



CONDITIONAL USE PERMIT #08-19

TowerCo

Staff Report for the Board of Supervisors

Prepared: March 30, 2020

Staff Contact: Mark Cheran, Zoning Administrator

This report is prepared by the Frederick County Planning Staff to provide information to the Planning Commission and the Board of Supervisors to assist them in making a decision on this request. It may also be useful to others interested in this zoning matter.

	<u>Reviewed</u>	<u>Action</u>
Planning Commission:	01/15/20	Recommended Denial
Board of Supervisors:	04/08/20	Pending

EXECUTIVE SUMMARY:

This is a request for a Conditional Use Permit to construct a commercial telecommunication facility consisting of a 195-foot monopole telecommunication facility and accessory structures. During the Planning Commission meeting, the Applicant communicated that they would reduce the proposed tower to 150 feet in height. The Planning Commission recommended denial of the tower at the reduced 150 - foot height.

Should the Board of Supervisors find the use to be appropriate, Staff would suggest the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit.

Following this public hearing, a decision regarding this Conditional Use Permit application by the Board of Supervisors would be appropriate. If the Board seeks denial of this request, staff would look to return this item at the next Board meeting with an appropriate denial resolution. The Applicant should be prepared to adequately address all concerns raised by the Board of Supervisors.

LOCATION: This property is located at 107 Emory Court, Stephens City, Virginia.

MAGISTERIAL DISTRICT: Opequon

PROPERTY ID NUMBER: 75-A-118

PROPERTY ZONING & PRESENT USE: Zoned: RA (Rural Areas)
Land Use:

ADJOINING PROPERTY ZONING & PRESENT USE:

North:	RA (Rural Areas)	Use: County Park
South:	RA (Rural Areas)	Use: County Park
East:	RA (Rural Areas)	Use: County Park
West:	RA (Rural Areas)	Use: County Park

PROPOSED USE: This is a request for a Conditional Use Permit to enable the construction of a 195-foot Monopole-Type Commercial Telecommunications Facility. *During the Planning Commission meeting, the Applicant communicated that they would reduce the proposed tower to 150 feet in height.*

REVIEW EVALUATIONS:

Virginia Department of Transportation: The application for a Conditional Use Permit for this property appears to have little measurable impact on Emory Court, the Future VDOT facility providing access to the property. A low volume commercial entrance will be required at the tie-in to the cul-de-sac. Should the use ever expand in the future, the entrance will need to be reviewed, to determine if additional improvements may be required.

Frederick County Inspections: *Please see the attached comment sheet from Mark Fleet, Building Official dated December 2, 2019.*

Winchester-Frederick County Health Department: The Frederick County Health Department has no objection to this project since no wells or septic systems will be affected by this addition to 75B-A-1.

Frederick County Fire Marshall: Conditional Use Permit Approved provided that fire department access and turnaround meet Frederick County Fire Prevention Code 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders D103.4 Dead-end fire apparatus access roads in excess of

150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4. A site plan will need to be submitted showing this.

Winchester Regional Airport: *Please see attached letter from Nick Sabo, A.A.E. Executive Director dated August 8, 2019.*

Frederick County Park and Recreation Dept: The Parks and Recreation Department is concerned with the aesthetic impact of the proposed cell tower CUP based on its location. The property with the proposed tower is bordered on all sides by park land and is in an open area where planned park development will be in view of the proposed tower site.

Planning and Zoning: The 2035 Comprehensive Policy Plan of Frederick County ("Comprehensive Plan") provides guidance when considering any land use action. This proposed 195-foot monopole-type commercial telecommunication facility is located on a 4 +/- acre property that is zoned RA (Rural Areas) Zoning District. The property is located within the UDA and SWSA as identified within the Comprehensive Plan and is located within the Southern Frederick Area Plan. These plans identify this area as a recreational resource with the area north to remain residential in character.

The Frederick County Zoning Ordinance allows for commercial telecommunication facilities in the RA Zoning District with an approved Conditional Use Permit (CUP). The properties immediately adjacent to this proposed CUP are currently zoned RA Zoning District. The zoning ordinance requires that all proposed telecommunication facilities be subject to additional performance standards in order to promote orderly economic development and mitigate the negative impacts to adjoining properties, residential properties, land use patterns, scenic areas and properties of significant historic value.

Furthermore, the Frederick County Zoning Ordinance requires an Applicant to provide confirmation that an attempt was made to collocate on an existing telecommunication facility, and possible collocation structures. The Applicant has provided an inventory of existing telecommunication facilities, and no other telecommunication facility or possible collocation opportunity structures exist in this area. Should this facility be approved this commercial telecommunication facility will be positioned to provide the existing and future land uses in this area of the County with telecommunication needs.

STAFF CONCLUSIONS FOR THE 01/15/20 PLANNING COMMISSION MEETING:

Should the Planning Commission find this use appropriate, Staff would suggest the following conditions be placed on the CUP:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.

3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or modification of this use will require a new Conditional Use Permit

PLANNING COMMISSION SUMMARY AND ACTION FOR THE 01/15/20 MEETING:

Staff reported this is a request for a Conditional Use Permit to construct a commercial telecommunication facility consisting of a 195-foot monopole telecommunication facility and accessory structures. He continued, the property is located on a 4+/- acre property that is zoned RA (Rural Areas) Zoning District and the property is located within the UDA and SWSA as well as being located within the Southern Frederick Area Plan. Staff presented location maps of the property. He noted, the plan identifies this area as a recreational resource with the area north to remain residential in character. Staff explained the Zoning Ordinance requires commercial telecommunication towers over 50' in height to have a Conditional Use Permit. He continued, the properties immediately adjacent to this proposed CUP are currently zoned RA (Rural Areas) and RP (Residential Performance) are located to the north of this site; the Zoning Ordinance requires that all proposed telecommunication facilities be subject to additional performance standards in order to promote orderly economic development and mitigate the negative impacts to adjoining properties, residential properties, land use patterns, scenic areas and properties of significant historic value. Staff reported, the Zoning Ordinance requires an Applicant to provide confirmation that an attempt was made to collocate on an existing telecommunication facility, and possible collocation structures. He noted, the Applicant has provided an inventory of existing telecommunication facilities, and no other telecommunication facility or possible collocation opportunity structures exist in this area. Staff presented the following conditions:

1. All review agency comments shall be complied with at all times.
2. The tower shall be available for collocating personal wireless service providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property within 12 months of abandonment of operation.
5. In the event a telecommunications tower is not erected within 12 months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.
6. Any expansion or change of use shall require a new Conditional Use Permit.

Mr. Thomas "Ty" Lawson, P.C. came forward representing the Applicant. He provided a brief

overview of the application. Mr. David Hockey, of TowerCo came forward and shared what TowerCo is and what they do. He explained, they were approached by Shentel to build a tower at this location. He provided mapping of the property and the proposed location of the tower. Regarding the tower height, he noted it was originally planned to be 195-feet and has been reduced to 150-feet. A Commissioner commented regarding the topography of the site; if the tower is moved farther south it will be moving it closer to the park property. Mr. Hockey stated that is correct. A Commissioner asked if the topography is the same farther south as it is in the center of the site or does the topography drop off. Mr. Hockey commented the parcel is generally flat and moving it south would be moving it a little farther from the housing. A Commissioner asked if these monopoles are designed to collapse down rather than fall over. Mr. Hockey stated that is correct; when the towers are designed, they have what is called collapse zones that are within the tower. Mr. Lawson provided an aerial view of the property noting trees will be planted in the surrounding area where some of the trees are missing. He reported, there have been attempts by Shentel to find other sites that have been unsuccessful. Ms. Jessie Wilmer, representing Shentel came forward and provided a brief overview of Shentel and their history. She shared the objectives of Shentel in providing coverage in the area. Ms. Wilmer provided the reasons as to why they need the tower. She explained the balloon testing that was performed for this project and shared photos. A Commissioner asked if a light will be required on top if it is at 150-feet. Mr. Lawson responded no; it would have to be above 200 feet according to the FAA. He noted, the Applicant would put a light if it were needed.

Approximately 18 to 20 citizens came forward and shared their concerns which consisted of: A negative impact on property values; an eye sore from surrounding homes; it will be hard to sell homes in Dominion Greens; health impacts the tower could have; bike and walking trails will be affected; a danger to children in recreational area; a light on top would be a nuisance.

One citizen spoke in favor of the tower and shared: the need for communication; need more cell towers to cover the capacity and Shentel has done a great job of finding locations; colocation will be beneficial to other carriers.

Supervisor Bob Wells came forward and offered to speak with citizens after the meeting.

Mr. Lawson shared; the FAA determination does not require a light. He noted the sensitivity to the needs and views of the neighbors and Shentel will do their best to accommodate. A Commissioner thanked everyone for coming and speaking. He noted the Applicants willingness to compromise the height of the tower and there are some sacrifices that have to be made. He understands this is a tough issue however there are limited areas this can be located. Another Commissioner commented he struggles to support the justification and the impacts on the neighbors but yet there is a real need for a tower near there.

A motion was made by a Commissioner to approve however there was not a second. A motion was made, seconded, and passed to recommend denial of Conditional Use Permit #08-19 for

TowerCO.

Yes: Marston, Ambrogi, Manuel, Cline, Oates, Kenney, Molden, Mohn, Dawson, Morrison, Triplett
No: Thomas

EXECUTIVE SUMMARY FOR THE BOARD OF SUPERVISORS:

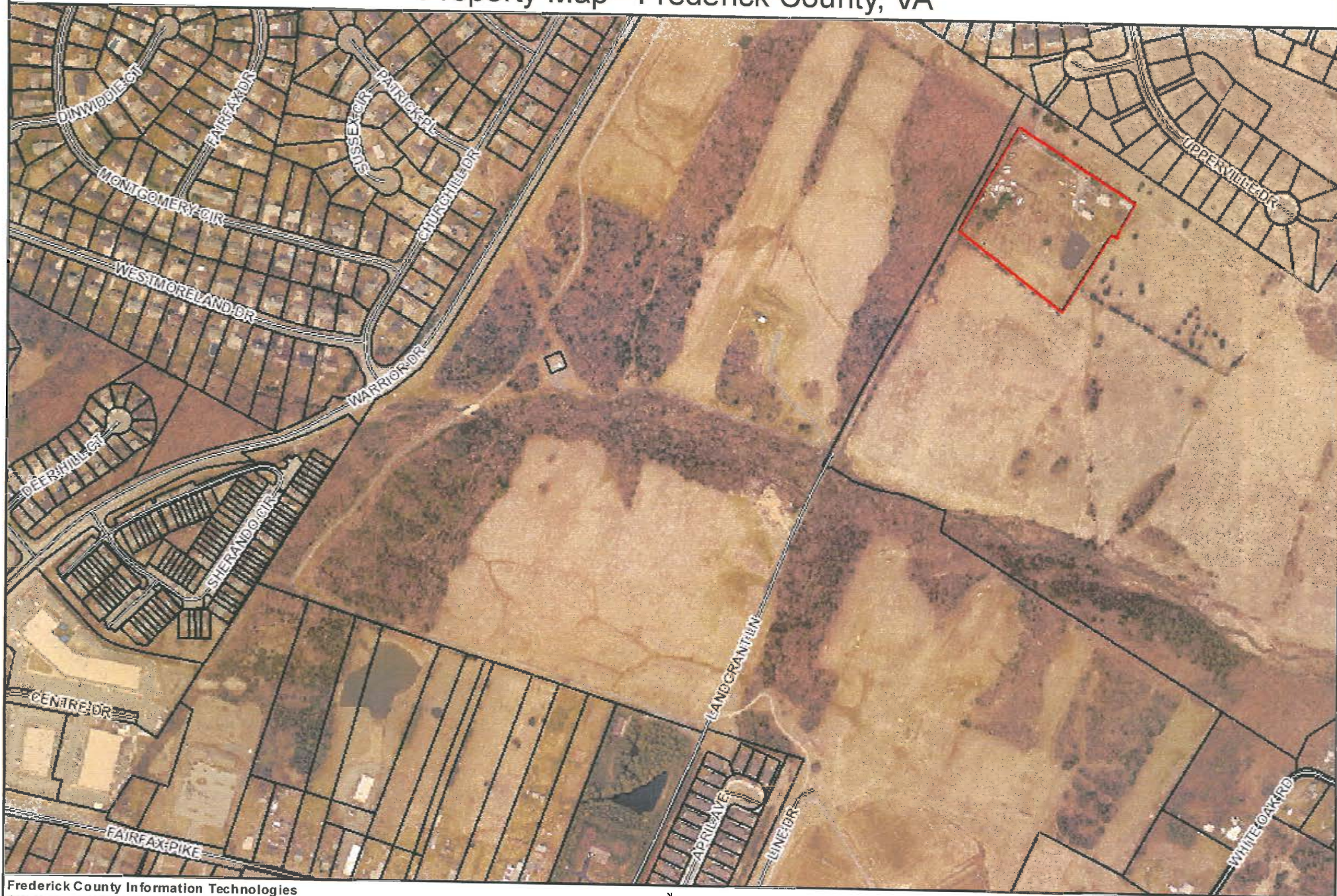
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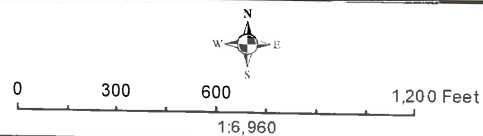
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Property Map - Frederick County, VA



Frederick County Information Technologies
107 N Kent St Winchester, VA 22601
540-665-5614

Frederick County does not give any expressed or implied warranties, conditions, representations, indemnities of any kind, statutory, or otherwise, concerning any or all of the Frederick County GIS data.



