

**RALEIGH COUNTY WIRELESS  
TELECOMMUNICATIONS  
FACILITIES ORDINANCE**

**Adopted 3/12/2002**

**Amended**

**10-6-2009**

**RALEIGH COUNTY WIRELESS TELECOMMUNICATION FACILITIES ORDINANCE  
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**CHAPTER 1 INTRODUCTION**

**SECTION 1A TITLE**

This ordinance shall be known as "Wireless Telecommunications Facilities Ordinance" for Raleigh County, West Virginia," and shall hereinafter be referred to as the "ordinance".

**SECTION 1B AUTHORITY; JURISDICTION; GRANT OF POWER**

Authority for adopting the Telecommunication Facilities Ordinance are enabled by West Virginia Code, Chapter 8, Article 24.

This ordinance shall be applicable to all the unincorporated areas of Raleigh County.

After adoption by the Raleigh County Commission, the County Commission and its assigned agency, the Raleigh County Planning and Zoning Commission, hereinafter referred to as the Planning Commission, shall have control over telecommunication facilities.

**SECTION 1C PURPOSE**

- A. Implement a county policy concerning the provision of wireless telecommunication services, and the siting of their facilities;
- B. Provide advanced telecommunication services to county residents and business with competitive wireless telecommunication;
- C. Encourage the co-location of wireless telecommunications facilities, thus minimizing adverse visual impacts on the community;
- D. Regulate the planning of new and existing telecommunication facilities by establishing clear guidelines and standards;
- E. Ensure that all telecommunications carriers providing facilities and services in Raleigh County comply with the regulations.

**SECTION 1D APPLICABILITY**

This ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in Section 1E.

**SECTION 1E EXEMPTIONS**

- A. Wireless telecommunications facilities for emergency communications by public officials.
- B. Amateur (ham) radio stations licensed by the FCC, that are less than 100 feet in height.
- C. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.
- D. Maintenance, repair and reconstruction of a wireless telecommunication facility and related equipment, provided there is no change in height or any other dimension of the facility.
- E. Temporary wireless telecommunication facility, in operation for a maximum period of one hundred twenty (120) days.
- F. An antenna that is an accessory use to a residential dwelling unit.

**CHAPTER 2 ADMINISTRATION**

**SECTION 2A ADMINISTRATION OF ORDINANCE**

With enactment of this ordinance, the Raleigh County Commission shall designate the Planning Commission to administer the ordinance.

**SECTION 2B ENFORCEMENT**

The Planning Commission shall enforce this ordinance. If any provision of this ordinance is violated, the Planning Commission shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the necessary action to correct it. The Planning Commission may take legal action to ensure compliance with the ordinance.

The Planning Commission, or their authorized agent, is authorized to enter into administrative consent agreements for the purpose of eliminating violations and recovering fines without court action. Such agreements shall not allow a violation to continue unless there is clear and concise evidence that the violation occurred as a result of erroneous advice given by an authorized county official and there is no evidence the owner acted in bad faith.

**SECTION 2C PENALTIES**

Any person who owns or controls any building or property that violates this ordinance shall be fined not less than \$200.00 per day. Each day such violation continues after notification by the Planning Commission shall constitute a separate offense.

**SECTION 2D TELECOMMUNICATION FACILITY LOCATION PERMIT FEES**

The permit fee for wireless telecommunication facilities are as follows:

**A. Application Fee** - A \$100.00 application fee is due at the time the application is submitted. This application fee applies to all new facilities, replacement facilities, extension of existing facility, alternative antenna support structures, antenna installed on a structure other than a tower and co-locations on existing facility, or alternative antenna support structures. The application fee is non-refundable.

**B. Construction Permit Fee** - A construction permit shall be required. This fee applies to all new facilities, replacement facilities, extension of existing facilities, alternative antenna support structures, antenna installed on a structure other than a tower and co-locations on existing facilities or alternative antenna support structures. The construction fee is non-refundable.

Construction Permit Fee shall be One Hundred (\$100.00) dollars, plus \$4.00 per one thousand dollars of construction cost, rounded to the next one thousand dollars.

