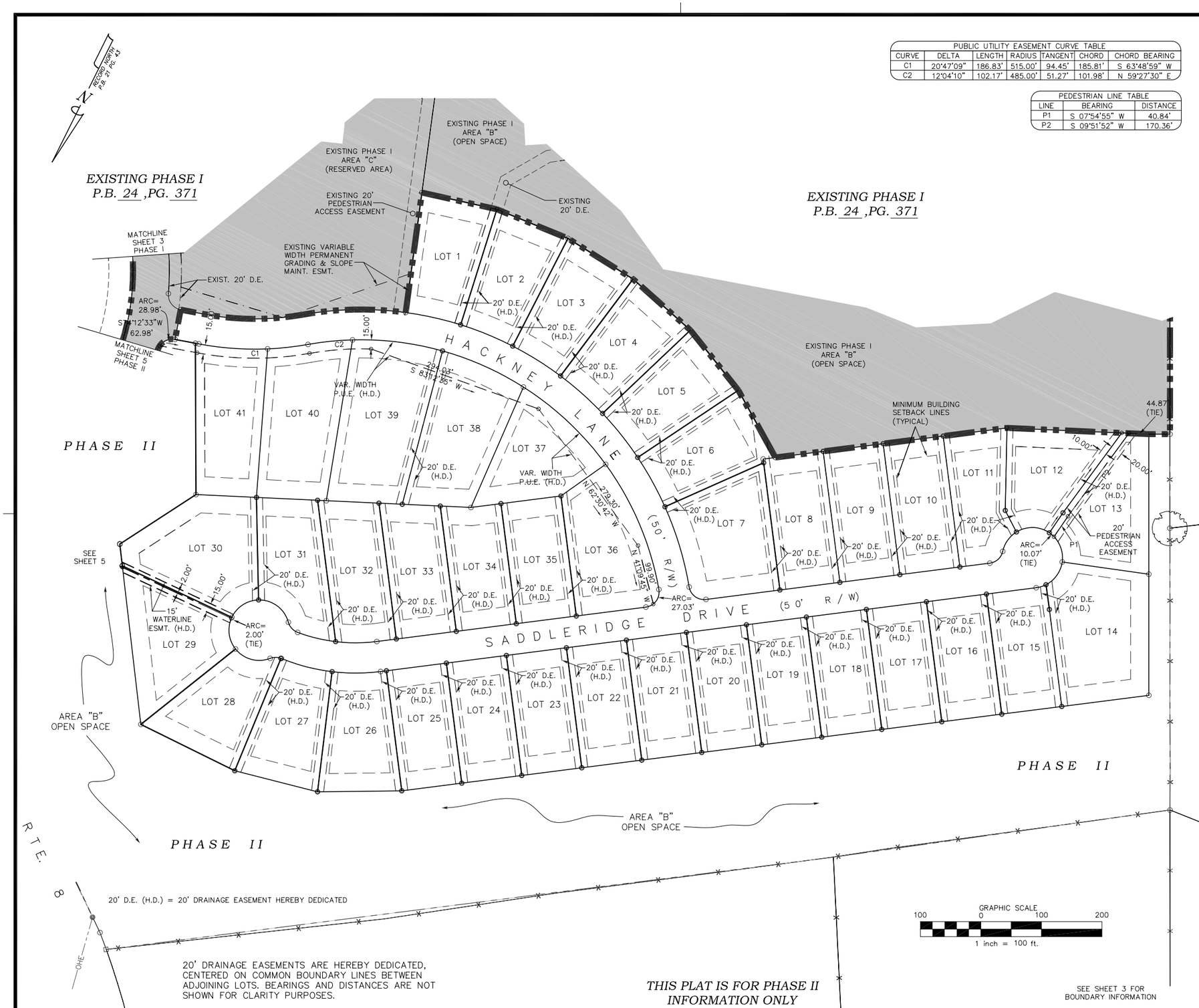
PUBLIC UTILITY EASEMENT CURVE TABLE						
CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	20°47'09"	186.83'	515.00'	94.45'	185.81'	S 63°48'59" W
C2	12°04'10"	102.17'	485.00'	51.27'	101.98'	N 59°27'30" E

PEDESTRIAN LINE TABLE		
LINE	BEARING	DISTANCE
P1	S 07°54'55" W	40.84'
P2	S 09°51'52" W	170.36'



20' DRAINAGE EASEMENTS ARE HEREBY DEDICATED, CENTERED ON COMMON BOUNDARY LINES BETWEEN ADJOINING LOTS. BEARINGS AND DISTANCES ARE NOT SHOWN FOR CLARITY PURPOSES.

THIS PLAT IS FOR PHASE II INFORMATION ONLY

GAY AND NEEL, INC.
CIVIL ENGINEERING
LAND PLANNING
SURVEYING
328 Mountain Avenue, SW
Roanoke, Virginia 24016
Phone: (540) 345-1110 Fax: (540) 345-5560
Email: info@gayandneel.com

Plat of Subdivision of CloverLea, Phase II

Property off Fralin & Waldron, Inc.
Situated off U.S. Route 8
Riner Magisterial District
Montgomery County, Virginia