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Pay/Lookup Taxes

[Payment Home](#)
 [Personal Property](#)
 [Real Estate](#)
 [Dog Tags](#)
 [Pay Parking Violation](#)
 [Other Payments](#)
[ShoppingCart\(0\)](#)
[Pin Options](#)
[Change Email](#)

Inquiry of Real Estate

Map Number: **75 A 118**[View Map](#)Name: **LANDGRANT LANE LLC**

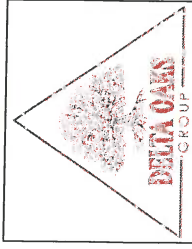
		Account#	Dept#	Ticket#	Seq#	Due Date	Detailed Information (Click Below)	Amount Due
ViewBill	View Back of Bill	8024182	RE2017	21598	2	12/5/2017	2017 REAL ESTATE	\$0.00
ViewBill	View Back of Bill	8024182	RE2018	21573	1	6/5/2018	2018 REAL ESTATE	\$0.00
ViewBill	View Back of Bill	8024182	RE2018	21573	2	12/6/2018	2018 REAL ESTATE	\$0.00
ViewBill	View Back of Bill	8024182	RE2019	21730	1	6/5/2019	2019 REAL ESTATE	\$0.00
		8024182	RE2019	21730	2	12/5/2019	2019 REAL ESTATE	\$560.90

Total Due: \$560.90

[Return to Search](#)

TOPOGRAPHIC SURVEY

PREPARED FOR



4804 PROFESSIONAL CT, RALEIGH, NC 27609

SITE: TASKER

SITE#: VA0348

ADDRESS: 107 EMORY CT
STEPHENS CITY, VA 22655
FREDERICK COUNTY

SURVEY WORK PERFORMED BY:

JONATHAN MURPHY

Professional Land Surveying

10505 Leewood Place
Raleigh, NC 27613
E-MAIL: raleigh@murphygeomatics.com PWD C-2757

SURVEYOR'S NOTES

1. BASIS OF BEARING:
VA SFC NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO DETERMINE THE LOCATION OF UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL SYMBOLS SHOWN HEREON NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO:
DELTA OAKS GROUP

MURPHY GEOMATICS

[Signature]

JONATHAN F. MURPHY

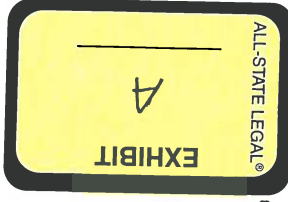
LAND SURVEYOR

DATE: 4/16/2019

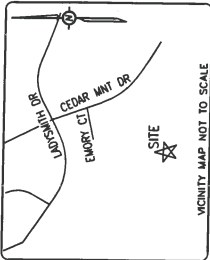
COMMONWEALTH OF VIRGINIA
JONATHAN F. MURPHY
License No. 2713

LAND SURVEYOR

FIELD WORK COMPLETED ON: 4/17/2019



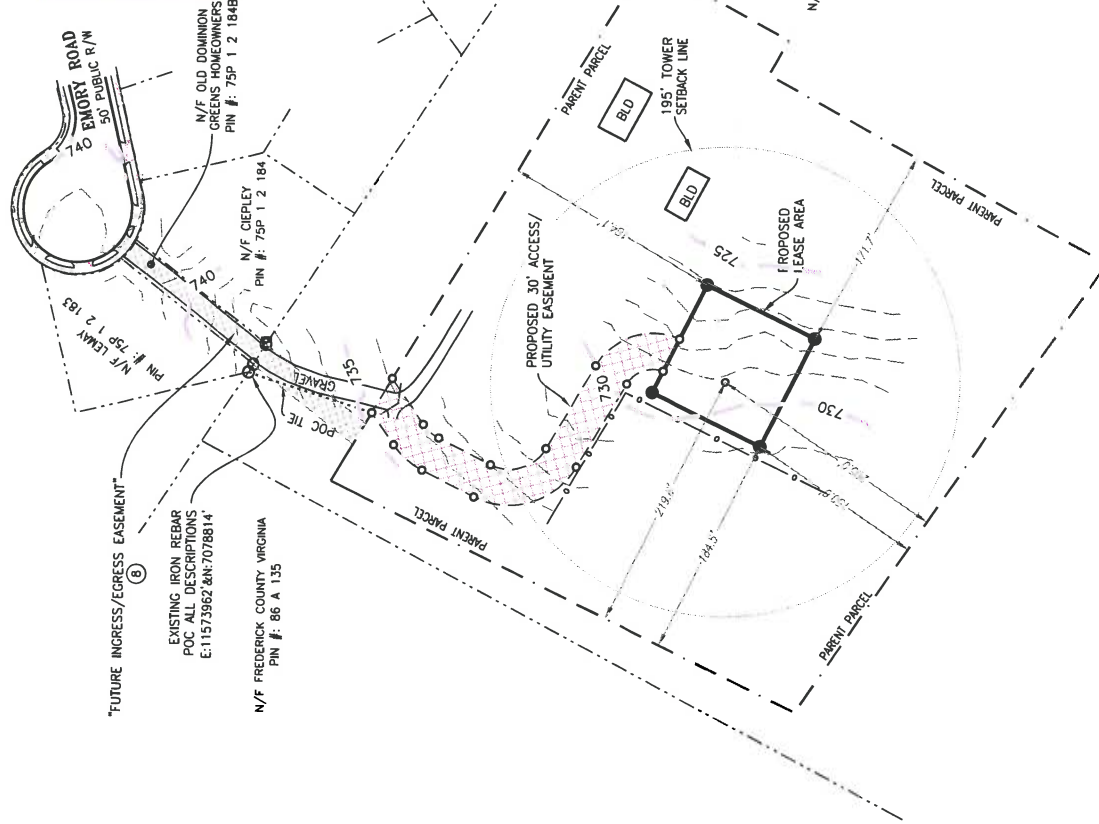
PARENT PARCEL INFO
OWNER: LANDGRANT LANE, LLC
107 EMORY CT, STEPHENS CITY, VA 22655
INSTRUMENT NO. 10 0007675
PIN #: 75 A 118



VICINITY MAP NOT TO SCALE

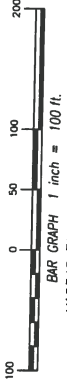
LEGEND

- : SET 5/8" REBAR, OR AS NOTED.
- : FOUND 1/2" REBAR, OR AS NOTED.
- ⊙ : MATHEMATICAL POINT.
- : FOUND MONUMENT, OR AS NOTED.
- P.O.T. : POINT OF TERMINUS.
- P.O.B. : POINT OF BEGINNING.
- P.O.C. : POINT OF COMMENCEMENT.
- (---) : RECORD DESCRIPTION DATA.
- 0 : FENCE AS NOTED.
- : OVER HEAD UTILITY LINES.
- ⊂ : WOOD UTILITY POLE.



AREA	SOFT	AC
PARENT PARCEL	174240	4.0
PROPOSED LEASE AREA	10000	0.23
PROPOSED 30' ACCESS/UTILITY EASEMENT	9734	0.22

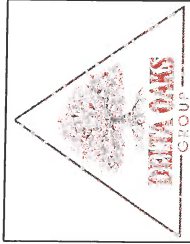
PER REVIEW OF FIRM MAP #510590303500, EFFECTIVE DATE: 09/02/2009, THIS PARCEL IS NOT IN A FLOOD HAZARD AREA. THE DESIGNATION IS ZONE "X".



BAR GRAPH 1 inch = 100 ft.
VA0348 TASKER FINAL (2019).DWG

TOPOGRAPHIC SURVEY

PREPARED FOR



4904 PROFESSIONAL CT, RALEIGH, NC 27609

SITE: TASKER

SITE#: VA0348

ADDRESS: 107 EMORY CT
STEPHENS CITY, VA 22655
FREDERICK COUNTY

SURVEY WORK PERFORMED BY:

JONATHAN MURPHY
Professional Land Surveying
10505 Leffers Rd, Raleigh, NC 27613
Phone: (919) 280-8189
Fax: (919) 280-8189
E-Mail: jonathan@jmurphyland.com

SURVEYOR'S NOTES

1. BASIS OF BEARING:
VA SPC NORTH ZONE NAD83
2. NO SUBSURFACE INVESTIGATION WAS CONDUCTED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL SYMBOLS SHOWN HEREON NOT DEPICTED TO SCALE.

SURVEYOR'S CERTIFICATION

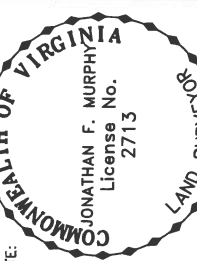
I HEREBY CERTIFY TO:
DELTA OAKS GROUP

MURPHY GEOMATICS

JONATHAN F. MURPHY

LAND SURVEYOR

DATE:



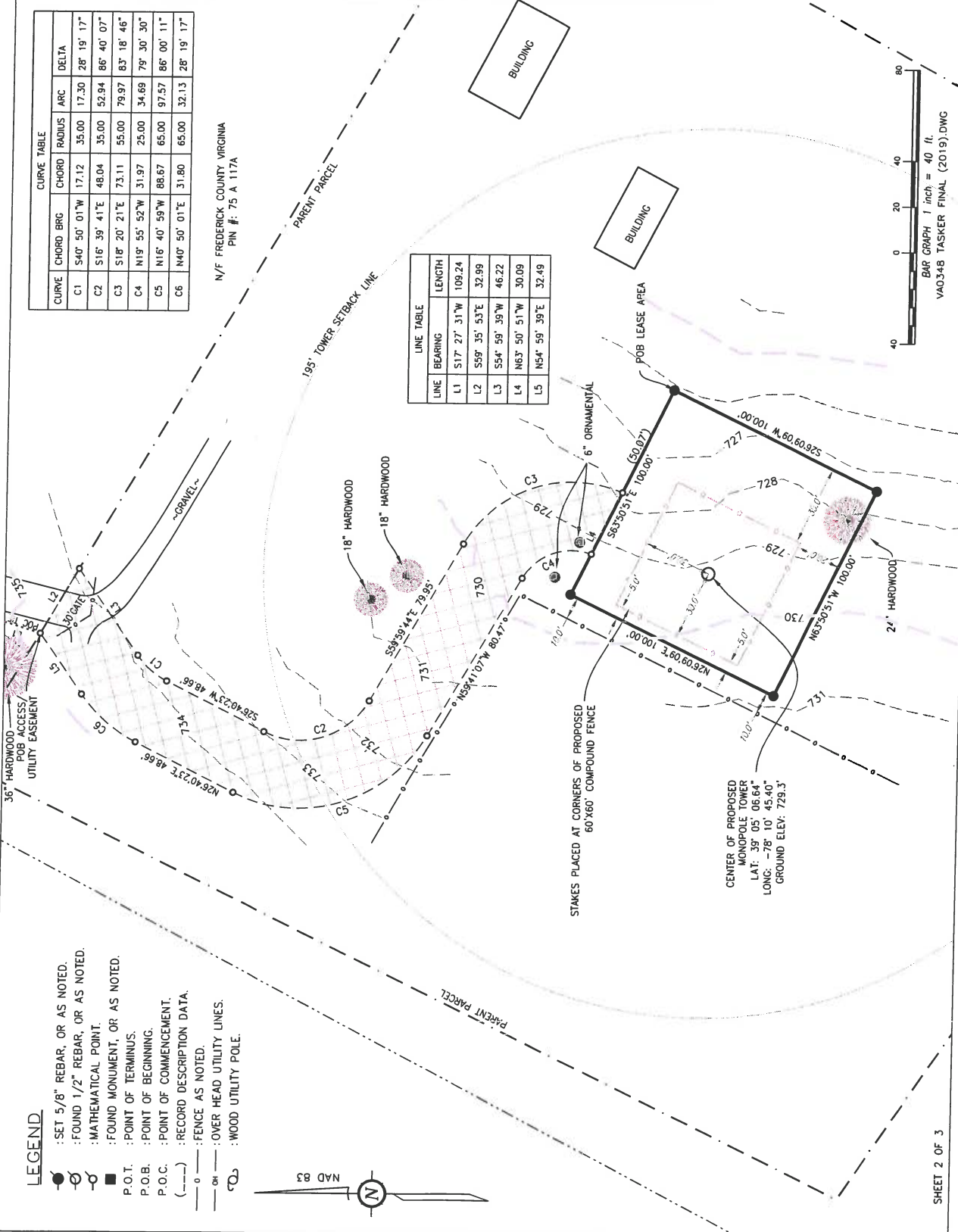
FIELD WORK COMPLETED ON: 2/27/2019

CURVE TABLE					
CURVE	CHORD BRG	CHORD	RADIUS	ARC	DELTA
C1	S40° 50' 01"W	17.12	35.00	17.30	28° 19' 17"
C2	S16° 39' 41"E	48.04	35.00	52.94	86° 40' 07"
C3	S18° 20' 21"E	73.11	55.00	79.97	83° 18' 46"
C4	N19° 55' 52"W	31.97	25.00	34.69	79° 30' 30"
C5	N16° 40' 59"W	88.67	65.00	97.57	86° 00' 11"
C6	N40° 50' 01"E	31.80	65.00	32.13	28° 19' 17"

N/F FREDERICK COUNTY VIRGINIA
PIN #: 75 A 117A

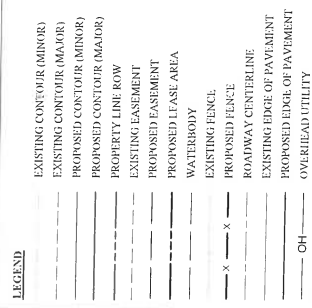
195' TOWER SETBACK LINE
PARENT PARCEL

LINE TABLE		
LINE	BEARING	LENGTH
L1	S17° 27' 31"W	109.24
L2	S59° 35' 53"E	32.99
L3	S54° 59' 39"W	46.22
L4	N63° 50' 51"W	30.09
L5	N54° 59' 39"E	32.49



SHEET NUMBER

C-1.2



R & R Mountain Living, LLC

501 Bishop's Ridge Parkway

Blowing Rock, NC 28605

Phone: 828 268-0901

Mobile: 704 905-4585

June 11, 2019

Frederick County

Department of Planning & Development

Attn: Mr. Mark Cheran, Zoning & Subdivision Administrator

107 North Kent Street

Winchester, VA 22601

Re: Proposed Wireless Communication Facility- Existing Structures Search

Dear Mr. Cheran,

I am providing this letter to confirm that as the site acquisition consultant for TowerCo, I personally conducted a field search for existing towers and tall structures within the search ring for a site designated as "VA0348- Tasker".

No suitable structures were found in order to satisfy Shentel's (wireless carrier) coverage objectives.

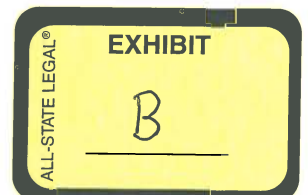
The accompanying map provides a visual confirmation of a lack of structures within the search ring.

Therefore, this should satisfy Section 165-204.19 A (3) of the Frederick County Zoning code as it relates to telecommunication facilities.

Sincerely,



Richard Rosenfeld



SITE CANDIDATE INFORMATION PKG



TowerCo

5000 Vallestone Dr
Cary, NC 27519
919-469-5559

Search Ring Number: VA0348
Search Ring Name: TASKER
Candidate Name: Landgrant

SARF

Search Area Ring Form		SHENTEL PCS	
SITE NAME: Tasker		SITE ID: WA15SH449	
Latitude (NAD83): 39.098548 Ground Elevation: ~730 feet ERP (watts): TBD Antenna Configuration: Sectored		Longitude (NAD83): -78.180893 Radiation Center: 60+ feet Antenna Type: RFS APXVSP18-C-A20 Antenna Orientation: 0, 120, 240	
Search Area Requirements Min Height: 730 feet AMSL Search Radius: 0.75 miles Structure Type: N/A			
Comments: Additional site needed for capacity in Winchester to offload surrounding sites, including: Site 22 Winchester South and Site 180 Sherando. There is a stretch of raw land near the intersection of Tasker Road and Warrior Drive that would be a good build location.			
Site Objectives and Neighbors			
Categories	Value	Comments	Likely Neighbors
Covered POPS	Yes	~ 800	Neighbor Lists to be included in subsequent releases of search area information forms.
Vehicle Traffic	N/A	N/A	
Competition present (i.e. Verizon, AT&T, etc.)	Yes	Verizon, AT&T, T-Mobile	
IDEN coverage match	N/A	N/A	
White space	N/A	N/A	
Capacity	Yes	LTE	
Repeater	N/A	N/A	
Top three request from Sales	N/A	N/A	
Other	N/A	N/A	
State: VA	County: Frederick	Project: N/A	
Master Lease Type: #N/A	Master Lease Sub Id: -	Director: [Signature] Engineering: [Signature]	Rev: [Signature] SHENTEL PCS Approval: [Signature]



Frederick County
Department of Planning & Development
107 North Kent Street
Suite 202
Winchester, VA 22601

**RE: TowerCo Proposed Cell Tower – Stephens City
Shentel Site IS: 15449 Tasker Radio Frequency Analysis**

Dear Sir/Madam;

The continued residential and business growth in Stephens City has stimulated the need for additional resources and infrastructure for wireless data access. Mobile phone users experience slow or buffered data during high peak usage periods due to lack of resources from existing radio base stations and wireless towers serving the area. To serve customers' data usage needs, Sprint affiliate Shentel has determined that there is a need to add another wireless site in the area. The addition of this site will improve coverage, increase capacity, and enhance customer experience inside residential homes and other buildings.

Shentel has seen an increase in data usage over the past few years that doubles every 9 months. This is the case with the existing sites surrounding the proposed site location. The adjacent wireless sites have sector-carriers experiencing maximum usage resulting in slow data speeds or limited access.

The proposed site (Site Number: 15449) referred to as "Tasker" is located at coordinates: Latitude: N 39.085088 and Longitude: W 78.179379. The site address is 107 Emory Court Stephens City, Virginia 22655. RF signals degrade in strength as distance increases between transmit (i.e. PCS site) and receive (i.e. mobile phones) antennas even when there is no obstruction present in the path between the antennas. The RF signal strength simulation study shows that the minimum height required for antenna deployment at this location to meet the coverage objective is 195 feet.

The closest exposure to any electromagnetic radiation would occur at the base of the tower, which would be a distance of 195 feet or 59.436 meters. The surface area of a sphere, with the tower height representing the radius, can be used to evaluate the power density exposure over an area.

$$\text{Surface Area} = 4 * 3.1415927 * (59.436)^2 = 44,392.44 \text{ m}^2$$

The expected output power of the transmitter that would be used on 15449 Tasker is:

$$6 \text{ radios} * 4 \text{ ports / radio} * 40 \text{ Watts / port} = 960 \text{ Watts or } 59.82271233 \text{ dBm}$$

Assuming no loss in cables and connectors, and factoring in the antenna's gain of 21 dBi, the Effective Isotropic Radiated Power (EIRP) is:

$$80.82271233 \text{ dBm or } 120,856.83952 \text{ Watts}$$

The ground level exposure is then calculated by dividing the EIRP (W) by the surface area of the sphere:

$$120,856.83952 \text{ W} / 44,392.44 \text{ m}^2 = 2.72246 \text{ W/m}^2$$



15449 Tasker's EIRP of **2.72246 W/m²** is within the IEEE/ANSI limit of **9.5000 W/m²**, so this site will meet FCC regulations for exposure limits.

Shentel has partnered with TowerCo for the proposed site at this location. Shentel will be the anchor tenant. Attached are slides showing the proposed sites location in relationship to Shentel's current network of sites and the coverage they provide.

Slide 1

Proposed search ring – centering at Warrior Drive and Tasker Road and extending (1) mile in each direction.

Slide 2

Proposed search ring with surrounding Shentel network of sites. Shentel has a number of existing wireless sites in Frederick County, however, the perimeter for service of each of the existing wireless sites do not effectively cover the targeted area. The farther away from the site, the weaker the service.

Slide 3

Also within this search ring, Shentel has (3) small cell sites proposed (sites 70829, 70850 and 70851). This area is so densely populated, that data usage is greater than even a traditional macro site can offload. These (3) small cell sites are currently under construction and will alleviate some of the data traffic. Small cells provide very concentrated signal strength usually about 1-2 blocks.

Slide 4

Current Shentel coverage – Shentel currently has quality outdoor coverage in this area (red), however, indoor coverage is minimal at best (green). Wireless data networks are necessary for customers to use their mobile devices, laptops, etc. in their homes. Given the high density of homes in this area (outlined in purple), Shentel has a need to improve capacity coverage in this area.

Slide 5

Future Coverage with 15449 Tasker (proposed site location) – At 195', the indoor coverage is substantially improved (green). Because the proposed site is at the far south of the search ring, all signal will be in the direction of the Warrior Drive/Tasker Road intersection.

Slide 6

Future Coverage with 15449 Tasker and 03180 Antenna Change – In addition to the improved coverage as a result to the proposed wireless site, Shentel would re-adjust antennas at the adjacent site 03180 Sherando (221 Spotswood Court, Stephens City) to improve signal in the southwest portion of the search ring.

