AGENDA

Jefferson County Planning Commission

Tuesday, September 08, 2020, 7:00 PM

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through ZOOM Meeting. If you wish to participate in Citizen's Communication or public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****ZOOM Meeting Information****

Topic: Planning Commission Meeting
Time: Sep 8, 2020 07:00 PM Eastern Time (US and Canada)
Join Zoom Meeting
https://us02web.zoom.us/j/85888050157
Meeting ID: 858 8805 0157
Dial by your location
+1 301 715 8592 US (Germantown)
Find your local number: https://us02web.zoom.us/u/keJcl3aUgM

1. Introduction of new Planning Commission member, Shane Roper.
2. Approval of Meeting Minutes: August 11, 2020.
3. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
4. Request for postponement.
5. **Public Workshop:** Smartlink, LLC. submitted a Concept Plan for AT&T to build a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 sq. ft. fenced compound on a vacant parcel located on the corner of South Childs Road and Leetown Road. The property is designated as Tax District: Middleway (07); Tax Map: 25; Parcel: 11.2; Zoned: Rural; Size: 17 acres (File #: 20-4-SP).
6. **Public Hearing:** Request by applicant, Townhomes Rental, LLC., for a waiver (File #20-5-PCW) from Appendix B Section 2.5I, which requires parking area access driveways and entrances leading from the public road or subdivision street, and the parking area internal access drives connecting physically separated parking bays, to not exceed an 8% grade The applicant is requesting, just under12% grade. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.
7. **Public Hearing:** Request by the applicant, Townhomes Rental, LLC, to approve the Preliminary Plat for Rocky Ridge Subdivision (File # 19-7-SD) in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table. PC File #ZTA20-01.

There is no public comment for the following items.

9. **Discussion and Possible Action**: Request from Gordon for the Planning Commission to consider within its work plan a proposed text amendment to the Zoning Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P).
10. Reports from Legal Counsel
11. Planner's Memo
12. President's Report
13. Actionable Correspondence
14. Non-Actionable Correspondence
    - Letter from Robert Aitcheson re: Steve Stolipher 8-26-20

Meeting Minutes
Jefferson County Planning Commission
August 11, 2020

The Jefferson County Planning Commission met on August 11, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Steve Stolipher and Ron Thomas. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Alexandra Beaulieu, Zoning Administrator; and Rachael Burke Planning Clerk.

Donnie Fisher, Vice President and J Ware were absent with prior notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:02 pm. Mr. Shepp verified we had a quorum at the start of the meeting.

1. **Minutes:**

   Approval of the July 14, 2020 meeting minutes. Approved as submitted.

2. **Citizen Communications:** Citizens were able to sign up for this item utilizing the chat function in ZOOM prior to the commencement of the meeting. There were no citizens signed up to speak.

3. **Request for postponement.** None.

4. **Public Hearing:** (advertised for 7/14/20 PC meeting)**:** Request by Christopher & Miriam Conroy for a Final Plat Amendment to lift the Single Family restriction from Lot 1 Residue of the Elizabeth L. West Minor Subdivision (PC File #01-33). The applicant is requesting to build an in-law suite above a detached garage. The property is designated as Tax District: Harpers Ferry (04); Tax Map: 3, Parcel: 1.2; Zoned: Rural; Size: 10.13 acres.

   Ms. Brockman provided an overview of her staff report explaining that the applicant wants to build an in-law suite above a detached garage. The applicant had nothing further to add regarding their proposal.

   Mr. Stolipher made a motion to accept the application as submitted. Mr. Thomas seconded the motion, which carried unanimously.

   Ms. Brockman explained a Zoning Certificate and Building Permit are next steps.

5. **Public Hearing:** Request by Variety Properties, LLC for a Waiver (20-4-PCW) from Section20.201A(2) of the 2008 Subdivision Regulations, as amended, which requires all lots in minor residential subdivisions to have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than 5 lots or 12 Family Transfer lots. Applicant is requesting to utilize an existing 40’ easement (Ma and Pa Parkway) to access a proposed two-lot subdivision. Property Location: 25 Ma and Pa Parkway, Kearneysville, WV. Tax District: Middleway (07); Tax Map: 2; Parcel: 10; Zoned: Rural; Size: 4.15 acres.

   Ms. Brockman provided an overview of her staff report. The applicant had nothing further to add.

   Mr. Stolipher made a motion to accept the request as submitted. Mr. Thomas seconded the motion, which carried unanimously.

6. **Public Workshop:** Regarding the proposed Zoning Ordinance Text Amendment (ZTA20-01) to permit Commercial Cemeteries in various zones in Jefferson County. The purpose of the meeting

will be to receive input on the proposed process for permitting cemeteries and possible development standards.

Ms. Beaulieu provided an overview of the amendment and started the discussion with the Planning Commission members. The commission asked the applicant, Jane Dennison, and Ms. Beaulieu questions about size requirements and environmental concerns.

Mr. Stolipher made a motion to schedule a Public Hearing for the September Planning Commission meeting, to include the proposed text. He also stated that Ms. Beaulieu could continue with further revision and she stated that she would include a 10 acre minimum and 100' setback. Mr. Thomas seconded the motion. A vote was taken: 5 in favor; 1 opposed (Ralph Lorenzetti). The motion carried.

7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Rocky Ridge Preliminary Plat Application (File #19-7-SD) as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels 1.1 & 1.2. Zoned: Residential - Light Industrial - Commercial; Size: Total of both parcels: 23.6 acres.

   Ms. Brockman gave an overview of the project thus far and the process for Preliminary Plats submitted under the new ordinance. She explained this is the final step before Public Hearing and that this is a joint Site Plan (mini storage units) and Preliminary Plat. The Site Plan does not require the Public Hearing; this is just to meet the requirements for the Preliminary Plat portion of the file (townhome community). The Site Plan will be administratively approved.

   She went on to explain that the uniqueness of this project is that it is in both counties (Jefferson and Berkeley). The 5th submission is in our office and being reviewed at this time. The Stormwater approval letter from Dirk Stansbury was also e-mail to the Planning Commission members at 5:00pm today. The motion should include addressing any outstanding comments: a required waiver for drive slope for the Site Plan portion, to be submitted by next Tuesday, 8-18-20 and a Boundary Line Adjustment to move an existing line.

   Mr. Lorenzetti asked about road naming and Ms. Brockman and Applicant representative, Paul Raco, explained that these are approved in accordance with E911 and GIS addressing. Mr. Raco also stated he was confident the engineer could make the necessary corrections before the September Public Hearing.

   Mr. Stolipher made a motion to accept with the conditions outlined and Mr. Lorenzetti seconded the motion. A vote was taken: 5; 1 opposed (Jack Hefestay). The motion carried.

8. Reports from Legal: Mr. Cochran added that the Solar Amendment is scheduled for 8/20/20 to be a Public Workshop with the County Commission. 9/11/20 will be the Public Hearing.

9. **Planner's Memo.** Ms. Brockman informed the Commission that the Office is open to the public provided they wear a mask and abide by social distancing requirements. Ms. Brockman noted that staff continues to work with Greenway Engineering on the reorganization of the Subdivision Regulations and Zoning Ordinance. Ms. Brockman stated that the next Planning Commission meeting would be on September 8, 2020.

10. **President's Report.** Mr. Shepp advised the September 8, 2020 Planning Commission meeting will be held via ZOOM.

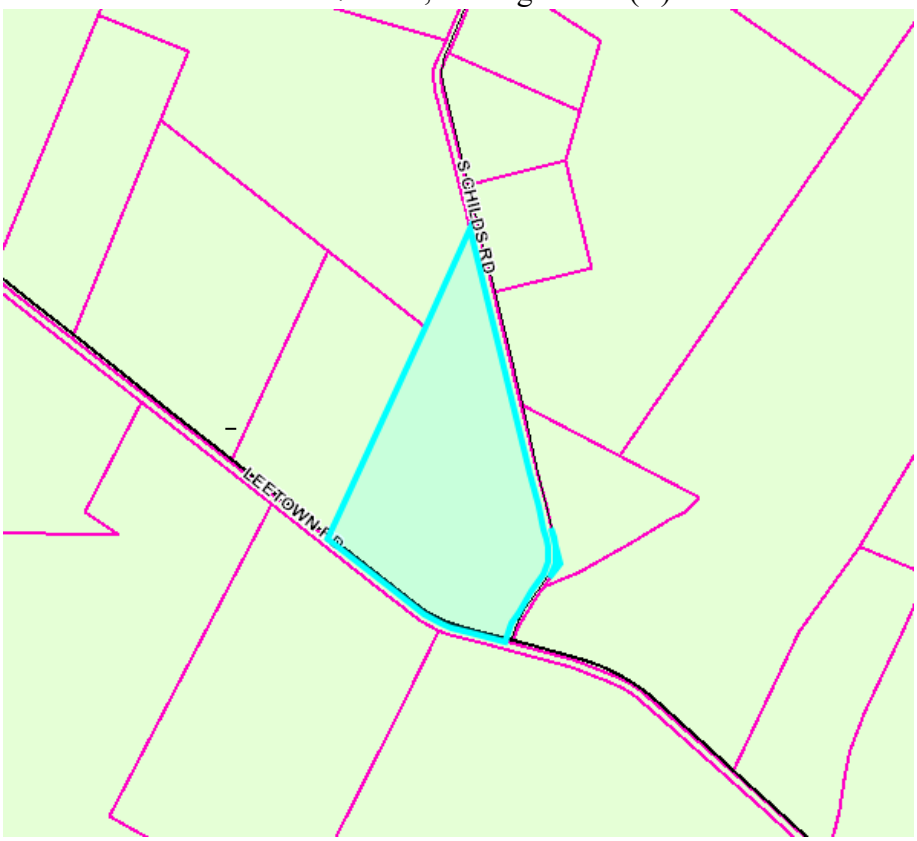
11. **Actionable Correspondence.**
12. **Non-Actionable Correspondence:** Ms. Brockman stated that staff had distributed a letter pertaining to the cemetery text amendment.

Mr. Stolipher motioned to adjourn the meeting at 7:45 pm. Mr. Hefestay seconded the motion, which carried unanimously.

Staff Report

Jefferson County Planning Commission Meeting
September 8, 2020

Item #5: Public Workshop: Request by Smartlink, LLC. for a Concept Plan for AT&T to build a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 square foot fenced compound on a vacant parcel on, located on the corner of South Childs Road and Leetown Road.

APPLICANT	Smartlink, LLC. Joey Prieto
OWNER	Richard and Phillip Childs
ATTORNEY/CONTACT	Christopher Burns, Saul Ewing Arnstein & Lehr
SURVEYOR/ENGINEER	AJ Desantis
PROPERTY LOCATION	Vacant Parcel; Corner of S. Childs Road & Leetown Road
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Mddleway (07); Tax Map: 25; Parcel: 11.2; Size: 17 acres; Zoning: Rural (R) 
ADJACENT ZONING	*North:* R *South:* R *East:* R *West:* R
VARIANCE(S)	File #19-38-ZV: 1/23/20 BZA approved the Variance request to allow an increase of height from 100' to 199' tall
PROPOSED ACTIVITY	Build a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 Antennas and a 3,600 square foot fenced compound on the ground.

Summary of Request

AT& T proposes to construct a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 square foot fenced compound on the ground.

It should be noted that the standard Zoning and Land Development Ordinance height requirement for a tower in the Rural zoning district is 100', unless concealed as a silo, then the Ordinance allows for a height of 120'. The Board of Zoning Appeals approved a requested height variance at their January 23, 2020 meeting.

Article 4B Purpose Statement

Section 4B.1 of the Zoning and Land Development Ordinance that regulates Wireless Telecommunications Towers states that:

> "The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods."

Site Plan Category

Article 4B of the Zoning and Land Development Ordinance requires that a site plan for a proposed Wireless Telecommunications Tower shall be processed as a minor site plan. The Ordinance also requires submittal and Planning Commission review of a Concept Plan, prior to submittal of a site plan.

The Ordinance specifies that submittal and review of a Concept Plan for a tower shall follow the review process and timeline established in Sections 24.119 – 24.122, with certain exceptions.

Staff Determination of Application Sufficiency

Prior to the scheduling of a Concept Plan Public Workshop before the Planning Commission, staff must determine that the plan submitted by the applicant is "sufficient and complete" – i.e. meeting all relevant requirements of the Subdivision and Land Development Regulations and Section 4B.7 of the Zoning and Land Development Ordinance.

Because wireless towers have unique characteristics that distinguish them from other types of development (such as height and visual impact), the Ordinance specifies submittal requirements that are required in addition to those for a standard Concept Plan. These requirements are as follows:

Zoning Ordinance Required Item	Description	Comment
a. Dimensions, use, and setbacks	Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.	Meets ordinance requirements. Fall radius easement may be required.
b. Height	Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site's background and foreground landscape.	A variance to allow the 199' height of the proposed tower was approved by the BZA 1/23/20.
c. Elevations and cross-section	Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.	Meets ordinance requirements.

d. Antenna features	Number, size and location of proposed and existing antennas; number of co-locations possible.	Proposed tower will include 6 antennas at 191' and allow 3 future colocations.
e. Method of camouflage	Method of camouflage (if any).	Facility will be the standard matte gray color.
f. Historic structures	Locations of known historic structures.	Full NEPA Report (Exhibit J) including SHPO letter stating no documented architectural properties eligible for National Register with 0.5 miles
g. Development Schedule	A description of the anticipated construction and installation schedule.	Anticipates start of construction within a month of obtaining County approval and completion within 4 months.
h. FCC Compliance	Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.	Provided. Exhibit N.
i. Design criteria	Narrative addressing the design criteria of Section 4B.7.	Provided. See Application and Statement of Justification and Compliance.
j. Balloon test information	Dates, address list, and notice for Balloon Test.	Provided. Exhibits M.
k. Balloon test exhibits	Balloon Test exhibits as required in subsection G of Section 4B.7.	Provided. Photos taken for BZA Variance and for Concept Plan. Exhibit O shows the required balloon test and photo simulation.
l. Propagation maps	Propagation maps as required in subsection F of Section 4B.7.	Provided. Exhibits A & B.
m. Additional information	Any other relevant information.	No additional information provided.
n. Preferred Structures and Locations Policy	Additional application requirements of subsection H (Preferred Structures and Locations Policy)	Stated that this is not applicable.

Other required elements for a Wireless Telecommunications Tower Concept Plan are the same as for a site plan submittal as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35. As a result of the sufficiency review, Staff requested required traffic impact data, which has now been provided on the Cover Sheet.

1. Concept Plan Sufficiency and Completeness Review

During the time period between formal receipt of the application and the Public Workshop, the Concept Plan sufficiency and completeness review process takes place. Sec. 24.106 provides the standard requirements for the Completeness Review. Staff determined that the Concept Plan application was "sufficient and complete", provided the Traffic Impact Data was submitted in a timely manner, on August 3, 2020. The applicant resubmitted the Traffic Impact Data on August 25, 2020 and the Concept Plan Public Workshop remains on the September 8, 2020 Planning Commission agenda.

2. External Agency Reviews

Most external agency reviews are not applicable, per Section 4B.7. As required by this section, staff notified the Jefferson County Historic Landmarks Commission (JCHLC) of the application filing. A letter from the JCHLC is attached to this report.

3. Planning Commission Public Workshop Scope of Review

For a Wireless Telecommunications Tower, the Concept Plan Public Workshop is the only Planning Commission meeting during which the Planning Commission reviews the proposed plan. The scope of the Public Workshop includes the following:

1. A demonstration of need, as required by Article 4B;
2. Neighborhood compatibility;
3. Impact on cultural and historic resources;
4. Visual mitigation;
5. The submittal and design criteria of Article 4B;
6. The compatibility of the facility proposal with the Comprehensive Plan; and
7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B.

These criteria are individually analyzed below.

1. A demonstration of need as required by Article 4B

The purpose of the "demonstration of need" requirement is for the applicant to demonstrate that the proposed tower is necessary for coverage purposes, at the proposed height and at the proposed location. Implicit in this requirement is a demonstration that there are no other feasible alternatives to building a tower, such as co-location of antennas on an existing structure.

The applicant has addressed these criteria as follows:

a. Submittal of Propagation Maps

Propagation maps depict cell coverage with and without a proposed tower. These maps, which are prepared by a radio frequency engineer, must be submitted with a tower application.

The "before" and "after" maps submitted identified a coverage gap along Leetown Road (WV 1) west of Charles Town in the south west area of Jefferson County and depict how the proposed 199' telecommunication facility will add and improve wireless services and

ensure adequate overlapping coverage between and among existing coverage areas (See Exhibits A & B). These maps identify all adjacent sites and are accompanied by an engineer's affidavit attesting to the parameters used to create the map.

b. Narrative addressing Preferred Structures and Locations Policy (Application Item H)

Section 4B.7 establishes the County's policy regarding preferred types of wireless antenna support structures, as well as preferred locations for new wireless facilities. The County's stated first priority for wireless antenna placement is co-location. (This policy statement indicates a County preference, rather than a requirement.)

The proposed tower application is for a new monopole tower, not for a co-location. The documents submitted by the applicant indicate that there are no facilities on which to co-locate to obtain the desired coverage.

The proposed 199' monopole tower is being designed for three additional wireless providers to co-locate within the structure. As required, the applicant has submitted an "Affidavit of Co-location", stating that the available co-location areas on the proposed tower will be made available to other carriers unless structural or other factors render co-location unfeasible (Exhibit I).

The applicant provides a detailed response as to why the County's stated preference for silos and other alternative structures will not provide the required service and why their proposed monopole (the County's 3rd of 4 preferences) is the best solution in this situation.

Regarding preferred locations for new towers, it is the County's policy to encourage location in the following areas, in descending order of priority:

- The Industrial - Commercial District
- Non-residential areas screened by existing vegetation and located outside of the Industrial - Commercial District

Staff notes that the proposed tower location is outside of the Industrial - Commercial District, in the Rural District. The application further explains why being screened by existing vegetation is not feasible on this property. Options for screening the fenced area should be considered by the Planning Commission.

2. Neighborhood compatibility

Adjacent land uses surrounding the site are primarily used for agricultural purposes. Across the street from the subject site is a County owned park. The Zoning and Land Development Ordinance does not provide explicit standards for neighborhood compatibility for wireless facilities.

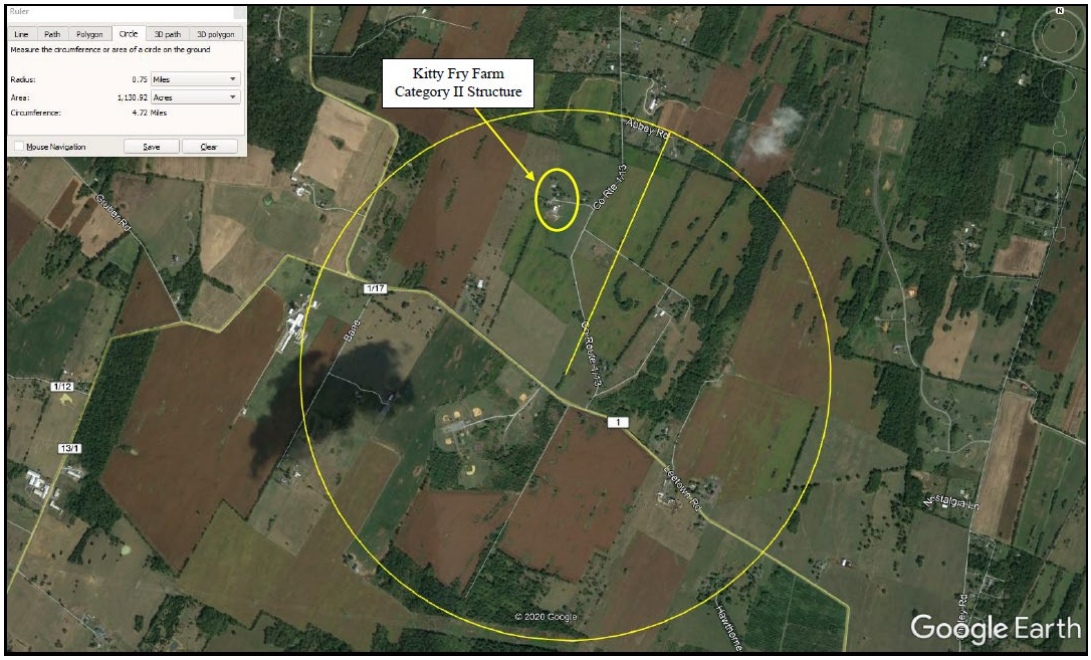
3. Impact on cultural and historic resources

The National Environmental Policy Act (NEPA) Report submitted by the applicant verifies that there are no historic properties within the area of potential effects (APE). Page 76 of the report provides a table, listing previously recorded cultural resources located within a .75-mile radius of Summit Point. Using the County's GIS data and the GoogleEarth measuring tool, Staff verified that there are no Category I structures within a .75 mile radius of the

proposed structure. There is one Category II structure within the radius area, which is defined as a potentially eligible structure (see exhibit below). The full (NEPA Report which is found in Exhibit J, includes a letter from the State Historic Preservation Office (SHPO) stating that there are no documented architectural properties eligible for National Register within the proposed project's direct or indirect APEs (page 109, NEPA report).

The only outside agency required to be contacted for this Concept Plan is the Jefferson County Historic Landmarks Commission (JCHLC), which has submitted a letter with some concerns attached to this report.

The site for the proposed tower is not located in the Harpers Ferry Overlay District or within 1 mile of the Appalachian Trail.



4. Visual mitigation

The proposed tower is designed as a 199' monopole tower with 6 antennas and with room for the co-location of 3 additional providers lower than the AT&T antenna. The applicant conducted the required balloon test for both the variance request which was heard by the BZA and for this Concept Plan. Exhibit O depicts the required balloon test and photo simulations of the monopole tower from various locations and distances. The monopole is proposed to be the standard matte gray color which is intended to minimize the visual impact.

The application does not show any landscaping around the outside of the leased compound area, which should be discussed as a part of the Workshop. Below is an excerpt from the Zoning Ordinance, addressing fencing requirements for new towers:

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

5. The submittal and design criteria of Article 4B

Article 4B states that the required submittal elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a Site Plan as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A (with certain exceptions). In addition, other elements are required such as elevations and cross-section, locations of known historic structures, Balloon Test exhibits, and other information. Staff finds the application complete with regard to the required submittal elements.

Design criteria (height, color, fall zone, lighting and marking, fencing, and other elements) are established in Section 4B.7.J. Staff finds that the proposed tower design meets these criteria, with the note that the height has been permitted to increase via an approved variance from the Board of Zoning Appeals. Defining the required fall zone with an easement should be discussed as a part of the Workshop. The Zoning Ordinance requires that wireless telecommunication towers be set back from all property lines a distance to 110% of tower height, measured from the base of the structure to its highest point, and allows easements to be acquired on adjacent properties to meet the fall zone requirement.

6. The compatibility of the facility proposal with the Comprehensive Plan

a. Staff Analysis

The *Envision Jefferson 2035 Comprehensive Plan* includes some discussion of telecommunications facilities under the "Economic Development, Employment, and Infrastructure Element". The Plan identifies improvements to the County's telecommunications network, particularly wireless technology and any advanced technologies, as one of the major public infrastructure projects needed to support the success of future economic growth. It further notes (p. 91) that "in rural Jefferson County, households and small businesses are impacted by the quality of telecommunications options that are available to them. Due to the low residential densities of rural areas, it is not cost effective for telecommunications providers to provide service at an affordable rate. Therefore, areas of the County are not currently served or underserved by wireless services. These factors impact the ability of employees to work efficiently from home and home based commerce from thriving."

The following are found under the "Infrastructure and Technology Recommendations" found on pages 93-94:

"9. Collaborate with local economic development agencies and Information Technology (IT) providers to ensure that the current and future needs of small businesses within Jefferson County are met.

a. Ensure that all areas of Jefferson County are served by high speed wireline and/or wireless services and other advanced technologies.

b. Encourage private sector investment to improve wireless internet service availability in Jefferson County and the Eastern Panhandle.

c. Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore, MD Metropolitan Areas."

Therefore, providing wireless telecommunications services to an area of the County that is currently underserved supports the recommendations of the Comprehensive Plan and helps serve areas of the county currently very undeserved.

7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B

To date, the only written comments received related to the Concept Plan Public Workshop are from the JC Historic Landmarks Commission (attached).

Some public comment was received at Board of Zoning Appeals meeting in January 2020 from citizens who objected to the requested variance to allow the tower to be an additional 99 feet in height from the maximum permitted 100 feet.

The Planning Commission may consider testimony at the Public Workshop regarding the purpose and intent of Article 4B.

4. Staff Recommendation

The Planning and Zoning Department Staff find the South Childs Road Telecommunications Tower Concept Plan to be:

- Complete based on the information provided related to the required criteria outlined in the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance; and
- Consistent with the Comprehensive Plan.
- As provided for in Section 4B of the Zoning Ordinance, Staff recommends the following as a condition of approval:
    - The fenced compound be screened by a landscaped buffer of at least 10 feet in width, planted along the entire exterior perimeter of the fence, containing at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting.
    - An easement be established and recorded that reflects the required fall zone for the monopole tower to ensure no structures can be placed within that area.

5. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan has met the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall:

- Review the proposed Tower for compliance with the standards in Article 4B and, if applicable, provide direction in the form of conditions relevant to the scope of the public workshop and/or unique characteristics of the proposed development site, to be addressed in the Department's approval of the site plan; and
- Determine, by a majority vote, that the Concept Plan application complies with Article 4B, and that the application is consistent with the Comprehensive Plan.

The Commission has the option of providing direction at the same meeting during which the Concept Plan Public Workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting, at which the Concept Plan Public Workshop is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

> "The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed."

It should be noted, that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

Should the Planning Commission vote to find the application consistent with the Comprehensive Plan, the applicant will submit a minor site plan to Planning, Zoning and Engineering Department for administrative review and approval. The site plan shall address the conditions identified by the Planning Commission.

August 24, 2020

Jefferson County Planning Commission
116 East Washington Street
Charles Town, WV 25414

RE: File # 20-4-SP–S. Childs Rd. AT&T Monopole Cell Tower

The Jefferson County Historic Landmarks Commission (JCHLC) has reviewed File # 20-4-SP–S Childs Rd. AT&T Monopole Cell Tower, provided testimony at the JC Zoning Variance hearing, 19-23-ZV, and attend the second balloon test on March 6, 2020. JCHLC determined that the cell tower monopole and RAD will have an adverse visible impact on three National Register Eligible historic structures in the area such as Hawthorne, Mount Ellen and Bear Garden and impact the rural viewshed. ROCON LLC and the State Historic Preservation Office were wrong in their analysis of historic resources in the cell tower area. If the application is approved at the 199', it makes a mockery of the JC Zoning Ordinance that places the maximum height for cell towers in Rural Zoning District at 100' ft. or 120 ft high tower if disguised as a silo and sets a dangerous precedent for subsequent applications.

A few specific points:

1. The application asserts: "For AT&T to meet its coverage objectives the height of the monopole **MUST** be 199 feet." The application contains one Radio Frequency Propagation Map for a Rad Center at 191 feet. There are no RFPMs for other tower heights to allow comparison of coverage i.e. 100 ft tower or 120 ft high tower if disguised as a silo.
2. The photo simulation shows the monopole with only one antenna array. I would like to see photo simulations of the monopole with four antenna arrays, the worst-case scenario, three additional antenna arrays would have much more volume and visually impact the rural viewshed.
3. There was no **Exhibit F, Availability of Other Structures over 50' Within a One Mile Radius** in the documents I reviewed.

The JCHLC is aware and understands that cellular communications are a critically important infrastructure service to the citizens of Jefferson County, but the Landmarks Commission wants to promote such services with a minimal effect on Jefferson County's historic resources.

Sincerely,

Martin Burke

Martin Burke
Chair, JCHLC

cc: Ms. Jennifer Brockman

Statement of Compliance and Justification for
AT&T's Proposed 199' Monopole Telecommunication Facility
at 4360 Leetown Road, Summit Point, West Virginia

Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC
7150 Standard Drive
Hanover, Maryland 21076

Representatives: Gregory E. Rapisarda
Christopher C. Burns
Saul Ewing Arnstein & Lehr, LLP
500 East Pratt Street, Suite 900
Baltimore, MD 21202
(410) 332-8963
Greg.Rapisarda@saul.com
Christopher.Burns@saul.com

AT&T Site #:	2230 "Summit Point"
FA#:	14537154
Property Owner:	Richard Childs
Tax Map/Parcel:	25/001100020000
Property Address:	4360 Leetown Road, Summit Point, West Virginia, 25446
Zoning Designation:	Rural
Jurisdiction:	Jefferson County, West Virginia
Acreage:	13.21 acres

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T"), in accordance with Jefferson County Zoning and Land Development Ordinance ("Zoning Ordinance") § 4B., by and through its agent/counsel, Saul Ewing Arnstein & Lehr LLP, hereby requests approval for a new telecommunications facility that includes a 199' (195' plus a 4' lighting rod) monopole on a portion of the property located at 4360 Leetown Road, Summit Point, West Virginia (the "Property"). On January 23, 2020, AT&T appeared before the Board of Zoning Appeals in order to obtain 99' height variance for the AT&T's telecommunications facility pursuant to § 4B.7.J.2 and § 6.2. AT&T secured an unanimous vote from the five person Board of Zoning Appeals. AT&T now requests that the Jefferson County Planning Commission approve this Concept Plan application for its telecommunication facility pursuant to §4B.B.

I. Exhibits Attached

Exhibit A	Existing Coverage Radio Frequency Propagation Maps
Exhibit B	Proposed Coverage Radio Frequency Propagation Map at 191'
Exhibit C	AT&T Wireless Broadband Usage During COVID-19 Crisis
Exhibit D	AT&T FirstNet Information Sheets
Exhibit E	West Virginia FirstNet Buildout Approval
Exhibit F	Availability of Other Structures Over 50' Within a quarter-mile Radius

Exhibit G	Map of Existing Cell Towers
Exhibit H	Aerial View
Exhibit I	Site Plan
Exhibit J	National Environmental Policy Act Survey
Exhibit K	Radio Frequency Certification Letter
Exhibit L	AT&T Notification of Visual Impact Study Letter, List of Recipients and Addresses of Property Owners Within One-Quarter Mile, Affidavit of Notice Letters Sent, Local Newspaper Affidavit of Publication, and Planning and Zoning Staff Approval of Balloon Notice No. 1.
Exhibit M	AT&T Notification of Visual Impact Study Letter No. 2, List of Recipients and Addresses of Property Owners Within One-quarter Mile No. 2, Affidavit of Notice Letters Sent No. 2, Local Newspaper Affidavit of Publication No. 2, and Planning and Zoning Staff Approval of Balloon Notice No. 2.
Exhibit N	AT&T's FCC Licenses
Exhibit O	Photo Simulations for a Proposed Monopole
Exhibit P	Industrial Commercial Zoned Properties
Exhibit Q	Jan. 23, 2020 Jefferson County Board of Zoning Appeals Minutes

II. AT&T's Goals and Need for New & Improved Wireless Services

AT&T is licensed by the Federal Communications Commission ("FCC") to provide wireless telecommunications services in Jefferson County, West Virginia. AT&T needs the proposed telecommunications tower to provide and improve the delivery of emergency and non-emergency wireless and broadband services to residents in Jefferson County, WV. (***See* Existing Coverage Radio Frequency Propagation Maps attached as Exhibit A**). AT&T's proposed telecommunications facility will add and improve wireless and broadband services and ensure adequate overlapping coverage between and among existing coverage areas. (***See* Proposed Coverage Radio Frequency Propagation Map at 191' attached as Exhibit B**). Ultimately, the proposed site will allow residents, visitors, and emergency personnel of Jefferson County to experience adequate wireless services, better quality calls, and diminished dropped calls.

The necessity of accessible and reliable wireless broadband services has never been more clear. According to the FCC, more than half of the families in the United States have only cellular phones, with no "landline" in their home. More than 80% of 9-1-1 calls are made from mobile phones. During the COVID-19 crisis, wireless and broadband services became essential for millions of Americans who were forced to stay home. Adequate coverage allowed people to telework, participate in teleconferences, attend virtual school lessons, visit remotely with a doctor or therapist, attend online worship services, and keep in touch with family members and friends.

Since the start of the COVID-19 pandemic, AT&T saw a significant increase in voice calling, instant messaging, text message, and video services. (***See* AT&T Wireless Broadband Usage During COVID-19 Crisis attached as Exhibit C**). The use of audio-conferencing solutions and large-scale webcast events each tripled, as business and schools adapted to the need for remote communications. (***See* Ex. C**). The usage of audio, web, and video conferencing tools

increased by five times. (***See* Ex. C**). Having sufficient and reliable wireless broadband coverage has never been more important.

III. First Responder Network Authority ("FirstNet")

The proposed site will enhance and expand the First Responder Network Authority ("FirstNet") in Jefferson County. FirstNet is a nationwide high-speed broadband communications platform dedicated solely to America's first responders and emergency personnel. Following the recommendation of the 9/11 Commission, the United States Congress established FirstNet to provide reliable public safety networks across the country and dedicated bandwidth for use by first responders. (***See* AT&T First Net Information Sheets attached as Exhibit D**). The goal was to prevent the pervasive communications failures that occurred during the 9/11 terrorist attacks. The federal government entered into an exclusive contract with AT&T to provide FirstNet services, and FirstNet is only available where AT&T has sufficient wireless coverage. On July 28, 2017, West Virginia opted into the FirstNet National Safety Broadband Network. **(*See* West Virginia FirstNet Buildout Approval attached as Exhibit E).** Every U.S. state and territory has now opted in.

The full importance and efficacy of FirstNet has been revealed by the recent COVID-19 crisis. During the nationwide emergency, FirstNet is ensuring that first responders have adequate communications free of commercial congestion. More than 11,000 agencies, including FEMA and the U.S. Coast Guard are using more than 1.2 million FirstNet connections during the COVID-19 crisis. (***See* Ex. D**). FirstNet offers dedicated deployable assets to FirstNet subscribers to boost coverage where it's needed, such as in remote areas or at field hospitals **(*See* Ex. D)**. FirstNet is being extensively utilized by the U.S. Navy hospital ships operating in New York and Los Angeles.

IV. Co-Location

When AT&T has a need for coverage, it first seeks to co-locate antennas onto or within an existing structure. In accordance with Zoning Ordinance Section 4B.7.H.1.b, AT&T has provided evidence demonstrating the inadequacy or unavailability of other structures within a quarter-mile radius of the proposed Facility. Due to the coverage goals of AT&T's site, AT&T must place a telecommunications facility within a quarter mile of the proposed location. In accordance with the Zoning Ordinance, a number of buildings, structures, and other telecommunication facilities over 50 feet tall were identified as potentially viable co-location opportunities. **(*See* Availability of Other Structures Over 50' Within a Quarter-mile Radius attached as Exhibit F; Map of Existing Cell Towers attached as Exhibit G)**. As established at the January 23, 2020, Board of Zoning Hearing, AT&T needs its antennas at or around 191' in order to meet its to meet its coverage goals. There are no structures within a quarter-mile of the proposed site that were eligible as potential sites to co-locate AT&T's equipment. With that said, four structures outside the quarter mile search area were identified. Three silo's that are approximately 80', 100' and 100' in height and a transmission line 150'+/- tall. However, not only are these structures over a quarter-mile from the proposed location, but the tallest structure does not meet AT&T's height needs so that AT&T can provide adequate emergency and non-emergency coverage.

With no viable co-location opportunity, AT&T determined, and its investigation confirmed, that a new tower was required. AT&T determined that the Property was viable from a technical perspective (*i.e.* radio frequency), a zoning perspective (*i.e.* permitted use in a Rural district and compliant with all regulations), and from a land owner perspective (*i.e.* a land owner willing to lease space to AT&T).

V. The Proposed Telecommunications Facility

The proposed telecommunications facility consists of a 199' tall monopole (195' tall monopole with a 4' tall lighting rod) within a 3,600 square foot (60' x 60') equipment compound surrounded by a 8' chain link fence (the "Facility"). This monopole will allow AT&T to locate its antennas at a RAD center of 191' and it will allow at least three future carriers to locate antennas at 181', 171', and 161' respectively.

The proposed Facility will provide much needed coverage to Jefferson County. Currently, there is a severe lack of coverage along Leetown Road (Route 1) between Summit Point and Middleway. **(*See* Ex. A, RF Map of Current Coverage).** AT&T's Facility will provide much needed coverage to residents and commuters in this area. **(*See* Ex. B, RF Map of Proposed Coverage at 191').** Further, the Facility will provide coverage to South Jefferson Park, a highly trafficked seventy one acre park that accommodates baseball fields, tennis courts, a playground, basketball courts, and a concession stand. **(*See* Ex. B, RF Map of Proposed Coverage at 191'; Aerial View attached as Exhibit H).**

VI. Compliance with Wireless Telecommunication Facility Ordinance Regulations

Section 4B.7 of the Jefferson County Zoning and Land Development Ordinance outlines the specific application criteria for new telecommunication towers within the County. The criteria and AT&T's narrative satisfying each criteria are as follows:

A. Site Plan Required

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

- **AT&T Response:** AT&T's site plan complies with the requirements established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A. **(*See* Site Plan attached as Exhibit I).** As discussed below, the site plans include all elements required by Zoning Ordinance § 4B.7.B.

B. Concept Plan Submittal and Public Hearing Required

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A, with the exception of Subsections 1.3A.20-22, 2429, 31-35.

- **AT&T Response:** AT&T's site plan complies with the requirements established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A. **(*See* Site Plan at Ex. I).**

2. The following additional elements must be submitted:

a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.

- **AT&T Response:** AT&T has complied with this requirement. **(*See* Ex. I, Site Plan, at C1).**

b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site's background and foreground landscape.

- **AT&T Response:** AT&T's proposed tower will be 199' (a 195' monopole topped by a 4' tall lighting road). **(*See* Ex. I, Site Plan at , C2).** AT&T has provided the height comparisons discussed in this requirement. **(*See* Ex. I, Site Plan at C2).**

c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.

- **AT&T Response:** AT&T has complied with this requirement. **(*See* Ex. I, Site Plan at C1).**

d. Number, size and location of proposed and existing antennas; number of co-locations possible.

- **AT&T Response:** AT&T has complied with this requirement. AT&T will locate xix antennas at a RAD center of 191'. **(*See* Ex. I, Site Plan at C2).** There are co-location opportunities located at 181', 171', and 161' for up to three additional wireless carriers. **(*See* Ex. I, Site Plan at C2).**

e. Method of camouflage (if any).

- **AT&T Response:** AT&T's Facility will be the standard matte gray color. **(*See* Ex. I, Site Plan at N1, Structural Streel Notes).**

f. Locations of known historic structures.

- **AT&T Response:** AT&T contracted with a third party environmental engineering

consultant to analyze the Property, the Facility, and the surrounding areas to complete the required FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act (NEPA). A copy of the final NEPA report by ACER Associates, LLC, dated September 4, 2019, is attached as **Exhibit J**. The NEPA report determined that the Facility will not affect districts, sites, buildings, structures or objects, significant in American history, architecture, archeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic places and West Virginia State Historic Preservation Office's database. **(*See* NEPA Survey at NEPA Environmental Effects Checklist Source Information Form attached as Exhibit J)**.

g. A description of the anticipated construction and installation schedule.

- **AT&T Response:** AT&T expects the construction of the tower to begin within a month of obtaining Jefferson County approval. It takes approximately 3-4 months for a tower to be constructed and become fully operational.

h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.

- **AT&T Response:** AT&T has complied with this requirement. **(*See* Radio Frequency Certification Letter attached as Exhibit K).**

i. Narrative addressing the design criteria of this section.

- **AT&T Response:** AT&T has complied with this requirement through this detailed and comprehensive Statement of Compliance and Justification.

j. Dates, address list, and notice for Balloon Test

- **AT&T Response:** AT&T conducted a crane test for AT&T's variance hearing pursuant to Jefferson County's request on October 17, 2019. AT&T sent notice to all property owners within one-quarter mile (1320 feet radius) of the Property that AT&T would conduct a visual impact study on August 27, 2019. **(*See* AT&T Notification of Visual Impact Study Letter, List of Recipients and addresses of Property Owners Within One-Quarter Mile, Affidavit of Notice Letters sent, Local Newspaper Affidavit of Publication, and Planning and Zoning Staff Approval of Balloon Notice No. 1. attached as Exhibit L)**. Following the variance approval by the Board of Zoning Appeals on January 23, 2020, AT&T conducted a second balloon test on March 9, 2020. AT&T sent notice of the second balloon test to all property owners within one-quarter mile (1320 feet radius) of the Property and to the Jefferson County Historic Landmarks Commission on February 13, 2020. ***(See* AT&T Notification of Visual Impact Study Letter No. 2; List of Recipients and Addresses of Property Owners Within One-Quarter Mile No. 2, Affidavit of Notice Letters Sent No. 2, Local Newspaper Affidavit of Publication No. 2, and Planning and Zoning Staff Approval of Balloon Notice No. 1. attached as Exhibit M).** AT&T's second balloon test was conducted on March 9, 2020.

k. Balloon test exhibits as required in Subsection G of this Section.