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SHEET *4* OF *5*

P.B._____ PG._____

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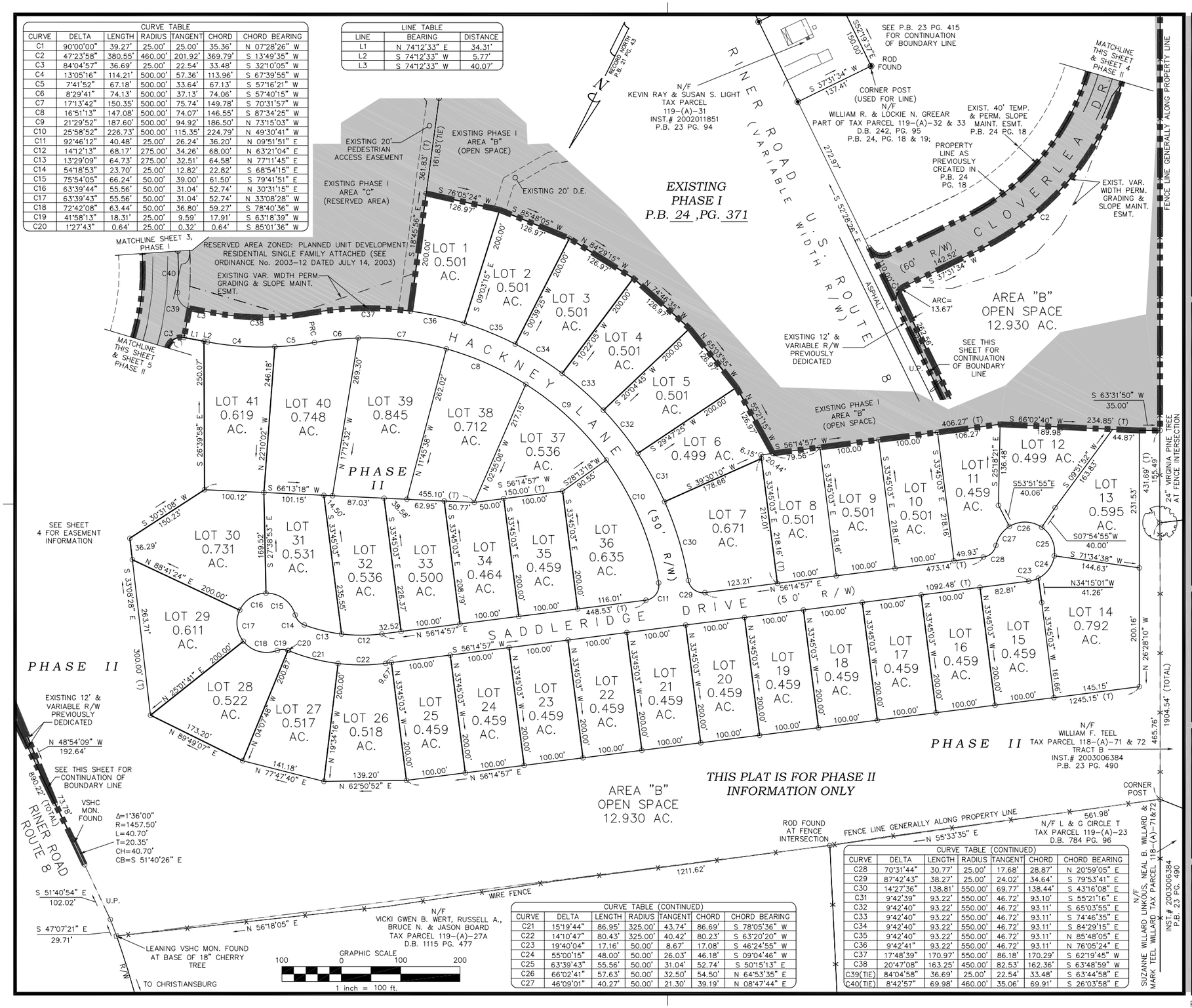
CURVE TABLE						
CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C1	90°00'00"	39.27'	25.00'	25.00'	35.36'	N 07°28'26" W
C2	47°23'58"	380.55'	460.00'	201.92'	369.79'	S 13°49'35" W
C3	84°04'57"	36.69'	25.00'	22.54'	33.48'	S 32°10'05" W
C4	13°05'16"	114.21'	500.00'	57.36'	113.96'	S 67°39'55" W
C5	7°41'52"	67.18'	500.00'	33.64'	67.13'	S 57°16'21" W
C6	8°29'41"	74.13'	500.00'	37.13'	74.06'	S 57°40'15" W
C7	17°13'42"	150.35'	500.00'	75.74'	149.78'	S 70°31'57" W
C8	16°51'13"	147.08'	500.00'	74.07'	146.55'	S 87°34'25" W
C9	21°29'52"	187.60'	500.00'	94.92'	186.50'	N 73°15'03" W
C10	25°58'52"	226.73'	500.00'	115.35'	224.79'	N 49°30'41" W
C11	92°46'12"	40.48'	25.00'	26.24'	36.20'	N 09°51'51" E
C12	14°12'13"	68.17'	275.00'	34.26'	68.00'	N 63°21'04" E
C13	13°29'09"	64.73'	275.00'	32.51'	64.58'	N 77°11'45" E
C14	54°18'53"	23.70'	25.00'	12.82'	22.82'	S 68°54'15" E
C15	75°54'05"	66.24'	50.00'	39.00'	61.50'	S 79°41'51" E
C16	63°39'44"	55.56'	50.00'	31.04'	52.74'	N 30°31'15" E
C17	63°39'43"	55.56'	50.00'	31.04'	52.74'	N 33°08'28" W
C18	72°42'08"	63.44'	50.00'	36.80'	59.27'	S 78°40'36" W
C19	41°58'13"	18.31'	25.00'	9.59'	17.91'	S 63°18'39" W
C20	1°27'43"	0.64'	25.00'	0.32'	0.64'	S 85°01'36" W

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 74°12'33" E	34.31'
L2	S 74°12'33" W	5.77'
L3	S 74°12'33" W	40.07'



CURVE TABLE (CONTINUED)						
CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C21	15°19'44"	86.95'	325.00'	43.74'	86.69'	S 78°05'36" W
C22	14°10'47"	80.43'	325.00'	40.42'	80.23'	S 63°20'20" W
C23	19°40'04"	17.16'	50.00'	8.67'	17.08'	S 46°24'55" W
C24	55°00'15"	48.00'	50.00'	26.03'	46.18'	S 09°04'46" W
C25	63°39'43"	55.56'	50.00'	31.04'	52.74'	S 50°15'13" E
C26	66°02'41"	57.63'	50.00'	32.50'	54.50'	N 64°53'35" E
C27	46°09'01"	40.27'	50.00'	21.30'	39.19'	N 08°47'44" E

CURVE TABLE (CONTINUED)						
CURVE	DELTA	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING
C28	70°31'44"	30.77'	25.00'	17.68'	28.87'	N 20°59'05" E
C29	87°42'43"	38.27'	25.00'	24.02'	34.64'	S 79°53'41" E
C30	14°27'36"	138.81'	550.00'	69.77'	138.44'	S 43°16'08" E
C31	9°42'39"	93.22'	550.00'	46.72'	93.10'	S 55°21'16" E
C32	9°42'40"	93.22'	550.00'	46.72'	93.11'	S 65°03'55" E
C33	9°42'40"	93.22'	550.00'	46.72'	93.11'	S 74°46'35" E
C34	9°42'40"	93.22'	550.00'	46.72'	93.11'	S 84°29'15" E
C35	9°42'40"	93.22'	550.00'	46.72'	93.11'	N 85°48'05" E
C36	9°42'41"	93.22'	550.00'	46.72'	93.11'	N 76°05'24" E
C37	17°48'39"	170.97'	550.00'	86.18'	170.29'	S 62°19'45" W
C38	20°47'08"	163.25'	450.00'	82.53'	162.36'	S 63°48'59" W
C39(TIE)	84°04'58"	36.69'	25.00'	22.54'	33.48'	S 63°44'58" E
C40(TIE)	8°42'57"	69.98'	460.00'	35.06'	69.91'	S 26°03'58" E

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Plat of Subdivision of CloverLea, Phase II

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Montgomery County, Virginia

COMMONWEALTH OF VIRGINIA
TIMOTHY S. NASH
Lic. No. 1881
LAND SURVEYOR

REVISED: 07/30/08

DESIGNED/CALC.: KJD
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SCALE: 1" = 100'
DATE: 07/25/08