Slide 7

15449 Tasker Proposed Coverage Only – At 195', the coverage is shown with only the proposed site on air.

Slide 8

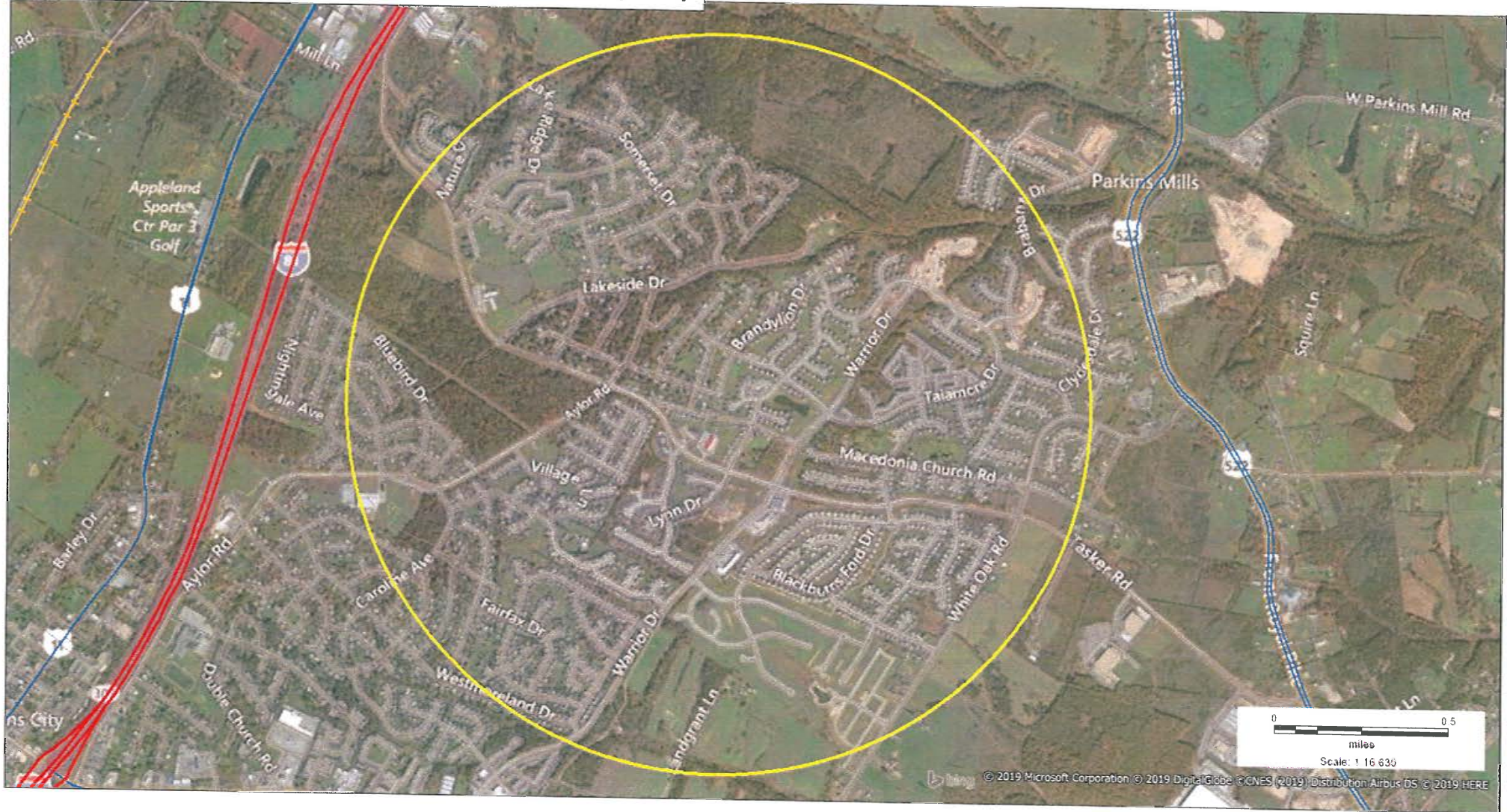
70829, 70830 and 70831 (3) Small Cells – With the (3) small cells on air, a very small concentrated area will have significant coverage improvement.

In conclusion, it is necessary for Shentel to improve data availability and in-building service to this high density area of Stephens City. This will result in off-loading the present capacity burden from the neighboring sites. The proposed site at 195' will provide adequate in-building RF signal in this location and surrounding residential/commercial areas, thus fulfilling Shentel's desired coverage objective and meet standards for reliable wireless service.

Sincerely,

James Boley
RF Engineer – Shentel
James.Boley@emp.shentel.com

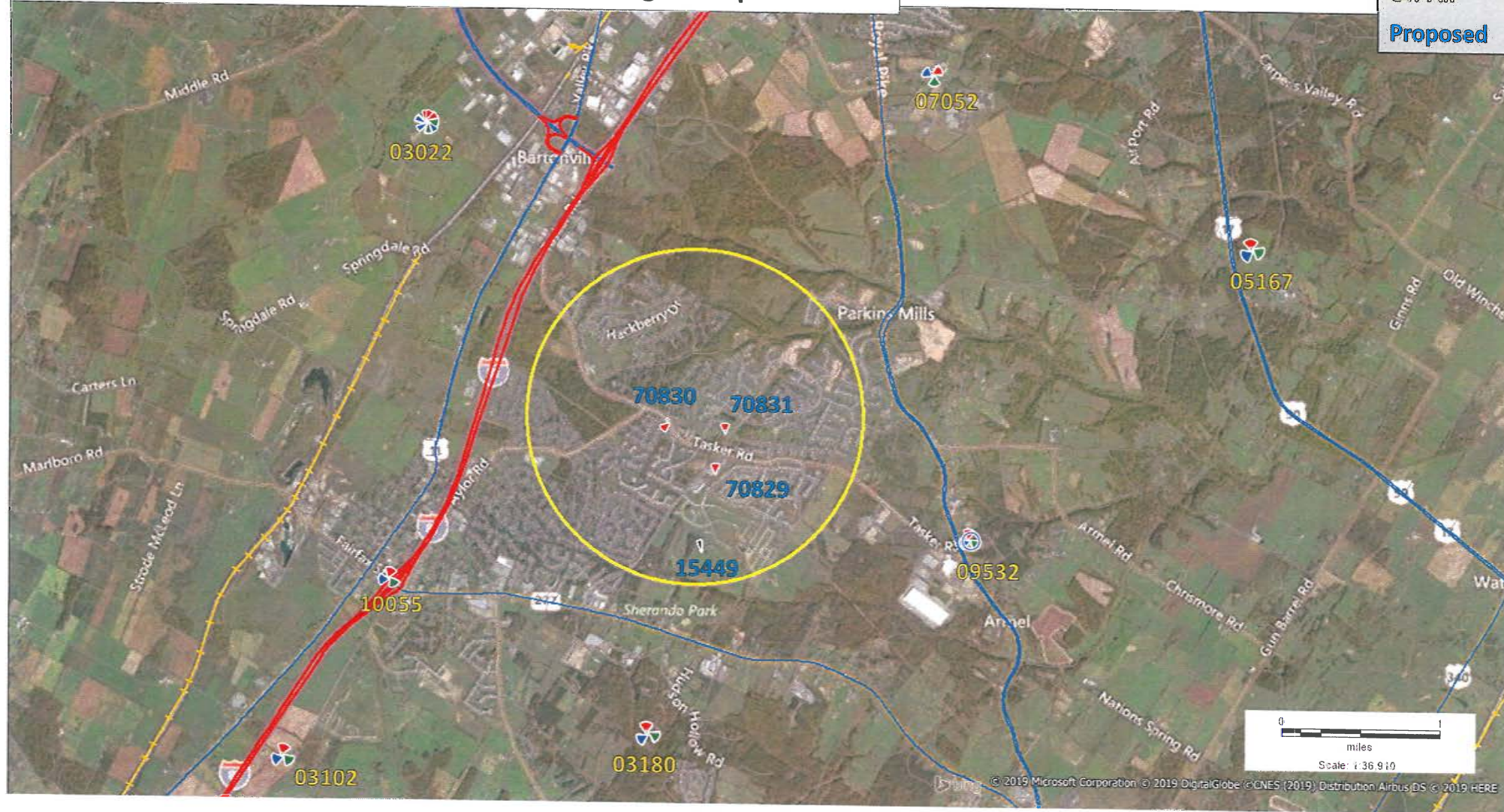
Shentel Proposed Search Ring – 15449 Tasker (195')