- **AT&T Response:** AT&T discusses its compliance with this requirement more fully below. **(*See* Subsection G of This Statement of Justification and Compliance).**

l. Propagation maps as required in Subsection F of this Section.

- **AT&T Response:** AT&T has complied with this requirement. **(*See* Existing Coverage Radio Frequency Propagation Map attached as Exhibit A; Proposed Coverage Radio Frequency Propagation Map at 191' attached as Exhibit B**).

m. Any other relevant information.

- **AT&T Response:** On January 23, 2020, AT&T appeared before the Board of Zoning Appeals in order to obtain 99' height variance for the AT&T's telecommunications facility pursuant § 4B.7.J.2 and § 6.2. AT&T secured an unanimous vote from the five person Board of Zoning Appeals. The proposed Facility will provide much needed emergency and non-emergency coverage to Jefferson County. Currently, there is a severe lack of coverage along Leetown Road (Route 1) between Summit Point and Middleway. **(*See* Ex. A, RF Map of Current Coverage; *see also* Ex. B, RF Map of Proposed Coverage at 191')**.

n. Additional application requirements of Subsection H of this Section.

- **AT&T Response:** Subsection H is inapplicable to AT&T's proposed Facility.

3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Section 24.119 - 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:

a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.

b. Following Staff's determination of the sufficiency of a Concept Plan application:

i. Staff shall notify the Jefferson County Historic Landmarks Commission of an application filing.

ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Sites Review standards of this Section.

c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic sites, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the

standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in Staff's approval of the site plan.

d. Before Staff may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.

- **AT&T Response:** AT&T has or will comply with these provisions. AT&T looks forward to discussing its plans and any additional information with the Planning Commission at an upcoming meeting.

C. Retention of Consultants

Staff may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant's expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.

- **AT&T Response:** AT&T agrees to this provision.

D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed structure at its proposed height and location-as required in Subsection F, "Demonstration of Need", and that it has met all submittal and design criteria in this Article.

- **AT&T Response:** AT&T submits this Statement of Compliance and Justification to demonstrate the necessary substantial evidence that a bona fide need exists for the Facility at its proposed height and location. Further, as outlined in this Statement of Compliance and Justification, AT&T has met all submittal an design criteria.

E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licenses to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to Staff in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

- **AT&T Response:** AT&T is licensed to provide wireless services in Jefferson County, WV. A copy of AT&T's FCC licenses is attached as **Exhibit N**. AT&T will comply with

all applicable FCC regulations.

F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map.

Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

- **AT&T Response:** AT&T identified a coverage gap along Leetown Road (Route 1) west of Charles Town in the south west area of Jefferson County. **(*See* RF Propagation Map of Existing AT&T Coverage at Exhibit A).** AT&T's proposed telecommunication facility will add and improve wireless services and ensure adequate overlapping coverage between and among existing coverage areas. **(*See* Proposed Coverage Radio Frequency Propagation Map at 191' attached as Exhibit B)**. These maps identify all adjacent sites and are accompanied by an engineer's affidavit attesting to the parameters used to create the map. **(*See* RF Propagation Maps at Exhibit A and B; *See also* Radio Frequency Certification Letter attached as Exhibit K)**.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by Staff. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.

- **AT&T Response:** AT&T conducted a crane test for AT&T's variance hearing pursuant to Jefferson County's request. On August 27, 2019, AT&T sent notice to all property owners within one-quarter mile (1320 feet radius) of the Property that AT&T would conduct a visual impact study. On October 18, 2019, AT&T conducted a visual impact study, using a crane to raise a balloon five feet in diameter to a height of 199 feet at the location of the proposed Facility. AT&T created photo simulations of the proposed tower from the crane test. **(*See* Photo Simulations for a Proposed Monopole attached as Exhibit O).**

  Following the January 23, 2020 variance approval, AT&T conducted a second balloon test on March 9, 2020 pursuant to the Jefferson County Board of Zoning Appeals' request.

Photo simulations from the second balloon test are also included in with application. **(*See* Photos Simulations for a Proposed Monopole attached as Exhibit O**).

2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. Staff shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.

- **AT&T Response:** AT&T provided notice pursuant to Section 4B.7.G.2 above. **(*See* Planning and Zoning Staff Approval, AT&T Notification of Visual Impact Study Letter, List of Recipients and addresses of Property Owners Within One-Quarter Mile, Affidavit of Notice Letters sent attached as Exhibit L).** Following the variance approval, AT&T conducted a second balloon test on March 9, 2020 at the Jefferson County Board of Zoning Appeals request. Notices for the March 9, 2020 balloon test were sent out on February 13. (***See* Planning and Zoning Staff Approval, AT&T Notification of Visual Impact Study Letter No. 2, List of Recipients and addresses of Property Owners Within One-Quarter Mile, Affidavit of Notice Letters sent No. 2, and Local Newspaper Affidavit of Publication No 2. attached as Exhibit M).** Staff reviewed and approved the sufficiency of both notices and list of addresses prior to mailing. **(*See* Planning and Zoning Staff Approval of Balloon Notice No. 1 and Notice No. 2 attached as Exhibits L & M).**

3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.

- **AT&T Response:** AT&T published a notice of visual impact survey in the October 2, 2019 issue of the Spirit of Jefferson Advocate **(*See* Local Newspaper Affidavit of Publication attached as Exhibit L).** Following the variance approval, AT&T conducted a second balloon test on March 9, 2020. AT&T published a notice of visual impact survey in the February 19, 2020 issue of the Spirit of Jefferson Advocate. (***See* Local Newspaper Affidavit of Publication No. 2 attached as Exhibit M).**

4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

- **AT&T Response:** This requirement is not applicable to AT&T's proposed Facility

because AT&T has made no changes to the Facility's height or location.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:

a. Co-location of antennas on existing electric transmission towers.
b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.

- **AT&T Response:** AT&T prefers colocation whenever possible and only proposes a new facility if and when there are no viable co-location options available. AT&T conducted a feasibility study for possible locations for the Facility in the proposed area and narrowed the possible site location to an area that would allow AT&T to meet its required coverage needs. The unique search area in this particular case is limited by existing sites and towers where AT&T could potentially co-locate. In this case, AT&T's coverage objective require a telecommunication facility – whether by co-location or a new facility – within a quarter-mile out of the proposed location. A number of monopoles, buildings and structures over 50' tall were identified as potential sites. **(*See* Availability of Other Structures over 50' Within a One Mile Radius attached as Exhibit F).** After surveying the area, the closest monopole to the proposed facility is over two miles away, far outside the one-quarter mile search area. **(*See* Existing Cell Towers attached as Exhibit G**). Further, four structures outside the quarter mile search area were identified. Three silo's that are approximately 80', 100' and 100' in height and a transmission line 150'+/- tall. However, not only are these structures over a quarter-mile from the proposed location, but the tallest structure is only 150'. (***See* Existing Structures over 50' attached as Ex. F).** As established at the January 23, 2020, Board of Zoning Appeals variance hearing, AT&T requires its monopole to be approximately 199' tall to meet its coverage goals. No existing structure within two miles allows AT&T to accomplish said goals. **(*See* Map of Existing Cell Towers attached as Exhibit G; *see also* Existing Structures over 50' attached as Ex. F**

After confirming there were no co-location opportunities, AT&T looked for a property for a raw land site, that meets, at a minimum, three necessary criteria: (1) compliance with the applicable Jefferson County Zoning and Land Development Ordinance requirements, (2) a land owner willing to lease to AT&T, and (3) a location approved by RF engineers that will add and enhance emergency and non-emergency wireless coverage.

The Property is the only property that meets each of the three criteria in in the footprint of the feasibility study. The Property is the only location that complies with the zoning requirements and can fill the existing coverage gap to bring needed services to the area. In addition, the proposed Facility will allow co-location for up to three additional wireless carriers in addition to AT&T.

2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:

a. Silos
b. Other Alternative Structures
c. Monopoles
d. Lattice Towers

- **AT&T Response:** The proposed Facility consists of a 199' monopole that allows at least three future carriers, in addition to AT&T, to co-locate antennas on the monopole to provide additional emergency and non-emergency wireless services to the area. AT&T conducted a feasibility study to determine whether an alternative structure other than a monopole would allow AT&T to meet its coverage needs. Given the needed height, there are no other structures (silos, alternative structures, etc.) that could be constructed to meet the 199' requirement. AT&T considered and discussed with the County staff constructing a stealth monopole (i.e. tree pole). Ultimately, given the rural location and surrounding agricultural environment, County staff agreed that a stealth tree pole would not be appropriate and would create a greater visual impact.

3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:

a. The Industrial - Commercial District

- **AT&T Response:** Due to the coverage goals of AT&T's site, AT&T must place a telecommunications facility within a quarter-mile of the proposed location. There are zero properties in the Industrial - Commercial zoning district within a quarter-mile of the proposed location. **(*See* Industrial Commercial Zoned Properties attached as Exhibit P**).

b. Non-residential areas screened by existing vegetation and located outside of the Industrial-Commercial District

- **AT&T Response:** The proposed site is a 17 Acre Parcel located in a non-residential district (Rural). The Property and surrounding area is utilized for agriculture and therefore existing vegetation on or around the Property is limited. If necessary, AT&T can add landscaping and/or fencing to screen the Facility's 60' x 60' compound.

4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:

a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height,

topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Tower is available for co-location.

- **AT&T Response:** The Facility is designed to accommodate four carriers (AT&T plus up to three future carriers). This includes the monopole itself and the equipment compound. **(*See* Ex. I, Site Plan at C2).** The owner has affirmed that space will be made for up to three wireless carriers to co-locate on the proposed tower. **(*See* Affidavit of Tower Co-Location attached as Exhibit I)**.

b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:

i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
iv. The location of the Tower will not allow the applicant to meet coverage or capacity requirements; or
v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.

- **AT&T Response:** The closest transmission tower is located approximately three quarters of a mile from the proposed Facility. (***See* Site Plan At C-1.1 attached as Ex. I**).

c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:

i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably, as

documented by a qualified and licensed professional engineer;

iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;

iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or

v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.

- **AT&T Response:** AT&T was limited to certain geographic locations for the construction of the proposed Facility. In order to fill AT&T's existing coverage gap, AT&T must place a telecommunication facility within a quarter-mile out of the proposed location, and all structures outside of the quarter-mile radius were ruled out. A number of buildings and structures over 50' tall were identified as potential sites. **(*See* Availability of Other Structures over 50' Within a One Mile Radius attached as Exhibit F).** Given AT&T's required height of 199' to meet its coverage goals, no structures were eligible as potential sites to co-locate AT&T's equipment.

  AT&T also conducted an inventory of existing wireless telecommunication facilities owned and/or operated by AT&T and other wireless telecommunication entities within Jefferson County. The closest existing telecommunication tower is located approximately 2.5 miles to the south of the proposed location. **(*See* Existing Telecommunication Towers attached as Exhibit G)**. Co-location at the nearest existing telecommunication tower will not allow AT&T to meet its coverage and capacity requirements.

  Ultimately, there are no other properties where AT&T (1) could meet the necessary Jefferson County Zoning and Land Development Ordinance requirements, (2) met a willing landlord, or (3) accomplish the primary objective to add and enhance FirstNet emergency and non-emergency wireless coverage in the area. The Property chosen was the only feasible and available property in the footprint of the feasibility study.

d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

- **AT&T Response:** This requirement is inapplicable to AT&T's proposed Facility.

I. <u>Cultural and Historic Sites Review</u>

1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:

a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.

- **AT&T Response:** This requirement is inapplicable to AT&T's proposed Facility because

it is not within the Harpers Ferry Overly District.

b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide Staff an affidavit certifying delivery.

- **AT&T Response:** This requirement is inapplicable to AT&T's proposed Facility because it is not within one mile of the Appalachian Trail.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

a. Antennas within a cylindrical radome matching the diameter of a monopole.
b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
c. Antennas mounted as an array arranged around a platform extending from the monopole.

- **AT&T Response:** AT&T's proposed Facility will install its antenna on a down tilt bracket. **(*See* Ex. I, Site Plan at C9**).

2. Height Restrictions

a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.

- **AT&T Response:** On January 23, 2020, the Jefferson County Board of Zoning Appeals approved AT&T's variance request pursuant to Section 4B.7.J.2.a to increase the height restriction from 100' to 199' in order to meet AT&T's coverage objectives. **(*See* Jan. 23, 2020 Jefferson County Board of Zoning Appeals Minutes attached as Exhibit Q)**.

b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

- **AT&T Response:** This requirement is inapplicable to AT&T's proposed Facility.

3. Fall Zone

a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.

- **AT&T Response:** AT&T's proposed Facility exceeds the fall zone setback requirements, as detailed on the **Site Plan on C1, attached as Exhibit I.** The proposed tower will be set back as follows:

North:	415'	(complies with required 219')
East:	300'	(complies with required 219')
South:	290'	(complies with required 219')
West:	495'	(complies with required 219')

b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

- **AT&T Response:** There are no residential dwellings located within the fall zone of the Facility. **(*See* Ex. I, Site Plan at C1).**

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

- **AT&T Response:** Signage at AT&T's proposed Facility will comply with the requirements of the FCC and FAA. The Facility will not have any commercial signage.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

- **AT&T Response:** AT&T's proposed Facility will not be lit or carry any signals and there are no such requirements by the FCC, FAA, or State or Federal authorities. The monopole will not have signals, lights, or illuminations. **(*See* Ex. I, Site Plan at C2).**

6. Electrical Supply

Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

- **AT&T Response:** AT&T will comply with this requirement and agrees that the backup generator shall only be used during power outages or for testing and maintenance purpose.

AT&T will comply with the Jefferson County maintenance schedule outlined in this section.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

- **AT&T Response:** The Facility will be enclosed within a security fence consisting of a chain link fence 8' in height. **(*See* Ex. I, Site Plan at C2)**. If necessary, AT&T can landscaping or otherwise screen the compound.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

- **AT&T Response:** AT&T's Facility will be the standard flat gray color on galvanized steel. **(*See* Photo Simulations of Proposed Facility attached as Exhibit O)**.

Section 4B.8 Maintenance & Removal Bonds

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Engineering, Planning, and Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

- **AT&T Response:** AT&T will comply with this requirement.

Section 4B.9 Abandonment & Removal

A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
B. If a structure is determined to be unsound, it will be considered abandoned.
C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

- **AT&T Response:** AT&T will comply with these requirements and agrees to remove the Facility pursuant to the Jefferson County Property Safety Ordinance if called for.

VI. HISTORIC AND ENVIRONMENTAL IMPACT

AT&T contracted with a third party environmental engineering consultant to analyze the Property, the Facility, and the surrounding areas and complete the required FCC environmental compliance report identifying the impact on environmental resources, prepared in accordance with the National Environmental Policy Act of 1969 ("NEPA").

A copy of the final NEPA report by ACER Associates, LLC, dated August 12, 2019, is attached as **Exhibit 10**. The NEPA report determined no relevant environmental or historical effects. Specifically, there was a finding of no historical properties in the area. (***See* Ex. 10, Attachment 7 at 76**). Additionally, the location "does not contain an archaeological site" and the project "will have no effect on archaeological resources…" (***See* Ex. 10, Attachment 7 at 83**). Acer received a response from the State Historic Preservation Office (SHPO) concurring with its findings. (***See* Ex. 10, Section E at 109**). The NEPA report further indicates that there will be no effect on dedicated wilderness areas or designated wildlife preserves, and "the project 'is not likely to impact any wilderness areas or wildlife preserves.'" (***See* Ex. 10, Section G at 144**). Acer further concluded the project is "'not likely to adversely affect any threatened or endangered species.'" (***See* Ex. 10, Section H at 146-47**).

VII. CONCLUSION

AT&T respectfully requests that Jefferson County grant the requested Concept Plan. If you need further information, please contact our zoning attorney Chris Burns at 410-332-8681 or christopher.burns@saul.com.

SHEET INDEX

NO.	DESCRIPTION
T1	TITLE PAGE
N1	NOTES
N2	NOTES
C1	SITE PLAN
C1.1	AERIAL VIEW
C2	COMPOUND PLAN AND ELEVATION
C3	RF SCHEDULE AND NOTES
C4	RF PLUMBING DIAGRAM
C5	EQUIPMENT DETAILS
C6	EQUIPMENT DETAILS
C7	EQUIPMENT DETAILS
C8	GENSET DETAILS
C9	DC9 WIRING DIAGRAM
C10	ANTENNA AND RRH MOUNTING DETAILS
E1	ELECTRICAL DETAILS
E2	DC POWER DETAILS
E3	RRH WIRING DIAGRAM
E4	UTILITY PLAN
E5	GROUNDING PLAN
E6	GROUNDING DETAILS

Jefferson County, West Virginia

☐ PRELIMINARY PLAT APPROVAL

☐ SITE PLAN APPROVAL

BY _____ _____
County Engineer Date

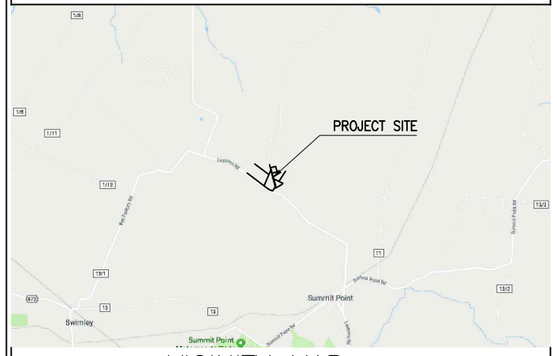
BY _____ _____
County Planner Date

DRIVING DIRECTIONS

FROM 7150 STANDARD DRIVE:

START OUT GOING SOUTHWEST ON STANDARD DRIVE TOWARD PARKWAY DRIVE. STANDARD DRIVE BECOMES PARK CIRCLE DRIVE. TURN LEFT ONTO COCA COLA DRIVE. MERGE ONTO MD-100 WEST TOWARD ELLICOTT CITY. MERGE ONTO MD-100 WEST. USE THE RIGHT 2 LANES TO MERGE ONTO US-29 N TOWARD I-70. TAKE EXIT 25B TO MERGE ONTO I-70 WEST TOWARD FREDERICK. TAKE EXIT 52 TO MERGE ONTO US-15 S/US-340 WEST. TURN RIGHT TO MERGE ONTO US-340 S/WV-9 E TOWARD BERRYVILLE VA/LEESBURG VA. MERGE ONTO US-340 S/ WV-9 EAST. TURN RIGHT ONTO AUGUSTINE AVE. TURN LEFT ONTO HUYETT RD. TURN LEFT ONTO SUMMIT POINT RD. TURN RIGHT ONTO LEETOWN RD. SITE WILL BE ON THE RIGHT.

LOCATION MAP



NORTH

VICINITY MAP

GRAPHIC SCALE:
2000' 0 2000'

Excerpt from full file set, available in the office of Planning & Zoning

at&t

SITE NAME

SUMMIT POINT

SITE ID

2230

FA SITE NUMBER

14537154

SITE ADDRESS

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

STRUCTURE TYPE

MONOPOLE

THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HERON; AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT OR SITE PLAN.

_____

TRAFFIC IMPACT DATA

- **ADT for adjoining state road**:
  S. Child's Road: 514 vehicles per day
- **Trip Generation**:
  Trips Per Unit: 2.27
  Unit of Measure: 1,000 SF GFA
- **Nearest Key Intersection**:
  Location: Intersection with WV 1, WV 113
- **Highway Problem Areas (Pursuant to the 2035 Compressive Plan)**:
  There are no "Highway Problem Areas" within 1 mile of the proposed tower.

APPROVALS

AT&T CONSTRUCTION: _____ AT&T RF: _____

AT&T COMPLIANCE: _____ AT&T REAL ESTATE: _____

SCOPE OF WORK

GROUND SCOPING:
- INSTALL POWER AND TELCO CONDUITS
- INSTALL CONCRETE EQUIPMENT PAD
- INSTALL STEEL WIC (NEQ #20060) ON CONCRETE PAD
- INSTALL 30kW AC DIESEL GENERATOR W/ 190 GALLON TANK (NEQ #20230) ON CONCRETE PAD

CABLE SCOPING:
- INSTALL (3) 24PR FIBER CABLES
- INSTALL (9) 6/C #6AWG DC CABLES

GROUND SCOPING, CONT'D:
- INSTALL (3) 6" UNDERGROUND CONDUITS
- ROUTE NEW FIBER AND DC TRUNKS FROM WIC TO CABLE PORT ON MONOPOLE VIA UNDERGROUND CONDUITS

TOWER SCOPING:
INSTALL (1) LOW PROFILE PLATFORM W/ UPPER SUPPORT RAIL KIT AND REINFORCEMENT KIT
INSTALL (6) ANTENNAS ON SECTOR PLATFORM
INSTALL (9) RRHs ON SECTOR PLATFORM
INSTALL (3) DC9s ON SECTOR PLATFORM

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED WITH ANY LOCAL AMENDMENTS BY THE LOCAL GOVERNING AUTHORITIES:
- 2015 INTERNATIONAL BUILDING CODE (WITH EXCEPTIONS/AMENDMENTS)
- 2015 INTERNATIONAL PLUMBING CODE
- 2015 INTERNATIONAL MECHANICAL CODE
- 2015 INTERNATIONAL FUEL GAS CODE (WITH EXCEPTIONS/AMENDMENTS)
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE
- 2015 INTERNATIONAL EXISTING BUILDING CODE (W/ AMENDMENT ADOPTING NFPA, 101 LIFE SAFETY CODE 2009)
- 2014 EDITION OF THE NATIONAL ELECTRIC CODE, NFPA 70
- LOCAL BUILDING CODES
- CITY/COUNTY ORDINANCES
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION SPECIFICATIONS (AISC)
- UNDERWRITERS LABORATORIES APPROVED ELECTRICAL PRODUCTS.
- ANSI EIA/TIA 222 REV. G
- TIA 607
- INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS 81
- IEEE C2 (LATEST EDITION)
- TELCORDIA GR-1275
- ANSI T1.311
- 2009 ICC/ANSI A117.1 AMERICAN NATIONAL STANDARDS FOR ACCESSIBILITY & USABLE BUILDINGS AND FACILITIES

PROJECT SITE INFORMATION

SITE NAME:	SUMMIT POINT	
SITE ID:	2230	
FA SITE #:	14537154	
SITE ADDRESS:	4360 LEETOWN ROAD SUMMIT POINT, WV 25446	
JURISDICTION:	JEFFERSON COUNTY	
ZONING DISTRICT:	RURAL	
PARCEL ID:	19-07-0025-011-0002	
DEED BOOK/PG:	459/146	
TAX DISTRICT:	07-MIDDLEWAY DIST	
TAX MAP:	25	
PARCEL NO:	001100020000	
PROPERTY AREA:	13.21± ACRES	
SITE COORDINATES:		
LATITUDE:	N 39° 15' 58.32"	(NAD 83)
LONGITUDE:	W 77° 58' 12.72"	(NAD 83)
ELEVATION:	581.2± AMSL	(NAVD 88)
TOP OF HIGHEST APPURTENANCE:	199'-0"± (LIGHTNING ROD)	(AMSL)
PARCEL OWNER:	RICHARD CHILDS P.O. BOX 124 SUMMIT POINT, WV 25446 PHONE: 340-261-6918	
APPLICANT:	AT&T MOBILITY 7150 STANDARD DRIVE HANOVER, MD 21076	

GENERAL NOTES

- HANDICAP ACCESS REQUIREMENTS ARE NOT REQUIRED.
- FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION.
- FACILITY HAS NO PLUMBING OR REFRIGERANTS.
- THIS FACILITY SHALL MEET OR EXCEED ALL FAA AND FCC REGULATORY REQUIREMENTS.
- ALL NEW MATERIAL SHALL BE FURNISHED AND INSTALLED BY CONTRACTOR UNLESS NOTED OTHERWISE. EQUIPMENT, ANTENNAS/RRH AND CABLES FURNISHED BY OWNER AND INSTALLED BY CONTRACTOR.
- THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT DISTURBANCE OR EFFECT ON STORMWATER DRAINAGE.
- NO SANITARY SEWER, POTABLE WATER, OR TRASH DISPOSAL SERVICE IS REQUIRED
- NO COMMERCIAL SIGNAGE IS PROPOSED

PROJECT TEAM INFORMATION

CLIENT REPRESENTATIVE:	SMARTLINK, LLC 1362 MELLON ROAD HANOVER, MD 21076
CLIENT REP. CONTACT:	RYAN TRILLER RYAN.TRILLER@SMARTLINKLLC.COM
SITE ACQUISITION:	SMARTLINK, LLC 1362 MELLON ROAD HANOVER, MD 21076
SITE ACQUISITION CONTACT:	RYAN TRILLER RYAN.TRILLER@SMARTLINKLLC.COM
ENGINEER:	INFINIGY ENGINEERING PLLC 6865 DEERPATH ROAD SUITE 152 ELKRIDGE, MD 21075
ENGINEER CONTACT:	MATT BIRTH MBIRTH@INFINIGY.COM 443-567-8791
RF ENGINEER:	AT&T 7150 STANDARD DRIVE HANOVER, MD 21076

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A	ISSUED FOR REVIEW	BWB	04/01/19

Drawn: RMS
Designed: MRL
Checked: AJD

Project Number: 499-002

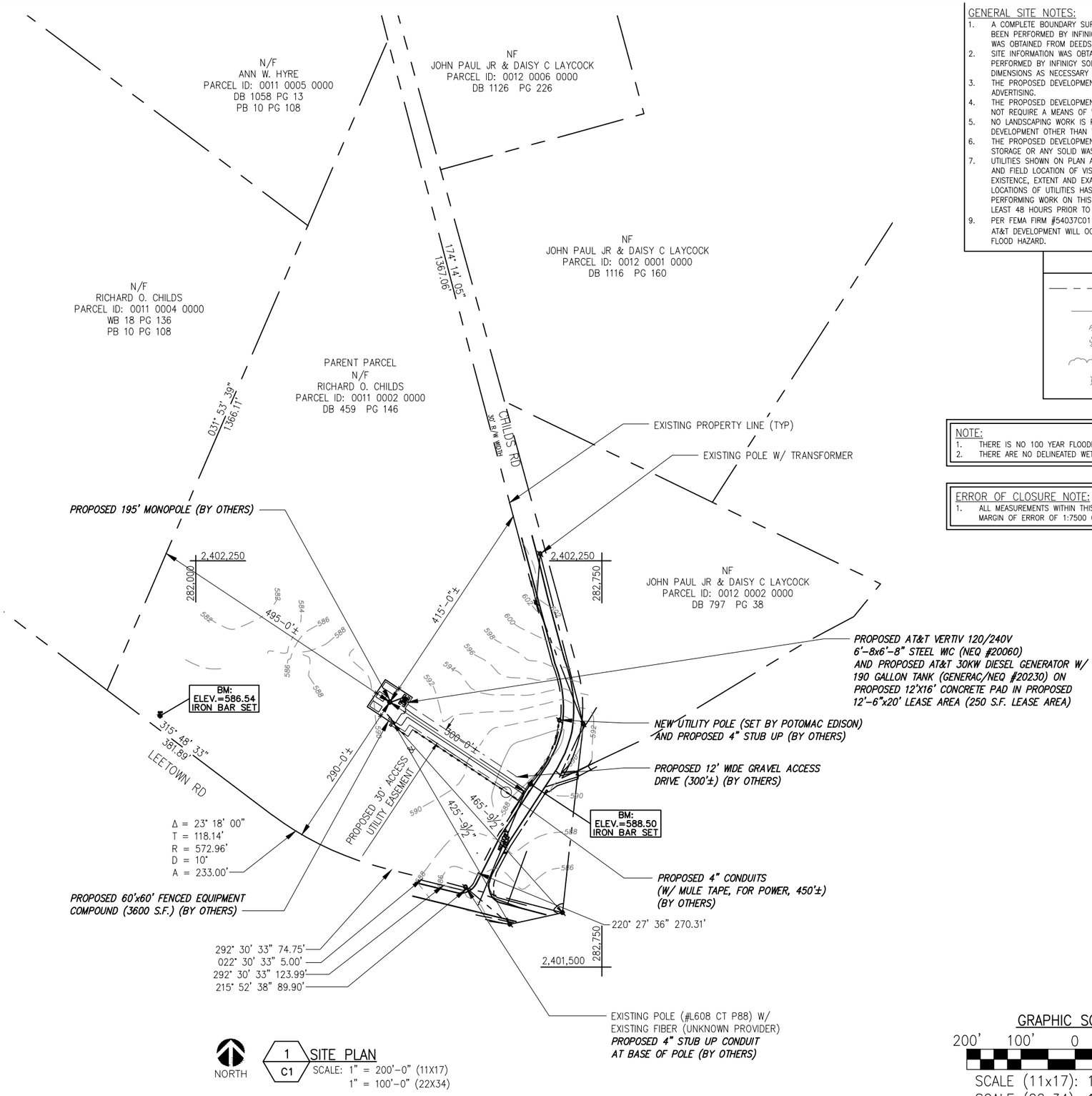
Project Title:
SUMMIT POINT
SITE ID: 2230
FA # 14537154
4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

Prepared For:

smartlink
1362 MELLON RD
HANOVER, MD 21076
TEL (410) 582-8043
FAX (443) 221-2962

Drawing Title
TITLE PAGE

Drawing Number
T1



GENERAL SITE NOTES:

1. A COMPLETE BOUNDARY SURVEY OF THE HOST PARCEL HAS NOT BEEN PERFORMED BY INFINIGY SOLUTIONS. BOUNDARY INFORMATION WAS OBTAINED FROM DEEDS, GIS DATA AND PLANS OF RECORD.
2. SITE INFORMATION WAS OBTAINED FROM A FIELD INVESTIGATION PERFORMED BY INFINIGY SOLUTIONS. CONTRACTOR TO FIELD VERIFY DIMENSIONS AS NECESSARY BEFORE CONSTRUCTION.
3. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE SIGNS OF ADVERTISING.
4. THE PROPOSED DEVELOPMENT IS UNMANNED AND THEREFORE DOES NOT REQUIRE A MEANS OF WATER SUPPLY OR SEWAGE DISPOSAL.
5. NO LANDSCAPING WORK IS PROPOSED IN CONJUNCTION WITH THIS DEVELOPMENT OTHER THAN THAT WHICH IS SHOWN.
6. THE PROPOSED DEVELOPMENT DOES NOT INCLUDE OUTDOOR STORAGE OR ANY SOLID WASTE RECEPTACLES.
7. UTILITIES SHOWN ON PLAN ARE TAKEN FROM OWNERS RECORDS AND FIELD LOCATION OF VISIBLE SURFACE FEATURES. THE EXISTENCE, EXTENT AND EXACT HORIZONTAL AND VERTICAL LOCATIONS OF UTILITIES HAS NOT BEEN VERIFIED. ANY CONTRACTOR PERFORMING WORK ON THIS SITE MUST CONTACT MISS UTILITY AT LEAST 48 HOURS PRIOR TO COMMENCING WORK.
9. PER FEMA FIRM #54037C0115E, EFF.12/18/2019, THE PROPOSED AT&T DEVELOPMENT WILL OCCUR IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD.

SITE LEGEND

- SITE PROPERTY LINE
- STREET OR ROAD
- TREE/SHRUB
- TREE LINE
- UTILITY POLE

NOTE:

1. THERE IS NO 100 YEAR FLOODPLAIN ON THIS SITE.
2. THERE ARE NO DELINEATED WETLANDS ON THIS SITE.

ERROR OF CLOSURE NOTE:

1. ALL MEASUREMENTS WITHIN THIS SITE PLAN HAVE A MARGIN OF ERROR OF 1:7500 OR BETTER.

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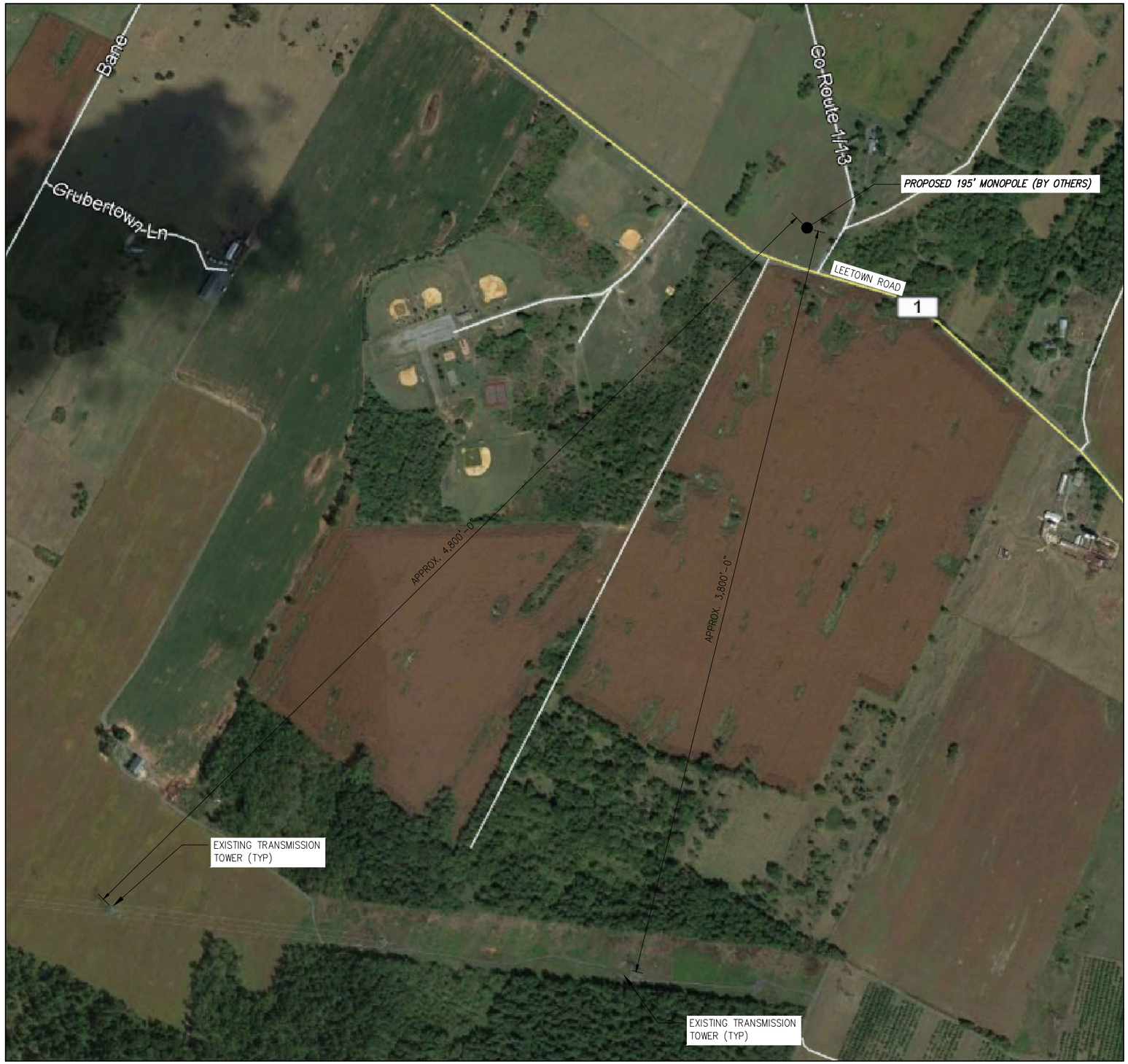
FAX (443) 221-2962

Drawing Title

SITE PLAN

Drawing Number

C1



NORTH

1 / C1.1 AERIAL VIEW
NOT TO SCALE

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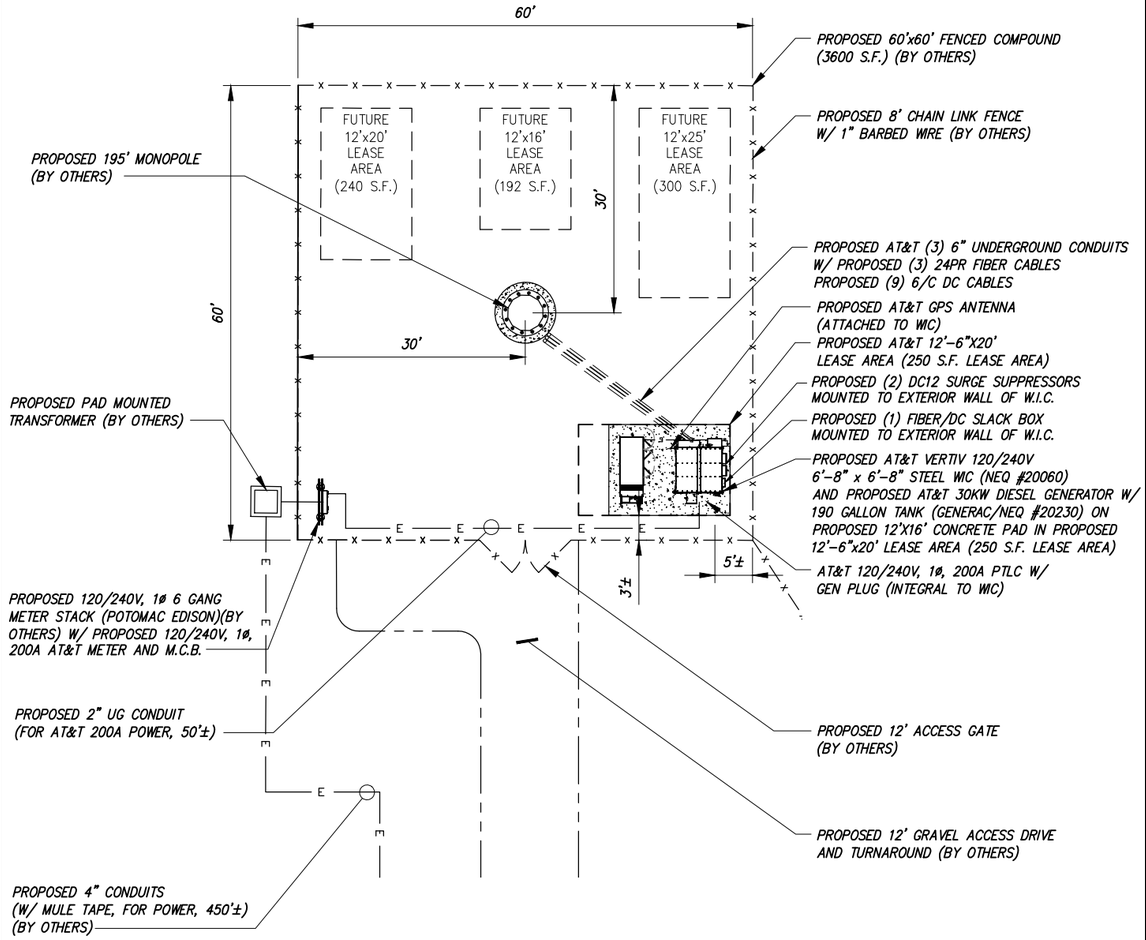
Drawing Title

