



CITY COUNCIL

Tuesday, July 11, 2023 | 4:00 PM
Council Chamber- City Hall
900 Church Street
Lynchburg, VA 24504

WORK SESSION AGENDA

- I. **Welcome** *Stephanie T. Reed, Mayor*
- II. **Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. **Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1. Launch LYH and Fireworks on the River Front Update
 - III.2. CSO Tunnel Project Update
- IV. **Business Item Briefing(s)**
 - IV.3. Conditional Use Permit (CUP) - Telecommunications Tower - 109 Leroy Bowen Drive
- V. **Roll Call**
- VI. **Closed Session**
 - VI.4. Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Central Virginia Community College Board of Directors, Economic Development Advisory, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, and Museum Advisory Board, pursuant to Section 2.2-3711(A.)(1) of the Code of Virginia, 1950, as amended.

AGENDA ITEM SUMMARY

MEETING DATE

July 11, 2023

PRESENTED BY

Ashley Kershner - Executive Director - DLA

AGENDA ITEM # III.1

Launch LYH and Fireworks on the River Front Update

RECOMMENDATION

Informational only - No City Council action is required at this time

SUMMARY

Downtown Lynchburg Association Executive Director Ashley Kershner will provide City Council with an update on the Launch LYH Pitch Competition and the Fireworks on the Riverfront Event. The Launch LYH Pitch Competition is a grant funded program designed to fill vacant downtown storefronts and to provide current and potential small business owners with funding to start or expand a business in Downtown Lynchburg. The competition just wrapped and saw seven local businesses receive \$115K in funds to help with business startup costs.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

N/A

CONTACT(S)

Greg Patrick, Deputy City Manager

ATTACHMENT(S)

1. July Council Update LaunchFireworks

REVIEWED BY

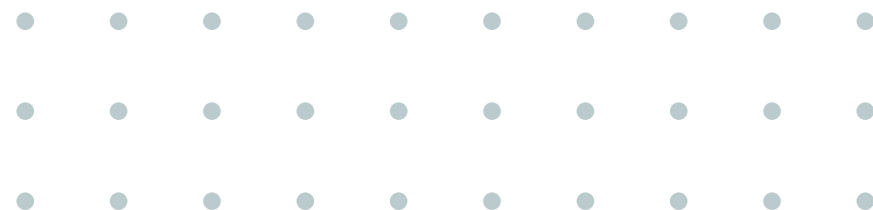


Alicia Finney, Clerk of Council

Date: July 06, 2023



This program is dedicated to fostering economic growth and further revitalizing the heart of Lynchburg by supporting promising entrepreneurs eager to start, relocate, or expand their businesses in Downtown Lynchburg.



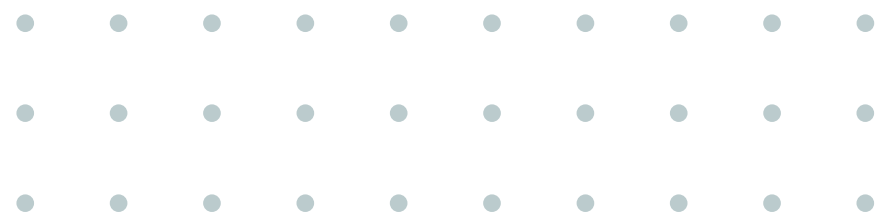


0 1. REDUCE STOREFRONT VACANCY

0 2. CREATE NEW AMENITIES AND ATTRACTIONS

0 3. SUPPORT LOCAL ENTREPRENEURS

PROGRAM GOALS





PROGRAM OUTCOMES

- 110+ applicants
- 25 accepted into the program
- 8 weeks of education provided by SBDC - Lynchburg Region
- 7 winners to open a business in Downtown Lynchburg in the next year



\$25,000 RECIPIENTS

\$10,000 RECIPIENTS



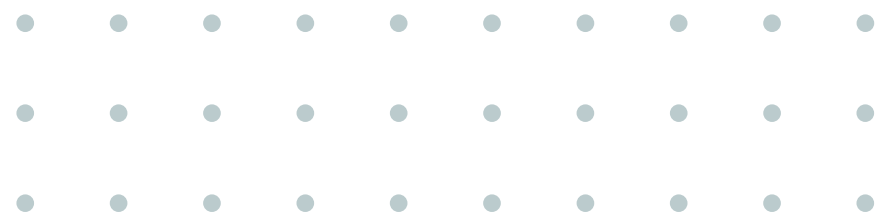
LYNCHBURG
GOLF & SOCIAL



FIREWORKS ON THE RIVERFRONT

Our Fireworks on the Riverfront event on Friday, June 30 was a resounding success, attracting thousands of people to Downtown Lynchburg for an unforgettable evening.

The event offered a blend of entertainment, food, and family-friendly activities that captivated attendees throughout the night while showcasing the vibrant and welcoming community spirit that thrives in our city.





AGENDA ITEM SUMMARY

MEETING DATE

July 11, 2023

PRESENTED BY

Tim Mitchell, Director of Water Resources

AGENDA ITEM # III.2

CSO Tunnel Project Update

RECOMMENDATION

This item is an informational update only. No additional action is needed at this point.

SUMMARY

In 2015 the Department of Water Resources renegotiated a 1993 State Water Control Board Consent Special Order. The new Order eliminated the need to completely separate all sanitary and storm systems and the need to remove all of the remaining permitted Combined Sewer Overflow (CSO) points resulting in a savings of nearly \$300 million (in today's dollars) to the citizens of Lynchburg. Under the new Order, a certain amount of combined sewage is to be captured and treated at the Water Resource Recovery Facility prior to discharge to the James River. CSO 52, along the Point of Honor Trail, is the largest and most challenging remaining project. Not only do we need to control the volume and frequency of the combined sewer overflows, we also need to restore flow capacity for future development in nearly 2/3rds of the City. After extensive analysis, it was determined that a CSO tunnel was the most effective option. This briefing will highlight the progress of that project.

PRIOR ACTION(S)

Various CSO Appropriations and Updates.

FISCAL IMPACT

Current estimates indicate a project cost of approximately \$110 million.

CONTACT(S)

Tim Mitchell, Director of Water Resources

ATTACHMENT(S)

1. CSO 52 Update Meeting 7-11-23 final

REVIEWED BY



Tim Mitchell, Director of Water Resources

Date: June 30, 2023



Greg Patrick, Deputy City Manager

Date: July 06, 2023



Alicia Finney, Clerk of Council

Date: July 06, 2023



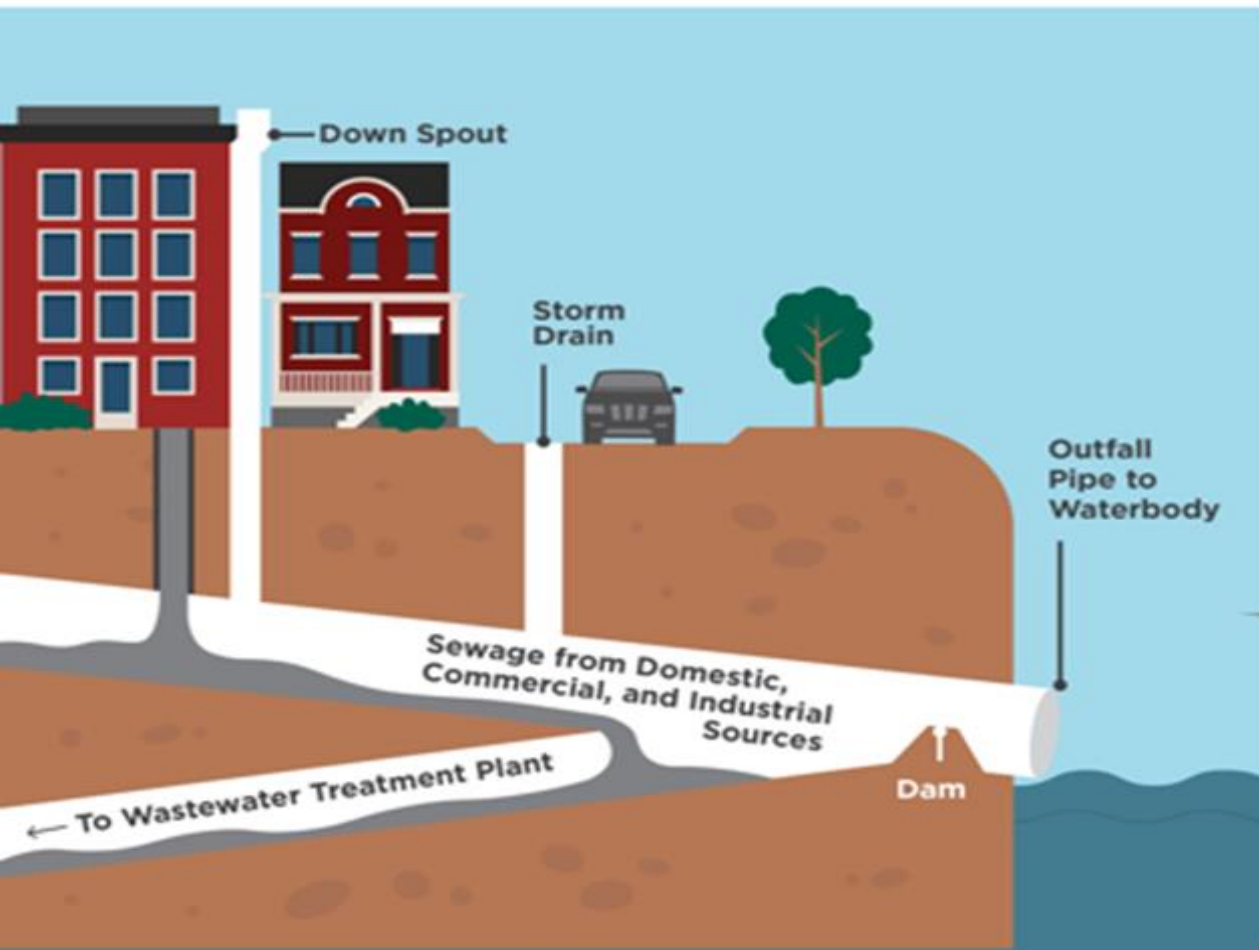
CSO 52 TUNNEL PROJECT (BLACKWATER CSO TUNNEL) UPDATE

July 11, 2023

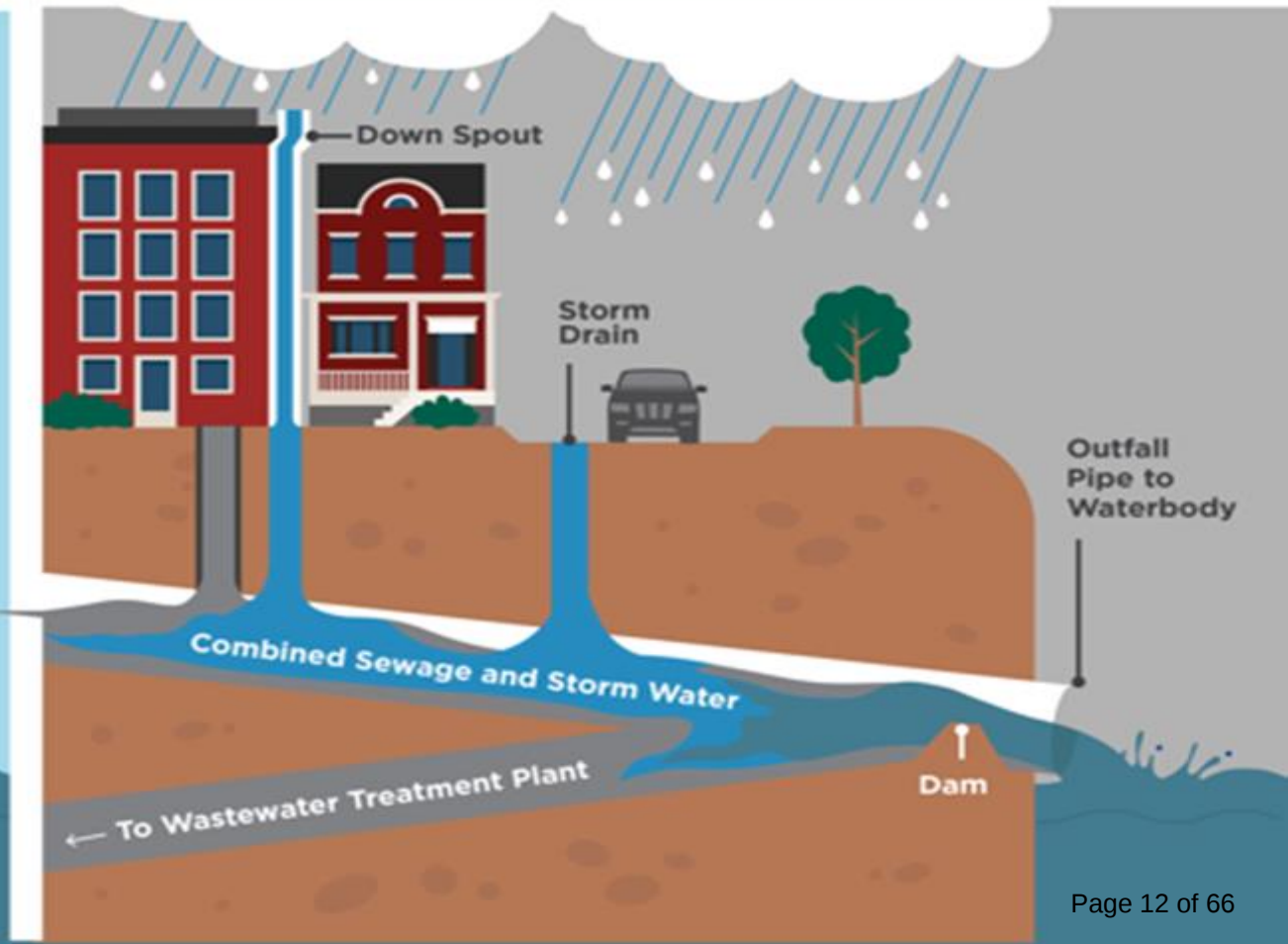


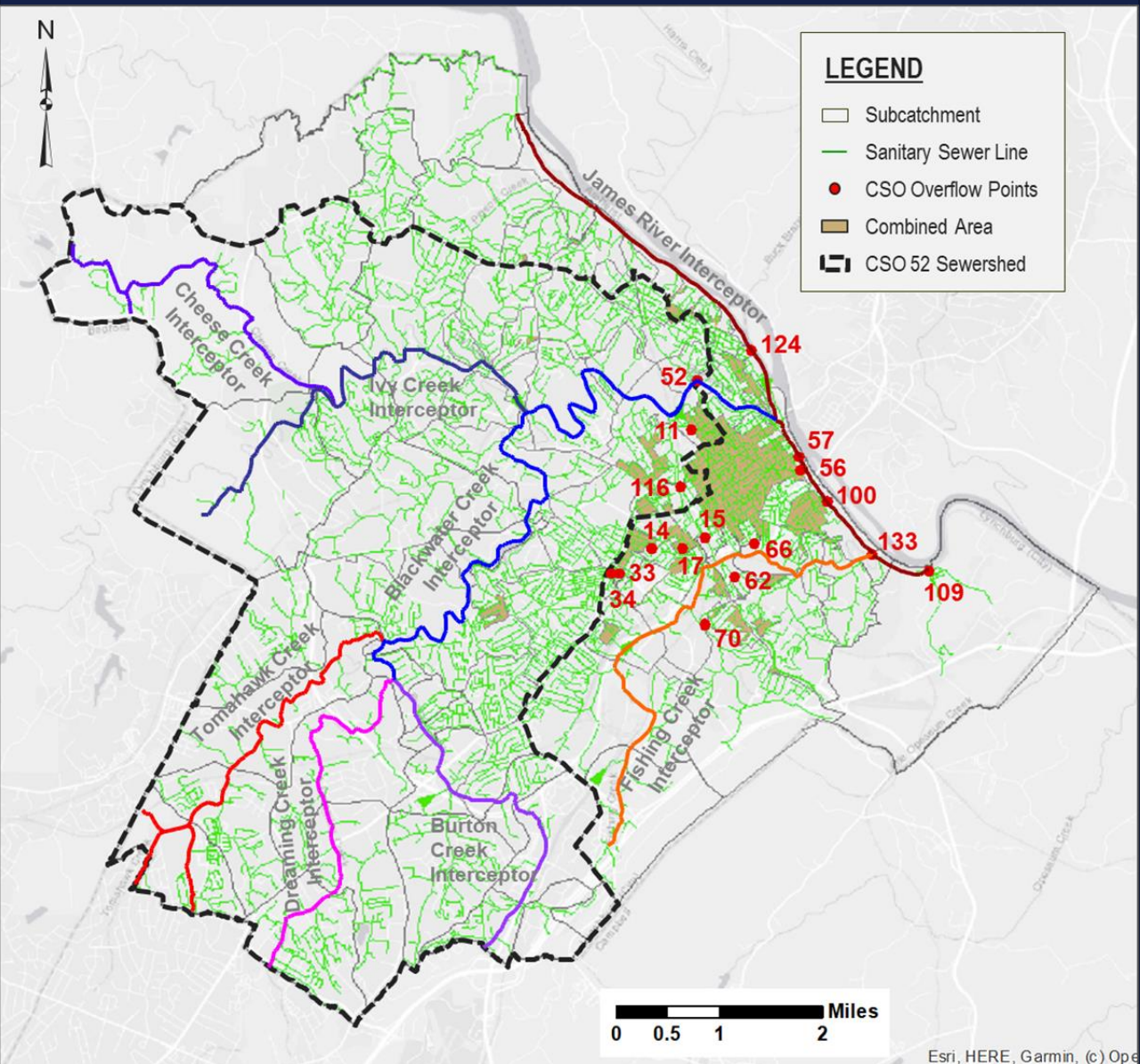
WHAT IS COMBINED SEWER OVERFLOW (CSO)?