15449 Tasker Proposed Search Ring with Existing & Proposed Sites

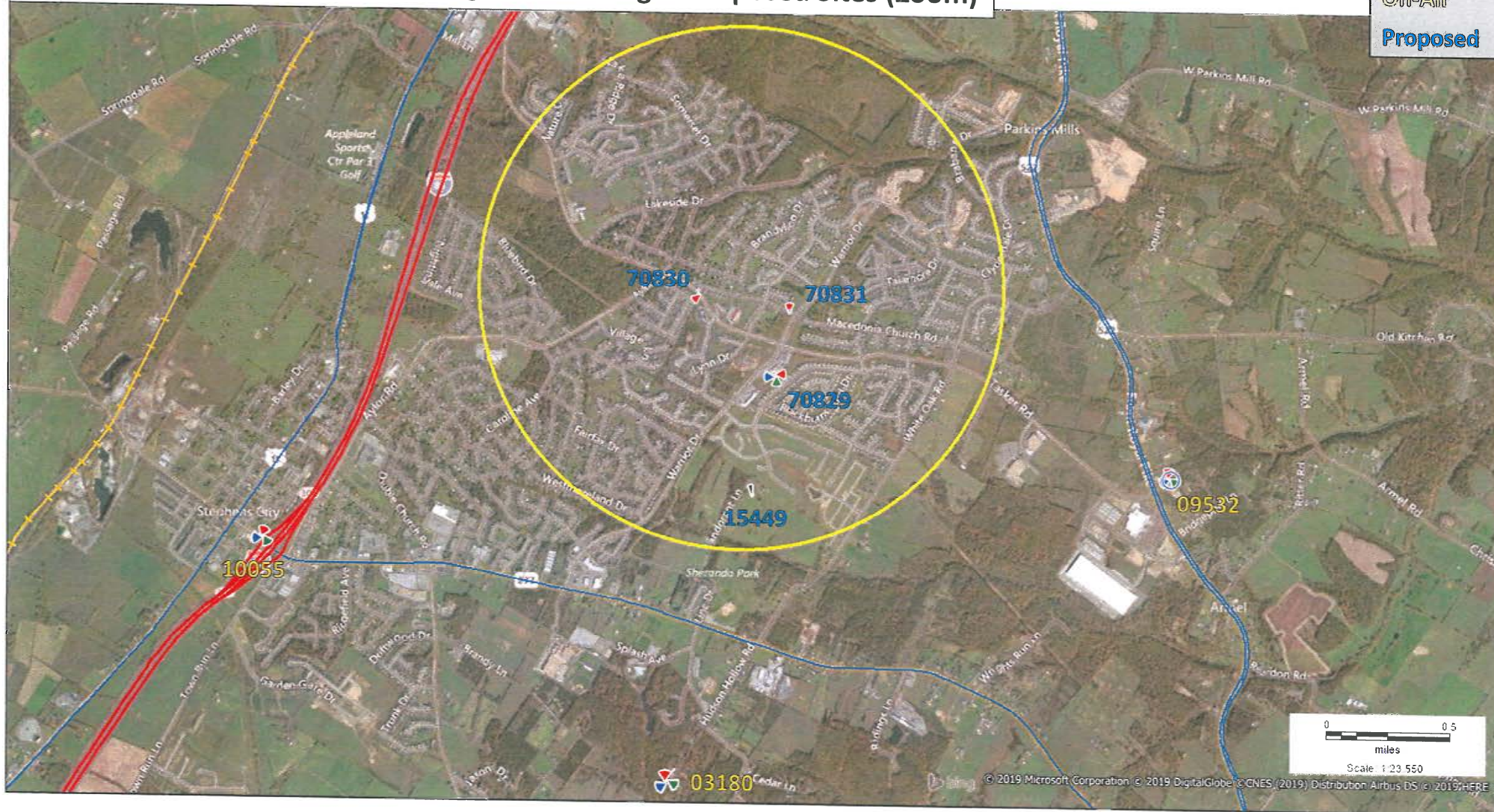
On-Air

Proposed



15449 Tasker Proposed Search Ring with Existing & Proposed Sites (Zoom)

On-Air
Proposed



Current Coverage



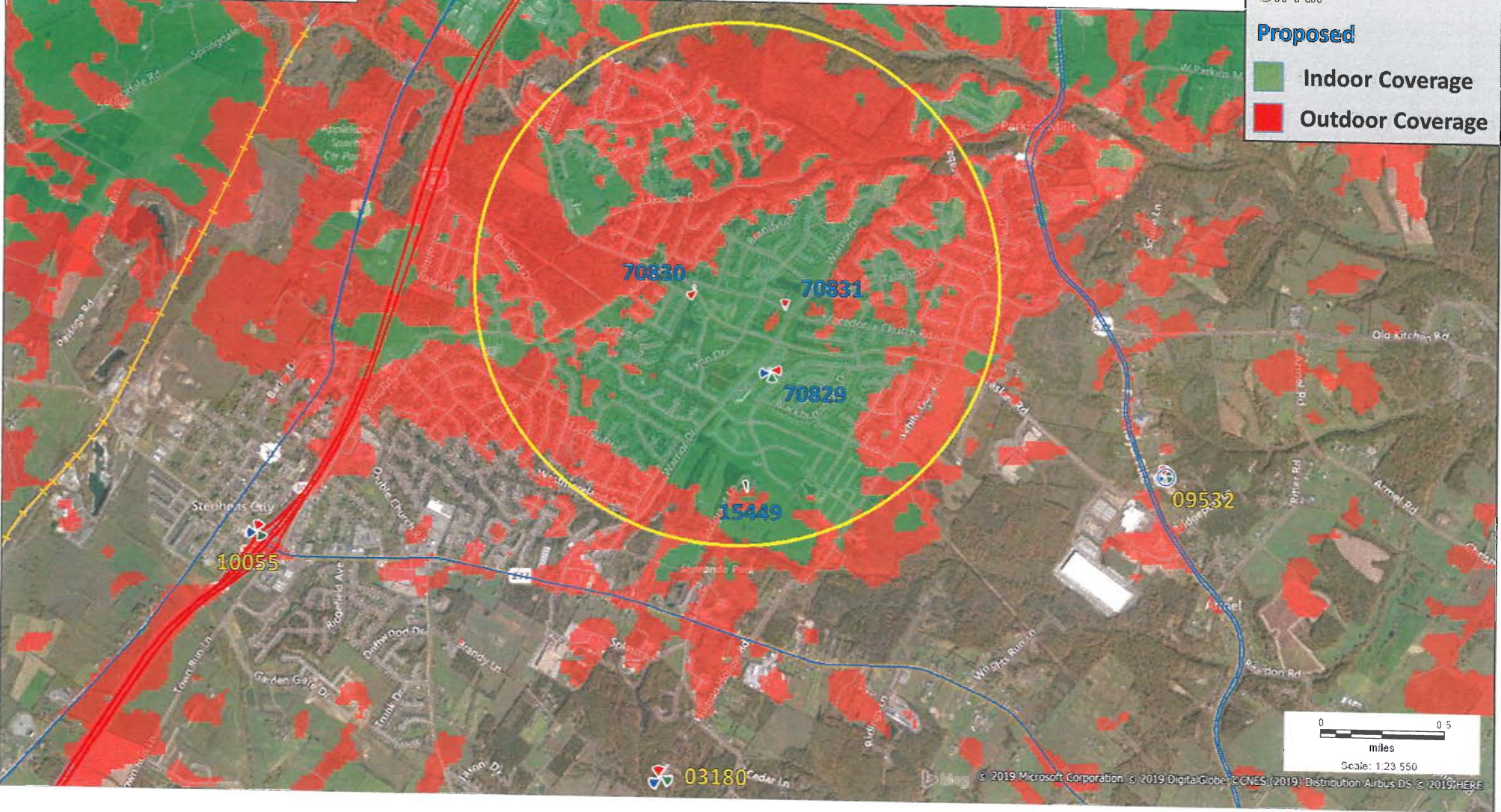
Future Coverage w/ 15449 Tasker



Future Coverage w/ 15449 Tasker and 03180 Antenna Change



15449 Tasker Macro Only



15449 Tasker Mini Macros Only



THOMAS MOORE LAWSON, P.C.

*OF COUNSEL - WILLIAMS MULLEN

120 EXETER DRIVE, SUITE 200
POST OFFICE BOX 2740
WINCHESTER, VA 22604
TELEPHONE: (540) 665-0050
FACSIMILE: (540) 722-4051

*THOMAS MOORE LAWSON • TLAWSON@LSPLC.COM

August 20, 2019

Nicholas Sabo, A.A.E, Executive Director
Winchester Regional Airport
491 Airport Road
Winchester, VA 22602

Re: Conditional Use Permit –
Cellphone Tower
Our File No. 1404.001

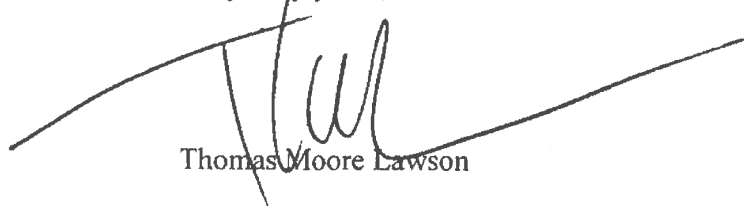
VIA E-MAIL

Dear Nick:

In response to your comments to the TowerCo Conditional Use Permit, enclosed please find the FAA Determination Letters for the monopole and for the temporary crane which will be used during construction of the monopole for your file. Please confirm that these letters satisfy the Airport's comments to the CUP Application.

Thank you for your assistance and cooperation. I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to be 'T. Moore', written over a horizontal line.

Thomas Moore Lawson

TML:jk
Enclosures
cc: TowerCo



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AEA-4529-OE

Issued Date: 05/06/2019

Chad Doherty
TowerCo 2013 LLC
5000 Valleystone Dr
Cary, NC 27519

**** 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:	Monopole VA0348 Tasker - Tower
Location:	Stephens City, VA
Latitude:	39-05-06.64N NAD 83
Longitude:	78-10-45.40W
Heights:	729 feet site elevation (SE)
	199 feet above ground level (AGL)
	928 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:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 11/06/2020 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, 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 includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

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 (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AEA-4529-OE.

Signature Control No: 402580263-404810371

(DNE)

Andrew Hollie
Specialist

Attachment(s)
Case Description
Frequency Data
Map(s)

cc: FCC

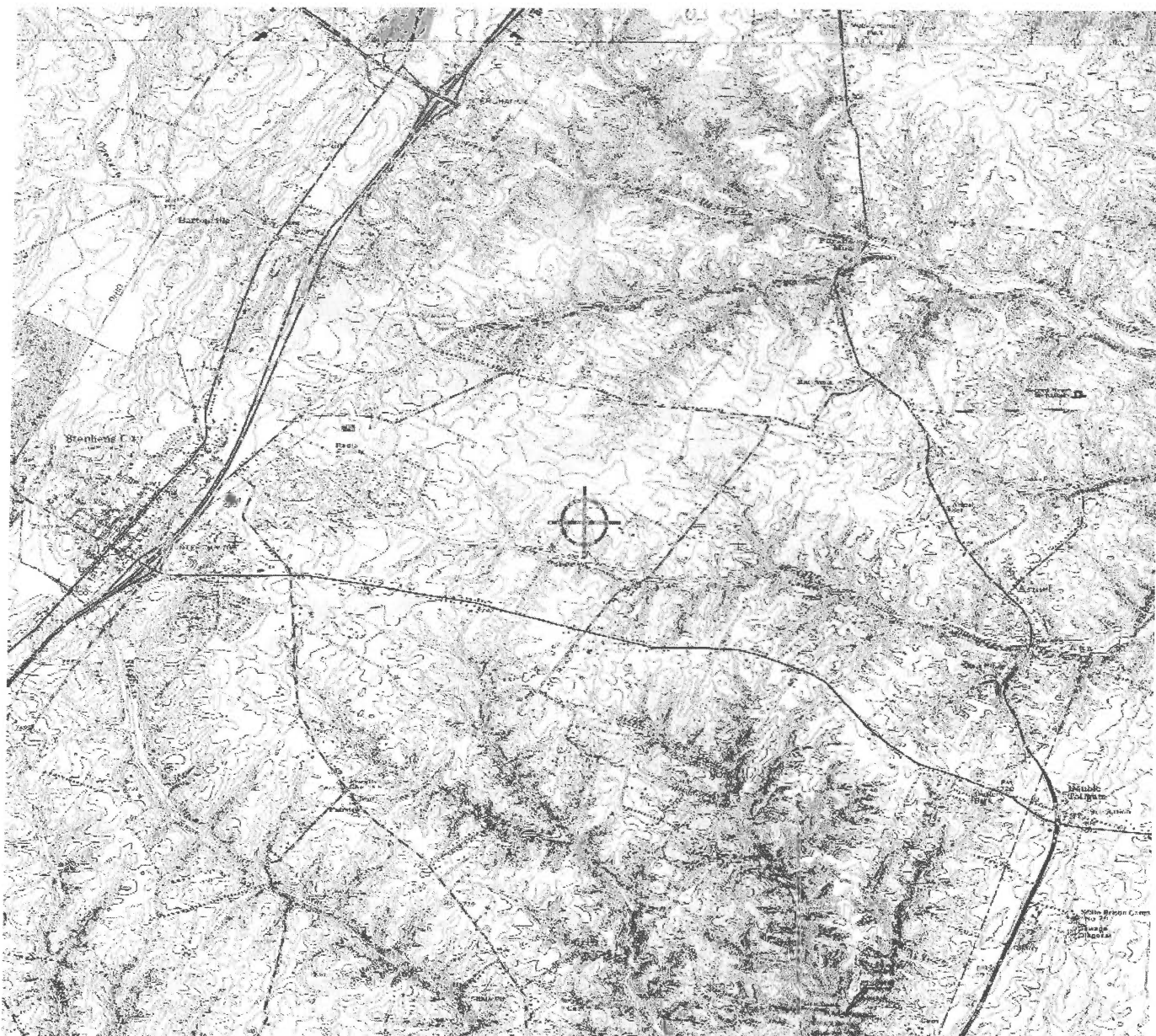
Case Description for ASN 2019-AEA-4529-OE

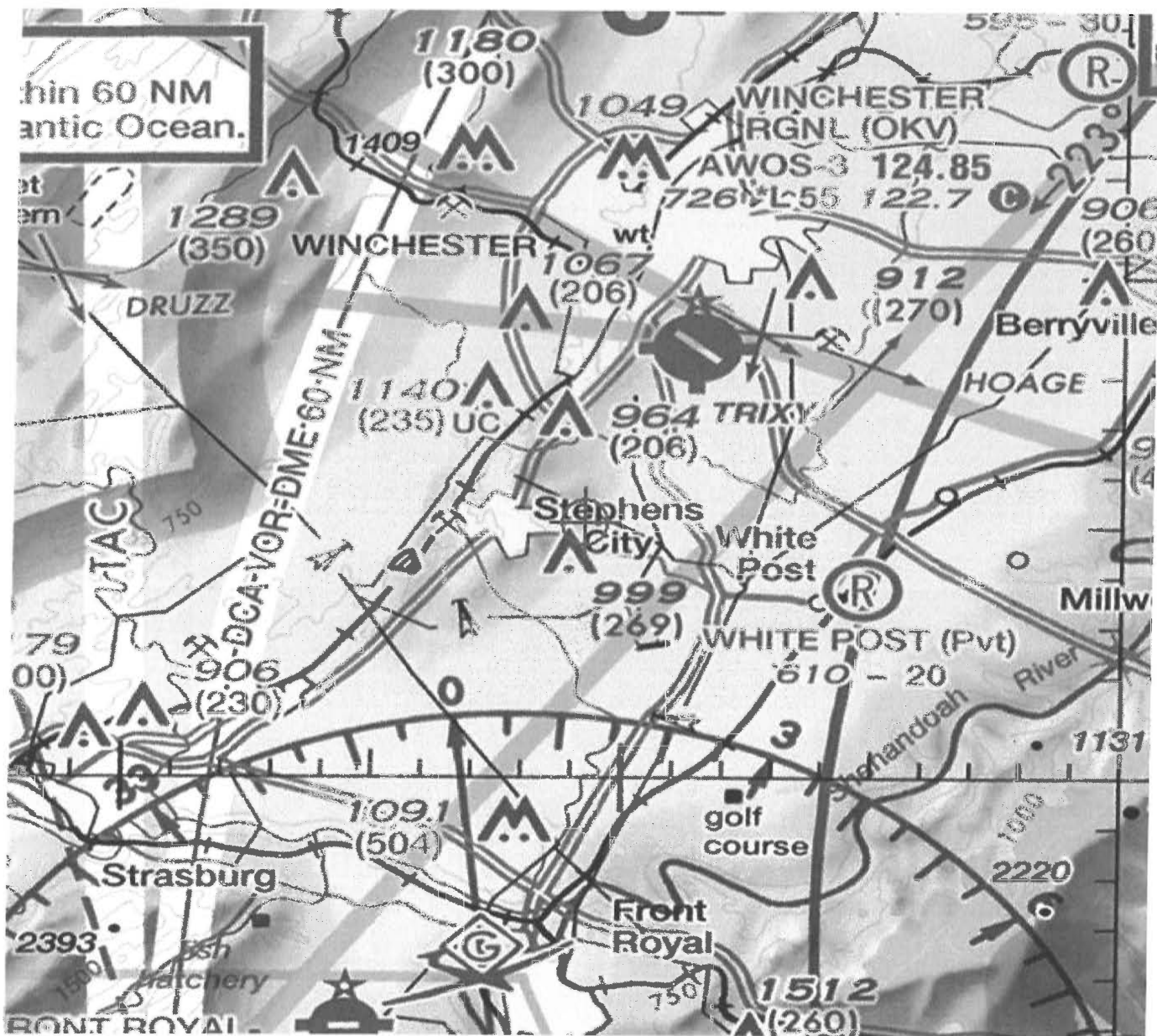
Proposing to construct a Communication Tower with an Overall Hgt of 199' (Twr Hgt 195' with a 4' Lightning Rod). Tower structure will be a Monopole.