AERIAL VIEW

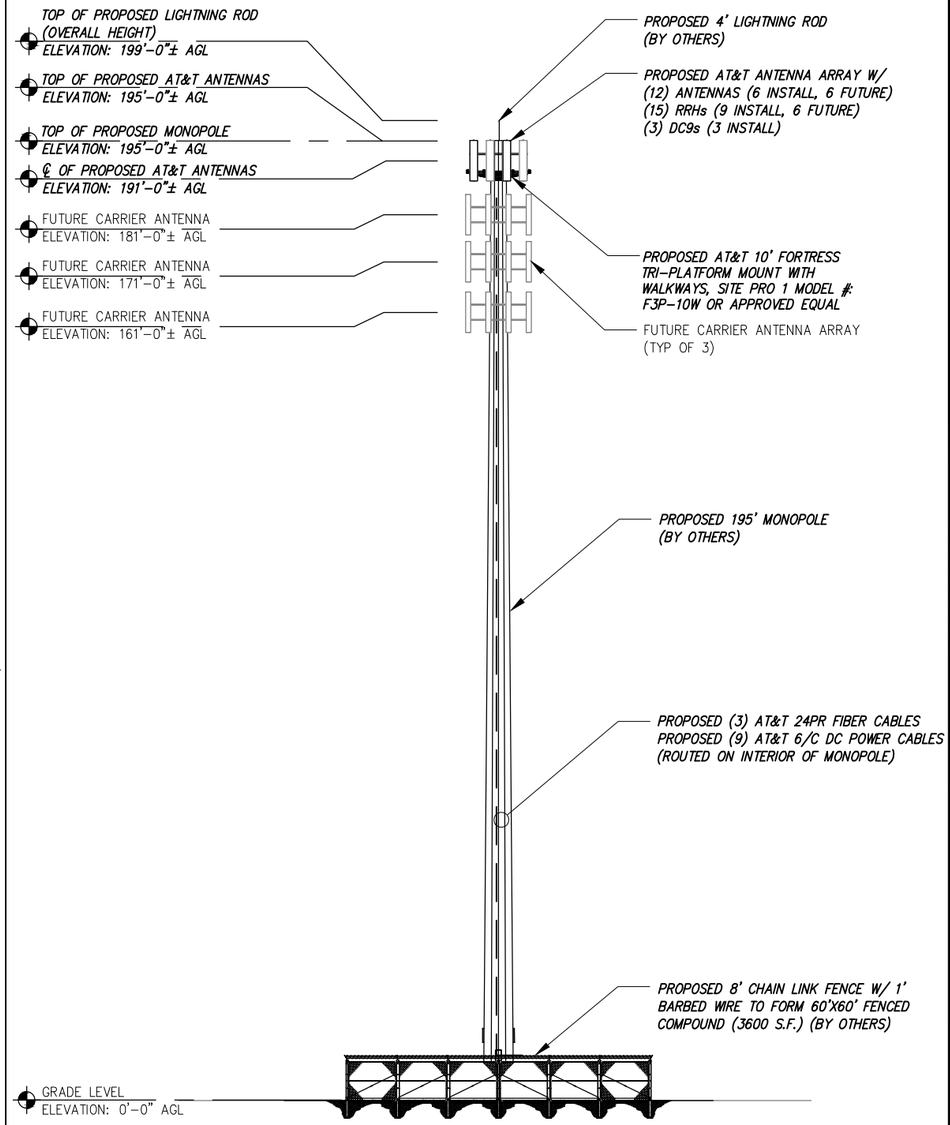
Drawing Number

C1.1



1 C2 COMPOUND PLAN
SCALE: AS NOTED

GRAPHIC SCALE:
20' 10' 0 10' 20'
SCALE (8.5x11): 1" = 20'-0"



2 C2 ELEVATION
NOT TO SCALE

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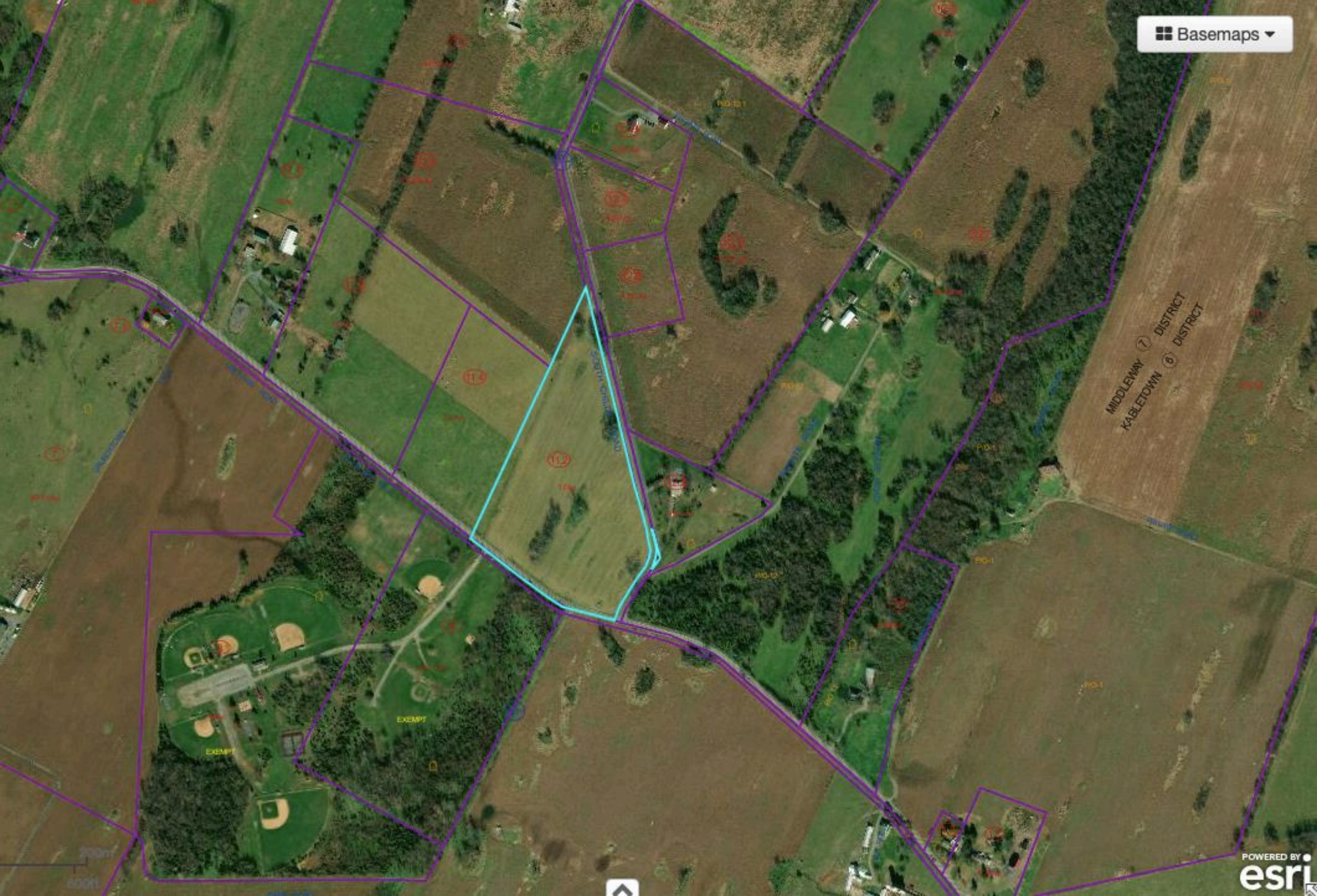
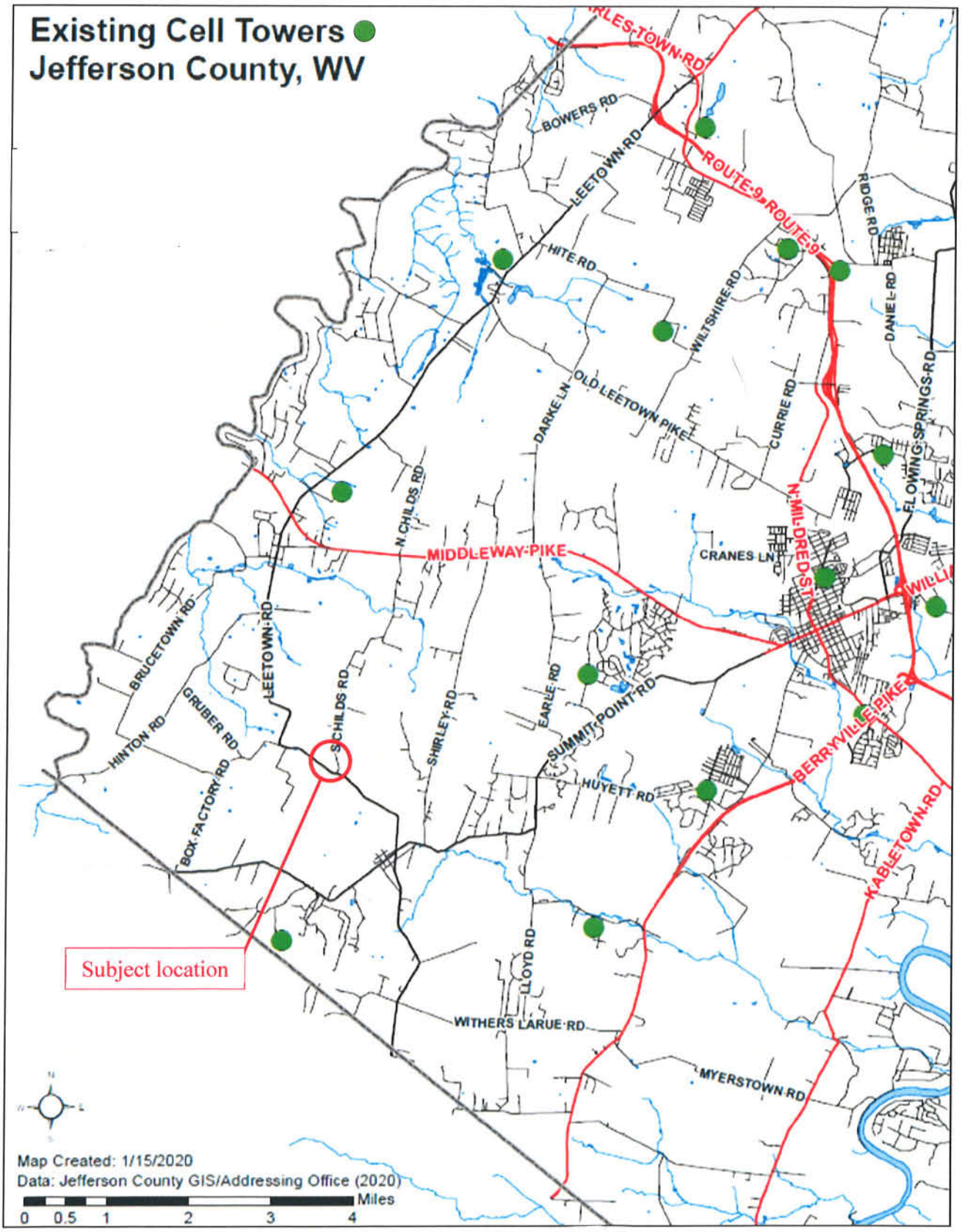
TEL (410) 582-8043
FAX (443) 221-2962

Drawing Title
COMPOUND PLAN AND ELEVATION

Drawing Number
C2


Basemaps
MIDDLEWAY ① DISTRICT
KABLETOWN ⑥ DISTRICT
EXEMPT
EXEMPT
POWERED BY esri

Silow Roughly 100ft
Silow Roughly 85ft
0.8miles
0.47miles
Site Location: 39.2662, -77.9702
0.4miles
Silo Roughly 100ft
0.75miles
© 2018 Google
Utility Tower Roughly 150ft


Existing Cell Towers
Jefferson County, WV
BOWERS RD
LEETOWN RD
ROUTE 9
HITE RD
WILTSHIRE RD
RIDGE RD
DANIEL RD
OLD LEETOWN PIKE
DARKE LN
CURRIE RD
FLOWING SPRINGS RD
N CHILDS RD
MIDDLEWAY PIKE
CRANES LN
N MILDRED ST
BRUCETOWN RD
LEETOWN RD
GRUBER RD
HINTON RD
S CHILDS RD
SHIRLEY RD
EARLE RD
SUMMIT POINT RD
BERRYVILLE PIKE
BOX FACTORY RD
HUYETT RD
KABLETOWN RD
Subject location
LLOYD RD
WITHERS LARUE RD
MYERSTOWN RD
Map Created: 1/15/2020
Data: Jefferson County GIS/Addressing Office (2020)
Miles
0 0.5 1 2 3 4

Auguts 2019

Summit Point FA# 14537154

Zoning Plots

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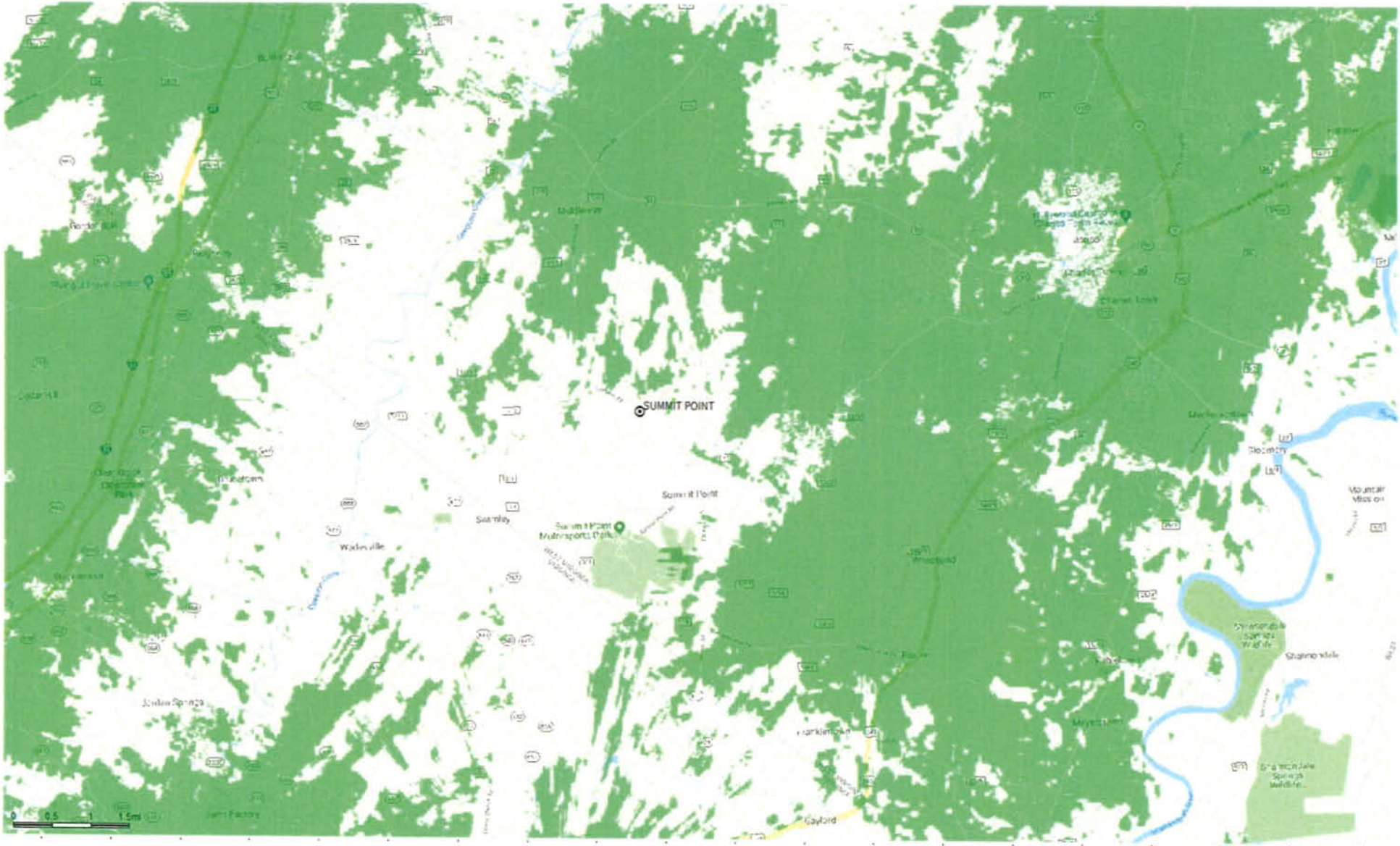
AT&T

Existing AT&T Coverage without Summit Point



AT&T

Auguts 2019

Summit Point FA# 14537154

Zoning Plots

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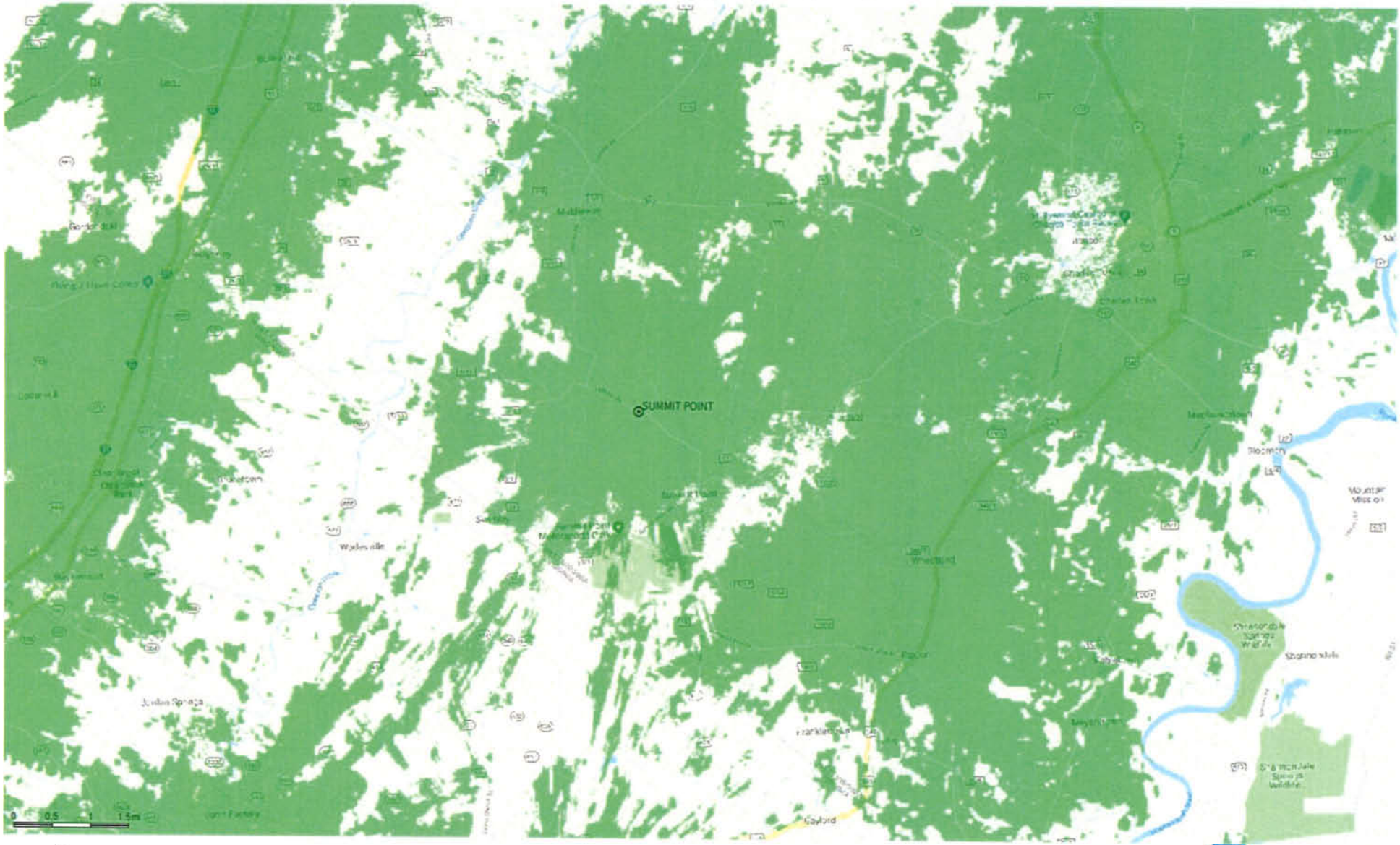
AT&T

Proposed AT&T Coverage with Summit Point @ 191' (Proposed Rad Center)



AT&T

AT&T Remains Focused on Keeping You Connected

As people are doing their best to self-isolate, AT&T's network is keeping people connected.

In the last three weeks of March, here's what we've seen on our mobile network alone:

VOICE CALLS	INSTANT MESSAGING	TEXT MESSAGING	VIDEO
↑ +33%	↑ +63%	↑ +41%	↑ +4% (also accounts for over half of all mobility traffic)

How businesses and schools are communicating has steadily increased the usage of conferencing tools, which are at an all-time high. Here's what we've seen over the last few weeks of March:

AT&T'S GLOBAL AUDIO-CONFERENCING SOLUTION	MORE MINUTESAUDIO, WEB AND VIDEO CONFERENCING TOOLS	LARGE-SCALE WEBCAST EVENTS
↑ +200%	↑ +400%	↑ +200%

Despite these dramatic shifts in traffic patterns, our network continues to perform well. AT&T invested more than $135 billion in our wireless and wireline networks over the past 5 years (2015-2019).[1] During this time, we invested more in the U.S. than any other public company, and it has paid off. We're able to respond rapidly to surges in traffic and help meet the quickly evolving needs of our customers. When we see stress, we are proactively augmenting where needed.

Additionally, we're actively using AI to:

- **Reset our 4G and 5G cell sites:** When cell site issues are detected, we have an automated process to collect data, analyze and reset the site. AI is also helping us conserve energy, by "waking up" some cells more frequently as traffic increases, while others, such as in office parks and buildings that are less occupied now, go to sleep more.
- **Detect customer equipment issues:** AI is also helping us remotely troubleshoot and diagnose problems with customer equipment, by identifying the cause or even proactively identifying a potential issue before it occurs.
- **Avoid network traffic congestion:** We've expedited deployments of new AI capabilities in certain markets that will allow us to balance the traffic load within a sector and across sectors to help avoid overloading specific cells and improve the experience.

1 includes U.S. and international capital investment and acquisitions of wireless operations and spectrum

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AT&T

And of course, we're doing other things to support more people working and learning from home, such as adding additional spectrum (capacity) to cell sites to improve customers' experience.

The U.S.'s wireless performance is due in no small measure to its longstanding recognition that a light touch approach to regulation promotes competition, innovation and investment. It's one that often recognizes new technologies are transforming our societies and economies, and technology changes much faster than regulation, enabling the U.S. to be a global leader in technology.

Consistent with FCC Chairman Pai's "Keep Americans Connected Pledge" and concerns raised by members of Congress, which we share, AT&T is also proud to support our customers by pledging that, for 60 days, we will:

1. Not terminate the service of any wireless, home phone or broadband residential or small business customer because of their inability to pay their bill due to disruptions caused by the coronavirus pandemic.
2. Waive* any late payment fees that any wireless, home phone or broadband residential or small business customer may incur because of economic hardship related to the coronavirus pandemic.
3. Waive domestic wireless plan overage charges for data, voice or text for residential or small business wireless customers incurred because of economic hardship related to the coronavirus pandemic.
4. Keep our public Wi-Fi hotspots open for any American who needs them.

To provide further relief and support, AT&T announced:

- **Unlimited AT&T Home Internet** – All AT&T consumer home internet wireline customers, as well as Fixed Wireless Internet, can use unlimited internet data.
- **More Mobile Hotspot Data** – We are automatically increasing mobile hotspot data by 15GB a month for each line on an unlimited plan that currently includes a monthly tethering allotment. That means if you're on AT&T Unlimited Elite you'll automatically get 45GB a month of tethering per line.
- **Added Prepaid Offers** – A limited time offer of $15 for 2GB of data with unlimited talk and text will be available to new and existing customers with no activation fee for AT&T PREPAID and Cricket customers. We're also adding 10GB per month of additional data.
- **Helping You Learn Remotely** – We're also offering schools a way to save on unlimited wireless broadband connectivity for students. Through May 22nd, qualified schools activating new lines on qualified data-only plans for school-issued tablets, 4G LTE-enabled laptops and hotspot devices will get the wireless data service at no cost for 60 days.

We're committed to being there when our customers and colleagues need us most. Visit AT&T's dedicated COVID-19 website for additional details and the latest updates.

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AT&T

FIRSTNET: SUPPORTING FIRST RESPONDERS DURING THE COVID-19 OUTBREAK

ALREADY, THE IMPACTS OF FIRSTNET HAVE BEEN REAL, TANGIBLE AND, LIFESAVING.

The COVID-19 health crisis illustrates precisely why public safety fought for the creation of FirstNet. Reliable connectivity and advanced capabilities for first responders helps them keep themselves and those they serve safer. As men and women across the country stand on the front lines to support our nation's response to COVID-19, they know, with confidence, FirstNet delivers the unthrottled connectivity and priority communications they need to respond during this public health emergency.

More than 11,000 agencies and organizations – including FEMA and U.S. Coast Guard to name a few – are using **over 1.2 million FirstNet connections** to respond to real life emergencies and disasters every day.

In 2012, Congress created the First Responder Network Authority (FirstNet Authority) and authorized it to build, operate, and maintain FirstNet, a single, nationwide broadband network in response to the communication failures that occurred during the 9/11 terrorist attacks. Today, the FirstNet network is working as Congress intended and public safety needs. The dedicated communications platform supports public safety, health care workers, and those who support them during their daily operations and during disasters, including pandemics and public health emergencies.

As police, fire, EMS, public health, emergency management and military personnel work around the clock to assess and mitigate the COVID-19 spread across the nation, the **FirstNet**® communications platform – built and operated by AT&T in a public-private partnership with FirstNet Authority – is bringing advanced capabilities to first responders across the country.

NETWORK STATUS

Since the onset of the outbreak, FirstNet has continued to be nimble, adaptable and ready to scale. We are continuously deploying additional assets and adding capacity to our network. We are seeing public safety, healthcare institutions, and health departments take advantage of our purpose-built network during this unprecedented public health emergency and witnessing as eligible subscribers, seeing the benefits of firsthand, migrate to FirstNet.

Performance for first responders on our FirstNet network has been excellent. Priority and preemption on Band 14 spectrum – the nationwide, high-quality spectrum set aside by the U.S. government specifically for FirstNet – is working as intended and first responders are free of any commercial congestion.

As of April 2, 2020, we have responded to 31 requests from FirstNet subscribed agencies for network support for COVID-19, and we currently have 15 portable cell sites and other solutions deployed to bolster coverage for our FirstNet subscribers at quarantine locations, testing sites and field hospitals, including deploying a cell tower on wheels to support the Naval Ship Mercy in Los Angeles.

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FIRSTNET. Built with AT&T

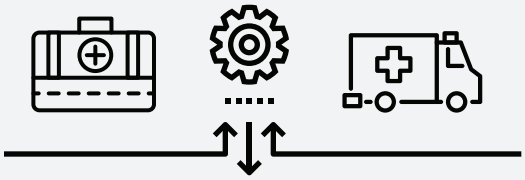
FIRSTNET'S DEDICATED FLEET OF PORTABLE ASSETS

- Public safety agencies on FirstNet have access to a nationwide, dedicated fleet of 76 land-based and airborne portable cell sites, including 3 Flying COWs™ and the FirstNet One "blimp."
    - Stationed across the country, these dedicated FirstNet network deployable assets are available 24/7 at the request of and free of charge to FirstNet subscribers to boost coverage, such as at field hospitals in remote areas that may have limited connectivity.
- So far, we've deployed assets, optimized the network or expedited the provisioning of FirstNet Ready™ devices to support quarantine zones, airports, emergency operation centers (EOCs) and other priority public safety locations across the country.

Now, we are making new & advanced capabilities available to first responders nationwide:

1 First responder public safety agencies on FirstNet can get premium FirstNet Ready™ smartphone devices for free for their agency paid users to connect them to critical communications when and where they need it most.

2 Developed from the ground up specifically for and with public safety, FirstNet Push-to-Talk is designed to enable public safety to use their smartphones, feature phones, and specialized ultra-rugged devices like they would use a two-way radio, with highly reliable, high-performance calling. FirstNet Push-to-Talk is the first-ever nationwide mission-critical standards-based push-to-talk solution to launch in the U.S.



FIRSTNET TECHNICAL SUPPORT

Public safety agency and individual first responders, including police, fire, EMS, health care professionals, emergency management, and military personnel can sign-up for service or order devices online: https://www.firstnet.com/signup/.

FirstNet subscribers seeking to request FirstNet support can call 1-800-574-7000.

Visit firstnet.com for additional details.

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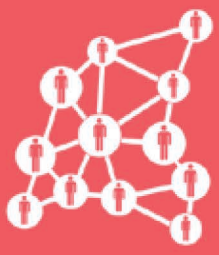
FIRSTNET Built with AT&T

FirstNet™

10 WAYS FIRSTNET WILL HELP PUBLIC SAFETY SAVE LIVES AND SECURE COMMUNITIES

Across the country, public safety personnel bravely serve their communities every day, answering the call when emergencies strike and risking their lives to secure and protect others. FirstNet is developing the first nationwide public safety broadband network to provide them the advanced communication and collaboration technologies they need. Here are ten ways FirstNet will help public safety save lives and secure communities:



1. Improving communications through an interoperable network

Today, first responders rely on more than 10,000 separate, incompatible, and often proprietary radio networks to communicate with each other during emergencies. Sometimes it's hard, or even impossible, for public safety to communicate and work together to save lives. To help address this challenge, the FirstNet network will be a single, nationwide, interoperable LTE network dedicated to public safety communications.

2. Connecting responders in rural America

Emergencies don't happen only in highly populated areas – which is why reaching rural America is one of FirstNet's top priorities. FirstNet is addressing rural coverage needs in multiple ways to deploy the network in places where coverage may be difficult. High-power towers can cover more rural space with less total infrastructure, as can deployable and satellite solutions.

3. Enhancing situational awareness in emergencies

FirstNet will carry high-speed data, location information, images, and video that can mean all the difference when seconds count. Just as smartphones have created a new era of real-time information and connectedness for individuals, the FirstNet network, devices, and applications will enable the awareness and collaboration the public safety community needs to save lives.

4. Giving public safety true priority

During emergencies, public safety needs to be able to communicate without interruption – lives depend on it. It is vital that our nation's law enforcement officers, firefighters, paramedics, and other responders have true priority for their daily and emergency communications needs. This is why FirstNet is deploying a wireless broadband network dedicated to public safety.

5. Offering vital capacity for planned events, large crowds

Emergencies aren't the only times when public safety needs capacity to communicate and send data. Planned events – like concerts, festivals, and sporting events – draw crowds to a single location, making it difficult for public safety to get the robust network capacity they need to do their jobs. That's where FirstNet will help, by providing needed bandwidth to coordinate public safety resources and respond to any incidents.

info@firstnet.gov | www.firstnet.gov | 571-665-6100

(revised October 2016)

FirstNet™

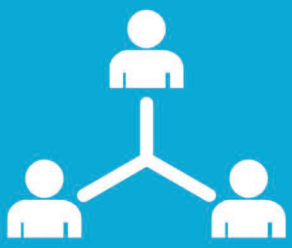
10 WAYS FIRSTNET WILL HELP PUBLIC SAFETY SAVE LIVES AND SECURE COMMUNITIES

6. Delivering actionable data via innovative apps, devices

Public safety needs data communications in the field and innovative public safety communications technology. That's why the FirstNet network is designed to deliver applications, devices, and services tailored to the needs of public safety. FirstNet will be a resilient, reliable network, enabling everything from smartphones to laptops, tablets, dongles, and specialty devices to work when public safety needs them the most.

7. Providing reliability and security when disaster strikes

First responders in every state face the challenge of preparing for and responding to natural disasters. Having reliable communications is an integral component of any plan or response effort. FirstNet can help public safety save lives and secure communities by ensuring a reliable communication system is in place to assist public safety and rescue crews before, during, and after a natural disaster.



8. Ensuring coordinated response to man-made disasters

In the face of man-made attacks or natural disasters, the ability to communicate is essential to first responders. Incident commanders need to convey vital data to every first responder–fast. They need to know if resources from neighboring jurisdictions can be available. FirstNet is working to deliver a broadband network with interoperability built-in from day one to enhance public safety's ability to protect and serve.

9. Driving innovation in life-saving, public safety communications technology

With the potential for millions of users on a single LTE network, FirstNet hopes to foster creation of a new ecosystem in which entities compete to deliver applications and other services through the FirstNet network. The nationwide scale brought by FirstNet will maximize the value of every public safety dollar spent by allowing public safety end-users to take advantage of an increasingly competitive marketplace.

10. The network first responders need to keep our communities safe

FirstNet is taking a "for public safety, by public safety" approach to planning and deploying the network. Through its consultation and outreach program, FirstNet has worked hand-in-hand with the public safety community to understand the capacity, coverage, service, and other public-safety-grade features they need to communicate and use 21st-century tools on the job.

info@firstnet.gov | www.firstnet.gov | 571-665-6100

(revised October 2016)

WV to Transform Communications for Public Safety; Governor Justice Approves Buildout Plan for First Responder Network

7/28/2017

First-of-its-Kind Solution Will Create Jobs, Spur Investment and Modernize Public Safety Communications across the State

RESTON, VA — Governor Jim Justice is helping transform first responder communications in West Virginia by "opting in" to FirstNet. With his decision, FirstNet (https://firstnet.gov/) and AT&T (http://about.att.com/category/all_news.html) will deliver a specialized wireless broadband network to West Virginia's public safety community. This will make West Virginia the 7th state in the country to bring first responders advanced technologies that will help them save lives and protect communities.

"FirstNet and AT&T are really stepping up to help West Virginia and we are all grateful for their efforts to expand coverage for our first responders and our communities," said Governor Jim Justice. "Our people will be safer because of this incredible initiative and it gives our state a launch pad for new jobs. I applaud AT&T for their commitment to

a service area footprint that enhances coverage in West Virginia. Competitive pricing and the opportunities this will bring for future investment are limitless. The FirstNet network is a step toward putting West Virginia's first responders on the leading edge."

AT&T, in a public-private partnership with FirstNet, will build, operate and maintain a highly secure wireless broadband communications network for West Virginia's public safety community at no cost to the State for the next 25 years. The FirstNet network will drive innovation and create an entire system of modernized devices, apps and tools for first responders.

This is one of the most economical and technologically advanced decisions Governor Justice will make for the State's first responders and the residents they serve. The FirstNet network will transform the way West Virginia's fire, police, EMS and other public safety personnel communicate and share information. Specifically, FirstNet and AT&T will:

- Connect first responder subscribers to the critical information they need in a highly secure manner when handling day-to-day operations, responding to emergencies and supporting large events, like the State Fair of West Virginia.
- Create an efficient communications experience for public safety personnel in agencies and jurisdictions across the State during natural disasters. This includes severe weather like the flooding in 2016.
- Enhance network coverage in rural areas. This will benefit first responders and residents throughout West Virginia'stopographically diverse landscape. First responders will also have access to

dedicated network deployables for additional coverage and support when needed.

- Drive infrastructure investments and create jobs across the State.
- Usher in a new wave of innovation that first responders can depend on. This will create an ever-evolving set of life-saving tools for public safety, including public safety apps, specialized devices and Internet of Things technologies. It also carries the potential for future integration with NextGen 9-1-1 networks and Smart Cities' infrastructure.

"Mobile broadband access is a critical, life-saving technology that needs to be in the hands of every first responder in West Virginia and across the country," Senator Joe Manchin said. "I commend Governor Justice's decision to expand mobile broadband coverage for our public safety community through FirstNet and I applaud AT&T's efforts to help modernize our public safety communications infrastructure. I look forward to continuing to work with Governor Justice and AT&T to expand mobile broadband access for both our first responders and all West Virginians."

The FirstNet solution that will be built in West Virginia was designed with direct input from the State's public safety community. FirstNet has been meeting with West Virginia's officials and public safety personnel for several years to address their unique communication needs. This includes:

- Extending coverage to first responders in rural areas – particularly those prone to emergencies like the many coal mines throughout the State

- Understanding how to handle the sensitive interference issues surrounding the National Radio Quiet Zone in Green Bank

"Governor Justice's decision to join FirstNet will enhance public safety communications throughout the state," said FirstNet CEO Mike Poth. "This network will connect first responders operating across West Virginia's diverse landscape – including its rural, mountainous and remote areas as well as federal lands. FirstNet and AT&T are pleased to have delivered a plan that meets West Virginia's unique needs, and we look forward to bringing the network to public safety across the Mountain State."

The decision enables FirstNet and AT&T to begin creating an entirely new wireless ecosystem for public safety communications. West Virginia's first responder subscribers will have immediate access to quality of service and priority to voice and data across the existing nationwide AT&T LTE network.

Preemption for primary users over the AT&T LTE network is expected by year-end. This means fire, police, EMS and other public safety workers will have dedicated access to the network when and where they need it – 24/7/365, like their mission.

"First responders put their lives on the line every day," said Chris Sambar, senior vice president, AT&T – FirstNet. "They deserve access to modern communications tools that will help them keep themselves and those they protect safe. And that's exactly what we'll deliver with Governor Justice's decision to opt-in to FirstNet."

RF Justification

Site Name: Summit Point

Address: 4360 LEETOWN ROAD, Summit Point, WV 25446 (Jefferson County)

The main objective of this site is to add and enhance AT&T coverage along Leetown Rd and Summit Point Rd, the surrounding areas between Summit Point and Middleway, WV and the Summit Point Motorsports Park.

The addition of this site will improve coverage including in-building coverage in the commercial and residential areas along above routes. Currently, this area has weak AT&T coverage.

The Proposed site will also ensure overlap coverage, handoffs and off-load traffic among existing AT&T Sites Aldridge, Evitts Run and Rippon, Commuters and residents will experience better quality of voice and data services from AT&T with the addition of the Summit Point site.

AT&T is proposing for 191' Rad Center for this site to meet its coverage and capacity needs.

Prepared by:

Stephen D. Hathway
RF Engineer

Approved by:

Sandeep Gupta
RF Design Manager

AT&T Mobility
7150 Standard Drive
Hanover, MD
Tel: 410-712-7817
Fax: 410-712-7784

Excerpt from full file NEPA report, available in the office of Planning & Zoning

SEP 03 2019

WEST VIRGINIA
Division of Culture and History

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300
Randall Reid-Smith, Commissioner
Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

August 28, 2019

Mr. J. Scott Horn
President
Acer Associates, Inc.
1012 Industrial Drive
West Berlin, NJ 08091

RE: Summit Point Tower Site, 4360 Leetown Road, Summit Point, Jefferson County
TCNS Notification Number: 185755; Acer Project Number: 20190948
FR#: 19-1320-JF

Dear Mr. Horn:

We have reviewed the above referenced project to determine potential effects on cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, AT&T proposes to construct a 195-foot monopole wireless telecommunications tower (199-feet overall height with lightning rod) within a 60-foot by 60-foot fenced compound located at 4360 Leetown Road near Summit Point in Jefferson County, West Virginia.

Architectural Resources:
We have reviewed the submitted information. The proposed telecommunications tower will have a final height of 199 feet. Therefore, per 47 CFR Part 1, Appendix C, the visual area of potential effect (APE) is set at 0.5 miles. We have determined that no documented architectural properties eligible for or included in the National Register of Historic Places are located within the proposed project's direct or indirect APEs. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

Archaeological Resources:
According to the Phase I Archaeological Survey report prepared by E. Quent Winterhoff, the project area was investigated via pedestrian survey and the excavation of 17 shovel test pits. No cultural materials were recovered during the survey and no archaeological sites were identified. We concur with the recommendation that no further work is necessary. In our opinion, the proposed tower project will have no effect on archaeological historic properties. No further consultation is necessary regarding archaeological resources.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Benjamin M. Riggle, Structural Historian, or Carolyn M. Kender, Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/BMR

August 27, 2019

RE: Notice of Visual Impact Survey with Crane Test on **TBD** , 2019 regarding AT&T's proposed wireless telecommunications facility on a portion of its property at 4360 Leetown Rd. Summit Point, WV

Dear Resident or Interested Person:

AT&T has scheduled the visual impact survey for **TBD**. AT&T will erect a crane to the proposed height of 199' (195' monopole with a 4' lighting rod) and survey the visibility of the crane, taking photos, from numerous vantage points in the surrounding area. AT&T will use those photos to analyze and evaluate the visual impact from the proposed monopole.

We look forward to adding and improving wireless services in the area. If you have any questions, want to provide feedback, or obtain information, please contact me, Joey Prieto, by email at joseph.prieto@smartlinkllc.com

Thank you again and have a wonderful day.

Sincerely,

Joey Prieto
Smartlink for AT&T

Cc: Gregory Rapisarda, Esq., Saul Ewing Arnstein & Lehr LLP
Christopher Burns, Esq., Saul Ewing Arnstein & Lehr LLP

AFFIDAVIT OF JOSEPH PRIETO

I, Joseph Prieto, am above the age of majority and submit this affidavit pursuant to Jefferson County's balloon test policy:

1. I am a site acquisitions coordinator with Smartlink, LLC, an agent for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T").

2. I have overseen or been involved with the planning of telecommunications towers and facilities and I am familiar with the zoning and other requirements in Jefferson County, West Virginia.

4. On September 30, 2019, as required by the Jefferson County Zoning and Land Development Ordinance, I hereby certify that the appropriate parties were notified of a balloon test to take place at 4360 Leetown Road, Summit Point, West Virginia on October 16, 2019, or in the alternative, October 18, 2019.

I SOLEMNLY AFFIRM under penalties of perjury and upon personal knowledge that the content of the foregoing paper is true.