Dry Weather



Wet Weather





OVERVIEW

- 860+ CSO Cities Nationwide
- Three in Virginia: Alexandria, Richmond, Lynchburg
- Alexandria and Richmond have specified completion dates from the Virginia General Assembly
- Original 1993 State Consent Order required the elimination of all overflow points
- Consent Order renegotiated in 2015 to allow an alternate plan, saving nearly \$300 million
- Successfully lobbied and received over \$100 million in State and Federal funding
- CSO Program to date:
 - Eliminated 115 of 132 overflow points
 - Reduced overflow volume by 93%
 - Spent \$307 million to date





CSO 52

- Most costly and complex remaining CSO project
- Existing Blackwater Creek Interceptor overflows at CSO 52 and manholes along trail during rain events
- Not just a CSO compliance issue – Limits future development within the watershed
- Options Considered included:
 - Parallel Pipe
 - Storage
 - Separation
 - Combination of Pipe and Storage
 - Deep Tunnel



TUNNEL ALIGNMENT



- With the exception of US Pipe and Crossing under a NS railroad track – Alignment is completely under City owned property
- 4,700+ feet long, 12 feet finished diameter, 80+ feet deep
- Alignment allows for use of a tunnel boring machine or drill and blast



TUNNEL CONSTRUCTION

ALTERNATIVES

- 12 feet finished diameter
- Approximately 80 feet deep and 4,700 feet long

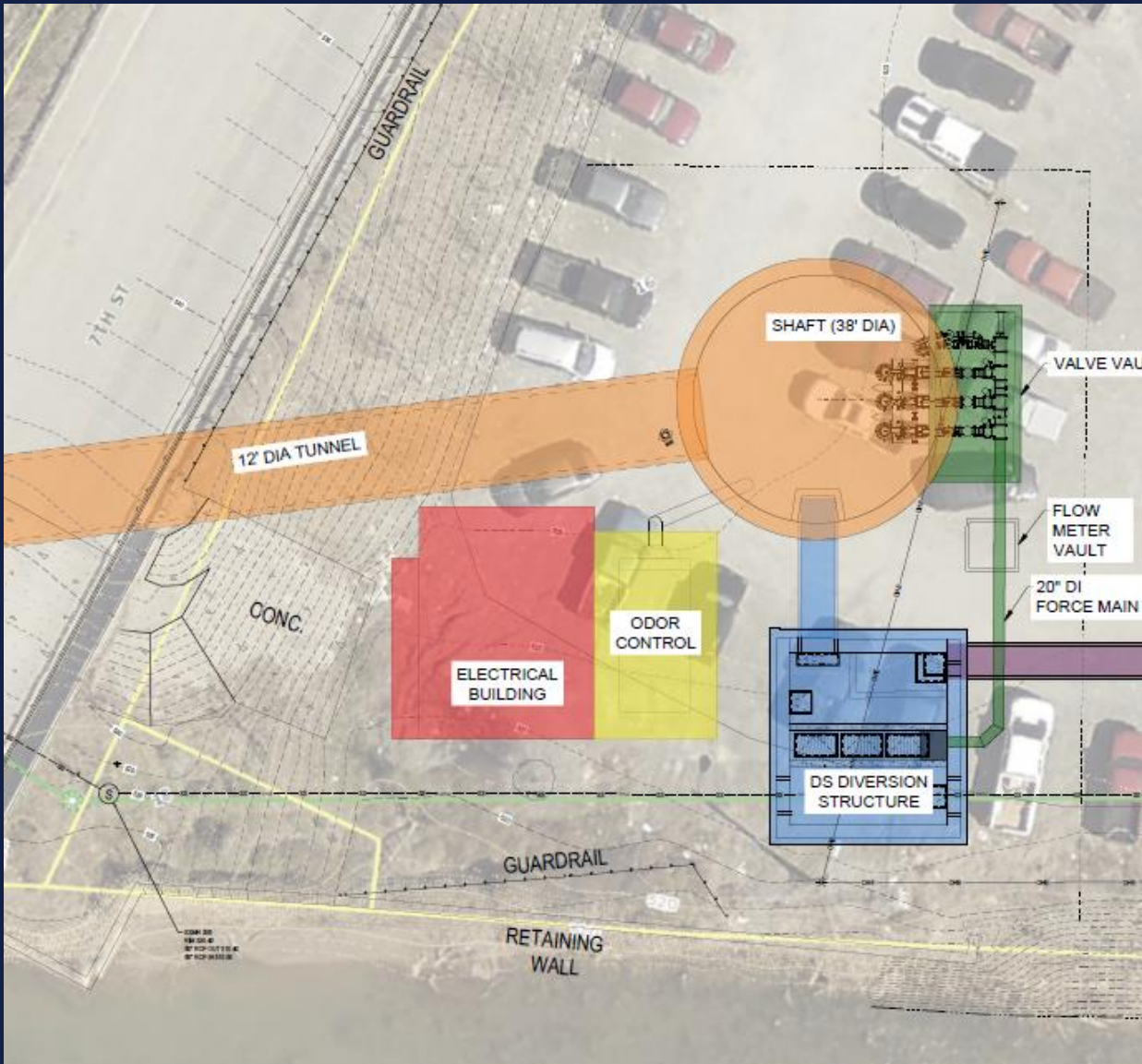


Tunnel Boring Machine (TBM)



Drill & Blast (D&B)

SHAFT AND PUMP STATION



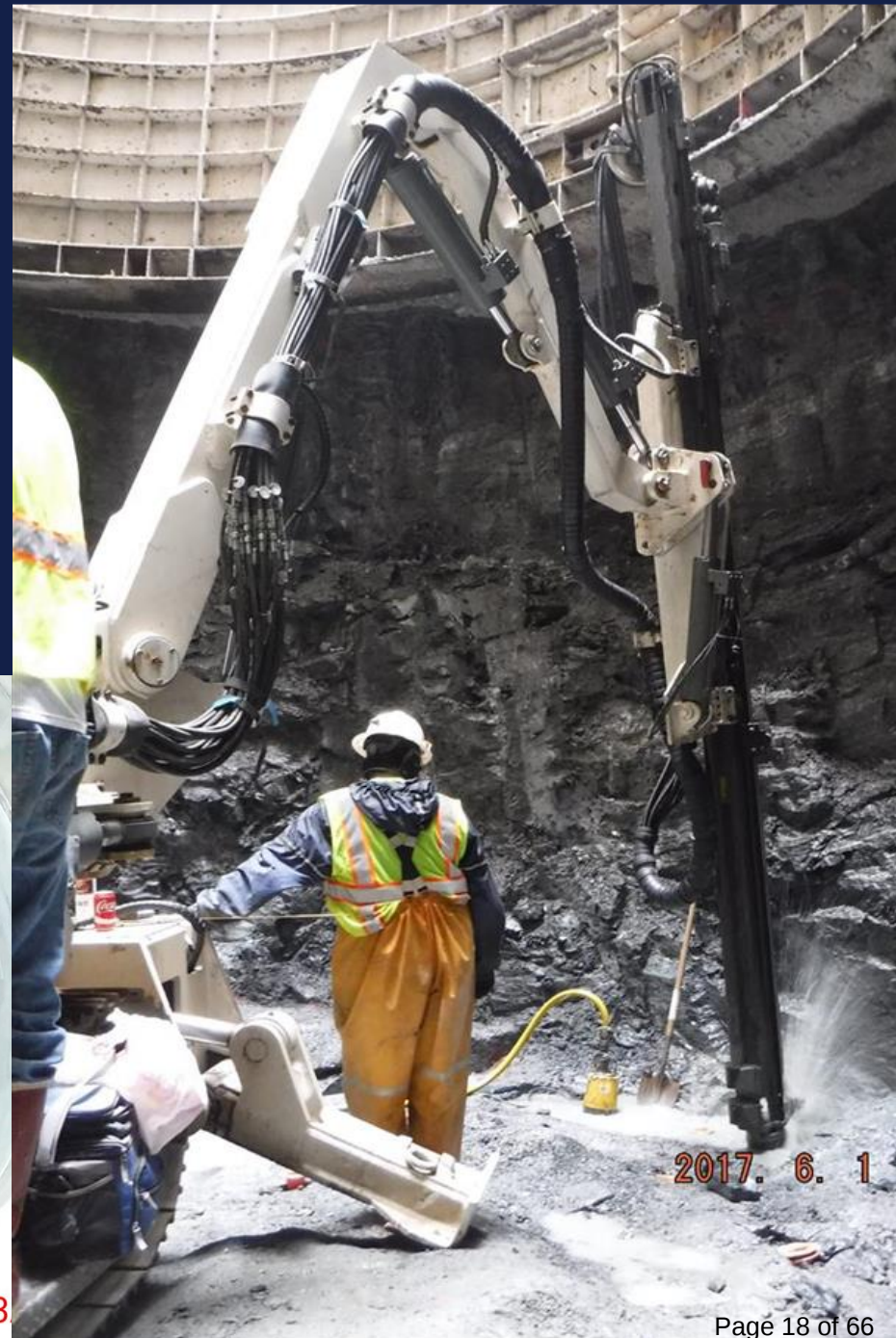
- **Orange** – 12' Diameter Tunnel and Tunnel Shaft
- **Blue and Green** – Mostly below grade, top of structure, hatches, and vent pipes will be visible
- **Red** – Electrical and Control Building
- **Yellow** – Possible Future Odor Control equipment if needed



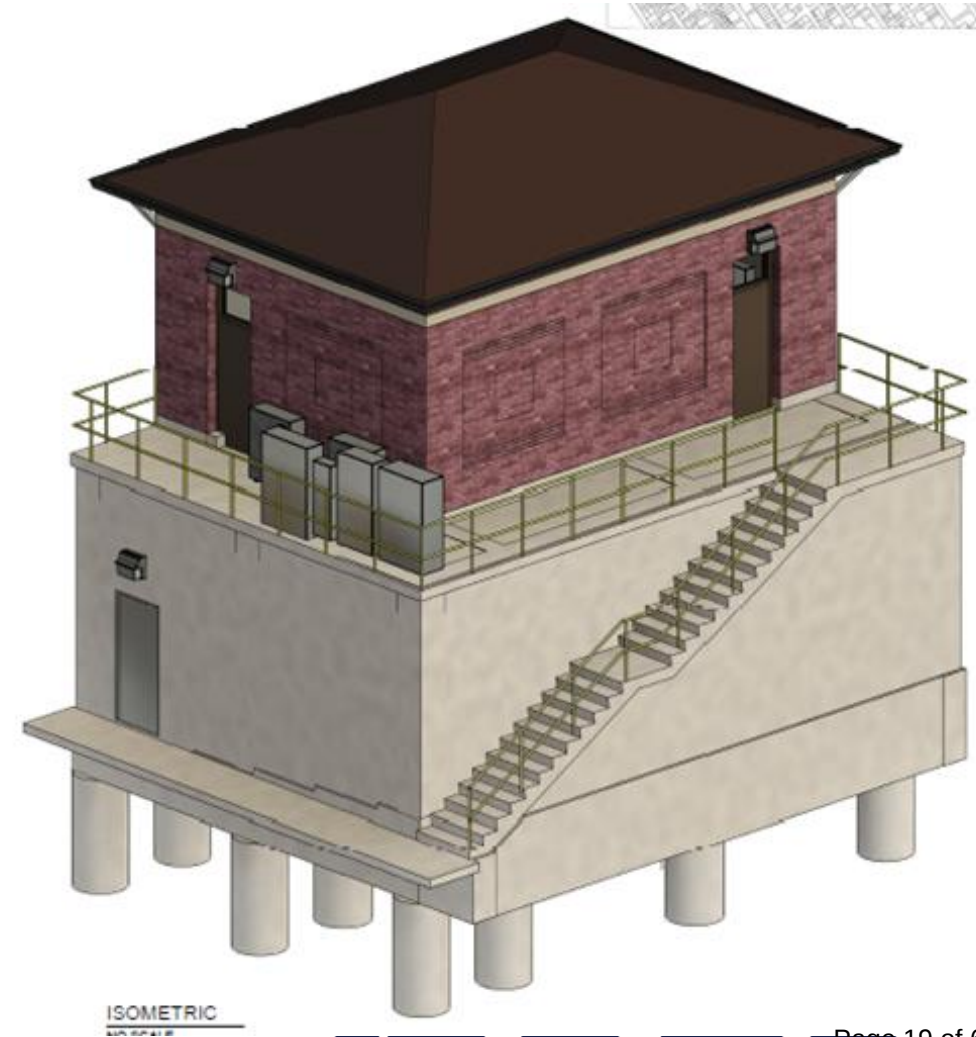
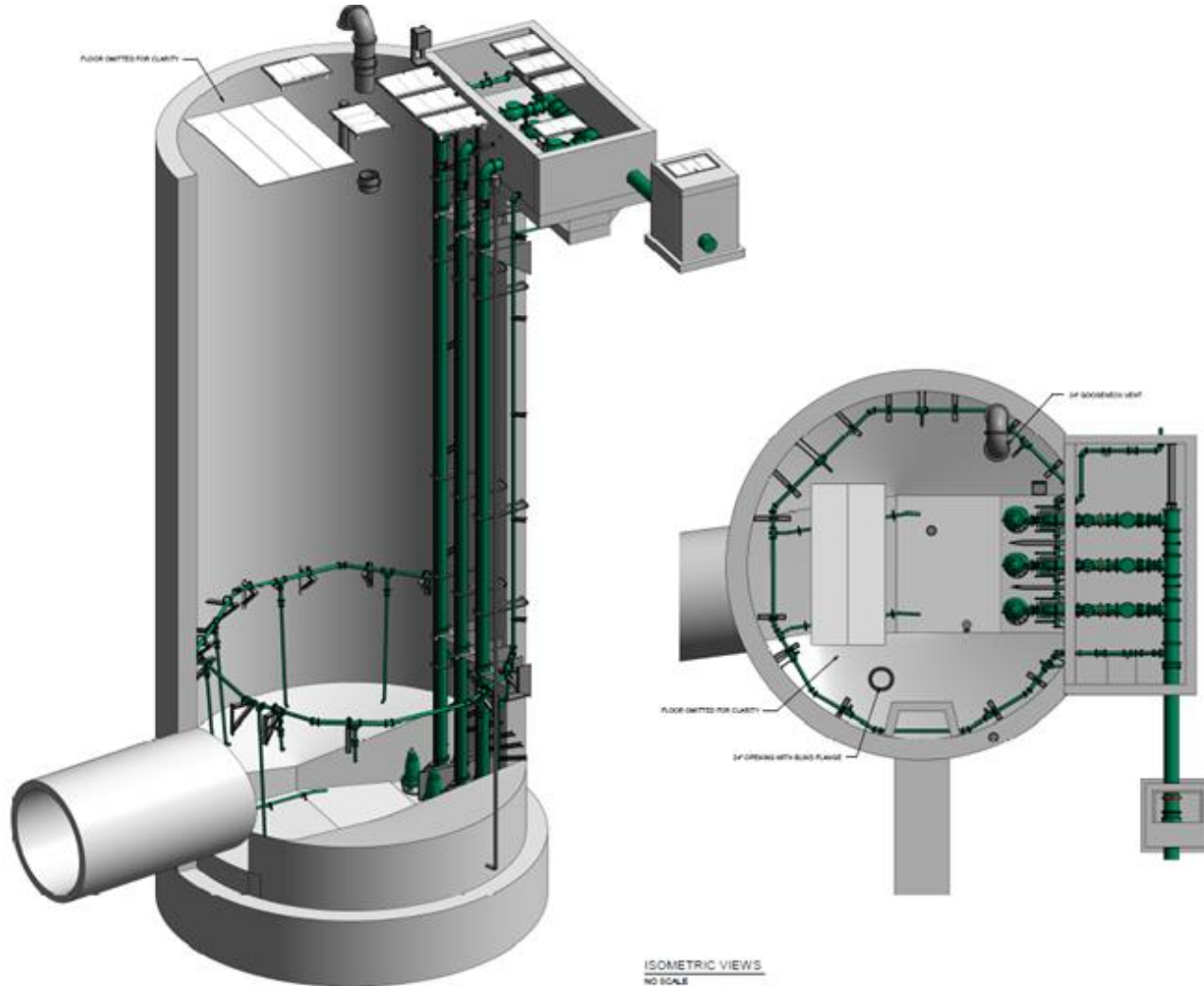
SHAFT EXCAVATION

Shaft Design:

- Remove overburden
- Approx. 42 ft in dia.
- 80 ft deep
- Concrete lined
- Converted to Pump Station