JOB NO. 1162.8

SHEET 3 OF 5

P.B._____ PG._____

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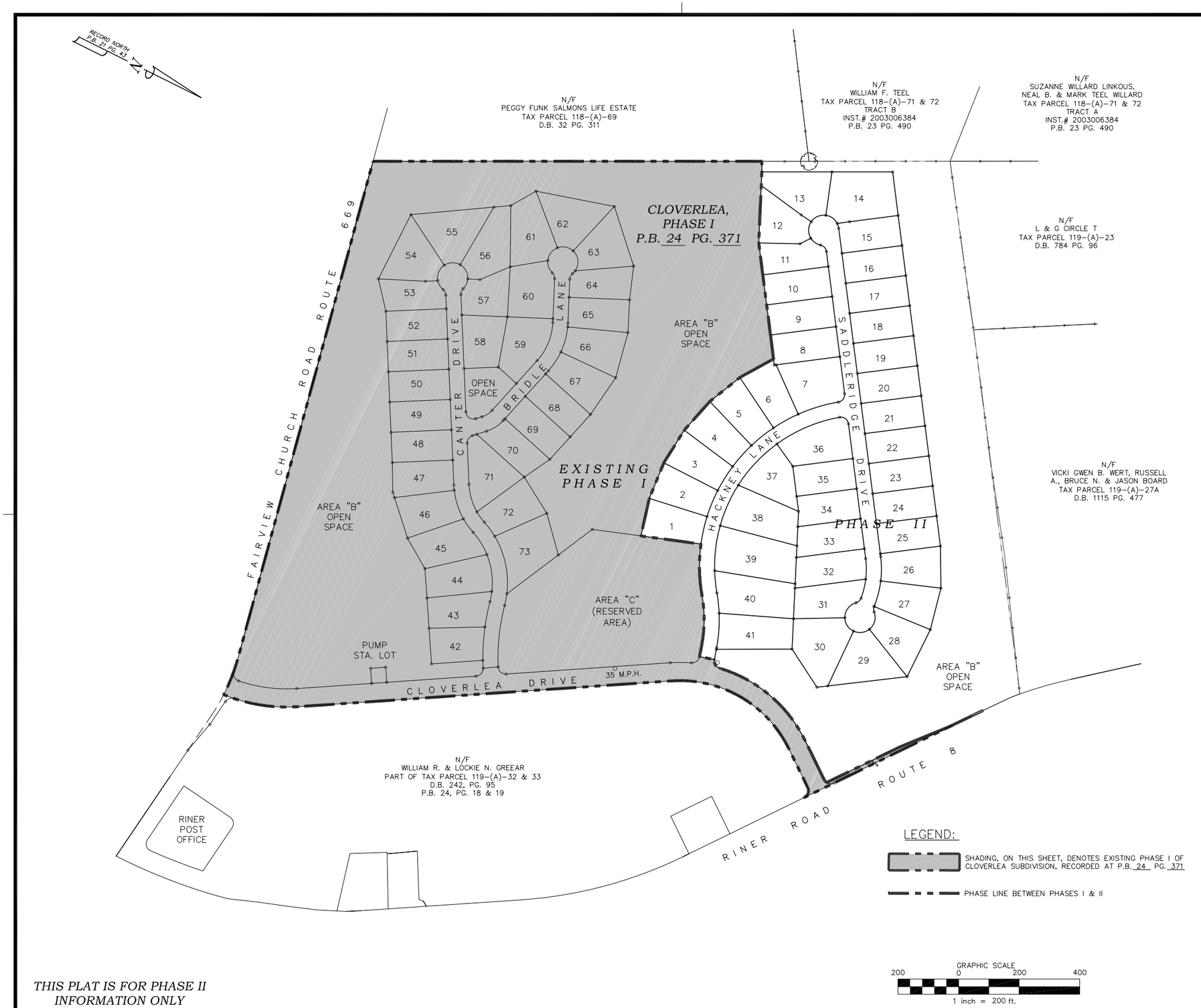

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SHEET 2 OF 5

P.B._____ PG._____

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OWNERS STATEMENT:

THE "PLAT OF SUBDIVISION OF CLOVERLEA, PHASE II" DATED 07/07/08, AS APPEARS ON THIS PLAT, HAS BEEN MADE WITH THE FREE CONSENT OF, AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS, AND THE DEDICATION OF THE PERMANENT GRADING & SLOPE MAINTENANCE EASEMENTS, WATER LINE EASEMENTS, PUBLIC UTILITY EASEMENTS, DRAINAGE EASEMENTS, 20' PEDESTRIAN ACCESS EASEMENT, AND THE RIGHTS-OF-WAY DEDICATIONS, AS SHOWN HEREON, IS HEREBY MADE.

FRALIN & WALDRON, INC. DATE

BY:

NOTES:

1. OWNER/DEVELOPER:
   FRALIN & WALDRON, INC.
   P.O. BOX 20069, 2917 PENN FOREST BOULEVARD, SW
   ROANOKE, VIRGINIA 24018

2. LEGAL REFERENCE: INSTRUMENT NO. 2003021058; D.B. 242 PG. 95; P.B. 23 PG. 94; P.B. 23 PG. 415; P.B. 24 PG. 18.

3. SUBJECT PROPERTY, AS SHOWN HEREON, IS PART OF TAX PARCELS 119-(A)-32 & 33, PARCEL ID# 007515 (AS SHOWN ON MONTGOMERY COUNTY TAX MAPS).

4. CURRENT SUBJECT ZONING: EXISTING ZONING DISTRICT: RESIDENTIAL R-1 COMPACT DEVELOPMENT OPTION AND PLANNED UNIT DEVELOPMENT RESIDENTIAL PUD-RES WITH PROFFERED CONDITIONS (ORDINANCE 2003-12), AS FOLLOWS:

   PROFFER 1: AS INDICATED ON THE CONCEPTUAL LAYOUT FOR AUBURN VILLAGE DATED APRIL 30, 2003, REVISED MAY 5, 2003, PREPARED BY GAY AND NEEL, INCORPORATED, "AREA A" SHALL REMAIN UNBUILT. UNBUILT SHALL MEAN NO RESIDENTIAL, COMMERCIAL, OR INDUSTRIAL STRUCTURES SHALL BE CONSTRUCTED ON SAID "AREA A"; STORMWATER, RECREATION AND/OR UTILITY IMPROVEMENTS AND STRUCTURES ARE ALLOWED. (NOTE: AREA "A", AS REFERENCED IN THE PROFFERS NO LONGER EXIST AND IS INCLUDED IN AREA "B".)

   PROFFER 2: RESIDENTIAL DENSITY ON "AREA B" SHALL BE LIMITED TO 73 SINGLE-FAMILY DETACHED DWELLINGS.