12/20/19
Date

Joseph Prieto

Certificate of Publication

JEFFERSON PUBLISHING COMPANY, INC., Publisher

SPIRIT OF JEFFERSON ADVOCATE

Charles Town, W. Va. October 2 20 19

I hereby certify that the annexed Notice of visual impact survey

in the case of October 17, 2019 - AT+T will erect a crane to the proposed height of 199'...

has been published once a week for one successive weeks, in the Spirit of Jefferson Advocate, a newspaper published in Charles Town, Jefferson County, West Virginia, in the issues of

October 2, 20 19,

as required by law.

Editor/Manager, Spirit of Jefferson Advocate

State of West Virginia
County of Jefferson

Personally appeared before me, Robert Snyder, Editor/Manager of the Spirit of Jefferson Advocate, and made oath that the above certificate is true and correct.

Cara D. Young

Notary Public

Commission expires

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
CARA D. YOUNG
JEFFERSON PUBLISHING CO., INC.
P.O. BOX 966
CHARLES TOWN, WV 25414
My Commission Expires January 27, 2024

PO Box 250
Charles Town, West Virginia 25414

February 24th, 2020

Correction to previous Notice

RE: Notice of Visual Impact Survey with Crane Test on **March 6th, 2020 from 8am to 4pm** regarding AT&T's proposed wireless telecommunications facility on a parcel located at the corner of South Childs Road and Leetown Road in Summit Point, WV (Parcel ID 07002500110002)

Dear Resident or Interested Person:

AT&T has scheduled a visual impact survey for **March 6th, 2020 from 8am to 4pm and an alternative date for inclement weather on March 9th ,2020 from 8am to 4pm** at 4360 Leetown Rd Summit Point WV. Located on the corner of Leetown Road and South Childs Road in Summit Point, Parcel ID is 07002500110002. AT&T will erect a crane to the proposed height of 199' (195' monopole with a 4' lighting rod) and survey the visibility of the crane, taking photos, from numerous vantage points in the surrounding area. AT&T will use those photos to analyze and evaluate the visual impact from the proposed monopole. Please be advised a variance application with the Board of Zoning Appeals for the proposed height of 199' for a new telecommunications facility has been approved with the condition that another balloon test be conducted for the Concept Plan (Application Number 20-4-SP).

In addition to posting the placard, a legal ad will run in the Spirit of Jefferson. Members of the public are encouraged to contact the Office of Planning and Zoning with questions pertaining to local rules and regulations as well as information pertaining to meeting dates. The Office of Planning and Zoning may be reached by phone: 304-728-3228 or by email: zoning@jffersoncountywv.org.

We look forward to adding and improving wireless services in the area. If you have any questions, want to provide feedback, or obtain information, please contact me, Joey Prieto, by email at joseph.prieto@smartlinkllc.com

Thank you again and have a wonderful day.

Sincerely,

Joey Prieto
Smartlink for AT&T

Cc: Gregory Rapisarda, Esq., Saul Ewing Arnstein & Lehr LLP
Christopher Burns, Esq., Saul Ewing Arnstein & Lehr LLP

AFFIDAVIT OF JOSEPH PRIETO

I, Joseph Prieto, am above the age of majority and submit this affidavit pursuant to Jefferson County's balloon test policy:

1. I am a site acquisitions coordinator with Smartlink, LLC, an agent for New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T").

2. I have overseen or been involved with the planning of telecommunications towers and facilities and I am familiar with the zoning and other requirements in Jefferson County, West Virginia.

4. On 2/21/20, as required by the Jefferson County Board of Zoning Appeals Variance Approval on January 23, 2020, I hereby certify that the appropriate parties were notified of a balloon test to take place at 4360 Leetown Road, Summit Point, West Virginia on March 9, 2020.

I SOLEMNLY AFFIRM under penalties of perjury and upon personal knowledge that the content of the foregoing paper is true.

6/30/20
Date

Joseph Prieto

37063819.1 6/9/20

Certificate of Publication

JEFFERSON PUBLISHING COMPANY, INC., Publisher

SPIRIT OF JEFFERSON ADVOCATE

Charles Town, W. Va. February 26 20 20

I hereby certify that the annexed correction to previous notice

in the case of AT+T has scheduled a visual impact survey for March 6, 2020 and an alternative date for inclement weather on March 9, 2020

has been published once a week for one successive weeks, in the Spirit of Jefferson Advocate, a newspaper published in Charles Town, Jefferson County, West Virginia, in the issues of

February 26, 20 20,

as required by law.

Editor/Manager, Spirit of Jefferson Advocate

State of West Virginia
County of Jefferson
Personally appeared before me, Robert Snyder, Editor/Manager of the Spirit of Jefferson Advocate, and made oath that the above certificate is true and correct.

Cara D. Young

Commission expires

OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
CARA D. YOUNG
JEFFERSON PUBLISHING CO., INC.
P.O. BOX 966
CHARLES TOWN, WV 25414
My Commission Expires January 27, 2024

Notary Public

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Federal Communications Commission
Public Safety and Homeland Security Bureau

RADIO STATION AUTHORIZATION

LICENSEE: FIRST RESPONDER NETWORK AUTHORITY

ATTN: UZOMA ONYEIJE
FIRST RESPONDER NETWORK AUTHORITY
12201 SUNRISE VALLEY DRIVE
RESTON, VA 20192

Call Sign	File Number
WQQE234	0008029447
Radio Service	
SP - 700 MHz Public Safety Broadband Nationwide License	
Regulatory Status	
PMRS	

FCC Registration Number (FRN): 0025487950

Grant Date	Effective Date	Expiration Date	Print Date
11-15-2012	12-29-2017	11-15-2022	12-30-2017

Location: Nationwide

Frequency Bands: 000758.00000000-000769.00000000 MHz
000788.00000000-000799.00000000 MHz

Waivers/Conditions:

This authorization is subject to any rules the Commission may adopt pursuant to its authority under the Middle Class Tax Relief and Job Creation Act of 2012 or the Communications Act of 1934, as amended.

Reference Copy

FCC 601-SP
October 2007

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: CECIL J MATHEW
AT&T MOBILITY SPECTRUM LLC
208 S. AKARD ST., RM 1015
DALLAS, TX 75202

Call Sign	File Number
WPZA207	0008674718
Radio Service	
WZ - 700 MHz Lower Band (Blocks C, D)	

FCC Registration Number (FRN): 0014980726

Grant Date	Effective Date	Expiration Date	Print Date
08-01-2019	08-01-2019	06-13-2029	08-02-2019

Market Number	Channel Block	Sub-Market Designator
CMA704	C	0

Market Name
West Virginia 4 - Grant

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-13-2019			

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Operation of the facilities authorized herein, are subject to the condition that harmful interference may not be caused to, but must be accepted from UHF TV transmitters in Canada and Mexico as identified in existing and any future agreements with those countries.

Conditions:
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at http://wireless.fcc.gov/uls/index.htm?job=home and select "License Search". Follow the instructions on how to search for license information.

FCC 601-MB
October 2017

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: WPZA207 **File Number:** 0008674718 **Print Date:** 08-02-2019

This license is subject to compliance with the conditions set forth in the Commission's Order of Modification, WT Docket No. 12-69, DA 14-43, released January 16, 2014.

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: WPZA207 **File Number:** 0008674718 **Print Date:** 08-02-2019

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

Reference Copy

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: FCC GROUP
NEW CINGULAR WIRELESS PCS, LLC
208 S AKARD ST.
DALLAS, TX 75202

Call Sign	File Number
WPZA236	
Radio Service	
WZ - 700 MHz Lower Band (Blocks C, D)	

FCC Registration Number (FRN): 0003291192

Grant Date	Effective Date	Expiration Date	Print Date
02-20-2020	02-20-2020	06-13-2029	

Market Number	Channel Block	Sub-Market Designator
EAG702	D	0

Market Name
Mid-Atlantic

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-13-2019			

Waivers/Conditions:

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

Operation of the facilities authorized herein, are subject to the condition that harmful interference may not be caused to, but must be accepted from UHF TV transmitters in Canada and Mexico as identified in existing and any future agreements with those countries.

Conditions:
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at http://wireless.fcc.gov/uls/index.htm?job=home and select "License Search". Follow the instructions on how to search for license information.

FCC 601-MB
October 2017

Reference Copy

If the facilities authorized herein are used to provide broadcast operations, whether exclusively or in combination with other services, the licensee must seek renewal of the license either within eight years from the commencement of the broadcast service or within the term of the license had the broadcast service not been provided, whichever period is shorter in length. See 47 CFR §27.13(b).

This application is granted pursuant to the Commission's Order In the Matter of Qualcomm Incorporated Petition for Declaratory Ruling, WT Docket No. 05-7, FCC 06-155, released October 13, 2006.

Reference Copy

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: WPZA236 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

Reference Copy

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Federal Communications Commission
Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: CECIL J MATHEW
AT&T MOBILITY SPECTRUM LLC
208 S. AKARD ST., RM 1015
DALLAS, TX 75202

Call Sign	File Number
KNKN567	
Radio Service CL - Cellular	
Market Numer CMA704	**Channel Block** A
Sub-Market Designator 0	

FCC Registration Number (FRN): 0014980726

Market Name
West Virginia 4 - Grant

Grant Date	Effective Date	Expiration Date	Five Yr Build-Out Date	Print Date
10-27-2011	08-29-2018	10-01-2021		

Site Information:

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
3	39-02-14.4 N	079-05-24.5 W	827.5	46.6	

Address: Charles Knob Mtn (78310)
City: Moorefield **County:** GRANT **State:** WV **Construction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
Transmitting ERP (watts)	27.400	109.300	141.100	52.700	8.100	0.300	0.400	3.000

Antenna: 2
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
Transmitting ERP (watts)	0.200	1.700	3.700	19.000	34.900	39.700	23.900	5.600

Antenna: 3
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	461.700	469.800	567.000	454.900	475.900	373.400	378.500	419.800
Transmitting ERP (watts)	113.500	21.500	1.100	1.200	3.700	37.900	158.700	232.900

Conditions:
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

FCC 601-C
March 2018

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
4	39-15-27.7 N	078-31-29.3 W	610.2	60.7	

Address: Fire Tower Road off Route 50 (78312)
City: Romney **County:** HAMPSHIRE **State:** WV C**onstruction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	37.600	164.100	179.900	47.300	6.000	0.400	0.600	2.700

Antenna: 2
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	0.400	0.600	3.700	47.300	179.900	164.100	37.600	4.600

Antenna: 3
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.600	345.200	335.500	255.400	278.200	306.800	271.000	307.700
Transmitting ERP (watts)	86.100	12.400	0.800	0.700	1.300	18.400	118.900	206.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
8	38-38-48.8 N	079-32-31.5 W	1106.4	56.7	

Address: 1239 Shadetree Lane (128859)
City: Circleville **County:** PENDLETON **State:** WV C**onstruction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	475.300	263.400	219.000	242.400	81.000	55.000	30.000
Transmitting ERP (watts)	318.400	84.200	3.500	0.636	0.636	0.636	5.200	90.300

Antenna: 2
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	475.300	263.400	219.000	242.400	81.000	55.000	30.000
Transmitting ERP (watts)	0.700	38.300	248.800	116.900	6.500	0.500	0.500	0.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
9	38-28-28.0 N	079-20-29.6 W	735.2	12.8	

Address: TOWN OF SUGAR GROVE RIGHT SIDE OF ROUTE 2 (78316)
City: BRANDYWINE **County:** PENDLETON **State:** WV C**onstruction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	95.700	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	31.800	29.800	31.700	20.400	4.400	2.900	6.300	24.500

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
15	38-31-00.5 N	079-28-59.0 W	700.1	34.4	

Address: HARPER ROUTE 220 (79476)
City: FRANKLIN **County:** PENDLETON **State:** WV **Construction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	36.800	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	204.200	235.000	177.800	91.400	24.000	11.200	36.400	120.200

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
17	38-47-12.2 N	079-24-13.0 W	509.0	33.2	

Address: GERMANY VALLEY LIMESTONE ROAD (78323)
City: RIVERTON **County:** PENDLETON **State:** WV **Construction Deadline:**

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	235.000	229.100	148.300	56.200	13.800	14.800	66.100	166.300

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
20	39-32-46.3 N	077-59-51.4 W	284.1	60.7	1207832

Address: Cannon Hill Road (78322)
City: HEDGESVILLE **County:** BERKELEY **State:** WV **Construction Deadline:** 07-17-2015

Antenna: 1
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	161.000	199.700	196.900	188.600	161.800	152.500	66.800	159.200
Transmitting ERP (watts)	205.100	100.500	15.600	1.200	0.700	1.000	13.600	100.500

Antenna: 2
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	161.000	199.700	196.900	188.600	161.800	152.500	66.800	159.200
Transmitting ERP (watts)	2.100	29.600	148.600	187.100	57.800	7.600	0.400	0.600

Antenna: 3
Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	161.000	199.700	196.900	188.600	161.800	152.500	66.800	159.200
Transmitting ERP (watts)	15.600	1.200	0.700	1.000	13.600	100.500	205.100	100.500

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
21	39-08-16.5 N	077-49-57.6 W	411.2	115.5	1035680

Address: Ravens Rock Road (99011)

City: Charles Town **County:** JEFFERSON **State:** WV **Construction Deadline:** 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	155.700	22.500	2.900	0.423	0.700	3.600	41.300	211.700

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	1.100	6.000	67.300	228.000	109.700	14.100	1.900	0.500

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	326.300	229.400	309.700	327.700	299.700	250.100	320.800	324.100
Transmitting ERP (watts)	11.200	1.500	0.500	1.300	7.900	84.900	228.600	91.000

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
30	39-04-32.2 N	078-50-04.8 W	955.9	46.6	

Address: 1299 Neal's Hill (100836)

City: Moorefield **County:** HARDY **State:** WV **Construction Deadline:** 07-17-2015

Antenna: 4

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	194.700	255.700	76.300	8.900	0.511	0.511	3.200	38.400

Antenna: 5

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	2.300	28.300	146.200	196.100	60.300	7.000	0.400	0.500

Antenna: 6

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	401.200	477.000	459.400	443.700	413.100	475.800	631.400	647.800
Transmitting ERP (watts)	50.600	8.600	0.300	0.600	2.600	24.100	87.900	115.200

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
34	39-37-09.8 N	078-05-57.6 W	412.4	60.7	

Address: 390 Short Lane (112177)

City: Hedgesville **County:** MORGAN **State:** WV C**onstruction Deadline:** 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	160.100	22.700	1.700	0.427	0.427	4.100	59.200	213.900

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	13.800	128.400	279.300	119.800	11.200	0.800	0.600	0.600

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	288.900	210.400	321.600	290.300	237.400	159.300	243.700	281.600
Transmitting ERP (watts)	0.600	0.600	13.800	128.400	279.300	119.800	11.200	0.800

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
35	39-19-21.8 N	077-43-52.2 W	101.5	26.8	

Address: Church Street (42739)

City: Harpers Ferry **County:** JEFFERSON **State:** WV C**onstruction Deadline:** 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	1.700	29.100	120.800	41.100	2.900	0.300	0.241	0.241

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	0.200	0.400	11.400	99.800	74.800	7.300	0.900	0.200

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	30.000	30.000	30.000	30.000	30.000	30.000	30.000	30.000
Transmitting ERP (watts)	2.900	0.300	0.241	0.241	1.700	29.100	120.800	41.100

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
36	39-18-37.9 N	078-42-59.8 W	584.3	30.5	1037371

Address: Grassy Lick Road (006550)

City: ROMNEY **County:** HAMPSHIRE **State:** WV C**onstruction Deadline:** 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	331.900	281.400	264.300	194.600	86.300	241.100	298.600	293.500
Transmitting ERP (watts)	147.200	185.400	57.300	7.600	0.400	0.600	2.000	29.400

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	331.900	281.400	264.300	194.600	86.300	241.100	298.600	293.500
Transmitting ERP (watts)	0.600	5.000	57.300	189.700	147.200	29.400	3.500	0.400

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	331.900	281.400	264.300	194.600	86.300	241.100	298.600	293.500
Transmitting ERP (watts)	15.400	1.200	0.700	1.000	13.400	99.500	203.200	99.500

Location	Latitude	Longitude	Ground Elevation (meters)	Structure Hgt to Tip (meters)	Antenna Structure Registration No.
37	39-19-34.7 N	077-45-35.7 W	195.1	17.7	

Address: Rt 480 and Stubbs Road (43586)

City: Kearneysville **County:** JEFFERSON **State:** WV C**onstruction Deadline:** 07-17-2015

Antenna: 1

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	77.900	30.000	91.600	30.000	30.000	68.100	43.600	54.500
Transmitting ERP (watts)	122.500	197.600	20.700	0.400	0.400	0.400	0.400	4.600

Antenna: 2

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	77.900	30.000	91.600	30.000	30.000	68.100	43.600	54.500
Transmitting ERP (watts)	0.404	0.404	19.300	202.200	119.700	5.700	0.404	0.404

Antenna: 3

Maximum Transmitting ERP in Watts: 140.820

Azimuth(from true north)	0	45	90	135	180	225	270	315
Antenna Height AAT (meters)	77.900	30.000	91.600	30.000	30.000	68.100	43.600	54.500
Transmitting ERP (watts)	0.500	0.400	0.400	0.400	0.400	21.000	191.900	26.500

Control Points:

Control Pt. No. 2

Address: 7150 STANDARD DRIVE

City: HANOVER **County:** ANNE ARUNDEL **State:** MD **Telephone Number:** (800)988-6895

Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: KNKN567 **File Number:** **Print Date:**

Waivers/Conditions:

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

The National Radio Astronomy Observatory (NARO), Green Bank, WV, objects unless and until the special condition of the station license limits the effective radiated power relative to a dipole (ERPd) antenna as follows: For location 30 (39-4-32.2N; 78-50-4.8W): (1) Cellular-GSM to 6 watts per unit bandwidth at 231.1 degrees true azimuth bearing, (2) Cellular-UMTS to 113.3 watts per unit bandwidth at 231.1 degrees True azimuth bearing. For location 17 (38-47-12.12N; 79-24-12.96W): The National Radio Astronomy bservatory (NRAO), Green Bank, WV,bjects unless and until the special condition of the station license limits the effective radiated power relative to a dipole (ERPd) antenna to 372 watts Cellular-GSM at 224.2 degrees true azimuth bearing.

This authorization is subject to the condition that the station license limits the effective radiated power relative to a dipole (ERPd) antenna as follows: For location 3 (39-2-14.4; 79-5-24.5): Cellular-GSM to 89.4 watts per unit bandwidth at 224.4 degrees true azimuth bearing. For location 6 (38-47-26.9; 79-16-4.1): Cellular-GSM to 28.9 watts and Cellular-UMTS to 542 watts per unit bandwidth at 231.6 degrees true azimuth bearing. This authorization is subject to the condition that the station license limits the effective radiated power (ERP) for the following antennas as follows: For location 8 (38-38-48.84; 79-32-31.49): Cellular-GSM to 0.024 watts and Cellular-UMTS to 0.46 watts per unit bandwidth at 227.7 degrees true azimuth bearing.

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T WIRELESS SERVICES 3 LLC

ATTN: CECIL J MATHEW
AT&T WIRELESS SERVICES 3 LLC
208 S. AKARD ST., RM 1015
DALLAS, TX 75202

Call Sign	File Number
WQVN691	
Radio Service AT - AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz)	

FCC Registration Number (FRN): 0023910920

Grant Date	Effective Date	Expiration Date	Print Date
04-08-2015	08-29-2018	04-08-2027	

Market Number	Channel Block	Sub-Market Designator
BEA013	I	0

Market Name
Washington-Baltimore, DC-MD-VA

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
04-08-2021	04-08-2027		

Waivers/Conditions:

NONE

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

This license may not authorize operation throughout the entire geographic area or spectrum identified on the hardcopy version. To view the specific geographic area and spectrum authorized by this license, refer to the Spectrum and Market Area information under the Market Tab of the license record in the Universal Licensing System (ULS). To view the license record, go to the ULS homepage at http://wireless.fcc.gov/uls/index.htm?job=home and select "License Search". Follow the instructions on how to search for license information.

Reference Copy

Licensee Name: AT&T WIRELESS SERVICES 3 LLC

Call Sign: WQVN691 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: AT&T MOBILITY SPECTRUM LLC

ATTN: CECIL J MATHEW
AT&T MOBILITY SPECTRUM LLC
208 S. AKARD ST., RM 1015
DALLAS, TX 75202

Call Sign	File Number
WQGA857	
Radio Service AW - AWS (1710-1755 MHz and 2110-2155 MHz)	

FCC Registration Number (FRN): 0014980726

Grant Date	Effective Date	Expiration Date	Print Date
11-29-2006	09-27-2018	11-29-2021	

Market Number	Channel Block	Sub-Market Designator
CMA704	A	0

Market Name
West Virginia 4 - Grant

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date

Waivers/Conditions:

This authorization is conditioned upon the licensee, prior to initiating operations from any base or fixed station, making reasonable efforts to coordinate frequency usage with known co-channel and adjacent channel incumbent federal users operating in the 1710-1755 MHz band whose facilities could be affected by the proposed operations. See, e.g., FCC and NTIA Coordination Procedures in the 1710-1755 MHz Band, Public Notice, FCC 06-50, WTB Docket No. 02-353, rel. April 20, 2006.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Reference Copy

Licensee Name: AT&T MOBILITY SPECTRUM LLC

Call Sign: WQGA857 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign	File Number
KNLF220	
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003291192

Grant Date	Effective Date	Expiration Date	Print Date
06-02-2015	08-31-2018	06-23-2025	

Market Number	Channel Block	Sub-Market Designator
MTA010	B	1

Market Name
Washington-Baltimore

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-23-2000	06-23-2005		

Waivers/Conditions:

This license is conditioned upon compliance with the provisions of Applications of AT&T Wireless Services, Inc. and Cingular Wireless Corporation For Consent to Transfer Control of Licenses and Authorizations, Memorandum Opinion and Order, FCC 04-255 (rel. Oct. 26, 2004).

Commission approval of this application and the licenses contained therein are subject to the conditions set forth in the Memorandum Opinion and Order, adopted on December 29, 2006 and released on March 26, 2007, and revised in the Order on Reconsideration, adopted and released on March 26, 2007. See AT&T Inc. and BellSouth Corporation Application for Transfer of Control, WC Docket No. 06-74, Memorandum Opinion and Order, FCC 06-189 (rel. Mar. 26, 2007); AT&T Inc. and BellSouth Corporation, WC Docket No. 06-74, Order on Reconsideration, FCC 07-44 (rel. Mar. 26, 2007).

Conditions:
Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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FCC 601-MB
October 2017

Reference Copy

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLF220 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: CECIL J MATHEW
NEW CINGULAR WIRELESS PCS, LLC
208 S AKARD ST., RM 1015
DALLAS, TX 75202

Call Sign	File Number
KNLH444	
Radio Service CW - PCS Broadband	

FCC Registration Number (FRN): 0003291192

Grant Date	Effective Date	Expiration Date	Print Date
06-02-2017	08-31-2018	06-27-2027	

Market Number	Channel Block	Sub-Market Designator
BTA461	D	0

Market Name
Washington, DC

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-27-2002			

Waivers/Conditions:

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Reference Copy

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLH444 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE A. WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S. AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign	File Number
KNLB315	
Radio Service	
WS - Wireless Communications Service	

FCC Registration Number (FRN): 0003291192

Grant Date	Effective Date	Expiration Date	Print Date
02-27-2020	02-27-2020	06-30-2029	

Market Number	Channel Block	Sub-Market Designator
MEA005	A	0

Market Name
Washington

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
03-13-2017	09-13-2019		

Waivers/Conditions:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or exceeded, the level of coverage demonstrated for thatlicense area at the 3/13/2017 construction deadline.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Reference Copy

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLB315 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

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Federal Communications Commission

Wireless Telecommunications Bureau

RADIO STATION AUTHORIZATION

LICENSEE: NEW CINGULAR WIRELESS PCS, LLC

ATTN: LESLIE A. WILSON
NEW CINGULAR WIRELESS PCS, LLC
208 S. AKARD ST., RM 1016
DALLAS, TX 75202

Call Sign	File Number
KNLB276	
Radio Service	
WS - Wireless Communications Service	

FCC Registration Number (FRN): 0003291192

Grant Date	Effective Date	Expiration Date	Print Date
02-13-2020	02-13-2020	06-30-2029	

Market Number	Channel Block	Sub-Market Designator
MEA005	B	0

Market Name
Washington

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
03-13-2017	09-13-2019		

Waivers/Conditions:

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

License renewal is granted on a conditional basis, subject to the outcome of FCC proceeding WT Docket No. 10-112 (see FCC 10-86, paras. 113 and 126).

Pursuant to WCS Order on Reconsideration, FCC 12-130, in order to obtain a renewal expectancy at the 7/21/17 renewal deadline, a licensee must, for each license area, certify that it has maintained, or exceeded, the level of coverage demonstrated for thatlicense area at the 3/13/2017 construction deadline.

Conditions:

Pursuant to §309(h) of the Communications Act of 1934, as amended, 47 U.S.C. §309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. § 310(d). This license is subject in terms to the right of use or control conferred by §706 of the Communications Act of 1934, as amended. See 47 U.S.C. §606.

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Reference Copy

Licensee Name: NEW CINGULAR WIRELESS PCS, LLC

Call Sign: KNLB276 **File Number:** **Print Date:**

700 MHz Relicensed Area Information:

Market	Market Name	Buildout Deadline	Buildout Notification	Status

Reference Copy

smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

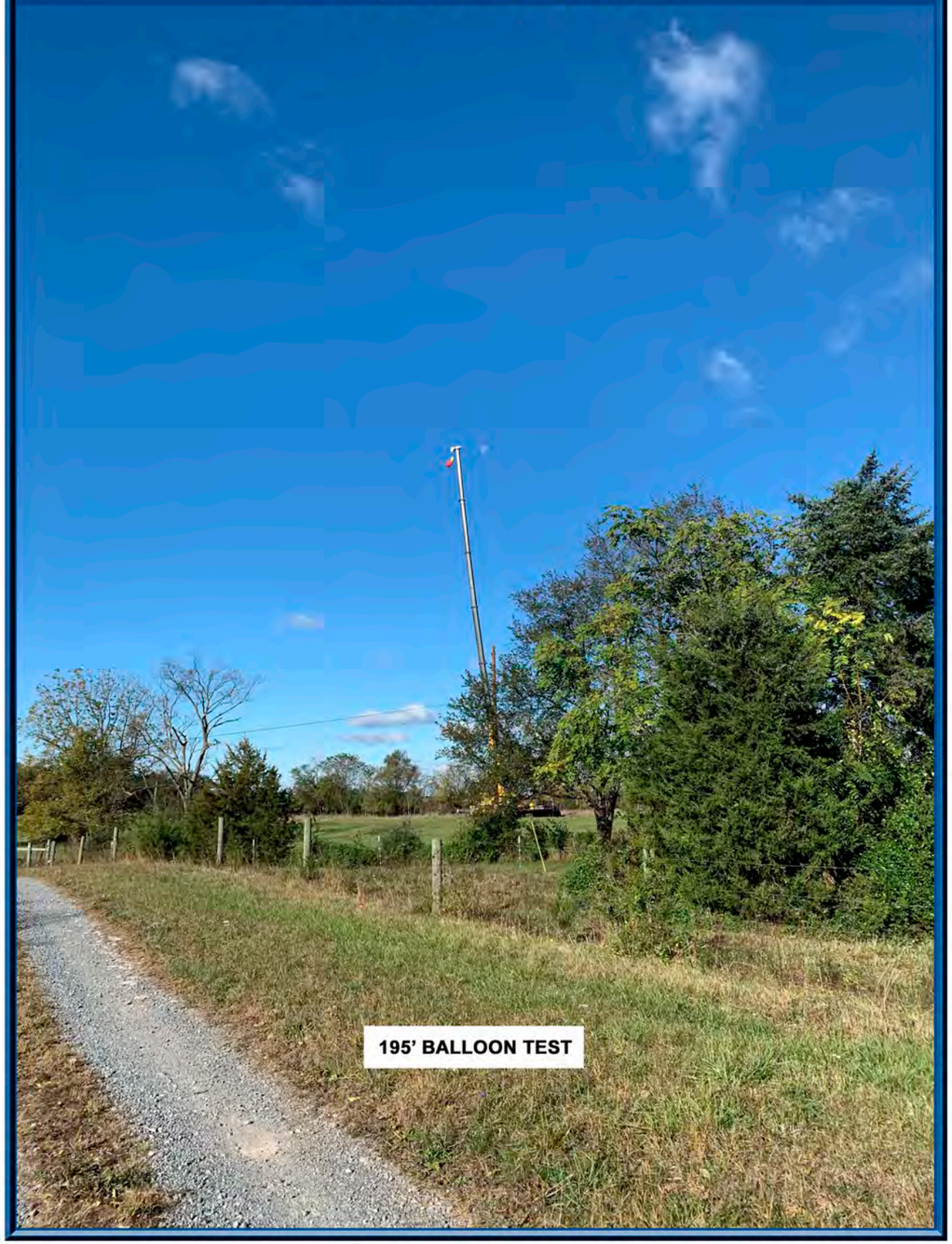
SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

at&t Mobility

Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING VIEW 1



PROPOSED VIEW 1

smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

at&t Mobility

Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING VIEW 2

PROPOSED VIEW 2

smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

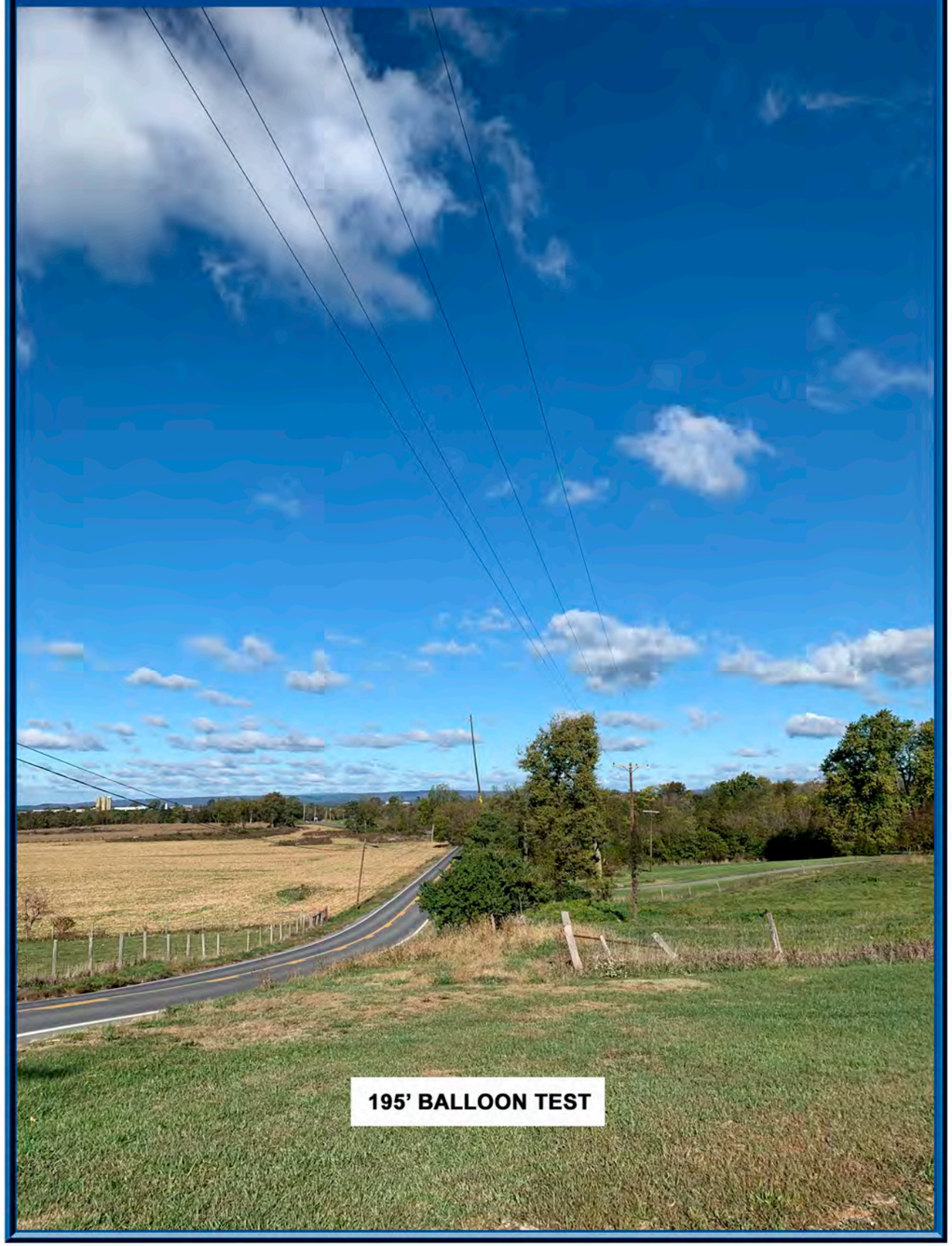
SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

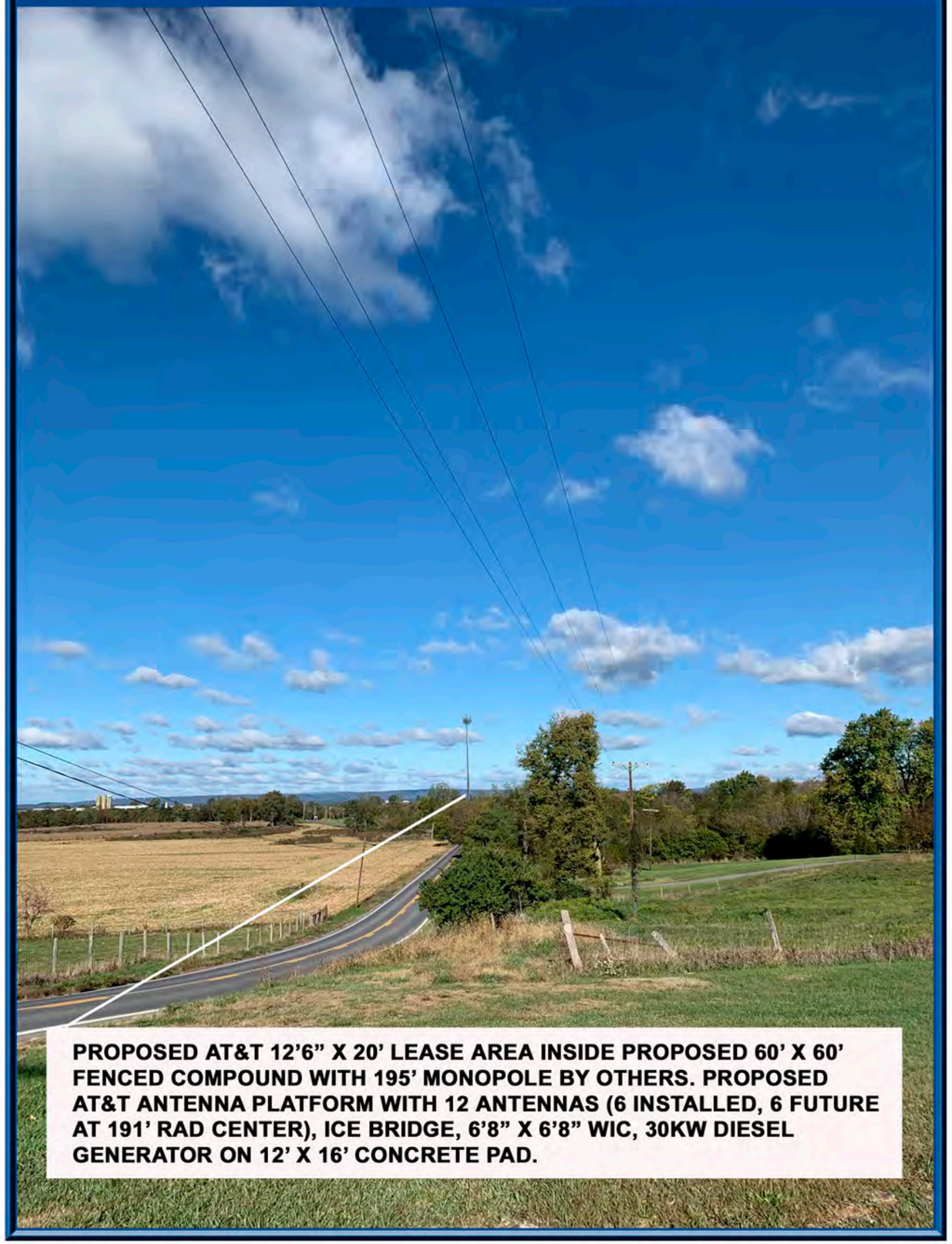
at&t Mobility

Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING VIEW 3



PROPOSED VIEW 3



smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

at&t Mobility

Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING VIEW 4

PROPOSED VIEW 4

smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

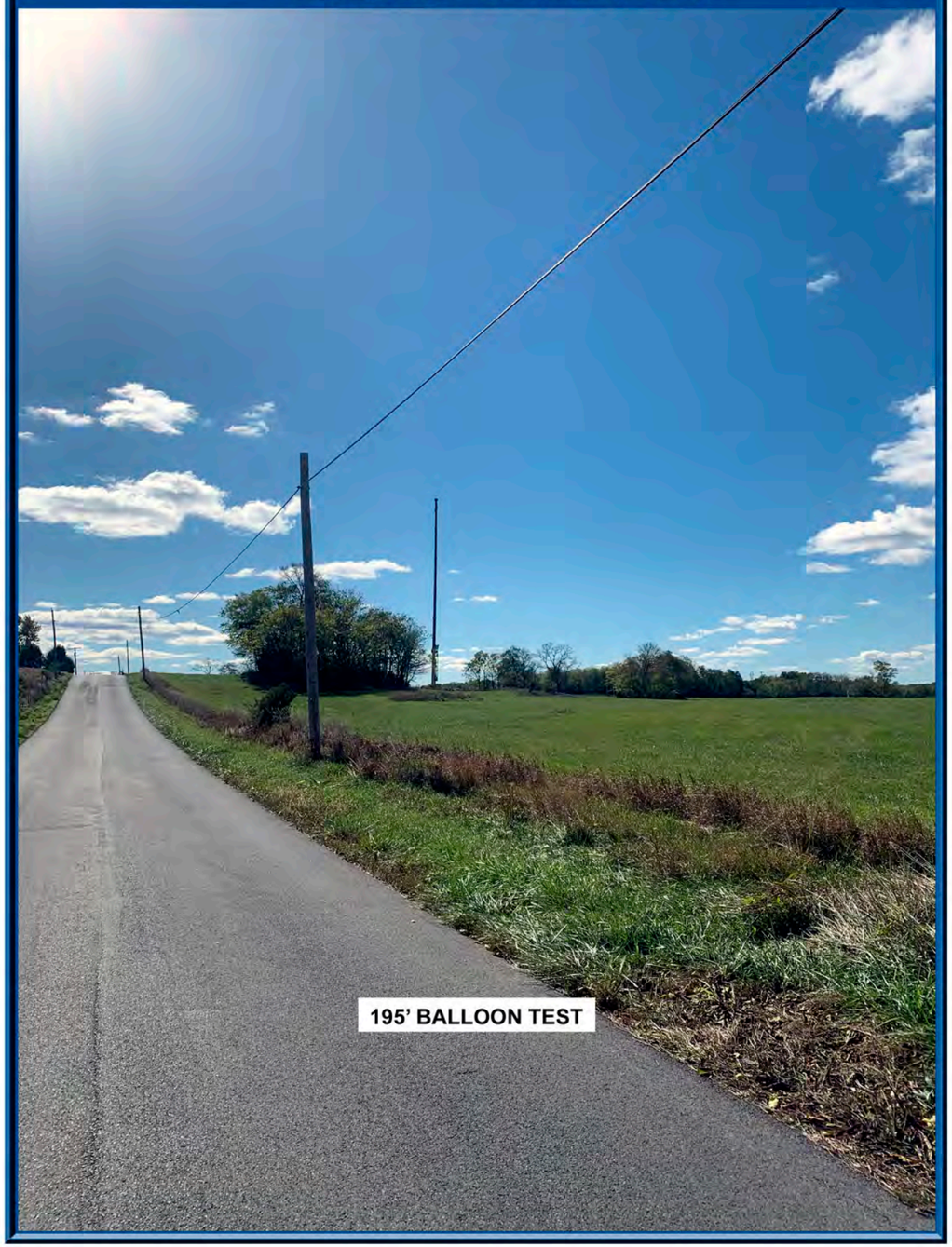
SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