Frequency Data for ASN 2019-AEA-4529-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W

TOPO Map for ASN 2019-AEA-4529-OE







Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2019-AEA-4530-OE

Issued Date: 05/06/2019

Chad Doherty
TowerCo 2013 LLC
5000 Valleystone Dr
Cary, NC 27519

****DETERMINATION OF NO HAZARD TO AIR NAVIGATION FOR TEMPORARY STRUCTURE****

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:	Crane VA0348 Tasker - Crane
Location:	Stephens City, VA
Latitude:	39-05-06.64N NAD 83
Longitude:	78-10-45.40W
Heights:	729 feet site elevation (SE) 219 feet above ground level (AGL) 948 feet above mean sea level (AMSL)

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

****SEE ATTACHMENT FOR ADDITIONAL CONDITION(S) OR INFORMATION****

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, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, 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 includes all previously filed frequencies and power for this structure.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of a 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 temporary 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 Aviation Administration Flight Procedures Office if the structure is subject to the issuance of a Notice To Airman (NOTAM).

If you have any questions, please contact our office at (817) 222-5933, or andrew.hollie@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2019-AEA-4530-OE

Signature Control No: 402580358-404810412

(TMP)

Andrew Hollie
Specialist

Additional Condition(s) or Information for ASN 2019-AEA-4530-OE

Proposal: To construct and/or operate a(n) Crane to a height of 219 feet above ground level, 948 feet above mean sea level.

Location: The structure will be located 3.86 nautical miles south of OKV Airport reference point.

Case Description for ASN 2019-AEA-4530-OE

Requesting approval for a 219' Temp Crane to be used to construct a Monopole Tower. Tower Structure filed under ASN# 2019-AEA-4529-OE

Part 77 Obstruction Standard(s) Exceeded and Aeronautical Impacts, if any:

Aeronautical study revealed that the temporary structure will not exceed any Part 77 obstruction standard. Aeronautical study confirmed that the temporary structure will have no effect on any existing or proposed arrival, departure or en route instrument/visual flight rules (IFR/VFR) operations or procedures. Additionally, aeronautical study confirmed that the temporary structure will have no physical or electromagnetic effect on the operation of air navigation and communications facilities and will not impact any airspace and routes used by the military. Based on this aeronautical study, the FAA finds that the temporary structure will have no adverse effect on air navigation and will not impact any aeronautical operations or procedures.

Based on this aeronautical study, the structure would not constitute a substantial adverse effect on aeronautical operations or procedures because it will be temporary. The temporary structure would not be considered a hazard to air navigation provided all of the conditions specified in this determination are strictly met.

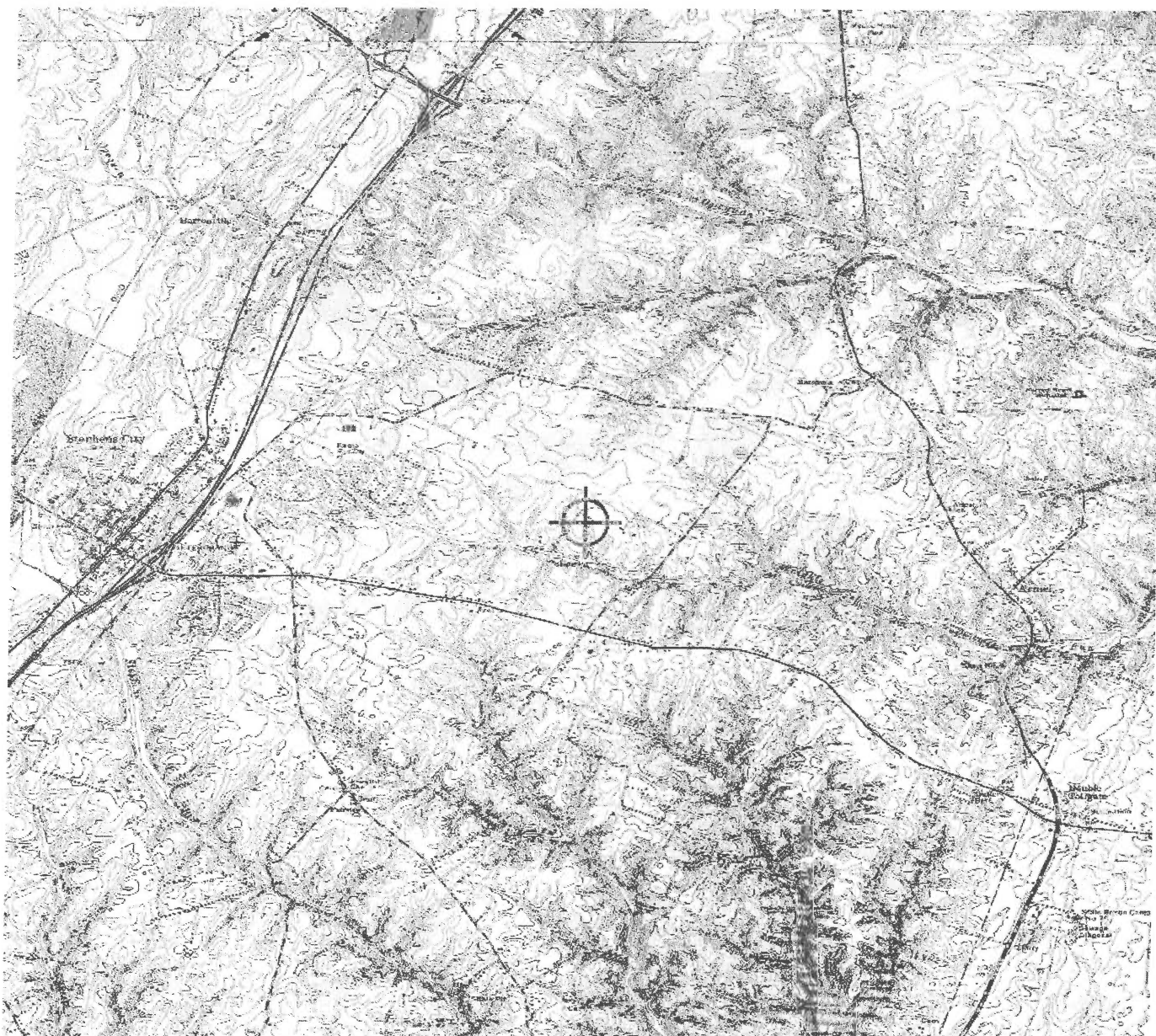
As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1 L Change 2, Obstruction Marking and Lighting, flags/red lights - Chapters 3(Marked), 4, 5(Red), & 12.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

This determination expires on 11/06/2020 unless extended, revised, or terminated by the issuing office.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

TOPO Map for ASN 2019-AEA-4530-OE





060022912

0079

THIS DEED OF VACATION OF ACCESS EASEMENT AND DEED OF EASEMENTS, made and dated this 9th of October, 2006, by and between JASBO, INC., a Virginia Corporation, hereinafter "Jasbo"; THE COUNTY OF FREDERICK, VIRGINIA, hereinafter "Frederick County, and ABRAM E. HEGE and HELEN HEGE, husband and wife, hereinafter "Hege".

R E C I T A L S:

A. Jasbo is vested with fee simple title to that certain tract of land containing 82.70 acres, more or less, situate along the eastern side of Warrior Drive, in Opequon Magisterial District, Frederick County, Virginia; having acquired said tract by that certain Deed dated March 18, 1976, which Deed is of record in the Clerk's Office of the Circuit Court of Frederick County, Va. In Deed Book 456, at Page 32. Tax Map No. 75-A-117 (the "Jasbo Lands").

B. Frederick County is vested with fee simple title to that certain tract of land containing 68.180 acres, more or less, situate north of Fairfax Pike (Route 277) in Opequon Magisterial District, Frederick County, Virginia; having acquired said tract by that certain Deed of record in the aforesaid Clerk's Office in Deed Book 441, at Page 97, and by that certain Boundary Line Agreement dated February 11, 1999, of record in the aforesaid Clerk's Office as Instrument No.990004249 (Deed Book 933, at Page 1718). Tax Map No. 75-A-117A (the "County Lands").

C. Abram E. Hege and Helen Hege, his wife ("Hege") are vested with fee simple title to that certain lot or parcel of land containing 4.00 acres, 3 roods and 9 square poles, more or less, situate north of Fairfax Pike (Route 277) in Opequon Magisterial District, Frederick County, Virginia; having acquired said parcel by that certain Deed dated April 20, 1972, of record

in the aforesaid Clerk's Office in Deed Book 389, at Page 558.
Tax Map No. 75-A-118 ("**Hege Lot**").

D. Access to the Hege Lot is currently by way of that certain right of way or easement commonly known as "Landgrant Lane", extending from the Hege Lot to Fairfax Pike (Route 277).

E. Frederick County may, at a future time, seek to have Landgrant Lane abandoned and to provide alternate ingress/egress to the Hege Lot by way of a future street and cul-de-sac known as "Emory Court", together with that certain non-exclusive right of way or easement 20' in width, extending from Emory Court (yet to be constructed) over a portion of the Jasbo Lands and the County Lands to the Hege Lot (the "**Future Ingress/Egress Easement**"). The Future Ingress/Egress Easement is designated as "Future 20' Ingress/Egress, Utility & Bicycle/Pedestrian Easement" on that certain plat titled "Exhibit Plat Ingress/Egress, Utility & Bicycle/Pedestrian Easement" dated March 16, 2006, drawn by Greenway Engineering, a copy of which is attached hereto and incorporated herein by reference as if set out in full (the "**Easement Plat**").

F. Jasbo has agreed to grant and convey unto Frederick County a non-exclusive right of way or easement over a portion of the Jasbo Lands for the installation, construction, reconstruction, maintenance and removal of water, sewer, cable, telephone and other utility lines within the confines of the area designated as "Future 20' Ingress/Egress, Utility & Bicycle/Pedestrian Easement" as set forth on the attached Easement Plat (the "**County Utility Easement**"), as more fully set forth hereinafter.

G. Jasbo has agreed to grant and convey unto Frederick

Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

County a non-exclusive right of way or easement over a portion of the Jasbo Lands for bicycle/pedestrian use within the confines of the area designated as "Future 20' Ingress/Egress, Utility & Bicycle/Pedestrian Easement" on the attached Easement Plat (the "**Hiker/Biker Easement**"), as more fully set forth hereinafter.

H. Jasbo and Frederick County have previously executed that certain Deed of Limited Access Easement dated December 6, 2005, of record in the Clerk's Office of the Circuit Court of Frederick County, Virginia as Instrument No. 050028554 (the "**Deed of Limited Access Easement**"), wherein Jasbo conveyed unto Frederick County a limited right of way or easement for purposes of future vehicular ingress/egress only from that certain future street and cul-de-sac (yet to be built) designated as "Emory Court" to the County Lands, as more fully set forth therein (the "**Alternate Access Easement**").

I. Jasbo, Frederick County and Hege have agreed to vacate and extinguish the Deed of Limited Access Easement and the Alternate Access Easement created thereby, and to grant and convey the Future Ingress/Egress Easement, the County Utility Easement and the Hiker/Biker Easement (as applicable) in the place and stead thereof, as more fully set forth hereinafter.

NOW, THEREFORE, WITNESSETH: That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, and other consideration deemed adequate at law, the parties do hereby agree as follows:

1. The Recitals are incorporated herein and made a material part hereof as if set out in full.

Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

2. Jasbo hereby grants and conveys unto Frederick County and unto Frederick County's successors and assigns forever, the Future Ingress/Easement, which right of way or easement shall be a permanent, perpetual and appurtenant non-exclusive right of way or easement for the limited purpose of ingress/egress of the employees of Frederick County from that certain future street and cul-de-sac (yet to be built) designated as "Emory Court" to the County Lands. The Future Ingress/Egress Easement granted unto Frederick County hereby shall not be used by the general public for purposes of vehicular access to the County Lands.