   PROFFER 3: "AREA C" SHALL BE LIMITED TO SINGLE-FAMILY ATTACHED OR SINGLE-FAMILY DETACHED DWELLINGS NOT TO EXCEED 27 DWELLING UNITS.

   PROFFER 4: A MINIMUM TOTAL OF 40 PERCENT OPEN SPACE SHALL BE PROVIDED FOR AREAS "A" AND "B". RIGHT-OF-WAY SHALL BE ALLOWED IN TOTAL AREA FOR OPEN SPACE CALCULATIONS. (NOTE: AREA "A", AS REFERENCED IN THE PROFFERS NO LONGER EXISTS AND IS INCLUDED IN AREA "B".)

   PROFFER 5: THE ROADWAY AND OTHER IMPROVEMENTS, INCLUDING LANDSCAPING AND TRAFFIC CALMING DESIGN, WITHIN THE 60' RIGHT-OF-WAY SHALL BE APPROVED BY MONTGOMERY COUNTY AND VDOT AT THE TIME OF SUBDIVISION APPROVAL. ROADWAY AND IMPROVEMENTS SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO ISSUANCE OF ANY CERTIFICATE OF OCCUPANCY.

   PROFFER 6: THE 94.51± ACRE TRACT WHICH IS THE SUBJECT OF THE REZONING ACTION, SHALL BE CONSTRUCTED SUBSTANTIALLY IN CONFORMANCE WITH THE CONCEPTUAL LAYOUT FOR AUBURN VILLAGE DATED APRIL 30, 2003, REVISED MAY 5, 2003 PREPARED BY GAY AND NEEL, INCORPORATED.

5. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY.

6. THIS PLAT IS BASED ON AN ACTUAL FIELD SURVEY BY GAY AND NEEL, INC., USING MONUMENTS FOUND TO EXIST AND THEREFORE MAY NOT CONFORM TO PREVIOUS DEEDS OR PLATS OF RECORD.

7. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A F.E.M.A. DESIGNATED 100-YEAR FLOOD ZONE. THE SUBJECT PROPERTY LIES WITHIN ZONE "C" AS SHOWN ON F.I.R.M. COMMUNITY PANEL NO. 510099 0075 A, EFFECTIVE DATE OF OCTOBER 17, 1978. THIS DETERMINATION HAS BEEN MADE BY GRAPHIC METHODS ONLY. NO ELEVATION STUDY HAS BEEN PERFORMED AS A PART OF THIS SUBDIVISION PLAT.

8. R-1 COMPACT SETBACKS: FRONT: 30'; SIDE: 15'; REAR: 30'; ACCESSORY: 10' TO ANY SIDE OR REAR LOT LINE
   -HEIGHT: BUILDINGS MAY BE ERECTED UP TO 35' IN HEIGHT FROM GRADE.
   -MINIMUM WIDTH AT THE SETBACK LINE: 80'.
   -MAXIMUM LENGTH/WIDTH RATIO: 5:1.

   -ALL LOTS SHALL BE ACCESSED FROM A ROAD IN THE VDOT SYSTEM.

9. CLOVERLEA, PHASE II CONSISTS OF 41 SINGLE-FAMILY DWELLING LOTS.

10. MINIMUM LOT AREA:
    PROVIDED = 0.459 ACRE (20,000 SQ. FT.)
    REQUIRED = 0.321 ACRE (14,000 SQ. FT.)
    MAXIMUM LOT AREA: = 0.845 ACRE (36,813 SQ. FT.)
    AVERAGE LOT AREA: = 0.538 ACRE (23,435 SQ. FT.)
    MINIMUM OPEN SPACE AREA:
    PROVIDED = 12.930 ACRES (563,231 SQ. FT. = 58.6%)
    REQUIRED = 8.822 ACRES (384,286 SQ. FT. = 40% MINIMUM)

11. CAPPED IRON RODS TO BE SET AT ALL LOT CORNERS UPON COMPLETION OF SITE GRADING, UNLESS OTHERWISE SHOWN HEREON.

12. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MEET COMPLIANCE REQUIREMENTS WITH SECTION 59.1-406, ET SEQ. OF THE CODE OF VIRGINIA (OVERHEAD HIGH VOLTAGE LINES SAFETY ACT). PUBLIC UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH SECTION 8-155(a) OF THE MONTGOMERY COUNTY SUBDIVISION ORDINANCE.

13. THERE ARE NO KNOWN IDENTIFICATIONS OF GRAVES, OBJECTS, OR STRUCTURES MARKING A PLACE OF HUMAN BURIAL ON THE SUBJECT PROPERTY.

14. THE OWNER/DEVELOPER LISTED ABOVE AND ANY SUCCESSIVE LOT OWNER DEVELOPING AN INDIVIDUAL LOT SHALL BE SUBJECT TO ALL FEDERAL, STATE, AND LOCAL PERMIT REQUIREMENTS.

15. 20' DRAINAGE EASEMENTS ARE HEREBY DEDICATED, CENTERED ON COMMON BOUNDARY LINES BETWEEN ADJOINING LOTS AS SHOWN WITHIN PHASE II. BEARINGS AND DISTANCES ARE NOT SHOWN FOR CLARITY PURPOSES.

16. THIS PLAT CONSTITUTES A "MAJOR SUBDIVISION" AS DEFINED BY THE MONTGOMERY COUNTY SUBDVISION ORDINANCE.

17. ALL LOTS WILL BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.

18. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND PER MONTGOMERY COUNTY SUBDIVISION ORDINANCE.

CONFORMING STATEMENT:

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, _____, THE UNDERSIGNED OWNER'S PROPOSE TO ESTABLISH "PLAT OF SUBDIVISION OF CLOVERLEA, PHASE II" TO CONFORM TO ALL THE REQUIREMENTS AND PROVISIONS OF THE SUBDIVISION AND ZONING ORDINANCES OF MONTGOMERY COUNTY, VIRGINIA, AS APPLICABLE.

FRALIN & WALDRON, INC. DATE

BY:

NOTARY'S STATEMENT:

FOR A PERSON WHO IS SIGNING ON BEHALF OF A CORPORATION:

STATE OF: _____

CITY / COUNTY OF _____

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS

_____ , _____ BY _____

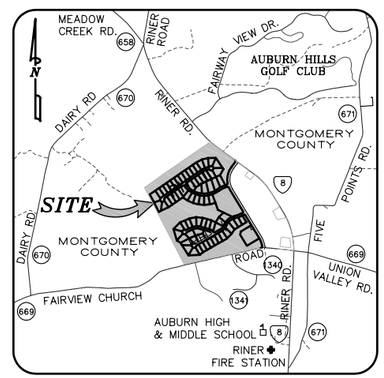
OF _____

A _____

CORPORATION ON BEHALF OF THE CORPORATION.

NOTARY PUBLIC

MY COMMISSION EXPIRES REGISTRATION No.