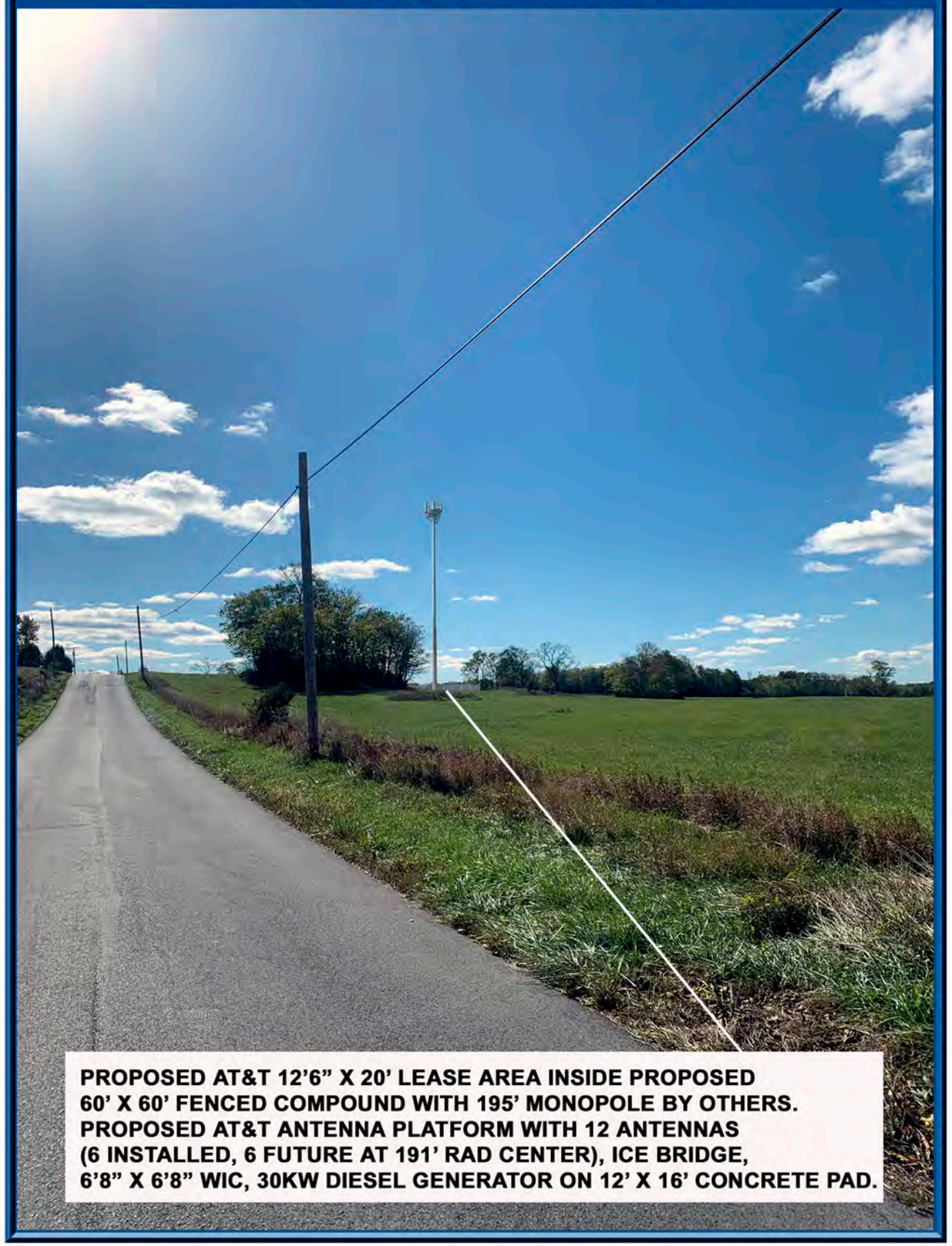
at&t Mobility

Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING VIEW 14



PROPOSED VIEW 14



smartlink
1362 Mellon Road, Suite 140
Hanover, MD 21076

SITE NAME: SUMMIT POINT

SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

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Hanover, MD 21076

EXISTING

PROPOSED

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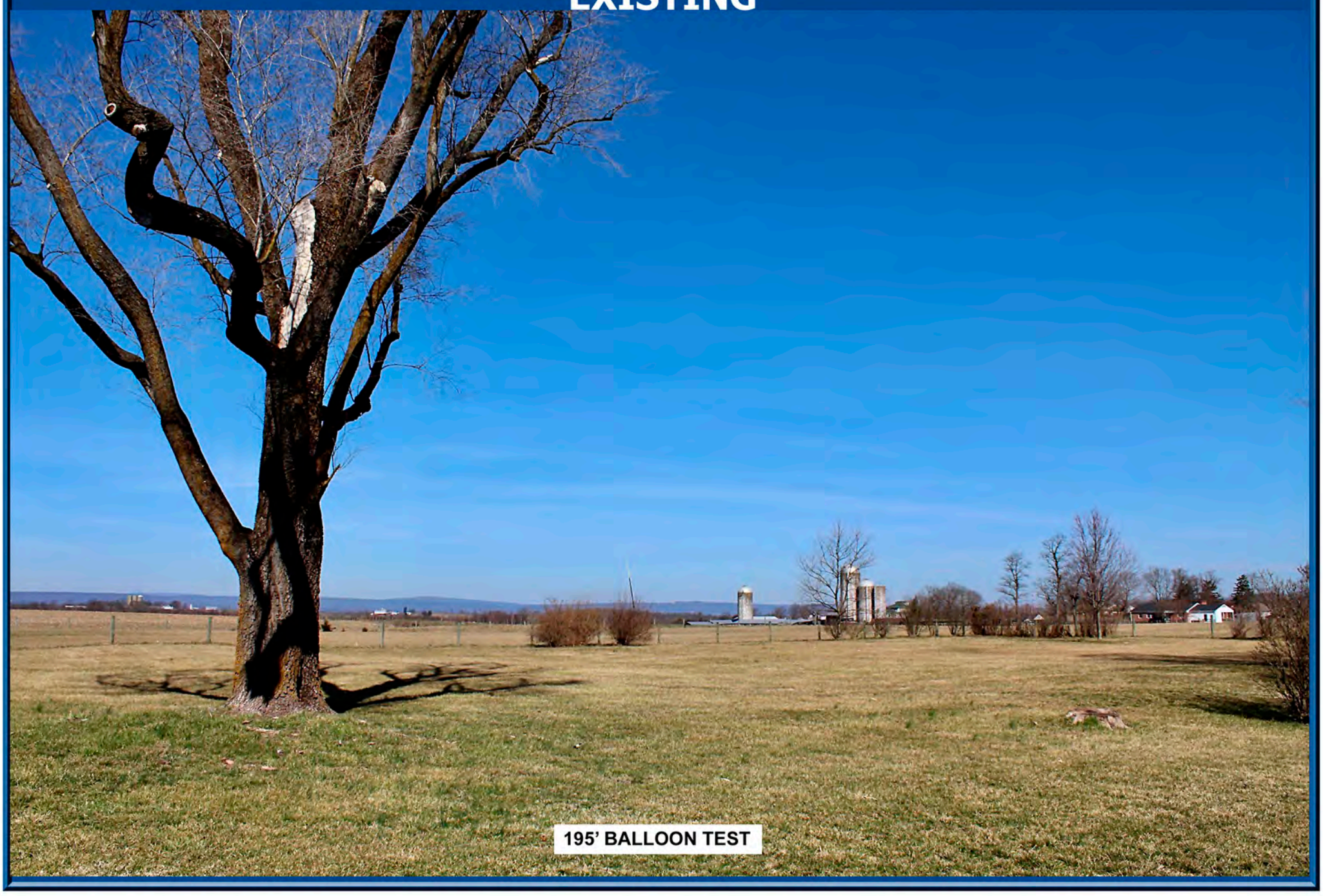
Hanover, MD 21076

EXISTING



PROPOSED

smartlink
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Hanover, MD 21076

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4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

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Hanover, MD 21076

EXISTING

PROPOSED

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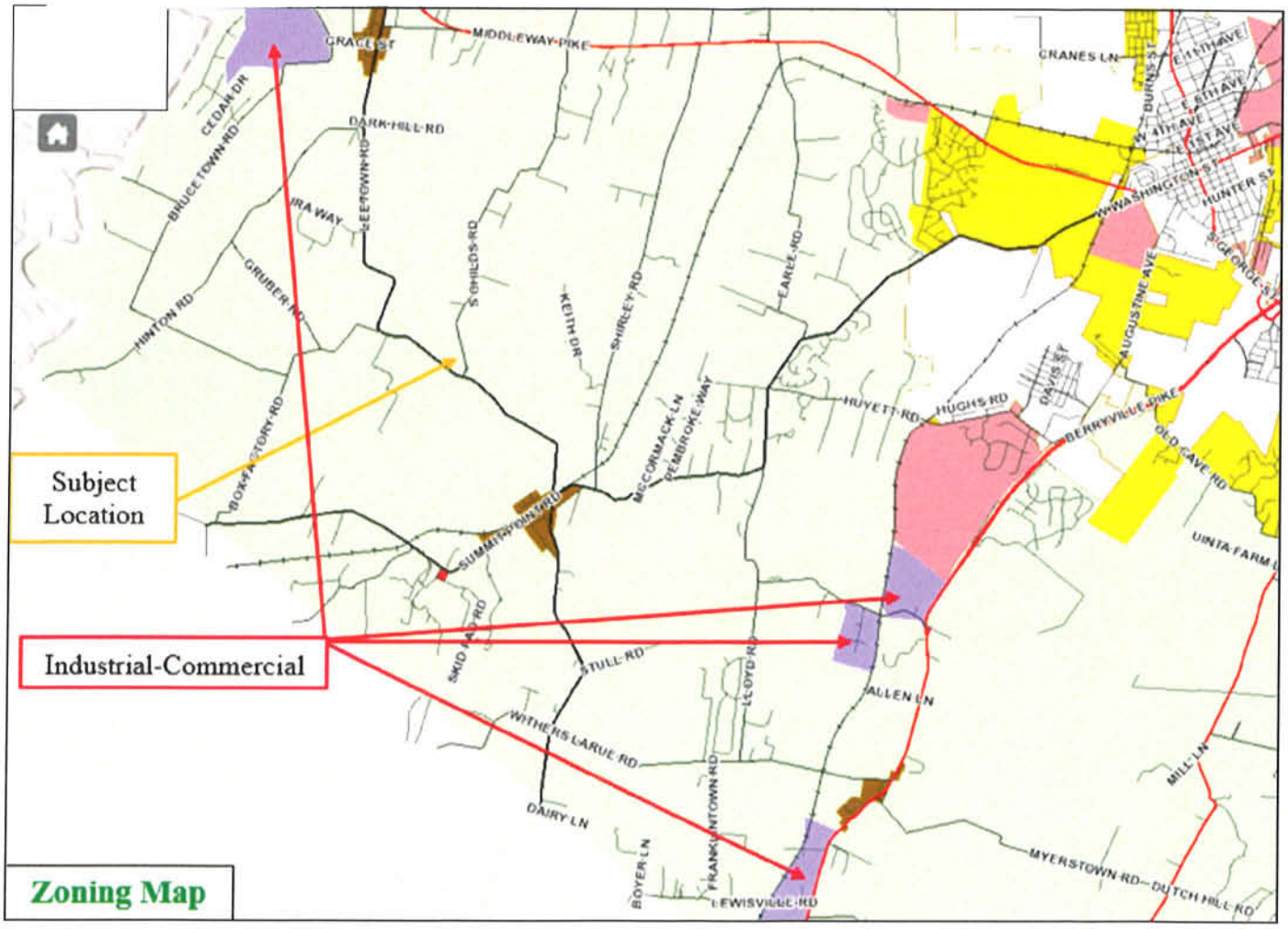
SITE NAME: SUMMIT POINT
SITE ID: 2230 / FA #: 14537154

4360 LEETOWN ROAD
SUMMIT POINT, WV 25446

at&t Mobility
Prepared for:
AT&T Mobility
7150 Standard Drive
Hanover, MD 21076

EXISTING

PROPOSED


Subject Location
Industrial-Commercial
Zoning Map
MIDDLEWAY PIKE
DARK HILL RD
BRUCETOWN RD
IRA WAY
GRUBER RD
HINTON RD
BOX FACTORY RD
SUMMITPOINT RD
SKID ROW RD
STULL RD
WITHERS LARUE RD
DAIRY LN
BOYER LN
FRANKLINTOWN RD
LEWISVILLE RD
LLOYD RD
ALLEN LN
MILL LN
MYERSTOWN RD
DUTCH HILL RD
BERRYVILLE PIKE
OLD CAVE RD
HUYETT RD
HUGHS RD
CRANES LN
WASHINGTON ST
HUNTER ST
AUGUSTINE AVE
KEITH DR
SHIRLEY RD
EARLE RD
MCCORMACK LN
PEMBROKE WAY
SHIELDS RD
CEDAR DR

Minutes

Jefferson County Board of Zoning Appeals

Meeting Date:	January 23, 2020
Meeting Location:	Charles Town Library Conference Room 200 East Washington Street, Charles Town, West Virginia
Board Members Present:	Tyler Quynn, Chair; Jeffrey Bannon, Vice Chair; Matthew McKinney; Deirdre Catterton and Leeds Corbin
Staff members present:	Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, Assistant Prosecuting Attorney and Jennilee Hartman, Zoning Clerk.

All requests are pursuant to the Jefferson County Zoning and Land Development Ordinance.

Mr. Bannon moved to call the meeting to order at 2:00 pm. Mr. Quynn called for a vote, which carried unanimously. Mr. Quynn explained to the public how the meeting would be conducted.

Election of Officers

Mr. Corbin nominated Mr. Bannon for Chair. Mr. Quynn seconded the nomination. Mr. Quynn called for a vote, which carried unanimously.

Mr. McKinney nominated Mr. Quynn for Vice Chair. Ms. Catterton seconded the nomination. Mr. Quynn called for a vote, which carried unanimously.

Mr. Bannon presided as Chair.

Approval of Minutes: December 12, 2019

Mr. McKinney moved to approve the minutes. Mr. Corbin seconded the motion, which carried unanimously.

Presentation by Roger Goodwin, Director of Engineering, Planning and Zoning, providing an overview of the purpose a site plan.

Mr. Roger Goodwin, Director of Engineering Planning and Zoning, and Mr. Joe Kent, Land Development Inspector, presented a PowerPoint presentation to the Board in response to a request made by the Board in October 2019. The presentation outlined the role of the Department as well as the purpose of a site plan. Mr. Goodwin addressed the Board's questions.

Public Hearing – Administer Oath

Ms. Hartman swore in members of the public who indicated they would be providing testimony.

<u>ITEM #1</u>	<u>FILE #: 19-33-ZV - Postponed From November 14, 2019 and December 12, 2019</u>
Request:	Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20' to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for the proposed Phase 3A, Lots 134-159.
Parcel Info:	Beallair Homes LLC, Unplatted section of Beallair Subdivision along Beallair Manor Drive, proposed Phase 3A, Lots 134-159, Parcel ID: 04010ARESA0000; Lot Sizes Average: 8,500-13,000 sf; Zoning District: Residential Growth

Mr. Paul Raco a consultant with P.J. Raco Consulting, LLC was present to represent the request on behalf of the owner. Ms. Beaulieu provided an overview of her staff report explaining that this section of Beallair was not yet platted; therefore, the developer had some flexibility with the design of the lots. Ms. Beaulieu also noted that this section would be labelled as 4A as opposed to 3A. Mr. Raco explained the nature of the request to the Board and pointed out that should the Board grant the request that the applicant would still like to reserve the right to utilize Section 9.5 Projections into the Yard. Mr. Raco argued that Section 9.7 would permit lesser setbacks than the

setbacks the applicant was currently requesting. In response to Mr. Corbin's inquiry, Mr. Raco confirmed that even with the reduced setbacks the houses would be able to meet building code requirements for separation related to fire safety. Mr. Bannon asked why the lots were not designed to accommodate the houses. Mr. Raco explained that the proposed lot and house layouts offered are current with market demands. Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the public hearing.

Mr. Quynn moved to go into deliberative session at 2:34 pm. Mr. Bannon called for a vote, which carried unanimously.

Mr. Quynn moved to go back into session at 2:48 pm. Mr. Bannon called for a vote, which carried unanimously.

Mr. McKinney moved to approve the variance as requested. Mr. Quynn seconded the motion. Mr. Bannon called for a vote, which carried four (4) in support and one (1) objection (Mr. Bannon).

ITEM #2 FILE #: 19-37-ZV

Request: Variance from Sections 4.11A, 5.8C.2 and Appendix B to eliminate the landscaping and buffer requirements and parking/drive aisle and building setbacks for internal lot lines only for the purpose of constructing the proposed ROCS gas station and convenience store. A Concept Plan for the proposed project was approved by the Planning Commission on 11-13-18 (File #S18-06).

Owner: SAB Real Estate 2

Parcel Info: Martinsburg Pike (WV45), Lots west of Sheetz, Shepherdstown, WV
8272 Martinsburg Pike, Shepherdstown, WV (former address-currently vacant parcel)
Parcel ID: 09008A00190000; 09008A00210000; 09008A00230000; Size: 3.56 acres combined; Zoning District: Residential- Light Industrial- Commercial

Mr. Ryan Perks with Gordon and Mr. Greg Kennedy, Attorney with Franklin & Prokopik, were present to represent the request on behalf of the owner. Ms. Beaulieu provided an overview of her staff report confirming that no structures would be crossing the internal property lines. Mr. Perks explained the nature of the request to the Board and Mr. Kennedy briefly explained that financing issues hindered the property owner from merging the properties together. Mr. Bannon opened the public hearing. There was no public comment. Mr. Bannon closed the public hearing.

Mr. Corbin moved to approve the variance. Mr. Quynn seconded the motion and requested to amend the motion to include the following conditions:

1. The applicants are bound by their testimony.
2. No buildings shall cross lot lines.
3. Add a note to the site plan stating, "The owner/developer agrees that if any of the individual lots are conveyed to an outside party, all appropriate or necessary road and/or parking easements will be conveyed to the grantee if appropriate at the time of such transfer."

Mr. Corbin accepted the amended motion. Mr. Bannon called for a vote, which carried unanimously.

ITEM #3 FILE #: 19-38-ZV

Request: Variance from Section 4B.7.J.2.a to increase the height restriction from 100' to 199' for a wireless telecommunications facility, in order to meet its coverage objectives.
Owner: Richard Childs
Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, LLC Attn: Joseph Prieto
Parcel Info: Located on the corner of Leetown Road and South Childs Road in Summit Point
Parcel ID: 07002500110002; Size: 17 acres; Zoning District: Rural

Mr. Christopher Burns with SmartLink was present to represent the request on behalf of the owner. Ms. Beaulieu provided an overview of her staff report. Ms. Beaulieu stated that staff had been informed just prior to the meeting that the Historic Landmarks Commission had not been notified of the balloon test and that the Board could require the applicant to conduct another balloon test for the Concept Plan as a condition of approval if they were inclined to grant the request. Ms. Beaulieu also noted that the balloon test was not required for the variance request, but was conducted to provide exhibits for the Board's consideration. Mr. Burns explained the nature of the request to the Board. Mr. Burns stated that the tower could accommodate at least three (3) providers and that the tower would assist emergency service providers. Mr. Burns provided the Board with a copy of the National Environmental Policy Act (NEPA) report, which detailed the potential environmental impacts of the tower. Mr. Burns acknowledged that they had erroneously sent a letter to the wrong historic agency and stated that they would be willing to redo the balloon test to properly notice the Historic Landmarks Commission. Mr. Burns offered to show the Board and interested members of the public the additional 40 pictures taken during the first balloon test. Mr. Bannon opened the public hearing.

Mr. Martin Burke, Chair of the Historic Landmarks Commission, spoke in opposition to the request stating that the proposed cell tower would be visible from various Category II historic resources. Mr. Burke explained that these resources are eligible for the National Registry. Mr. Corbin asked if the property owners of these resources objected to the proposed tower. Mr. Burke stated he had not spoken with the individual property owners. Mr. Burke also expressed concern that the Historic Landmarks Commission had not received notice of the balloon test.

Ms. Carmen Creamer entered the meeting during the public hearing. Ms. Hartman swore in Ms. Creamer and provided her with a copy of the staff report. Ms. Creamer spoke in opposition to the request expressing concerns that this request would allow for similar requests to be approved in the future. Ms. Creamer was also concerned about the negative impacts the tower may have on her property.

Mr. Bannon closed the public hearing.

Mr. Burns reiterated that his firm had notified the wrong historic agency and would conduct the balloon test again. Mr. Steve Hathaway, Project Engineer, explained in detail how the increased height of the tower would improve coverage in this specific area of the County. Mr. Burns noted that the balloon test was advertised in the Spirit of Jefferson.

Mr. Quynn moved to go into deliberative session at 3:57 pm. Mr. Bannon called for a vote, which carried unanimously. Ms. Catterton left the meeting stating she had a prior engagement to attend to and did not return for the duration of the meeting.

Mr. Quynn moved to come out of deliberative session at 4:37 pm. Mr. Bannon called for a vote, which carried unanimously.

Mr. McKinney moved to approve the variance as requested with the condition that the applicant conduct another balloon test for the Concept Plan ensuring that all required parties are notified and that the applicants were bound by their testimony. Mr. Quynn seconded the motion, which carried unanimously.

Zoning Administrator Report

a. Monthly Zoning Certificate Activity Report. The Report was included in the mailed packet.

Ms. Beaulieu updated the Board on the status of text amendment ZTA19-03 regarding Solar Energy Facilities. Ms. Beaulieu also stated that the upcoming public meetings related to reorganization of the Subdivision Regulations and Zoning Ordinance had been cancelled and will be rescheduled to a date to be determined.

Ms. Beaulieu informed the Board that their next meeting would be February 27, 2020.

Legal Update

a. Possible executive session on the following pending lawsuits. None

b. Discussion with possible deliberative session and signing of draft Findings/Decisions

Meeting: December 12, 2019

1. Variance from Sec. 10.4B.3. Owner: I & K Farms, LLC. Applicant: C. Haymaker. File: 19-35-ZV.
2. Variance from Sec. 5.7B and 9.6C. Owner: Joseph Costello. File: 19-36-ZV.

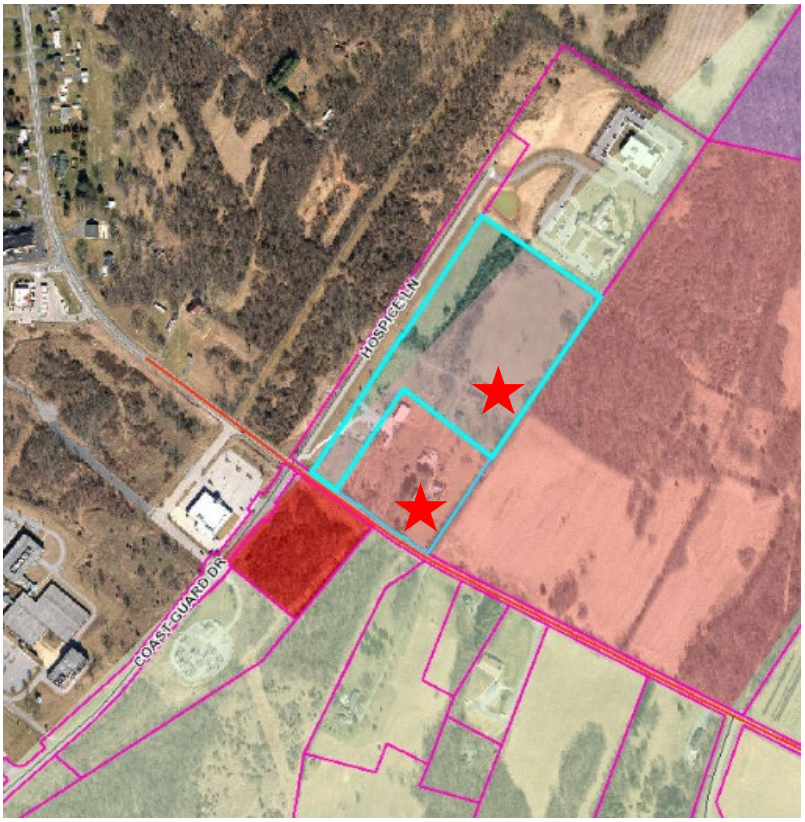
Mr. Cochran provided the Findings for Mr. Quynn to review and sign.

Mr. Quynn moved to adjourn the meeting at 4:49 pm, which carried unanimously.

Staff Report

Jefferson County Planning Commission Meeting
September 8, 2020

Item #6 **Public Hearing:** Request by Townhome Rentals, LLC. (File # 20-5-PCW), for a waiver from Appendix B Section 2.5I, which requires parking area access driveways and entrances leading from the public road or subdivision street, and the parking area internal access drives connecting physically separated parking bays, to not exceed an 8% grade The applicant is requesting just under12% for the grade.

APPLICANT	Townhomes Rental, LLC
OWNER/ DEVELOPER	Joshbeen Grewel, Townhomes Rental, LLC (P1.1) & Hoy Shingleton, Jr. Trustee (P1.2)
CONSULTANT	Paul J. Raco Consulting, LLC.
SURVEYOR/ENGINEER:	Cheat Road Engineering; Trevor Lloyd
LOCATION	16 Hospice Lane & 4115/4119 Charles Town Road, Kearneysville, WV
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Middleway (07); Tax Map: 1; Parcel: 1.1 (Size: 7 acres) & Parcel 1.2 (Size: 16.6 acres); Zone: Residential-Light-Industrial-Commercial 
ADJACENT ZONING	*North:* Rural and Berkeley Co. *South*: General Commercial & Rural *East:* RLIC *West:* Hospice Lane & Berkeley Co.
APPROVALS	Zoning Map Amendment (Z14-01) Approved by County Commission to rezone both properties from Rural to RLIC: 08/28/14 Concept Plan: Planning Commission Public Workshop & Approval: 07/09/19 Preliminary Plat deemed "complete" by Planning Commission: 08/11/20
PROPOSED ACTIVITY	132 townhouse units, a mini storage facility (four units 260' long, varying depth), and a boat and RV parking area

Staff Report

Jefferson County Planning Commission Meeting
September 8, 2020

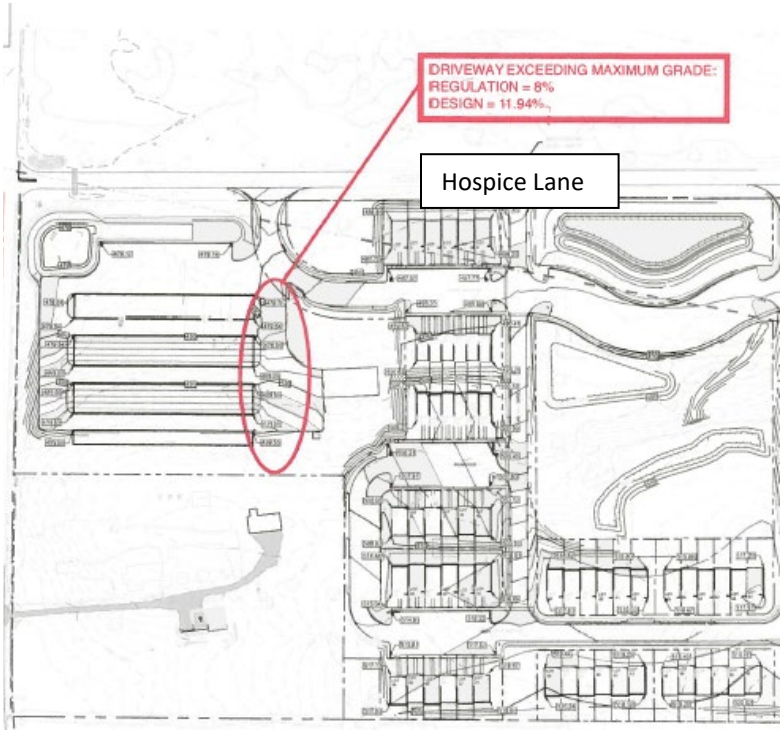
1. Background

The applicants, Joshbeen Grewel, Townhomes Rental, LLC (P1.1) and Hoy Shingleton, Jr. Trustee (P1.2), are proposing to develop the 23.6 acres as a mixed use development consisting of 132 townhouse units with related parking, stormwater management and open space, and a mini storage facility consisting of four units 260' long with varying depths and a storage/parking area for licensed boats and RVs. The townhouses and mini storage facility are proposed to access off Hospice Lane at three proposed access points. Hospice Lane is wholly located in Berkeley County.

The mini storage facility portion of this development is processing as a Minor Site Plan with a Concept Plan and the Townhouse Subdivision is processing as a Major Subdivision under the 2008 Subdivision Regulations, as amended, which includes processing a Major Subdivision Concept Plan, a Preliminary Plat, and a Final Plat. The Concept Plan for the proposed Rocky Ridge Subdivision (File #19-7-SD) and Rocky Ridge Site Plan (File #19-8-S) was approved by the Planning Commission on July 09, 2019 which authorized the applicant to move forward with the Preliminary Plat. The Public Hearing for the Preliminary Plat is scheduled for today's Planning Commission meeting. The Minor Site Plan will be administratively approved. The slope of this driveway is the only outstanding comment on the site plan set.

2. Overview of Requested Waiver

The current application is a request for a waiver from Appendix B, Section 2.5I of the Jefferson County Subdivision and Land Development Regulations to allow the grade to exceed 8% for the driveway to the mini storage units as depicted below:



The application states that the two story terraced design of the mini storage facility will minimize the grading required and work well with the existing topography. The excessive slope is along the northern end of the storage facilities leading to each row of storage units and will only be utilized by

the customers who have storage units in those rows. The terraced concept is similar to a walk out basement except that there are separate units on each level with doors facing difference driveways. Utilizing this development concept ensures that the site retains some of its natural grade and works well with the existing topography. The applicant's application provides more detail regarding the design of the site plan and the need for the requested waiver.

3. **Waiver Criteria**

The following criteria, as outlined in Section 24.300 of the amended 2008 Subdivision Regulations, have to be met in order to have a waiver granted. The applicant has provided a detailed response to each of the criteria for the Planning Commission's consideration.

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.

The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.

The waiver, if granted, will result in a project of better quality and/or character.

4. Staff Recommendation

Planning and Zoning Staff recommends approval of the requested waiver and defers to the Engineering staff regarding any specific design concerns.

Engineering recommends approval of the waiver due to the low traffic volume produced by a self-storage facility.

JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414
www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

File Number: 20-5-PCW
Staff Initials: RBB
Sketch Received: ✓
List of Adjoiners: ✓
Fees Paid: 100.00

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Townhomes Rental LLC
Mailing Address: 4115 Charles Town Road, Kearneysville, WV 25430
Phone Number: c/o Paul 304/676-8256 Email:

Applicant Contact Information

Name: Joshbeen Grewal Paul J Raco
Mailing Address: Above and Below
Phone Number: Paul 304/676-8256 Email: pjraco.consulting@gmail.com

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: P.J. Raco Consulting, LLC: Paul J Raco Cheat Road Engineering: Trevor Lloyd, P.E.
Mailing Address: P.O. Box 548, Charles Town, WV 25414 5011 Mid Atlantic Drive, Morgantown, WV 26508
Phone Number: Paul 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 4115 Charles Town Road, Kearneysville, WV 25430
Tax District: 7 Map No: 1 Parcel No: 1.1 and 1.2
Parcel Size: 16.62 +- Acres and 7 +- Acres Deed Book: 1231 1215 Page No: 398 142

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
☐	☐	☐	☑	☐	☐	☐

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
☐	☐	☐	☐	☐

Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

Appendix B Sec 2.51

Briefly Describe the Nature of Your Waiver Request:

See Attached

See Attached

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

See Attached

See Attached

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

See Attached

See Attached

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

See Attached

See Attached

Explain how the waiver, if granted, will result in a project of better quality and/or character.

See Attached

Original signature is required. The information given is correct to the best of my knowledge.

Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Official/Administrative Body

_____ Date Property to be Posted By

_____ Date Adjoiner Letters to be Mailed

Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

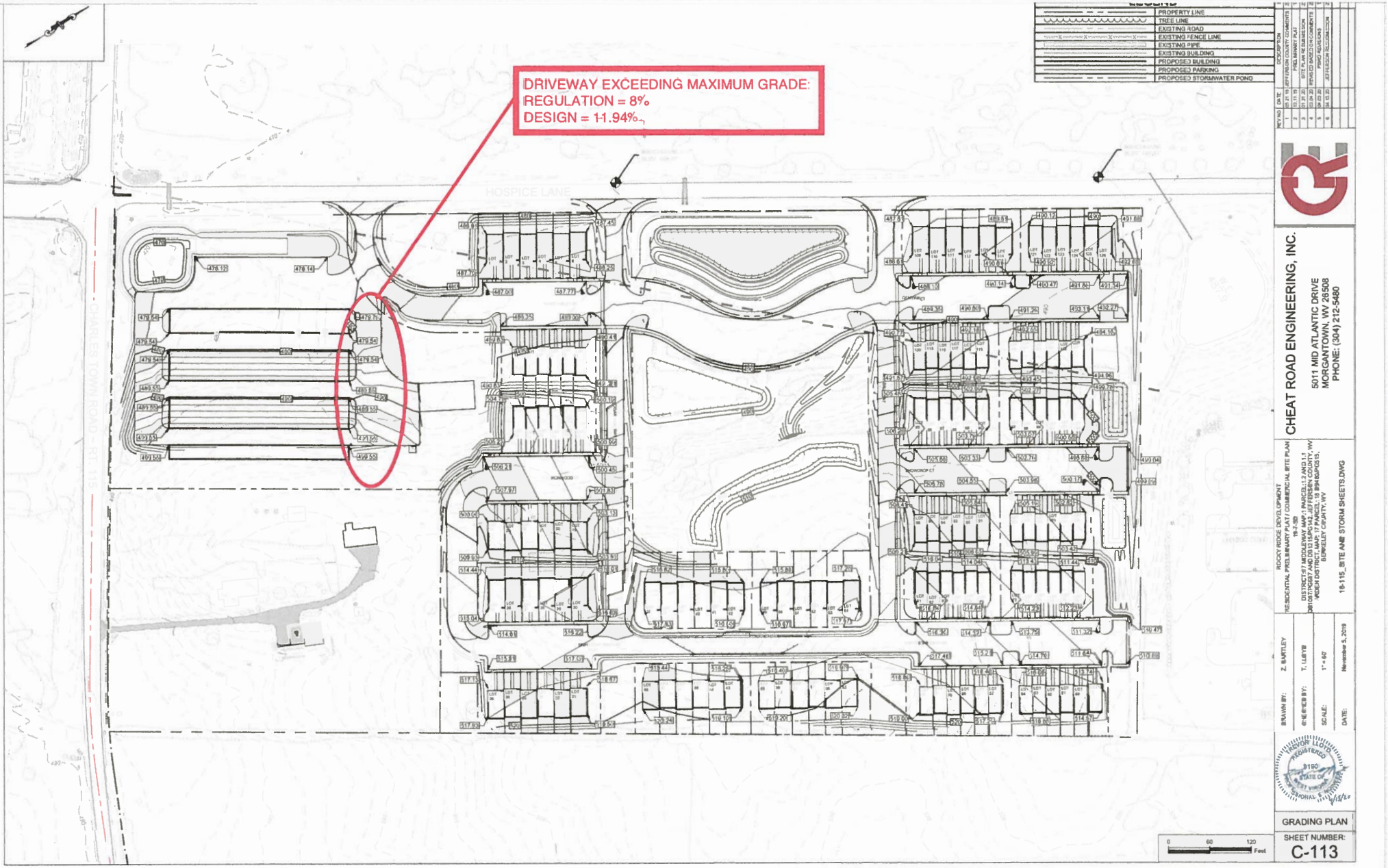
☐ ***Approved*** ☐ ***Denied***

8:02 AM Tue Aug 18

76%

Done

18-115_SITE AND STORM SHEETS-C-113 GRADING PLAN.PDF



Rocky Ridge Preliminary Plat
Waiver Request
Section: Appendix B, 2.5I
Jefferson County Subdivision and Site Development Ordinance
August 18, 2020

Brief Description:

This waiver is only for a small stretch of private driveway access to the individual Storage Buildings shown on the Site Plan. The County provision and State DOH Driveway Manual allow for 8 % Slope for Commercial Access Aisles. However, the State DOH allows for up to 12% for other type situations. The requested slope in the limited private area shown on the sketch is to be just under 12%.

This area is not a typical commercial access situation. The access coming in from Hospice Lane is much lower than the maximum slope, both at the entrance point and where it splits off to serve the residential portion of the subdivision and the mini-storage portion of the project. Once in the mini-storage area, there is a gate access that will only allow users of the storage units access. Therefore, the commercial lot is not open to the general public.

Furthermore, the design of the facility is to allow the buildings to be constructed with the topography to minimize cutting and filling and allow front and rear access as the buildings move up in 10' 'steps' such like terrace farming. The vehicles on this private access area will turn off the access drive as soon as they are at the parking area for their building and unit. These areas will be level in between the buildings. So, there will be no stopping or parking on the access road where the slope along the length of the access road exceeds 8%.

Due to the uniqueness of the design and the ability to limit cutting out and leveling the whole site, this design appears to work well with the topography without exceeding the maximum slope allowed by the State DOH Manual. A good design works with the existing topography without just clear cutting and leveling the entire building pad.

Accordingly, the Applicant respectfully asks that the Commission grant the waiver based on the unique and limited circumstances.

Rocky Ridge Preliminary Plat
Waiver Request
Section: Appendix B, 2.5I
Jefferson County Subdivision and Site Development Ordinance
August 18, 2020

Four Criteria:

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

   There will be no public maintenance costs since it is a private commercial project. The project's infrastructure and improvements will be bonded so that there will be no risk to the County for construction.

   The design with the terraced two story construction should work better with the land and existing topography, as opposed to clear cutting and grading a complete flat site to put in the mini-storage buildings. As such, it should work nicely with the viewshed from Route 115.

   Granting the waiver will allow the project to move forward as designed and will generate a great deal of taxes for the County.

2. *Explain how the waiver, if granted, will not adversely affect the public health, safety and welfare or the rights of adjacent property owners or residents;*

   The granting of the waiver will have no effect on the public health safety or welfare of the neighbors or adjacent property owners. The waiver is to not require the flattening of the existing natural topography for a building pad that does not have to be all on one level. It works well with the existing topography and is limited only to the users of the individual storage units that have limited access.

   The closest neighbor is the house to the south that is owned by the Applicant. However, the idea of leveling the site for a flat building pad would require an unsightly retaining wall adjacent to the house site. It would look unnatural in that location. The terraced building access should enhance the area as compared to flat graded site.

   The site itself will only be accessible to the number of users for the units. So, the limited amount of public and number of times that you access your unit, makes this a very minimally accessed site.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

   The ordinance allows for a maximum of 8 % slope if it were a typical commercial access drive. The State DOH Manual allows up to 12 % for other types of access. The requested slope on the small portion of access drive will not exceed the 12 % and is not an access for the general public in this case. Also, the portion of this access that enters onto the general public portion of the access driveway (both Hospice Lane and the Access Road into the Townhouse) will be built to the appropriate grade, so there is no problem with the slope at the point of public entry.

   The ordinance and Comprehensive Plan also support keeping the land as close to the natural grade as possible to limit cut and fill that do not fit into the area. This terraced approach to two stories is like a house with a walk-in basement on the lower grade of a sloped lot. This should work well with the existing topography. Plus, the areas between the buildings will be at a level grade.