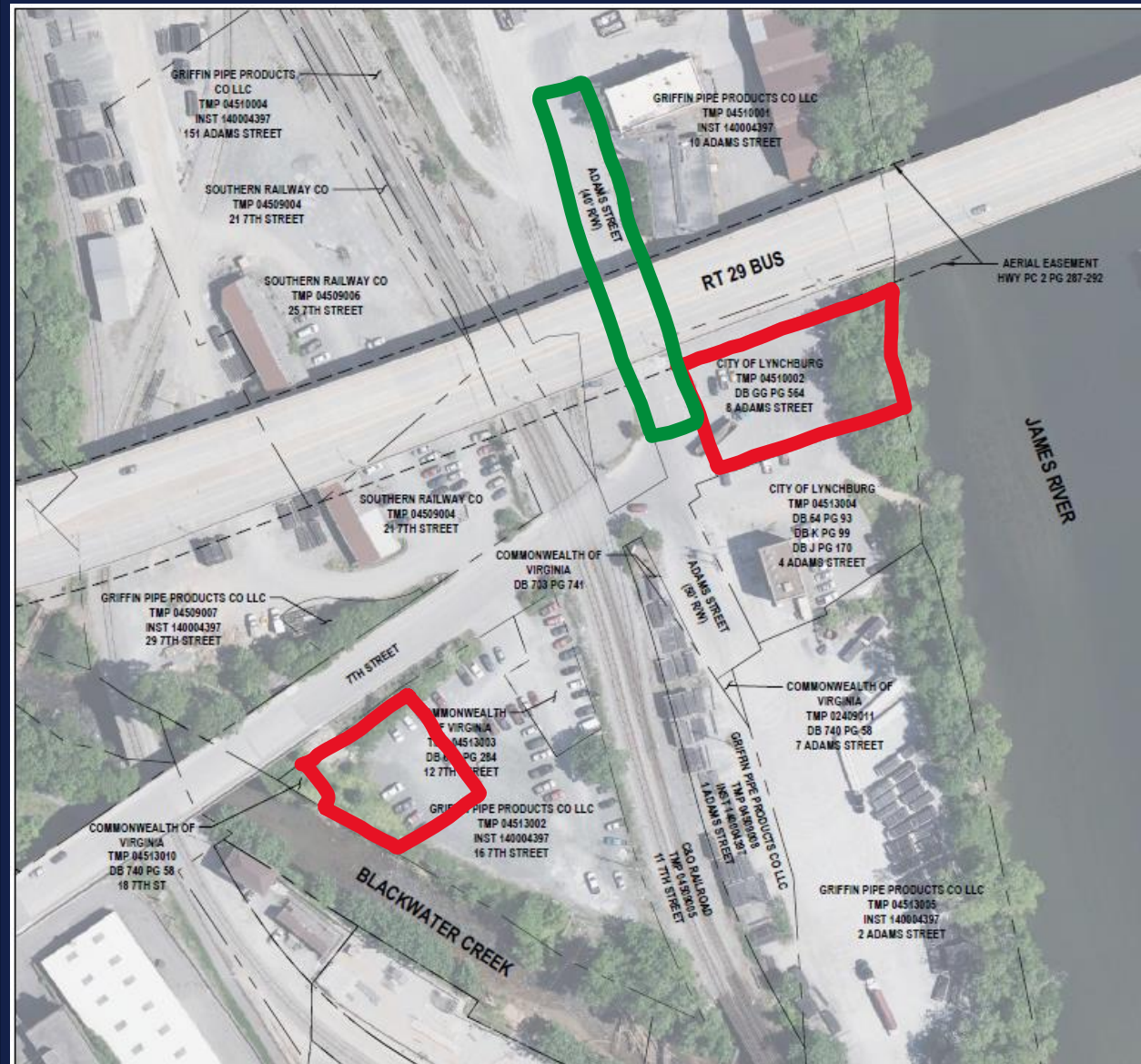


PUMP STATION AND ELECTRICAL BUILDING



KEYS TO PROJECT SUCCESS

- Obtain Norfolk Southern approval for tunnel crossing in a timely manner
- Obtain a Categorical Exclusion designation from the Virginia Department of Environmental Quality (DEQ). DEQ has stated that a full Environmental Assessment would be needed – this could have serious impacts to the project schedule
- Negotiate acquisition of US Pipe property including potential property swap and appropriate compensation associated with impact to their operations



CURRENT STATUS

- **Received 60% Design Plans on 6-20-23 – Currently being reviewed by City Staff**
 - 90% plans due in September
 - Final plans due in December
- **Geotechnical Field Work Complete**
 - Good “competent” rock
 - Thorough and accurate geotechnical work critical for design and to minimize construction claims
- **Negotiating with DEQ on Categorical Exclusion Designation**
- **Ongoing discussion with US Pipe**
- **Railroad reviews seem to be on track**
 - Excellent meeting with NS and their consultant RailPros on 6-29-23

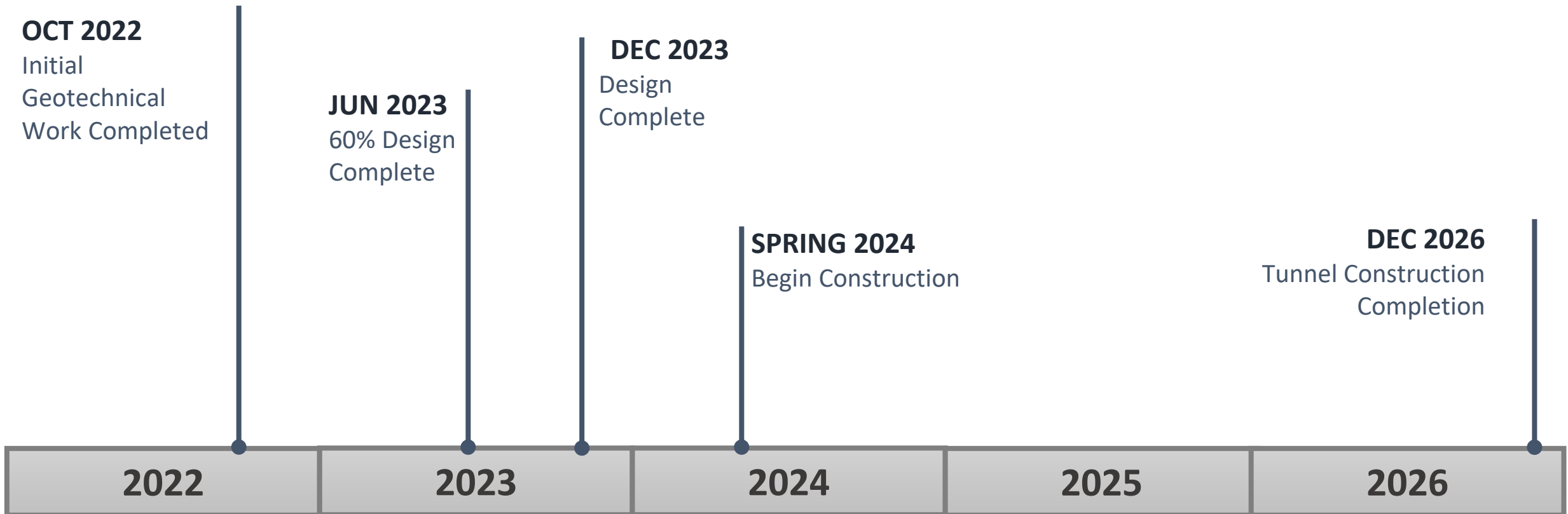


CSO COST & FUNDING

- **Current CSO Program Available Appropriations = \$112 million**
- **American Rescue Plan Act Funding**
 - \$25 million ARPA – 2021 GA Special Session
 - \$25 million required local match requirement
 - \$25 million ARPA – 2022 GA Session
 - **ARPA Projects must:** Bid project and close on grant by December, 2024 and be complete by December, 2026
- **Virginia Clean Water Revolving Loan Fund**
 - Applications due end of July – typically 0% interest or some principal forgiveness, we will apply for the balance of the needed funding



PROJECT SCHEDULE



LYHBeyond

Blackwater CSO Tunnel



AGENDA ITEM SUMMARY

MEETING DATE

July 11, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.3

Conditional Use Permit (CUP) - Telecommunications Tower - 109 Leroy Bowen Drive

RECOMMENDATION

This item will appear for City Council vote on the August 8, 2023 Public Hearing Agenda. Approval of the petition to allow the construction of a one-hundred fifty (150) foot tall telecommunications tower in a B-1C, Limited Business District (Conditional).

SUMMARY

LCC Telecom Services, on behalf of US Cellular, is petitioning for a Conditional Use Permit to allow the construction of a one-hundred fifty (150) foot tall telecommunications tower at 119 Leroy Bowen Drive. Telecommunications towers of this height are permitted in the B-1C, Limited Business District (Conditional) upon approval of a CUP from City Council.

PRIOR ACTION(S)

The Planning Commission will review this item on July 12, 2023.

The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Report and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: July 05, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: July 06, 2023



Wynter C. Benda, City Manager

Date: July 06, 2023



Alicia Finney, Clerk of Council

Date: July 06, 2023

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: July 12, 2023
Re: **Conditional Use Permit (CUP): 150' Telecommunications Tower – 119 Leroy Bowen Drive**

I. PETITIONER

LCC Telecom Services, on behalf of US Cellular, 10700 W. Higgins Road, Rosemont, IL 60018
Representative: John Wallace, LCC Telecom Services, 10700 W. Higgins Road, Rosemont, IL 60018

II. LOCATION

The subject property is located at 119 Leroy Bowen Drive and contains approximately two and five tenths (2.5) acres. The portion of the property leased by US Cellular is approximately ten thousand (10,000) square feet, or twenty-three hundredths (0.23) of an acre.

Property Owner:

Women's Health Services of Central Virginia (WHSCV) Real Estate Company LLC, 114 Nationwide Drive, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the construction of a one hundred fifty (150) foot telecommunications tower.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030* recommends an Employment 1 use for the property.
- The property is zoned B-1C, Limited Business District (Conditional). Telecommunications towers are permitted within this district upon approval of a CUP by Council.
- The surrounding area is mostly undeveloped and zoned for commercial/industrial uses.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* recommends an Employment 1 use for the property. These areas are intended for large-scale office (greater than 20,000 square foot floor areas and/or more than four stories), small-scale office, research and development, and light manufacturing uses. "Flex-space," an industry term for flexible building space that is designed to accommodate office, small-scale storage, and/or light manufacturing uses, is also appropriate for Employment 1 areas. Restaurant, small scale retail, hotel and business service (e.g., copy shop, computer sales and service) uses that support the office/industrial uses can be constructed in Employment 1 areas, though shopping centers are not recommended. When a corporate campus development is proposed, integrated residential development at medium to high densities may be approved. The mix of uses should be determined as part of a development approval. (p.75)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1C, Limited Business District (Conditional) was established in 1999. The petition would not change the underlying zoning.

The City's Zoning Ordinance provides that telecommunications towers are permitted by-right if the tower height is one hundred (100) feet or less; towers up to one hundred fifty (150) feet may be permitted upon approval of a Conditional Use Permit from City Council.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On April 10, 1979, Council approved the CUP petition of BPO Elks Lodge #321 to construct a new lodge at 6235 Old Mill Road.
 - On June 14, 1988, Council approved the petition of J.W. Wood, Inc. to rezone five (5) acres near the intersection of Nationwide Drive and Graves Mill Road from I-1, Limited Industrial District, to B-5C, General Business District (Conditional) to allow the construction of a wholesale/retail warehouse and food distribution center.
 - On October 8, 1991, Council approved the CUP petition of Babcock & Wilcox to erect a microwave transmission tower at 155 Mill Ridge Road.
 - On October 13, 1992, Council adopted the Graves Mill Road/US 221 Area Land Use Study & Growth Management Program, which altered the zoning of several parcels in the area and created the Scenic Corridor Overlay District.
 - On March 9, 1993, Council approved the petition of Obaugh Chevrolet Geo & Cadillac to rezone 801 Graves Mill Road from B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers to allow the expansion of the existing auto body shop.
 - On December 12, 1995, Council approved the petition of James Anderson to rezone 2.95 acres at 327 Graves Mill Road from I-1, Limited Industrial District, to B-5C, General Business District (Conditional) for the expansion of an existing commercial amusement facility.
 - On December 9, 1997, Council approved the petition of William Overacre to rezone nine (9) acres at 427 Graves Mill Road from I-1, Limited Industrial District, to B-3C, Community Business District (Conditional) to allow for the construction and operation of buildings for commercial service and retail use.
 - On May 11, 1999, Council approved the petition of Scott Zechini and Richard Zechini to rezone three and seven tenths (3.7) acres in the 400 block of Graves Mill Road from R-4, Multi-Family Residential District, to B-1C, Limited Business District (Conditional) and a CUP to allow the construction of a Cluster Commercial Development.
 - On June 8, 1999, Council approved the petition of Rock Castle Partners to rezone twenty (20) acres in the 700 block of Graves Mill Road from I-1, Restricted Industrial District, to B-1C, Limited Business District (Conditional) to allow speculative office, restaurant and retail sales uses. *The subject property was included in this petition.*
 - On October 10, 2000, Council approved the CUP petition of L. E. Lichford, Inc. to develop a truck refueling facility at 166 Mill Ridge Road.

- On June 14, 2005, Council approved the petition of Jerry Brammer to rezone six tenths (0.6) of an acre at 430 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the use of an existing building as a real estate office.
- On December 11, 2007, Council approved the petition of Anderson Mediation Services to rezone 434 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a Cluster Commercial Development.

5. **Site Description.** The subject property is located at 119 Leroy Bowen Drive and contains approximately two and five tenths (2.5) acres. The portion of the property leased by US Cellular is approximately ten thousand (10,000) square feet, or twenty-three hundredths (0.23) of an acre.

The property is currently undeveloped. The property is bound to the north, west, and south, by medical and office uses. Surrounding properties to the east and across Leroy Bowen Drive are also undeveloped.

6. **Proposed Use of Property.** The purpose of the CUP petition is to allow the construction of a telecommunications tower. The facility is to be used by US Cellular and potential other wireless carriers. The proposed project will consist of a one hundred forty-eight (148) foot tall monopole tower with a two (2) foot lightning rod, for a total height of one hundred fifty (150) feet, to be located within a 100'x100' leasehold. A 60'x 60' portion of the lease area will be fenced-in, enclosing the tower base and ground equipment. The proposed tower would be located seventy-five (75) feet from all property lines to meet the Zoning Ordinance setback requirement of fifty (50) percent of the tower height.

The facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month after the facility is completed.

7. **Traffic, Parking and Public Transit.** N/A
8. **Stormwater Management.** An Erosion & Sediment Control plan would be required prior to final site plan approval. A Stormwater Management Plan would be required if disturbed areas exceed five thousand (5,000) square feet.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP, but noted the need for vehicular access/turnaround space in accordance with 2018 International Fire Code (IFC).

The City Police Department had no concerns regarding the CUP.