**CHAPTER 3 REVIEW AND APPROVAL AUTHORITY**

**SECTION 3A REVIEW**

No person shall construct or expand a wireless telecommunication facility without approval of the Planning Commission.

**SECTION 3B APPROVAL AUTHORITY**

In accordance with Section 3A, the Planning Commission shall review applications for wireless telecommunications facilities and make written findings on whether the proposed facility complies with the regulations.

**CHAPTER 4 APPROVAL PROCESS**

**SECTION 4A APPLICATION AND GUIDELINES FOR APPROVAL**

All persons seeking approval of the Planning Commission under these regulations shall submit an application and meet the guidelines established in **Appendix A** of this ordinance.

**CHAPTER 5 PERMITTED LOCATIONS**

**SECTION 5A PERMITTED LOCATIONS**

Telecommunication facilities shall be permitted in the unincorporated area of Raleigh County, subject to the regulations of this ordinance.

**CHAPTER 6 AREA REGULATIONS**

**SECTION 6A MINIMUM LOT AREA**

Minimum Lot area for the facility shall not be less than allowing for a sixty (60) per cent fall radius of the tower within the proposed site measured from the base of the tower. The following exemption(s) may apply: **(1)** The sixty (60) per cent buffer zone may be reduced by the Planning Commission upon an Engineer or Architect Certification by the applicant that the facility is designed to collapse in a manner that will not harm other property, private or public; or **(2)** The sixty (60) per cent buffer zone may be reduced by the Planning Commission where the property is Master Planned for uses other than residential.

**SECTION 6B SETBACKS**

For computing setback requirements, measurements shall be taken from established rights-of-way lines or property lines, whichever is applicable to the center of the base of the tower.

**Towers** - Shall be setback a minimum of sixty per cent (60%) of the approved tower height from all property lines or right-of-ways, whichever is applicable. The distance may be reduced or waived by meeting the requirements of Section 6A, but not less than forty (40) feet from all property lines or right-of ways, whichever is applicable.

**Accessory Structures** - Front property line - minimum of 40 feet; Side and rear property line - minimum of ten (10) feet is required.

**CHAPTER 7 DEVELOPMENT AND PERFORMANCE STANDARDS**

**SECTION 7A RESTORATION OR REPLACEMENT**

If a telecommunication facility is destroyed or damaged in any manner, the facility must be repaired/replaced within twelve (12) months of damage/destruction, if it is not repaired/replaced within this requirement then the facility will be considered abandoned.

**SECTION 7B LIGHTING**

Telecommunication facilities shall only be illuminated as required by the Federal Communications Commission and/or Federal Aviation Administration. Security lighting around the base of a tower may be provided if the lighting is shielded so that no light is directed towards adjacent properties or rights-of-way.

**SECTION 7C STORAGE**

All storage of materials, products or equipment shall be contained within a tower compound. The tower compound shall surround the base of the tower and shall be constructed of six (6) foot high fencing with barbed wire on top.

**SECTION 7D MULTIPLE USERS**

All new towers in excess of 100 feet shall be designed to accommodate at least three (3) or more additional providers.

**SECTION 7E EXISTING TOWER ADDITION**

The location of additional antenna on a legally existing tower shall not require additional approval, if the existing tower is designed and engineered for additional antenna.

**CHAPTER 8 ABANDONED FACILITIES**

**SECTION 8A ABANDONED SITES**

A facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Planning Commission shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from receipt of notice to demonstrate to the Planning Commission that the facility has not been abandoned. However, if negotiations are pending with a service provider, a letter of intent shall be provided to the Planning Commission prior to the expiration of the twelve (12) months.

If the owner fails to show the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within the time period, the county may remove the facility at the owners expense. The owner shall bare all costs incurred with the removal, including the removal of roadways and re-establishment of vegetation.

**CHAPTER 9 SURETY BOND**

**SECTION 9A SURETY BOND**

All applicants for a telecommunication facility shall post a \$25,000.00 surety bond or Letter of Credit from a West Virginia Chartered Financial Institution, payable to the Raleigh County Commission, upon final approval of the facility.