3. Jasbo hereby grants and conveys unto Hege and unto Hege's successors and assigns forever the Future Ingress/Egress Easement over a portion of the Jasbo Lands as more fully set forth on the attached Easement Plat, which right of way or easement shall be a permanent, perpetual and appurtenant non-exclusive right of way or easement for purposes of ingress/egress by Hege from that certain future street and cul-de-sac (yet to be built) designated as "Emory Court" to the Hege Lot.

4. Frederick County hereby grants and conveys unto Hege and unto Hege's successors and assigns forever the Future Ingress/Egress Easement over a portion of the County Lands as more fully set forth on the attached Easement Plat, which right of way or easement shall be a permanent, perpetual and appurtenant non-exclusive right of way or easement for purposes of ingress/egress by Hege from that certain future street and cul-de-sac (yet to be built) designated as "Emory Court" to the Hege Lot. Frederick County hereby reserves bicycle/pedestrian use within the confines of the Future Ingress/Egress Easement as it extends over a portion of the County Lands.

5. The Future Ingress/Egress Easement granted herein shall not be used by the employees of Frederick County or by Hege for purposes of ingress/egress to the County Lands or to the Hege Lot until such time as the street and cul-de-sac designated as "Emory Court" is fully constructed and open to the public.

6. The Future Ingress/Egress Easement shall be a private access easement and shall serve only the County Lands and the Hege Lot for purposes of ingress and egress and no other lands whatsoever. The Future Ingress/Egress Easement shall not be used by the general public for purposes of vehicular access to the County Lands, but shall be used only by Hege and by the employees of Frederick County for purposes of vehicular access to the County Lands and to the Hege Lot.

7. Once the Future Ingress/Egress Easement is constructed for purposes of ingress/egress to the County Lands and to the Hege Lot, Hege agrees that all right, title and interest of Hege in and to the use of Landgrant Lane for purposes of access and ingress/egress to the Hege Lot shall be forever terminated, waived and extinguished.

8. Jasbo hereby grants and conveys unto Frederick County the County Utility Easement and the Hiker/Biker Easement over a portion of the Jasbo Lands within the confines of the Future Ingress/Egress Easement, which shall be permanent, perpetual and appurtenant non-exclusive easements. Frederick County shall not have the right to use the County Utility Easement or the Hiker/Biker Easement granted herein until such time as the street and cul-de-sac designated as "Emory Court" is fully constructed and open to the public.

9. Jasbo agrees, at Jasbo's sole cost and expense, to

Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

construct a driveway, 16' in width, with 6" base consisting of 21A stone, on or before June 1, 2007, over a portion of the Jasbo Lands within the confines of the Future Ingress/Egress Easement.

10. Frederick County agrees, at Frederick County's sole cost and expense, to construct a driveway, 16 feet in width, with 6 inch base stone, consisting of 21A stone, on or before June 1, 2007, over a portion of the County Lands within the confines of the Future Ingress/Egress Easement, extending from the southern boundary of the Jasbo Lands to the point of intersection with the existing driveway located upon the Hege Lot.

11. The driveway to be constructed by Jasbo and Frederick County pursuant to the terms of Section 9 and Section 10, above, extending from Emory Court (once constructed) to the existing driveway located upon the Hege Lot shall hereinafter be referred to as the "Hege Driveway".

12. Jasbo, and its successors and assigns, shall have no responsibility whatsoever for the maintenance or upkeep of the Future Ingress/Egress Easement, the County Utility Easement and/or the Hiker/Biker Easement. Specifically, Jasbo, and its successors and assigns, shall have no responsibility whatsoever for the maintenance or upkeep of the Hege Driveway.

13. Frederick County hereby agrees to maintain the stone/gravel surface of the Hege Driveway at its sole cost and expense. Hege agrees to be responsible for the cost or expense of snow removal from the Hege Driveway.

14. Jasbo hereby specifically reserves the right to relocate the Future Ingress/Egress Easement, the County Utility Easement and the Hiker/Biker Easement consistent with their respective use thereof, including, but not limited to, grading, application of gravel and snow removal.

15. Jasbo hereby specifically reserves the right to relocate

0000

the Future Ingress/Egress Easement, the County Utility Easement and/or the Hiker/Biker Easement in order to accommodate its future development plans for the Jasbo Lands until such time as Emory Court has been fully constructed and opened to the public.

16. The County shall, at its sole cost and expense, relocate the existing mailbox serving the Hege Lot to a location on Emory Court (once constructed) as approved by Jasbo and the Virginia Department of Transportation (if applicable) on or before June 1, 2007.

17. The terms of this instrument shall extend to and be binding upon the personal representatives, heirs, successors and assigns of the respective parties hereto.

WITNESS the following signature and seal:

JASBO, INC.

By: Beverly B. Shoemaker, Inc. (SEAL)
Beverley B. Shoemaker, President

STATE OF VIRGINIA, AT LARGE,

CITY/COUNTY OF Frederick, to-wit:

The foregoing instrument was acknowledged before me on the 9 day of Oct, 2006, by Beverley B. Shoemaker as President of Jasbo, Inc.

My commission expires January 31, 2007.

Time L. Scruggs
NOTARY PUBLIC

THE COUNTY OF FREDERICK, VIRGINIA

By: [Signature] (SEAL)
Its: County Administrator

Abram E. Hege (SEAL)
Abram E. Hege

Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

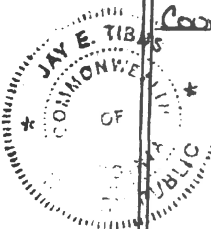
0066

Helen Hege (SEAL)
Helen Hege

STATE OF VIRGINIA, AT LARGE,

CITY/COUNTY OF Frederick, to-wit:

The foregoing instrument was acknowledged before me on the
5th day of December, 2006, by John B. Riley, Jr. as
County Administrator of The County of Frederick, Virginia.



My commission expires 11-30-2010.

Jay E. Tibbitts
NOTARY PUBLIC

STATE OF VIRGINIA, AT LARGE,

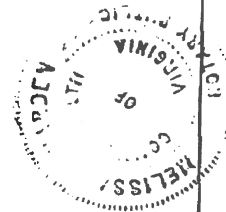
CITY/COUNTY OF Frederick, to-wit:

The foregoing instrument was acknowledged before me on the
5 day of December, 2006, by Abram E. Hege and Helen Hege,
husband and wife.

My commission expires 12/31/06.

Melissa L. Harder
NOTARY PUBLIC

Deeds\Jasbo Deed of Access Easement
10/2/06



Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

0515

VIRGINIA: FREDERICK COUNTY, SCT.

This instrument of writing was produced to me on

12-8-05 at 3:21 P.M.

and with certificate of acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

S. NA, and 58.1-801 have been paid, if assessable.

Rebecca P. Hogan, Clerk

1200

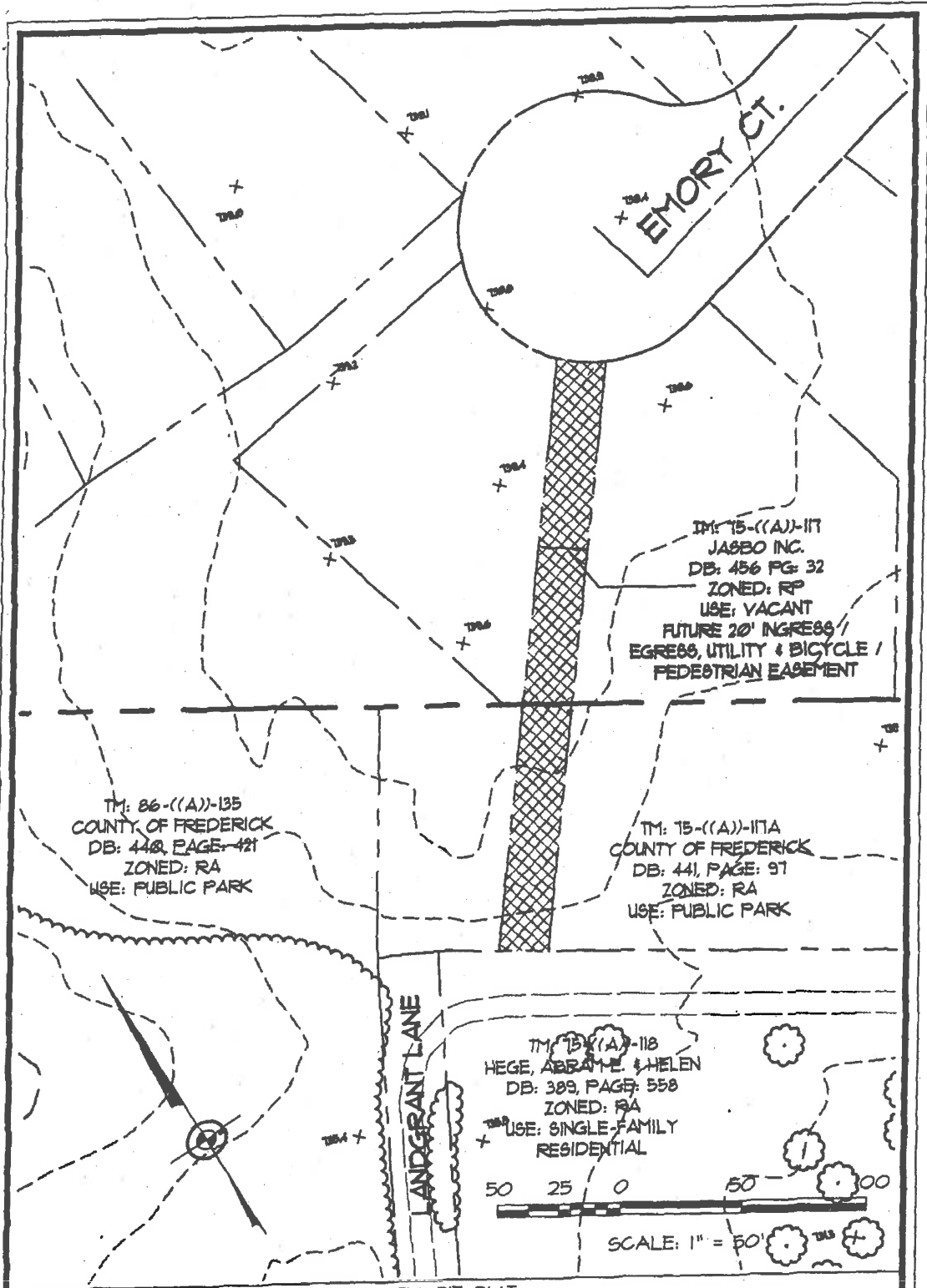


EXHIBIT PLAT

INGRESS / EGRESS, UTILITY &
BICYCLE / PEDESTRIAN EASEMENT

OPEQUON DISTRICT - FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50'

DATE: MARCH 16, 2006

GREENWAY ENGINEERING



Engineers
Surveyors

Founded in 1971

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

2524B SHEET 1 OF 1

VIRGINIA: FREDERICK COUNTY.SCT.

This instrument of writing was produced to me on

12-8-2006 at 9:54 am
and with certificate acknowledgement thereto annexed
was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ NA, and 58.1-801 have been paid, if assessable.

Rebecca P. Hagan, Clerk

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THIS DEED OF LIMITED ACCESS EASEMENT, made and dated this 6th of December, 2005, by and between JASBO, INC., a Virginia Corporation, hereinafter "Jasbo", and THE COUNTY OF FREDERICK, VIRGINIA, hereinafter "Frederick County".

RECITALS:

A. Jasbo is vested with fee simple title to that certain parcel of land containing 82.70 acres, more or less, situate along the eastern side of Warrior Drive in Opequon Magisterial District, Frederick County, Virginia. Tax Map No. 75-A-117 (the "Jasbo Lands").

B. Frederick County is vested with fee simple title to that certain parcel of land containing 68.180 acres, more or less, situate north of Fairfax Pike (Route 277) in Opequon Magisterial District, Frederick County, Virginia. Tax Map No. 75-A-117A (the "County Lands").