VICINITY MAP:

SCALE: 1"=2000'

THIS PLAT IS FOR PHASE II INFORMATION ONLY

LEGEND:

- PROPERTY LINE
- EXISTING FENCE
- PROPERTY CORNER
- U.P. UTILITY POLE
- ADJACENT PROPERTY
- EXISTING EASEMENT LINE
- 24.15' SPECIFIC DISTANCE
- OHE OVERHEAD UTILITY LINE
- ℄ CENTERLINE EASEMENT
- EASEMENT HEREBY DEDICATED
- PERM. GRADING & SLOPE ESMT.
- MINIMUM BUILDING SETBACK LINE
- PHASE I LINE

AREA TABULATION: / FRONTAGE:

LOT 1=	0.501 AC.=21,806 SQ. FT.	98.31'	@30'MBL
LOT 2=	0.501 AC.=21,806 SQ. FT.	98.31'	@30'MBL
LOT 3=	0.501 AC.=21,806 SQ. FT.	98.31'	@30'MBL
LOT 4=	0.501 AC.=21,806 SQ. FT.	98.31'	@30'MBL
LOT 5=	0.501 AC.=21,806 SQ. FT.	98.31'	@30'MBL
LOT 6=	0.499 AC.=21,743 SQ. FT.	98.31'	@30'MBL
LOT 7=	0.671 AC.=29,218 SQ. FT.	259.99'	@30'MBL
LOT 8=	0.501 AC.=21,816 SQ. FT.	100.00'	@30'MBL
LOT 9=	0.501 AC.=21,816 SQ. FT.	100.00'	@30'MBL
LOT 10=	0.501 AC.=21,816 SQ. FT.	100.00'	@30'MBL
LOT 11=	0.459 AC.=20,014 SQ. FT.	109.59'	@30'MBL
LOT 12=	0.499 AC.=21,729 SQ. FT.	89.98'	@30'MBL
LOT 13=	0.595 AC.=25,939 SQ. FT.	88.89'	@30'MBL
LOT 14=	0.792 AC.=34,504 SQ. FT.	87.03'	@30'MBL
LOT 15=	0.459 AC.=20,010 SQ. FT.	100.05'	@30'MBL
LOT 16=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 17=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 18=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 19=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 20=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 21=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 22=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 23=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 24=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 25=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 26=	0.518 AC.=22,545 SQ. FT.	97.53'	@30'MBL
LOT 27=	0.517 AC.=22,521 SQ. FT.	95.67'	@30'MBL
LOT 28=	0.522 AC.=22,724 SQ. FT.	95.99'	@30'MBL
LOT 29=	0.611 AC.=26,617 SQ. FT.	88.89'	@30'MBL
LOT 30=	0.731 AC.=31,827 SQ. FT.	88.89'	@30'MBL
LOT 31=	0.531 AC.=23,150 SQ. FT.	150.91'	@30'MBL
LOT 32=	0.536 AC.=23,329 SQ. FT.	100.88'	@30'MBL
LOT 33=	0.500 AC.=21,758 SQ. FT.	100.00'	@30'MBL
LOT 34=	0.464 AC.=20,220 SQ. FT.	100.00'	@30'MBL
LOT 35=	0.459 AC.=20,000 SQ. FT.	100.00'	@30'MBL
LOT 36=	0.635 AC.=27,680 SQ. FT.	318.99'	@30'MBL
LOT 37=	0.536 AC.=23,352 SQ. FT	171.26'	@30'MBL
LOT 38=	0.712 AC.=31,010 SQ. FT.	142.49'	@30'MBL
LOT 39=	0.845 AC.=36,812 SQ. FT.	147.57'	@30'MBL
LOT 40=	0.748 AC.=32,601 SQ. FT.	138.65'	@30'MBL
LOT 41=	0.619 AC.=26,950 SQ. FT.	117.54'	@30'MBL

TOTAL AREA IN LOTS=	22.056 AC.=960,759 SQ. FT.
AREA "B"=	12.930 AC.=563,231 SQ. FT.
R/W DEDICATION=	2.982 AC.=129,896 SQ. FT.
TOTAL=	37.968 AC.,1,653,886 SQ. FT.

ABBREVIATIONS:

AC.=ACRE(S)
APCO=APPALACHIAN POWER COMPANY
C=CHORD
CB=CHORD BEARING
CIR.=CIRCLE
CO.=COMPANY
COR.=CORNER
CT.=COURT
D.B.=DEED BOOK
DED.=DEDICATED
D.E.=DRAINAGE EASEMENT
DR.=DRIVE
ESMT.=EASEMENT
EXIST.=EXISTING
EXT.=EXTENSION
F.E.M.A.=FEDERAL EMERGENCY MANAGEMENT AGENCY
FND.=FOUND
H.D.=HEREBY DEDICATED
INC.=INCORPORATED
JN.=JOB NUMBER
JR.=JUNIOR
L=ARC LENGTH
LN.=LANE
MAINT.=MAINTENANCE
M.B.L.=SETBACK LINE
MH=MANHOLE
MON.=MONUMENT
N/A=NOT AVAILABLE
N/F=NOW OR FORMERLY
NO.,#=NUMBER
P.B.=PLAT BOOK
PC=POINT OF CURVATURE
PERM.=PERMANENT
PG.=PAGE
P.O.=POST OFFICE
PT=POINT OF TANGENCY
PRC=POINT OF REVERSE CURVE
P.U.=PUBLIC UTILITY
P.U.E.=PUBLIC UTILITY EASEMENT
R=RADIUS
R&C=ROD & CAP
RD.=ROAD
RTE.=ROUTE
R/W=RIGHT OF WAY
SHT.=SHEET
SQ. FT.=SQUARE FEET
ST.=STREET
SW=SOUTHWEST
S.W.M.E.=STORMWATER MANAGEMENT EASEMENT
TEMP.=TEMPORARY
(TYP.)=TYPICAL
U.P.=UTILITY POLE
U.S.=UNITED STATES
VA.=VIRGINIA
VAR.=VARIABLE
(T)=TOTAL
±=PLUS/MINUS

INDEX OF SHEETS:

SHEET 1 OF 5: SIGNATURE BLOCKS & NOTES
SHEET 2 OF 5: OVERALL SUBDIVISION LAYOUT
SHEET 3 OF 5: SUBDIVISION OF LOTS
SHEET 4 OF 5: EASEMENTS & SETBACKS
SHEET 5 OF 5: DETAILS

SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON A CURRENT FIELD SURVEY MADE BY GAY AND NEEL, INC. AT THE DIRECTION OF THE OWNERS; THAT THE MONUMENTS SHOWN HEREON HAVE ACTUALLY BEEN SET, OR WILL BE SET UPON COMPLETION OF SITE GRADING, AND THEIR LOCATION AND CHARACTER ARE CORRECTLY SHOWN; THAT THIS SURVEY COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS AND LANDSCAPE ARCHITECTS.