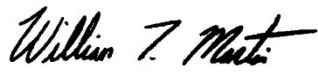
10. **Impact.** The proposed construction of the telecommunications tower should have minimal impact on the area. The surrounding area is mostly undeveloped and zoned for commercial/industrial uses. The closest residentially zoned property, an R-4, High Density Residential District, is located approximately six hundred (600) feet away on Old Mill Road; however, the area is separated by an R-C, Resource Conservation area along Dreaming Creek.
11. **Technical Review Committee.** The TRC reviewed the concept plan on June 20, 2023. Comments related to the proposed use were minor in nature and have been, or will be, addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of LCC Telecom Services petition for a conditional use permit (CUP) at 119 Leroy Bowen Drive to allow the construction of a one hundred fifty (150) foot telecommunications tower and associated equipment subject to the following condition:

The property shall be developed in substantial compliance with the site plan entitled “Blackwater, Site Number 765365, 119 Leroy Bowen Dr., Lynchburg, VA” dated July 3, 2023.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
US Cellular, Petitioner
John Wallace of LCC Telecom Services, Representative
WHSCV Real Estate Company, LLC, Property Owner

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Application Materials Packet**
 - a. Letter of Application**
 - b. Narrative Overview**
 - c. Conditional Use Standards for Requested Permit**
 - d. Photo Simulations from Nearest Roads**
 - e. RF Propagation Maps**
 - f. RF Engineer’s Statement regarding Collocation, Existing Site and Interference**
 - g. Phase I Environmental Assessment**
 - h. Archaeology Survey**
 - i. FAA and FCC Filings**
 - j. Economic Statement of Unreasonable Costs**
 - k. Site Plan**
- 6. Property Photograph**

Zoning

TRC

119 LEROY BOWEN DR

US Cellular

I-1

NATIONWIDE DR

I-1

114

800

I-1

R-4

R-C

B-5C

707

PROPERTY INFORMATION

PARCEL ID

ADDRESS

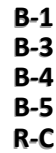
23814004

119 LEROY BOWEN DR

LEGEND

Subject Property

215 Foot Buffer



B-1

B-3

B-4

B-5

R-C

I-1

I-2

I-3

IN-1

IN-2

R-1

R-2

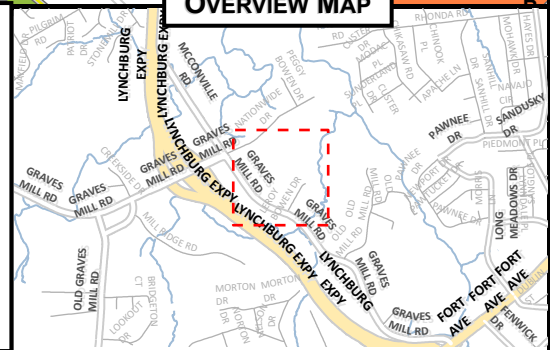
R-3

R-4

MAP SCALE: 1:48,000

DATE PRINTED: 7/4/2023

OVERVIEW MAP

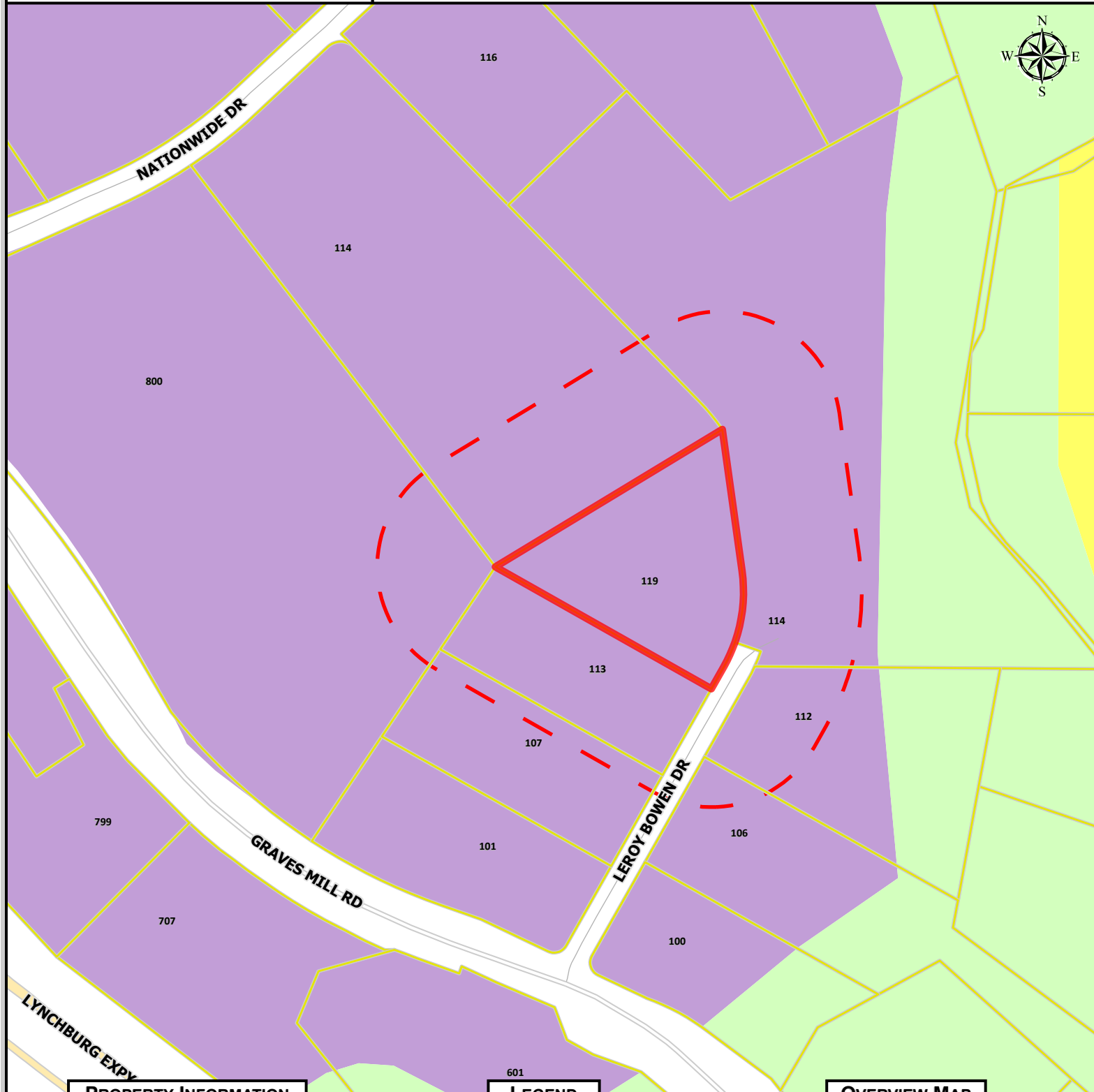


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119 Leroy Bowen Drive Adjoining Owners

Parcel ID	Address	Owner
23807002	800 GRAVES MILL RD	LIBERTY UNIVERSITY INC
23807003	114 NATIONWIDE DR	MMPF III WH-CENTRAL VA LLC
23807008	114 LEROY BOWEN DR	SOCIETY OF ST ANDREW INC
23814002	107 LEROY BOWEN DR	BEACON CREDIT UNION INC
23814003	113 LEROY BOWEN DR	BEACON CREDIT UNION INC
23814004	119 LEROY BOWEN DR	WHSCV REAL ESTATE COMPANY LLC
23814005	112 LEROY BOWEN DR	SOCIETY OF ST ANDREW INC
23814006	106 LEROY BOWEN DR	SOCIETY OF ST ANDREW INC

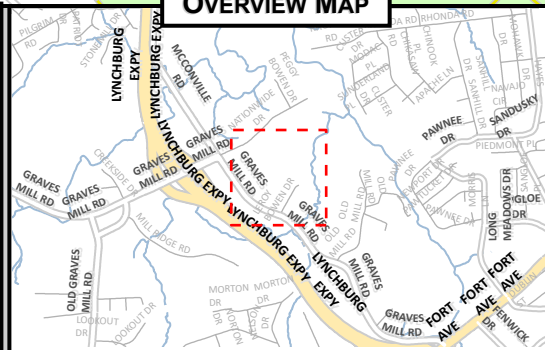
FLUM	119 LEROY BOWEN DR
TRC	US Cellular



PROPERTY INFORMATION	
PARCEL ID	ADDRESS
23814004	119 LEROY BOWEN DR

LEGEND

	Local Historic District		Employment 1
	Traditional Residential		Employment 2
	Low Density Residential		Downtown
	Medium Density Residential		Institution
	High Density Residential		Public Use
	Neighborhood Commercial		Public Parks
	Community Commercial		Resource Conservation
			Mixed Use

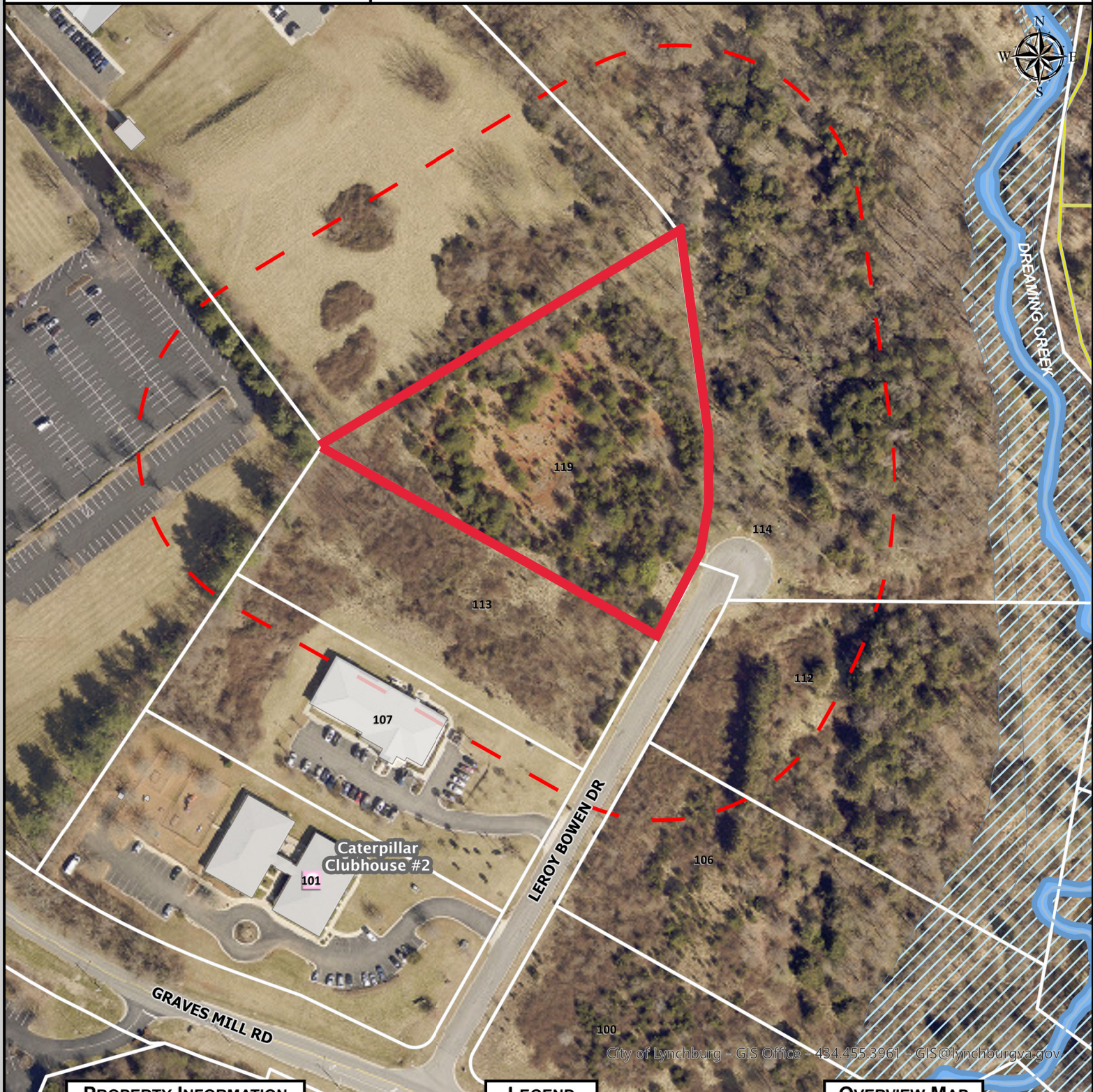


Watershed

119 LEROY BOWEN DR

TRC

US Cellular



PROPERTY INFORMATION

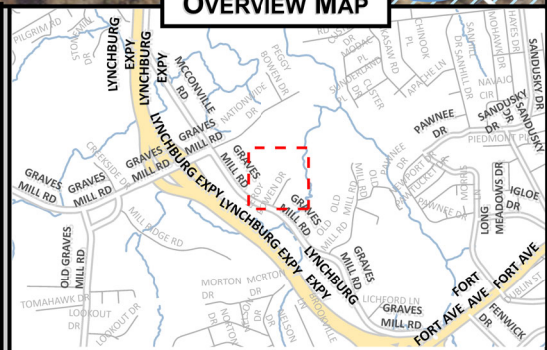
PARCEL ID	ADDRESS
23814004	119 LEROY BOWEN DR

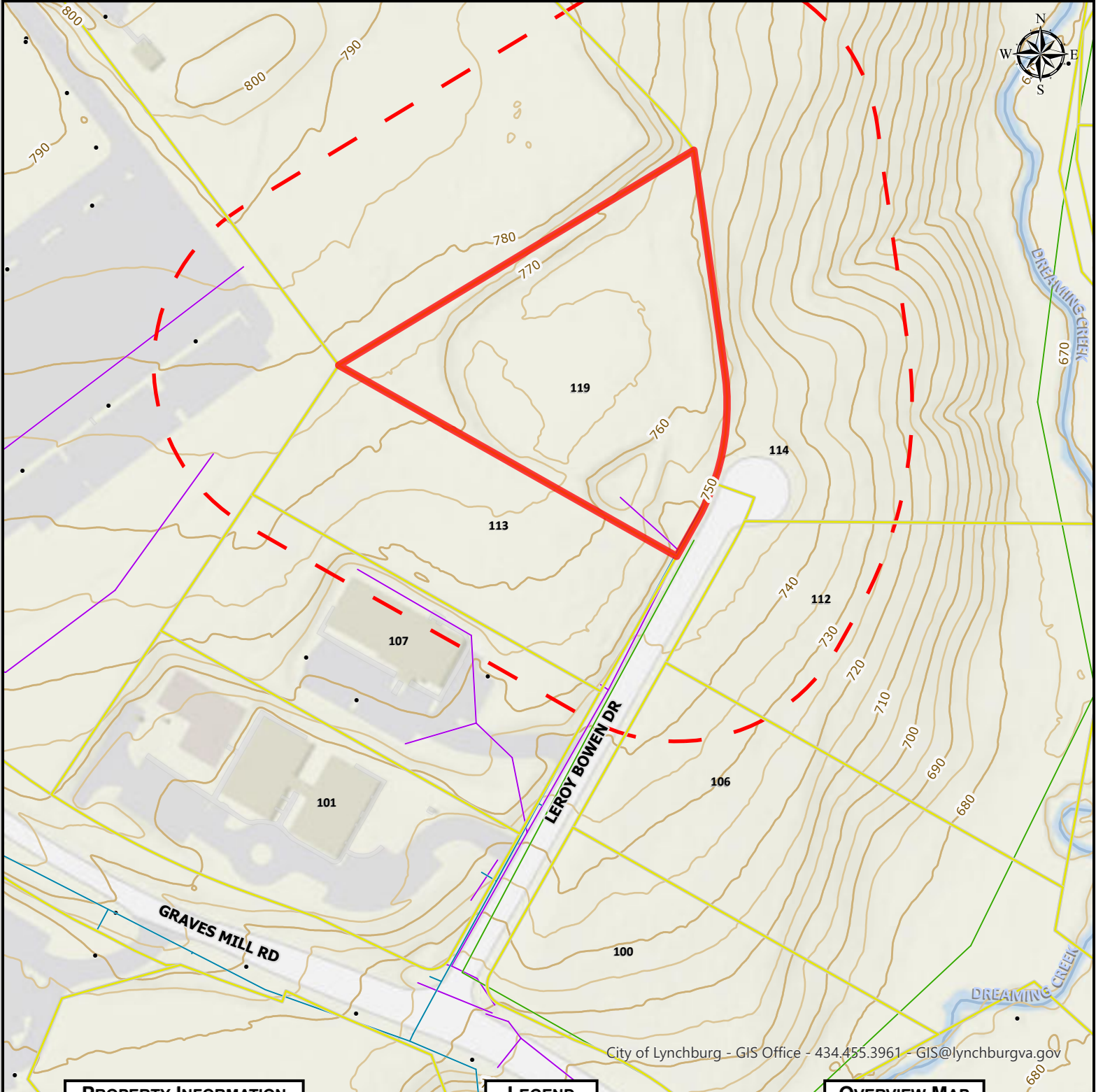
LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

MAP SCALE: 1:48,000 DATE PRINTED: 7/5/2023

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

PARCEL ID	ADDRESS
23814004	119 LEROY BOWEN DR

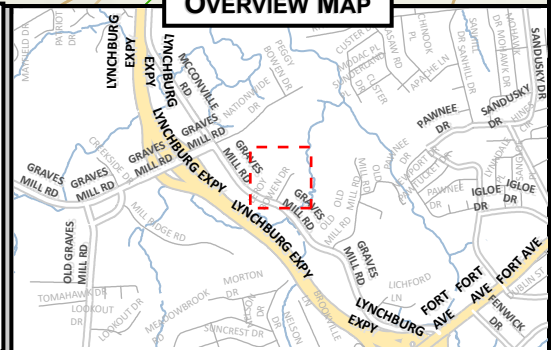
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

MAP SCALE: 1:48,000

DATE PRINTED: 7/4/2023

OVERVIEW MAP



Letter of Application

July 3, 2023

Ms. Rachel Frischeisen,
Senior Planner
900 Church Street
Lynchburg, Virginia 24504

RE: Conditional Use Permit Application for a 150' Telecommunication Facility, 119 Leroy
Bowen Dr., Lynchburg, VA

Dear Ms. Frischeisen:

The enclosed is an updated application based on the TRC comments received 6/26/23.

This telecommunications tower is being proposed pursuant to in Sec. 35.2-73. - Telecommunications facilities. Conditional Use approval is required for the siting and construction of any new telecommunication tower, with approval of the Technical Review Committee and subsequent planning boards of the City. The proposed telecommunications tower will consist of a 148'-00" tall monopole tower with a 2'00" lightning rod for a total height of 150'-0", to be located within a 100'x100' leasehold. A 60'-0" x 60'-0" portion of the lease area will be fenced-in, enclosing the tower base and ground equipment. The proposed tower will be erected, owned and managed by USCellular. The facility is unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month after the facility is completed.

On behalf of USCellular, LCC Telecom Services has submitted all required documentation for the proposed tower in accordance with the City of Lynchburg Code of Ordinances for this application to be deemed complete. Should you have any questions please feel free to contact me. I look forward to working with you during the approval process in order to provide the residents of the City of Lynchburg improved wireless coverage.

Sincerely,



John Wallace
LCC Telecom Services

Narrative Overview

USCOC Virginia RSA #3, LLC (“US Cellular”) seeks approval of a Conditional Use Permit and any other permits or approvals necessary in order to install a 150’ tall telecommunications tower on the property located at 119 Leroy Bowen Dr., VA USCellular proposes to develop the site for its own use and it will also be offered as a shared facility to any other communication carriers that have a need for a facility in this area. USCellular has acquired the necessary licenses from the Federal Communications Commission (“FCC”) to provide Personal Communications Services (“PCS”) coverage throughout the United States. These licenses include City of Lynchburg.