4. *Explain how the waiver, if granted, will result in a project of better quality and/or character;*

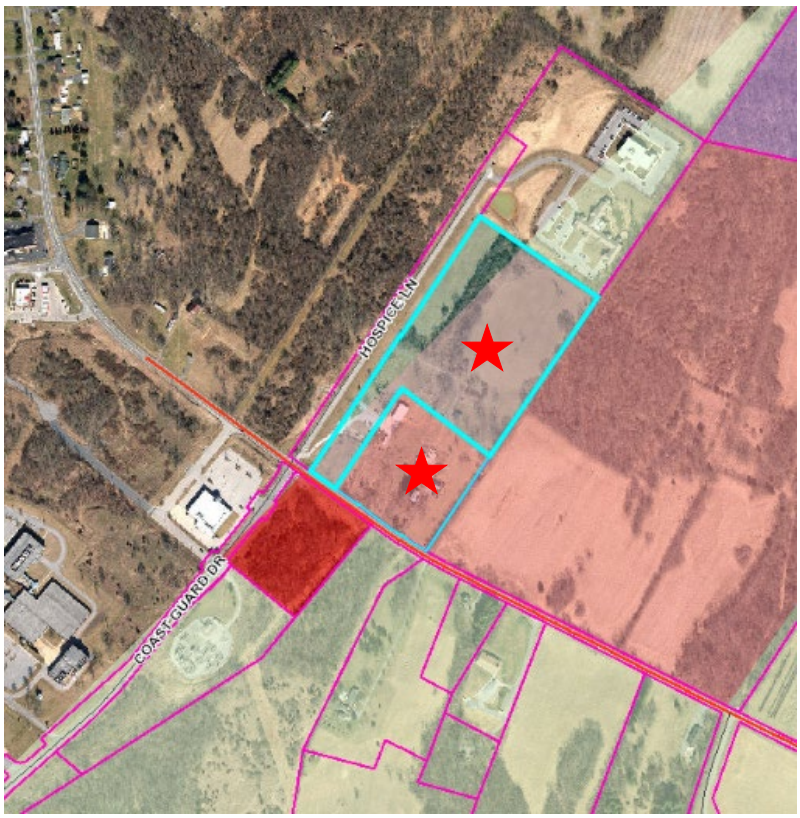
   As explained, if the waiver is granted, the project will fit into the topography and area in a more cohesive and complementary manner. Many commercial developments could not be built this way, but because of the design, the mini-storage buildings can be achieved by terracing the lot without mass grading. The two story buildings should fit nicely into the environs which gradually rises towards the house lot next to it. The waiver allows the project to work with the land as opposed to cutting the property and adding a retaining wall.

   The Applicant believes that this approach will result in a more aesthetically compatible development. The waiver is consistent with the maximum grades permitted by DOH and the increased slope is only in a small area. Cars will not be parked on the slope since the cars will turn down the level lanes between the buildings. Finally, as stated, the facility is a private, limited access mini-storage project that is only open for the actual users of the units.

   Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the site plan can be approved without any changes. Thank you for your consideration.

Staff Report
Jefferson County Planning Commission Meeting
September 8, 2020

Item #7: Public Hearing: Request by the applicant, Townhomes Rental, LLC, to approve the Preliminary Plat for Rocky Ridge Subdivision (File # 19-7-SD) in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations.

APPLICANT	Townhomes Rental, LLC
OWNER/ DEVELOPER	Joshbeen Grewel, Townhomes Rental, LLC (P1.1) & Hoy Shingleton, Jr. Trustee (P1.2)
CONSULTANT	Paul J. Raco Consulting, LLC.
LOCATION	16 Hospice Lane & 4115/4119 Charles Town Road, Kearneysville, WV
LEGAL DESCRIPTION & ZONING DISTRICT	Tax District: Middleway (07); Tax Map: 1; Parcel: 1.1 (Size: 7 acres) & Parcel 1.2 (Size: 16.6 acres); Zone: Residential-Light-Industrial-Commercial 
ADJACENT ZONING	*North:* Rural and Berkeley Co. *South*: General Commercial & Rural *East:* Residential/Light Industrial/Commercial *West:* Hospice Lane & Berkeley Co.
APPROVALS	Zoning Map Amendment (Z14-01) Approved by County Commission to rezone both properties from Rural to RLIC: 08/28/14 Concept Plan: Planning Commission Public Workshop & Approval: 07/09/19 Preliminary Plat deemed "complete" by Planning Commission: 08/11/20
PROPOSED ACTIVITY	132 townhouse units, a mini storage facility (four units 260' long, varying depth), and a boat and RV parking area

Introduction and Purpose

The applicants, Joshbeen Grewel, Townhomes Rental, LLC (P1.1) and Hoy Shingleton, Jr. Trustee (P1.2), are proposing to develop the 23.6 acres as a mixed use development consisting of 132 townhouse units with related parking, stormwater management and open space, and a mini storage facility consisting of four units 260' long with varying depths and a storage/parking area for licensed boats and RVs. The townhouses are proposed to vary in width from 18 to 24 feet wide (approximately 1,400 to 1,900 sq. ft.). The mini storage facility will consist of various sizes for a total of approximately 61,000 sq. ft.

The townhouses and mini storage facility are proposed to access off Hospice Lane at three proposed access points. Hospice Lane is wholly located in Berkeley County. The applicant is also proposing to keep an area of approximately 4 acres around the existing structures addressed off Charles Town Road as a proposed business office and maintenance shed and storage area utilizing the existing access on Charles Town Road.

The mini storage facility portion of this development is processing as a Minor Site Plan with a Concept Plan and the Townhouse Subdivision is processing as a Major Subdivision under the 2008 Subdivision Regulations, as amended, which includes processing a Major Subdivision Concept Plan, a Preliminary Plat, and a Final Plat. The Concept Plan for the proposed Rocky Ridge Subdivision (File #19-7-SD) and Rocky Ridge Site Plan (File #19-8-S) was approved by the Planning Commission on July 09, 2019 which authorized the applicant to move forward with the Preliminary Plat.

Preliminary Plat Approval Process

The applicants submitted the Preliminary Plat for Rocky Ridge Subdivision for review and approval on November 18, 2019. In accordance with Section 24.113 of the Subdivision Regulations, the Planning Commission deemed the Preliminary Plat application complete on August 11, 2020. All of the outstanding staff comments noted at the August 11, 2020 meeting, other than the required waiver to be heard at tonight's meeting, have been addressed to the staff's satisfaction. In accordance with Section 24.114 of the Subdivision Regulations, the Planning Commission scheduled this Public Hearing for September 8, 2020, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations.

The Subdivision Regulations require the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WVDOH and the relevant Public Utility Agency, in this case the Berkeley County Public Service Water and Sanitary Sewer Districts and WV Office of Environmental Health Services. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. The Department is also required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled.

Engineering, Planning and Zoning Staff completed their review of the Preliminary Plat in accordance with these Articles and the requirements of Appendix A, Section 1.3 and provided the Planning Commission with a list of the outstanding comments dated August 4, 2020 as a part of the

staff report dated August 11, 2020. This staff report also stated that staff found that the plat and application "essentially" conforms with the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations, and fulfills the Concept Plan direction. Some of the items noted on the outstanding items list were addressed before the August 11, 2020 Planning Commission meeting. The Planning Commission made a motion to deem the Preliminary Plat complete provided the staff's outstanding comments are addressed and to proceed with a Public Hearing on their September 8, 2020 Planning Commission meeting.

The applicant resubmitted the revised Preliminary Plat for the 5th review to staff for their final review on August 12, 2020. As of this staff report, the final review to ensure the Plat conforms to all Zoning and Subdivision Regulation requirements has been completed and all outstanding comments have now been addressed with the exception of the driveway slope waiver, which is also on today's Planning Commission meeting.

As noted in the August 11, 2020 staff report, because the 16.6-acre parcel is located in both Berkeley and Jefferson Counties, the review of the engineering design was coordinated between both counties. Berkeley County Engineering staff has provided their review and approval of the stormwater management plans and reports for conformance with all MS4 requirements for this project. Berkeley County Public Service Water and Sanitary Sewer Districts have reviewed and approved the design and construction documents for all water and sanitary sewer facilities. The WV DOH access is being managed by the staff member that manages encroachment permits for Berkeley County because Hospice Lane is completely within Berkeley County. It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the WV Division of Highways' (WV DOH) requirements and approval for all major subdivisions.

This staff report serves as the staff's written determination the Plat meets the requirements of the Zoning Ordinance and Articles 21 and 22 of the Subdivision Regulations, as required by the Subdivision Regulations, and that the driveway slope wavier is the only outstanding issue. The purpose of today's Public Hearing is to receive public comment on the proposed Preliminary Plat in accordance with the Subdivision Regulations and WV Code 8A.

Approved and Pending Waivers

At the December 10, 2019 Planning Commission meeting, the Commission approved a motion to allow a waiver from Section 24.113B.10 that requires a Phase I Archaeological Study (File #: 19-18-PCW).

On today's Planning Commission agenda, a public hearing is being held to consider a waiver for the slope of the driveway. If this is not approved, final approval of the Preliminary Plat should require modifications to meet the County standards.

Subdivision Requirements Related to Preliminary Plat Approval

The following list summarizes the requirements of Section 24.115 of the Subdivision Regulations, which requires the Planning Commission to review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. It also states that, in making its decision, the Planning Commission shall apply the following excerpted rules:

1. Zoning. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. Impact Fees. The preliminary plat application cannot be denied on the grounds of adverse impact on services which benefit from the County's adopted impact fees (parks and recreation, schools, law enforcement, fire protection, and emergency services).
3. Roads. The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads.
4. Sewer and Water Systems. All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the relevant Public Service District or private utility. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
5. Engineering and Landscaping. The plan being reviewed consists of substantial sediment and erosion control, stormwater management, sewer or water system engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.
6. Open Space. Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.

Approval of the Preliminary Plat may include conditions based on input from the Department of Engineering, Planning and Zoning and relevant agencies that must be met in the preparation of the final plat, final engineering, and final landscaping. Such conditions may include any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.

Planning Commission Action Required

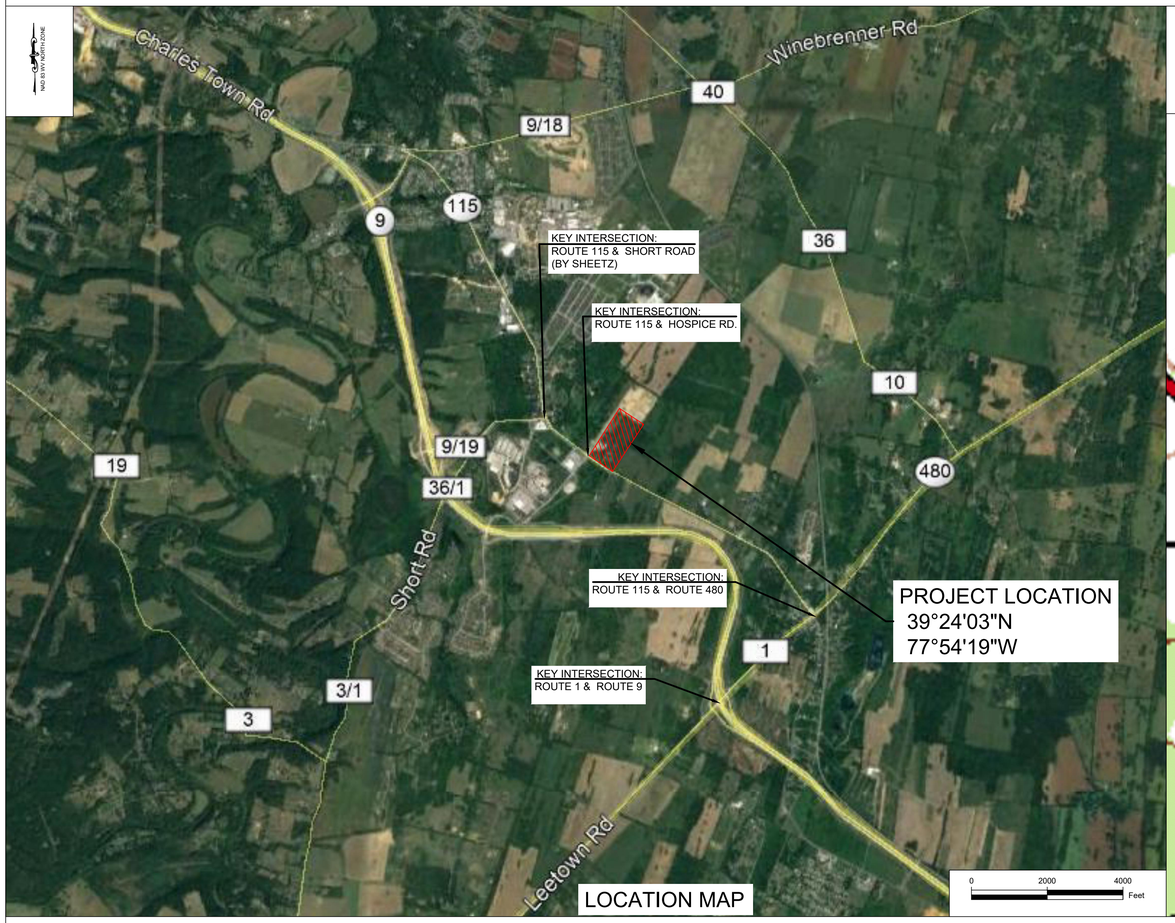
Section 24.115 of the Subdivision Regulations states that, after the close of the public hearing, or at any meeting within 14 days thereafter, the Planning Commission shall do one of the following:

(1) Approve the application;
(2) Approve the application with conditions;
(3) Deny the application; or
(4) Hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold the Public Hearing. Additional legal advertisement is not required.

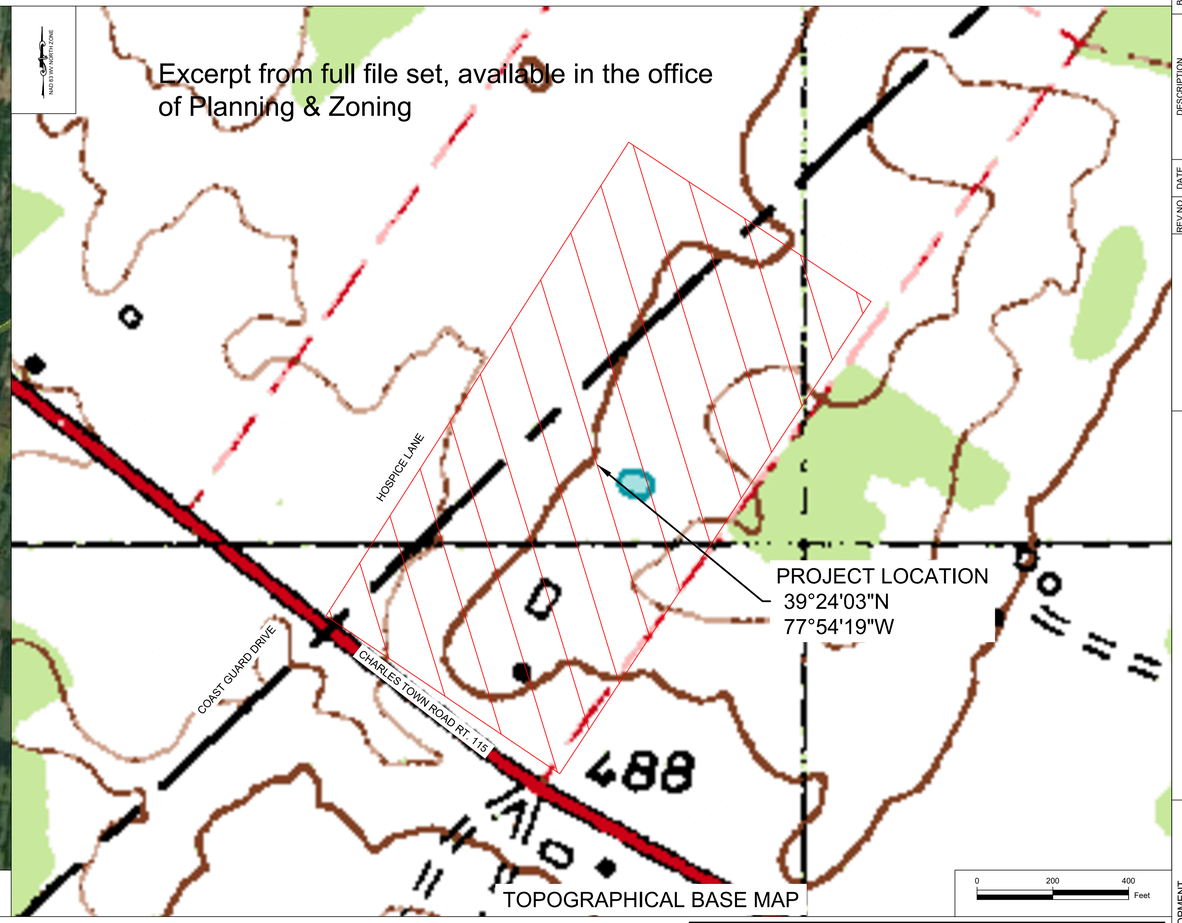
It further states that the Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan it if does not meet the standards of the land use ordinances, or

approve the plan with conditions to complete any remaining items. In the event that the Preliminary Plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, Staff shall have the authority to grant final approval of the Preliminary Plat once the conditions are met. Also, if the Planning Commission conditionally approves the Preliminary Plat, then the applicant shall be required to submit a notarized document expressly and explicitly waiving the 45-day time requirement for the Planning Commission and/or Staff to act. If the applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the Preliminary Plat.

Sec. 24.115 of the Subdivision Regulations further states that the approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for a public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping. The Final Plat will not require any further public input unless a wavier or variance is required.



LOCATION MAP



TOPOGRAPHICAL BASE MAP

ROCKY RIDGE DEVELOPMENT

RESIDENTIAL PRELIMINARY PLAT
COMMERCIAL SITE PLAN
KEARNEYSVILLE, WV

PROPOSED DEVELOPMENT:
132 TOWNHOMES
±61,100 SQ FT STORAGE UNITS

SHEET LIST

CS	COVER SHEET
GN	GENERAL NOTES
C-100	EXISTING CONDITIONS/SITE RESOURCE MAP
C-101	E&S PLAN
C-102	SEDIMENT BASIN 1 PLAN & PROFILE
C-103	SEDIMENT BASIN 2 PLAN & PROFILE
C-104	E&S DITCH A P&P
C-105	E&S DITCH B P&P
C-106 - C-108	BIO-RETENTION PLAN & PROFILES
C-109	WATER QUALITY SWALE PLAN AND PROFILE
C-110	SITE LAYOUT
C-111	PRELIMINARY PLAT
C-112	COMMERCIAL SITE PLAN
C-113	GRADING PLAN
C-114	EASEMENT PLAT
C-115	TYPICAL TOWNHOMES
C-116	TYPICAL STORAGE
C-200 - C-205	ROAD PLAN AND PROFILES
C-300	STORM PLAN
C-301	EXISTING DRAINAGE MAP
C-302	E&S DRAINAGE MAP
C-303	PROPOSED DRAINAGE MAP
C-304 - C-317	STORM PLAN AND PROFILES
C-318	STORM ENTRANCE ROAD CROSSINGS
C-319	DETENTION BASIN 1 PLAN & PROFILE
C-320	DETENTION BASIN 2 PLAN & PROFILE
C-400	SANITARY PLAN
C-401 - C-404	SANITARY PLAN AND PROFILES
C-405 - C-406	SANITARY DETAILS
C-500	WATER PLAN
C-501 - C-509	WATER PLAN AND PROFILES
C-510 - C-511	WATER DETAILS
C-700 - C-701	LANDSCAPING PLANS
C-900 - C-903	DETAILS
C-904	STORM INLET CALCULATIONS

Jefferson County
CONSTRUCTION NOTES

(Table 1.2-1)

1. Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2. Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below:
   a. Roadways..... 98%
   b. Parking Lots for heavy trucks..... 98%
   c. Parking Lots for passenger vehicles..... 95%
   d. Utility line trenches..... 98%
   e. Building Pads.....100%
   The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3. Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4. Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5. Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

JEFFERSON COUNTY - COMPLETE LIST OF WAIVERS/VARIANCES			
ORDINANCE	SECTION OF ORDINANCE	DESCRIPTION OF WAIVER OR VARIANCE	DATE GRANTED
JEFF. CO. SUBDIVISION REGULATIONS	24.113B.110	WAIVER OF PHASE 1 ARCHAEOLOGICAL STUDY REQUIREMENT	12/10/2019
JEFF. CO. SUBDIVISION REGULATIONS	B.2.2 (C) (2)	WAIVER FOR MAXIMUM ROAD SLOPE TO BE RAISED FROM 8% TO 12% AT STORAGE	IN PROGRESS

THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON; AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT OR SITE PLAN

OWNER SIGNATURE — 02/14/2020 DATE

OUTSIDE AGENCY APPROVALS	
AGENCY	APPROVAL NO.
WVDEP	WVR110498
BCPSSD, DHHR SANITARY	20,549
BCPSWD, DHHR WATER	20,550
WVDOH	5-10-0367

Jefferson County, West Virgina

☐ PRELIMINARY PLAT APPROVAL

☐ SITE PLAN APPROVAL

BY _____ _____
County Engineer Date

BY _____ _____
County Planner Date

CRE PROJECT # 18-115

Jefferson County
SITE WORK
MILESTONE INSPECTIONS

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

1. Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2. Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3. Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4. Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
5. Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.

Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Office of Engineering, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.

NOTE:
ALL SWM FOR WATER QUALITY AND QUANTITY, AND CONVEYANCE WILL MEET THE BERKELEY COUNTY STANDARDS AND BE REVIEWED BY BERKELEY COUNTY AS WELL.

ROCKY RIDGE DEVELOPMENT
PRELIMINARY PLAT
JC FILE NO. 19-7-SD

DEVELOPER/OWNER INFORMATION:
ILA PROPERTIES - (571)438-3612
4113 CHARLESTOWN ROAD
KEARNEYSVILLE, WV 25430

ENGINEER INFORMATION:
CHEAT ROAD ENGINEERING
(304)212-5480
5011 MID ATLANTIC DRIVE
MORGANTOWN, WV 26508

SURVEYOR INFORMATION:
ROBERTS LAND SURVEYING
2068 PALMER ROAD
HEDGESVILLE, WV 25427

REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB
2	10.11.19	PRELIMINARY PLAT	TLL
3	01.31.20	SITE PLAN RESUBMISSION	ZPB
4	03.04.20	REVISED BASED ON COMMENTS	ZPB
5	04.03.20	PSWD REVISIONS	TLL
6	04.15.20	JEFFERSON RESUBMISSION	ZPB
7	06.17.20	DOH UPDATES	TLL
8	08.11.20	JEFFERSON REVISION 4	TLL

CHEAT ROAD ENGINEERING, INC.
5011 MID ATLANTIC DRIVE
MORGANTOWN, WV 26508
PHONE: (304) 212-5480

ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD
DISTRICT 07 MIDDLEWAY MAP-1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB488/PG515,
BERKELEY COUNTY, WV

18-115_SITE AND STORM SHEETS.DWG

DRAWN BY: Z. BARTLEY
CHECKED BY: T. LLOYD
SCALE: NTS
DATE: November 5, 2019

TREVOR L. LLOYD
REGISTERED
19190
STATE OF WEST VIRGINIA
PROFESSIONAL ENGINEER
8/9/20

COVER SHEET

SHEET NUMBER:
CS

GENERAL NOTES

1. CONTACT MS4 ADMINISTRATOR 3 WORKING DAYS BEFORE ANY WORK IS TO BE STARTED. MS4 ADMINISTRATOR: (304) 263-8566 EXT. 209

2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE PRIOR TO PERFORMING ANY EARTH DISTURBANCE ACTIVITIES.

3. ALL MATERIALS USED FOR FILL OR BACKFILL SHALL BE FREE OF ANY DEBRIS, WASTE, OR FROZEN MATERIALS, AND SHALL CONTAIN LESS THAN TWO PERCENT (2%) VEGETATIVE ORGANIC MATERIALS BY WEIGHT. ANY ISOLATED VEGETATIVE ORGANIC MATERIAL THAT IS GREATER THEN TWO (2) INCHES IN DIAMETER SHALL BE REMOVED FROM THE FILL MATERIAL AND AREAS PRIOR TO PLACEMENT OF FILL. ALL FILL MATERIAL SHALL BE FREE OF ROCK LARGER THAN SIX (6) INCHES IN ANY DIMENSION. ALL PROPOSED FILL MATERIAL SHALL BE APPROVED BY A PROFESSIONAL ENGINEER OR QUALIFIED REPRESENTATIVE PRIOR TO PLACEMENT. REPRESENTATIVE SAMPLES OR PROPOSED FILL MATERIAL SHALL BE PROVIDED BY THE CONTRACTOR A MINIMUM OF ONE (1) WEEK PRIOR TO THE PLACEMENT OF PROPOSED MATERIAL TO ALLOW ADEQUATE TIME FOR LABORATORY TESTING.

4. SATISFACTORY MATERIAL FOR USE AS FILL FOR PUBLIC STREETS INCLUDE MATERIALS CLASSIFIED IN ASTM D-2487 AS GW, GP, GM, GC, SW, SP, SM, SC, MLCL AND CL GROUPS. THE MOISTURE CONTENT SHALL BE CONTROLLED WITHIN PLUS OR MINUS 2 PERCENTAGE POINTS OF OPTIMUM TO FACILITATE COMPACTION. GENERALLY, UNSATISFACTORY MATERIALS INCLUDE MATERIALS CLASSIFIED IN ASTM D-2487 AS PT, CH, MH, OL, OH, AND ANY SOIL TOO WET TO FACILITATE COMPACTION, CH AND MH SOILS MAY BE USED SUBJECT TO RESULTS OF LABORATORY TESTS.

5. AFTER COMPLETION OF TESTING AND/OR BEARING EVALUATION AND PROVIDED THAT A FIRM, STABLE SUBGRADE IS PRESENT, FILL SHOULD BE PLACED AND COMPACTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA:

   5.A. FREE WATER SHALL BE PREVENTED FROM APPEARING ON THE SURFACE DURING OR SUBSEQUENT TO COMPACTION OPERATIONS.

   5.B. ALL FILL MATERIAL COMPACTED BY HAND-OPERATED TAMPERS OR LIGHT COMPACTION EQUIPMENT SHALL BE PLACED IN MAXIMUM 6-INCH LOOSE FILL MATERIAL COMPACTED BY HEAVY COMPACTION EQUIPMENT SHALL BE PLACE IN MAXIMUM 12-INCH LOOSE LIFTS. VIBRATORY COMPACTION EQUIPMENT SHALL BE USED FOR GRANULAR MATERIAL, AND SLOTTED STEEL-WHEEL OR SHEEPSFOOT ROLLERS SHALL BE USED FOR COHESIVE, FINE-GRAINED SOILS.

   5.C. EACH FILL LAYER SHALL BE MOISTENED OR AERATED AS NECESSARY TO OBTAIN THE REQUIRED COMPACTION, SOIL MATERIAL WHICH IS REMOVED BECAUSE IT IS TOO WET TO PERMIT PROPER COMPACTION CAN BE STOCKPILED, OR SPREAD AND ALLOWED TO DRY. WHEN THE SOIL IS TOO DRY, WATER SHOULD BE APPLIED UNIFORMLY TO THE SUBGRADE SURFACE OR TO THE LAYER TO BE COMPACTED.

   5.D. ALL NEW FILL PLACED FOR THE PROJECT SHALL BE COMPACTED TO AT LEAST 98 PERCENT OF THE LABORATORY MAXIMUM DRY DENSITY AS DETERMINED BY THE STANDARD PROCTOR METHOD (ASTM D-698). THE MOISTURE CONTENT OF THE SOIL SHALL BE AT OR WITHIN TWO (2) PERCENTAGE POINTS OF THE OPTIMUM MOISTURE CONTENT.

6. FIELD DENSITY TESTS ON THE BUILDING SITE SHALL BE PERFORMED IN ACCORDANCE WITH ASTM D-6938 (NUCLEAR METHOD). A MINIMUM OF THREE (3) FIELD DENSITY TESTS SHALL BE CONDUCTED FOR EACH LIFT OF FILL PLACED OR A MINIMUM OF EVERY 2,500 SQUARE FEET OF FILL PLACED, WHICHEVER IS GREATER, TO VERIFY THE COMPACTION.

7. MATERIALS TESTING FOR CONSTRUCTION WITHIN THE WVDOH RIGHT-OF-WAY SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS ROAD AND BRIDGE SPECIFICATIONS.

8. ALL EXCAVATION AND FILL PLACEMENT SHALL BE TO THE LINES AND GRADES AS SHOWN ON THESE CONSTRUCTION PLANS. CHANGES OR REVISIONS TO THESE CONSTRUCTION PLANS SHALL NOT BE MADE WITHOUT APPROVAL BY THE OWNER, ENGINEER AND ALL APPLICABLE REGULATORY AGENCIES.

9. SUBGRADE ON CUT SHALL BE COMPACTED FOR A MINIMUM OF ONE (1) FOOT IN SUBGRADE IN FILL SHALL MEET THE COMPACTION REQUIREMENTS STATED ABOVE AT ALL LEVELS.

10. AREAS OF WET OR SOFT MATERIAL UNDER ROADS OR BUILDINGS SHALL BE PARTIALLY OVER-EXCAVATED AND REPLACED WITH SUITABLE MATERIAL AS DIRECTED BY A GEOTECHNICAL ENGINEER.

11. AGGREGATE USED IN BASE COURSES SHALL BE CONSTRUCTED ON A COMPACTED SUBGRADE FREE OF ORGANIC MATTER. AGGREGATE SHALL BE WVDOH CLASS 1 AGGREGATE AND SHALL BE PLACED AND COMPACTED IN A MOIST CONDITION SO THAT THE FINES REMAIN MIXED WITH THE COARSER MATERIAL.

12. ASPHALTIC CONCRETE, WHERE APPLICABLE, SHALL BE APPLIED TO THE PREPARED GRAVEL SUBBASE FOLLOWING THE APPLICATION OF A LIQUID ASPHALT PRIME COAT. ASPHALT SHALL CONSIST OF THE PLANT-MIXED BITUMINOUS MATERIAL ROLLED SMOOTH. THE ASPHALT SURFACE SHALL BE SMOOTH, SEAMLESS AND OF A UNIFORM TEXTURE. ASPHALT MATERIAL SHALL COMPLY WITH THE MINIMUM SPECIFICATIONS REQUIRED BY HE WVDOH ROAD AND BRIDGE SPECIFICATIONS.

13. ROADWORK WITHIN EXISTING OR PLANNED WVDOH RIGHT-OF-WAY SHALL CONFORM TO THE LATEST EDITIONS OF THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS ROAD AND BRIDGE SPECIFICATIONS AND STANDARDS AND WEST VIRGINIA E & SC REGULATIONS.

14. CONTRACTOR SHALL FURNISH ALL MATERIALS, LABOR AND EQUIPMENT REQUIRED AND SHALL PERFORM ALL WORK INCLUDING RESTORATION FOR THE COMPLETED INSTALLATION OF UTILITY SYSTEMS AND ALL OTHER IMPROVEMENTS SHOWN OR IMPLIED AS NECESSARY. UNLESS OTHERWISE NOTED, SPECIFICATIONS FOR ALL WORK SHALL BE IN ACCORDANCE WITH THE APPLICABLE STANDARDS AND CONTRACT SPECIFICATIONS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS.

15. ANY DISCREPANCIES FOUND BETWEEN THE DRAWINGS AND SITE CONDITIONS OR ANY INCONSISTENCIES OR AMBIGUITIES IN DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER IN WRITING, WHO SHALL PROMPTLY ADDRESS SUCH INCONSISTENCIES OR AMBIGUITIES IN WRITING WORK DONE BY THE CONTRACTOR AFTER HIS DISCOVERY OF SUCH DISCREPANCIES, INCONSISTENCIES OR AMBIGUITIES, WITHOUT CLARIFICATION FROM THE ENGINEER OF RECORD, SHALL BE DONE AT THE CONTRACTOR'S RISK.

16. CONTRACTOR TO VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES AND NOTIFY THE ENGINEER OF ANY CONFLICTS WITH EXISTING AND PROPOSED UTILITIES. DAMAGE TO EXISTING UTILITIES SHALL BE THE CONTRACTOR'S RESPONSIBILITY.

17. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION STAKEOUT. ALL DIMENSIONS AND ELEVATIONS SHOWN ON THE CONTRACT DOCUMENTS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO BEGINNING WORK.

18. ANY UNUSUAL SUBSURFACE CONDITIONS ENCOUNTERED DURING THE COURSE OF THE WORK SHALL BE BROUGHT TO THE ATTENTION OF THE GEOTECHNICAL ENGINEER/OWNER.

19. ACCESS BY EMERGENCY VEHICLES MUST BE MAINTAINED AT ALL TIMES. ACCESS TO FIRE HYDRANTS MUST NOT BE IMPEDED AT ANY TIME BY PARKED CARS OR EQUIPMENT, CONSTRUCTION MATERIALS, SOIL STOCKPILES, ETC.

20. ALL EXCAVATION AND TRENCHING SHALL BE PERFORMED IN ACCORDANCE WITH OSHA RULES AND REGULATIONS.

21. THE HORIZONTAL AND VERTICAL LOCATIONS OF ALL EXISTING UTILITIES, AS SHOWN HEREON, ARE APPROXIMATE ONLY. NO GUARANTEE IS HEREIN MADE OR IMPLIED THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN. IT SHALL BE THE CONTRACTOR'S AND/OR THE OWNER'S RESPONSIBILITY TO CONTACT ALL UTILITY COMPANIES AND TO VERIFY THE TYPE, SIZE, AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO STARTING THE WORK. ANY DISCREPANCIES IN OR FROM THE INFORMATION SHOWN HEREON SHALL BE REPORTED TO CHEAT ROAD ENGINEERING, INC., PRIOR TO COMMENCING CONSTRUCTION.

22. UNLESS OTHERWISE NOTED OR SHOWN HEREON, ALL PROPOSED UTILITIES ARE TO BE INSTALLED UNDERGROUND.

23. THE CONTRACTOR SHALL ADVISE CHEAT ROAD ENGINEERING, INC., OF ANY EXISTING SUBSURFACE SPRINGS OR DRAINS ENCOUNTERED DURING THE COURSE OF CONSTRUCTION, SO THAT ADEQUATE PROVISIONS MAY BE MADE TO EXTEND AND/OR CONNECT THE SPRING AND/OR DRAIN TO THE NEAREST EXISTING OR PROPOSED STORM DRAINAGE STRUCTURE.

24. UNLESS OTHERWISE NOTED, ALL PROPOSED ELEVATIONS AS SHOWN HEREON ARE FINISHED GRADE.

25. THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE OWNER OF COMPLYING WITH OTHER APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.

26. THE CONTRACTOR SHALL MILL TO A DEPTH OF 1.5" AND CONSTRUCT A STANDARD 10' WVDOH HEEL-IN TO PROVIDE A SMOOTH TRANSITION BETWEEN THE EXISTING AND NEW ASPHALT PAVEMENT.

27. THE CONTRACTOR SHALL REMOVE THE EXISTING PAVEMENT AND MAINTAIN A TEMPORARY DUST-FREE GRAVEL SURFACE SUITABLE FOR VEHICULAR INGRESS AND EGRESS DURING CONSTRUCTION.

28. CHANGES OR REVISIONS TO THESE CONSTRUCTION PLANS SHALL NOT BE MADE WITHOUT APPROVAL BY THE OWNER, ENGINEER AND ALL APPLICABLE REGULATORY AGENCIES (I.E. JEFFERSON COUNTY PLANNING/ENGINEERING).

29. CONTRACTOR TO MAINTAIN LIMITS OF CLEARING AND GRADING AND ENSURE CONSTRUCTION MATERIALS AND DEBRIS ARE CONFINED WITHIN THE CLEARING AND GRADING LIMITS AS SHOWN TO PRECLUDE ANY OFFSITE DISTURBANCE TO EXISTING VEGETATION AND/OR SLOPES ADJACENT TO THE SITE.

30. LETTERS OF PERMISSION ARE REQUIRED FOR OFFSITE CLEARING AND / OR GRADING.

31. BOUNDARY AND TOPOGRAPHIC SURVEY DATA WAS OBTAINED FROM A PROFESSIONAL SURVEYOR LICENSED IN WEST VIRGINIA.
ROBERTS LAND SURVEYING, (304)671-5406, WV P.S. LICENSE NO. 799

32. NO PORTION OF THE SUBJECT PROPERTY IS LOCATED IN A 100 YEAR FLOOD PLAIN AS PER F.I.R.M. FLOOD INSURANCE RATE MAP NUMBER 54003C0165E EFFECTIVE DATE 07/07/09.

33. THE CURRENT NATIONAL WETLANDS INVENTORY MAP DOES NOT SHOW WETLANDS/SENSITIVE AREAS ON THE SUBJECT PROPERTY.

34. DOH: THERE WILL BE NO NEW ENTRANCES ONTO EXISTING WVDOH ROADS. CHANGE OF USE DATA HAS BEEN FORWARDED TO WVDOH FOR APPROVAL.

35. ZONING ORDINANCE NOTES:
THE PROPOSED ROCKY RIDGE DEVELOPMENT INCLUDES BUT IS NOT LIMITED TO THE CONSTRUCTION OF 132 TOWNHOMES AS WELL AS SELF STORAGE UNITS ALONG WITH ASSOCIATED ROADS, UTILITIES AND STORMWATER MANAGEMENT FACILITIES.THE SITE IS LOCATED IN MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. THE SUBJECT PROPERTY SHOWN HEREIN IS LOCATED ON TAX MAP 1, PARCEL 1.1 AND 1.2. THE PROPERTY OWNER IS ILA PROPERTIES.

PRELIMINARY PLAT NOTES: SEE SHEET C-111
COMMERCIAL SITE PLAN NOTES: SEE SHEET C-112

TOWNHOME (RESIDENTIAL) SETBACK

FRONT:	25'
SIDE (CONFRONTING END UNITS):	12'
SIDE (ABUTTING INTERNAL SUBDIVISION STREET):	15'
SIDE (ABUTTING ROW >/= 40'):	15'
REAR:	20'

COMMERCIAL SETBACK

FRONT:	25'
SIDE:	25'
REAR:	25'

COMMERCIAL PARKING SETBACK

FRONT:	15'
SIDE:	10'
REAR:	10'

36. LANDSCAPING NOTES: SEE SHEET C-700 - C-702
WVDOH NOTES: SEE SHEET C-800's
BCPSSD NOTES: SEE SHEET C-400's
BCPSWD NOTES: SEE SHEET C-500's

SUBDIVISION ORDINANCE SUMMARY:

37. PROPERTY CORNERS ARE TO BE SET WITH REBARS WITH I.D. CAPS UNLESS OTHERWISE NOTED.

38. THE DEVELOPMENT IS NOT SUBJECT TO ANY SPECIAL REQUIREMENTS BY THE JEFFERSON COUNTY PLANNING COMMISSION.

39. SITE GRADING: FILL SLOPES SHALL NOT EXCEED 3:1 AND CUT SLOPES SHALL NOT EXCEED 2:1.

40. ALL UTILITY TRANSMISSION LINES (E.G. ELECTRIC, PHONE, CABLE, WATER, SEWER, ETC.) AND SERVICE LINES WITHIN THE SUBDIVISION OR SITE DEVELOPMENT AREA SHALL BE UNDERGROUND.

41. MINIMUM COVER OF CULVERTS IS 1' UNLESS OTHERWISE SHOWN.

42. AT THIS TIME NO OFF SITE BORROW PITS ARE ANTICIPATED FOR THIS PROJECT.

43. CONTACT JEFFERSON COUNTY E911 COORDINATOR FOR INSTALLATION OF STREET SIGNS. ALL SIGNS SHALL COMPLY WITH COUNTY ADDRESSING REQUIREMENTS.

44. A BUILDING PERMIT WILL BE OBTAINED AND SIGNAGE SHALL BE INCONFORMANCE WITH ALL EXISTING ORDINANCES IN JEFFERSON COUNTY AND/OR STATE AND FEDERAL LAW.

45. EXISTING RIGHTS OF WAY AND EASEMENTS FOR UTILITIES ARE SHOWN ON THE PLANS ON SHEET C-114.

46. PROPOSED EASEMENTS OR RIGHTS-OF-WAY ARE SHOWN ON THE PLAT.

47. THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAY PROPOSED AT THIS TIME.

48. PROPOSED DEVELOPMENT IS NOT WITHIN 500' OF A STREAM.

49. THERE ARE NO KNOWN CABLE, SEWER OR WATER UTILITIES EXISTING ON SITE OTHER THAN THOSE IDENTIFIED ON THE EXISTING CONDITIONS SHEET (C-100)

50. EXISTING TREES ARE TO REMAIN IN THEIR NATURAL CONDITION THROUGHOUT THE PROJECT WHEREVER PRACTICAL.

51. LANDSCAPING BUFFER WILL CONSIST OF VEGETATION. NO OPAQUE SCREEN/FENCE IS PROPOSED. ANY FENCING WITHIN THE BUFFER CANNOT EXCEED 6' IN HEIGHT.

52. OPEN SPACE AREAS RESERVED FOR SEMI-PUBLIC USE ARE SHOWN ON THE PLANS. NO RESERVATIONS OF LAND FOR PUBLIC USE ARE PROPOSED.

53. SITE LIGHTING PROVIDED SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE ILLUMINATING ENGINEERING SOCIETY'S "AMERICAN NATIONAL STANDARD FOR ROADWAY LIGHTING". LIGHTING LAYOUT SUBJECT TO CHANGE PER DESIGN BY POWER COMPANY; HOWEVER MAXIMUM POLE HEIGHT SHALL BE 15' AND MAXIMUM DISTANCE BETWEEN LIGHT UNITS SHALL BE MAINTAINED.