TIMOTHY S. NASH, L.S. #1881

FRONTAGE SUMMARY:

(AT 30' FRONT M.B.L.)

MINIMUM REQUIRED: 80.00'
MINIMUM DESIGNED: LOT 14=87.03'
MAXIMUM DESIGNED: LOT 36=318.99'
AVERAGE DESIGNED: 114.16'

V.D.O.T. APPROVAL AND ACCEPTANCE:

THE HEREON SHOWN "PLAT OF SUBDIVISION OF CLOVERLEA, PHASE II" IS HEREBY APPROVED AND ACCEPTED FOR DEDICATION.

RESIDENT ENGINEER

DATE: _____

APPROVAL AND ACCEPTANCE:

UNDER AUTHORITY OF THE SUBDIVISION AND ZONING ORDINANCES OF MONTGOMERY COUNTY, VIRGINIA, THE HEREON SHOWN PLAT IS HEREBY APPROVED FOR RECORDATION.

MONTGOMERY COUNTY SUBDIVISION AGENT DATE

MONTGOMERY COUNTY ENGINEER DATE

CHAIRMAN, MONTGOMERY COUNTY PLANNING COMMISSION DATE

CHAIRMAN, MONTGOMERY COUNTY BOARD OF SUPERVISORS DATE

GAY AND NEEL, INC.
CIVIL ENGINEERING
LAND PLANNING
SURVEYING
328 Mountain Avenue, SW
Roanoke, Virginia 24016
Phone: (540) 345-1110 Fax: (540) 345-5560
Email: info@gayandneel.com

Plat of Subdivision of CloverLea, Phase II

Property off Fralin & Waldron, Inc.
Situated off U.S. Route 8
Riner Magisterial District
Montgomery County, Virginia

COMMONWEALTH OF VIRGINIA
TIMOTHY S. NASH
Lic. No. 1881
LAND SURVEYOR

REVISED:
07/30/08

DESIGNED/CALC.:	KJD
CHECKED:	TSN
DRAWN:	KJD,PLJ
SCALE:	AS SHOWN
DATE:	07/25/08

JOB NO. 1162.8

SHEET 1 OF 5

P.B._____ PG._____

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Montgomery County, Virginia

SUBDIVISION APPLICATION REPORT

08/06/2008

Subdivision Application Number: MAJ-2008-00263

Applicant Name: TIMOTHY NASH GAY & NEEL, INC
Applicant Address: 328 MOUNTAIN Avenue Southwest ROANOKEVA24016

Surveyor Name: Tim Nash GAY AND NEEL, INC.
Surveyor Address: 328 MOUNTAIN Avenue Southwest ROANOKEVA24016

Subdivision Name: CLOVERLEA PHASE II
Job ID: 1162.8

Parcel ID: 007515 **Tax Map Number:** 119- A 33,32

We have reviewed your subdivision plat and find that the following corrections need to be made to satisfy the requirements of the Montgomery County Subdivision Ordinance.

Plat Features:

Checklist Item	Comments
Note and title bar identify as 'Major Subdivision'	Title bar does not identify this as Major Subdivision
----------Name and address of chief officer (if legal owner is a corporation, then provide name and address of chief officer of the corporation)	

Water:

Checklist Item	Comments
----------Fire hydrants meeting section 8-154 criteria shown	Needs to be verified
----------Town/PSA Subdivision Approval Letter (documentation)	PSA comments submitted 8.6.08

Sewer:

Checklist Item	Comments
----------Town/PSA Subdivision Approval Letter (documentation)	PSA comments submitted 8.6.08

Streets:

Checklist Item	Comments
VDOT Subdivision Approval Letter for road construction and drainage plans (documentation)	

Plat Statements:

Checklist Item	Comments
Conforming statement signed by surveyor/engineer	To be signed by surveyor
Source of Title signed by surveyor/engineer	

Additional Comments:

Please contact us at (540) 394-2148 if you have any questions.

Sincerely,

Steve Sandy
Subdivision Agent

MEMORANDUM

TO: Planning Commission

FROM: Planning Department

DATE: August 6, 2008

RE: **Preliminary Plat Approval for Radio Knob Subdivision**

Background – Radio Knob Subdivision is located off Clay Street at the intersection with Cherry Lane. It was rezoned to Residential (R-2) in April 1993 with three (3) proffered conditions. (See attached Ordinance 1993-4.) This subdivision consists of nine (9) lots served by public water and sewer provided by the Town of Blacksburg.

Developer – Graham Construction, Inc.
Consultant – Balzer and Associates, Inc.
PC Site Visit – August 13, 2008

Draft Resolution – Preliminary Plat Approval for Radio Knob Subdivision (Balzer & Associates, Inc., Job No. B0800018.00 dated May 5, 2008) is made subject to the following seven (7) conditions:

1. The Virginia Department of Transportation (VDOT) shall review and approve the entrance(s) onto Cherry Lane and any associated drainage plans.
2. The Town of Blacksburg shall review and approve all public water and sewer construction plans including the provisions for fire protection described in Montgomery County Subdivision Ordinance.
3. The Emergency Services Coordinator and Blacksburg Fire Chief shall review and provide comment on proposed alley to address any public safety needs or concerns.
4. The County Engineer shall review and approve the erosion & sediment control plans.
5. The County Attorney shall review and approve the private covenants and deed restrictions and storm water maintenance facilities.
6. The County GIS Analyst shall approve new street name(s) and addresses.
7. All remaining items on the attached Subdivision Application Report dated August 6, 2008 shall be addressed.

After all the above conditions are met, the Planning Commission will review and act on the Final Plat of Subdivision.

Attachments: Preliminary Plat dated May 5, 2008
Subdivision Application Report dated August 6, 2008
Board of Supervisors Ordinance FY-1993-4
Adjacent property owner e-mail dated August 5, 2008

PB. PG.

OWNER'S STATEMENT

THIS IS TO CERTIFY THAT THIS PLAT ENTITLED "MINOR SUBDIVSION PLAT FOR GRAHAM CONSTRUCTION, INC." DATED MAY 5, 2008 HAS BEEN PERFORMED IN STRICT ACCORDANCE WITH THE WISHES AND DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES IF ANY THERE BE, AND THAT THE DEDICATION OF PUBLIC EASEMENTS AND RIGHTS OF WAY, IF ANY SHOWN HEREON IS HEREBY MADE.

IN WITNESS WHEREON ARE HEREBY PLACED THE FOLLOWING SIGNATURES AND SEALS:

GRAHAM CONSTRUCTION, INC.

BY: BRAD GRAHAM, ITS: MANAGING MEMBER DATE

NOTARY'S STATEMENT

COMMONWEALTH OF VIRGINIA

I,_____A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE DO HEREBY CERTIFY THAT _____, WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, HAS PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME ON THIS _____ DAY OF _____, 2007.