The proposed site is located in Sec. 35.2-73. - Telecommunications facilities (the “Zoning Ordinance”), and specifically Sec. 35.2-73.6. - Standard process projects requiring a conditional use permit, telecommunication facilities are allowed in this district with Conditional Use approval requiring Board of Zoning Appeals authorization. The site has been located in an inconspicuous location in an undeveloped area zoned B-1C, to not front on any arterial road or abut a developed land use, while meeting the radio frequency needs of USCellular engineers.

The wireless telecommunications facility US Cellular is proposing to install on the property is necessary to provide uninterrupted PCS services to the residents of City of Lynchburg, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider’s technology operates at various radio frequency bands allocated by the FCC as part of their license.

PCS systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exact as to the location and height. The proposed site at located on the north side of the 501 Lynchburg Expressway and is within the geographic area deemed necessary for USCellular and various other wireless telecommunications providers to provide uninterrupted services.

The facility is unstaffed and will require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an easement and the proposed property entry off of Leroy Bowen Dr. where there is currently a section of curb missing on a cul-de-sac. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. There is no need for additional police or fire support. Additionally, there is no impact on the County's utilities such as water, sanitation as they are not used at the site. The only utilities used in connection with the mobile service facility are power and land-line telephone.

In accordance with FCC regulations, the mobile service facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. PCS technology has become a vital part of emergency services, aiding residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance the goals of providing the most reliable network possible in this area.

The proposed mobile service facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, US Cellular will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. Any and all RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA, whose final determination will be submitted before any building permit application.

LCC Telecom Services, on behalf of US Cellular, looks forward to working with the City of Lynchburg to bring the benefits of the proposed service to the area. The addition of the facility will ensure the best uninterrupted wireless services for the City of Lynchburg. This application addresses all standards of the City of Lynchburg Code of Zoning Ordinance.

CUP Standards for requested permit

Sec. 35.2-73. - Telecommunications facilities

Sec. 35.2-73.6. - Standard process projects.

(a) Review of standard process projects. Standard process projects may require the approval of a conditional use permit and/or a site plan for the installation or construction of such a project, and City staff review may also be required for the issuance of any zoning permit, or an acknowledgment that zoning approval is not required, for a standard process project. (b) Application requirements for standard process projects. Applications for wireless support structures, wireless facilities, and/or base stations that constitute standard process projects shall include the following:

(1) The name, address, telephone number, and electronic mail address of the applicant. If the applicant is not the owner of the land on which the wireless support structure, wireless facility, and/or base station is proposed to be located, then the applicant shall provide written consent of the owner, and the name, address, telephone number, and the electronic mail address of the owner. If the land on which the proposed wireless support structure, wireless facility, or base station is proposed to be located is, in whole or in part, within the City's right-of-way, then the applicant shall be required to secure written consent from the City for the proposed wireless support structure, wireless facility, or base station to be located within the City's right-of-way prior to filing such application and shall include such written consent as part of any such application. **The owner's information has been duly signed and included as part of the Telecommunications Application enclosed herewith.**

(2) An affirmative written statement signed by the applicant and the owner that the applicant and the owner are aware of and agree to comply with the provisions of this Zoning Ordinance set forth in Section 35.2-73.24 (Abandonment) regarding removal and dismantlement of all wireless support structures, wireless facilities, base stations, and related equipment in the event such a structure, facility, base station, or related equipment is no longer in use. **Please see signed telecommunication application included herewith of which abandonment is addressed.**

(3) The valuation map number and address of the parcel of land on which the wireless support structure, wireless facility, and/or base station is proposed to be located. **Parcel ID 23814004**

(4) The names, addresses, and telephone numbers of the owners of and a map showing the location and height of all wireless support structures or potential wireless support structures taller than 50 feet that are within a one-mile radius of the proposed new site for a wireless support structure, wireless facility, and/or base station, including City-owned property. **There is one tower within 1 mile, 150 Mill Ridge Rd, owned by American Tower ("ATC"), ATC: please**

contact onairaccess@americantower.com or call 877-ATC-SITE (282-7483)

<https://www.americantower.com/us/find-sites/>

(5)Written documentation that the applicant has made diligent, but unsuccessful, efforts to secure the permission to co-locate the applicant's proposed wireless facility on an existing or proposed wireless support structure owned by others, including the City, within a one-mile radius of the proposed wireless support structure, wireless facility, and/or base station. **There is only one tower within one-mile. US Cellular currently leases space on this tower and seeks to which relocate due to burdsome costs, unwillingness of the owner to renegotiate and to allow effiency to local market with latest technological upgrades not encumbered by the collocation process of the existing tower owner.**

(6)Written, technical evidence from a radio frequency engineer that the proposed wireless support structure, wireless facility, base station, or project cannot be installed or co-located on another existing or proposed wireless support structure within a one-mile radius of the proposed site for a wireless support structure, wireless facility, or base station and must be located at the proposed site in order to meet the coverage requirements for applicant's wireless telecommunications system. **Please see RF Engineer statement enclosed herewith.**

(7)Written, technical evidence from a structural engineer that the proposed wireless support structure can support the wireless facilities and base stations of other carriers for the purposes of co-location. **The proposed tower's construction drawings show both ground space and tower space for at least three collocators.**

(8)Written, technical evidence from a radio frequency engineer that the proposed facilities meet the standards set forth in this Ordinance, including, but not limited to, the requirements set forth in Section 35.2-73.13 (Interference With Public Safety Radio Services), and will not materially interfere with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities. **Please see RF Engineer statement enclosed herewith.**

(9)Written, technical evidence from an electrical engineer that the proposed site of the wireless support structure, wireless facility, and/or base station does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as propane, gasoline, natural gas, or corrosive or other dangerous chemicals. **Please see RF Engineer statement enclosed herewith.**

(10)A map of the City and the first half-mile of all bordering communities showing the design of the applicant's entire existing or proposed telecommunications network. Such map shall, at a minimum, indicate the general location of all proposed or existing sites of the applicant's wireless support structures, wireless facilities, base stations, and related equipment, the

dimensions of the sites, specifications relating to the facilities, and signal area coverage. Please see **RF propagation maps enclosed herewith**

(11)Color photo simulations showing the proposed site of the proposed wireless support structure, wireless facility, base station, or project with a photo-realistic representation of the proposed structure and facility as they would appear viewed from at least four substantially different vantage points on the eight closest residential properties or adjacent roadways. **Please find the Photosimulations Exhibit further below in its own exhibit section.**

(12)Any initial application fee required by Section 35.2-73.6(d) (Fees for Standard Process Projects). **Fee included with application.**

(13)A site plan, including a depiction of the lot lines, setbacks, existing structures and other improvements on the property, the location of adjacent and nearby structures, the proposed location of the proposed wireless support structure, wireless facility, and base station that are the subject of the application, separation distances, proposed height of any new structure, screening and landscaping, existing and proposed, access, parking, security, zoning district(s) for the subject property and all adjacent properties, and any floodplain on the subject property. **Please find the preliminary construction drawings enclosed herewith. The construction drawings include the requirements outlined above.**

(14)A copy of any approval granted by a federal agency, including any conditions imposed by that agency, regarding the proposed wireless support structure, wireless facility, and/or base station. **Please find the FCC required Phase Environmental and Archaeology Surveys enclosed.**

(15)Evidence relating to any other factors the applicant believes are relevant to the City's consideration of whether the applicant's proposed standard process project should be approved. **US Cellular has diligently sought out a parcel that is isolated from residential, screened by mature trees and will not be a burden on existing traffic circulation. The proposed unmanned telecommunication facility will not be a hindrance to future development, but will indeed provide a boon with strong wireless strength for wireless users as the industrial park and surrounding area continues to develop.**

(16)Written documentation regarding whether and how the location of the proposed wireless support structure and/or wireless facility in relation to existing structures, trees, and other visual buffers, minimizes, to the greatest extent reasonably practicable under the circumstances, any significant negative adverse impact. **There is an existing curb cut off the Leroy Bowen cul-de-sac which will easily allow a fully improved ingress/egress, and will curve in a northwesterly direction through approximately six (6) trees over a 3" caliper to where the parcel opens out to red soil (see aerial photograph on page C-1 of the enclosed construction drawings) . While the majority of trees will continue to provide screening of the entire**

parcel, USCellular will adjust its site plan to replace the trees about its fenced-in compound per the species recommendation of a city appointed arborist.

(17)Written documentation regarding whether and how the location of the wireless support structure and/or wireless facility will not have a significant detrimental impact on the property values of adjacent and nearby properties. **Just as the existing American Tower facility located out in the open on the side of a slope at 150 Mill Ridge Rd, Lynchburg, VA 24502, with no mature tree screening, has had no impact on development in that area, the proposed USCellular will have even less of an impact due to aforementioned landscape screening.**

(18)Written documentation regarding any other factors the applicant believes are relevant to the City's consideration of whether the applicant's proposed standard process project should be approved. **The entirety off this exhibit application package addrsses all facets of the proposed location.**

(19)Evidence that the applicant has given written notice to all adjacent landowners regarding the applicant's intent to file the application at least 15 days before the filing of any application to locate a new structure on the subject property. **Please find scans of certified mail receipts included herewith.**

(c)Fee limitations for standard process projects.

When an application for a standard process project is filed, the following provisions shall apply to the fee that must be paid by the applicant:(1)The fee must be reasonable.(2)The fee charged by the City shall not include direct payment or reimbursement of third-party fees charged on a contingency basis or a result-based arrangement.(3)The fee charged by the City shall not exceed the actual direct costs to process the application, including permits and inspection.(4)The City shall not charge market-based or value-based fees for the processing of any such application.(5)Upon request, the City shall, within a reasonable amount of time after such request, provide the applicant with the cost basis for any fee charged by the City for a standard process project.(d)Fees for standard process projects. Each application for a wireless support structure, wireless facility, or base station that constitutes a standard process project shall be accompanied by payment of the following fees for the processing of the application:(1)**For an application for a standard process project that requires the approval of a conditional use permit and a site plan, the initial fee shall be \$900.00.**(2)For an application for a standard process project that requires the approval of a site plan, but not a conditional use permit, the initial fee shall be \$500.00.(3)The City reserves the right to employ an outside consultant to assist in the review of any application for a standard process project. In the event the City employs an outside consultant to review an application for a standard process project, the applicant shall reimburse the City for the reasonable expenses related to such review as an additional application fee, provided, however, that the fee limitations set forth in Section 35.2-

73.6(c) (Fee Limitations for Standard Process Projects) shall apply to the calculation of any such additional fee.(4)For any standard process project that requires the approval of a conditional use permit, the applicant shall be responsible for the payment of any costs for any legal notices that may be required for the conditional use permit. **USCellular agrees to pay this fee and sent separately (scan of check enclosed herewith).**

(g)Disapproval considerations for standard process projects.

Nothing in this Ordinance shall be construed to prohibit the City from disapproving an application for a standard process project:(1)On the basis of the fact that the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds 50 feet above ground level, provided that the City follows a local ordinance or regulation that does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; or(2)That proposes to locate a new structure, or to co-locate a wireless facility in an area where all cable and public utility facilities are required to be placed underground by a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, if:a.The undergrounding requirement or comprehensive plan objective existed at least three months prior to the submission of the application;b.The City allows the co-location of wireless facilities on existing utility poles, government-owned structures with the government's consent, existing wireless support structures, or a building within that area;c.The City allows the replacement of existing utility poles and wireless support structures with poles or support structures of the same size or similar within that area; andd.The disapproval of the application does not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services.(h)Disapproval limitation if standard process project does not substantially change physical dimensions. The City may not deny, and shall approve, within 60 days, any standard process project which requests any modification of an existing base station or wireless support structure that does not substantially change, as that term is defined by federal law, the physical dimensions of such support structure or base station and that involves the co-location of new transmission equipment, the removal of transmission equipment, or the replacement of transmission equipment.(i)Disapproval allowed if written notice not provided to adjacent property owners. The City may disapprove an application for a standard process project if the applicant has not given written notice to all adjacent property owners at least 15 days before the applicant applies to locate a new structure on the subject property.

(Ord. No. O-21-009 , 2-9-21)

Sec. 35.2-73.8. - Conditional use permit required.

(a)The following uses require the approval of a conditional use permit by the City Council:(1)In the R-C, R-1, R-2, R-3, R-4, IN-1, or B-4 Districts, any standard process project that is between 50 and 150 feet in height, provided, however, that no new wireless support structure and/or wireless facility in such districts shall exceed 150 feet in height;(2)**In the B-1 District, any standard process project in which a new wireless support structure and/or wireless facility exceeds 100 feet in height; provided, however, that the maximum height for any wireless facility and/or wireless support structure in the B-1 District shall be 150 feet;**(3)In the B-3, B-5, IN-2, I-1, I-2, or I-3 Districts, any standard process project in which a new wireless support structure and/or wireless facility exceeds 150 feet in height;(4)Any base station that is a standard process project and exceeds 72 cubic feet above ground and/or six feet in height;(5)Any base station associated with a lawfully existing wireless support structure and/or wireless facility that is a standard process project, is not located inside the wireless support structure, is visible at ground level from off-site, and/or is not located within 50 feet of the base of the wireless support structure;(6)The co-location of a wireless facility on a lawfully existing wireless support structure in any zoning district that, after the proposed co-location, would result in an increase in height of the wireless support structure and/or wireless facility, provided, however, that no such structure and/or facility shall be allowed to increase more than 15 feet in height as a result of the approval of such a conditional use permit; and(7)Any other project that constitutes a standard process project.(b)Whenever a conditional use permit is required for a proposed wireless structure or wireless facility, any application for such a conditional use permit shall be made to the City Planner in the manner provided in Article 2 of this Zoning Ordinance. In districts for which a conditional use permit is required, the City Council shall make its decision to approve or deny such permit in writing and in a manner consistent with applicable state and federal law.(c)Any wireless support structure, wireless facility, or base station that is not permitted by right or upon the approval of a conditional use permit under this Ordinance shall be considered to be in violation of this Ordinance.(d)No new wireless support structure and/or wireless facility for which a conditional use permit is approved shall exceed a maximum height of 150 feet in the R-C, R-1, R-2, R-3, R-4, IN-1, or B-4 Districts.

(Ord. No. O-21-009 , 2-9-21)

USCellular is proposing a 150' in the B-1C district.

Sec. 35.2-73.9 - Setbacks.

c)Any wireless support structure and/or wireless facility greater than 35 feet in height in the B-1, B-3, B-5, IN-2, I-1, I-2, or I-3 Districts that is on a parcel adjacent to any parcel that is zoned R-C, R-1, R-2, R-3, R-4, IN-1, or B-4 shall be set back a distance at least the height of such structure and/or facility from the R-C, R-1, R-2, R-3, R-4, IN-1, or B-4 District.(d)Any wireless

support structure and/or wireless facility in the B-1, B-3, B-5, IN-2, I-1, I-2, or I-3 Districts that is greater than 35 feet in height but less than 50 feet in height shall be required to set back a distance from all property lines at least the minimum applicable setback for the district in which it is located. **(e) Any wireless support structure and/or wireless facility in the B-1, B-3, B-5, IN-2, I-1, I-2, or I-3 Districts that is a height greater than 50 feet shall be required to set back a distance from all property lines at least one-half the height of such structure and/or facility.** (f) Setback requirements for wireless support structures and/or wireless facilities shall be measured from the base of the structure and/or facility to the property lines of the parcel on which the structure and/or facility is located. **The proposed tower is setback 75' (50% of 150' proposed tower) from all property lines as indicated on the construction drawings.**

(Ord. No. O-21-009 , 2-9-21)

Sec. 35.2-73.10. - Standards for conditional use permits for standard process projects.

In order to approve a conditional use permit for a standard process project, the City Council must find that the application for such project satisfies all of the following standards:

(1) The proposed use is in substantial conformance with the provisions of the City's Comprehensive Plan. **The proposed location does not impact any proposed land uses of the Comprehensive Plan and meets the goal of providing improved communications.**

(2) The proposed use will not result in any significant adverse impact on the use and enjoyment of nearby properties. **The unmanned utility structure will not impact any existing use nor conceivably any proposed use for the currently vacant end of the industrial park served by Leroy Bowen Dr.**

(3) The proposed use will not have any significant negative impact on the value of nearby properties. **The telecommunication facility will have no impact than any other unmanned utility structure.**

(4) The proposed use will not cause any material potential interference with other pre-existing communications facilities or with future communications facilities that have already been planned or designed for a specific location or that have been reserved for future public safety communications facilities. **The FCC regulates this and will require USCellular as a FCC commercial wireless license to cease and desist from any interference caused by a new facility or new collocation.**

(5) The proposed use will not result in any significant adverse impact on public safety or other critical public service needs. **The facility is separately monitored for security purposes, will**

have a fence and barbed wire around it and should have zero impact on public safety services.