54. THERE ARE NO KNOWN OFF-SITE MAN-MADE STRUCTURES LOCATED WITHIN 200' DOWNSTREAM OF ANY DRAINAGE PIPE OR STORMWATER MANAGEMENT FACILITY. THEREFORE NO OFF-SITE STRUCTURES AND ASSOCIATED TOPOGRAPHY HAS BEEN SHOWN.

56. ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE PRIOR TO CONSTRUCTION OF THE LOT.

57. ALL LOTS SHALL BE SERVED BY INTERIOR SUBDIVISION ROADS.

58. A BLANKED EASEMENT SHALL BE GIVEN TO ALL PUBLIC SERVICE DISTRICTS IN ALL SUBDIVISION RIGHTS OF WAY FOR PURPOSE OF CONSTRUCTING WATER AND /OR SEWER LINES AND FACILITIES.

59. HILLSIDE REGULATIONS DO NOT APPLY TO THE SUBJECT PROPERTY.

60. THE POTOMAC AND SHENANDOAH RIVER SETBACKS DO NOT APPLY TO THE SUBJECT PROPERTY.

61. A HOMEOWNER'S ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF THE PROPERTIES ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL PROPERTY OWNERS WITHIN THE SUBDIVISION. ALL DEVELOPERS SHALL DEDICATE ALL COMMON LAND (SWM BASINS, ROADS, RIGHTS OF WAY, ETC.) TO THE HOA.

62. A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY OWNED LAND, INCLUDING, BUT NOT LIMITED TO THE PRIVATE ROAD SYSTEM WITHIN THE SUBDIVISION. THIS COMMON INTEREST OWNERSHIP AGREEMENT MUST BE DEVELOPMED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.

63. ONCE A HOMEOWNER'S ASSOCIATION IS FORMED THEY SHALL PETITION THE COUNTY COMMISSION TO ADOPT A LEASH LAW, IN ALL SUBDIVISIONS WITH MORE THAN TEN (10) LOTS.

64. SERVICE LATERALS TO INDIVIDUAL LOTS SHALL BE INSTALLED BEFORE FINISHED ROAD SURFACES ARE CONSTRUCTED.

65. STORM WATER MANAGEMENT FOR THE PROJECT IS PROVIDED AS SHOWN IN THE PLANS AND IN THE STORMWATER MANAGEMENT REPORT (REVIEWED AND APPROVED BY BERKELEY COUNTY ENGINEERING).

66. PRIVATE WELLS AND/OR PRIVATE SEPTIC SYSTEMS FOR DOMESTIC USE ARE PROHIBITED WHEN CENTRAL WATER AND/OR SEWER SERVICE IS AVAILABLE.

67. THE PROPOSED SITE IMPROVEMENTS FOR 'ROCKY RIDGE' INCLUDE BUT ARE NOT LIMITED TO, THE CONSTRUCTION OF 132 TOWNHOMES, A MINI STORAGE FACILITY, ROADS, DRIVE AISLES AND PARKING AREAS WITH ASSOCIATED DRAINAGE STRUCTURES AND PUBLIC UTILITIES. 'ROCKY RIDGE' IS LOCATED IN DISTRICT 07, MIDDLEWAY MAP 1, PARCEL 1.2 AND 1.1 OF JEFFERSON COUNTY, WEST VIRGINIA AS RECORDED IN DB1215, PG 144 AND ARDEN DISTRICT MAP 17 PARCEL 18 OF BERKELEY COUNTY, WEST VIRGINIA AS RECORDED IN DB 480, PG515. THE PROPERTY OWNER IS ILA PROPERTIES.

68. THE SITE ACREAGE IS 17.89 ACRES. ? I think the total site is 23.6 acres. Of that 17.98 acres are being used for the townhouse development and 5.62 acres are being used for the commerical devleopment??

69. THE TOPOGRAPHIC CONTOUR INTERVAL IS TWO (2) FOOT. TOPOGRAPHIC INFORMATION WAS COMPILED FROM AN AERIAL SURVEY PREPARED BY ROBERTS SURVEYING JANUARY 2019. HORIZONTAL DATUM IS REFERENCED TO THE WEST VIRGINIA COORDINATE SYSTEM OF 1983, NORTH ZONE. VERTICAL DATUM IS REFERENCED TO NAVD 88.

70. PERIMETER BOUNDARY INFORMATION SHOWN HEREON IS PER A FIELD RUN SURVEY PERFORMED IN JANUARY OF 2019 BY ROBERTS SURVEYING. IT HAS BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1:7500 OR BETTER.

71. THE SUBJECT PROPERTY IS LOCATED ON F.E.M.A. MAPS 54003C0170E DATED JULY 7, 2009 AND 54037C0020E DATED DECEMBER 18, 2009. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN AREA (ZONE A). THE PROPERTY IS IN ZONE X.

72. THE CURRENT NATIONAL WETLANDS INVENTORY MAP DOES NOT SHOW WETLANDS/SENSITIVE AREAS ON THE SUBJECT PROPERTY.

73. CHANGES OR REVISIONS IN CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST APPROVED BY JEFFERSON COUNTY AND/OR OTHER APPROPRIATE AGENCIES.

74. SEE RESPECTIVE SHEETS FOR LEGEND OF SYMBOLS USED HEREIN.

UTILITY AGENCIES SERVING PROJECT AREA

MISSUTILITY
1-800-245-4848
WWW.WV811.COM

SEWER
BCPSSD
304-263-8566

TELECOMMUNICATIONS
FRONTIER
304-284-0502

WATER
BCPSWD
304-267-4600

ELECTRIC
POTOMAC EDISON POWER COMPANY
800-686-0011

REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB
2	10.11.19	PRELIMINARY PLAT	TLL
3	01.31.20	SITE PLAN RESUBMISSION	ZPB
4	03.04.20	REVISED BASED ON COMMENTS	ZPB
5	04.03.20	PSWD REVISIONS	TLL
6	04.15.20	JEFFERSON RESUBMISSION	ZPB
7	06.17.20	DOH UPDATES	TLL
8	08.11.20	JEFFERSON REVISION 4	TLL

CHEAT ROAD ENGINEERING, INC.
5011 MID ATLANTIC DRIVE
MORGANTOWN, WV 26508
PHONE: (304) 212-5480

ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD

DISTRICT:07 MIDDLEWAY MAP:1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

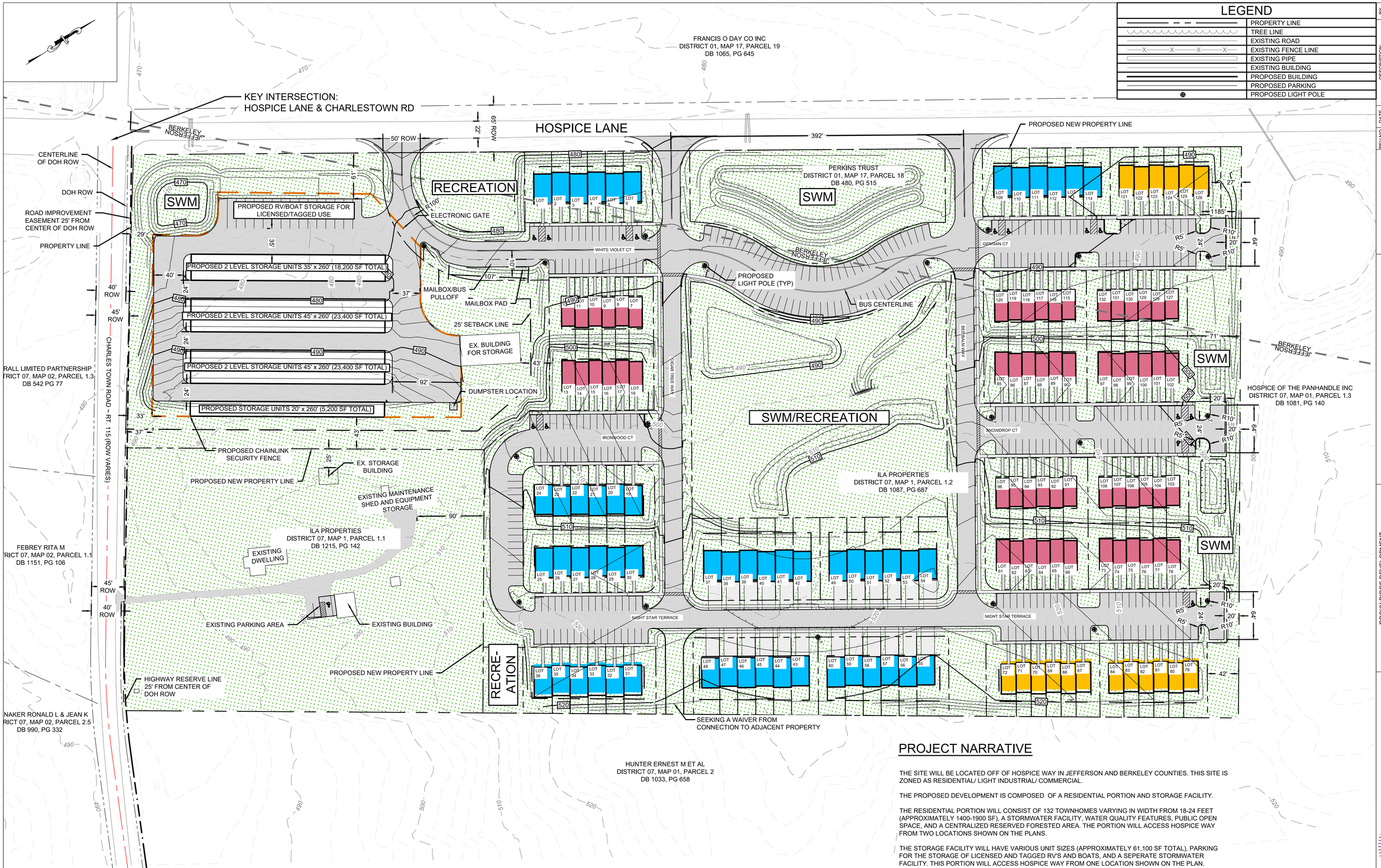
18-115_SITE AND STORM SHEETS.DWG

DRAWN BY:	Z. BARTLEY	SCALE:	NTS
CHECKED BY:	T. LLOYD	DATE:	November 5, 2019

TREVOR LLOYD
REGISTERED
19190
STATE OF
WEST VIRGINIA
PROFESSIONAL ENGINEER
8/9/20

GENERAL NOTES

SHEET NUMBER:
GN



LEGEND

	PROPERTY LINE
	TREE LINE
	EXISTING ROAD
X X X X	EXISTING FENCE LINE
	EXISTING PIPE
	EXISTING BUILDING
	PROPOSED BUILDING
	PROPOSED PARKING
	PROPOSED LIGHT POLE

REV NO.	DATE	DESCRIPTION	BY
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ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD

DISTRICT 07 MIDDLEWAY MAP 1 PARCEL 1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

18-115_SITE AND STORM SHEETS.DWG

DRAWN BY: Z. BARTLEY
CHECKED BY: T. LLOYD
SCALE: 1" = 60'
DATE: November 5, 2019

TREVOR L. LLOYD
REGISTERED
19190
STATE OF WEST VIRGINIA
PROFESSIONAL ENGINEER
8/11/20

SITE LAYOUT

SHEET NUMBER:
C-110

NOTE:
- DRIVE AISLE AND LANE WIDTHS ARE NOTED ON PLAN AND PROFILE SHEETS C-200'S TO REDUCE CLUTTER ON SITE PLAN AND GRADING SHEETS.
- LANDSCAPING PLANS AND NOTES ARE LOCATED ON C-700's TO REDUCE CLUTTER.

PROJECT NARRATIVE

THE SITE WILL BE LOCATED OFF OF HOSPICE WAY IN JEFFERSON AND BERKELEY COUNTIES. THIS SITE IS ZONED AS RESIDENTIAL/ LIGHT INDUSTRIAL/ COMMERCIAL.

THE PROPOSED DEVELOPMENT IS COMPOSED OF A RESIDENTIAL PORTION AND STORAGE FACILITY.

THE RESIDENTIAL PORTION WILL CONSIST OF 132 TOWNHOMES VARYING IN WIDTH FROM 18-24 FEET (APPROXIMATELY 1400-1900 SF), A STORMWATER FACILITY, WATER QUALITY FEATURES, PUBLIC OPEN SPACE, AND A CENTRALIZED RESERVED FORESTED AREA. THE PORTION WILL ACCESS HOSPICE WAY FROM TWO LOCATIONS SHOWN ON THE PLANS.

THE STORAGE FACILITY WILL HAVE VARIOUS UNIT SIZES (APPROXIMATELY 61,100 SF TOTAL), PARKING FOR THE STORAGE OF LICENSED AND TAGGED RV'S AND BOATS, AND A SEPERATE STORMWATER FACILITY. THIS PORTION WILL ACCESS HOSPICE WAY FROM ONE LOCATION SHOWN ON THE PLAN. TOTAL HEIGHT OF TWO STORY STORAGE BUILDINGS WILL BE 20'. SINGLE STORY STORAGE BUILDINGS WILL HAVE A HEIGHT OF 10'

ALL BUILDING PERMITS SHALL BE OBTAINED FROM JEFFERSON COUNTY OFFICE OF BUILDING PERMITS. ALL PLANS MUST BE APPROVED BY JEFFERSON COUNTY OFFICE OF PLANNING & ENGINEERING, WITH COPIES SENT TO BERKELEY COUNTY ENGINEERING AND PLANNING FOR RECORD.
ALL STORMWATER MANAGEMENT & MS4 PLANS TO BE APPROVED BY BERKELEY COUNTY DUE TO DISCHARGE LOCATION OF ON SITE STORMWATER.

0 60 120 Feet

TOWNHOME SETBACK

FRONT:	25'
SIDE (CONFRONTING END UNITS):	12'
SIDE (ABUTTING INTERNAL SUBDIVISION STREET):	15'
SIDE (ABUTTING ROW >/= 40'):	15'
REAR:	20'

SIDEWALKS:

ALL SIDEWALKS ARE 4' WIDE

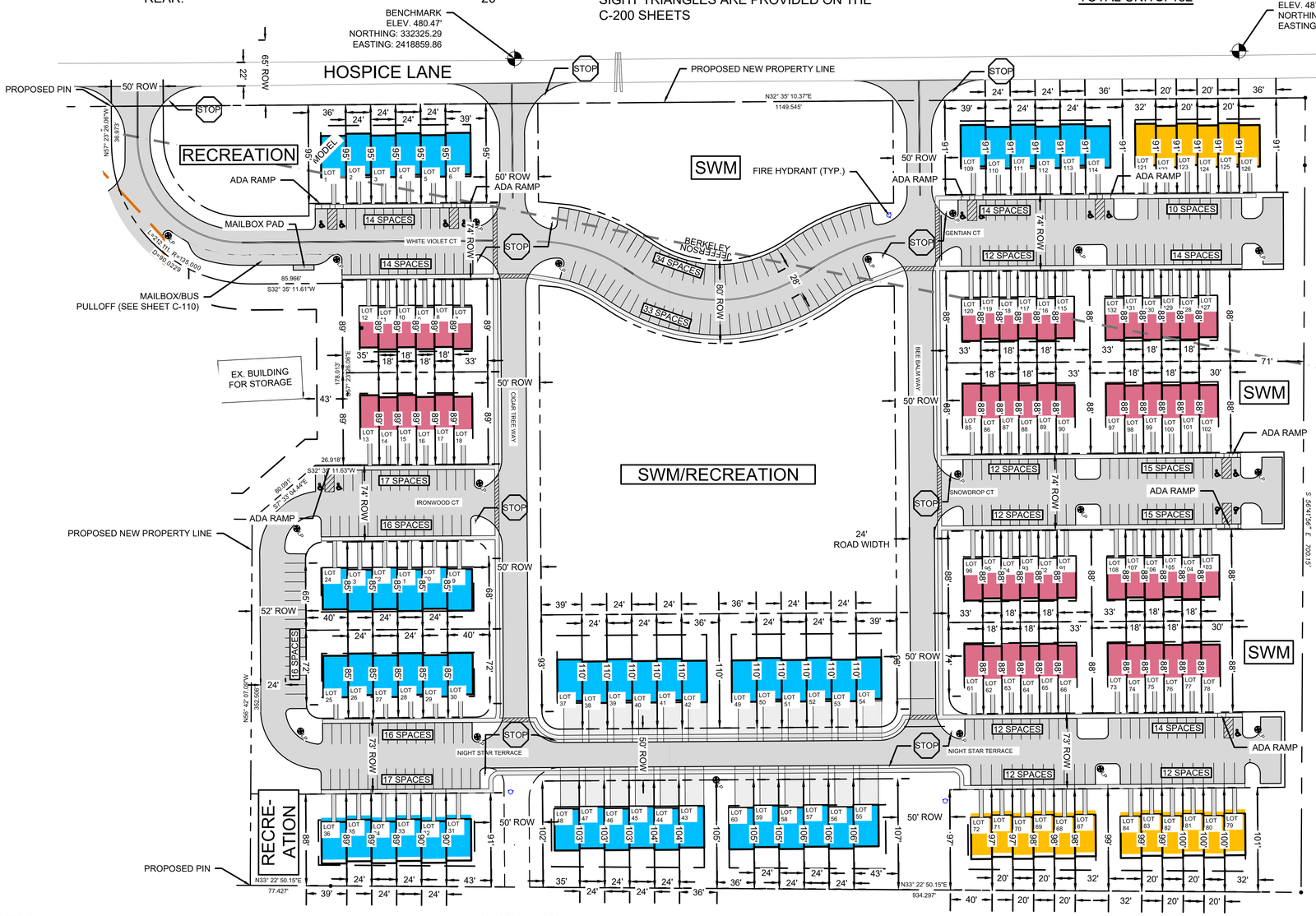
SIGHT TRIANGLES:
SIGHT TRIANGLES ARE PROVIDED ON THE C-200 SHEETS

18' WIDE UNITS (60)
20' WIDE UNITS (18)
24' WIDE UNITS (54)

TOTAL UNITS: 132

LEGEND

	PROPERTY LINE
	TREE LINE
	EXISTING ROAD
	EXISTING FENCE LINE
	EXISTING PIPE
	EXISTING BUILDING
	PROPOSED BUILDING
	PROPOSED BUILDING SETBACK
	PROPOSED PARKING
	EXISTING SURVEY MONUMENT
LP	PROPOSED LIGHT POLE
STOP	PROPOSED STOP SIGN



GENERAL INFORMATION:

ZONING
THIS PROPERTY IS ZONED RESIDENTIAL/ LIGHT INDUSTRIAL/COMMERCIAL.

PROPOSED USE
132 TOWNHOMES & A MINI STORAGE FACILITY

SOIL AND GEOLOGICAL DATA
SOILS MAPPING HAS BEEN TAKEN FROM BERKELEY COUNTY, WEST VIRGINIA SOIL SURVEY BY THE NATIONAL CARTOGRAPHY CENTER AND GEOSPATIAL CENTER FORT WORTH TEXAS. PLEASE REFER TO EXISTING CONDITIONS SHEET (C-100)

GROSS DENSITY
TOWNHOMES:
132 DWELLINGS / 17.98 ACRE
7.34 DWELLINGS / 1 ACRE
43560 / 7.34 = 5934.60 SQ.FT. / UNITS (REQUIRED 3500 SQ.FT.)
ALL LOTS EXCEED MINIMUM LOT SIZE REQUIREMENT (MIN. 1400 SQ.FT.)
IMPERVIOUS AREA: 7.16 ACRE (IMPERVIOUS) / 17.98 ACRE (TOTAL) = 39.8 %

HISTORICAL USE:
FARM LAND / PASTURE

SENSITIVE AREAS
THERE ARE NO KNOWN SENSITIVE AREAS INCLUDING: SINKHOLES, CAVES, OR SPRINGS WITHIN THE SCOPE OF THE PROJECT. SEE EXISTING CONDITIONS SHEETS FOR IMPACTED SITE FEATURES.

PROPOSED UTILITIES
SANITARY SEWER (BERKELEY COUNTY PSD)
PUBLIC WATER (BERKELEY COUNTY PSD)
STORM SEWER

PARKING
ALL SPACES ARE MINIMUM OF 9' WIDE AND 20' LONG

REQUIRED PARKING: (2*132 UNITS + 0.25*396 TOTAL BEDS)	363 SPACES
DRIVEWAY/GARAGE PARKING CREDITS: (1.5*24)	36 SPACES
PROVIDED PARKING:	327 SPACES
TOTAL PROVIDED PARKING:	363 SPACES
ADA PARKING REQUIRED (4% * 363 SPOTS = 14.5) = 15	ADA PARKING PROVIDED: 15 SPACES

TRAFFIC (CHARLES TOWN RD)

EXISTING ADT (WVDOH AADT MAP, 2017):	5046 TRIPS
PROPOSED ADT: (132 TOWNHOMES * 7/D.U.) +(61,100SF STORAGE AREA * 2.8/1000 SF) =	925 TRIPS
COMBINED ADT: (132 TOWNHOMES * 7/D.U.)+(61,100SF STORAGE AREA * 2.8/1000 SF) + 5046 =	6142 TRIPS
PEAK HR TRIP GENERATION: (132 TOWNHOMES * 0.6 PEAK HR) + (0.29/D.U. * 338 STORAGE UNITS) =	178 TRIPS

RECREATION SPACE

TOTAL REC./OPEN SPACE:	4.56 AC (25.4% OF TOTAL, MIN. 10% REQUIRED)
TOTAL SWM AREA WITHIN REC SPACE:	1.02 AC (22.4%)

SCHOOL BUS ROUTE
SCHOOL BUS ACCESS WILL FOLLOW THE PORTIONS OF ROADWAY WITH THE DOUBLE YELLOW CENTER LINE. SHELTERS WILL BE PROVIDED ALONG THE ROUTE FOR STUDENTS TO WAIT FOR THE BUS,

MODEL HOMES/SALES OFFICE
MODEL HOMES WILL BE LOCATED ON THE SITE.
LOT 1 WILL HAVE A SALES OFFICE FOR SALES EXCLUSIVELY WITHIN DEVELOPMENT.
SEE SECTION 8.10 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE FOR MODEL HOMES/SALES OFFICES.

HOMEOWNERS ASSOCIATION
THE RESIDENTIAL PORTION OF THIS DEVELOPMENT WILL HAVE AN ESTABLISHED HOMEOWNERS ASSOCIATION PER NOTE 61.

EXISTING PROPERTY BOUNDARY/BOUNDARY ADJUSTMENT:
FOR EXISTING PROPERTY INFORMATION, PLEASE SEE SHEET C-100.
FOR ALL EXISTING AND PROPOSED EASEMENTS, PLEASE SEE SHEET C-114.
A SEPERATE SUBMISSION WILL BE COMPLETED FOR THE BOUNDARY ADJUSTMENT.

LIGHTING
LIGHT POLES ARE PROPOSED AS SHOWN ON THE PLANS. PROPOSED LIGHT POLES ARE NOT TO CREATE ANY OFFSITE GLARE AND ARE TO FOLLOW GUIDELINES IN ALL RELEVANT JEFFERSON COUNTY ORDINANCES.

ACCESS EASEMENTS
5' ACCESS EASEMENTS ARE PROVIDED BETWEEN ALL BUILDINGS AS SHOWN ON SHEET C-114.

0 60 120 Feet

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ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD
DISTRICT:07 MIDDLEWAY MAP-1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

18-115_SITE AND STORM SHEETS.DWG

DRAWN BY:	Z. BARTLEY
CHECKED BY:	T. LLOYD
SCALE:	1" = 60'
DATE:	November 5, 2019

TREVOR LLOYD
REGISTERED
19190
STATE OF WEST VIRGINIA
PROFESSIONAL ENGINEER
8/19/20

PRELIMINARY PLAT

SHEET NUMBER:
C-111

JEFFERSON COUNTY LANDSCAPE REQUIREMENTS:
1. Buffers and Screening (4.11E):
- A Medium Buffer (M-53) has been provided between the proposed commerical development and the proposed multi-family residential development. The (M-53) screening continues on to the existing adjacent residential property.
- A Narrow Buffer (M-54) has been provided between the proposed commercial development and the existing adjacent residential property.

2. Deciduous Street Trees (4.11 - I1b): The greater of 4 trees or 1 per 100' of frontage.
Proposed Commercial Development
Charles Town Road frontage= 397.94'
Street Trees Required: 397.94 / 100= 4
Street Trees Provided: 4
Hospice Lane frontage= 334.25'
Street Trees Required: 334.25 / 100= 4
Street Trees Provided: 4

Total Street Trees Required for commercial development = 8
Total Street Trees Provided for commercial development= 8

3. The owner of the property shall maintain required landscaping in good condition and shall make reasonable provisions to protect landscaped areas form damage caused by vehicles, pedestrians, shopping carts, etc. Dead or dying vegetation shall be replaced in a timely manner to maintain the integrity of the site requirements set forth in the zoning ordinance. Replacement trees and shrubs shall be of a standard nursery size consistent with that which is indicated in the plant list on this plan.

JEFFERSON COUNTY LANDSCAPE SPECIFICATIONS AND GENERAL LANDSCAPE INSTALLATION NOTES:
1. Confirm the locations of any utilities above or below ground prior to commencing work. Contact the Landscape Architect in the event that utilities or any other structure conflicts with the layout shown on the plan.

2. Verify the quantities shown on the plant list with totals indicated on the plan. Contact the Landscape Architect in the event that discrepancies exist. Supply unit prices to the Owner at time of bidding.

3. All materials are subject to approval by the Owner or Owner's representative. Provide the Owner with a tag from each plant species and a list of the plant suppliers. Where any requirements are omitted from the Plant List, use plants which meet the normal requirements for the variety according to the American Association of Nurserymen.

4. Plants shall be sound, healthy, vigorous, well branched, free of disease, insect eggs and larvae, and shall have adequate root systems.

5. Sizes specified in the Plant List are minimum sizes against which the plants will be judged. Failure to meet minimum size on any plant will result in rejection of that plant. All sizes and species mentioned are to be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-1980, or the latest revision).

6. Groups of shrubs shall be placed in a continuous mulched bed with smooth, continuous edges or as shown on the plan. All mulched beds shall be curvilinear in shape following the contour of the plant mass. Apply 3 inches of mulch uniformly over beds. Trees located within four feet of any shrub bed shall share the same bed. Grade finished planting beds so as not to impede surface drainage.

7. Locate trees a minimum of 3 feet from walls or walks. No plantings shall be located within four feet of a fire hydrant or siamese connection.

8. All plants six feet in height and taller are to be staked per Jefferson County Standards Detail M-42.

9. In areas of naturally occuring high wind or on slopes greater than 3:1, stake and guy all trees according with standard practice and/or the suppliers recommendations. At a minimum in such conditions, all deciduous trees shall be double-guyed with 72" hardwood stakes driven firmly into the ground. Secure tree to stakes with #9 galvanized wire guys with rubber hose connections. Stakes shall be 2" x 2" x 72".

10. Use natural shredded hardwood bark mulch in all planting beds including container planters and the rain garden. Mulch shall be applied to a pressed depth of 3" in all areas.

11. Remove all tags, twine and containers from installed plants. Roll back burlap one third on all B&B plants.

12. Plant substitutions are permitted with consent from the Landscape Architect.

13. Soil Specifications:
- For all traditional bedding areas mix into the top six inches of soil one cubic yard of manure, peat and 10-6-4 granular fertilizer per 100 square feet of area. Remove any turf, weeds or other vegetation completely prior to installation.
- For the Rain Garden planting area mix 80% sand, 15% screened native topsoil, and 5% peat. Pre-mixed rain garden soil is acceptable with prior approval from the engineer.

14. Plant all materials in their appropriate season. The Contractor shall guarantee all plant materials and workmanship for a period of one year from time of installation.

15. No existing plant material is slated to be preserved for this project.

16. Landscape weed barrier fabric is not specified for this site. Any use of weed barrier fabric must be approved by the owner.

17. The property owner shall be responsible for the maintenance of all landscaping and screening, including replacement of dead or dying materials, and the upkeep of any berm, walls, or fences.

18. The owner reserves the right to coordinate implementation, and to oversee standards, practices, and installation of proposed landscape plan.

19. See Jefferson County Standard Details M-41 and M-43, respectively, for lists of and location details for street trees.

20. Refer to Jefferson County Standard Details WM-56, WP-33, and WP-42 respectively for Basin Landscaping, Bank Vegetation, and Stream Vegetation where applicable. (Details not provided)

21. Landscape Contractor is to follow guidelines set forth in the Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area (Second Edition-1986). These Guidelines present methods for soil preparation, establishing turf, and installation of plant materials.

* PLANT SPACING VARIES (REFER TO PLANS AND PLANT MATERIAL LIST)

* COMPACT BACKFILL SOIL MIX IN 4" LIFTS TO ENSURE MAXIMUM STABILITY FOR PLANT MATERIAL.

* CONTRACTOR TO REGRADE, SOD, HYDROSEED, STRAW MULCH OR OTHER SURFACING AS APPLICABLE, TO ALL AREAS DISTURBED AS A RESULT OF THEIR WORK.

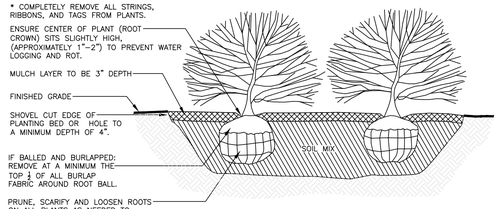
* PRUNE OUT ALL DAMAGED, DISEASED, OR DEAD LIMBS PRIOR TO COMPLETION.

* COMPLETELY REMOVE ALL STRINGS, RIBBONS, AND TAGS FROM PLANTS.

* REMOVE EXISTING SOD OR VEGETATION LAYER OVER THE PLANTING BED AREA PRIOR TO PLANTING. (IF INSTALLING SINGLE PLANTS THAT ARE NOT INCLUDED IN A LARGER PLANTING BED, REMOVE THE EXISTING VEGETATION LAYER FROM THE PLANTING EXCAVATION HOLE ONLY.)

* BACK FILL AROUND ROOT BALL TO A DEPTH ALLOWING FOR 3" LAYER OF MULCH AT FINISHED GRADE ELEVATION.

NOTE
DIMENSIONS FOR THE EXCAVATION OF THE PLANT ROOT BALL SHALL BE A MINIMUM:
– 1½ TIMES THE DEPTH OF THE ROOT BALL OR CONTAINER.
– 2 TIMES THE WIDTH OF THE ROOT BALL OR CONTAINER.



TYPICAL SHRUB PLANTING
SECTION NOT TO SCALE

NOTE
DIMENSIONS FOR THE EXCAVATION OF THE PLANT ROOT BALL SHALL BE A MINIMUM:
? 1½ TIMES THE DEPTH OF THE ROOT BALL OR CONTAINER.
? 2 TIMES THE WIDTH OF THE ROOT BALL OR CONTAINER.

* PLANT SPACING VARIES (REFER TO PLANS AND PLANT LIST)

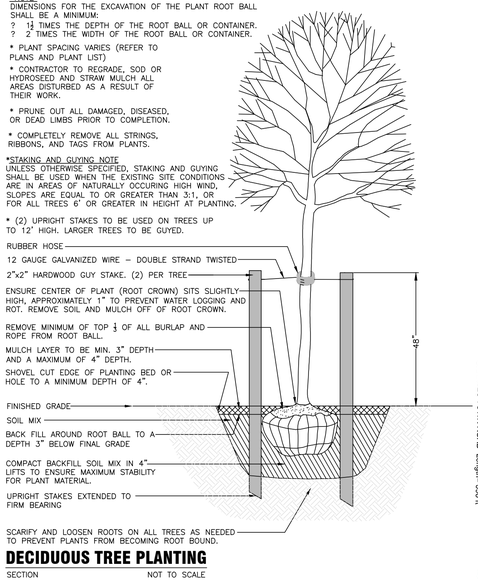
* CONTRACTOR TO REGRADE, SOD OR HYDROSEED AND STRAW MULCH ALL AREAS DISTURBED AS A RESULT OF THEIR WORK.

* PRUNE OUT ALL DAMAGED, DISEASED, OR DEAD LIMBS PRIOR TO COMPLETION.

* COMPLETELY REMOVE ALL STRINGS, RIBBONS, AND TAGS FROM PLANTS.

*STAKING AND GUYING NOTE
UNLESS OTHERWISE SPECIFIED, STAKING AND GUYING SHALL BE USED WHEN THE EXISTING SITE CONDITIONS ARE IN AREAS OF NATURALLY OCCURING HIGH WIND, SLOPES ARE EQUAL TO OR GREATER THAN 3:1, OR FOR ALL TREES 6' OR GREATER IN HEIGHT AT PLANTING.

* (2) UPRIGHT STAKES TO BE USED ON TREES UP TO 12' HIGH. LARGER TREES TO BE GUYED.



DECIDUOUS TREE PLANTING
SECTION NOT TO SCALE

COMMERCIAL STREET PLANT MATERIAL LIST

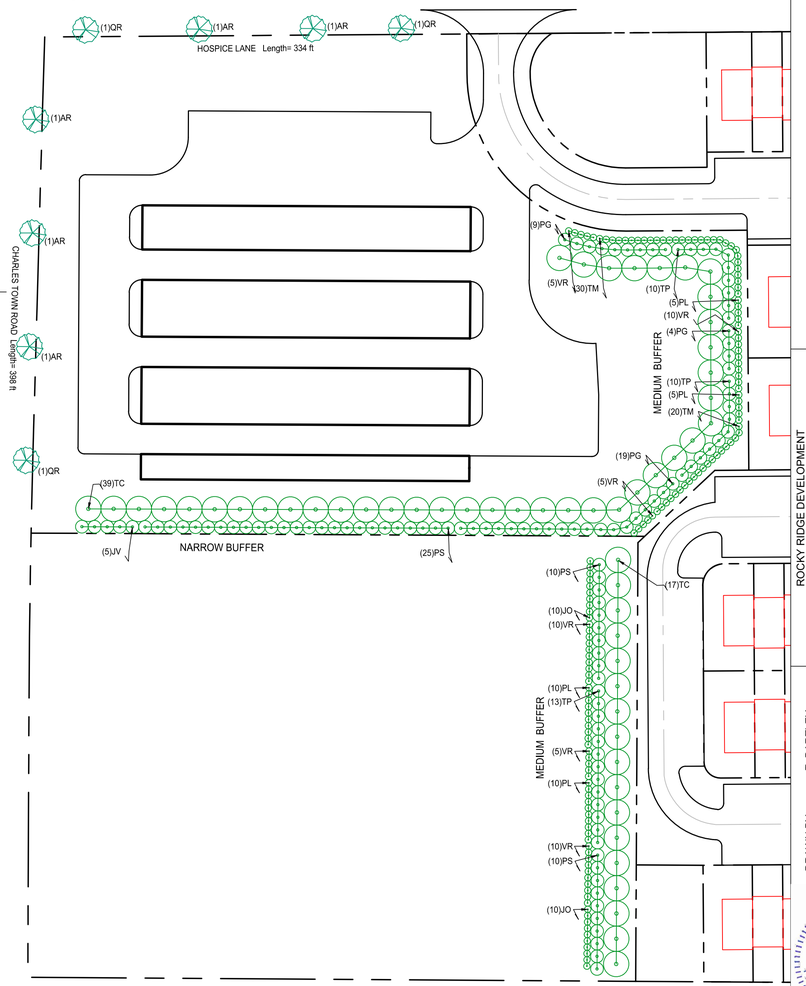
KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	SYMBOL
AR	5	Acer rubrum 'Redpointe'	Redpointe Red Maple	1 1/2" cal., 10' ht.	see plans	
QR	3	Quercus rubra	Red Oak	1 1/2" cal., 10' ht.	see plans	

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

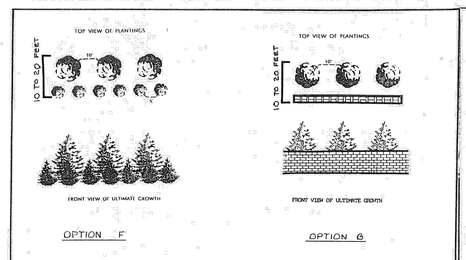
COMMERCIAL SCREENING PLANT MATERIAL LIST

	KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
Trees	JV	5	Juniperus virginiana	Eastern Redcedar	6' Height	10' O.C.
	PG	32	Picea glauca 'Densata'	Black Hills Spruce	6' Height	10' O.C.
	PS	45	Pinus Strobus	Eastern White Pine	6' Height	10' O.C.
	TP	33	Thuja plicata 'Green Giant'	Green Giant Arborvitae	6' Height	10' O.C.
	TC	56	Tsuga canadensis	Eastern Hemlock	6' Height	20' O.C.
Shrubs	JO	20	Juniperus virginiana 'Grey Owl'	Grey Owl Juniper	2' Height	5' O.C
	PL	30	Prunus laurocerasus 'Schipkaensis'	Skip Laurel	2' Height	5' O.C
	TM	50	Taxus x media 'Wardii'	Ward's Yew	2' Height	5' O.C
	VR	45	Viburnum rhytidophyllum	Leatherleaf Viburnum	2' Height	5' O.C

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING



0 60 120 Feet



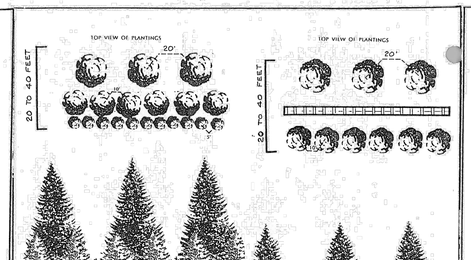
OPTION F

Planting Description – one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet.

OPTION G

Planting Description – one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; and a solid board fence, masonry or brick wall with a height of six (6) feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990 COUNTY ENGINEER	screen planting narrow buffer	REVISIONS:	DETAIL No. M-54



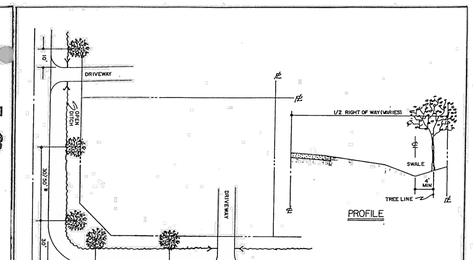
OPTION D

Planting Description – one row of evergreen shrubs with a height of two (2) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every five (5) linear feet; one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

OPTION E

Planting Description – one row of medium evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every ten (10) linear feet; a solid board fence, masonry or brick wall with a height of six (6) feet; one row of large evergreen trees with a height of six (6) feet or more when planted, likely to reach a height of thirty (30) feet or more at maturity, planted every twenty (20) linear feet.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: August 8, 1990 COUNTY ENGINEER	screen planting medium buffer	REVISIONS:	DETAIL No. M-53



NOTES:
1. THE DIMENSIONS SHOWN HERE ARE TYPICAL AND MAY BE MODIFIED IN SPECIFIC SITUATIONS WITH APPROVAL OF THE COUNTY ENGINEER.
2. TREES ARE TO BE LOCATED WITH THE FOLLOWING MINIMUM CLEARANCES:
   a. 5' FROM WATER METER
   b. 5' FROM GAS BOX
   c. 5' FROM INLET OR MH
   d. 10' FROM FIRE HYDRANT
   e. 15' FROM STREET LIGHT
3. MINOR TREE SPACING 30'(±5') O.C. MIN.
4. MAJOR TREE SPACING 50'(±5') O.C. MIN.
5. SHADE TREES TO BE 1 1/2" MINIMUM CALIPER 10' MINIMUM HEIGHT.
6. FLOWERING TREES TO BE 3/4" MINIMUM CALIPER 6' MINIMUM HEIGHT.
7. SPECIES TO BE AS APPROVED BY JEFFERSON COUNTY ENGINEER.
8. SEE DETAIL NO. M-42 FOR PLANTING DETAILS.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: April 17, 1989 COUNTY ENGINEER	tree location detail	REVISIONS:	DETAIL No. M-43

REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB
2	10.11.19	PRELIMINARY PLAT	TLL
3	01.31.20	SITE PLAN RESUBMISSION	ZPB
4	03.04.20	REVISED BASED ON COMMENTS	ZPB
5	04.03.20	PSWD REVISIONS	TLL
6	04.15.20	JEFFERSON RESUBMISSION	ZPB
7	06.17.20	DOH UPDATES	TLL
8	08.11.20	JEFFERSON REVISION 4	TLL

CHEAT ROAD ENGINEERING, INC.
5011 MID ATLANTIC DRIVE
MORGANTOWN, WV 26508
PHONE: (304) 212-5480

COMMERCIAL SITE PLAN
ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD
DISTRICT 07 MIDDLEWAY MAP-1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

DRAWN BY:	CHECKED BY:	SCALE:	DATE:
Z. BARTLEY	T. LLOYD		November 5, 2019

TREVOR LLOYD REGISTERED 19190 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER
8/19/20

COMMERCIAL LANDSCAPE PLAN
SHEET NUMBER:
C-700

JEFFERSON COUNTY LANDSCAPE REQUIREMENTS:

1. Non-required vegetative screening has been provided along the adjacent residential (Hospice) property to the northeast of the site to reduce the impact of the proposed development to the existing use.