C. Abram E. Hege and Helen Hege, his wife ("Hege") are vested with fee simple title to that certain lot or parcel of land containing 4.00 acres, 3 roods and 9 square poles, more or less, situate north of Fairfax Pike (Route 277) in Opequon Magisterial District, Frederick County, Virginia. Tax Map No. 75-A-118 (the "Hege Lot").

D. Vehicular access to the Hege Lot is currently by way of that certain right of way or easement commonly known as "Landgrant Lane", extending from the Hege Lot to Fairfax Pike (Route 277).

E. The County may, at a future time, seek to have Landgrant Lane abandoned and to provide alternate vehicular access to the Hege Lot by way of a future street and cul-de-sac known as "Emory Court", together with that certain right of way or easement 20' in width, extending from Emory Court (yet to be constructed) to the County Lands, for the purpose of providing vehicular access to the Hege Lot (the "Alternate Access Easement").

F. Jasbo has agreed to grant and convey unto Frederick County the Alternate Access Easement, more fully set forth hereinafter.

NOW THEREFORE WITNESSETH: That for and in consideration of the sum of Ten

Dollars (\$10.00), cash in hand paid by each of the parties hereto unto the other, the receipt and sufficiency of which is hereby acknowledged, and other consideration deemed adequate at law, the parties do hereby agree as follows:

1. The Recitals are incorporated herein and made a material part hereof as if set out in full.
2. Jasbo hereby grants and conveys unto Frederick County a limited right of way or easement for purposes of future vehicular ingress/egress from that certain future street and cul-de-sac (yet to be built) designated as "Emory Court" to the County Lands (the "**Future Limited Ingress/Egress Easement**"), as more fully set forth on that certain "Exhibit Plat Exclusive Residential Access Easement" dated May, 2005, prepared by Greenway Engineering (the "**Exhibit Plat**"), a copy of which is attached hereto and made a material part hereof as if set out in full. The Future Limited Ingress/Egress Easement is designated as "Future 20' Exclusive Residential Access Easement to Tax Map Parcel 75-((A))-118" on the attached Exhibit Plat.
3. The Future Limited Ingress/Egress Easement granted herein shall not be used for purposes of vehicular access to the Hege Lot until such time as: i) the street and cul-de-sac designated as "Emory Court" is fully constructed and open to the public; and ii) Landgrant Lane has been forever extinguished, terminated and abandoned.
4. The Future Limited Ingress/Egress Easement shall be a private access easement for motor vehicles and shall serve only the Hege Lot for purposes of vehicular access and no other lands whatsoever.
5. Once the Future Limited Ingress/Egress Easement is constructed for purposes of vehicular access to the Hege Lot in accordance with Section 3, above, the Future Limited Ingress/Egress Easement may be used by the public for pedestrian and bicycle travel thereon, as part of any future pedestrian/bicycle trail situate upon the County Lands.
6. Jasbo agrees, at Jasbo's sole cost and expense, to construct a driveway, 12' in width, with 6" base stone, on or before June 1, 2007 over the Future Limited Ingress/Egress

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Easement.

7. Jasbo, and its successors and assigns, shall have no responsibility whatsoever for the maintenance or upkeep of the Future Limited Ingress/Egress Easement.

8. Jasbo hereby specifically reserves the right to relocate the Future Limited Ingress/Egress Easement in order to accommodate its future development plans for the Jasbo Lands.

WITNESS the following signatures and seals:

JASBO, INC.

By: Beverley B. Shoemaker, Pres (SEAL)
Beverley B. Shoemaker, President

THE COUNTY OF FREDERICK, VIRGINIA

By: ORKM (SEAL)
Its: County Administrator 0631

STATE OF VIRGINIA, AT LARGE,

CITY/COUNTY OF Winchester, to-wit:

The foregoing instrument was acknowledged before me on the 7th day of June, 2005
by Beverley B. Shoemaker as President of Jasbo, Inc.

My commission expires 7/31/06.

Phillip M. Neal
Notary Public

STATE OF VIRGINIA, AT LARGE,

CITY/COUNTY OF Frederick, to-wit:

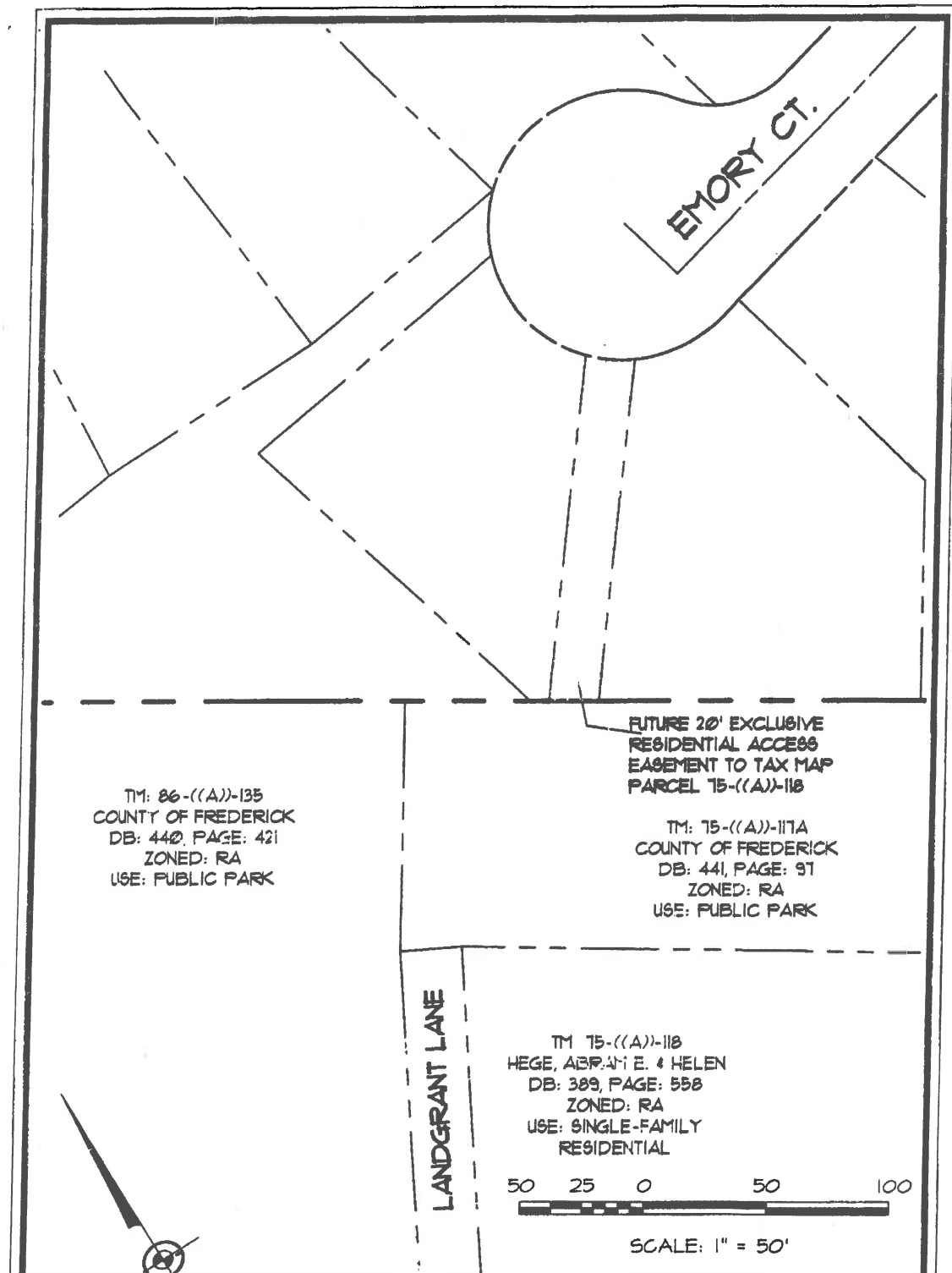
The foregoing instrument was acknowledged before me on the 6th day of Dec, 2005
by John R. Riley, Jr. as County Administrator of The County of Frederick, Virginia.

My commission expires July 31, 2005.

Jerome J. Price
Notary Public

Michael L. Bryan
9 Court Square
2nd Floor
Winchester, VA

MLB/pmn
c:\Deeds\Jasbo - Hege Limited Access Easement
11/16/05



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EXHIBIT PLAT

EXCLUSIVE RESIDENTIAL ACCESS EASEMENT

OPEQUON DISTRICT - FREDERICK COUNTY, VIRGINIA

SCALE: 1" = 50'

DATE: MAY 2005



Engineers
Surveyors

Founded in 1971

GREENWAY ENGINEERING

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
FAX: (540) 722-9528
www.greenwayeng.com

2524B SHEET 1 OF 1



COUNTY of FREDERICK

Department of Planning and Development
540/ 665-5651
Fax: 540/ 665-6395

August 1, 2019

Mr. Thomas Moore Lawson
P.O. Box 2740
Winchester, Virginia 22604

**RE: Request for Historic Resources Advisory Board (HRAB) Comments
TowerCo – Conditional Use Permit Application
Property Identification Number (PIN): 75-A-118
Current Zoning District: RA (Rural Area)**

Dear Mr. Lawson:

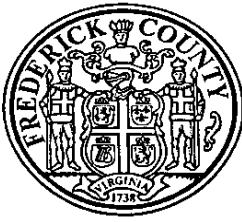
Upon review of the proposed Conditional Use Permit Application, it appears that the proposal does not significantly impact historic resources and it is not necessary to schedule a formal review of the application by the HRAB. According to the Rural Landmarks Survey, there are no significant historic structures located on the property nor are there any possible historic districts in the vicinity. It was also noted that the National Park Service Study of Civil War Sites in the Shenandoah Valley does not identify a core battlefield within this area.

Thank you for the chance to comment on this application. Please call if you have any questions or concerns.

Sincerely,

Candice E. Perkins, AICP, CZA
Assistant Director

CEP/pd



ORDINANCE

Action:

PLANNING COMMISSION: January 15, 2020 Public Hearing Held, Recommended Denial

BOARD OF SUPERVISORS: April 8, 2020 Pending

ORDINANCE

CONDITIONAL USE PERMIT #08-19 TOWERCO COMMERCIAL TELECOMMUNICATION TOWER

WHEREAS, CONDITIONAL USE PERMIT APPLICATION #08-19 was submitted by Thomas Moore Lawson, P.C., on behalf of TowerCo and the owners of Property Identification Number 75-A-118 to construct a commercial telecommunication facility consisting of a 195-foot monopole telecommunication facility and accessory structures was considered. The property is located at 107 Emory Court, Stephens City, Virginia and is further identified with Property Identification Number 75-A-118 in the Opequon Magisterial District; and

WHEREAS, the Frederick County Planning Commission held a public hearing on this Conditional Use Permit on January 15, 2020 and the Applicant requested an amendment that reduced the tower height to 150-feet, and the Commission recommended denial of this Conditional Use Permit; and

WHEREAS, the Frederick County Board of Supervisors held a public hearing on this Conditional Use Permit during their regular meeting on April 8, 2020; and

WHEREAS, the Frederick County Board of Supervisors finds the approval of this Conditional Use Permit to be in the best interest of the public health, safety, welfare, and in conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the Frederick County Board of Supervisors, that Chapter 165 of the Frederick County Code, Zoning, is amended to revise the zoning map to reflect that Conditional Use Permit #08-19 for a 150-foot commercial telecommunication tower (revised from 195 feet) on the parcel identified with Property Identification Number 75-A-118 is approved with the following conditions:

1. All review agency comments and requirements shall be complied with at all times.
2. The tower shall be available for collocating personal wireless services providers.
3. A minor site plan shall be approved by Frederick County.
4. The tower shall be removed by the Applicant or property owner within twelve (12) months of abandonment of operation.
5. In the event a telecommunications tower is not erected within twelve (12) months of the approval of this Conditional Use Permit, the CUP will be deemed invalid.

6. Any expansion or modification of this use will require a new Conditional Use Permit.

This ordinance shall be in effect on the date of adoption. Passed this 8th day of April 2020 by the following recorded vote:

Charles S. DeHaven, Jr., Chairman

Shawn L. Graber

J. Douglas McCarthy

Robert W. Wells

Gene E. Fisher

Judith McCann-Slaughter

Blaine P. Dunn

A COPY ATTEST

Kris C. Tierney
Frederick County Administrator

PDRes #12-20