(6)The proposed use must be compatible with the character of the area in which it is proposed to be located. **The proposed site is in at the end of a cul-de-sac with of a portion of an undeveloped business park, and a steep incline into a wooded creek beyond it, which we believe has the most minimal impact on existing land uses and wholly appropriate for this use.**

(7)There are no existing wireless support structures within a reasonable distance from the proposed wireless support structure, wireless facility, and/or base station that are available to be used for co-location at reasonable terms and conditions without imposing technical limitations on the applicant. **The only tower within one mile of the proposed location is the existing American Tower from which USCellular wishes to relocate due to burdensome economic reasons as discussed in detail in the enclosed economic affidavit from USCellular.**

(8)The proposed use shall not conflict with any City ordinance adopted pursuant to Code of Virginia § 15.2-2306, or pursuant to local charter on a historic property that is not eligible for the review process established under 54 U.S.C. § 306108. **An archaeology survey as part of the state historic preservation approval has been enclosed herewith, demonstrating no historic impact.**

(9)The proposed use satisfies all other applicable requirements set forth in this chapter with respect to the location, size, design, and construction of wireless support structures, wireless facilities, and base stations. **Enclosed are the detailed construction drawings showing compliance with all applicable requirements.**

(Ord. No. O-21-009 , 2-9-21)

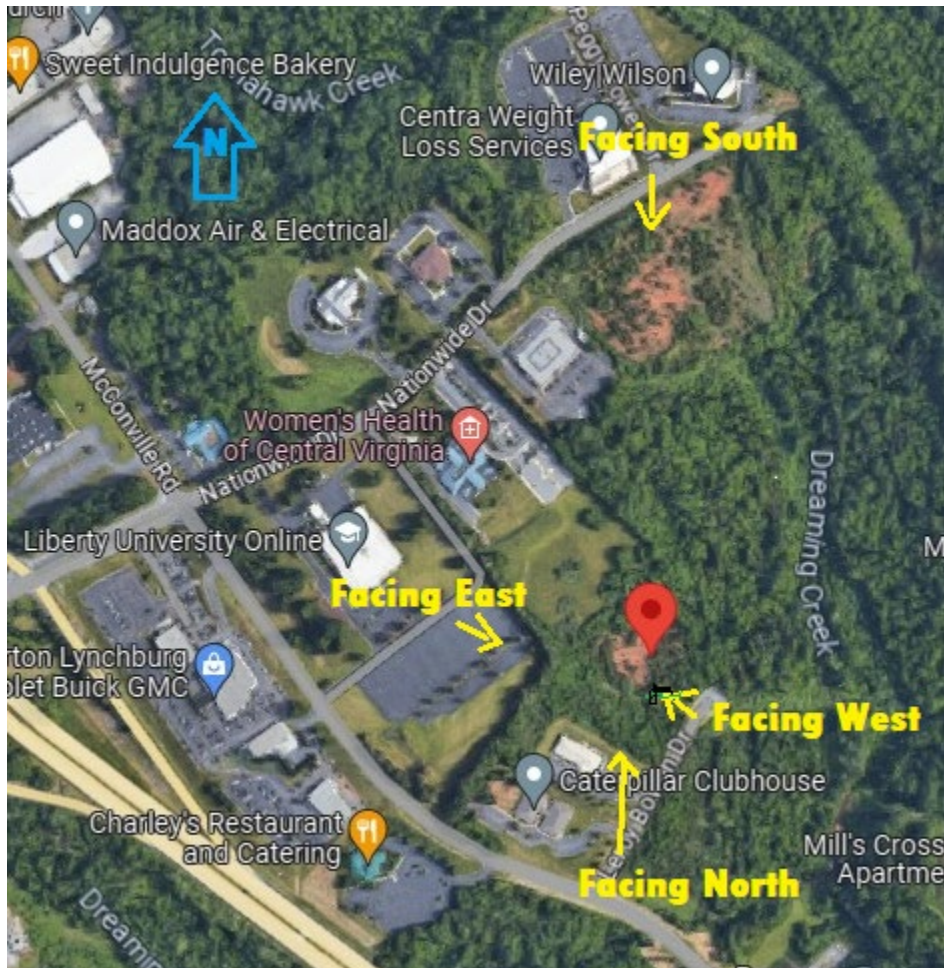
Sec. 35.2-61.3. – [relevant District] Setbacks.

(i) **B-1 District** Abutting and R-1, R-2 or R-3 District. Where a B-1 lot abuts a R-1, R-2 or R-3 lot, the minimum front setbacks along block faces shall be the lesser of the neighborhood norm as provided in paragraph (f) of this section or **20 feet**.

Photo-simulations from nearest roads

From clockwise at north

1. Facing South (from n. end of Nationwide Dr)
2. Facing East (from Leroy Bowen Dr. near proposed entrance)
3. Facing North (from further south down Leroy Bowen, looking N/NW)
4. Facing East (from Liberty U. east parking lot off Grave Mills Rd., looking E/NE)



5.

Looking South



Looking West



Looking North

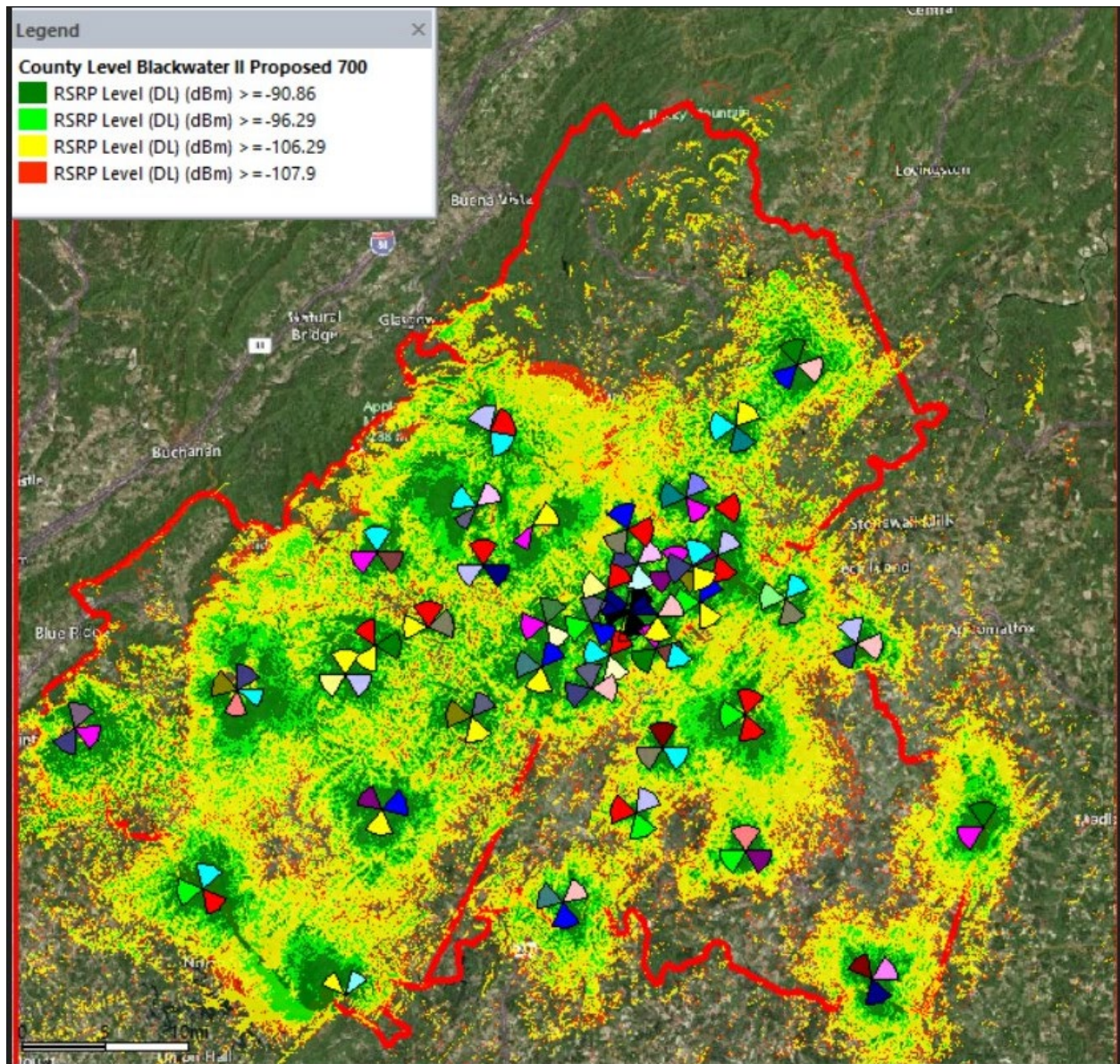


Looking East

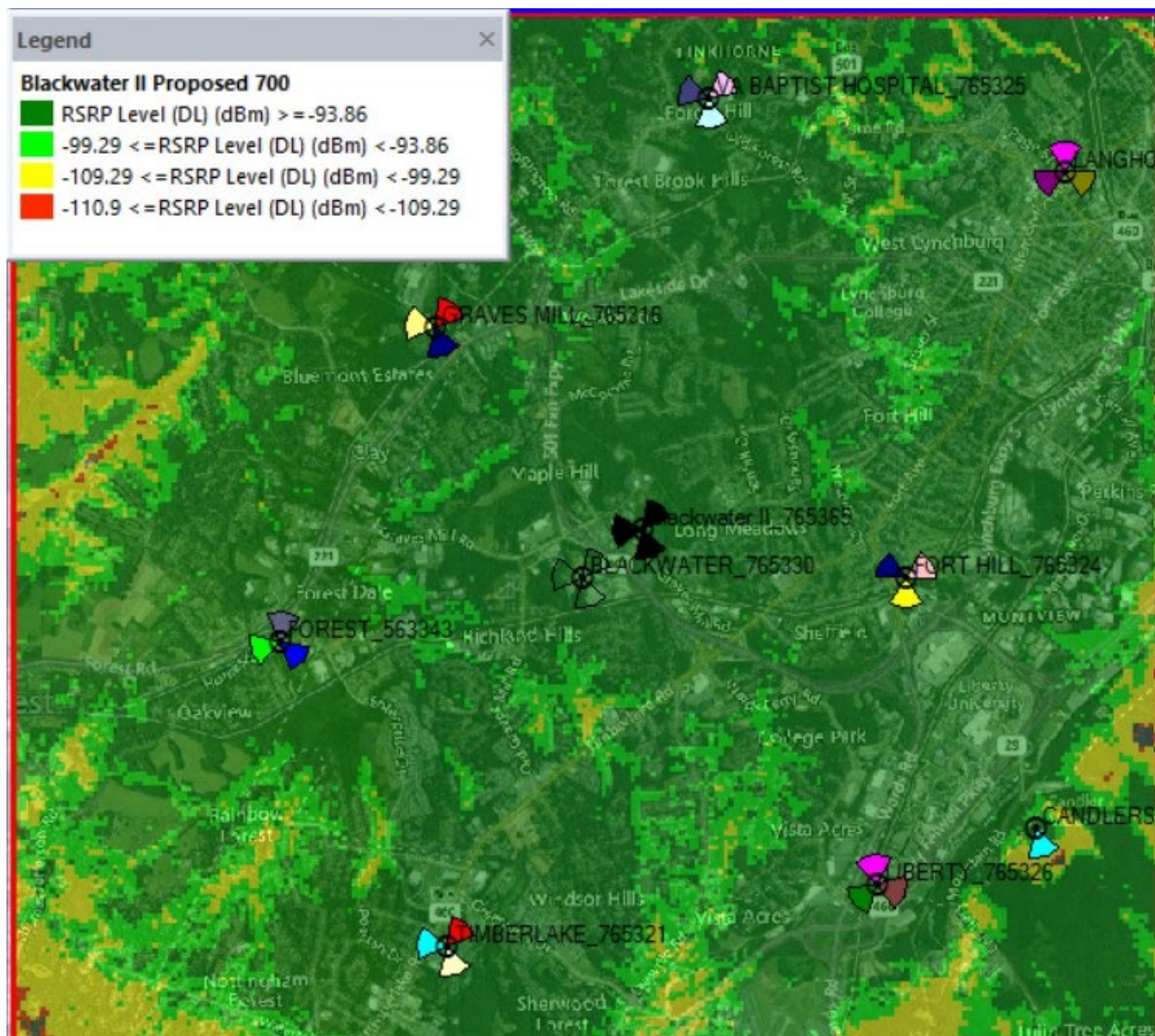


RF Propagation Maps

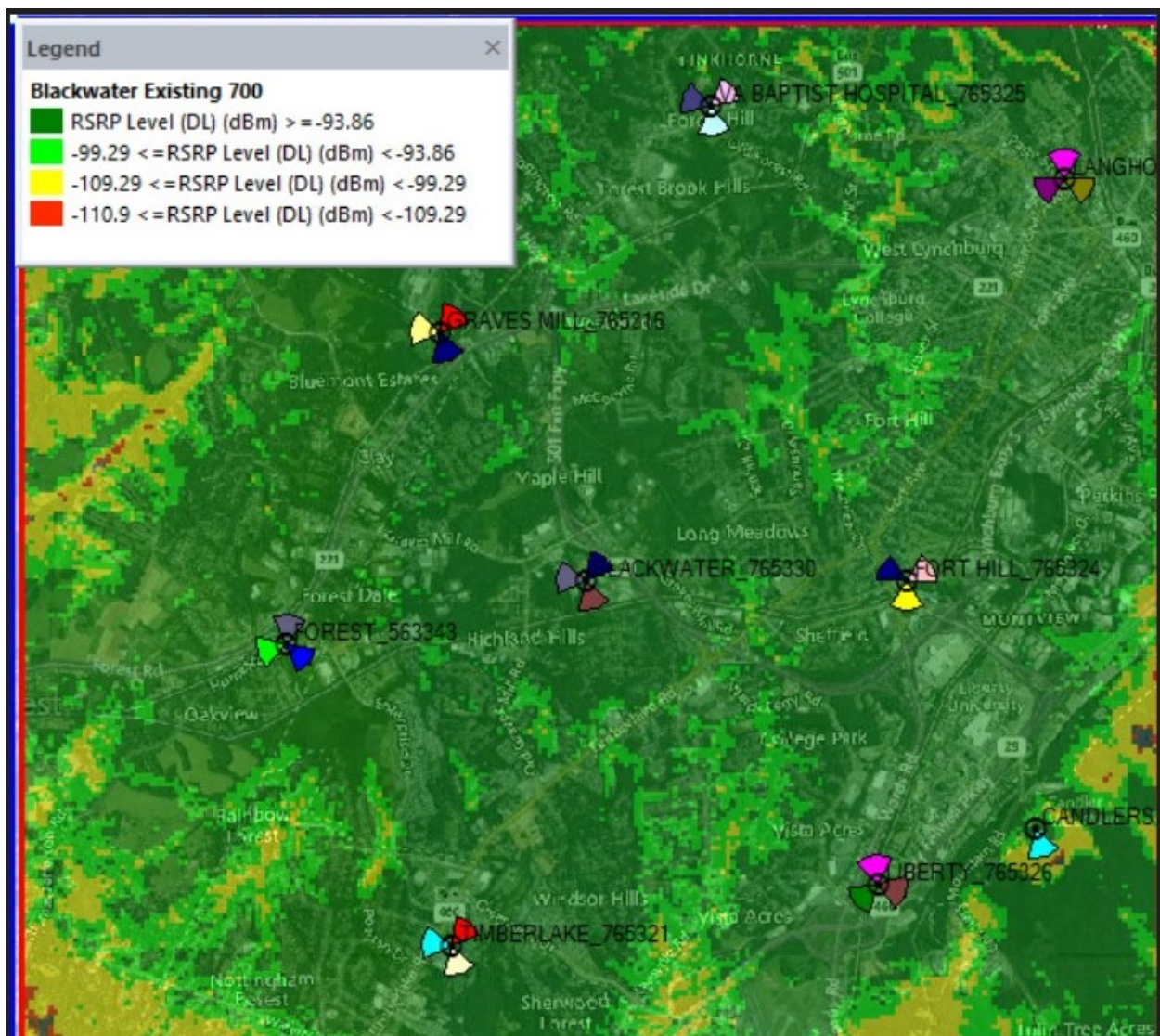
All USCellular sites in the City of Lynchburg and the three counties surrounding the City (so sites out to and beyond ½ mile from the city limits of Lynchburg)



Proposed site – Blackwater II – and surrounding/existing USCellular sites



Existing ATC tower USC is collocated on and surrounding sites.



RF Engineer's Statement regarding Collocation, Existing Site and Interference



City of Lynchburg
Attn. Community Development
900 Church Street
Lynchburg, Virginia 24504

**RE: Suitability of existing structures, Collocation, Safety and Non-Interference
Statement for Blackwater II, Lynchburg, VA, for proposed location at 119 Leroy
Bowen Dr., Lynchburg, VA**

To Whom It May Concern

US Cellular, proposes to construct a wireless telecommunication tower in Lynchburg County upon which US Cellular will be the anchor tenant. US Cellular operates a wireless network authorized by the Federal Communications Commission (FCC) to provide wireless communication throughout the nation, including Lynchburg County, Virginia. US Cellular's operation and network are licensed and regulated by the FCC. The FCC rules governing the operation of wireless telecommunications facilities are designed to protect co-channel and adjacent licenses against harmful interference. The FCC has exclusive jurisdiction over these requirements.