2. Deciduous Street Trees (4.11 - I1b): The greater of 4 trees or 1 per 100' of frontage.

Proposed Residential Development

Hospice Lane frontage= 1,082'
- Street Trees Required: 1082 / 100= 11
- Street Trees Provided: 11

WHITE VIOLET CT = 1,220'
- Street Trees Required: 1220 / 100= 13
- Street Trees Provided: 13

CIGAR TREE WAY = 628'
- Street Trees Required: 628 / 100= 7
- Street Trees Provided: 7

BEE BALM WAY = 627'
- Street Trees Required: 627 / 100= 7
- Street Trees Provided: 7

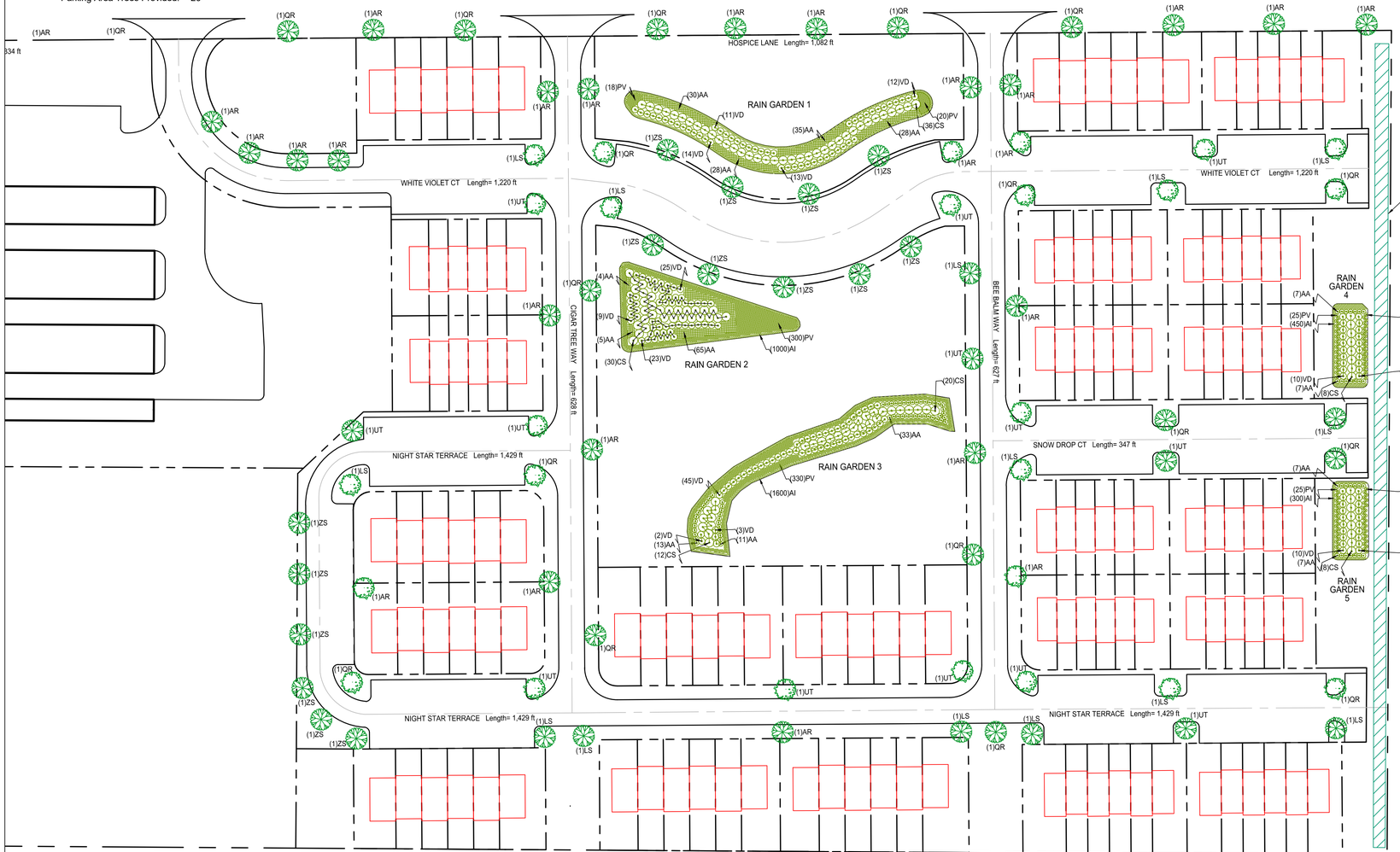
SNOW DROP CT = 347'
- Street Trees Required: 347 / 100= 4
- Street Trees Provided: 4

NIGHT STAR TERRACE = 1,429'
- Street Trees Required: 1429 / 100= 15
- Street Trees Provided: 15

Total Street Trees Required for residential development = 57

Total Street Trees Provided for residential development= 57

Parking Area Trees Provided: 26



RESIDENTIAL STREET TREE PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	
AR	20	Acer rubrum 'Redpointe'	Redpointe Red Maple		see plans	
LS	7	Liquidambar styraciflua	American Sweetgum		see plans	
QR	11	Quercus rubra	Red Oak		see plans	
UT	4	Ulmus 'Morton Glossy'	TRIUMPH Elm		see plans	
ZS	15	Zelkova serrata	Japanese Zelkova		see plans	

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIAL PARKING AREA PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	
AR	4	Acer rubrum 'Redpointe'	Redpointe Red Maple		see plans	
LS	7	Liquidambar styraciflua	American Sweetgum		see plans	
QR	6	Quercus rubra	Red Oak		see plans	
UT	9	Ulmus 'Morton Glossy'	TRIUMPH Elm		see plans	

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIAL RAIN GARDEN 1 PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
AA	14	Aronia arbutifolia 'Brilliantissima'	Brilliant Chokeberry	#3 container	4' O.C.
AI	300	Asclepias incarnata	Swamp Milkweed	Flats	1' O.C.
CS	8	Cornus sericea 'Cardinal'	Cardinal Red-twig Dogwood	#3 container	8' O.C.
PV	50	Panicum virgatum 'Shenandoah'	Shenandoah Switchgrass	#1 container	3' O.C.
VD	20	Viburnum dentatum	Arrowwood Viburnum	#5 container	6' O.C.

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIALRAIN GARDEN 2 PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
AA	14	Aronia arbutifolia 'Brilliantissima'	Brilliant Chokeberry	#3 container	4' O.C.
AI	450	Asclepias incarnata	Swamp Milkweed	Flats	1' O.C.
CS	8	Cornus sericea 'Cardinal'	Cardinal Red-twig Dogwood	#3 container	8' O.C.
PV	50	Panicum virgatum 'Shenandoah'	Shenandoah Switchgrass	#1 container	3' O.C.
VD	20	Viburnum dentatum	Arrowwood Viburnum	#5 container	6' O.C.

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIAL RAIN GARDEN 3 PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
AA	57	Aronia arbutifolia 'Brilliantissima'	Brilliant Chokeberry	#3 container	4' O.C.
AI	1500	Asclepias incarnata	Swamp Milkweed	Flats	1' O.C.
CS	29	Cornus sericea 'Cardinal'	Cardinal Red-twig Dogwood	#3 container	8' O.C.
PV	302	Panicum virgatum 'Shenandoah'	Shenandoah Switchgrass	#1 container	3' O.C.
VD	50	Viburnum dentatum	Arrowwood Viburnum	#5 container	6' O.C.

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIAL RAIN GARDEN 4 PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
AA	74	Aronia arbutifolia 'Brilliantissima'	Brilliant Chokeberry	#3 container	4' O.C.
AI	1000	Asclepias incarnata	Swamp Milkweed	Flats	1' O.C.
CS	30	Cornus sericea 'Cardinal'	Cardinal Red-twig Dogwood	#3 container	8' O.C.
PV	300	Panicum virgatum 'Shenandoah'	Shenandoah Switchgrass	#1 container	3' O.C.
VD	57	Viburnum dentatum	Arrowwood Viburnum	#5 container	6' O.C.

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

RESIDENTIAL RAIN GARDEN 5 PLANT MATERIAL LIST

KEY	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING
AA	121	Aronia arbutifolia 'Brilliantissima'	Brilliant Chokeberry	#3 container	4' O.C.
AI	1500	Asclepias incarnata	Swamp Milkweed	Flats	1' O.C.
CS	36	Cornus sericea 'Cardinal'	Cardinal Red-twig Dogwood	#3 container	8' O.C.
PV	38	Panicum virgatum 'Shenandoah'	Shenandoah Switchgrass	#1 container	3' O.C.
VD	55	Viburnum dentatum	Arrowwood Viburnum	#5 container	6' O.C.

ALL SIZES INDICATE PLANT HEIGHT AT TIME OF PLANTING

0 60 120 Feet

REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB
2	10.11.19	PRELIMINARY PLAT	TLL
3	01.31.20	SITE PLAN RESUBMISSION	ZPB
4	03.04.20	REVISED BASED ON COMMENTS	ZPB
5	04.03.20	PSWD REVISIONS	TLL
6	04.15.20	JEFFERSON RESUBMISSION	ZPB
7	06.17.20	DOH UPDATES	TLL
8	08.11.20	JEFFERSON REVISION 4	TLL

CHEAT ROAD ENGINEERING, INC.
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MORGANTOWN, WV 26508
PHONE: (304) 212-5480

ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD
DISTRICT:07 MIDDLEWAY MAP:1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

DRAWN BY: Z. BARTLEY
CHECKED BY: T. LLOYD
SCALE:
DATE: November 5, 2019

TREVOR LLOYD REGISTERED 19190 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER 8/11/20

RESIDENTIAL LANDSCAPE PLAN

SHEET NUMBER:
C-701

JEFFERSON COUNTY LANDSCAPE REQUIREMENTS:
1. Non-required vegetative screening has been provided along the adjacent residential (Hospice) property to the northeast of the site to reduce the impact of the proposed development to the existing use.

2. Deciduous Street Trees (4.11 - I1b): 1 per 100' of frontage.

3. Parking Lot Landscaping (4.11 - I3): Mix of evergreen and deciduous trees for partial screening and limited shade.

4. The owner of the property shall maintain required landscaping in good condition and shall make reasonable provisions to protect landscaped areas form damage caused by vehicles, pedestrians, shopping carts, etc. Dead or dying vegetation shall be replaced in a timely manner to maintain the integrity of the site requirements set forth in the zoning ordinance. Replacement trees and shrubs shall be of a standard nursery size consistent with that which is indicated in the plant list on this plan.

JEFFERSON COUNTY LANDSCAPE SPECIFICATIONS AND GENERAL LANDSCAPE INSTALLATION NOTES:
1. Confirm the locations of any utilities above or below ground prior to commencing work. Contact the Landscape Architect in the event that utilities or any other structure conflicts with the layout shown on the plan.

2. Verify the quantities shown on the plant list with totals indicated on the plan. Contact the Landscape Architect in the event that discrepancies exist. Supply unit prices to the Owner at time of bidding.

3. All materials are subject to approval by the Owner or Owner's representative. Provide the Owner with a tag from each plant species and a list of the plant suppliers. Where any requirements are omitted from the Plant List, use plants which meet the normal requirements for the variety according to the American Association of Nurserymen.

4. Plants shall be sound, healthy, vigorous, well branched, free of disease, insect eggs and larvae, and shall have adequate root systems.

5. Sizes specified in the Plant List are minimum sizes against which the plants will be judged. Failure to meet minimum size on any plant will result in rejection of that plant. All sizes and species mentioned are to be in accordance with the American Standard for Nursery Stock (ANSI Z60.1-1980, or the latest revision).

6. Groups of shrubs shall be placed in a continuous mulched bed with smooth, continuous edges or as shown on the plan. All mulched beds shall be curvilinear in shape following the contour of the plant mass. Apply 3 inches of mulch uniformly over beds. Trees located within four feet of any shrub bed shall share the same bed. Grade finished planting beds so as not to impede surface drainage.

7. Locate trees a minimum of 3 feet from walls or walks. No plantings shall be located within four feet of a fire hydrant or siamese connection.

8. All plants six feet in height and taller are to be staked per Jefferson County Standards Detail M-42.

9. In areas of naturally occuring high wind or on slopes greater than 3:1, stake and guy all trees according with standard practice and/or the suppliers recommendations. At a minimum in such conditions, all deciduous trees shall be double-guyed with 72" hardwood stakes driven firmly into the ground. Secure tree to stakes with #9 galvanized wire guys with rubber hose connections. Stakes shall be 2" x 2" x 72".

10. Use natural shredded hardwood bark mulch in all planting beds including container planters and the rain garden. Mulch shall be applied to a pressed depth of 3" in all areas.

11. Remove all tags, twine and containers from installed plants. Roll back burlap one third on all B&B plants.

12. Plant substitutions are permitted with consent from the Landscape Architect.

13. Soil Specifications:
- For all traditional bedding areas mix into the top six inches of soil one cubic yard of manure, peat and 10-6-4 granular fertilizer per 100 square feet of area. Remove any turf, weeds or other vegetation completely prior to installation.
- For the Rain Garden planting area mix 80% sand, 15% screened native topsoil, and 5% peat. Pre-mixed rain garden soil is acceptable with prior approval from the engineer.

14. Plant all materials in their appropriate season. The Contractor shall guarantee all plant materials and workmanship for a period of one year from time of installation.

15. No existing plant material is slated to be preserved for this project.

16. Landscape weed barrier fabric is not specified for this site. Any use of weed barrier fabric must be approved by the owner.

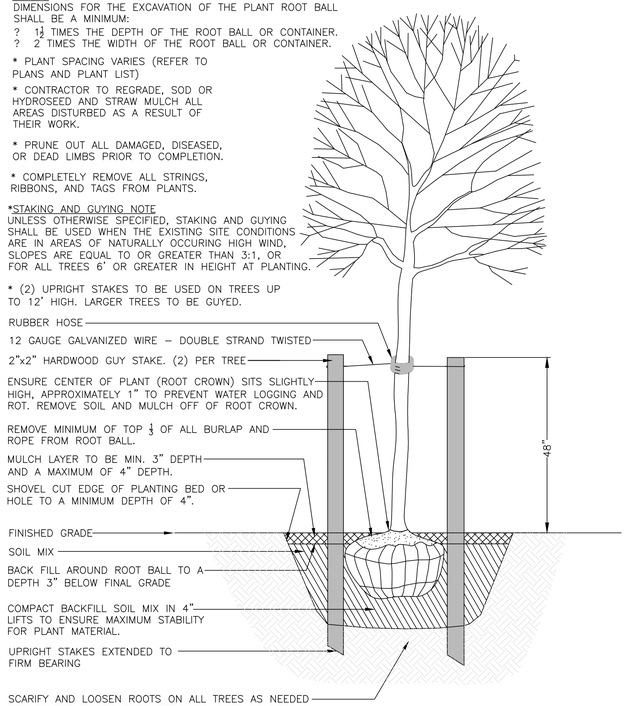
17. The property owner shall be responsible for the maintenance of all landscaping and screening, including replacement of dead or dying materials, and the upkeep of any berm, walls, or fences.

18. The owner reserves the right to coordinate implementation, and to oversee standards, practices, and installation of proposed landscape plan.

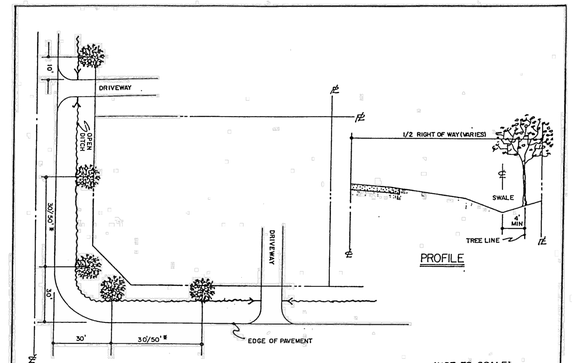
19. See Jefferson County Standard Details M-41 and M-43, respectively, for lists of and location details for street trees.

20. Refer to Jefferson County Standard Details WM-56, WP-33, and WP-42 respectively for Basin Landscaping, Bank Vegetation, and Stream Vegetation where applicable. (Details not provided)

21. Landscape Contractor is to follow guidelines set forth in the Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area (Second Edition-1986). These Guidelines present methods for soil preparation, establishing turf, and installation of plant materials.



DECIDUOUS TREE PLANTING
SECTION NOT TO SCALE



NOTES:
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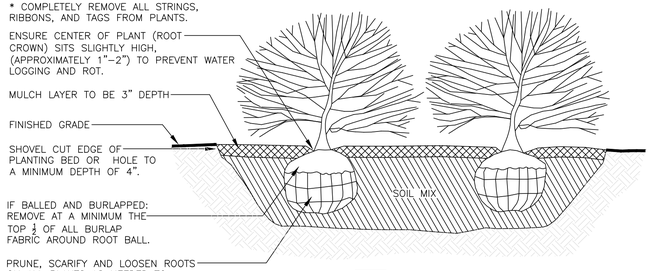
2. TREES ARE TO BE LOCATED WITH THE FOLLOWING MINIMUM CLEARANCES:
   a. 5' FROM WATER METER
   b. 5' FROM GAS BOX
   c. 5' FROM INLET OR MH
   d. 10' FROM FIRE HYDRANT
   e. 15' FROM STREET LIGHT
3. MINOR TREE SPACING 30'(+5') O.C. MIN.
4. MAJOR TREE SPACING 50'(+5') O.C. MIN.
5. SHADE TREES TO BE 1 1/2" MINIMUM CALIPER 10' MINIMUM HEIGHT.
6. FLOWERING TREES TO BE 3/4" MINIMUM CALIPER 6' MINIMUM HEIGHT.
7. SPECIES TO BE AS APPROVED BY JEFFERSON COUNTY ENGINEER.
8. SEE DETAIL NO. M-42 FOR PLANTING DETAILS.

JEFFERSON COUNTY, WEST VIRGINIA	APPROVED: April 17, 1989 COUNTY ENGINEER	tree location detail	REVISIONS:	DETAIL No. M-43

* PLANT SPACING VARIES (REFER TO PLANS AND PLANT MATERIAL LIST)
* COMPACT BACKFILL SOIL MIX IN 4" LIFTS TO ENSURE MAXIMUM STABILITY FOR PLANT MATERIAL.
* CONTRACTOR TO REGRADE, SOD, HYDROSEED, STRAW MULCH OR OTHER SURFACING AS APPLICABLE, TO ALL AREAS DISTURBED AS A RESULT OF THEIR WORK.
* PRUNE OUT ALL DAMAGED, DISEASED, OR DEAD LIMBS PRIOR TO COMPLETION.
* COMPLETELY REMOVE ALL STRINGS, RIBBONS, AND TAGS FROM PLANTS.
* REMOVE EXISTING SOD OR VEGETATION LAYER OVER THE PLANTING BED AREA PRIOR TO PLANTING. (IF INSTALLING SINGLE PLANTS THAT ARE NOT INCLUDED IN A LARGER PLANTING BED, REMOVE THE EXISTING VEGETATION LAYER FROM THE PLANTING EXCAVATION HOLE ONLY.)
* BACK FILL AROUND ROOT BALL TO A DEPTH ALLOWING FOR 3" LAYER OF MULCH AT FINISHED GRADE ELEVATION.
NOTE
DIMENSIONS FOR THE EXCAVATION OF THE PLANT ROOT BALL SHALL BE A MINIMUM:
– 1½ TIMES THE DEPTH OF THE ROOT BALL OR CONTAINER.
– 2 TIMES THE WIDTH OF THE ROOT BALL OR CONTAINER.



NOTE:
SEE STORMWATER MANAGEMENT PLANS FOR BIOSWALE SWALE CONSTRUCTION DETAILS.

TYPICAL SHRUB PLANTING
SECTION NOT TO SCALE

0 N.T.S. 0 Feet

REV NO.	DATE	DESCRIPTION	BY
1	05.21.19	JEFFERSON COUNTY COMMENTS	ZPB
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ROCKY RIDGE DEVELOPMENT
RESIDENTIAL PRELIMINARY PLAT / COMMERCIAL SITE PLAN
19-7-SD
DISTRICT:07 MIDDLEWAY MAP:1 PARCEL:1.2 AND 1.1
DB1087/PG687 AND DB1215/PG142, JEFFERSON COUNTY, WV
ARDEN DISTRICT, MAP: 17 PARCEL: 18 DB480/PG515,
BERKELEY COUNTY, WV

DRAWN BY:	Z. BARTLEY
CHECKED BY:	T. LLOYD
SCALE:	
DATE:	November 5, 2019

TREVOR LLOYD REGISTERED 19190 STATE OF WEST VIRGINIA PROFESSIONAL ENGINEER 11/5/20

RESIDENTIAL DETAILS

SHEET NUMBER:
C-702

BERKELEY COUNTY ENGINEERING AND BUILDING INSPECTIONS
400 West Stephen Street - Suite 202, Martinsburg, WV 25401-3838
Telephone: 304-264-1966, Fax: 304-262-3128
Web Page: www.berkeleywv.org

9 August 2020

Trevor Lloyd
CRE, Inc
100 Hart Field Rd.
Suite 191
Morgantown, WV 26508
&
Jefferson County Engineering Planning & Zoning
116 East Washington Street
Suite 200
Charles Town, WV 25414

RECEIVED
AUG 21 2020
JEFFERSON COUNTY
ENGINEERING, PLANNING AND ZONING

RE: BC File#992-19, Rocky Ridge — PRELIMINARY PLAN
Engineering Review #3

Mr. Lloyd,

A review of the above mentioned project has been completed with consideration to the dual jurisdiction; we have found the referenced project is substantially compliant with the Berkeley County Stormwater Ordinance. Engineering recommends advancement of the project for Jefferson County to approve at their discretion.

If you have any questions, please contact us at contact information above.

Respectfully,

Dirk Stansbury
Dirk Stansbury, P.E.
Berkeley County Engineer
dstansburyi@berkeleywv.org

c H. Williams, BCPC Director
Jefferson County P,E,&Z
PJ Raco Consulting

Hospice of the Panhandle

August 24, 2020

Jefferson County Planning Commission
P.O. Box 716
Charles Town, WV 25414

To the Jefferson County Planning Commission,

Hospice of the Panhandle is following, with great interest, the progress of the Rocky Ridge townhome development project. The Planning Commission voted the Rocky Ridge preliminary plat application complete at the meeting on August 11th and we note that the project moves to the public hearing phase at the Planning Commission meeting scheduled for September 8, 2020.

As the project moves toward approval Hospice of the Panhandle would like to reiterate its requests made at the development Public Workshop on July 9, 2019.

1. Hospice of the Panhandle provides compassionate, end of life care to citizens of Jefferson, Berkeley, Morgan and Hampshire counties on a 24/7 basis. Our 14 bed Inpatient Facility can have as many as 10 ambulance arrivals on a busy day and the campus is the center of a 180-patient hospice home care system with 80 full time staff coming and going on a 24/7 basis. The only road access to the Hospice campus is Hospice Lane and its unencumbered use is critical to the vital care we provide to our patients. It is our request that, during its construction phase, the Rocky Ridge development utilize a separate construction entrance, other than Hospice Lane.
2. The days that our Inpatient Facility patients and their families spend are often the last days they have together. The setting we have built on our campus is designed to help make those days as peaceful as possible. 7 of our 14 beds face this project; we request that a sufficiently dense natural border be created and maintained to protect the peaceful natural view of our patients during their last days and weeks of life.
3. In order to restrict the vehicle traffic on Hospice Lane to the residents of the Rocky Ridge development and Hospice of the Panhandle we request that that Rocky Ridge not provide interconnectivity with adjacent properties.

Hospice of the Panhandle appreciates the care shown by the Planning Commission as the Rocky Ridge development plan unrolls. We look forward to the next phase.

Respectfully,

The Rev. George T. Schramm
President, Board of Directors

Margaret Cogswell, CHPCA
Chief Executive Officer

CC: PJ Raco Consulting LLC

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Jefferson County, West Virginia

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MEMO

TO: **Planning Commission**
FROM: **Alexandra Beaulieu, Zoning Administrator**
DATE: **September 1, 2020**
RE: **ZTA20-01, Commercial Cemeteries – September 8, 2020 Public Hearing**

On June 2, 2020, Jane Dennison, with ElderBranch, LLC on behalf of property owner Hillary Banachowski, presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to incorporate provisions to allow Commercial Cemeteries to process in the Rural zoning district. The request was submitted under the provisions of Section 12.4 "Procedure for Initiating a Zoning Ordinance Text Amendment". The Planning Commission accepted the request into their work plan.

On August 11, 2020, the Planning Commission directed Staff to draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 8, 2020 Planning Commission meeting.

The proposed amendment includes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (new Section 8.21 Commercial Cemeteries); Article 11, Off-Street Parking Standards; and Appendix C, Principal Permitted and Conditional Uses table.

Next Steps

After receiving input from the public at the public hearing, the Planning Commission will finalize the draft text and make a recommendation regarding the potential text amendment to the County Commission, who are also required to hold a Public Hearing. The Planning Commission is also required to determine whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan* as a part of their recommendation.

Attachment:

- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Non-Residential Uses in the Rural District
- ZTA20-01, Commercial Cemeteries DRAFT Text Amendment

With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

Rural Land Use

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and

intensity with the rural environment and poses no threat to public health, safety, and welfare. Additionally, this Plan recommends that the "by right" provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process[2] for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County's agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

Value Added Agriculture

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or industrial activities on the region's air, water, and soils. Other concerns voiced related to County ordinances and "the right to farm" are discussed below.

There are opportunities to review and amend local requirements related to production and marketing of agricultural products on the farm or in a residential properties. Site plan standards should also be reviewed and amended as it relates to agricultural

[2] Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14).

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

Rural Land Use Planning Recommendations (Goal 2)	
1.	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2.	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
3.	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
4.	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.

2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

Agricultural Community Priorities
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

Agricultural Service Facilities

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

Distribution and Marketing of the County's Agricultural Products

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

Agricultural and Rural Economy Recommendations (Goal 8)	
1.	Support West Virginia's and Jefferson County's "Right to Farm" policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County's Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County's farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County's agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

Campsite[31]	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad[31]	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash[27]	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence[23, 31]	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels"COW"[22]	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use[23,32]	Any use which is different than the previous use of a building or land.
Cemetery	Land that is used or dedicated for a burial park for earth interments. Also includes crematoriums, mausoleums, columbariums, and necessary sales and maintenance facilities when operated in conjunction with and within the boundaries of such cemetery.
Cemetery, Family	Burial site for persons related by blood, marriage, or household. Such sites are exempt from zoning review.
Church[23]	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering[5, 23, 32]	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location[10, 22]	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.

Section 8.21 Commercial Cemeteries

Commercial Cemeteries in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts shall process in accordance with the site development standards applicable to these districts, with the exception that burial plots shall be 100' from any property line adjoining a residential property.

The following standards shall apply to the development of commercial cemeteries in the Rural zoning district:

A. General Standards:

1. A Conditional Use Permit is required in accordance with Article 6.
2. The minimum lot size for any cemetery shall be 10 acres.
3. The Rural Site Plan standards, found in the Jefferson County Subdivision and Land Development Regulations, may be utilized.

B. Setback Standards

1. The Front, Side, and Rear setbacks shall be 100 feet for all cemeteries.
2. Office and maintenance buildings may be located 25' from the front property line and 50' from the side and rear property lines.
3. Passive recreational trails may be installed 25' feet from all property lines, provided the total width of the required buffer is maintained.
4. Parking and drive aisles shall be setback 25' from all property lines, provided the total width of the required buffer is maintained.

C. Landscaping Standards

1. The landscaping requirements of this Ordinance apply. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
   a. In lieu of a planted buffer, existing, natural vegetation may be used if documentation is submitted to the Zoning Administrator verifying how the existing, natural vegetation complies with the required buffer standard.

~~A.~~D. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

ARTICLE 11: OFF-STREET PARKING STANDARDS[23]

Section 11.1 Non-Residential Parking Standards

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.[23]

Spaces shall be required per use and are as follows:[5]

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution[23]	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
Cemetery	1 space per employee on maximum working shift; plus, 3 spaces (minimum) per acre.
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility[23]	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital[23]	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift

Land Use	NC	GC	HC	LI	MI	PND[1]	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													**Sec. 8.9**
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground[31]	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Cemetery	NP	NP	NP	NP	NP	NP	NP	CU	NP	P	P	NP	Sec. 8.21
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet[37]	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Item # 9 Discussion & Action

August 12, 2020

Jefferson County Planning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Re: Zoning Ordinance Text Amendment – Drive-Through Restaurants

GORDON is a planning and engineering firm located in the eastern panhandle that represents both developers and existing business owners in Jefferson County. Over the last several years there has been a growing trend for gas stations to provide a drive-through option for customers. This option allows for increased food sales and is invaluable to individuals with disabilities. The pandemic of 2020 has led society to evaluate how goods and services are obtained and resulted in substantial demand for drive-through services at both gas stations and restaurants. While it is hopeful that current events will not be repeated, the potential for future events must now be recognized by both business owners and citizens.

It is requested that the "Restaurant, Fast Food, Drive-Through" use be classified as a permitted use in the Residential-Light Industrial-Commercial (RLIC) District. "Restaurant, Fast Food, Drive-Through" is a Conditional Use under the current regulations. See proposed red line revisions for the Jefferson County Zoning and Land Development Ordinance included with this request.

Drive-through restaurants are permitted in all commercial districts except for the Office-Commercial Mixed Use (OC) and RLIC Districts. A review of the Zoning Map did not identify any land mapped in the OC District but includes multiple parcels within the RLIC District. The majority of land zoned RLIC is located in the Urban Growth Boundary identified in the Comprehensive Plan or adjacent to Arterial Roads. This identifies the RLIC as an appropriate zone to permit drive-through restaurants.

The proposed Zoning Ordinance Text Amendment does not conflict with and is consistent with the 2035 Envision Jefferson Comprehensive Plan (the Plan). Including:

- From WV Code as refenced in the Comprehensive Plan (Page 9): A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in that community and in adapting to future changes of use of an economic, physical or social nature.
- Economic Development, Employment, and Infrastructure (Goals and Supporting Plan Recommendations: Pg. 12 & 16)
- Finance and Public Safety (Goals and Supporting Plan Recommendations: Pg. 12 & 16)

Thank you in advance for your time and consideration of this request.

Sincerely,

Chad Wallen
GORDON

Sender's Direct Telephone (814) 626-8327
Sender's Direct Facsimile (814) 941-5105

VIA ELECTRONIC MAIL

August 21, 2020

Jefferson County Office of Planning and Zoning
Attn: Alexandra Beaulieu, Zoning Administrator
116 East Washington Street, Suite 200
Charles Town, WV 25414
Email: abeaulieu@jeffersoncountywv.org

Re: Jefferson County PINs: 09 8001300000000, 09 80014000000000, 09 8001500020000 and 09 8001000020000

Dear Ms. Beaulieu:

Please be advised that Sheetz, Inc. ("Sheetz"), the contract purchaser of the above-described land in Jefferson County, West Virginia, has retained William H. Gordon Associates, Inc., d/b/a GORDON, as its consultant and agent for purposes of assisting and representing Sheetz in the pursuit of a zoning text amendment allowing for drive through facilities in the RLIC District. GORDON is authorized to file applications, correspond with County staff, and present and answer questions on behalf of Sheetz at County meetings and hearings pertinent to the requested text amendment.

Thank you, and please do not hesitate to reach out directly with any questions.

Respectfully,

Kyle R. Smith
Sr. Associate Real Estate Counsel
Enc.

cc: Bob Franks, Engineering/Permit Manager

(2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.

(d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".[23]

3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.[32]
4. Subdivisions involving transfers of land between family members known as "Family Transfers", as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.[32]
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property's remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property's subdivision files within the Department of Engineering, Planning, and Zoning.[34]

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District[1]

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.[23]

A. Principal Permitted and Conditional Uses[23, 27, 32]

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.[27, 32]

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.[27, 32]

B. Standards[23]

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.

2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.[23, 27]

3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.[27]

C. Site Development Standards[23, 27]

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.[27]

2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.[5, 7, 23, 27]

TO BE REMOVED

3. ~~Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.[23, 26, 32]~~

4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.[7, 27]

Section 5.9 Reserved[23]

Section 5.10 Village (V) District[8, 23, 32, 35]

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.[27]

A. Principal Permitted Uses

1. Residential Land Uses

a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.

2. Non-Residential Land Uses in Existing Structures

Land Use	NC	GC	HC	LI	MI	PND[1]	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													**Sec. 8.9**
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground[31]	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet[37]	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	~~CU~~ P	P	CU	

Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org **Phone: (304) 728-3228**
Email: zoning@jeffersoncountywv.org **Fax: (304) 728-8126**

Planner's Memorandum
Planning Commission Meeting
September 8, 2020

1) **Updated Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic (from website)** [full staffing in office began in Spetember]

   YOU MUST WEAR A MASK TO ENTER THE BUILDING AND IT MUST BE KEPT ON WHILE YOU ARE IN THE BUILDING. PLEASE DO NOT ENTER THE BUILDING IF THERE ARE MORE THAN TWO (2) PEOPLE IN THE LOBBY. KEEP AT LEAST SIX (6) FEET APART. IF YOU NEED TO GO TO PLANNING & ZONING OR GIS/ADDRESSING PLEASE CHECK IN AT THE PERMIT DESK BEFORE GOING UPSTAIRS.

   DO YOU CURRENTLY HAVE ANY OF THE FOLLOWING SYMPTOMS?

   - FEVER (100.4 DEGREES F OR HIGHER) OR A SENSE OF A FEVER?
   - NEW COUGH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
   - NEW SHORTNESS OF BREATH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
   - NEW SORE THROAT THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
   - NEW MUSCLE ACHES (MYALGIAS – JOINT PAIN) THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION, OR THAT MAY HAVE BEEN CAUSED BY A SPECIFIC ACTIVITY (SUCH AS PHYSICAL EXERCISE)?
   - NEW LOSS OF TASTE OR SMELL?
   - OTHER FLU-LIKE SYMPTOMS THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?

   THANK YOU FOR YOUR UNDERSTANDING AND PATIENCE.

2) **Greenway Ordinance/Regulation Amendment Update**
   a) Greenway provided a revised version of the Sub Regs on July 31, 2020, which staff has begun to review and coordinate with the PC Committee.
   b) After PC review and input, a Public Hearing before the Planning Commission and County Commissions will be required in order to result in the revised, reorganized Subdivision Regulations that meet the needs and expectations of the Planning Commission.

3) **Status of Zoning Ordinance Text Amendments**
   a) ZTA19-03: Text Amendment re: Solar Energy Facilities (CC workshop held on 8/6/20; Public Hearing scheduled for 9/11/20 1:00 pm including an Public Hearing on the Stormwater Ordinance Amendment)
   b) ZTA20-01: Text Amendment re: Commercial Cemeteries in the Rural Zone (PC Public Hearing 9/8/20)

4) **Upcoming PC meetings**
   a) Next Regular meeting: **October 13, 2020**

August 27, 2020

Memorandum

To: Nathan Cochran, Esq.
Stephen Stolipher/Planning Commission
Jefferson County Commissioners

Re: Corrected page 2 of Motion filed 8/26/20

The enclosed is the same Motion as I filed yesterday with the exception that I made a correction on page 2, paragraph 5, inserting the word "act" after the words "member to" in the second line. This one should be used as the "official" motion of record.

Robert D. Aitcheson

RECEIVED
AUG 28 2020
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

RECEIVED
AUG 28 2020
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

MOTION

From: Robert D. Aitcheson

To: County Commission, Jefferson County, WV

Re: Removal Proceedings Against Planning Commission Member Stephen Stolipher

Pursuant to W.Va. Code 6-6-7(b)(1)(A); 8A-2-4(e)&(f) and County Ordinance 2007-1, Section 3 thereof, the County Commission should REVOKE Stephen Stolipher's appointment to the Jefferson County Planning Commission for his wrongful failure to recuse himself from ANY vote, discussion, participation or other activity regarding the proposed solar facility text amendment [ZTA 19-03] because W.Va. Code 8A-2-4(e) & (f) mandates such recusal. Robert D. Aitcheson moves that this Commission INITIATE REMOVAL PROCEEDINGS AND REMOVE MR. STOLIPHER FROM THAT OFFICE, more particularly as follows:

1. W.Va. Code 8A-2-4(e) & (f) require that a Planning Commission member recuse himself or herself from any vote, discussion or other activity "regarding the conflicting issue" if the member is **pecuniarily interested** in the matter. See also, Planning Commission Bylaws, Section 5.2-Recusal.

2. FACTS:

(a) At the time he was acting officially as a Planning Commissioner in ZTA19-03, Mr. Stolipher was a commercial real estate agent with Oakcrest Realty. As such, he is believed to have had contracts pending for the sale or lease of land in Jefferson County, WV with Horus Renewables Corp. of Sacramento, California as prospective purchaser or lessor. At least three of those contracts are believed to have been for Thorn Hill Subdivision (172 acres) at the corner of Route 115 and Kabletown Road, Highland Farm (123 acres) and another separate 100+ acre parcel along Rte. 115 near Charles Town, Jefferson County, WV.

(b) At closing, Mr. Stolipher stood to receive a monetary commission or finder's fee from each such transaction.

(c) The contracts with Horus Renewables Corp. are believed to be for the purpose of establishing solar facilities on said properties and are believed to be dependent upon the actions of the Planning Commission and, subsequently, this Commission on the subject text amendment.

3. Mr. Stolipher was **pecuniarily interested** because he stood to benefit directly and financially in specific, unique transactions dependent upon the actions of the Planning Commission and this County Commission. His wrongful participation in the discussion, vote and any other activity regarding industrial/commercial solar facilities on our rural, agricultural land and his wrongful failure to disqualify and recuse himself has so tainted and poisoned the actions and

recommendations of the Planning Commission as to bring into serious question the legitimacy of the recommended text amendment. Said proposed text amendment fails to protect the citizens of Jefferson County to the substantial financial benefit of the solar developers and Mr. Stolipher.

4. The proposed text amendment fails to require a conditional use permit which would allow public input for each project application (rather designating the activity as a principal permitted use in the Rural Zoning District); fails to establish standards for a Board of Zoning Appeals review of each such project application; fails to establish adequate bonding requirements for both maintenance and decommissioning **with sufficient financial security** to protect the taxpaying citizens of this county from contamination of ground water and toxic runoff and the cost of disposal of toxic waste materials when government money and tax credits dry up and projects are abandoned by the shell companies of the out-of-state investors; fails to limit the portion (percentage) of any parcel of rural, agricultural land that may be used for installation of solar panels; fails to restrict such projects to non-tillable land and fails to require proximity to an existing transfer station and transmission lines.

5. Mr. Stolipher has violated his oath of office in that he has failed to discharge his duties as Planning Commission member to act "faithfully...to the best of his skill and judgment" when judged by this objective, Constitutional standard. See West Virginia Constitution, Article IV, Section 5. His aggressive promotion of the foregoing, contrary to the interest of the citizens of this county but to his own substantial monetary benefit, exhibits a stunning and faithless unwillingness to comply with the law which renders him unfit to continue to hold the official position to which this Commission appointed him.

ROBERT D. AITCHESON REQUESTS THAT THIS MOTION BE SET FOR HEARING ON THE AGENDA OF THE NEXT MEETING OF THIS COMMISSION AND THAT MOVANT BE GIVEN SUFFICIENT TIME TO FULLY ADDRESS THE ISSUES ARISING HEREIN.

Respectfully submitted,

Robert D. Aitcheson
Citizen of Jefferson County, WV
Since April, 1979

I have served a true copy of this corrected Motion on Stephen Stolipher by hand delivery to the Planning Commission office, 104 E. Washington St., Charles Town, WV, and to Counsel for said Planning Commission, Nathan Cochran, at his office aat 124 E. Washington St., Charles Town, WV, this 28th day of August, 2020.

Robert D. Aitcheson