**CHAPTER 10 EXISTING USES PROTECTED**

**SECTION 10A NONCONFORMING AND EXISTING USES**

Nothing in this ordinance shall be deemed to prohibit the continuance of the use of land, building or structure for the purpose for which they are used at the time this ordinance shall take affect; provided any addition to any existing building or structure after this ordinance takes effect shall comply with this ordinance.

**CHAPTER 11 APPLICATION SUBMISSION WAIVER**

**SECTION 11A SUBMISSION WAIVER**

The Planning Commission may waive any of the submission requirements based upon a written request of the applicant submitted at the time of the application. A waiver of any submission requirement may be granted only if the Planning Commission finds in writing that due to circumstances of the application, the information is not required to determine compliance with the standards of this ordinance.

**CHAPTER 12 CONFLICT; SEVERABILITY;**

**SECTION 12A CONFLICT IN RELATION TO OTHER LAWS**

Whenever the requirements of this ordinance is at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standard shall govern.

**SECTION 12B SEVERABILITY**

The provisions of this ordinance are considered severable, if any provision is found to be unconstitutional or unlawful, it is intended that the remainder have full force and effect.

**CHAPTER 13 APPEALS**

**SECTION 13A APPEAL OF DECISION**

Any person aggrieved by a decision of the Planning Commission may appeal the decision to the Raleigh County Commission. Written notice of an appeal must be filed with the Raleigh County Commission within thirty (30) days of the decision. The appeal must clearly state the reason(s) for the appeal.



**CHAPTER 14 EFFECTIVE DATE**

**SECTION 14A EFFECTIVE DATE OF ORDINANCE**

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

**CHAPTER 15 -- DEFINITIONS**

**SECTION 15A GENERAL INTERPRETATION**

For the purposes of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word **person** includes an individual, firm, trust association, organization, partnership, company or corporation.
2. The **present tense** includes the **future tense**, the **singular number** includes the **plural**, and the **plural number** includes the **singular**.
3. The word **shall** is mandatory, the word **may** is permissive.
4. The words **used** or **occupied** includes the words **intended**, **designed** or **arranged to be used** or **occupied**.
5. The word **County** means Raleigh County, West Virginia and the word **State** means the State of West Virginia.
6. Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she", and "she" shall mean "he".

**SECTION 15B TERMS NOT DEFINED**

Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

**SECTION 15C DEFINITIONS**

**Accessory Uses:** Accessory uses shall include only such buildings and facilities necessary for transmission functions and satellite ground stations associated with them, but shall not include broadcast studios, offices, vehicle storage area nor other similar uses not necessary for the transmission function.

All accessory buildings shall be constructed of building materials consistent with the primary use of the site and shall be subject to site plan or final development plan approval. Where there is no primary use other than the tower, the building materials for the accessory building shall be subject to the review and approval of the Planning Commission and/or governing body.

**Alternative Antenna Support Structure:** Man-made trees, clock towers, bell steeples, light poles, flag poles, signs and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antenna:** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

**Antenna, Communications:** An antenna or array of antennae at one location intended to broadcast and receive signals as part of a wide area communication system such as cellular telephone systems, pager systems or wireless computer networks, but excluding short wave radio antennae operated primarily as a hobby.

**Antenna, Directional:** An antenna or array of antennae, including panels, microwave dishes and satellite dishes, designed to concentrate a radio signal in a particular direction.

**Antenna, Omni-directional:** An antenna that transmits signals in 360 degrees such as a whip antenna.

**Antenna, Parabolic:** (also known as a satellite dish antenna) An antenna which is bowl shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

**Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Co-locate:** To locate wireless communications equipment from more than one provider on a single site.

**Co-location:** The use of a tower or alternative antenna support structure by more than one telecommunications provider.

**Expansion:** The addition of antennas, towers, or other devices to an existing structure.

**FAA:** The Federal Aviation Administration or its lawful successor.

**FCC:** The Federal Communications Commission or its lawful successor.

**Height:** The vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads or other building accessory features usually erected at a height greater than the main roofs of buildings.