The proposed "Blackwater II" US Cellular facility is in the compliance with all applicable FCC requirements. I testify that there are no other existing structures within the one-half mile radius of the proposed area except for the existing tower that USCellular wishes to relocate off of due to economic reasons. Those reasons have been provided by others in USCellular, enclosed with the application, and therefore no technical explanation to be provided ruling out the existing location at 150 Mill Ridge Rd, Lynchburg, VA 24502. Furthermore, the proposed tower is designed for collocation with vertical separation locations for other user's antennas and related equipment on the tower that will not cause interference (more on interference to follow), and that neither the base station nor tower pose a risk of explosion, fire, or other danger during normal operations (the tower will have a lightning rod and ground ring buried within the fenced off compound).

In order to ensure that the City's public safety radio services will be free from harmful or destructive interference, US Cellular affirms that that it shall follow the following requirements:

1. Demonstrate compliance with good engineering practices;
2. Not cause material potential interference to the City's existing public safety radio services or to future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;
3. Comply with all FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna

bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference.

US Cellular engages in the following good engineering practices pertinent to complying with FCC requirements regarding interference and emissions:

1. US Cellular locates its transmitting antenna(s) in order to maximize vertical and horizontal separation from other operator's systems to minimize interference potential;
2. All operating hardware at the site is type-accepted by the FCC as far as emission levels within US Cellulars' licensed frequency band in addition to spurious emissions outside of US Cellulars' frequency band;
3. The power levels by the base station hardware and corresponding effective radiated power (ERP) from the transmit antenna(s) are within the limitations specified by Part 22 of the Commission's Rules;
4. Intermodulation studies are prepared and analyzed considering all carries on the tower to ensure no mixing of frequencies will create harmful interference to/from US Cellulars' wireless system;
5. This site complies with FCC regulations concerning interference to radio, television, or communications interference, including CFR, Part 27 requirements regarding TV reception on Channel 51.

That the technical equipment to be installed by USCOC represents the state of the art and that it has been carefully designed to limit the possibility of interference to other services, including the transmission and reception of broadcast AM, FM, and Television and other communications services, such as police, fire and other public safety facilities as well as private communications installations, such as cordless telephones, and Citizen's Band and Amateur Radio stations; and that if such interference (however unlikely) were to occur, USCOC recognizes its responsibility under section 22.352 of the FCC Regulations, to act promptly to remove the interference. US Cellular is committed to providing the community with state of the art wireless services. Please contact us with any questions.

Sincerely,

Nathan Canavan

Nathan Canavan – Associate RF Engineer – US Cellular

Phase I Environmental Site Assessment – Summary (full report submitted separately to City of Lynchburg)

RESCOM Environmental Corp • PO Box 361 • Petoskey, MI 49770
Phone: (231) 409-2563 • Fax: (231) 487-0726
www.rescom.org



March 9, 2023

John Wallace
LCC Telecom Services
10700 West Higgins
Rosemont, IL 60018

Re: Phase I Environmental Site Assessment
Blackwater - 765365
119 Leroy Bowen Drive
Lynchburg, Virginia 24502

Dear Mr. Wallace:

RESCOM Environmental Corp. has completed a Phase I Environmental Site Assessment for the above referenced property. This assessment was performed in conformance with the American Society for Testing and Materials (ASTM) Standard Practice E 1527-21.

This assessment has revealed no evidence of recognized environmental conditions (RECs) in connection with the Subject Property. It is the opinion of the Environmental Professional that no further inquiry is required.

This Phase I Environmental Site Assessment has been prepared for the exclusive use of LCC Telecom Services and US Cellular. Thank you for the opportunity to provide this service and we look forward to working with you in the future. If you have any questions or comments, please call our office at (231) 409-2563.

Sincerely,

RESCOM Environmental Corp

Alec Shaw

Alec Shaw
Project Manager

Susan Blackmore

Susan Blackmore, LPG
Environmental Professional

RESCOM File: 22120047

[complete phase I study can be provided at any time for the city's records]

Archaeological Survey



**PHASE I ARCHAEOLOGICAL SURVEY AND RECORDS CHECK FOR THE
PROPOSED BLACKWATER TELECOMMUNICATIONS TOWER SITE IN
LYNCHBURG, VA**

March 14, 2023

PREPARED FOR:

LCC Telecom Services
10700 West Higgins Road, Suite 240,
Rosemont, IL 60018

PREPARED BY:

Eric Sanchez
RESCOM Environmental Corp
P.O. Box 361
Petoskey, Michigan 49770
(231) 409-2563

RESCOM ID: 22120047

A handwritten signature in black ink, appearing to read "Andrew M. Smith", written over a horizontal line.

Andrew M. Smith, M.A.
Principal Investigator

INTRODUCTION

In response to a request from LCC Telecom Services, RESCOM Environmental Corp (RESCOM) has completed a Phase I archaeological survey and records check for a proposed telecommunications tower site in Lynchburg, Virginia (Figure 1). The project is located at 119 Leroy Bowen Drive (37°22'37.8"N 79°12'44.2"W), as seen on the Lynchburg, VA USGS 7.5' topographic quadrangle (Figure 2). The project area consists of a wooded parcel and measures 100-ft by 100-ft for a telecommunications tower within a fenced compound with a 200-ft by 30-ft access / utility easement; 0.37-acre in total area (Figures 3 & 4).

An archaeological records check conducted by RESCOM via the Virginia Cultural Resources Information System determined that no known archaeological sites overlap the project area. Fieldwork was conducted on January 24, 2023 by archaeologist Stephen Nazian, University of South Florida 2008, under the supervision of Andrew Smith M.A., Ball State University 2010, Principal Investigator and Secretary of Interior qualified professional archaeologist.

This report details the results of the records check and Phase Ia survey and presents the conclusions and recommendations of RESCOM concerning any additional archaeological investigations.

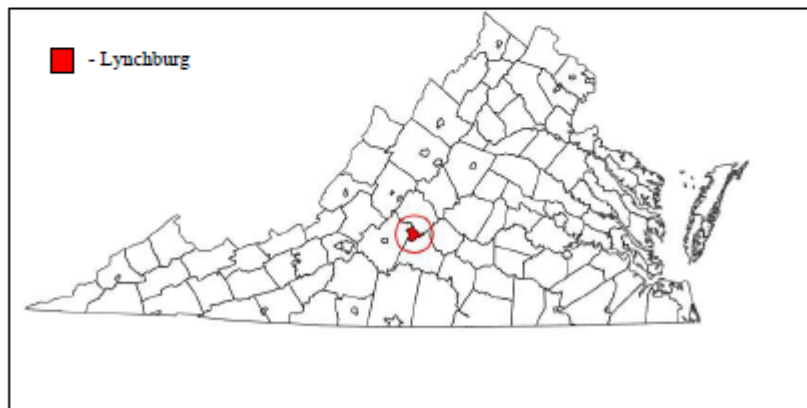


Figure 1. Location of Lynchburg within Virginia.

CONCLUSIONS AND RECOMMENDATIONS

In response to a request from LCC Telecom Services, RESCOM has completed a Phase I archaeological survey and records check for a proposed telecommunications tower site in Lynchburg, Virginia. The project is located at 119 Leroy Bowen Drive (37°22'37.8"N 79°12'44.2"W), as seen on the Lynchburg, VA USGS 7.5' topographic quadrangle. The project area consists of a wooded parcel and measures 100-ft by 100-ft for a telecommunications tower within a fenced compound with a 200-ft by 30-ft access / utility easement; 0.37-acre in total area.

10

No sites were recorded during the current survey. Based on the lack of archaeological resources or historic properties within the project area archaeological clearance is recommended.

[introduction and conclusion provided above – full report available to City]

FAA and FCC Filings

FAA Filing / FCC Registration Submission Form Please complete the following FAA Filing and FCC Registration Submission Form and send it to: uscdregulatorycomplianceandstandard@uscellular.com Please also attached the following documents to the email: • 1A Survey • Construction Drawings • Tenant Application (for inbound colo only)	
Site Name:	Blackwater II
Site ID/Number:	765365
State:	VA
Existing Site or New Site?	New Site
If existing, what is being modified?	
USCC Owned, Leased, or Inbound Colocation?	USCC Owned Site
If inbound colocation, attach the tenant application	
Is this a temporary tower?	No
If temporary tower, provide date of deployment	
If temporary tower, is this for a special event?	
Structure Type:	Monopole
Latitude Coordinates:	37° 22' 37.84" NAD 83 (37.377177°)
Longitude Coordinates:	-79° 12' 44.23" NAD 83 (-79.212287°)
Structure Height:	160
Overall Tip Height AGL:	165
Ground Elevation:	764.0 feet AMSL NAVD 88
Frequency Bands to be Broadcasted on Site (both sides):	Standard + 10
Effective Radiated Power (ERP):	Standard + 10
Targeted Date for Site On Air:	TBD
Description of Project:	HRR raw land
Requestor Name:	John Wallace
RF Engineer Name:	Nathan Canavan
Deployment Manager Name:	Mike Ross
Date Requested:	2/6/2023
Additional Notes:	

Economic Statement of Unreasonable Costs

I, Katherine Sauvain, being first duly sworn on oath, deposes and says that:

1. I am an adult resident of the State of Illinois and serve as Director — Cell Site Services for United States Cellular Corporation (UScellular).

2. I manage UScellular's high-rent relocation program, under which UScellular identifies high-cost or economically burdensome antenna site leases that accommodate UScellular communications equipment and relocates its communications equipment onto lower-cost alternative antenna site lease locations to either improve or maintain wireless coverage.

3. I am familiar with the proposed tower to be constructed by the local UScellular subsidiary, USCOC of Virginia RSA #3, Inc., a Virginia corporation, at 119 Leroy Bowen Drive located in the City of Lynchburg (911 address forthcoming for presently undeveloped parcel: the "UScellular Tower"). I am also familiar with the existing communications tower owned by **American Tower Corporation (ATC)** which is located at 150 Mill Ridge Road, Lynchburg VA. Both the existing ATC Tower and the location of the proposed UScellular Tower are in UScellular's coverage search area for this part of the City of Lynchburg.

4. UScellular currently leases space on the ATC Tower, along with related ground space at the base of the ATC Tower, to locate its communications equipment (the "**Wireless Facilities**"). UScellular has located its Wireless Facilities on the ATC Tower, but UScellular now desires to relocate its Wireless Facilities onto the proposed UScellular tower as the ATC Tower has become a high-cost antenna site structure for UScellular.

5. This sworn statement is made to attest that having its Wireless Facilities remain on the ATC Tower, which is the only existing communications support structure in UScellular's search ring with an available minimum mounting height, is economically burdensome for UScellular and would not result in the same cost-effective operation as compared to what UScellular could achieve if it relocated its Wireless Facilities to the proposed tower.

uscellular.com

8410 W. Bryn Mawr Ave.
Chicago, IL 60631

P (773) 355-3652
E. kate.Sauvain@uscellular.com

located at 119 Leroy Bowen Drive located in the City of Lynchburg, with a latitude/longitude of 37° 22' 37.84" NAD 83 (37.377177°), -79° 12' 44.23" NAD 83 (-79.212287°).

Co-Location on the ATC Tower is Economically Burdensome

6. Over the next thirty years, the rent UScellular would pay to ATC will be over four (4) times higher than what UScellular would incur in paying rent at the proposed UScellular Tower site. In actual terms, which equates to over two million six hundred thousand dollars (\$2,600,000.00) difference in rent costs between the current and proposed alternate site. This cost comparison does not take into account if UScellular needs to upgrade its Wireless Facilities to the latest technology. Any changes to UScellular equipment on the ATC Tower will require UScellular to go through an administrative process that will most likely include an increase in the rent UScellular pays to ATC. So, it is entirely possible, due to technological changes, which will occur, the previously mentioned difference between paying rent to be on the ATC Tower and paying rent at a new UScellular Tower will exceed that \$2.6 million dollar figure.

7. Decommissioning an existing Wireless Facility in favor of moving to an alternate tower location is something UScellular does in limited circumstances. UScellular will bear a significant capital cost in decommissioning its Wireless Facilities installation on the ATC Tower and relocating to the UScellular Tower. If you add the additional cost to decommission the ATC Tower site and build the new UScellular Tower site to the rent cost, it would still be significantly cheaper than the cost of paying rent to ATC in rent over the next thirty years. It is UScellular's contention, even with this relocation and building costs, the UScellular Tower is a better option for UScellular.

8. There are no other structures (other than the ATC Tower) located in UScellular search ring capable of accommodating its Wireless Facilities.

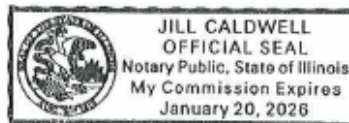


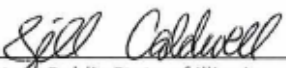
9. The USCellular Tower will have space available for other carriers to co-locate on the tower at rental rates that are either market level rates or rates established by agreements between USCellular and other cellular providers, thus injecting a much-needed competition for carriers to co-locate on another tower, instead of the ATC holding a monopoly on tower space in this search area.

10. As I have already stated, the economic terms imposed upon USCellular by ATC to remain co-located on the ATC Tower is economically burdensome for USCellular.



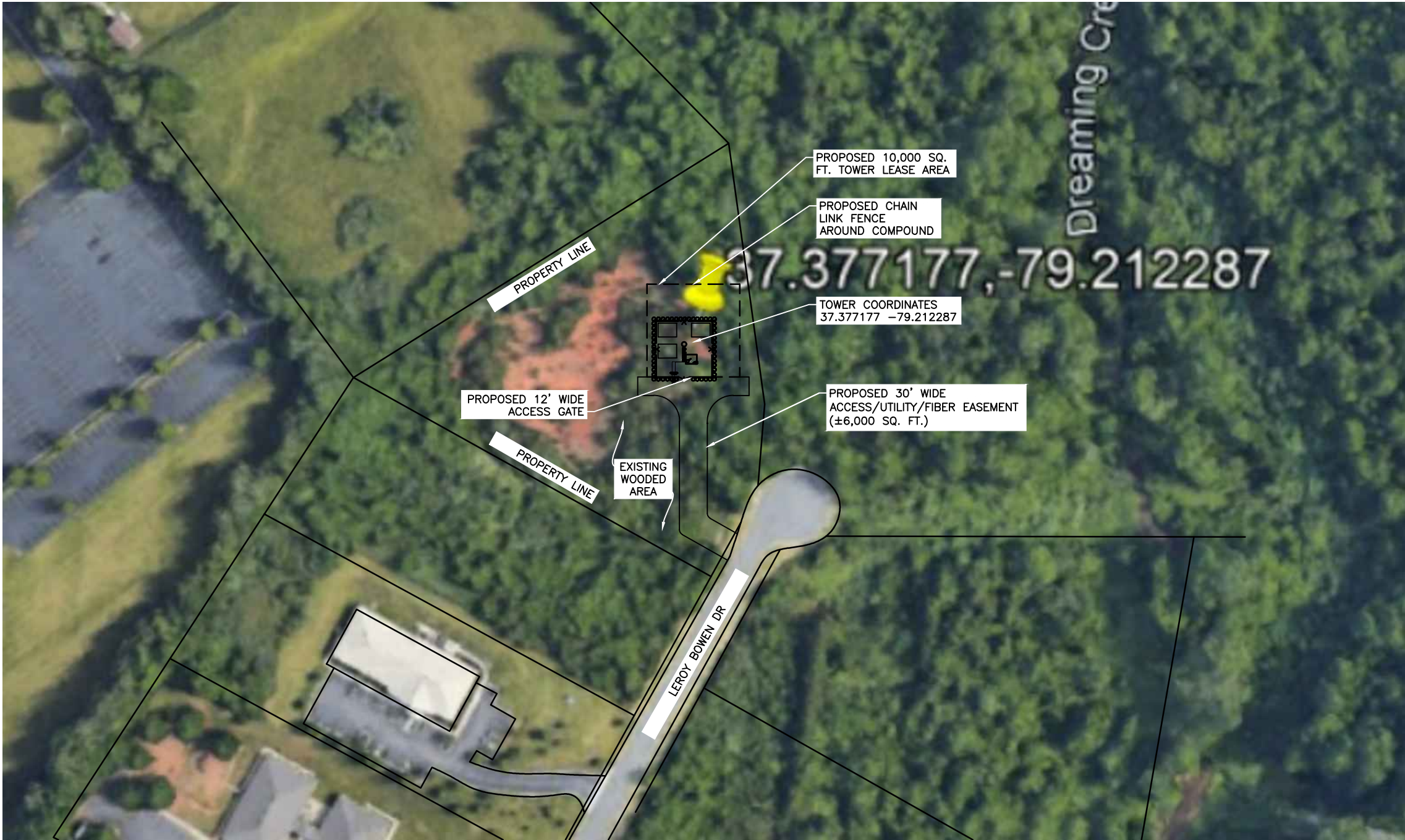
Subscribed and sworn to before me
this 20 day of June, 2023.





Notary Public State of Illinois

- NOTES:
1. THE CONTRACTOR SHALL VISIT THE SITE BEFORE BIDDING. ON THE WORK CONTAINED WITHIN THIS DESIGN PACKAGE. DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING.
 2. ALL SITE WORK SHALL BE CAREFULLY COORDINATED BY THE CONTRACTOR WITH LOCAL GAS, ELECTRIC, TELEPHONE, AND ANY OTHER UTILITY COMPANIES HAVING JURISDICTION OVER THE PROPOSED SITE, PRIOR TO COMMENCEMENT OF CONSTRUCTION.
 3. THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION OF ALL EXISTING ABOVE GROUND AND UNDER GROUND IMPROVEMENTS.
 4. THE CONTRACTOR IS RESPONSIBLE FOR ANY NECESSARY RELOCATION OR REPAIR DUE TO DAMAGE CAUSED DURING CONSTRUCTION.
 5. CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
 6. CONTRACTOR SHALL PROVIDE POSITIVE DRAINAGE AWAY FROM PROPOSED SHELTER OR FENCED COMPOUND AT A MINIMUM 1% AND MAXIMUM 5% GRADE.