NOTARY MY COMMISION EXPIRES

PRIVATE ACCESS EASEMENT NOTE

THE PROPOSED PRIVATE ACCESS EASEMENT(S) SHOWN HEREON IS NOT BUILT ACCORDING TO STREET SPECIFICATIONS OF, AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR MONTGOMERY COUNTY. THE IMPROVEMENT AND MAINTENANCE OF SAID ACCESS EASEMENT(S) SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS, WHICH ARE PROVIDED WITH ACCESS VIA THE ACCESS EASEMENT. SAID ACCESS EASEMENT IS NOT ELIGIBLE FOR MAINTENANCE OR IMPROVEMENTS WITH RURAL ADDITION FUNDS OR ANY OTHER FUNDS ALLOCATED BY EITHER GENERAL ASSEMBLY OF OF VIRGINIA OR THE COMMONWEALTH TRANSPORTATION BOARD. MOREOVER, THE COST OF BRINGING SAID ACCESS EASEMENT(S) TO ACCEPTABLE STANDARDS SHALL NOT BE BORNE BY MONTGOMERY COUNTY.

MONTGOMERY COUNTY APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT DATED MAY 5, 2008 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY MONTGOMERY COUNTY, VIRGINIA.

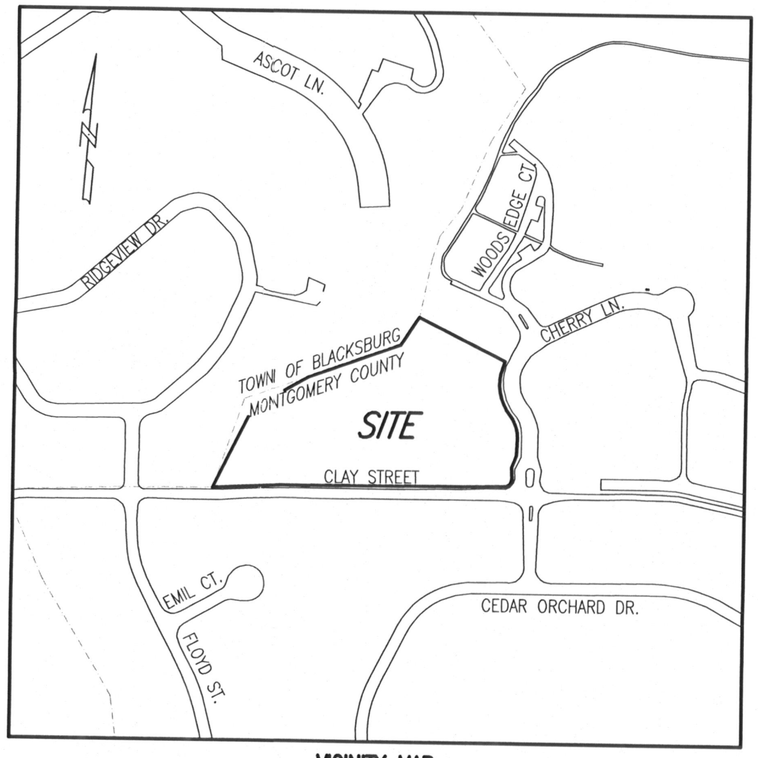
DATE

TOWN OF BLACKSBURG APPROVAL AND ACCEPTANCE

THE HEREON SHOWN PLAT DATED MAY 5, 2008 HAS BEEN SUBMITTED TO AND APPROVED FOR ACCEPTANCE FOR RECORDATION BY THE TOWN OF BLACKSBURG, VIRGINIA.

TOWN OF BLACKSBURG ENGINEER DATE

TOWN OF BLACKSBURG PLANNER DATE



VICINITY MAP
±1" = 300'

NOTES

1. OWNER OF RECORD: _____
   ADDRESS: _____
2. SITE ADDRESS: CLAY STREET, BLACKSBURG, VA 24060
3. LEGAL REFERENCES: INSTRUMENT NUMBER _____; PLAT BOOK 16, PAGE 422
4. TAX MAP NUMBER(S): 41-3-1A
5. PARCEL ID NUMBER(S): 031605
6. THE PROPERTY LIES IN F.E.M.A. DEFINED ZONE X (UNSHADED) AS SHOWN ON FIRM COMMUNITY PANEL NUMBER 510099 0050 B (EFFECTIVE DATE: JANUARY 6, 1994.)
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO INFORMATION WHICH MAY BE DISCLOSED BY SUCH.
8. NO VISIBLE EVIDENCE OF GRAVES, OBJECTS OR STRUCTURES MARKING A PLACE OF BURIAL.
9. THE PROPERTY SHOWN HEREON IS TO BE SERVED BY PRIVATE SEWER AND WATER.
10. PROPERTY IS CURRENTLY ZONED: R2
11. MINIMUM YARDS: FRONT = 30'; SIDE = 10'; REAR = 30'
12. TOTAL AREA SUBDIVIDED = 5.004 ACRES

SOURCE OF TITLE AND CONFORMING STATEMENT

THIS IS TO CERTIFY THAT THE PROPERTY EMBRACED WITHIN THE LIMITS OF THIS PLAT IS ALL OF THE LAND ACQUIRED BY GRAHAM CONSTRUCTION & DEVELOPMENT, L.L.C. AS DESCRIBED IN INSTRUMENT NUMBER _____. THE AFORESAID PLAT IS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MONTGOMERY COUNTY, VIRGINIA.

THE HEREON SHOWN PLAT DATED MAY 5, 2008 HAS BEEN PREPARED IN CONFORMANCE WITH THE ZONING AND SUBDIVISION ORDINANCE OF MONTGOMERY COUNTY, VIRGINIA.

I HEREBY CERTIFY THAT THIS PLAT IS FROM A CURRENT FIELD SURVEY AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALAN CLEMONS 002823

COMMONWEALTH OF VIRGINIA
ALAN CLEMONS
Lic. No. 002823
5-5-08
LAND SURVEYOR

PRELIMINARY
NOT FOR CONSTRUCTION

DRN: KMJ
CHK: MAC

MINOR SUBDIVISION PLAT FOR
GRAHAM CONSTRUCTION, INC.
SITUATED ON CLAY STREET
TAX MAP NUMBER 41-3-1A
BEING THE SAME PARCEL AS SHOWN ON
PLAT BOOK 16, PAGE 422
ENTITLED
"RADIO KNOB SUBDIVISION"
MT. TABOR MAGISTERIAL DISTRICT
MONTGOMERY COUNTY, VIRGINIA
SURVEYED: MAY 5. 2008
JOB #B0800018.00
SCALE: 1" = 50'
SHEET 1 OF 2

TEL: 540-381-4290 FAX: 540-381-4291
PLANNERS ARCHITECTS ENGINEERS SURVEYORS
Balzer & Associates, Inc. 448 Peppers Ferry Road, NW Christiansburg Va. 24073