**Historic District:** A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the county's comprehensive plan which is listed or is eligible to be listed on the National Register of Historic Places.

**Historic Landmark:** Any improvement, building or structure of particular historic or architectural significance to the community relating to its heritage, cultural, social, economic or political history or which exemplifies historic personages or important events in local, state or national history identified in the county's comprehensive plan which have been listed or are eligible to be listed on the National register of Historic Places.

**Historic Resource:** means resources that are:

- A. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
- B. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary determined by the Secretary of the Interior to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.

**Line of sight:** The direct view of the object from the designated scenic resource.

**Radio Frequency (RF) Propagation Map:** A multicolored map depicting a visual representation of the proposed coverage area and signal strength within the proposed coverage area, regularly used by radio frequency engineers when designing a communications network.

**Structure:** Anything constructed or erected which requires permanent location to the ground or attachment to something having a permanent location on the ground. The word "structure" shall include the word "building".

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers and the like.

**Tower, Abandoned:** Any tower not in service for a period of twelve (12) consecutive months.

**Tower, Communication:** A ground-mounted guyed, monopole or self-supporting tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, containing one or more antennae intended for transmitting or receiving television, AM/FM radio, digital, microwave, cellular, telephone or similar forms of electronic communication.

**Tower, Guyed:** Any tower using wire guys connecting above grade portions of a tower diagonally with the ground to provide support for tower and/or antennae.

**Tower, Lattice (Self-support):** Structure which generally has three or four legs consisting of vertical, horizontal and diagonal cross strips or bars that is designed to support communication antenna arrays. The structure legs are anchored to concrete and steel foundations (caissons) embedded into the soil.

**Tower, Mobile:** Any tower capable of being transported in, or by, a motor vehicle. A mobile tower parked for more than twenty-four (24) hours will be classified as a temporary tower.

**Tower, Monopole:** Structure which consists of a single freestanding pole designed to support communication antennae arrays. The structure is anchored to a single concrete and steel foundation (caisson) embedded into the soil.

**Tower, Temporary:** Towers standing for sixty (60) consecutive days or less.

**Wireless Telecommunications Facility or Facility:** Any structure, antenna, tower, or other device which provides or is suitable to provide radio/television transmission, commercial mobile wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or pager services.

**APPENDIX A GUIDELINES FOR WIRELESS TELECOMMUNICATIONS FACILITY**

**SECTION A1 APPLICATION INTRODUCTION AND CHECKLIST**

Applicants must present a signed petition; necessary attachments; and requested supplements to the Raleigh County Planning Commission.

After review of the petition and necessary attachments and when deemed complete by the Planning Commission, a public hearing will be held. The applicant will serve notice of a public hearing a minimum of fifteen (15) days prior to the hearing date. Notice of the hearing date will be provided by placing a Class I legal advertisement in the "general circulation" newspaper and by sending notification by certified mail to adjacent property owners, as herein defined, at least fifteen (15) days prior to the hearing date.

All applicants must appear at the hearing either in person or by representative, provided this representative must be someone without any other interest in the property.

After the public hearing, the Planning Commission shall make a determination to approve or deny the application.

The following items are required to constitute a complete application:

1. Petition, with filing fee of \$100.00 (Form TR-1)
2. Copy of Deed of Petition area.
3. Lease Agreement (If applicable)
4. Plot Plan Map (Form TR-2).
5. Listing of adjacent property owners (Form TR-3).
6. Legal advertisement (Form TR-4).
7. Description of proposed use of property (Form TR-5).
8. Plans for proposed use of property (See Form TR-5).
9. Deed Examination that property is not restricted.