SITE PLAN LAYOUT OBTAINED FROM GOOGLE EARTH



1 OVERALL SITE PLAN

SCALE: 1/64" = 1'-0"

PLANS PREPARED FOR:



8410 WEST BRYN MAWR AVENUE
CHICAGO, IL 60631

PLANS PREPARED FOR:



10700 W HIGGINS, SUITE 240
ROSEMONT, IL 60018
PHONE: 847.608.6300

PLANS PREPARED BY:



ARIA SERVICES, INC.
(281) 797-4387
WWW.ARIA-CORP.COM
TX FIRM REG# F-13104

SITE NAME:

BLACKWATER

SITE NUMBER:

765365

SITE ADDRESS:

**119 LEROY BOWEN DR
LYNCHBURG, VA 24502
CAMPBELL COUNTY**

REVISION HISTORY

REV	DATE	DESCRIPTION	BY
A	01/19/2023	PRELIM CD	TH
B	06/06/2023	PRELIM CD	TH
C	07/03/2023	PRELIM CD	TH

STAMP:

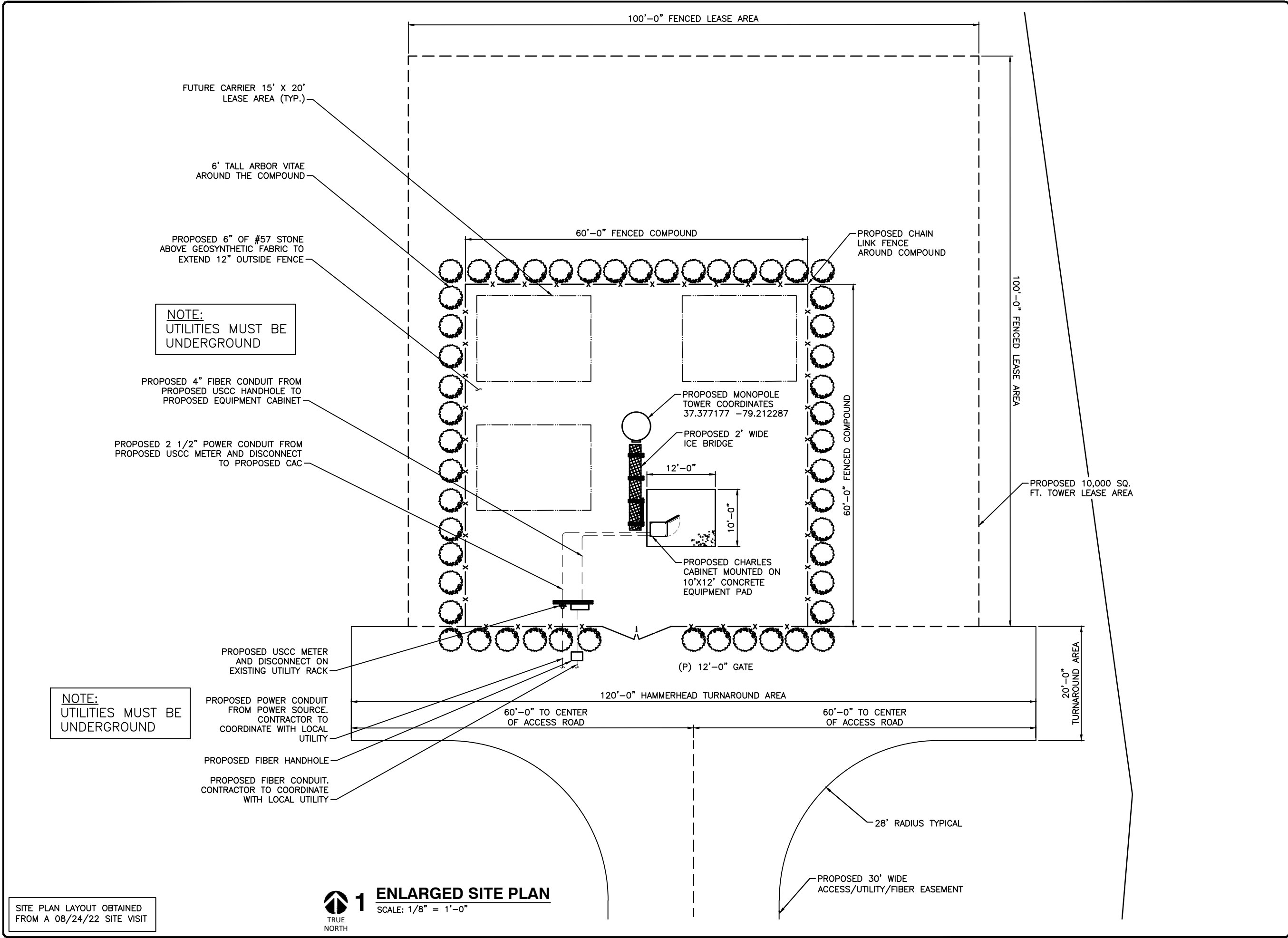
SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER:

C1

SCALE IS BASED ON 22" x 34" "D" SIZE



PLANS PREPARED FOR:



8410 WEST BRYN MAWR AVENUE
CHICAGO, IL 60631

PLANS PREPARED FOR:



10700 W HIGGINS, SUITE 240
ROSEMONT, IL 60018
PHONE: 847.608.6300

PLANS PREPARED BY:



**ARIA
SERVICES, INC.**
(281) 797-4387
WWW.ARIA-CORP.COM
TX FIRM REG# F-13104

SITE NAME:

BLACKWATER

SITE NUMBER:

765365

SITE ADDRESS:

**119 LEROY BOWEN DR
LYNCHBURG, VA 24502
CAMPBELL COUNTY**

REVISION HISTORY

REV	DATE	DESCRIPTION	BY
A	01/19/2023	PRELIM CD	TH
B	06/06/2023	PRELIM CD	TH
C	07/03/2023	PRELIM CD	TH

STAMP:

SHEET TITLE:

ENLARGED SITE PLAN

SHEET NUMBER:

C2

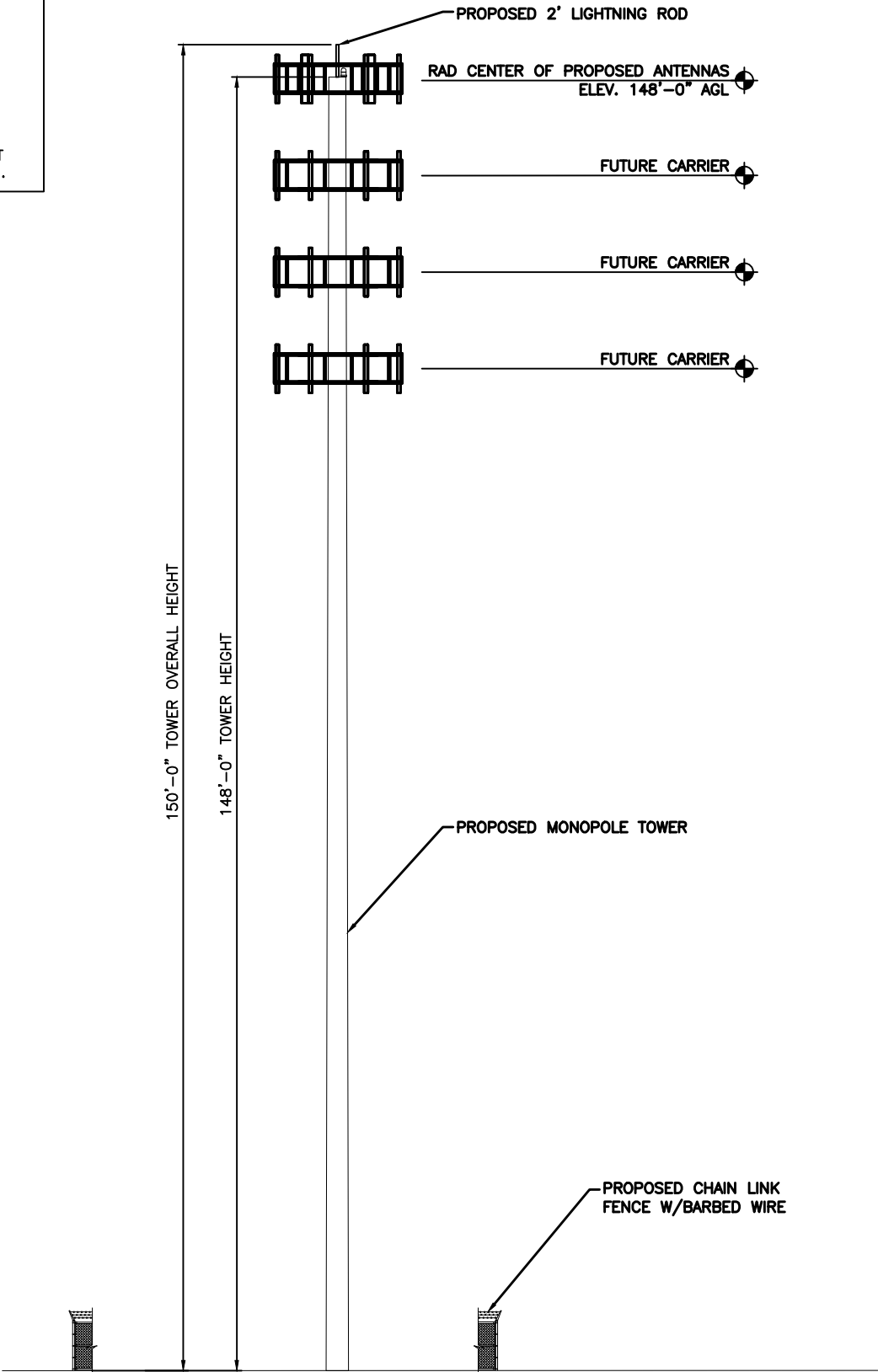
SCALE IS BASED ON 22" x 34" "D" SIZE

SITE PLAN LAYOUT OBTAINED
FROM A 08/24/22 SITE VISIT

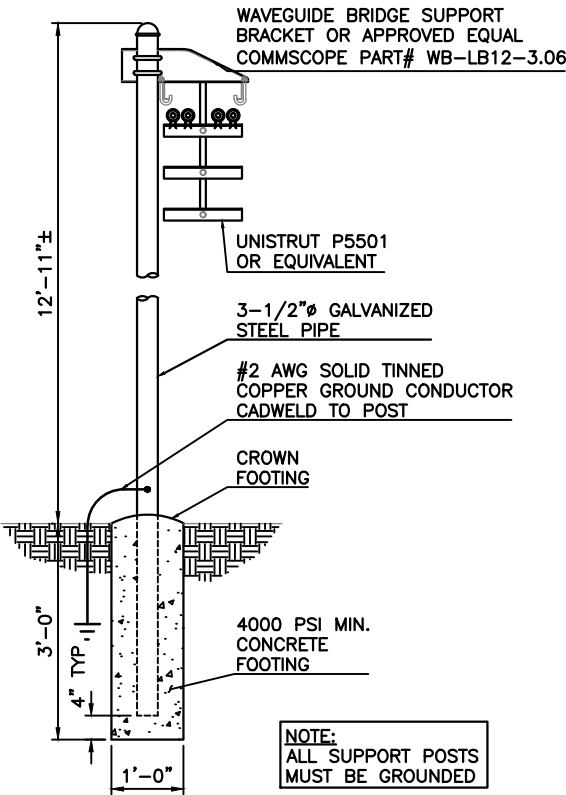


1 ENLARGED SITE PLAN
SCALE: 1/8" = 1'-0"

- NOTES:
- 1. THIS DETAIL IS FOR GENERAL INFORMATION ONLY AND NOT FOR CONSTRUCTION PURPOSES.
 - 2. REFER TO STRUCTURAL PLANS BY OTHERS FOR TOWER SPECIFICATIONS AND DETAILS.
 - 3. CONTRACTOR SHALL CONTACT THE CONSTRUCTION MANAGER PRIOR TO CONSTRUCTION FOR ALL DETAILED ANTENNA, MOUNT AND COAX CABLE INFORMATION.



1 TOWER ELEVATION
SCALE: NOT TO SCALE



2 TYPICAL CABLE BRIDGE DETAIL
SCALE: NOT TO SCALE

PLANS PREPARED FOR:

uscellular.

8410 WEST BRYN MAWR AVENUE
CHICAGO, IL 60631

PLANS PREPARED FOR:

LCC
TELECOM SERVICES

10700 W HIGGINS, SUITE 240
ROSEMONT, IL 60018
PHONE: 847.608.6300

PLANS PREPARED BY:

ARIA SERVICES, INC.
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SITE NAME:

BLACKWATER

SITE NUMBER:

765365

SITE ADDRESS:

**119 LEROY BOWEN DR
LYNCHBURG, VA 24502
CAMPBELL COUNTY**

REVISION HISTORY			
REV	DATE	DESCRIPTION	BY
A	01/19/2023	PRELIM CD	TH
B	06/06/2023	PRELIM CD	TH
C	07/03/2023	PRELIM CD	TH

STAMP:

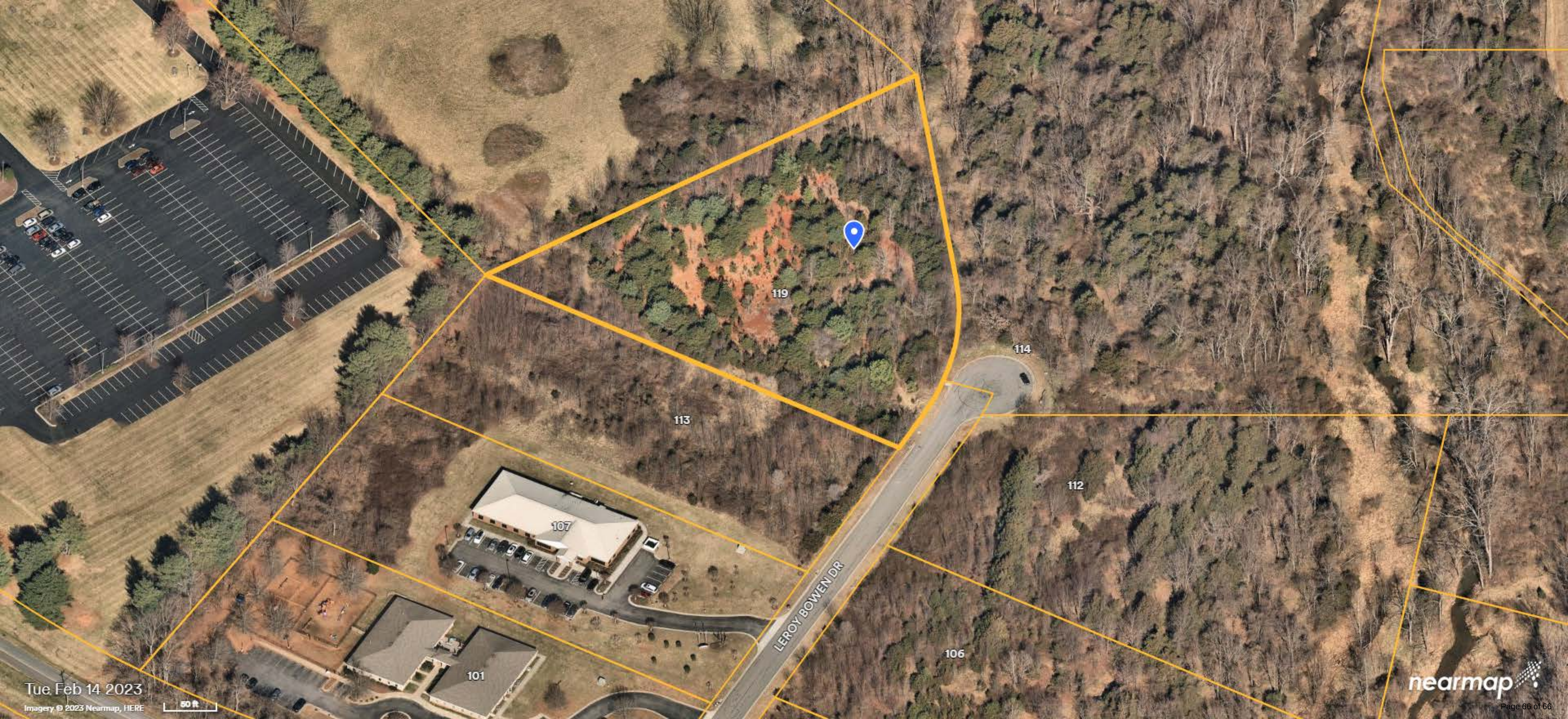
SHEET TITLE:

TOWER ELEVATION

SHEET NUMBER:

C3

SCALE IS BASED ON 22" x 34" "D" SIZE



Tue Feb 14 2023

Imagery © 2023 Nearmap, HERE

50 ft

nearmap