BALZER AND ASSOCIATES INC.
REFLECTING TOMORROW
• PLANNERS • ARCHITECTS
• ENGINEERS • SURVEYORS

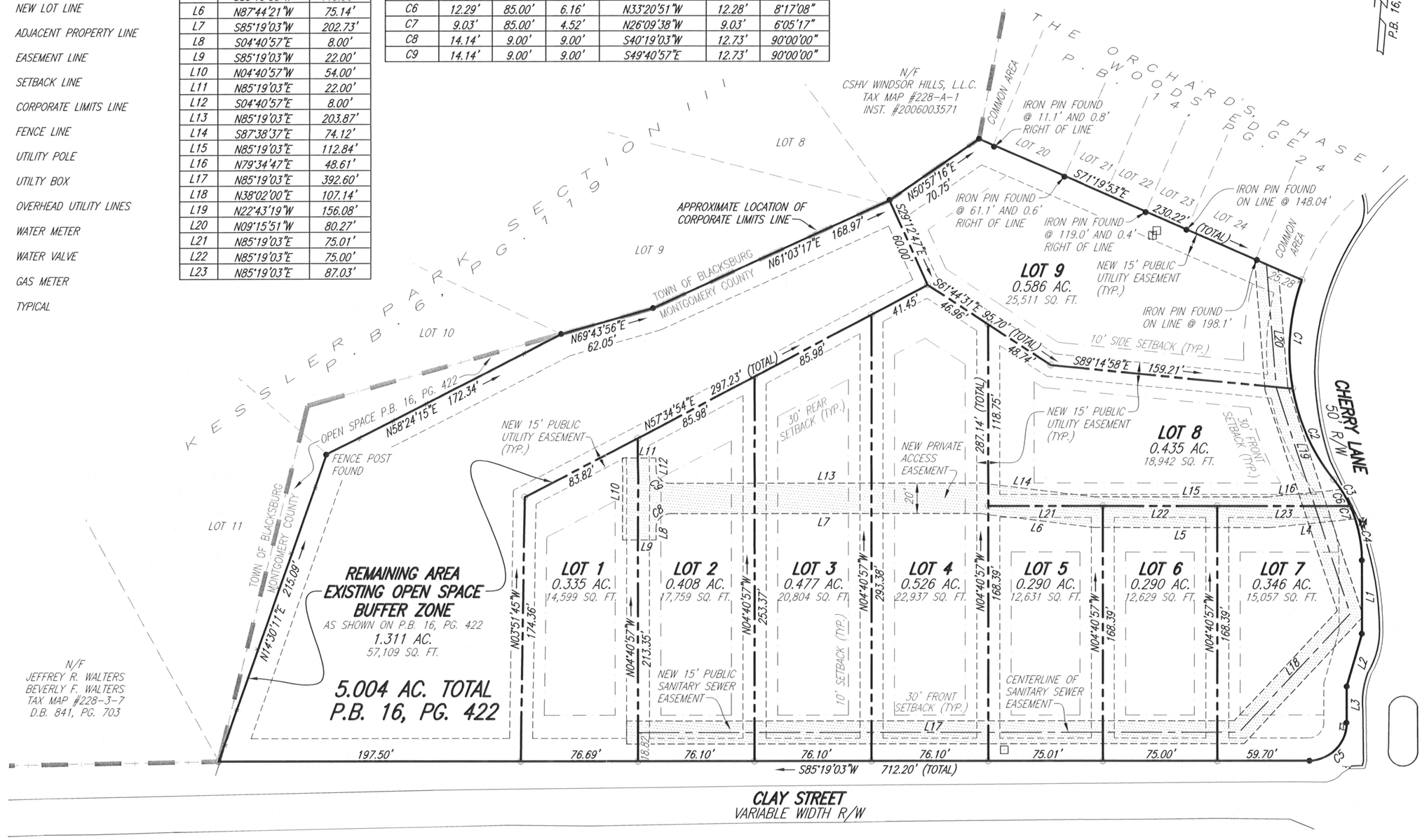
PB. PG.

LEGEND

- IRON PIN FOUND
- IRON PIN SET
- SUBDIVISION BOUNDARY LINE
- NEW LOT LINE
- ADJACENT PROPERTY LINE
- EASEMENT LINE
- SETBACK LINE
- CORPORATE LIMITS LINE
- FENCE LINE
- UTILITY POLE
- UTILTY BOX
- OHU — OVERHEAD UTILITY LINES
- WATER METER
- WATER VALVE
- GAS METER
- (TYP.) — TYPICAL

LINE TABLE		
LINE	BEARING	LENGTH
L1	S04°40'57"E	48.94'
L2	S11°15'47"W	36.40'
L3	S04°40'57"E	24.17'
L4	S79°34'47"W	56.84'
L5	S85°19'03"W	113.96'
L6	N87°44'21"W	75.14'
L7	S85°19'03"W	202.73'
L8	S04°40'57"E	8.00'
L9	S85°19'03"W	22.00'
L10	N04°40'57"W	54.00'
L11	N85°19'03"E	22.00'
L12	S04°40'57"E	8.00'
L13	N85°19'03"E	203.87'
L14	S87°38'37"E	74.12'
L15	N85°19'03"E	112.84'
L16	N79°34'47"E	48.61'
L17	N85°19'03"E	392.60'
L18	N38°02'00"E	107.14'
L19	N22°43'19"W	156.08'
L20	N09°15'51"W	80.27'
L21	N85°19'03"E	75.01'
L22	N85°19'03"E	75.00'
L23	N85°19'03"E	87.03'

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD BEARING	CHORD	DELTA
C1	71.47'	135.00'	36.59'	S00°13'26"W	70.64'	30°19'57"
C2	66.18'	135.00'	33.77'	S28°59'10"E	65.52'	28°05'17"
C3	20.51'	85.00'	10.31'	N36°07'03"W	20.46'	13°49'32"
C4	36.38'	85.00'	18.47'	N16°56'37"W	36.10'	24°31'20"
C5	39.27'	25.00'	25.00'	N40°19'03"E	35.36'	90°00'00"
C6	12.29'	85.00'	6.16'	N33°20'51"W	12.28'	8°17'08"
C7	9.03'	85.00'	4.52'	N26°09'38"W	9.03'	6°05'17"
C8	14.14'	9.00'	9.00'	S40°19'03"W	12.73'	90°00'00"
C9	14.14'	9.00'	9.00'	S49°40'57"E	12.73'	90°00'00"



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TOWN OF BLACKSBURG ENGINEER DATE

TOWN OF BLACKSBURG PLANNER DATE

MONTGOMERY COUNTY APPROVAL AND ACCEPTANCE

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PRELIMINARY
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COMMONWEALTH OF VIRGINIA
ALAN CLEMONS
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TEL: 540-381-4290 FAX: 540-381-4291
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BALZER AND ASSOCIATES INC.
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