**CHECKLIST FOR WIRELESS TELECOMMUNICATION APPLICATION**

- \_\_\_\_\_ Petition, with Filing Fee of \$100.00 (Form TR-1)
- \_\_\_\_\_ Copy of Deed of Petition Area
- \_\_\_\_\_ Lease Agreement
- \_\_\_\_\_ Plot Plan Map (Form TR-2)
- \_\_\_\_\_ FCC License or Statement
- \_\_\_\_\_ Listing of Adjacent Property Owners (Form TR-3)
- \_\_\_\_\_ Legal Advertisement Notification (Form TR-4)
- \_\_\_\_\_ Description and Plan of Proposed Use (Form TR-5)
- \_\_\_\_\_ Deed Examination

## SECTION A2 APPLICATION INFORMATION REQUIRED

Each application for a Telecommunications Facility shall be accompanied by the following information:

1. Preliminary development plan.
2. A report from a licensed professional engineer which describes the design of facilities capacity, including the number and type of antennae it can accommodate. Design of the facility must meet or exceed current standards and regulations of the American National Standards Institute.
3. A photo simulation of the proposed facility from affected residential properties and public rights-of-way.
4. A map showing the service area of the proposed tower shall be made available.
5. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:
  - a. The landowner/Lessee intention for co-location of space with other carriers.
  - b. The landowner/Lessee shall be responsible for the removal of the facility in the event the lessee fails to remove it upon abandonment.
6. A study comparing all potential host sites within an approximate one-half mile radius of the subject site. Potential sites shall include existing buildings and towers and properties. The study shall include a reason why the surrounding sites were excluded from consideration.
7. All lattice, monopole and guyed towers in Residential zoned districts cannot be sited closer than three hundred (300) feet to any habitable structure.
8. For the purposes of determining compliance with the area requirements within the underlying zoning districts, towers are considered accessory uses.
9. Each applicant for a new tower shall provide an inventory of **all** existing towers that are within a three (3) mile radius of the proposed site.
10. All facilities shall be designed for co-location, which shall mean the ability of the structure to allow for the placement of antennae for at least three (3) more tenants. As a condition of issuing a permit to construct or operate a facility the owner/operator of the tower is required to allow co-location until said tower has reached maximum structural capacity.

11. Explanation from the applicant as to why the site was selected. No new facility shall be permitted unless the applicant demonstrates that no existing facility or structure can accommodate the applicant's proposed antenna.
12. A written commitment from the owner/operator of the facility that the owner/operator shall allow co-locations on the tower where structurally and economically feasible.
13. The co-location agreement.
14. Radio Frequency Propagation Maps.
15. A NEPA (National Environmental Policy Act) Environmental Compliance Checklist prepared in accordance with Section 106 of NEPA; which shall be provided prior to the issuance of a permit.
16. A copy of the State Historic Preservation Office (SHPO) review; which shall be provided prior to the issuance of a permit.
17. Site plans.
  - a. A **concept plan** shall be submitted with the application showing the location and dimensions of all improvements in the project area, including information concerning rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping and adjacent zoning and uses.
  - b. A **site plan**, sealed by a licensed professional Surveyor, shall be submitted prior to the issuance of a permit. The sealed plan must show the location and dimensions of all improvements in the project area, including information concerning rights-of-way and easements, topography, setbacks, ingress/egress, parking, fencing, landscaping and adjacent zoning and uses.
  - c. As part of the site plan review, screening, fencing or anti-climbing security features may be required around the base of the tower and any shelters. If security fencing is required, it shall not be less than six (6) feet in height.
  - d. Show road profiles and cross-sections every 100 feet.
18. A surety bond in the amount of \$25,000.00 to the County, prior to issuance of a permit, to cover the cost of the removal of the tower.
19. Signs shall be provided per Federal Communications Commission (FCC) requirements.
20. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
21. No advertising of any type may be placed on the tower, shelter or fence. Identification signs required by the FCC are exempt from this provision.

**SECTION A3 APPLICATION FOR TELECOMMUNICATIONS FACILITY Form TR-1**

TO THE RALEIGH COUNTY PLANNING AND ZONING COMMISSION

DATE: \_\_\_\_\_

Application Fee \$100.00

PROPERTY OWNER: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

AGENT (if applicable): \_\_\_\_\_ Telephone \_\_\_\_\_

AGENT'S ADDRESS: \_\_\_\_\_

PROPERTY ADDRESS AND LOCATION: \_\_\_\_\_

PROPERTY TAX ID: District \_\_\_\_\_; Map \_\_\_\_\_; Parcel \_\_\_\_\_

TOTAL AREA (in acres): \_\_\_\_\_ LEASEE (if applicable) \_\_\_\_\_

DEED INFORMATION: Deed Book Number \_\_\_\_\_ Page Number \_\_\_\_\_

Copy of deed or description of property must accompany this application.

PROPOSED USE OF PROPERTY: \_\_\_\_\_

I certify that the information supplied on this petition and other information provided is accurate and true to the best of my knowledge.

SIGNATURE OF OWNER: \_\_\_\_\_

SIGNATURE OF AGENT (if applicable): \_\_\_\_\_

Taken, subscribed and sworn to before the undersigned authority this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission expires: \_\_\_\_\_

NOTARY PUBLIC



The application shall be accompanied by a plot plan map, clearly showing the following:

1. The boundaries and dimensions of the property, along with a metes and bounds description.
2. All adjacent property owners of the area.
3. Existing and proposed structures with fall zones.
4. Deed or legal description, Tax District, Tax Map and Tax Parcel(s) of facility location.
5. Location of access road(s) and parking lot.
6. Title Block, Date and Scale.
7. Buffer zones, if applicable.
8. Surveyor Seal.



RALEIGH COUNTY PLANNING AND ZONING COMMISSION  
NOTICE OF PUBLIC HEARING

Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_\_  
in the County Commission Courtroom, 116 1/2 North Heber Street,  
Beckley, West Virginia at \_\_\_\_ p.m., the Planning and Zoning Commission  
of Raleigh County, West Virginia will hold a public hearing upon the  
application of \_\_\_\_\_ for the  
purpose of \_\_\_\_\_

The property to be affected contains \_\_\_\_\_ acres and the physical  
location of the property is \_\_\_\_\_

Any person wishing to be heard concerning this matter should be present  
at the time and place indicated above. Written comments concerning  
this matter received by \_\_\_\_\_ will be considered. Written  
comments should be sent to: Raleigh County Planning and Zoning  
Commission, P. O. Drawer 2518, Beckley, West Virginia, 25802. A copy  
of the application for public review is on file in the office of the  
County Commission at the address listed above.



**APPENDIX B ADMIONISTRATIVE ORDERS AND DETERMINATIONS**

General Order 2009-1 Hiring of Consultants

## RALEIGH COUNTY PLANNING AND ZONING COMMISSION

**IN RE: Administrative Order pertaining to the hiring of consultants**

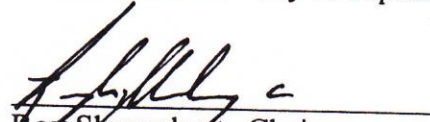
### **General Order 2009-1**

On September 17, 2009, The Raleigh County Planning and Zoning Commission entered the following Administrative Order 2009-1 "Administrative Order pertaining to hiring of consultants". In order to achieve consistency with the hiring of consultants, it is **ORDERED** that the following regulations are established by this commission:

1. When a filed petition before the Raleigh County Planning and Zoning Commission is at issue the commission may at its discretion hire an independent consultant in the appropriate field to conduct a fact of findings study and deliver the information to the commission allowing it to make an informed and intelligent decision upon the filed petition.
2. It **shall** be the sole responsibility of the Petitioner(s) to pay for any consulting fees that may be derived from the fact of findings study.
3. The commission **shall** be precise in its instructions to the consultant to expedite the fact of findings study to alleviate any unjust fees to the petitioner(s).
4. The consultant **shall** deliver the fact of findings study in a timely manner.

A motion by Mike Tylce to adopt the Administrative Order, seconded by Lily Haddock was adopted unanimously by the Raleigh County Planning and Zoning Commission.

Effective this 17<sup>th</sup> day of September, 2009.

  
Roy Shrewsbury, Chairman